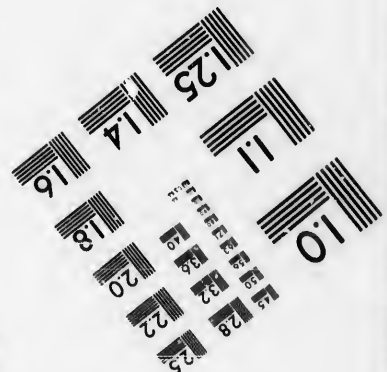
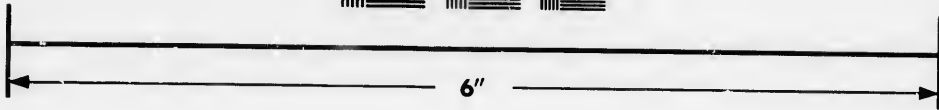
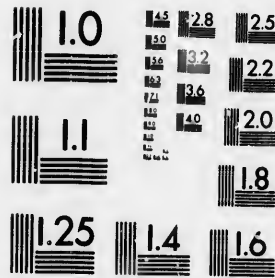


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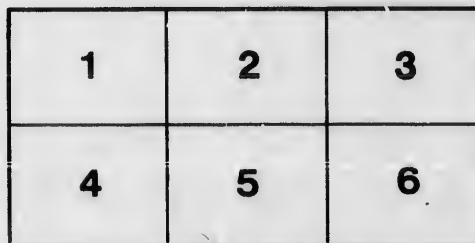
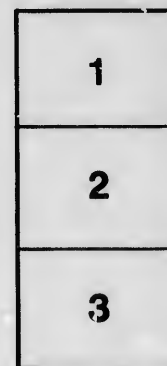
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*John Smith*

THE  
TRIALS AND TRIUMPH  
OF THE  
FREE CHURCH OF SCOTLAND.

NO. 1.

THE HARP ON THE WILLOWS,  
BY THE REV. JAMES HAMILTON, LONDON.

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Read and Circulate!

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JOHN C. BCKET, PRINTER AND PUBLISHER,  
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John Smith

## PREFACE.

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It is believed that the greater part of those into whose hand this tract may fall, are aware that a controversy has been going on, for some years, between the Ecclesiastical Courts of the Church of Scotland, and the Civil Courts of the country; which has lately terminated in the voluntary withdrawalment of nearly the one half of the clergy, and two-thirds of the laity, from the communion of that Church, and the formation of the *Free Church of Scotland*; but, it is feared, that, owing to the distance of this colony from the Mother Country, and the difficulties of communication, there is a want of information generally, respecting the great *principles involved and determined* in this controversy, and the interest which all Protestant Christians in this Province ought to feel in such determination, especially Scotch Presbyterians. To supply this information, it is intended to publish a Series of Tracts, of which this is the *first*.

The nature of the above controversy may be explained in a few sentences. Within the last fifteen or twenty years, there has been a growing revival of religion in the Church of Scotland, which has shown itself in the adoption of various schemes for the extension and reformation of religion at home, and its diffusion throughout the world. Of these, one was intended to introduce a reform into the mode of inducting persons to the office of the ministry; and another to provide for the erection of new churches, and the settlement of Ministers, in destitute localities.

In voluntary churches, the induction of a person to the office of the ministry, is an act which is partly spiritual, and as such, provided for in the New Testament; and partly ecclesiastical, and as such, provided for in the ecclesiastical rules and canons of

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the religious body interested: But there is another element in a State Church; for there, the above act is also partly and primarily *civil*; and as such is provided for by Parliamentary statutes. Now the reform which the Evangelical party in the Church of Scotland attempted, consisted in assigning the paramount importance to the *first* of these elements, in ascertaining the fitness of an individual for the office in question, and investing him with it; without, as they supposed, rejecting the *second and third*, or acting inconsistently with the statutes, Civil and Ecclesiastical, which had created them. They conscientiously believed that, according to the constitution of the Church, they had full power to take cognizance of this matter; and that, in putting forth this power in the manner proposed in the Veto Act, they were only reviving the practice of the Church in the earlier and purer times of her history. But in this they were overruled by the Courts of Law, which determined that, whenever a candidate for the ministry could satisfy the *second* and the *third* of the above provisions, agreeably to the corrupt system under which the Church had of late years been administered, the Church Courts were bound to ordain him, and liable to civil pains and penalties if they refused to do so, even though they might conscientiously believe him to be unfit for the sacred office.

The second attempted reform: was prohibited by the same authority; and it was found, whether right or wrong, that the Church of Scotland, as by law established, had not power to erect new churches, and appoint ministers over them, having the *status* and authority of other ministers, in any locality, however destitute; though she might employ as many *missionaries*, stationed or itinerant, in these localities, as she pleased. In other words, it was declared to be the law of the land, that the Church of Scotland had not power to extend herself in Scotland, however necessary it might be for her efficiency, without the authority of an Act of Parliament.

