

the Irish mission, and the beneficial results arising from the labors of the missionaries among the Roman Catholics.

ALLEGED INNOVATIONS IN PUBLIC WORSHIP.—The Assembly proceeded to take up the appeal of the Rev. Dr. Robert Lee against the deliverance of the Synod of Lothian and Tweeddale, of 3rd May, 1859, in the matter of alleged innovations in public worship as conducted in Old Greyfriar's Church, Edinburgh. That deliverance, it will be recollected, affirmed the sentence of the Presbytery on the 26th of April, to the effect that certain practices in Old Greyfriar's Church were "innovations unknown to the Church, and unauthorized by it," and enjoining Dr. Lee "to discontinue the same, and to conform in future to the order and form of public worship as established in the Directory of Public Worship, confirmed by Acts of Assembly, and presently practised in this Church."

Dr. R. Lee appeared for himself, and for the Synod there appeared Dr. McFarlane, Dr. Grant, Mr. Tait of Kirkliston, and Mr. Muir of Dalmeny.

Mr. Tait, of Kirkliston, was then heard on behalf of the Synod. He confined himself to the charge of reading prayers, which, he contended, was a practice contrary to the Directory, and opposed to the spirituality of worship of the Church of Scotland.

The Assembly then adjourned till the evening.

EVENING SEDIURUNT.—The Assembly resumed at eight o'clock, when

Dr. Grant spoke on the part of the Synod. After denying a statement which had been made that these whole proceedings had been got up with a view to injure and annoy Dr. Lee, Dr. Grant proceeded to say that he had no narrow-minded objection to the postures adopted in the Church of England, and no invincible objections to instrumental music, though the propriety of introducing it into the Church of Scotland was another question. He admired the English liturgy, and was not blind to certain advantages which attended a prescribed form of prayer, or to the disadvantages attending the use of extempore prayer; but he was an attached son of this Church; there was no Church perfect, and he knew none in Christendom to which he would more willingly adhere. The question, however, was not as to the *beau ideal* of public worship, but as to the actual law of the Church—the question was not whether the Greyfriars' practices were becoming in themselves, not whether they were in harmony with the system, conformity to which was required by the Church from all her members. There were strict rules on this subject in the Roman Church, the English Church, and in our own Church. It was easy to say that all practices which were not wrong or unseemly in themselves should be permitted. But the Church of Scotland had all along evinced a desire for uniformity of worship. She bound her ministers at ordination to follow the established worship, and

the same spirit and desire were evinced in a series of acts of Assembly. There was therefore a law. There was the Directory, but he demurred to the principle that that was their only rule and standard. Dr. Lee had admitted that there was consuetudinary as well as written law; and in Scotland custom might not only create law, but interpret and modify written statute, and even practically repeal it by putting it in abeyance. But the practice must be general and inveterate, and under the eye of the legislative authority and under circumstances to imply that they have its tacit consent, which assent alone gave to custom its legal validity. Admitting that the Directory or a statute was still in force, he maintained that it had been to a large extent altered by practice which had come to have the force of consuetudinary law. Dr. Lee took his stand on the Directory, and said that no usage could affect it; but where would he be if he were to be tried by the letter of its injunctions? He could not stand for a moment, because there were regulations in that Directory which he systematically disobeyed, and in contending that the Directory was yet in force to justify the changes which he had made, he could not be allowed to repudiate the same Directory just as it suited his purpose. As to the act of 1856, Dr. Lee professed to found his whole changes in that enactment; but it must be taken in connection with the deliverance of 1858, and could it be said that the effect of them was to restore the Directory, and utterly to abolish all the practices which had grown up inconsistent with that Directory? As to what that Directory enjoined, had Dr. Lee constructed his short prayers on the model of the Directory? Did he pray, as directed in the Directory, to be preserved from a breach of the Solemn League and Covenant? Had he discontinued the practice of praying at funerals? Did he baptise children only in church? Did he solemnise marriage only there? Did he religiously abstain from food on fast days? (Cheers and hisses.) On the whole he felt justified in coming to the conclusion that there was a law for public worship, and that that law was to be gathered from the Directory and long-established usage taken together. The question then arose whether Dr. Lee made unwarrantable innovations upon that; and he submitted that he had done so.

Dr. Bisset, of Bourtie, said he could not see that the course pursued by his rev. friend Dr. Lee was such as to bring upon him or upon any other minister of the Church the animadversion of the Church. Dr. Bisset concluded by moving the following resolution:—"That the General Assembly sustain the appeal, and recall the judgment of the Synod in so far as it seems to form, *simpliciter*, the judgment of the Presbytery of Edinburgh, pronounced on the 26th April, 1859; but they find established, by the report of the committee of the Presbytery of Edinburgh referred to in that judgment, and by the admissions of Dr. Lee