of theological controversy, or in construing the instruments which those churches have adopted as their rules of government, or inquiring into their customs and usages. The dissenting church in England is not a free church in the sense in which we apply the term in this country, and it was much ess free in Lord Eldon's time than now. Laws then existed upon the statute book hampering the free exercise of religious belief and worship in many most oppressive forms, and though Protestant dissenters were less burdened than Catholics and Jews, there did not exist that full, entire, and practical freedom for all forms of religious belief and practice which lies at the foundation of our political principles. And it is quite obvious, from an examination of the series of cases growing out of the organization of the Free Church of Scotland, found in Shaw's Reports of Cases in the Court of Sessions, that it was only under the pressure of Lord Eldon's ruling, established in the House of Lords, to which final appeal lay in such cases, that the doctrine was established in the Court of Sessions after no little struggle and resistance.

The full history of the case of Craigdallie vs. Aikman in the Scottish court, which we cannot further pursue, and the able opinion of Lord Meadowbank in Galbraith vs. Smith, 15 Shaw, 808, show this conclusively.

In this country the full and free right to entertain any religious belief, to practice any religious principle, and to teach any religious doctrine which does not violate the laws of morality and property, and which does not infringe personal rights, is conceded to all. The law knows no heresy, and is commited to the support of no dogma, the establishment of no sect. The right to organize voluntary religious associations to assist in the expression and dissemination of any religious doctrine, and to create tribunals for the decision of controverted questions of faith within the association, and for the ecclesiastical government of all the individual members, congregations, and officers within the general association, is unquestioned. All who unite themselves to such a body do so with an implied consent to this government, and are bound to submit to it. But it would be a vain consent and would lead to the total subversion of such religious bodies, if any one aggrieved by one of their decisions could appeal to the secular courts and have them reversed. It is of the essence of these religious unions, and of their right to establish tribunals for the decision of questions arising among themselves, that those decisions should be binding in all cases of ecclesiastical cognizance, subject only to such appeals as the organism itself provides for.

Nor do we see that justice would be likely to be promoted by submitting those decisions to review in the ordinary judicial tribunals. Each of these large and influential bodies, (to mention no others, let reference be had to the Protestant Episcopal, the Methodist Episcopal, and the Presbyterian Churches,) has a body of constitutional and ecclesiastical law of its own, to be found in their written organic laws, their books of disciplines, in their collections of precedents, in their usage and customs, which as to each constitute a system of ecclesiastical law and religious faith that tasks the ablest minds to become familiar with. It is not to be supposed that the judges of the civil courts can be as competent in the ecclesiastical law and religious faith of all these bodies as the ablest men in each are in reference to their own. It would therefore be an appeal from the more learned tribunal in the law which should decide the case, to one which is less so.

We have said that these views are supported by the preponderant weight of authority in this country, and for the reasons which we have given, we do not think the doctrines of the English Chancery Court on this subject should have with us the influence which we would cheerfully accord to it on others.

We have already cited the case of Shannon vs. Frost, 3 Ben Monroe, in which the appellate court of the state where this controversy originated, sustains the proposition clearly and fully. "This court," says the Chief Justice, "having no ecclesiastical jurisdiction, cannot revise or question ordinary acts of church discipline. Our only judicial power in the case arises from the conflicting claims of the parties to the church property and the use of it. We cannot decide who ought to be members of the church, nor whether the excommunicated have been justly or unjustly, regularly or irregularly cut off from the body of the church."

In the subsequent case of Gibson vs. Armstrong, 7 B. Monro, 481, which arose out of the general division of the Methodist Episcopal Church, we understand the same principles to be laid down as governing that case, and in the case of Watson vs. Avery, 2 Bush., 332, the case relied on by appellants as a bar, and considered in the former part of this opinion, the doctrine of Shannon vs. Frost is in general terms conceded, while a distinction is attempted which we shall consider hereafter.

One of the most careful and well considered judgments on the subject is that of the Court of Appeals of South Carolina, delivered by Chancellor Johnson in the case of Harmon vs. Dreher, 2 Speer's Eq., 87. The case turned upon certain rights in the use of the church property claimed by the minister notwithstanding his expulsion from the synod as one of its members.

