

ly, changed his opinions about the beauty and solidity of this fabric, and took refuge from its crumbling walls by joining the ranks of the Oxford Tractarians.

The great ruffian of the reformation, the meek and amiable John Knox, was the first founder of this institution in 1560.—Under his leadership, various self-appointed ministers of the Lord, took energetic and successful measures, to place this part of the "Lord's vineyard" under the protection and patronage of government, and by the sovereign authority of acts of parliament, made their own opinions—reduced into the form of a confession of faith,—a part and parcel of the municipal law.

By one of these acts or statutes, (1567 c. 7.) the *spiritualities* were settled in the clergy while the rights of advowson and presentation, then existing, were secured and preserved to their respective patrons. Among other points, it was declared in the vernacular language of the day "that examination and admission of ministers within this realm, be only in the power of the Kirk, now openly and publicly profess within the same; the presentation of lawit (lay) patronage is always reservit to the just and ancient patrons." The system then did not embrace presbyteries, and "by a sort of Episcopal parody, there were superintendents appointed to watch over the conduct of the parochial clergy, and generally to attend to the affairs of the Kirk." In the event of patrons neglecting their right of patronage, provision was made, in the act, for appointing ministers, and it was decreed that should the superintendent refuse to receive into orders a properly well qualified presentee, "it shall be lesum (lawful) to the patron to appeal to the superintendent and minister of that province quhair the benefyce lyes, and desire the person presentit to be admitted. Quilk gif they refuse, to appeal to the general assembly of this haill realme, be quholme the cause heard decydit, sall tak end as they docerne and declair."

Thus then the statute defined the rights of Clergy and Laity. The power to admit ministers was left with the Kirk, and where the qualifications of a presentee were in dispute, a final decision was to be had from the general assembly. On the other hand the rights of patronage were to be held inviolate. The statute is altogether silent, about the right of the people or of congregations to choose their own pastors. This statute was further confirmed by another in 1592.

After "Presbyterianism" had recovered from its temporary subjugation by "Prelacy" in the first part of the seventeenth century, in 1649, the general assembly passed an act prescribing the mode in which ministers were to be elected, reserving the right to choose, in the Kirk session, and virtually setting aside the right of patronage. But even this act made no provision for giving authority to the people in regard to the choice of ministers, it left the whole power in the *demer resort*, in the Kirk.—This act, however, is now but a point of history, since like others, passed during the revolution, it was repealed at the restoration.

In 1690, Presbyterianism was again confirmed in Scotland by act of parliament; but in 1711 under Queen Anne,

all statutes interfering with the right of patronage were set aside and made void, and these rights were recognised in their full plenitude and integrity, and it was required that presbyteries should receive the presentees as according to the laws of 1567 and 1592.

The reviewer having presented an outline of the constitution of the Kirk, and shown the provisions made by law for the privileges of the clergy and the rights of patrons, then explains what is meant by what in Kirk language is denominated a **CALL**.

A presentee is required at a particular time to preach in the Kirk of the parish which he claims by presentation, what are called his "trial sermons;" when he has done so, a day is named for "moderating" his "call" after due notice of ten days has been given. On this appointed day, a minister, of the presbytery embracing the Kirk to be provided for, preaches a sermon and invites the parishioners to subscribe a written "call" to the presentee to become their minister, which proceeding is termed "the moderation of the call," which when signed, however few the signatures, is sustained by the Presbytery. Then comes the "examination" or "trials" of the presentee, and if appointed, there follows "an imposition of hands," and the Presentee has been legally "called" to the pulpit of his Kirk.

The reviewer next presents a glance at the condition of the Kirk during the past century, showing how for a while after the promulgation of the statute of Queen Anne, to which we have referred, the ministers behaved quite decently and orderly, until by degrees aversion to patronage, which many considered a heavy grievance, and also aversion of good order led to various outbreaks of the old leaven of rebellion, that had from the beginning continued to ferment beneath the surface.

There had been little said or heard about the divine right of the people to elect their pastors, although from time to time, some complained of various abuses growing out of the right of presentation. It may be admitted, that down to the year 1725, the assemblies of the clergy, in spite of diversities of religious and political opinions, evidenced a wish to preserve order and tranquillity in the country, and, in their respective parishes, the ministers endeavoured to teach the people their moral duties. The dispute about presentations were settled according to the statute of 1690.

But shortly after 1725 there appeared in the Kirk two parties; one contended for the right of the people, by heads of families to elect their ministers, and opposed the right of patronage; the other party did not go so far, but desired that "calls" should come exclusively from "heritors" (that is land proprietors) "and elders" (or vestrymen) subject to the approbation of the congregation. Contending that this should be the uniform rule for providing ministers whenever the patron neglected to present.

It was then a frequent occurrence for the people to refuse to receive presentees, and their refusal was countenanced by those ministers who disliked the system of presentation.