Different opinions will be formed of the conduct of the Reforming Party in the Church of Scotland, in attempting to carry these reforms in connexion with the State. With these opinions we shall not interfere; let every man follow his own judgment. But we think there can be but one sentiment regarding the vital importance of the objects contended for in these reforms, and the duty

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of every Church of Christ to pursue them by every means which may appear Scriptural and expedient. Where the liberty to do so is taken, or given away upon any consideration whatever, the independence of the church is gone, her purity and spirituality defiled in the dust, and her efficiency at an end. If a church cannot erect a new congregation where an increase of population may require it, and appoint a minister over that congregation, and of herself ascertain the fitness or unfitness of said minister for the sacred office, before he is invested with it, she is in so disabled a state that she cannot do much good, nor expect a full blessing from above; she is in *bondage*, and ought to take immediate steps for her emancipation. So thought the Reformers of the Church of Scotland. And having ascertained that they could not follow out these important reforms without being opposed, trammelled, and interdicted by the Civil Courts, upon the plea that the Church had surrendered her power to do so by entering into an alliance with the state, they voluntarily dissolved that alliance, and sacrificed the supposed advantages which it conferred on them. They boldly declared that these objects were far dearer to them than the boasted "emoluments" of the state, and the influence arising from state-connexion,—that they could not give up their spiritual independence—that they must, as a true Church of the Redeemer, have full liberty to prosecute every plan which might appear to them necessary for advancing His spiritual kingdom; and since the State would not permit this, they shook themselves free from the alliance, and retired to a position where their hands would be unfettered, and their right to use them in the cause of Christ no longer liable to questioning.

Honour to the men who gave up so much for the liberties of Christ's church, and the rights of His crown. Their noble disinterestedness is not only a more novel spectacle than the world has witnessed for many years, but a more instructive one also, when taken in connexion with the *principles* for which they have "suffered the loss of all things;" while their acknowledged piety, genius, and learning, contribute to render it grand and impressive. Let their example be held up to the view and admiration of all, and let the sympathies of all be strongly enlisted on their behalf. They have done a great service not only to the Church of Scotland, but to the Church of Christ; they have asserted a doctrine which is precious to all Protestant Christians,

and have done so in a manner which is fitted to make an impression on those who oppose the truth.

It is believed that we are not sufficiently acquainted in this Province, with the faithful contendings of these men, with the strength and purity of their motives, and the important results to which their long struggle is likely to lead. With the hope of supplying this defect, it is intended, as before stated, to issue a series of tracts illustrative of these points. They are especially recommended to the attention of Scottish Presbyterians, who are earnestly requested to examine the subject in all its bearings, and then ask themselves, whether they do not owe some duty to their illustrious countrymen and fellow Christians, who have been led, by the grace of God, to perform such an honourable part; and to those great *principles* which they have so nobly asserted. Is it possible for them to remain *altogether silent*, without leaving the world at liberty to conclude, that they have no fellowship with the Reformers, in their staunch defence of the purity of Christ's ordinances, and the independence of his Church? But, is this the case? Fellow countrymen and Christians, the answer remains with you!

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## EXPLANATORY NOTE.

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The Convocation, referred to in the following Tract, was held in Edinburgh, on the 14th—27th November, 1842. On that occasion, the Evangelical clergy of the Church of Scotland, assembled from all parts of the country, after long and prayerful consultation on the state of the Church, unanimously resolved to address a final memorial to Her Majesty's Government, stating their claims, and the critical aspect which the question had assumed, and at the same time solemnly pledged themselves by a series of resolutions, to separate from the Establishment, in the event of their voice being unheard, or their claims disregarded. It was with the view of awakening the English mind to a sense of the cruel wrongs inflicted on the Scottish Church and people, that the following tract was originally written. It presents at once a simple and striking view of the leading features of the case, and though penned before the *disruption* actually took place, the events it prognosticates, have by that movement been fully confirmed. The tract obtained an immediate and extensive circulation throughout England. It is now respectfully submitted to the attention and notice of the Christian public of Canada.

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Two months ago I went to Edinburgh to attend the Convocation of Ministers. Like many of my countrymen, my heart used to beat harder when I came in sight of that city of reformers and covenanters, of hallowed Sabbaths, and crowded churches, and solemn assemblies. Its towers and steeples used to say, Mount Zion stands most beautiful. But on this occasion "how did the city sit solitary!" Its pleasant sanctuaries had a look of widowhood; and the most melancholy object of all was, a gorgeous unfinished structure on the Castle-hill, reared for the Assemblies of the Church of Scotland, but more likely to be their cenotaph. Ministers preached, and congregations worshipped, as under warning to quit; and there was much of a farewell solemnity in every service. In private it was the same; and, amidst many joyful Meetings and much longed-for intercourse, there was a prevailing tendency to sadness. There was a mournful and foreboding feeling, like that which reigned in Jerusalem after the voice had cried in the temple, "Arise, depart!" and just before the abomination of desolation took his stand in the holy place. There was a conviction deeper than ever that

the cause of the Church was the cause of God, and therefore not soon likely to become the cause of man. However, a few "hoped against hope;" and the last evening I spent in Edinburgh, and being rather a cheering word, I remember it the better, in the course of conversation about the Church's prospects, an accomplished barrister said in my hearing, "I have great hope from the honesty of Englishmen. The English are a just people, and, if they understood our case, would do us justice."

