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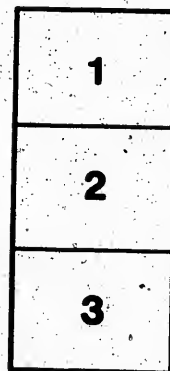
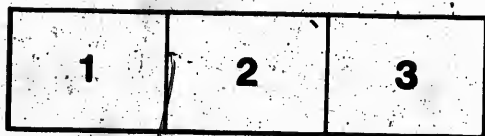
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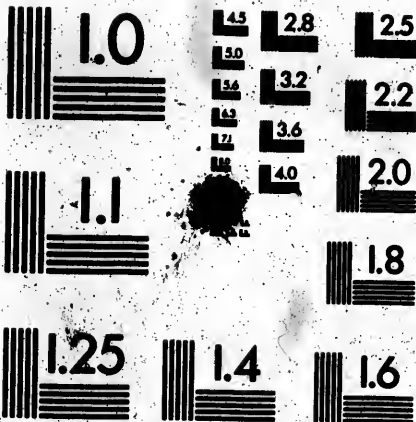
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TO SCOTSMEN,

AND OTHERS RESIDING IN THE BRITISH COLONIES, ATTACHED
TO THE STANDARDS OF THE CHURCH OF SCOTLAND.

RESPECTED FRIENDS AND BRETHREN,—

In the efforts which have been made to promote your spiritual welfare, it has hitherto been usual to address those under whose pastoral oversight you have been placed; but the duty which you are now called to discharge in consequence of the events which have happened in Scotland, not only justifies, but demands a special and direct address to yourselves.

Twelve months ago, about 500 Ministers and Professors, 2500 Elders, and 150 Probationers, voluntarily renounced their connection with the Scottish Church-Establishment, and became the "Free Church of Scotland." The people joined them in immense numbers, inasmuch that many of our Congregations continued almost entire. New Congregations were also formed in Parishes where the Ministers remained in the Establishment. Subscriptions were set on foot for building Churches, and for the support of the Ministry. Meanwhile temporary accommodation was provided in towns, chiefly through the kindness and liberality of Evangelical Dissenters. In the rural districts, the Word was preached, and the Sacraments were dispensed in the open-air, or in barns fitted up for that sacred purpose. No pause was permitted to occur between the hour of the disruption and the administration of Word and Ordinances in our new position. Ministers and their flocks were congregated as before, with this difference only, that they no longer worshipped in the churches which were hallowed by many pleasing recollections, and along with friends and neighbours, with whom we were accustomed to walk to the house of God in company.

Since the period to which we have now referred, the Free Church, in the face of the opposition of a hostile government, and a still more hostile aristocracy, has prospered to an extent far exceeding the most sanguine expectations. Its numbers have increased—Churches have been erected, or are being erected, in every corner of the land—it has its Presbyteries, and Synods, and General Assembly. A zealous—we trust we may add, with the exceptions common to all Churches—a pious, and devout people, make provision for the sustentation of the Ministry, and other necessary expenses. With the divine favour, we have every reason to hope, that holding steadfastly the great principles which distinguished the Church of our fathers, the Free Church will, as in former times, prove an unspeakable blessing to the land of our nativity.

Few, if any, among you, can be in ignorance of the fact, that

there has been such a revolution in our Church as we have now described. It has attracted the notice, it has excited the astonishment of the civilized world. It has called forth the admiration of many, the ridicule of a few, and the hatred and rancorous animosity of the enemies of the cross of Christ. The report, therefore, cannot fail to have reached your ears; and our brethren in North America, who have had an opportunity of listening to the Free Church deputations who have visited that part of the world, can be at no loss to form an enlightened and decided opinion upon this important subject. But we have no doubt there are many among you inclined to say, like the Jews at Rome to the Apostle Paul, "We desire to hear of thee what thou thinkest; for as concerning this sect, we know that every where it is spoken against." To satisfy this most reasonable desire, we beg leave respectfully and affectionately to submit to you the following statement:—

Most of you are aware, that soon after the glorious revolution in 1688, the law of Patronage was abolished in Scotland, and the right of nominating to vacant Parishes was vested in the Heritors and Elders, with power to the Congregation to object, on grounds shewn, to the Nominee. The Act of Parliament under which this change so favourable to the liberties of the Church was effected, was repealed in 1711, during the administration of the infamous Bolingbroke; the right of Patronage in all its force was restored, and under the said Act of Queen Anne, continues to be exercised till the present hour.

