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THE COMMISSION OF THE GENERAL ASSEMBLY  
OF THE CHURCH OF SCOTLAND 1690-1735

SUMMARY

A Thesis presented to the Faculty of Divinity  
For the Degree of Ph.D. in the University of  
Glasgow

Ralph E. Green  
May 1969

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THE COMMISSION OF THE GENERAL ASSEMBLY  
OF THE CHURCH OF SCOTLAND 1690-1735

SUMMARY

Chapter one of this thesis is rather a lengthy introduction that traces the genesis of the Commission back to the years just after the Reformation in Scotland. The development thereafter is followed to the re-introduction of a hierarchical system of Church government in the early 1600s which made the appointment of a Commission of the Assembly unnecessary. The story is taken up again in 1638 after the Glasgow General Assembly which ousted the Bishops and re-established Presbyterianism in Scotland. A long discussion follows about the appointment of Commissions which attempts to show the reasons for its appointment and the responsibilities given to it. Since the Commissions of Assembly of this period served as the model for those to be established after the Revolution some time is taken showing the various things that the Commission was able to do, and its relationship to the Scottish government. The conclusion of this chapter is a discussion of how the Presbyterianism of the Covenanting days came to its ruin, and how the Commission of Assembly became involved at that time.

Chapter two begins the main part of this research and takes up an interesting period of time. Because of the turmoil of the times many of the records of this period are lost, and unfortunately the Records of the Commission of the General Assembly from this time were lost in a fire in Edinburgh in 1701. The research of this chapter is an attempt to show what in fact the Commission of Assembly did in this period just after the Revolution, using the best available sources that are left. The Commission appointed in 1690 is investigated, why no Commission was appointed in 1692 is taken up, and the work of the 1694 Commission of Assembly is fully discussed.

Chapter three deals with a period in which the Commission was used to try and stabilise the position of the Church in the country. These were especially trying years for Scotland economically and politically. This chapter, which deals with many things of a mundane character, helps to show

Summary

the part the Commission played in re-establishing itself in the north of Scotland, and the part it played in defending the Church against the intrigues of the Church's rivals. In this time we also become aware of some of the discontent in the Church about the Commission, and its regulation which took place in 1705 is discussed.

Chapter four is about a subject that holds a great deal of interest for most historians of Scotland in that it is involved with the Union of the Parliaments of Scotland and England. Here an attempt is made to show the very important part played in those negotiations by the Church as it was represented by the Commission of Assembly.

Chapter five covers the period of time just after the Union until the end of the reign of Queen Anne. This involves us with a discussion of how the Church tried to cope with the Union. Later in the chapter The Commission becomes involved in a struggle to maintain some unity in the Church as the new Parliament of Great Britain passes into law a bill for Toleration of the Episcopalians in Scotland and a bill to re-establish patronage. In this period the Toleration was considered the most destructive to the interests of the Church particularly since it involved the Church in having to subscribe an oath of Abjuration. The two opinions that had existed in the Church of Scotland for over a century finally developed into two distinct camps or parties, and the story of the Church over the next two decades is about this conflict within that had been forced from without.

Chapter six is about the period from the beginning of the reign of George I until the year 1724. In this period the Commission of the Assembly begins to take on a different character dictated by the growing feeling in the Church of Scotland between the two main streams of opinion. In this period the Church becomes embroiled in a doctrinal dispute, finally comes to some resolve about the abjuration, and is entangled in difficulties associated with patronage. This chapter ends with <sup>the</sup> major attempt at a regulation of the Commission which failed.

### Summary

Chapter seven is a particularly vital chapter in this thesis which tries to show the complexity of the Commission's task in trying to restore a kind of unity to the Church. Here the major issue is patronage, the rights of a congregation in a Presbyterian Church with regard to calling a minister and the limits allowed for ministers to exercise the right of dissent and the right to speak about what they believe are defections in the Church. Here the Commission is shown trying to bring about a submission to the authority of the General Assembly and to the law of the land.

