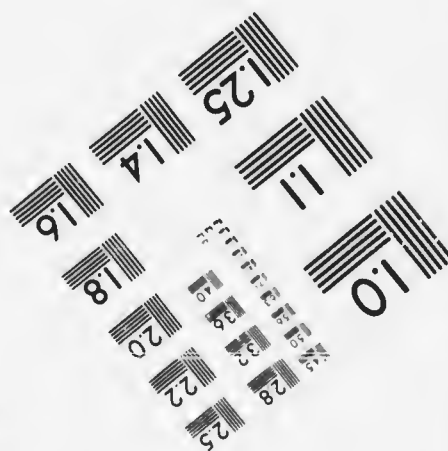
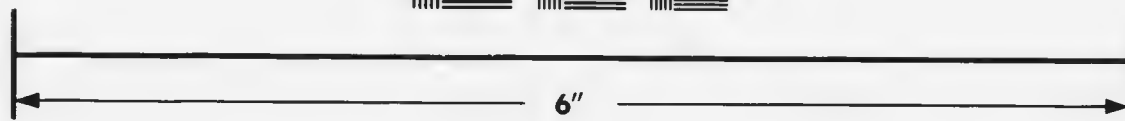
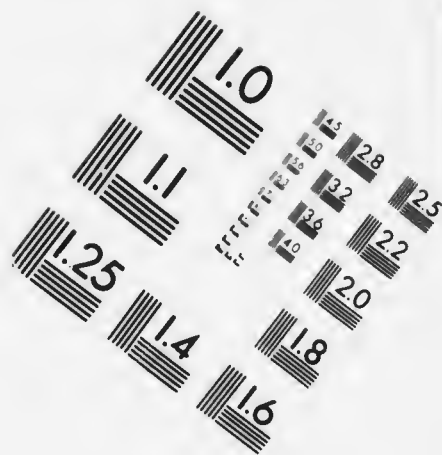




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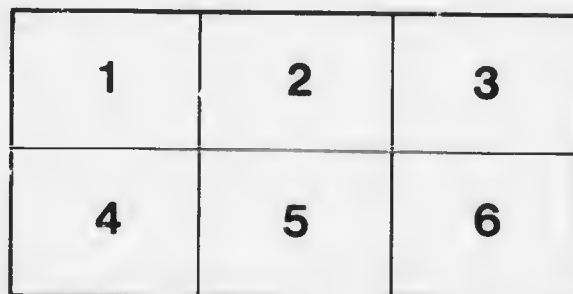
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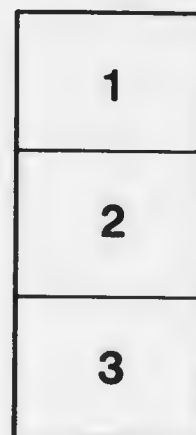
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NARRATIVE OF EVENTS
ISSUING IN
THE INSTITUTION
OF
THE FREE CHURCH OF SCOTLAND
IN
SEPARATION FROM THE STATE.

—♦—
"Shake thyself from the dust, arise and sit down, O Jerusalem;
loose thyself from the bands of thy neck, O captive daughter of
Zion."—ISAIAH lii. 2.

—♦—
BY REV. ANDREW KING, A. M. S. T. P.
PRESBYTERIAN COLLEGE, LOWER PROVINCES OF BRITISH
NORTH AMERICA.

—♦—
Halifax, N. S.:
PRINTED BY JAMES BARNES, 179 HOLLIS STREET.
1861.

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1861.

The following Lecture was one in a Course of Lectures on the Disruption, delivered by Ministers of the Free Church, in Glasgow, during the winter of 1843--4. Its publication here may be acceptable to many who may have no access to Dr. Buchanan's elaborate work, "The Ten Years' Conflict;" and the present aspect of affairs shows the importance of giving prominence to principles, which are worth all the sacrifices which the Free Church made in maintenance of them; but which, having been yielded up by the present Established Church of Scotland, are now in the course of being assailed even in the case of non-established Churches.

LECTURE.

REVIVAL AND ASCENDENCY OF EVANGELISTIC MEN AND MEASURES—
PASSING OF THE VETO—CONFLICTS WITH THE COURTS OF LAW—
CONVOCAION OF MINISTERS—REJECTION OF THE CLAIM OF
RIGHTS BY THE LEGISLATURE—DISRUPTION AND RE-INSTITUTION
OF THE ASSEMBLY, 18TH MAY, 1843

GENERAL STATEMENT OF THE SUBJECT.

JESUS CHRIST loved the Church and gave himself for it. He ransomed her with his own blood, he dispenses to her the Holy Spirit, whereby she shall be adorned with the beauties of holiness, and in due time he will present her to himself a glorious Church, not having spot, or wrinkle, or any such thing, but holy and without blemish. In the progress of this work, however, we often find her placed in circumstances that seem to hold out little promise of that glory in which she shall at length shine forth. The redeemed of the Lord are gathered out of the lands, from the East and from the West, from the North and from the South, and they for whom a home of truest bliss is prepared may be seen wandering in the wilderness, in a solitary way, finding no city to dwell in. For the purpose of gathering in and perfecting his Church for himself, Jesus Christ has appointed the ordinances of his grace. He hath given some, apostles; and some, prophets; and some, evangelists; and some, pastors and teachers; for the perfecting of the saints, for the work of the ministry, for the edifying of the body of Christ. Associated together in the observance of his ordinances, his people stand out in the world as those who are not of the world. It is true, many are associated with them in the outward relations of his Church who have no spiritual connection with him; but still it is as professing to be his followers that they occupy a place in his visible Church. Her character is that she is not of the world—she is essentially opposed to the world, which

lieth in the wicked one. Conflicts, therefore, must necessarily take place. She assails the world, and she is assailed by the world. In this struggle, her victory indeed is secure through the Captain of her salvation; but as in the progress of the contest she is often found unwatchful, unfaithful, so in righteous retribution for her sins she is sometimes found grievously oppressed by those who say to her soul, Bow down, that we may go over; and before whom she has laid her body as the ground, and as the street, to them that went over. The oppression may lead her to enquire wherefore it is that she is thus dealt with. She may thus be led to consider whence it is that she has fallen, and to mourn over those sins which have provoked the Lord to give her into the hands of her enemies, and when, in these circumstances, she raises her cry of distress to Him who hears the groaning of the prisoner his help is near. He tells her her duty. In doing so he reminds her of her privilege, and addressing her as Jerusalem, which is appointed to be free, He says, as in the words of our text, "Shake thyself from the dust, arise, and sit down, O Jerusalem; loose thyself from the bands of thy neck, O captive daughter of Zion."