The exercise of the right of Patronage, however, was not absolute and unrestrained. From the era of the Reformation downwards, except in persecuting times, when the tyranny of the House of Stuart trampled on all law, and set all principle at defiance, it had been recognized as a fundamental principle in the settlement of Ministers that *no Minister was to be intruded into any Parish contrary to the will of the Congregation*. The pastoral relation, it was justly believed, could not be constituted without mutual consent—the consent of the Minister on the one hand, and of the Members of the Congregation on the other. For twenty years after the passing of the Act of Queen Anne, the patrons and Church Courts respected this principle. There were few or no settlements in the face of reclaiming Congregations. But a party in the Church, calling itself, by a strange abuse of language, the "Moderate Party," and the distinguishing feature of whose policy was an utter regardlessness of the conscientious feelings and wishes of the people, obtained the ascendancy in our General Assemblies. For nearly a hundred years, the leaders of that party were permitted, in the unsearchable providence of God, to lay waste the vineyard of the Lord in this land. The most unqualified and unacceptable presentees were, with the aid of the military and what were called Riding Committees, admitted into parishes; conscientious Ministers, who refused to be partakers in their evil deeds, were deposed; and

many thousands of the population were alienated from the Establishment, and became the Members of Dissenting Congregations.

During the whole period in which the so-called Moderate party was pursuing this reckless and anti-christian career, a minority in the General Assembly struggled and protested against it as unconstitutional and illegal, injurious to the Church Establishment, and hurtful to the interests of vital religion. God was pleased in mercy to send times of revival to our Church and nation. With a revival of spiritual religion, there was a return to Scriptural principles in the government of the Church. The Evangelical party—the true constitutional party of the Church of Scotland—commenced the arduous task of undoing the mischief of the preceding century, or, to use the form of speech which the celebrated Alexander Henderson applied to Prelacy—of overthrowing the Jericho of Scottish Moderatism.—They aimed at reviving the spirit of the olden times—at giving greater vigour and efficiency to our church courts in the exercise of discipline—at increasing the amount of Church accommodation—and restoring to Communicants that influence in the admission of their Ministers, of which they had been cruelly and unconstitutionally deprived.

With a view to the accomplishment of the last of these objects, the General Assembly, in the year 1834 and 1835, passed an Act, which some of you may have heard mis-called the *Veto Act*, in which it is declared and enacted, that “if at the moderating in a Call to a vacant pastoral charge, the major part of the male heads of families, members of the vacant congregation, and in full communion with the church, shall disapprove of the person in whose favour the Call is proposed to be moderated in, such disapproval shall be deemed sufficient ground for the Presbytery rejecting such person, and that he shall be rejected accordingly.”

The intention of the Church in this enactment was not to abolish or abridge any of the legitimate powers of the Church Courts, but to revive and bring into practical operation the fundamental principle to which we have already alluded; virtually to erase from our records the disgraceful precedents of former years; and to provide, that henceforth no minister shall be intruded on a reclaiming congregation.

No law ever was passed by a Legislative Assembly which worked more perfectly for the accomplishment of its object than the Non-intrusion Act of 1835. It went far to content the people; it restrained the patron from the arbitrary exercise of his rights; and above all, it took away from Presbyteries, the power of forcing an unacceptable presentee on an unwilling people.

Among the patrons there were exceptions to this remark. The Earl of Kinnoul, patron of the Church and parish of Auchterarder, having presented a person exceedingly obnoxious to the parish, an immense majority of the male heads of families objected to his admission; he was rejected by the Presbytery; and the deliverance of the Presbytery was ultimately confirmed by the General Assem-

bly. The patron and presentee brought the case before the Court of Session, and after lengthened pleadings at the Bar and discussions on the Bench, a majority of the Court found that the Presbytery of Auchterarder had "acted to the hurt and prejudice" of the patron and his presentee, "illegally, and in violation of their duty, and contrary to the provisions of certain Statutes libelled on." This judgment was carried by appeal to the House of Lords, the Court of the last resort in Britain, and affirmed.