Now, dear friends, to be as honest as yourselves, I have great fear that you do not understand the case, and some fear that you will not study it. If the Waldenses were about to be ejected from those valleys, which they hold by solemn treaty, I could count on your interference. Or if the civil courts of Constantinople were tampering with the internal arrangements of our Ambassador's chapel, I believe that you would think it right that our Government should remonstrate. Now that the Queen of Madagascar is concussing Christian consciences, I know that many of you are indignant, and would interpose your protection if you could. If you will hear me patiently, I promise to show that the cases are too parallel; and as I shall endeavour to relieve the subject of all intricate details and metaphysical niceties, so I earnestly trust that, if I make out a case of grievance or of suffering for conscience' sake, you who have ere now listened to a voice from Piedmont, will not shut your ears against a voice from the Church of Scotland.

At the REVOLUTION—which you and we agree in

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calling **GLORIOUS**—the Government restored to Scotland the religion which the Reformers gave it. Presbyterianism was established; that is to say, a Presbyterian minister was planted in every parish. A house was assigned to the minister to live in; four or five acres of land were annexed to this house, on which some oats and barley might grow, and a cow might pasture; and then to purchase books and furniture, and fuel, and other creature comforts not indigenous to the glebe, a small salary from a portion of the ancient tithes was superadded. In consideration of the manse, glebe, and stipend, the people of the parish were entitled to the services of the minister, could claim their seat in the parish church, and enjoy, rich and poor alike, the ordinances of religion. In those happy days each parish chose its own elders, and they, along with such of the landed proprietors as were members of the Church, chose the minister. And as they usually chose the best, Scotland “flourished by the preaching of the Word.”

So eminently had Scotland become a Christian nation, that when a union with England began to be agitated, the main subject of solicitude was the national religion. The wisest men then perceived, what has since been amply verified, that the Union would be productive of many temporal benefits to the Scottish people. But all were apprehensive that their Church might eventually suffer. They knew that in the Parliament which would hereafter govern them, not one vote in ten would be a Presbyterian vote; and when any question arose affecting the Church of Scotland, it might be misunder-

stood and mis-settled. To relieve this nervousness of the nation, a clause was put into the Articles of Union providing that the Church of Scotland, as it then existed, could never be altered, and that the Sovereign should swear, on his accession, to maintain that Church in all its privileges.

This solemn stipulation quieted the apprehensions of the people; and after the pathos naturally felt at the "end of the auld sang"\* had passed away, the country was settled down into complacency with the new state of things, when an incident occurred which verified the gloomiest forebodings of the old patriotic party, and fixed in the vitals of the Scottish Establishment an arrow which, after rankling for a century, threatens to be fatal now.

Towards the latter end of the reign of Queen Anne, it is well known that the Jacobite party were engaged in machinations to subvert the Protestant succession and restore the Pretender to the throne. Rightly judging that Presbyterianism, and the Presbyterian clergy, formed the main barrier to their purposes in the North, they resolved, if possible, to neutralize this element. It struck them that if they could get the appointment of the clergy into their own hands, they might gradually fill the Church with men after their own hearts. Accordingly, to the consternation of every leal-hearted Scotchman, word arrived in Edinburgh in the end of March, 1712, that a Bill had been introduced into Parliament for bestowing on certain patrons the power

\* "There's an end of an auld sang"—the observation of the Lord Chancellor Seafield, as he adjourned the Scottish Parliament for ever.

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of presenting ministers to all the parishes in Scotland. Some of the ablest ministers were forthwith despatched to London with instruction to offer the most strenuous opposition to the measure. But it was the policy of its authors to precipitate it to the utmost, that it might be an Act of Parliament before Scotland could raise its remonstrance, and they succeeded. Though Principal Carstares and his colleagues posted to London as fast as their horses could carry them, they found the Bill in the House of Lords already; and though they succeeded in getting a hearing at the bar of the House, Lord Bolingbroke had made up his mind; and no sooner had the counsel for the Scotch Commissioners ended, than it was moved that the Bill be now read a second time, which being agreed to, it was committed, reported, and read a third time—the whole five stages being condensed with dramatic effect into *a single day*. By this Act, Presbyteries were “obliged to receive and admit such qualified persons as should be presented by the respective patrons.”

Heavy as was this blow, and discouraged as people were, there was still some hope concerning this thing. So deep-rooted was the popular aversion to patronage, that it was some time before patrons ventured to issue presentations, or presentees to accept them, and some even hoped that the Act might tacitly subside into a dead letter. On the other hand, though the General Assembly\* felt that they and their people had lost a *privilege*—and that they felt this, is sufficiently proved

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\* The Supreme Ecclesiastical Court of Scotland, consisting of ministers and ruling elders.