Chapter eight discusses the Commission's involvement in the events that brought about the Secession, and shows that in the aftermath of that particular tragedy the Commission had its former powers stripped from it. In the attempt to accommodate the Seceders the Church had forced upon it the regulation of the Commission that had been threatening for years previous to that event. From this point the Commission declined as an arm of the Church capable of being of any great influence. It is pointed out that this did not mean the Commission was finished, for, of course, it still exists today. It is said finally that the Commission remained of use to the Church, and it evidently still is, but without its powers, which it exercised prior to 1735, it could hardly affect the Church as it had done on several occasions up to that time.

The thesis is concluded with a short chapter that tries to bring together briefly some of the points that had been raised in the thesis, and tries to show that one must take into account the Commission of Assembly if one is to truly understand the history of the Church of Scotland prior to 1735.

Following the conclusion there is a full bibliography of everything read or consulted in the preparation of this thesis. Finally there is a rather long appendix which the author hopes will be of some use to those who may read this thesis.

THE COMMISSION OF THE GENERAL ASSEMBLY  
OF THE CHURCH OF SCOTLAND 1690-1735

A thesis presented to the Faculty  
of Divinity for the Degree of Ph.D.  
in the University of Glasgow

May, 1969

by

Ralph E. Green, B.A., B.D.

TO MY WIFE - JEANNE

Whose abiding love, understanding,  
help, and companionship has been a  
constant source of strength and  
encouragement to me.

AND TO OUR CHILDREN

RALPH EDWARD

AND  
DEBORAH

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## PREFACE

It has been nearly a century since Alexander Mitchell and James Christie edited a three volume work for the Scottish History Society of the records of the Commission of the General Assembly during the years 1646-1653. Since that time the subject of the Commission of Assembly has received little attention. At the suggestion of a friend of mine I decided to examine the manuscript records of the post-revolution period, and found masses of material that has been ignored for over two centuries. These manuscript documents help to add light to a period of Scottish history about which little is known. In this thesis I have attempted to show the development of the Assembly's Commission, some of the things that it did and had responsibility for, and the reasons for its decline as a body that could be of influence in the Church of Scotland. It must be realised straight away that the Commission with which this research is concerned is far different from the Commission of Assembly that exists in the ecclesiastical structure of the Church of Scotland of today. It was an interesting study for me because the Commission became involved in some of the great events of that time, and indeed in some of the matters that still affect Scotland today. For example, the Commission played a leading role in the negotiations that eventually brought about the Union of the Parliaments of England and Scotland in 1707. From a historical point of view such a study seemed necessary because it helps to clarify and explain why certain events happened as they did in the Church's history. One needs cite only the period immediately following the revolution of 1690, a period with few surviving records, to illustrate the point. There is much confusion in the minds of historians about what really happened in this time between Presbyterians and Episcopalians. It is my hope that this thesis can add a little more to the fund of knowledge about that particular time.

This research is original, in that the major documents involved were the manuscript records of the Commission of Assembly. The records are extant from

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from 1701 to the present day. Unfortunately the records of 1690-1700 were lost in the great Edinburgh fire of 1701. Such a study meant reading several thousand manuscript pages of Commission records. These records lead me to the various Synod records and Presbytery records of that period, and to the important collections of manuscripts from that time such as the Wodrow manuscripts in the National Library. Also of great use was the collection of Miscellaneous General Assembly papers that are stored in the National Register office.

I feel that it is incumbent upon me to mention with gratitude the many persons without whose help this work could never had been done. I especially want to thank my adviser, the Reverend Mr Ian A. Muirhead, M.A., B.D. for being constantly available to aid me and direct me to various sources of information, and for the friendly constructive criticism that he has offered. Without his scholarship and his knowledge my task would have been very much more difficult. I am very grateful to the General Administration Committee of the Church of Scotland and to the Right Reverend James B. Longmuir, D.D., for granting permission and arranging for the depositing of the Commission Records in the University of Glasgow. I wish to express my appreciation to Mrs Ronald Carr, head of the Inter-Library Loan office in the University of Glasgow Library for keeping these records in her office during the time when they were in the old University Library, and to Mr Richard Dell, Archivist of Glasgow Corporation, for allowing these records to be kept in the Glasgow city Archives during the summer of 1968 when the University library was closed in order to allow for the transfer to the new library building, and to Mr Clifford Dobb, head of the Special collections room of Glasgow University Library where the records have been kept for me since the new library has been opened. My thanks also to Mr. R.O. MacKeown, head Librarian of the University of Glasgow Library and his staff and particularly Miss Elizabeth Jack, Reference Librarian, for help rendered. I would be remiss if I did not acknowledge the guidance, help, service, and friendly advice of Dr. Stewart Mechie, librarian, of the Trinity College Library. Many thanks also to Mr John Howard, head librarian of