The Presbytery, acting in obedience to the injunctions of the General Assembly, offered no farther resistance to the claims of the patron and presentee to the emoluments of the benefice of Auchterarder; but, regarding admission to the spiritual charge as a right or duty with which the Civil Court was not in any case entitled to interfere, and convinced that they could not admit the presentee without a gross infringement of the fundamental principle above mentioned, they refused to take any farther steps towards his settlement; whereupon Lord Kinnoul and the presentee instituted an action for damages to the amount of £16,000. Here, also, the Presbytery was unsuccessful, both in the Court below, and in the House of Lords. Contrary to all former practice, to the *dicta* of the most eminent Judges in former times, and in opposition to the recorded opinions of six out of the thirteen Scottish Judges before whom the question was brought, the Civil Court found that it was competent for it to compel the Church Courts to discharge the spiritual functions, and to ordain to the ministry, men whom we could not admit to the pastoral charge without violating the great fundamental principles of the Church of Scotland.

The contest between the Church and the Civil Courts, which, at its commencement involved only or chiefly the Non-intrusion principle, thus became a contest for the spiritual jurisdiction, or, as it is sometimes called the Headship of Christ. As it is on account of the infringement of the Church's liberties in this most important article of her constitution, that we have been compelled to forfeit the advantages derived from our connection with the State, it seems to be essentially necessary that we should lay before you what was the doctrine of the Church before the Disruption, and the passing of an Act of Parliament, commonly called Lord Aberdeen's Act.

This is expressed with great clearness in the Westminster Confession of Faith, which you are all aware is the recognized Confession of our National Church, in the following terms:—

"There is no other head of the Church but the Lord Jesus Christ." C. xxv. s. 6.

"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. To these officers the keys of the kingdom of Heaven are committed." C. xxx. s. 1, 2.

"The Civil Magistrate may not assume to himself the adminis-

tration of the Word and Sacraments, or the power of the keys of the kingdom of Heaven." C. xxiii. s. 3.

"God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men, which are in anything contrary to his Word, or beside it in matter of faith and worship."

The same doctrine is admirably and concisely expressed in the Second Book of Discipline, in the following sentences:—

"It is proper to Kings, Princes, and Magistrates, to be called Lords and Dominators over their subjects, whom they govern civilly. But it is proper to Christ only to be called Lord and Master, in the spiritual government of the Kirk; and all others that bear office therein ought not to usurp dominion therein, nor be called lords, but only ministers, disciples, and servants; for it is Christ's proper office to command and rule in his Kirk universally, and every particular kirk, through his Spirit and Word, by the ministry of men."

"The Magistrate ought neither to preach, minister the sacraments, nor execute the censures of the Kirk, nor yet proscribe any rule how it should be done, but command the ministers to observe the rule commanded in the Word, and punish the transgressor by civil means."

In accordance with these principles, so clearly and unambiguously expressed, the Established Church of Scotland, until a very recent period, held, as the Free Church of Scotland holds, that the civil power cannot lawfully interfere with the Church in the exercise of its spiritual jurisdiction, nor the Church with the civil power in its jurisdiction in matters secular. It acknowledges the supremacy of the Civil Courts in all questions of civil right; it claims for itself the same supremacy in adjudicating on matters spiritual. If, as may sometimes happen, the sentence of a Church Court affect the civil rights of an individual, the Church admits, that it is competent for the Court to judge of said sentence, so far as to determine the question of civil right, but denies expressly its competency to touch the spiritual procedure, or alter in the least iota, the sentence of the Spiritual Court, in its spiritual bearings and effects.