"He stands," says the chancellor, "convicted of the offences alleged against him, by the sentence of the spiritual body of which he was a voluntary member, and whose proceedings he had bound himself to abide. It belongs not to the civil power to enter into or review the proceedings of a spiritual court. The structure of our government has for the preservation of civil liberty, rescued the temporal institutions from religious interference. On the other hand, it has secured religious liberty from the invasion of the civil authority. The judgments, therefore of religious associations, bearing on their own members, are not examinable here, and I am not to inquire whether the doctrines attributed to Mr. Dreher were held by him, or whether if held were anti-Lutheran; or whether his conduct was or was not in accordance with the duty he owed to the Synod or to his denomination. * * * * When a civil right depends upon an ecclesiastical matter, it is a civil court and not the ecclesiastical which is to decide. But the civil tribunal tries the civil right, and no more, taking the ecclesiastical decisions out of which the civil right arises as it finds them." The principle is reaffirmed by the same court in the John's Island Church case, 2 Richardson Eq., 215.

In Den vs. Bolten, 7 Halsted, 206, the Supreme Court of New Jersey asserts the same principles, and though founding its decision mainly on a statute, it is said to be true in general principles.

The Supreme Court of Illinois in the case of Ferraria vs. Vaucancelles, 25 Ill., 456, refers to the case of Shannon vs. Frost, 3 B. Monro, with approval, and adopts the language of the court that "the judicial eye cannot penetrate the veil of the church for the forbidden purpose of vindicating the alleged wrongs of excised members; when they became members they did so upon the condition of continuing or not as they and their churches might determine, and they thereby submit to the ecclesiastical power and cannot now invoke the supervisory power of the civil tribunals."

In the very important case of Chase vs. Cheney, recently decided in the same court, Judge Lawrence, who dissented, says, we understand the opinion as implying that in the administration of ecclesiastical discipline, and where no other right of property is involved than loss of the clerical office or salary incident to such discipline, a spiritual court is the exclusive judge of its own jurisdiction, and that its decision of that question is binding on the secular courts. And he dissents with Judge Sheldon from the opinion because it so holds.

In the case of Watson vs. Farris, 45 Missouri, 183, which was a case growing out of the schism in the Presbyterian church in Missouri in regard to this same declaration and testimony and the action of the general assembly, that court held that whether a case was regularly or irregularly before the assembly was a question which the assembly had the right to determine for itself, and no civil court could reverse, modify, or impair its action in a matter of merely ecclesiastical concern.

We cannot better close this review of the authorities than in the language of the Supreme Court of Pennsylvania, in the case of the German Reformed Church vs. Siebert, 5 Barr., 291: "The decisions of ecclesiastical courts, like every other judicial tribunal, are final, as they are the best judges of what constitutes an offence against the word of God and the discipline of the church. Any other than those courts must be incompetent judges of matters of faith, discipline, and doctrine; and civil courts, if they should be so unwise as to attempt to supervise their judgments on matters which come within their jurisdiction, would only involve themselves in a sea of uncertainty and doubt which would do anything but improve either religion or good morals."

In the subsequent case of McGinnis vs. Watson, 41 Penn. Stat., 21, this principle is again applied and supported by a more elaborate argument.

The Court of Appeals of Kentucky, in the case of Watson vs. Avery, before referred to, while admitting the general principle here laid down, maintains that when a decision of an ecclesiastical tribunal is set up in the civil courts, it is always open to inquiry whether the tribunal acted within its jurisdiction, and if it did not, its decision could not be conclusive.

There is, perhaps, no word in legal terminology so frequently used as the word jurisdiction, so capable of use in a general and vague sense, and which is used so often by men learned in the law without a due regard to precision in its application. As regards its use in the matters we have been discussing it may very well be conceded that if the General Assembly of the Presbyterian Church should undertake to try one of its members for murder, and punish him with death or imprisonment, its sentence would be of no validity in a civil court or anywhere else. Or if it should at the instance of one of its members entertain jurisdiction as between him and another member as to their individual right to property, real or personal, the right in no sense depending on ecclesiastical questions, its decision would be utterly disregarded by any civil court where it might be set up. And it might be said in a certain general sense very justly, that it was because the general assembly had no jurisdiction of the case. Illustrations of this character could be multiplied in which the proposition of the Kentucky court would be strictly applicable.