These words may be interpreted as having a special application to the Jews, and the concluding clause of the first verse, "for henceforth there shall no more come into thee the uncircumcised and the unclean," shows that in their fullest accomplishment they contemplate the final emancipation of the Church, when she shall sit down as a queen upon her throne; but they are capable also of being applied in a general sense to other deliverances. Often has the Church been found in a state of captivity. Often have her daughters sat down by the rivers of Babylon and wept at the remembrance of Zion, as they hanged their harps upon the willows. Often has the Lord been near to comfort her in such circumstances, and to announce the deliverance which he was about to work, while he pointed out to her the duty to which he was calling her. The narrative of this evening, we believe, will show clearly that the Lord has been saying to a portion of his Church in our own land, "Arise, and sit down, O Jerusalem; loose thyself from the bands of thy neck, O captive daughter of Zion."

The events which it unfolds have an important bearing on the interests of religion, they embody a testimony for great Bible truths, and the instruction which may be drawn from them is of such a character that a portion of the Lord's day may be profitably employed in learning the lessons which they teach.

As Brown of Wamphray long ago remarked, it hath been the lot of the Church of Scotland, from the very beginning, to be put to wrestle against the powers of the earth encroaching upon the prerogatives of Jesus Christ and the privileges of his Church. It was hoped, indeed, that the Revolution Settlement had raised an effectual barrier against these encroachments for the future—that the Church which, besides her previous witnessings, had just been tried with a grinding persecution of twenty-eight years, had at length found a shelter, and that in her subsequent progress she would not only be undisturbed, but would be countenanced and cheered on by the civil magistrate, an ordinance of the same God whose servant she is. And it were ungrateful not to acknowledge the goodness of God in the rest with which she was favoured and the degree of countenance which she enjoyed. Those who survived of her persecuted ministers were restored, that form of Church government which she maintained as of Divine authority was re-established, and her people were again privileged to sit under their vine and under their fig tree, none daring to make them afraid. But still even that settlement contained elements of evil. The statesmen of the day manifested the same jealousy and dislike which worldly politicians have always entertained of a Church spiritual in its character, scriptural in its ordinances, and free in the exercise of all its functions. Not that we mean to say that the Church renounced her principles, or engaged to forego any of her scriptural privileges; but we do admit that the state did not ratify them to all the extent in which they had been acknowledged at the period of the Second Reformation. Without, however, entering into details as to this, we have to notice that the provision which was made for admitting into ministerial charges men who did not hold the principles of Presbyterian government, introduced a corrupt element into the

Church, and serves to explain how it was that when, in violation of most solemn national compact, patronage was restored, so many men were soon found prepared not merely to submit to the encroachment, but to be pleased with it, and to apply the enactment with a rigour against the liberties of the Church, which the civil judges do not seem to have considered as necessarily involved in the law. *They* held that "the calling of a minister was a matter belonging to the internal policy of the Church, with which their lordships had nothing to do;" and while they did adjudicate on the civil rights connected with a presentation, they refused to interfere with the Church Courts in the spiritual matter of a call. But the men to whom we have referred, did not profess to see any scriptural authority for the distinctive ecclesiastical principles of the Church of which they had become ministers. They seem to have lost sight even of the object of the Christian ministry itself; and, as if its grand end were merely to secure a living to the presentee, they effected settlements in open defiance of the will of the congregation, at the expense of scattering many a flock, and in utter disregard of the mind of Him who hath given pastors and teachers for the perfecting of the saints, for the work of the ministry, for the edifying of the body of Christ.

Even in the darkest periods of the last century, there was always a considerable minority who resisted and protested against these proceedings, as being in opposition to the Word of God, inconsistent with the Constitution of the Church, and such as were not required even by the civil law of the land. These protests, however, were disregarded. The people were treated with contempt, and their privileges were trampled under foot. Many of the most godly of them sought refuge in the Churches of the Secession and the Relief. Others of them, still attached to the Church of their Fathers, mourned over the grievous defections which had taken place, and directed their prayers to Him who could give them pastors after his own heart. In some cases, their prayers were evidently heard, but still the number of ministers who were cold, careless, unsound in the faith, infidel even in their principles, and immoral in their conduct, continued to increase; and, towards

the end of last century, so far had the corruption gone that a movement was seriously contemplated by a considerable body of the ministers, to get rid of what they considered the trammels of the Confession of Faith. The rulers of the country, however, were at that time too much alarmed by the proceedings of those who were given to change, to encourage any tampering with the institutions of the country : and the movement was happily put a stop to. And here we have to notice that, while in the oppression with which the Church was thus tried, we see the working of the prince of this world, the special agents employed were the rulers themselves of the Church. They were saying to her soul, Bow down that we may go over. Men of worldly minds had intruded themselves, and had assisted to intrude others into the office of the ministry, and through their efforts it was that our Zion was thus found as in the dust, her body laid as the ground and as the street to them that went over. But a time of revival was at hand. Corrupted and guilty as our Church had become the Lord had not cast her off—He regarded the prayer of the destitute—He did not despise their prayer. That Church, it is true, contained ministers who could stand forth in her highest Assembly and scoff at the idea of a mission to the heathen, but it also contained ministers who could rebuke their ungodliness—it contained ministers and people to whom Jesus Christ was precious, who sighed and cried for all the abominations which were done in the midst of the land, and who prayed that God would arise and have mercy upon Zion. He would not destroy this Zion, for still a blessing was in it ; and, when the darkness had become so deep, the dawn of a better day began to appear.

REVIVAL AND ASCENDENCY OF EVANGELISTIC MEN AND MEASURES.