These are principles and rules of judicial procedures sanctioned and enforced by far higher authority than Books of Discipline, Confessions of Faith, and Acts of Parliament. They are the principles of the Word of God, and are essential to the existence of pure and undefiled Christianity. They are enjoined by the authority of the Lord Jesus Christ, the alone King and Head of his Church, who has promised to be with his servants in the observance of them to the end of the world. His kingdom is not of this world; it has its own Sovereign, its own judges, its own rulers, its own laws, with none of which the princes of this world, whether in their own persons, as in the days of the Stuarts, or by their judges, as in our day, are at liberty to interfere. Admit the

right of the civil power to interfere, and you convert the kingdom of Christ into a kingdom of this world. You dethrone the King of Zion, and put an earthly ruler in his place. Admit the right of the civil magistrate to interfere either in the settlement of Ministers, or in any other part of the spiritual province, and no man can tell how far that interference may go. Liberty of conscience is endangered—we had almost said, is at an end. Prelacy, Popery, any system of false religion, may be thrust upon you. On the contrary, hold fast the great principle of the exclusive jurisdiction of the Church in matters spiritual. Let the Church rule supreme within its own province, and the civil courts in theirs; and though occasionally there may be collisions between them, it will not be of long duration, or of fatal consequences—the honour of Christ as the Head of his Church will be maintained, good order will be preserved, religious liberty will be safe, and as a Church and people you may look with confidence for the blessing of the Almighty.

It was under the influence of these solemnizing, and deeply affecting considerations, that the Ministers, Elders, and People of the Free Church, contended so earnestly for the exclusive jurisdiction of the Church Courts in matters spiritual, and that, despairing of the recovery of their lost liberties, they came to the painful determination of dissolving their connection with the State. The last judgment in the Auchterarder case was not only the sentence of the Civil Court by which the Church's liberties were infringed, and its constitution subverted, but similar cases were brought before the Court of Session, which gave occasion to new and more extraordinary encroachments on the spiritual jurisdiction. Of these we give the following specimens, selected in substance from the Church's Claim of Right, to which we shall afterwards refer more particularly.

1. In the Marnoch case the Court of Session required and ordained a Church Court to take on trial and admit a probationer to the office of the holy ministry, and to intrude him on a congregation contrary to the will of the people.

2. It prohibited the Communicants of the Church and Parish of Daviot from intimating their dissent from a Call proposed to be given to a candidate for the ministry to become their pastor.

3. In the Stewarton case the same court granted an interdict (in England,—injunction) against constituting a new Kirk-session in a parish, to exercise discipline, and against altering its existing state “as regards pastoral superintendence, in Kirk-session, and jurisdiction thereto belonging.”

4. It interdicted the preaching of the Gospel and the administration of ordinances throughout a whole district, by any Minister of the Church, under the authority of the Church Courts, thus invading the privilege common to all the subjects of this realm, of having freedom to worship God according to their consciences, and under the guidance of the Ministers of the communion to which they belong.

5. It interdicted a Presbytery from proceeding with a libel against a licentiate for gross immorality—it suspended Church censures, inflicted by Church judicatories—it interdicted the execution of a sentence of deposition from the office of the holy ministry; and,

Lastly. It assumed to judge of the right of individuals elected Members of the General Assembly to sit therein, and interdicted them from taking their seats.

These examples may serve to show to what an alarming extent the Civil Court had carried its invasion of the spiritual jurisdiction. The Church, indeed, was accused of aiming at a Popish supremacy, and the boundary line it was pretended, could not easily be drawn between things civil and things spiritual, but in all the cases which arose, there was not the shadow of a ground for charging the Church with confounding that which was spiritual with that which was secular, and, in point of fact, such an allegation had not once been made from any quarter whatever. Not a vestige, then, of our spiritual liberty remained. All was swept away by the powerful arm of the courts of law. What, then, remained to be done? It was in vain to appeal against these illegal and unconstitutional proceedings, to the House of Lords. The expenses incurred by former appeals were enormous; and, looking to the opinions which the law lords then pronounced, and to the principle and rule of law laid down in the second judgment in the Auchterarder case, the most sanguine could scarcely entertain any hope of redress.