by the fact, that down to 1784 they continued to protest against patronage as a "grievance"—they hoped that they had not lost their *freedom*—that even were patronage in active operation there might still be protection for the people in the courts of the Church. There existed on the Scottish statute-book an unrepealed law, declaring that "the Lord Jesus, as king and head of His Church, hath therein appointed a government in the hand of Church-officers, distinct from the civil magistrate;" and "that the civil magistrate may not assume to himself administration of the Word and Sacraments, or the power of the keys of the kingdom of heaven." They believed that the Act establishing the Church had made the spiritual courts the final judge in causes spiritual, even as it had made the civil courts the final judge in causes civil. They hoped that in virtue of this co-ordinate and independent jurisdiction, they might decide for themselves whether the patron's nominee was, or was not, a *qualified* person, and admit or reject him accordingly. At all events, as a *presentation to a living* is a mere civil affair, and the *admission to the cure of souls* is a spiritual act, the Church courts imagined that if they should at any time be constrained, in compliance with the prayers of the people, to reject a patron's presentee, it would be compensation enough if the patron got the fruits of the *benefice* (as the law provides), in which case the patron might give his protegee *the living*, and a more acceptable pastor might get *the cure of souls*. By considerations like these, the Church of Scotland flattered herself that her people would still enjoy protection, and her

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Church courts, spiritual freedom. This persuasion became positive assurance, when it was found how scrupulously the secular courts abstained from tampering with spiritual sentences. In those days the Supreme Civil Court of Scotland\* refused to interfere when asked to discharge or overrule the deliverances of the ecclesiastical courts; and they did so on the simple ground that the Church courts knew best how to deal with spiritual questions; and even if they did not, the constitution of the country has made **THE CHURCH COURTS SUPREME IN THE SPIRITUAL PROVINCE.**

Whether Lord Kames and Monboddo and the other judges of the last century were too fastidious in their non-interference—whether they were actuated by a spirit of chivalrous etiquette, or by their knowledge of constitutional law—certain it is, that they forbore from reviewing the sentences of spiritual courts, even as the spiritual courts forebore from reviewing theirs. The General Assembly did not decide on disputed march-dykes, or marriage settlements; nor did the Court of Session decide on the fitness of ministers for their parishes, or of candidates for admission to the communion-table. The General Assembly imposed no fines, and sent nobody to prison; and the Court of Session, with similar forbearance, neither ordained ministers, nor deposed them—neither admitted church members, nor excommunicated them. Somehow or other, they held on their several ways in wondrous harmony. There were no collisions, for each kept his own line.

. Dear reader, if I thought you had patience for it, I

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\* The Court of Session.

would tell you how the collision arose, and I am sure, if you knew all the particulars and were on the jury, you would give a deodand on the Court of Session engine.

It was in the year 1834, on the 24th of May—I remember it well, for I was there myself—and in the Tron Kirk of Edinburgh, where the General Assembly was sitting, that a ruling elder rose to bring forward a motion. His name was Sir James Moncrieff, a man long known at the bar of Scotland as the best lawyer there, and by that time one of the Lords of Session. He made a speech, very learned and very long; of which speech the substance was, that ever since the Reformation, the Church of Scotland had paid respect to the wishes of the people in the settlement of ministers; so much so, that according to its uniform interpretation, no minister was *qualified* for a parish, unless he were *acceptable* to its Christian people, the communicants of that parish. But though the doctrine of the Church had been uniform, its practice had varied. A *call* or invitation from the people had always been, in Presbyterian usage, a pre-requisite to the settlement of a minister. But sometimes this call had been so scanty that it could scarcely be deemed an invitation. And with a view to make the practice correspond with the theory, he would propose that, whenever a patron issued a presentation, the very first thing the Presbytery should do would be, to send the presentee to preach in that parish, and then to call together the male heads of families in communion with the Church, and ascertain their mind. If they consented to have this man

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for their minister, good and well. The Presbytery should proceed to examine him, and if they found his literature, theology, and character, sufficient to warrant them in ordaining him, they should admit him to that parish. But if a majority came forward, and solemnly declared that—apart from all factious motives—they were constrained, by regard for their own and their children's souls, to refuse this man for their minister, Lord Moncrieff proposed, that this *Veto* by a majority of the people should disqualify that presentee, and that the Presbytery should not *intrude* him into that parish against the expressed mind of its Christian householders;\* but should send word to the patron that he might present another. The majority of the Assembly thought this an excellent proposal; all the rather that the Crown lawyers, the Lord Advocate and Solicitor General, declared that it was perfectly competent for the Assembly, in virtue of its inherent powers, to pass such a law, and as it was a judge of the Supreme Civil Court, and one so noted for his legal skill, who introduced the measure. And so, to the great joy of thousands, the *Veto Law* was passed.†

For some time it wrought delightfully, and almost every one was saying, How much the patrons are improved! for, in point of fact, the patrons presented

\* The *Veto Law* restricted the privilege of objecting in the settlement of ministers, to those parishioners who were both heads of houses and members of the Church. In Scotland, none are communicants, or members of the Church, except those with whose religious knowledge and good character the ministers and elders are satisfied. In Church-of-Scotland language, the people are the communicants, the members of the Church, the professing Christian people.