But it is a very different thing where a subject-matter of dispute, strictly and purely ecclesiastical in its character,—a matter over which the civil courts exercise no jurisdiction,—a matter which concerns theological controversy, church discipline, ecclesiastical government, or the conformity of the members of the church to the standard of morals required of them, becomes the subject of its action. It may be said here, also, that no jurisdiction has been conferred on the tribunal to try the particular case before it, or that, in its judgment, it exceeds the powers conferred upon it, or that the laws of the church do not authorize the particular form of proceeding adopted; and, in a sense often used in the courts, all of those may be said to be questions of jurisdiction. But it is easy to see that if the civil courts are to inquire into all these matters, the whole subject of the doctrinal theology, the usages and customs, the written laws, and fundamental organization of every religious denomination may, and must, be examined into with minuteness and care, for they would become, in almost every case, the *criteria* by which the validity of the ecclesiastical decree would be determined in the civil court. This principle would deprive these bodies of the right of construing their own church laws, would open the way to all the evils which we have depicted as attendant upon the doctrine of Lord Eldon, and would, in effect, transfer to the civil courts where property rights were concerned the decision of all ecclesiastical questions.

And this is precisely what the Court of Appeals of Kentucky did in the case of Watson vs. Avery. Under cover of inquiries into the jurisdiction of the synod and presbytery over the congregation, and of the general assembly over all, it went into an elaborate examination of the principles of Presbyterian Church Government, and ended by overruling the decision of the highest judicatory of that church in the United States, both on the jurisdiction and the merits; and substituting its own judgment for that of the ecclesiastical court, decides that ruling elders, declared to be such by that tribunal, are not such, and must not be recognized by the congregation, though four-fifths of its members believe in the judgment of the assembly and desired to conform to its decree.

But we need pursue this subject no further. Whatever may have been the case before the Kentucky court, the appellants in the case presented to us have separated themselves wholly from the church organization to which they belonged when its controversy commenced. They now deny its authority, denounce its action, and refuse to abide by its judgments. They have first erected themselves into a new organization, and have since joined themselves to another totally different, if not hostile, to the one to which they belonged when the difficulty first began. Under any of the decisions which we have examined the appellants, in their present position, have no right to the property, or to the use of it, which is the subject of this suit.

The novelty of the questions presented to this court for the first time, their intrinsic importance and far-reaching influence, and the knowledge that the schism in which the case originated has divided the Presbyterian Churches throughout Kentucky and Missouri, have seemed to us to justify the careful and laborious examination and discussion which we have made of the principles which should govern the case.

For the same reasons we have held it under advisement for a year; not uninfluenced by the hope, that since the civil commotion, which evidently lay at the foundation of the trouble, has passed away, that charity, which is so large an element in the faith of both parties, and which, by one of the apostles of that religion, is said to be the greatest of all the Christian virtues, would have brought about a reconciliation.

But we have been disappointed. It is not for us to determine or apport on the moral responsibility which attaches to the parties for this result. We can only pronounce the judgment of the law as applicable to the case presented to us, and that requires us to affirm the decree of the circuit court as it stands.

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The Chief Justice did not sit on the argument of this case, and took no part in its decision.

True copy.

{seal} Test. D. W. MIDDLETON, C. S. C. U. S.

How to grow Trout to a Large Size.

Trout show their keeping as well as any other creature, and more than most. We have seen a trout that was reasonably believed to be but two years old that weighed a pound, and we have seen one at the same age that barely turned the scale at half an ounce. The larger had been living in a warm stream, which swarmed with blood suckers, of which there is no more growing food in the world for trout. The other happened to be confined in a small enclosure of very cold water, almost destitute of food. These instances show what a difference different conditions will make in the growth of a trout. You can grow them at an almost incredible rate, or you can dwarf them to an almost incredible diminutiveness. If you wish to dwarf trout keep them in cold, sunless water, in close confinement, and with little food, and you will do it. If you want to grow them fast and large observe the following directions:

1. Give them plenty of water. Of two similar lots of trout confined in the same amount of space, and kept on the same amount of food, those which have the largest supply of water will grow the best.