Many still remember the alarm which the convulsions of the French Revolution, towards the end of last century, created in this country as to the stability of our own institutions. They who were anxious to maintain peace and order in society could not but observe how little influence those time-serving ministers who had been hitherto especially pa-

trionized possessed over the minds even of their own people. They saw that they could not be looked to as the salt of the earth, that they were no source of strength in the time of danger, but that the true conservators of the country were those who laboured to imbue the minds of the people with the principles of the gospel, who, in the faithful preaching of Christ crucified, endeavoured to commend the truth to every man's conscience, teaching them to live soberly and righteously and godly in this present world. This was one circumstance which, in the providence of God, led to an improvement in the distribution of Church patronage. But besides this, and some other causes which might be noticed, there is reason to believe that the improvement was in no small degree owing to the progress of vital religion among the higher classes of society. Since the beginning of this century there has been an evident quickening among them, and, as a natural consequence, anxious to enjoy the benefit of ministrations which might be nourishing to their own souls, and feeling more deeply the importance of employing such influence as they might possess for securing faithful ministers to districts even where they themselves might not be resident, they did exert themselves in a way that has told most beneficially upon the interests of religion. Nor let any opponent ask with an air of triumph as if the answer must be unfavourable to our cause, With what consistency or honesty could men holding such principles as we now maintain enter a Church which, according to our statement, was so corrupt, and involve themselves in engagements which they must have felt to be so enslaving? The corruption was simply in the majorities of our Church Courts—the tyranny was exercised within the Church by her own rulers. The *principles* of the Church were still pure and scriptural, and they who received ordination engaged to administer her affairs according to the principles which had been found in the Bible, and which were set forth in her own standards. Men of evangelical views therefore could have no difficulty in the case. They did not admit that the standards which they engaged to maintain sanctioned the corruptions which they lamented. They did not admit that the terms of the establishment, even

under the law of patronage, required the violent settlements which had been so often perpetrated. With all the civil judges, except some of the present day, they held that even under that law, the Church was free to follow out the rule of Christ's house, in attending to the will of his people as to the appointment of a pastor over them; and, notwithstanding recent decisions of civil courts, and the determination of the State to uphold these decisions, we still venture to maintain that they were right in so holding. Cordially approving of the principles of the Church of Scotland, and accepting of presentations, not as the title to the spiritual cure, but as that which, upon their settlement, gave them a right to the provision secured by the State for the support of the ministry, they could with a good conscience embrace an opening for usefulness in the Church, where they might not only labour with advantage in that particular portion committed to their care, but where also they might be able in some degree to counteract the influence of those who were labouring to pervert the gospel ministry to mere secular ends. They did accordingly continue to increase, and although a considerable length of time elapsed before they obtained a majority, yet their influence was felt, and the character of that influence was marked, in the improved style of preaching as to the statement of gospel truth, in the increased attention which was paid to the ordinary duties of the ministry, in the stricter administration of discipline, and in the efforts which were put forth to advance the interests of religion at home, and to send the light of the gospel to the heathen abroad. The strength which they had acquired was very distinctly marked in 1825, when, under the guidance of one into whose labours we have entered, they successfully resisted the settlement of a man who could not even speak to the people over whom it was proposed to place him, in the only language which a considerable proportion of them understood.

PASSING OF THE VETO.

It was in 1834 that the evangelical party obtained a decided majority in the supreme court of the Church, and then, acting in perfect consistency with all the principles which as a body they had ever maintained, and for which as a minority

they had long protested and struggled, they passed what has been called the Veto Act, declaring that no minister should be intruded on a congregation contrary to the will of the people. And here we have in the first place to notice the principle of the Act itself. It was not, as it has been sometimes represented, an innovation on the Constitution of the Church of Scotland, but a re-assertion of what had been always a fundamental law, although a law which had been often violated. Nor, whether we consider it as originally embodied in the Constitution of the Church, or as subsequently re-declared at different periods of her history, was it an enactment enjoining certain duties or conferring certain privileges on the people *as by human authority*, but it was a recognition of the place which the Christian people occupy in the formation of the pastoral relation on the authority of God's Word, and a statement of certain rules to be observed in order that that place might be kept inviolate. On the one hand, the office-bearers of the Church are enjoined not to lay hands suddenly on any man, and, however urgently the people may require it, it is at their peril to proceed to ordination till they are satisfied of the qualifications of the individual whom it is proposed to ordain. But, on the other hand, they are bound to respect the mind of the Christian people on whom also Christ hath laid the duty of trying the spirits—a duty connected with a heavy responsibility—and it is only when they have found a people calling a person to be their pastor, that they are constitutionally and scripturally in a position to enter upon their part of the trials, to ascertain whether they may warrantably proceed to his ordination. The presentation, till the new light of the present day, was held both by civil and ecclesiastical authorities simply to secure a temporal provision to the presentee *in the event of his being settled in the parish*. In this view he was sent by the Presbytery to preach before the congregation, that they might have an opportunity in his case of obeying the injunction "Try the spirits," and of ascertaining that of which they are the proper judges, namely, how far his gifts were suited to their capacities and calculated to promote their edification. They expressed their mind as to this at the moderation of the call, and, where the way was

thus made open for further proceedings, the Presbytery, on being satisfied with that part of the trials which belonged to them, went on to form the pastoral relation on the ground not of the presentation but of the call: To proceed to a settlement in opposition to the mind of those who, holding their place on the communion roll, were recognised as the Christian people, would be an act of tyranny, and an open disregard of the authority of Him who hath forbidden his ministers to act as if they were lords over God's heritage. This, however, was a tyranny which had been often, and for a great length of time, exercised over the oppressed people of our Church. The Church Courts had enjoyed full liberty in judging of what they would sustain as a call. In some cases they had refused to proceed in the face of opposition, or in the want of a call; nor had their decisions in these matters ever been interfered with. But, in a far greater number of cases, they had disregarded the will of the people altogether, and proceeded to the settlement of pastors over them in the face of their most solemn protest. Now, it was to regulate the exercise of a power which they always possessed that the Veto Act was passed. The Church Courts had declared in each individual case what they would or would not hold as a sufficient call. This discretionary power had been abused. Calls had been sustained which were a mere mockery—the paper itself named a call, without a single signature, has been held sufficient. To guard against the recurrence of such evils, it was enacted that where a certain amount of opposition was expressed, no discretionary power was left to the Presbytery—that they must set the presentee aside where a majority of male heads of families, being communicants, dissent from his settlement, declaring that they do so from a regard to their edification.