† It is important to remark, that in this Assembly were no chapel ministers, or ministers of quoad sacra parishes. Besides the Crown lawyers in Scotland, the Lord High Chancellor, and the Attorney General of England, both extolled the *Veto Law*, as a great public improvement.

such acceptable ministers, that out of 200 only ten were vetoed. But at last, the new law fell heavy on one individual. A licentiate,\*—was presented to a large parish, with 3,000 inhabitants. *Two* of the people thought that he might do well enough for a minister; but all the rest thought he was not fit to be *their* minister. Consequently the Presbytery refused to admit him. Hereupon this man and his patron raised an action against the Presbytery, and petitioned the Court of Session to find that the Presbytery was *bound* to take him on trial, with a view to admission. So far as any spiritual consequences (such as ordination) were implied in the decision, the Presbytery declined the competency of the Court of Session to judge the case; but as they were anxious to ascertain whether their rejection of a vetoed presentee implied that he should also lose the living, they allowed the case to be argued in their name so far as any *civil* effect was concerned. Five of the judges held that this was not a case for the Court of Session at all; but that if they were to give an opinion, they must say that the General Assembly had done quite right in passing the Veto Law, and the Presbytery had done no wrong in obeying it.† But on the other hand, eight judges were of a con-

\* In the Church of Scotland there is a staff of probationers or licentiates who are allowed to preach, but who exercise no other function of the ministry. These probationers are eligible for the ministry, but they are not ministers. They have received no ordination, and are permitted to preach merely to make trial of their gifts. If a probationer who is presented to a parish be not unacceptable to the people, he is ordained, and becomes a minister. Allowing that patronage is a trust reposed in patrons by the State, it becomes an interesting question, whether this trust is designed for the benefit of probationers or the good of the people? It has usually been exercised for behoof of the former.

Besides Lord Moncrieff, the original author of the Veto Law, these five included Lords Jeffrey (more familiarly known in the worlds of philosophy

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trary opinion, and the House of Lords affirmed their judgment.

Since this decision, it has become the fashion in the North to carry every case out of the Church courts into the Court of Session. Presbyteries are prohibited from deposing ministers convicted of drunkenness and theft. Ministers are prohibited, under pain of imprisonment, from preaching in certain districts of the country. Kirk sessions are forbidden to debar from the Lord's Table parties whose presence they consider a desecration. And the General Assembly itself is not at liberty to admit any member, whom the Court of Session may disapprove. And so uniformly do a majority of their Lordships decide against the ecclesiastical parties, even when their decisions contradict one another, that it has become the more prudent, because more economical course, to allow judgment to go forth in absence. As it is, the law expenses have become such a grievous fine, that the stipend of some parishes is arrested for payment of costs, and pious and accomplished ministers, with their families, are, in the absence of their wonted income, reduced to painful straits. Though this be matter of exultation with their oppressors, and not complained of by the sufferers themselves, the English nation is not what it was, if such severities, when known, arouse no indignation.

But to resume and end this narrative. The Presbytery of Auchterarder did not obey the sentence of the civil courts, ordering them to admit to the ministry the

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and criticism as Francis Jeffery), Cockburn, Glenlee, and Fullerton. The names of the other eight, however respectable in their station, would not be interesting to English readers.

vetoed presentee. They refused, because they believed that the court had, in this case, no right to command. They refused, because they thought it would be a solemn mockery and a sin to ordain a man to a cure of souls, where every one deprecated and dreaded his admission. They thought, that the only inducement to ordain him would be to give him a right to the stipend; and as the patron was now in the possession of the stipend, he might, if he pleased, hand it over to his protégée. But the presentee prosecuted the Presbytery for £16,000 of damages, because of the wrong which they had done him in refusing to admit him; and both the Court of Session and the House of Lords having found in his favor, it is now finally declared by the civil courts, that *they will enforce their sentences against the spiritual courts by civil pains and penalties*, the ordinary compulsitors of the law.

When this decision was given last autumn, it put an end to all expectation from the civil courts. Till then, the most desponding could scarce believe their own forebodings, or persuade themselves that their Church was so changed from what their ancestors had left it, and they themselves once imagined it to be. But the decision of last August ended every dream, and bade the Church make ready for the worst.

It was in this emergency that the meeting or Convocation mentioned in the outset was convened. It originated with a select body of the oldest and most experienced ministers. They invited all of their brethren who had manifested concern for the ancient constitution of the church, to assemble in Edinburgh,

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on the 17th of November last. Nearly 500 came together; and it was very plain that no ordinary call could have brought from the remotest headlands of a rugged land, such a company in the dead season of the year.