In these circumstances, the first impulse on our mind was to leave the Establishment. It was impossible for us to act under the law as declared by the Civil Courts, without deeply wounding our consciences, and violating our ordination engagements; and it was nearly as impossible to withstand the coercion of the Civil Courts. We had long contemplated the possibility of such an issue. Many of us were fully prepared to adopt that last—that fearful resolution. But we were not at liberty to do so until we had used every expedient which our judgments suggested for averting the disruption, it might be, ultimately the overthrow of our National Church. Accordingly, as one of the last of these expedients, the General Assembly of 1842 adopted, and transmitted to Government a document, entitled, “The Church of Scotland’s Claim of Right,” in which after quoting calmly and dispassionately the various Treaties and Acts of Parliament by which the liberties of the Church of Scotland were ratified and secured, the General Assembly in an equally calm and dispassionate manner, proceeds to enumerate what it regarded as the infractions of these Laws and National Treaties by the Civil Courts, asks redress from their unconstitutional and illegal encroachments—declares that it cannot submit to these encroachments, and solemnly protests against them as void and null, and of no legal force or effect.

No answer was made to this communication, until, in the month of November following, a Memorial on the same subject was presented to Her Majesty’s Government, by the Commission of the

General Assembly, when the Moderator received a reply from Sir James Graham, the Secretary of State for the Home Department, which was the very reverse of satisfactory.

One duty, and only one, now remained to be performed. It was from the State that the Church received its *status* and endowments—it was by the State that its liberties as an Established Church were ratified and confirmed. We had appealed to the House of Lords—we had Memorialized Her Majesty's Ministers in vain: We had not yet gone to Parliament—Parliament had not expressed its mind upon the subject. An extraordinary meeting of Commission of the General Assembly was therefore called on the 31st of January 1843 when a Petition was prepared, which was afterwards presented to the House of Commons, by the Right Hon. Fox Maule, and on a motion for inquiry by the same gentleman, was taken under consideration on the 7th and 8th March. After a lengthened and animated debate, the Motion was negatived by a large majority, not of Scotch Members, (for we rejoice to say there was a majority of our Representatives in our favour), but of English and Irish Members.

The day at length arrived which was to try the strength of our faith—the sincerity of our oft-repeated professions. Jehovah granted an answer to many prayers. He sent help from his sanctuary, and strengthened us out of Zion. On the 18th of May, 127 withdrew from the General Assembly of the National Church, and on the Tuesday following, along with other Brethren, 384 who held their principles, resigned their *status* and emoluments as Ministers of the Established Church, casting themselves and their families on the Providence of their Master whom they served, and preferring poverty and want, with the approbation of God, and their own conscience, to the comforts and worldly advantages of a fallen and dishonoured Church.

We trust it has been shown in the statement of facts which has been laid before you, that the dissolution of our connection with the Establishment was unavoidable. It was the result of a succession of events in Providence, over which we had no control. No means were neglected which, in our judgment, could avail to ward off so great a national calamity as the disruption of our National Church. Only one alternative was left. Either we must sacrifice our principles, and with them our peace, and the interests of vital Christianity, or our *status* and emoluments as Members of the Scottish Establishment. We chose the latter part of the alternative—we have never repented of the step which we took; and we have been confirmed in the truth and righteousness of our cause, by the fact that no attempt has been made to answer the protest which we laid upon the table of the General Assembly of the Established Church.

You may be inclined, however, to ask whether, since the disruption, the evils complained of have not been remedied by the Scotch Benefices Act, commonly called Lord Aberdeen's Act—

and whether, on the ground of that enactment, the door has not been opened for our return to the Establishment.

In answer to this inquiry, we think it scarcely necessary to do more than quote a description which one of our number has given of the enactment referred to:—"It gives," said our reverend brother, "as much power to the people as the Presbytery chooses to grant, and as much power to the Presbytery as the Court of Session will allow." The Act of Lord Aberdeen has sealed the fate of the Established Church—it has extinguished at once the Non-intrusion principle, and the doctrine of the Supremacy of Christ. Far from remedying the mischief occasioned by the illegal judgments of the Civil Courts, it has confirmed them by the greater power of an Act of the Legislature. It mocks the people by professing to give them a right of objecting for reasons assigned; whilst it renders the possession of that right altogether nugatory by the nature of the evidence required in proof of the objections. It gives them nothing—it has taken everything away.