But, having made these remarks in reference to the principle of the Act, let us now in the second place attend to some of its details. Fully as the mind of the Church was made up upon the point that it had no right, nay, that it was forbidden by the authority of its Head to intrude a pastor upon a reclaiming people, there still remained the enquiry, How can this principle be carried out in consistency with existing re-

lations between the Church and the State? Can the privileges of the people be secured, and the national provision for the support of the ministry be at the same time preserved? They knew well how important it was for the country that that provision should continue to be enjoyed, they knew well that no enactment of theirs could abolish patronage, or prevent the enforcement of such civil rights as the law had connected with it, and they were well aware that even in maintaining a constitutional principle there might be a risk of taking unconstitutional steps, and of interfering unnecessarily and incompetently with vested rights. Consultation was had therefore with the most eminent lawyers of the day, not for the purpose of learning from them whether the principle that no man should be intruded upon a congregation contrary to the will of the people was to be maintained—that was held as of Divine authority—but for the purpose of learning from them how it might be so enforced as not to trench upon existing civil rights. It was upon mature deliberation with them that the special mode of maintaining the principle embodied in the Veto Act was adopted, and upon the passing of that enactment the highest legal authority in the empire* spoke of it in his place in Parliament as follows: “My Lords, I hold in my hand a great number of petitions, from a most respectable portion of His Majesty’s subjects in the northern parts of this island, all referring to one subject—I mean Church Patronage in Scotland, which has greatly and powerfully interested the people of Scotland—for many months past—and respecting the expediency of some change in which there is hardly any difference of opinion among them. The late proceedings in the General Assembly, have done more to facilitate the adoption of measures which shall set that important question at rest, upon a footing advantageous to the community, and that shall be safe and beneficial to the Establishment, and in every respect desirable, than any other course that could have been taken: for it would have been premature if the Legislature had adopted any measure without the acquiescence of that important body, as no good could have resulted from it. I am glad that the wisdom of the General

* Lord Chancellor Brougham.

Assembly has been directed to this subject, and that the result of its deliberations has been those important resolutions, (viz., the Veto Law,) which were passed at the last meeting."

Notwithstanding the abuse which it has since met with, the law was not undeserving of the commendations which were bestowed upon it. Its working was such as to conciliate many who seemed at one time to be its most determined opponents. Although patronage still existed, the people enjoyed comparative freedom; and notwithstanding a case or two where the people seemed to exercise their right too much under the influence of caprice, yet little should be said of these cases by men who are prepared to submit to the ordeal required now in the Establishment, an ordeal which secures no real benefit to the people, but exposes the presentee to insult and degradation.

CONFLICTS WITH THE COURTS OF LAW.

That malignant Spirit who labours to enslave the Church, being through the passing of this enactment deprived of one instrument of oppression, found another that might be rendered still more available for his object. At the moderation in a call to the presentee to the parish of Auchterarder, only two parishioners signed the call, while two hundred and eighty-seven male heads of families, communicants, personally appeared before the Presbytery and stated in their presence their dissent as to this presentee being intruded upon them. After various proceedings in the Church Courts, the General Assembly finally rejected the presentee; whereupon the patron and he carried the case into the Court of Session, who found that the Presbytery in rejecting the presentee on the ground of the dissent of the parishioners had acted illegally, and in violation of their duty. This judgment, having been appealed from by the General Assembly, was affirmed in the House of Lords. Before the General Assembly, in 1838, resolved to carry that appeal to the court which at length came to this decision, they had taken care to guard against any compromise of the spiritual jurisdiction of the Church under Christ her King, by declaring most explicitly that it was only the civil matters involved in the question which they could submit to the judgment of the civil court, and that,

whatever might be the judgment of that court as affecting spiritual things, they must still feel themselves bound to follow out the instructions of their Head given in his own Word, and set forth in their standards. When the decision accordingly was given, they submitted most implicitly to its authority as to things civil, and acknowledged that now they could have no claim to the temporalities in behalf of any person whom they might settle in that parish, so long as the presentee continued to hold his presentation. They refused, however, any obedience to the civil court giving orders as to spiritual things; and would not take any farther step towards the settlement of a person whom the congregation had declared they could not receive as their pastor.

This conduct was stigmatized as dishonest and rebellious. It was maintained that those ministers who felt restrained by conscience from taking any part in such a settlement ought to resign their charges, and retire from a Church the duties belonging to which they could not in conscience discharge. But to this there was a satisfactory answer. The civil law, as hitherto interpreted and applied, was understood to provide, not that the Church should be disestablished, or that individual ministers in a majority should forfeit the benefit of the establishment, where they might refuse to settle even a qualified presentee; but that, in such a case, it should be lawful to the patron to retain in his own hand, for pious uses, the stipend in that particular parish from which his presentee was excluded. The Church had acquiesced in this, she understood the alternative, she made her choice. She chose rather to forego the temporalities in the parish of Auchterarder, than to force a man upon the reclaiming people, and she repudiated the charge of rebellion. Aware, however, of the evil that must result from a continuance of the law in such a state, the General Assembly appointed a committee for the purpose of considering in what way the privileges of the national establishment, and the harmony between Church and State, may remain unimpaired, with instructions to confer with the government of the country, if they shall see cause.

This committee entered into correspondence with government and with different individual statesmen, and for a time

there seemed to be some prospect that their labours might result in such a settlement of the law, as might secure the liberties of the people in connection with the benefits of the establishment. On the one hand, it was not made a preliminary towards an arrangement, that the Church should, in the mean time, submit to the authority of the civil courts in ordering the settlement of the presentee at Auchterarder; and on the other, the committee were not instructed to insist, nor did they insist, on the maintenance of what is peculiarly styled the Veto Act. On the contrary, while they declared themselves bound and determined to make no compromise as to what is called the non-intrusion principle, as being of Scriptural authority, they did themselves suggest different modes by which that principle might be maintained although the Veto Act were repealed; and they showed themselves ready to receive from those with whom they were corresponding, any proposal as to what might secure this principle, whatever change it might require in the Veto Act. They were open and candid in stating all along that they had no authority, and were not disposed, to agree to any proposal that implied *a sacrifice of the liberties of the Christian people*; but they showed at the same time that any concession short of this they were prepared to make, in order to restore those good relations which should subsist between Church and State.—With one or two exceptions, however, the statesmen with whom they corresponded had made up their minds against that principle which the Church was bound to maintain. The publication of the correspondence has shown that on their part the object was, not to find out the most expedient mode of maintaining the non-intrusion principle, but how they might entrap the committee, and through them the Church, into an acquiescence in a measure which, seeming to grant what was required, might really annihilate the liberties of the people. And while this presents the character of our statesmen in a light which it is painful to contemplate, it shows at the same time what cause there is to bless God for the direction which he afforded to the Church, in transactions of so much difficulty and delicacy. It may have been, according to the opinion of some, that the committee in their anxiety

to avert, if possible, the breaking up of the establishment, and reposing in the candour and high minded principle of some with whom they were negotiating a confidence which was ill deserved, did for a time listen favourably to proposals which, if they had been finally agreed to, might have trenched upon the principle which they were bound to maintain; but now that the disruption has taken place, it is satisfactory to think that if in any respect there was an error committed, it was not in a precipitate or reckless rejection of what might have been accepted with a good conscience, but in the extent to which they were willing to concede in order to secure peace.