New College Library and his staff, also to the Trustees of the Library of the National Library of Scotland and to Mr William Park, Keeper of the Manuscripts, and his staff, also to Mr G. P. Finlayson, keeper of Manuscripts at the University of Edinburgh Library and his staff, and finally to Sir James Fergusson of Kilkerran, Keeper of the National Register Office, but especially to Mr Andrew Anderson, in charge of the Research room.

This thesis could never have been finished at this time without the assistance of the staff of the Renfrew Highschool, and thus my thanks go to Mr William A. Carmichael, Headmaster, and to Miss Sandra Lochhead and Mrs Margaret Andrews who typed chapter four and some of the Appendix. I am especially indebted to Mrs Thomas Howatt for typing chapters one to three and the greater portion of the Appendix and to Mr Thomas Howatt for his services. Last but certainly not least I thank my wife for many hours of proof-reading and for assisting me in putting this thesis together.

I could not conclude this preface without acknowledging my appreciation to the Renfrew Old Parish Church where we have spent three wonderful and memorable years. My thanks to them for interest and encouragement as my work progressed. Since we probably would not have undertaken to come to Scotland for this period of study without the advice and inspiration of Dr and Mrs Ralph Graham, we wish to express our kind regard for them by thanking them in this way for encouraging us to come. Lastly I thank my parents, Mr and Mrs Wallace Green, and my wife's parents, Mr and Mrs Wilfred Reese for everything they have done for us in our youth, and while we have been away from them these three years.

R.E.G.

## ABBREVIATIONS

Throughout the thesis the Records of the Commission of the General Assembly of the Church of Scotland are referred to simply as the Records.

B.U.K.           Book of the Universal Kirk

Chapter I

Introduction

Genesis of the Commission

GENESIS OF THE COMMISSION OF THE GENERAL ASSEMBLY OF THE CHURCH OF SCOTLAND

In the spring of the year 1560 the Ecclesiastical jurisdiction which had weighed so heavily on Scotland was abolished. It was imperative, from the point of view of the state, that some form of Church government should be put in its place. John Knox and some of his friends, "received a charge...requiring and commanding...", them to prepare a plan showing how the Kirk might be established with a good and Godly policy.<sup>1</sup> A book of Discipline was written which received the approbation of the reformers who had constituted themselves as the Church of Scotland.<sup>2</sup> There was enough opposition, however, in the Privy Council to keep this Book of Policy or Discipline from receiving the sanction of the civil Government. The Church therefore claimed the right to settle its own constitution regardless of the State's sanction.<sup>3</sup> While they boldly confessed Christ as the only Head of the His Kirk and clung tenaciously to their right to exist as a reformed Church under this new polity, it was at the same time recognised that the Kirk needed the secular arm of the state to disentangle the Scottish society from the Roman Church and its Canon law which had controlled all things civil and sacred.<sup>4</sup> There was an attempt made to work off the limits of the civil and ecclesiastical jurisdictions in the newly constructed book of Discipline.<sup>5</sup> This was not a very successful attempt since the Kirk did not own the Queen's favour, but it was made clear that the Reformed Church believed that there not only existed Christ's Church holding its own authority and doing its work in the exercise of ecclesiastical discipline, but the civil magistrate regulating the temporal interests of the nation.