After a prayer-meeting in St. George's Church, and a sermon by Dr. Chalmers,—“Unto the upright there ariseth light in the darkness,”—the ministers adjourned to Roxburgh Church. Dr. Chalmers took the chair. It was agreed, that during each sederunt three of the brethren should engage in prayer; and in this way confession and supplication assumed a prominent place in the business of each Meeting. None but ministers were present. In order to encourage each member freely to speak his mind this privacy was requisite, and it tended greatly to impart a confiding and conversational tone to their proceedings. For our own part, it made us feel, that the innermost side of good men is the best side; and whilst listening to the brotherly tone of their communings, so unlike the defiance and disdain of high debate, and to the noble sentiments of Christian heroism and self-renunciation which were ever and anon expressed, we wished that the world were present. And, during the devotional exercises, and at intervals throughout the deliberations, when sudden light or consolation broke in, in a way which brought tears to many eyes, we would have liked that all the Christians in the kingdom had been present, for we felt assured that the Lord himself was there. And then, when we looked at the materials of the Meeting, and saw before us, with few exceptions, all the talent, and, with

still fewer exceptions, all the piety of the Church of Scotland, we wished that those were present in whose power it was to preserve to the Scottish Establishment all this learning and this worth. There was the chairman, who might so easily have been the Adam Smith, the Leibnitz, or the Bossuet of the day; but who, having obtained a better part, has laid economics, and philosophy, and eloquence on the altar which sanctified himself. There was Dr. Gordon, lofty in simplicity, whose vast conceptions and majestic emotions plough deeper the old channels of customary words, and make common phrases appear solemn and sublime after he has used them. There were Dr. Keith, whose labours in the prophecies have sent his fame through Europe, and are yearly bringing converts into the Church of Christ; and Mr. James Buchanan, whose deep-drawn sympathy, and rich Bible-lore, and Christian refinement, have made him a son of consolation to so many of the sons of sorrow. There were Dr. Welsh, the biographer and bosom friend of Thomas Brown; Dr. Forbes, among the most inventive of modern mathematicians; and Dr. Paterson, whose "Manse Garden" is read for the sake of its poetry, and wisdom; and Christian kindness, where there are no gardens; and will be read for the sake of other days, when there are no manses. And there was Dr. Patrick M'Farlan, whose calm judgment is a sanction to any measure; and who, holding the richest benefice in Scotland, most appropriately moved the resolution, that rather than sacrifice their principles, they should surrender their possessions. And not to mention "names the poet must not speak,"

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there were in that assembly the men who are dearest of all to the godly throughout the land—the men whom the Lord hath delighted to honour—all the ministers in whose parishes have been great revivals, from the Apostle of the North, good old Mr. Macdonald, whose happy countenance is a signal for expectation and gladness in every congregation he visits; and Mr. Burns, of Kilsyth, whose affectionate counsels and prayers made the Convocation feel towards him as a father; down to those younger ministers of whom, but for our mutual friendship, I could speak more freely. When we looked at the whole, knowing something of all, we felt, first, such an assembly never met in Scotland before; secondly, it will depend on them, under God, whether Scotland can ever furnish such an assembly again; and, thirdly, what a blot on any reign, and what a guilt on any Government, which casts forth such a company! And then, after some sadder musings, came in this thought, Yet, what a blessing to the world if they were scattered abroad, everywhere preaching the word!

Six days were spent in deliberation. Nearly all agreed that the Church of Scotland was ruined by the late decision, and that she could not submit to these encroachments of the civil courts without losing her character as a true Church of Christ. The next question was, What should be done? It was agreed to make a final application to the Legislature for relief—for protection to the Church courts in the exercise of their spiritual jurisdiction—and if this application were refused, it was the almost universal conviction, that it would be

the duty of ministers and people, rather than protract the struggle and embroil the country, to leave the Establishment.

Accordingly, that final application is now made; and it depends very much on the people of England what answer shall be returned. No measure will meet the case which does not give the Church Courts of Scotland freedom from secular molestation in the discharge of their spiritual functions: in other words, no measure which does not give the ministers and Christian people of Scotland the same immunities which they believed till now to be their birthright, and which they unquestionably enjoyed in the reign of William III. The following considerations in behalf of such a measure, are respectfully submitted to whatever of justice, generosity, and Christian principle, may exist in England:—

1. The Treaty of Union has been violated. By that treaty it was solemnly stipulated that the Presbyterian Church government, *as then existing*, should be the only Church government within the kingdom of Scotland; and, that each successive sovereign, “at his or her accession to the crown, should swear and subscribe, that they shall inviolably maintain and preserve the foresaid settlement of the true Protestant religion, with the *government, worship, discipline, rights and privileges* of this Church, as above established by the laws of this kingdom” (of Scotland). Adherence to this stipulation is farther “declared to be a fundamental and essential condition of the said treaty of union in all time coming.” And on the strength of this stipulation the Union was completed. Now, among “the rights and privileges”

which the Church of Scotland enjoyed before the Union, *spiritual freedom* was unquestionably one. Her people were not liable to the intrusion of unacceptable ministers; nor were her Church Courts, when deliberating on the most sacred interests of Christ's kingdom, liable to the intrusion, the intimidation, and coercion, of secular tribunals. If the Church has lost her freedom, *when* did she lose it? To this there is only one answer: In the year 1712, five years after the Union was effected. A law was then enacted, which, if the interpretation put on it by the civil courts be sound, has robbed the Church of Scotland of the dearest "right," the most precious "privilege," which, at the time of the Union, she enjoyed: her accountability, in sacred things, to God alone. If this interpretation be incorrect, if the civil courts misunderstand the law, then the Legislature should say so, and rescue the Church from the groundless molestations of the secular power. If the interpretation be correct, if the civil courts rightly interpret the statute, then the Treaty of Union is broken, and Scotland must look to the good faith of England for redress.