While these fruitless negotiations were going on, farther inroads were made upon the liberties of the Church. A probationer who had been for upwards of two years assistant in the parish of Marnoch, and whose labours had been so unacceptable to the parishioners that they applied, and succeeded in their application, to have him removed, was, upon the death of the incumbent, presented to that charge. Only one parishioner signed his call, while about two hundred and sixty male heads of families, communicants, entered their solemn dissent against his settlement. He was accordingly set aside. The patron acquiesced, and presented another, to whom the people gave a harmonious call. In the mean time, however, the judgment which we have already noticed was given in the Auchtermarder case, and upon this, Mr. Edwards, the presentee who had been rejected, applied to the Presbytery of the bounds to be taken upon trials in order to his settlement. To avoid any thing that might embarrass the proceedings of the committee which had been appointed to correspond with Government, the General Assembly had directed Presbyteries not to proceed in any disputed cases, but to report them to next Assembly. The majority of the Presbytery of Strathbogie, however, instead of attending to this instruction, without even waiting for any interference of the civil court, entered upon their minutes a resolution to proceed towards the settlement of Mr. Edwards. The Commission before whom this case was brought had in such conduct ground for proceeding against these individuals in the way of ecclesiastical censure, but, waiving this consideration of the subject, they

suspended them for a time from the functions of the ministry, not in the way of ecclesiastical censure, but to render them incapable of engaging in that rash proceeding upon which they were bent, which would necessarily add to the difficulty of obtaining a satisfactory settlement, and also to relieve them from any responsibility to the civil courts for the delay in the settlement of Mr. Edwards. When the matter came before the Assembly, these proceedings of the Commission were approved of, and the conduct of the seven ministers who constituted the majority of the Presbytery of Strathbogie was declared to be highly censurable. A committee was appointed to confer with them, that, if possible, they might be brought to a sense of their duty, but the attempt did not succeed. They were therefore anew suspended by the General Assembly. The Commission was authorized to repon them to the office of the ministry on their expressing regret for the course which they had pursued, and their determination to submit to the superior Church Judicatories and to withdraw some proceedings which they had instituted in the civil court; but they were also instructed, in the event of these ministers continuing contumacious and violating the sentence of the Assembly, to prepare a libel against them, and to proceed in the prosecution of it till the case should be ripe for judgment, and to report the case to the next Assembly.

The seven ministers who had altogether disregarded the sentence of the *Commission*, and had obtained from the Court of Session an interdict against the intimation of it, looked upon the deliverance of the *Assembly* in a different light. They felt that an authoritative judgment had been pronounced against them, and that under it they had no right to exercise the functions of the ministry. They did accordingly for a time refrain from discharging ministerial duty, but they applied to the *Court of Session* to reverse the sentence of the Assembly, to restore to them their ministerial powers, and to interdict any who might be sent under the authority of the General Assembly from preaching or discharging other spiritual duties within the bounds of their respective parishes. That court was very willing to receive their application, it pretended to remove the spiritual censure, it pretended to re-

store to them their ministerial power, and, *upon this commission from the civil court*, did these men consider themselves entitled to resume the functions of the ministry. Now, this was equivalent to a renunciation of the doctrine of our Confession of Faith that the civil magistrate may not assume to himself "the power of the keys of the kingdom of heaven," "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 to these officers the keys of the kingdom of heaven are committed." It was a transference of their allegiance from the true Head of the Church to the civil magistrate, it was applying to Caesar for the keys of Christ's house. This charge, therefore, was embodied in a libel against them, and, as the facts were not disputed, they were deposed by the Assembly of 1841.

It has been said that these men were deposed for obeying the law of the land, but nothing can be more unwarranted than such an assertion. There was no law of the land, there was no authority of any civil magistrate, requiring them to apply to the Court of Session to reverse the sentence of suspension pronounced by the General Assembly, and to commission them anew to act as ministers of the gospel. This was a voluntary act of their own, in which they violated those engagements under which they had come at ordination to be subject to the judicatories of this Church, and when, upon the warrant of a mere civil magistrate which they thus obtained, they presumed to dispense the most solemn ordinances of our religion, they were guilty of a gross desecration of these ordinances. One of their acts was, going through the form of ordaining Mr. Edwards and inducting him into the charge of the parish of Marnoch, without the presence of a single parishioner except one, who was there not to countenance the profanation of sacred things, but to discharge his duty as a magistrate. Proceedings such as these had been ratified by the Court of Session, and it was in order that such men might be left undisturbed, that the ministers authorized by the Church of Scotland were interdicted from preaching or discharging any other ministerial duty in their parishes. By an Act of Parliament still on the statute book it is statute and

ordained, "That the Lords of their Majesties Privy Council, and all other Magistrates, Judges, and Officers of Justice, give all due assistance for making the sentences and censures of the Church, and Judicatories thereof, to be obeyed, or otherwise effectual as accords," and another recommends that some effectual course be taken "for stopping and hindering these ministers, who are, or shall be hereafter deposed by the Judicatories of this present established Church, from preaching or exercising any act of their ministerial function, which," it is added, "they cannot do after they are deposed, without a high contempt of the authority of the Church, and of the laws of the kingdom establishing the same." Instead of acting upon these instructions, the Court of Session, as if eager to exercise its new found power in spiritual things, granted an interdict, which it was attempted to serve upon the Assembly itself, prohibiting the intimation and execution of the sentence of deposition which had been passed upon the ministers of Strathbogie. Without, however, attempting even to enumerate the various interdicts which that court granted on different occasions against the proceedings of Church Courts, and against individual ministers and elders and members of the Church in the discharge of spiritual duties, such as preaching, dispensing the ordinance of the Lord's Supper, exercising discipline, and expressing their mind at the moderation of a call, we would direct attention to one other case which brought out a new class of matters in which the liberties of the Church have been most materially interfered with.