We wish it to be particularly observed, that in bringing forward the Bill, it was not professed by Lord Aberdeen, or any of his coadjutors in Parliament, that it was their intention to restore the spiritual jurisdiction of which the judgments in the Auchterarder Case had deprived us. On the contrary, every one of them repudiated in the strongest language that great and essential principle, and our determined adherence to it has been the cause of the dissolving of our connexion with the Established Church; and Sir Robert Peel, referring to this subject in his speech on the Irish question, has expressed himself in language so strong as to leave not the shadow of a doubt respecting the meaning and intention of the Act. The Civil Courts have, under form of law, done that in our day which the Sovereign did, in a more arbitrary manner, in the 16th and 17th centuries. The liberties, in defence of which our forefathers shed their blood are no more—at least they no longer exist in the Established Church. Bereft of the freedom which was its chief glory—despised and deserted by the people, it stands forth the miserable fragment of a once noble edifice, about to be razed to its foundations by the first popular commotion, or by the powerful hand of a strong hostile Administration.

All our Missionaries, and almost all the Protestant Churches, in our own and foreign countries, have declared in the warmest manner their approval of our principles, and of the course which we have pursued. We earnestly invite you seriously and prayerfully to consider the Statement which we have considered it our duty to lay before you, and to avow your adherence to those sacred principles for which we, after the example of our forefathers, have been required to contend and suffer. We need hardly say that we address this invitation to you, from no hope or desire of receiving any temporal advantage from your compliance with our request. It is not union, (that is, incorporation with you), that we desire; we wish to see you as free and independent of us, and of every other Church

in Britain, as our brethren in England have lately proclaimed themselves to be. Our earnest wish and prayer is, that you may be one with us in principle. We would have you clear from the heinous sin of dishonouring your Divine Master, by denying the supremacy of His Word, and virtually admitting the right of the Civil Ruler to come between your conscience and the commandments of the living God. The doctrine of Christ's supremacy is not peculiar to the Free Church. It is, or ought to be, the fundamental principle of every Church. The Church which disowns it, whether in its standards, or in its practice, forfeits its title to be regarded as a Church of Christ. It matters not in what part of the world men live, or under what peculiar form of civil government, the obligation to maintain the principle of the spiritual jurisdiction is the same. In the performance of their religious duties, whether as private persons, or as spiritual rulers, they must obey God rather than man.

It has grieved us exceedingly to learn, that in some of the colonies the Church Courts have issued a somewhat uncertain sound on this important and momentous question; and that, by the confession of some of their members, they have been induced to adopt this course by the fear of putting in peril their temporal interests. The Free Church Colonial Committee has already addressed your Church Courts on this subject, and we fondly hope that our expostulation has not been in vain. We rejoice to know that, as in Scotland the adherence to Free Church Principles is greater in proportion on the part of the people than of the ministers, so it is with you; and that some of your pastors are alive to the necessity of an unequivocal declaration of their attachment to the first principles of Protestantism, and of religious liberty. If the spirit which actuates her Majesty's Government at home be felt in an equal degree in the colonies, these faithful pastors may, and in all likelihood will, suffer for their fidelity. We are persuaded that you will not desert them in the hour of trial. By every act of kindness in your power, convince them that they have the sympathy of the people; and that you will, through God's Grace, be ready to suffer with them, and to aid and encourage them in their sufferings. Make it evident to the world in these times of spiritual danger and alarm, that you will not be moved by any temporal considerations to desert the post of duty, and the spiritual leaders who continue faithful to Zion's King. Be valiant for the truth. The glory of your Divine Master, the very existence of Christianity, your own happiness, and the welfare of your children, and your adopted country, depend, under God, on your taking the Bible as your only rule of duty, and on your resolutely refusing to acknowledge the right of a fellow creature to overrule or restrain you in the discharge of your duty to God.

Finally, brethren, Farewell; be faithful unto death, and God will give you a crown of glory.

JOHN SYM,

*Convener of the Colonial Committee
of the Free Church of Scotland.*