2. Give them plenty of food. Trout will grow in exact proportion to the food which is given them, because their growth depends on so many other modifying circumstances, but you may be sure of this, under any circumstances, that the more you feed them and the more often up to the limit of their capacity for receiving, the better they will grow.

3. Keep them where the water warms up in the summer, say to 65° or nearly 70 degrees Fahrenheit. You cannot grow trout fast or large in very cold water. Feed them, and care for them the best you can, they must nevertheless have comparatively warm water, and in such water, with plenty of food, range and space, their rate of growth is simply wonderful.

4. Give them range. If you want to grow trout very large you must give them range. We say if you want to grow them very large. Range is not necessary by any means to the average growth of trout, for they will grow to a very good size in small places, and it is also generally incompatible with trout-growing as a business to give them great range, but if you want to raise the very largest trout, you must give them the very largest range. Trout will not grow beyond a certain size in confinement. They will stop or nearly stop growing if confined when they have reached a certain limit. Range also influences the rate of growth. Large ponds grow trout faster, as a rule, than small ponds. Put ten trout into a pool three feet square, and ten others in a pond three rods square; and those in the pond will grow very much faster than those in the pool on the same food. If the pond had had three acres in it they would have grown faster yet.

5. Give them plenty of space. I mean by space the actual cubic amount of room to each fish in a pond. This of course is not synonymous with range. As, for instance, a thousand head of cattle in a pasture would have as much range as ten head, but ten head confined in it alone would have each a hundred times the space. Space is something which cannot be afforded by trout growers generally, but it is necessary to the very large and rapid growth of trout. Put 1,000 trout in a pond twenty feet square, and ten trout in another pond of the same size, and keep both lots on the same food, and the same water supply, and you will be astonished to see how much the rate of growth of the larger lot exceeds that of the smaller lot. Much space is not necessary to keep trout alive in and doing well, but it is nevertheless indispensable to very large growth.—*Round Table*

Co-operative Stores.

What is the reason that co-operative stores are not as successful in this country as in Great Britain? There are at present fifteen hundred such stores in England, Scotland and Ireland, with 400,000 co-operators. There are thirty societies which have from 1,000 to 2,000 members, and nine having from 2,000 to 3,600 members. Four hundred societies have a total of 177,263 members. The distributive stores embrace every variety of article in use by the working classes. There is a wholesale society in the north of England, in the co-operative district, which supplies 399 societies with goods, and has no less than 235 societies in federation. Its net profit last year was nearly $40,000, and its total sales during twelve months up to April 1, 1872, amounted to more than $3,793,820. This society has agents in all the great markets, and proposes to send agents here to buy bacon, cheese, and other American products. One Scottish wholesale society has ninety-seven retail stores in federation, and an annual trade of $1,000,000. All its surplus capital is invested exclusively in co-operation. The co-operative congress which sat at Bolton, England, declared itself in favor of co-operative banks, and if the stores can be so successfully managed, why not banks as well?—*Washington Star.*

The British Parliament.

The House of Lords this year consists of 478 peers, and there are 658 members in the House of Commons. In answer to another inquiry we have to say that for some time past any member who becomes bankrupt thereby loses his seat in the House of Commons if he does not pay up within a twelvemonth (Sir Morton Peto's case was an illustration of this), and that by a more recent provision a bankrupt peer is utterly disqualified from sitting, voting or speaking in the House of Lords. On discharging his indebtedness, however, a bankrupt peer becomes rehabilitated. The first example of this occurred the other day in the case of Lord De Maulay, who, on presenting a certificate from the Court of Bankruptcy that he had paid his creditors, was allowed, by a vote of the House, on the motion of the Lord Chancellor, to resume his seat in the Upper House. The idea is that a pauper legislator *might* be affected in his votes by pecuniary influences.—*Philadelphia Press.*

They have queer converts at Waterbury, Connecticut. The *American* gravely gets off the following in a late issue: "Of the five young lady converts baptized by Rev. Mr. Bailey on Sunday, three were gentlemen."