An Act of Parliament passed in the reign of Queen Anne having rendered the subdivision of civil parishes dependent on the concurrence of heritors possessed of at least three-fourths of the valuation of the parish, almost an entire stop had been put to the erection of new parishes, although the population had greatly increased. To supply in some small degree the deficiency of ministerial instruction and superintendence, a few Chapels of Ease had been erected; but as the ministers of such Chapels did not themselves possess, and were not supported by, an eldership possessing that right of rule which was enjoyed in the ordinary parochial congregations, and which is an ordinance of Christ for the edification

of his people, they had never been encouraged to any great extent. Under authority of an Act of Parliament, about forty Churches with a small endowment had been erected in certain districts of the Highlands, but the ministers of these also were excluded from a seat in the Church Courts. In 1833, however, upon the report of a committee which had been sitting under the authority of the General Assembly for several years, the ministers of these Parliamentary Churches were raised to their proper station in spiritual things, and authorized to take their place in the Church Courts. A similar Act was passed next year in reference to the Chapels of Ease; and this immediately gave such an impulse to the cause of Church extension that, whereas not more than about sixty Chapels of Ease had been erected during the preceding hundred years, in the course of the following year about that number of new Churches were erected by the voluntary contributions of the people. The number of these continued every year to increase, and they received a still farther accession, by the union which was effected in 1839 with the body of the Old Light Burghers. One of the congregations thus received was situated in the parish of Stewarton, and the Presbytery of the bounds were in the course of fulfilling the appointment of the General Assembly in laying out a district to be connected with the Church for spiritual purposes only, when, upon an application by some of the heritors, and especially the patron, who is himself a minister of an independent congregation there, an interdict was granted by the Court of Session, prohibiting the Presbytery from receiving the minister into their court to sit and vote as a member of Presbytery in matters connected with the parish, from assigning to him a parish, from constituting a new and separate Kirk Session having jurisdiction and discipline over the proposed new parish; and generally from innovating upon the existing parochial state of the parish as regarded pastoral superintendence, its Kirk Session, and jurisdiction and discipline belonging thereto. Although this interdict was granted in reference to the individual case of Stewarton, on being rendered perpetual it established a principle to be applied to all similar cases. Its effect was to exclude upwards of two hundred ministers

from the exercise of that pastoral authority which had been conferred upon them by the Church Courts acting in the name and by the authority of the only Head of the Church; it was to annihilate upwards of two hundred Kirk Sessions, and to deprive as many congregations of that pastoral superintendence, the prospect of which had encouraged them to make that effort which had resulted in the erection of so many Churches. In short, it went to bind up the Church from obeying, even in behalf of her own people, the solemn charge of the Chief Shepherd delivered through one of his inspired servants, "Feed the flock of God which is among you." So completely did it lay the Church under the feet of the Court of Session, that one of the Judges in delivering his opinion from the Bench said, "If the principle contended for by the suspenders be well founded, viz., that we can always enter the Church Courts, and control their ecclesiastical acts where these appear to us to be illegal, then it seems to me that this result—namely, that the Church has no independence whatever, is inevitable. This result is not avowed. On the contrary, it is deprecated. The suspenders profess the utmost reverence for the exclusive jurisdiction of the Church, in what they term its proper concerns; but they never give even a single example of what these concerns are. And I find that they do not consider the Church's jurisdiction as exclusive, in what I deem its most purely spiritual region. For instance, they hold the Church to be entirely subject to this Court, at least in the form of damages, in giving or withholding ordination, in suspension, in deprivation, and in disposing of claims for seats in its own courts; in other words, throughout the whole admission, exclusion, and discipline of its ministers, and in the power of determining the composition of the tribunals, on which the whole business of the Church depends. After this, I cannot fancy the act so spiritual as that the Court of Session cannot subvert it. It would be the greatest satisfaction to me, if I had one single such act specified."

The Court of Session having now interposed to control the Church in every department of spiritual duty, in the admission and ordination of ministers, in preaching the Word, in dispensing the sacraments, in administering discipline both in

reference to ministers and private members, in the constitution of her courts, and in making provision generally for supplying the destitute of her population with gospel ordinances; it remained that one other step should be taken to rivet the whole, and to show how completely the Church, according to their view, should be regarded as *the creature of the State*. This rivetting was in the course of being effected, in their finding that an action of damages lay against a Presbytery for not discharging what they were pleased to term their statutory duty. To this conclusion they had come, in a process which had been raised by the presentee to Auchterarder against the Presbytery of the bounds, for damages for injury which he alleged he had sustained by their refusal, in the circumstances which we have described, to induct him into the ministerial charge of that parish. It is true, their judgment was still under appeal to the Court of Review, but the Court of Session had declared its mind, and, encouraged by the prospect which was held out, various parties were taking steps in different quarters to coerce the Church, by similar processes, into proceedings from which she felt herself debarred by the authority of her Divine Head.

The General Assembly of 1842 "taking into consideration the solemn circumstances in which in the inscrutable providence of God the Church was now placed, and that notwithstanding the securities for the government thereof by General Assemblies, Synods, Presbyteries, and Kirk Sessions, and for the liberties, government, jurisdiction, discipline, rights and privileges of the same, provided by the statutes of the realm, by the constitution of this country, as unalterably sealed by the treaty of union, and by the oath inviolably to maintain and preserve the same required to be taken by each Sovereign at accession, as a condition precedent to the exercise of the Royal authority—these have been of late assailed by the very court to which the Church was authorized to look for assistance and protection, to an extent that threatens their entire subversion, did solemnly resolve and agree in terms set forth in the document called *THE CLAIM OF RIGHT*. This document states the principles of the Church as embodied in her standards, and these as founded on the Word of God, con-

cerning the Headship of Jesus Christ, the government which he has appointed in his Church, and her exclusive jurisdiction in all matters spiritual; it quotes various Acts of Parliament in which this doctrine, constitution, government and exclusive jurisdiction have been recognised, ratified and confirmed; it narrates the encroachments of late made by the civil courts on the liberties of the Church, and claims protection from these encroachments, with an appeal to the Christian people of the country and all the Churches of the Reformation, as to the scriptural character of the principles for which she is suffering, and which she is still determined by God's grace to maintain. It was agreed that this claim should be laid before Her Majesty with a humble Address, and that copies also should be transmitted to the several Churches with which this Church is in correspondence, and to such other quarters as the Special Commission might direct.