To remove this stone of offence, upon which the Kirk had almost been split to pieces, the general assembly departed from the constitutional course of procedure, and in place of requiring presbyteries to obey "its sentences," it appointed either members of its own body, or of synods or presbyteries, contiguous to the disturbed parish, to execute its orders, and induct the presentee in the usual forms competent, in ordinary cases, to the presbyteries, leaving it open to such members of the presbyteries as choose to unite with them

in so doing." This breach of the constitution of the Kirk failed to effect the end which was looked to, in permitting it, and a still more flagrant one was made in 1782, by the party which desired to put down the pretended divine right of the people to elect their own ministers. This was, an act passed by the general assembly, of *their own authority*, and *without transmission to the presbyteries* which in substance adopted the parliamentary enactment of 1690.

The reviewer exhibits the illegality of such a step, by explaining the nature of a process, which in *Kirk parlance*, is called an *overture*, which implies, that for any legislative act of the general assembly, a consent of a majority of presbyteries must be had. Consequently, when it is proposed to pass or repeal an act, an *overture* of the measure must first be proposed to the general assembly, and then sent round for the approbation of the presbyteries. For it was provided by an act of the general assembly in 1697, "commonly known as the Barrier act," that to make a measure binding as a rule of the Kirk, it must first be proposed as an *overture* to the assembly, and sent round to be considered by the presbyteries, and after a return of the opinions of the presbyteries, enacted by the assembly. But the general assembly, in the instance above, had departed from its own law, which had been recognized by the State, and consequently had acted illegally.

Of necessity the conduct of the assembly on this score met opposition; from some as a violation of constitutional rights; from others, because their "divine right" opinions were not respected. Besides, it called from the "vast deep" of a restless ocean of thought, an ultra democratic spirit, which, fostered by one Ebenezer Erskine, soon produced the first great schism in the Kirk of Scotland, called the "secession," and at a later date, in 1751, the second large class of dissenters, known by the designation of, the Presbyteries of Relief..

From 1752 to 1763 the machinery of the Kirk worked pretty smoothly, but in the latter year the "moderate" party organized by Dr. Robertson, the historian, was dominant. This party deferred to the laws provided for the Kirk by the State. Dr. Robertson retired from public affairs in 1781. During his leadership, and for nearly half a century after, the ministers conducted themselves like good orderly citizens.

In 1832, the increased power which was given to the people by the reform bill, introduced the ministers of the Kirk to desire an increase of their privileges, and taking advantage of popular excitement, they caused overtures to be introduced "into the Kirk courts for procuring the abolition of lay patronage, and the institution of the popular will or *veto* as a new element in the appointment of the Kirk ministers. But a motion to appoint a committee to deliberate on the subject was negatived by a majority of forty-two, which the popular party was able to reduce to twelve, by the year following.

Afterwards in the Assembly, the popular party acquired a still stronger majority, by the aggregation, of "the coadjutorial tenements," viz: "the parliamentary churches, and chapels of ease," whose ministers, by law, could not sit in the Kirk Courts, either as ministers or elders. In

the Assemblies of 1832 and 1833, committees were appointed to report concerning the admission of the ministers of the parliamentary chapels, and also in 1834, a committee was appointed for considering the admission of the ministers of "the chapels of ease," and thus, by *decree*, a large number of ministers were aggregated & placed in the precise *status* of parochial incumbents. And both these enactments were made without transmission to Presbyteries, as required by "the Barrier act," but were immediately adopted and put into operation as authorised rules of the Kirk, in complete defiance of the requirements for preventing hasty and crude legislation.

Then came the famous statute, at the instance of Lord Moncrieff, "declaring it to be a fundamental law of the Kirk, that no pastor shall be intruded on any congregation contrary to the will of the people," for carrying out which it was provided, that "in moderating a call," if a majority of male heads of families, in the vacant parish, disapprove of the person applying, such disapproval shall be sufficient grounds to the Presbytery for rejecting such person. This was carried, after a vigorous opposition, by a majority of 46, and with a view to carry out the same in full, a set of regulations—twenty-two in number—were drawn up and appended to the overture to be transmitted with it. This motion is said by the reviewer, to be in all respects, "similar to one brought forward by the celebrated Dr. Chalmers (the corypheus of all these disturbances.) in 1833, wherein the learned 'The ban maintained the novel doctrine, that it was "a fixed principle in the Law of the Kirk," that no minister should "be intruded into any pastoral charge contrary to the will of the congregation," and which was then lost by a majority of twelve."

It is further to be noted, that although Lord Moncrieff's law was submitted by the rule of *overtures*, to the Presbyteries, it was however passed, *ad interim* and carried into instant effect; being, therefore, like the wholesale introduction of ministers, a violation of the legal course of procedure. In 1835, the *interim* act was approved, and by a majority of forty or fifty, declared a standing law of the Kirk. Thus was the renowned *veto* act, the fruitful occasion of so many disturbances, and the rock of destruction to the Kirk. Rev. Henry Moncrieff, son of Lord Moncrieff, was the first rejection, his ministry having been refused by the weavers of Kilbride.

The people soon began to exercise the power entrusted to them by this act, and so industriously too did they act, that in less than three years, out of nearly one hundred vacancies, they had filled nearly one half according to their own wishes.

The legality of such proceedings was finally put to the test by Lord Kincaid, who had the right of presentation to Aucterader, but whose presentee was rejected. This case is famous. A detailed account of its rise and progress is furnished in the article which we have at present under consideration. "The suit commenced in October, 1835, was argued for ten days before the whole *thirteen*