2. The case of the Church of Scotland is one of peculiar hardship. And when I say the Church of Scotland, I mean those in the Scottish Establishment who adhere, as almost all her pious ministers and people do adhere, to the original constitution of the Church of Scotland.

If they do not get redress, they must leave the Establishment; and even though it be for Christ's sake and the Gospel's, there is some hardship in forsaking houses and lands. The manses of Scotland are pleasant homes; and if you will ask any friend who ever took leave of

one, he will tell you that it was a desolate day when the *fitting* was moving down the avenue, and after seeing that the kitchen-fire was out, and taking a last look of the dismantled parlour, he delivered the key to the new-comer, shook hands with the neighbours, and went away. The manse of a good minister is a hallowed dwelling, and more of in-door quiet, and family affection, and Sabbath-gladness, is condensed into it than into any home on earth; and after one who has been long its inmate has taken his last look of the deserted fields and smokeless chimneys, he feels it of little moment where he shall kindle his next fire. Besides, it is the place where all the parish naturally resorts when advice or assistance is needed; where the sick send for cordials, and the sad go for comfort, and the perplexed go for counsel; and whose simple hospitality ranges from the Sunday scholars up to the parish elders, the farmers, and, sometimes, the *laird*. The consequence is, that though the Great House may be shut up for years, and the landlord with his establishment cease to sojourn in it, except in rare instances, it will not awaken such tenderness on either side as a removal from the manse. The people of Scotland are not given to the melting mood; and two centuries ago, when 400 ministers were constrained to leave their parishes for conscience's sake, they felt it very hard; but neither they nor their people said much. When the *creels*\* were getting ready, the wife would, perhaps, draw a corner of her

\* Large panniers slung over the horse's back, in which the young children were carried. When Mr. Dunbar, the minister of Ayr, who had once before been banished from his parish, received a summons to leave it a second time, he merely said, "Well, goodwife, ye must e'en provide the *creels* again." The saying became a sort of proverb.

apron across her eyes, and the children could not very well comprehend it. There was little demonstration of feeling; and judging by the peaceful submission of the pastors, and the silence of their people, you would almost have thought that they acquiesced in the doings of that day. It was an illusion. The heart of Scotland was heaving with an indignant sorrow, which found its first relief when it hurled James Stuart from the throne. Should 400 ministers again be forced from their people and their homes, there will be no commotion. All will pass over silently and peacefully; but in the hearts which constitute the heart of Scotland, in the bosom of its noble-minded and Christian people, will be felt a lasting and cruel sense of injury.

There are other hardships connected with this case which I will not weary you detailing. For instance, within the last eight years, and at a cost of about £300,000, the people of Scotland, with a few extraneous contributions, have built nearly 200 new churches for themselves. Almost all of these churches are built and occupied by people and supplied by ministers who must leave the Establishment, unless the Establishment be emancipated. And what forms the hardship of this case is, that when the ministers and people go, the churches which they have reared at such a sacrifice will be claimed by others. Besides, many parishes are the property of a single individual, and that individual may be so hostile to the Gospel as to refuse ground for erecting another place of worship. Again, the India and other missions of the Church of Scotland have been mainly supported by the parties about to be

driven from the Church. The mission premises will fall into the hands of parties unable or unwilling to support them. The mission will be broken up; and with crippled resources, the faithful remnant will be ill able to organize them anew. And last of all, some of the parishes which most prize the Gospel, are least able to support it. In many places, the utmost efforts of the people are insufficient to procure food and raiment for themselves. It would be mockery to ask them to maintain a ministry. It would be depriving them of their greatest blessing for either world, to take the ministry away. Putting out of view the intrinsic merits of the case, the constitutional rights of the Church of Scotland, the equity of her claim, it would surely need to be a strong necessity which would justify any Legislature in virtually driving from their homes 500 ministers of Christ, scattering the largest and liveliest congregations in Scotland; and leaving as sheep without a shepherd, those parishes which most prize a faithful ministry.

Perhaps some may say, But why go out? Who bids them go? Why not obey the law of the land, and remain where they are? I answer, or rather they answer for themselves, because the law is such that they cannot obey it. Had they known soon enough, that the civil law is what it is now declared to be, they would never have entered the Established Church; and if the Legislature understand the law as the civil courts interpret it, now that they are in the Established Church they must leave it again. They wish to obey the law of the land, and in the hope that haply if they



were out of the Establishment the law would then ask them to do nothing contrary to their consciences, they are leaving the Establishment. They go because they feel that it would be sinful to remain. Even as I might leave my dwelling if I found that the lease by which I hold it contained a stipulation with which it were criminal to comply. If I entered in ignorance of its import, and if, now that I know the construction put upon it, I cannot get it altered, I must even go. It may be very hard, but I cannot help it. The ministers of Scotland wish to lead quiet and peaceable lives; and rather than disturb the peace they will abandon their earthly all. Outside of the Establishment they are sure to find a clear conscience; and there also there is more hope of a quiet unmolested life.