In little more than two months after the rising of that Assembly, the case as to the claim of damages on the part of the presentee to Auchterarder against the Presbytery for not proceeding in his trials was, in the Court of Ultimate Appeal, decided against the Presbytery. The principle upon which the decision was given is embodied in the following remarks of one of their Lordships in giving his opinion: "It is fit," he says, "that these men," (that is, the Presbytery,) "learn at length the lesson of obedience to the tribunals which have been appointed over them, a lesson which all others have long acquired, and which they, as learning it, should also practise. It is just that they should make reparation to those whom their breach of a plain duty has injured. The duty is not doubtful. The courts have laid it down. Their failure is not a mistaken opinion; their fault is not an error of judgment. They know what they ought to have done, and they refused to do it. The penalty of their transgression is to make compensation to those whom they have injured by their pertinacious refusal to perform their duty, and yield obedience to the law." Now observe what is the amount of this judgment. The Confession of Faith declares that the Lord Jesus as King and Head of his Church hath therein appointed a government in the hands of the Church Officers *as distinct*

from the civil magistrate—the statute law of the land declares “that there be no other jurisdiction ecclesiastical acknowledged within this realm, other than that which is and shall be within the same Kirk, or that flows therefrom, concerning the premises;” and yet Presbyteries are here required to *obey the orders of the Court of Session, as a tribunal which is placed over them*—it belongs to that court to lay down to them their duty, and they must be punished as transgressors if they fail in obedience. It is not merely, as was formerly supposed, that the temporalities in a particular parish shall be forfeited if the presentee be not settled, but the Church is not left to choose an alternative, the courts have laid down her duty, *and must be obeyed*. In deference to those who, in the settlement of a minister, enquire only who is to enjoy the stipend, she must disregard the will of Him who hath given *pastors for the edifying of his own body*, and if she hesitate to obey man rather than God, she must be coerced by the application of civil penalties. And who that understands and cordially approves of the principles of our Church, as of Bible authority, could ever come under such obligations? It was indeed new to us to hear that these were the obligations connected with the enjoyment of the establishment. We had not been accustomed so to read the history of our witnessing forefathers as to suppose that their struggles had resulted in a settlement such as this. We had not been accustomed to think that it was their oppressors who had triumphed, when James was driven from the throne, or that they who under the tyranny of that despot and his predecessors had taken joyfully the spoiling of their goods, and exposed themselves to death rather than renounce their allegiance to Jesus Christ, had at length, when their principles were in the ascendant, renounced all for which they had hitherto contended, and, while rejoicing in the Revolution as that which brought them rest which they could enjoy with a good conscience, were actually laying their body as the ground, and as the street to them that went over.

Such, however, was the import of these decisions; and it now became a matter of solemn enquiry, If these are the principles on which the State is to maintain its connection

with the Church, can they who hold by the principles of the Church remain in connection with the State? It is true, it was only the decision of a court, although that the supreme court, which had been given. The State, upon the case being laid before it in its true bearing and extent, might so interfere, either by declaration as to what it held to be the import of past enactments, or by new enactments altogether, as to hold out the benefits of the establishment on such terms as could be accepted of with a good conscience. But still, whatever hope might be entertained as to this, the emergency was most urgent. Not a few were now in deep perplexity as to the propriety of continuing a day longer in an establishment the conditions of which, as thus promulgated, they could not in conscience fulfil; and even those who could see clearly the difference between the decision of a court, and the expression of the mind of the State, who were most firmly persuaded that, before taking any decided step towards a separation, they should give the Legislature an opportunity of considering the Claim of Right, and showing in their treatment of that document whether or not they would homologate and maintain the principles involved in the decisions of which we complained, were convinced that there was a loud call for earnest prayer and mature deliberation, in order to be prepared for the coming crisis.

CONVOCATION OF MINISTERS.

In the providence of God, the ministers occupied that position which became them, as watchmen and pastors. They were in the front of the conflict. They were to be first in suffering. They needed special guidance. In order, therefore, that by conference with each other, and that by engaging together in prayer to their common Lord for light for direction and for grace in their time of need, they might be prepared to glorify him even in the furnace, a meeting was called of those ministers who had hitherto advocated those principles which were now so strenuously assailed. The Convocation accordingly was held at Edinburgh in November 1842, attended by nearly five hundred ministers, many of them from the remotest parts of the country, and of these not

a few whose whitened heads and tottering steps showed how urgent they must have felt that call to be which could bring them so far at such a season. The meeting consisted exclusively of ministers, and it was soon felt that there was the breathing of a spiritual atmosphere. With whatever feeling of despondency any might have assembled, and whatever differences of opinion there may have been at first as to the course to be pursued, these gradually and very soon disappeared. Not that they brought themselves to believe that the cloud would be dissipated without bursting, for in the progress of the consultations the sacrifices that might be required were contemplated calmly, steadfastly, and in all their magnitude. But the importance of the truth to be contended for, the interests of the Church, and the glory of the Saviour, as involved in the maintenance of these truths, were also contemplated; and when from time to time in their felt helplessness they lifted up their voice in prayer to Him whose help they so much needed, it was felt that He was near causing light to arise in darkness. It was indeed a time of refreshment to the weary soul. Resolutions were at length agreed to, stating the view which the members of Convocation entertained of the position in which the Church was now placed, and the course to which in duty they would be shut up, if the grievances under which it laboured were not redressed. These, with a Memorial, were submitted to Her Majesty's Government; and an Address was issued to the people of Scotland. After sitting for a week, the Convocation closed its deliberations with a public meeting for thanksgiving, and, dark as the prospect was, few meetings we believe have ever been held in Scotland where there were so many joyful hearts. Light had been cast upon the path of duty. In the providence of God, the different questions had been so accumulating and converging to one point, that they were not called to place their testimony on matters of human policy or doubtful expediency, but upon the essential verities of the gospel, the crown rights of Him against whom the Kings of the earth set themselves, but of whom Jehovah says "yet have I set my King upon my holy hill of Zion." They had given themselves, their families, and their flocks, to be disposed of ac-

according to the will of their Master; and, although they saw the mustering of hostile powers, they had been seeing also the King in his beauty; and, looking with confidence to the Captain of their salvation, now more than ever were they disposed to say, the Lord is our Judge, the Lord is our Law-giver, the Lord is our King, he will save us. They who had seen in each other so much of an earnest desire to know the path of duty that they might be found there, whatever danger might arise, were brought also to regard each other with increased confidence—with more love. They were now united in a closer brotherhood: and as they separated, each to his own post of duty, while they turned towards homes where sad countenances would meet them, where many cares would press upon them, homes which they must now prepare to leave for the intruder, there was still a pleasure in the thought that the brethren with whom they had been taking such sweet counsel would be found pleading for them at a throne of grace throughout the whole extent of the land.