### 3. Our common Christianity is endangered.

The *principle* for which the Church of Scotland is contending is one dear to every Christian man. It is one for which the early Nonconformists and the New England worthies contended so nobly—that God alone is Lord of the conscience, and that the highest tribunal on earth may not abridge the liberty wherewith Christ hath made his people free. The doctrine of the Church of Scotland is, that the head of every spiritual man is Christ, and that when a company of spiritual men meet together in their spiritual capacity, Christ is still their head. In other words, they hold that **THE LORD JESUS CHRIST IS THE ONLY KING AND HEAD OF THE CHURCH.** In their ecclesiastical procedure they desire to follow his will as that will is revealed in his Word. They believe that the Spirit

of God, speaking through spiritual men, is the sole interpreter of that Word; and they cannot allow the commandments of men—the verdicts of secular courts—to interpose between them and their Heavenly King. Every Bible Christian will sympathize with them here. Daniel and his friends were not rebels. They were faithful to their king, though the king was a Pagan, and their conqueror. But in matters of faith they deemed it no disloyalty to disregard his decrees. The apostles respected lawful authority, but with the commission of their Master, "Preach the Gospel to every creature," they could not suffer any tribunal to interfere. "We ought to obey God rather than men." And every Christian, be he a minister or a private member of the Church, will acknowledge that there are many things "pertaining to the law of his God" in which he could not consent to be ruled by secular men.

The Church of Scotland is an Established Church. Its ministers are endowed. But it has always been their belief that in accepting this endowment they surrendered nothing. The theory of an Establishment is, that the nation selects a Church whose constitution and worship it approves, and on this Church, for the benefit of the nation, bestows the bounty of an endowment. But they do not see how this necessarily implies subjection to the State, or the loss of any spiritual privilege. Suppose a rich man endowed a dissenting chapel, it is presumed that upon the whole he approves of the doctrines taught and the worship practised there; whilst, on the other hand, their accepting of his liberality does not imply that they give him the power of admitting or

rejecting the members, or of tampering with the internal order of that Church. The Church of Scotland existed as a *Church* before it became an *Establishment*. The nation found it a Church already existing. The nation approved its polity, its doctrines, and worship. The nation offered to take it *even as it stood*, and endow it. The Church accepted the nation's offer. But so far from surrendering any peculiarity or privilege, it was expressly stipulated that, in accepting this endowment, the Church should surrender nothing—that it should remain the same free, and spiritual, and independent Church which it had ever been. And whatever may be the case with other endowed Churches, it has always been the belief of its members, that the Church of Scotland, *though Established, is free*—as free as Churches not Established are. In other words, the office-bearers and members of the Scotch Establishment believed that if civil courts found a pretext for interfering with them, they would find as good a pretext for interfering with the office-bearers and members of non-established Churches.

Independently of this, I cannot view the coming overthrow of the Scotch Establishment—for if its best ministers and most devoted members be driven out of it, it is virtually overthrown—I cannot contemplate the destruction of the Scotch Establishment at the present moment without apprehension. Different Churches have been honoured to testify for different truths; but of all National Churches, the Church of Scotland has borne the loudest and most emphatic testimony to the *Supremacy of Christ*. It has testified for

this truth in opposition to the supremacy of the priesthood on the one hand, and of the civil power on the other. It protests, that the clergy shall not be "lords over God's heritage;" but recognising every regenerate man as one of the "royal priesthood," claims for the Christian people, rights with which even the Christian pastor must not intermeddle. And on the other hand it protests, that Cæsar shall not claim the things which belong to God; but believing that Christ's "kingdom is not of this world," it claims for the rulers in Christ's house, rights and privileges with which the secular power must not interfere. These privileges of the Christian people, and this independence of the Church, are obnoxious alike to spiritual despots and unbelieving worldlings. The lordly ecclesiastic cannot trust the people; the infidel civilian cannot trust the Church. The supremacy of Christ is doubly assaulted at this day; and if the faithful witness which has prophesied this truth so long should now be slain, a main barrier to Infidel and Papal incursions will be taken out of the way.

Christian Brethren of this free English land, I leave the matter with you. Necessity was laid on me when I took up this pen, and nothing but a solemn conviction of duty could have urged me to bring this matter before you in a season of so many and momentous exigencies as is this. I believe that the case of the Church of Scotland is a case of injustice and oppression, and I believe that it is in the power of the people of England, by petitioning Parliament and enlightening their respective representatives, to redress the wrong and remove the grievance. And, I have much faith in the justice

of Englishmen, and some experience of their generosity ; but I have more faith in Christianity, than even in national character. I believe that a man who is both just and generous may be too busy to attend to an appeal ; or even if he do attend, that he may miss the merits of the case, and not comprehending it, may pronounce an unrighteous judgment. But I believe this is a case, which every enlightened Christian may understand, for its first principles are familiar to him. And I believe, moreover, that it is a case in which English Christianity is concerned, “for if one member suffer, all the members suffer with it.” And I believe, finally, that it is a case in which English Christians will lend their sympathy and aid—for such is the Master’s will : “Bear ye one another’s burdens, and so fulfil **THE LAW OF CHRIST.**”