REFLECTION OF THE CLAIM OF RIGHTS BY THE LEGISLATURE.

The results of the Convocation were most beneficial, not in influencing the mind of the Government, but in the preparation which was now made for the approaching disruption. Church Supporting Associations were called into existence. Information was diffused both by circulars and by public meetings held over the whole extent of Scotland. Funds also were raised for the contemplated expenses of building places of worship, and supporting the ministers who were soon to be deprived of those resources which they had hitherto enjoyed. Nor was this activity uncalled for. The Court of Session, by farther decisions which we will not now particularize, perfected that system of Erastianism which their past decisions had gone so far to establish. They claimed a right *to constitute the minority of a Presbytery into the Presbytery itself*, preventing the majority from interfering in the proceedings, and virtually, therefore, suspending that majority from their judicial functions. They confirmed the interdict which had been formerly issued in the case of Stewarton, prohibiting the

Presbytery of the bounds from making provision for the spiritual wants of a considerable portion of the people under their care, and with respect to whom there was lying upon them the charge, "Feed the flock of God which is among you." At length, too, the mind of the State had been made known in a way which even the most obtuse might understand. In answer to a Memorial from a Commission of the General Assembly calling his attention to the Claim of Right, Sir James Graham, on the part of the Government, stated in effect that they regarded the claims which were preferred as altogether inadmissible. The House of Commons, after two nights debate, refused even to take the Claim into consideration, and the House of Lords dismissed it in a still more summary manner. There needed now, therefore, only the meeting of the General Assembly, from whom the Claim of Right had emanated, in order finally to effect a separation from the State—a State which had shown, by conduct incapable of being misunderstood, that *it would not uphold the Church but in the condition of a slave.*

In the progress of this most momentous struggle, the leadings of Providence had been very remarkable. Even where the mind was most firmly persuaded of the truth of the principles contended for, and the importance of maintaining them, it was often, in looking forward to certain emergencies, difficult to see what would be the proper line of conduct; and as often, when the emergency did occur, and the step behoved to be taken, was it found that circumstances were so ordered as to leave those whose minds were made up upon the principle in no doubt that there was but one course which they could with propriety take. This was especially felt in the steps immediately connected with the disruption. It had been often matter of anxious enquiry, How is the separation to be effected? Must it be by a vote of the Assembly? In the event of a considerable number giving way, so that a majority might be against the motion, how would that affect the character of the proceeding? And even in the event of a majority standing true, could a vote of the Assembly dissolve a relation formed by Act of Parliament, and to be maintained as an essential part of the

Union Settlement? There were even ominous expressions thrown out by men in high station, of the danger of being found guilty of high treason, were any attempt made to pull down the National Church. The proceedings of the Court of Session removed all these difficulties. They had issued interdicts which prevented the election of some members to the Assembly; and, in the case of some who had been elected, they had issued interdicts to prevent them from taking their places. They had interdicted certain members the year before, but these interdicts were violated without scruple, as the mere unconstitutional actings of a particular court. Now, however, that the mind of the State had been expressed as determined to uphold their proceedings, they were viewed in a different light. To violate the interdict now would be to engage in a contest with the State, in a matter in which it was acting under its own responsibility to God; and yet for other members to take their place in the Assembly, and to pretend to carry on its business while their brethren were thus excluded, would be an acquiescence in the invasion of the liberties of the Church. The members of Convocation, therefore, having been again brought together a few days before the meeting of the Assembly, maturely considered this matter, and came to the conclusion that they could not regard the Assembly about to be held in these circumstances as a free and lawful Assembly, elected according to the laws and constitution of the Church of Scotland. A protest to this effect, and embodying a short but clear statement of the principles contended for, was drawn up and signed by two hundred and three ministers and elders who had been commissioned to sit in the Assembly.

DISRUPTION AND RE-INSTITUTION OF HER ASSEMBLY,
18TH MAY, 1843.

At what would have been the time for constituting the Assembly after prayer, Dr. Welsh, the Moderator of the last General Assembly, read this document, laid it upon the table, and withdrew, followed by about two hundred of the members. These walked down, not in formal, but still very

solemn procession, to a large hall which had been prepared ; and there, again calling upon the name of God, and acting upon the commission which they had already received, they constituted themselves into the General Assembly of the Free Protestant Church of Scotland. A great body of ministers and elders holding the same principles had been assembled in Edinburgh, and these ministers, amounting to about three hundred, with an elder for each congregation, were upon their signing their concurrence in the Protest, received as members of the Assembly. Measures were immediately taken for effecting a formal separation of the individual ministers from the Establishment, and a deed of demission having been prepared, they signed it, thereby resigning, (but still with a reference to the Protest and claim of right,) all title to the temporalities which they had enjoyed from the State, as ministers of the Establishment. (A corresponding document was prepared for the elders.) This document was appointed to be recorded in the public Registers, and a copy of it was sent to the Assembly of the Establishment. The Assembly immediately entered upon arrangements for supplying ordinances to the numerous congregations for whom they had to provide. And here they found much to encourage them in what had been already accomplished through the Church support Associations. Through the labours of different committees, they obtained most interesting information as to the state of the different congregations, and even already there was an encouraging prospect as to the means that might be available for the support of ordinances throughout the country.

Let us recognize the hand of Providence in the way in which we have been thus far conducted, let us thank God and take courage. Our new position must require efforts to which we have been hitherto unaccustomed, but "the silver is mine, and the gold is mine, saith the Lord of hosts ;" and it is He that saith "Go up to the mountain, and bring wood and build the house, and I will take pleasure in it, and I will be glorified."