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1. Laing, David, (Ed.), Works of John Knox, Vol. II pages 182-183.
2. Row, John, History of the Kirk, page 16.
3. Calderwood, John, History of the Kirk of Scotland, Vol. II, pages 185, 206. Records of fourth General Assembly June 1562 when book of Discipline was used to try Superintendents and December 1562 Trial and Entry of Ministers.
4. Laing, David, (Ed.), Works of John Knox, Vol. II, pages 108-109, 109-111, 118-119, Scot's Confession 1560 sections 16, 18 and 24.
5. *Ibid.* page 227. The sin of adultery, for example was to be dealt with by the civil magistrate and not by the Church; the 'oppression of the poor by deceiving of them', in buying and selling by 'wrang mete or measure', was to be dealt with, not by the civil magistrate, but by the Church.

It was desirable that the Parliament should ratify the principles embodied in the Church's constitution and the Crown sanction them. Yet while Mary was on the throne she would not countenance any other legal establishment by the Church of Rome. During the remainder of her reign she steadfastly refused to grant the royal assent, and tried in vain by various intrigues to restore the country to the Roman See. The Reformers and those statesmen sympathetic to their cause were concerned, but realised that for the moment, they were strong enough to get along without it.<sup>6</sup> They were sure that the Acts which overthrew Popery and recognised the Reformed Church's Confession of Faith and Book of Discipline were valid. The Church survived for seven years under the strong leadership of John Knox without any formal ratification for her discipline.

On the 24th day of July 1567, Mary abdicated in favour of her infant son. A Regency was required. The Earl of Moray saw it his duty to take the reins of government into his hands.<sup>7</sup> Thereafter the Kingdom of Scotland in all its parts felt the benefit of the change. The revolution gave to the Reformed Church, for the first time, full recognition and establishment. The Acts of 1560 were ratified establishing the Reformation and abolishing jurisdiction of the Bishop of Rome. The Parliament ratified the Confession of Faith again and settled the terms of the coronation oath, binding the sovereign to the Protestant religion. They ordered some adequate provision to be made for the support of the ministry, giving them the first claim on the thirds of the benefices.<sup>8</sup> What most concerns us is that in the hour of accomplishment it was absolutely necessary to provide a liaison with the civil government. It was impossible for the whole Assembly to meet with the entire Privy Council to settle many of the problems of jurisdiction. The

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6. Knox, John, History, Vol. II page 126.
7. Calderwood, David, History, Vol. II, page 385. "The Lords were glad they had gotten him, a man so well beloved of the people." Even Mary named him as Regent when she abdicated and she did not get along with Moray at all.
8. Masson, David, (Ed.), Register of the Privy Council, Vol. I page 574. There was great need for this being done. It was stated in the Register of the Privy Council that the preaching of the Word of God was decayed in default of the needful sustentation of the appointed ministrie. Their incomes were small and often unpaid.

Regent appointed a committee of the Council to treat with the Kirk on such affairs as pertained to its jurisdiction. In response the Assembly of 1567 appointed a Commission of fourteen members to meet with the Regent's appointees. In this way the Assembly could make known the kind of policies it thought necessary for the government to institute in its legislation. It could make known particular grievances that the Kirk was suffering under, and speak the mind of the Kirk as it had never before had the opportunity to do. All along, during the previous years the Church had gone forward under the frown of the sovereign and the court, but now the law and the Parliament were on its side. The Records that come down to us from the Book of the Universal Kirk indicate the eager willingness of the Church to meet with its new found friend:

"The whole Kirk assembled thought it meet, that certain brethren be appointed to concur at all times with such persons of Parliament or Secret Counsel as my Lords Regents Grace has nominat for such affaires as pertains to the Kirk and jurisdiction thereof, and also for decisions of questions that occur in the meantime...."<sup>9</sup>

This Ecclesiastical expedient proved to be as successful as it was necessary, and during the next half-century the Assembly continued to appoint some of its members for a similar purpose.<sup>10</sup> It was the kind of temporary link between the Kirk and the Government that substituted in a satisfactory way for the fact that the Church was not represented by the Lords Spiritual in the Estates. Thus the practise of delegating to special Commissions the transaction of judicial and administrative business dates from the very beginning of the General Assembly history.<sup>11</sup>

The precedent of appointing a Commission for the Assembly in 1567 seemed somehow natural. The example was followed by nearly every Assembly thereafter, and the evolution of this instrument of the Assembly can be traced down to the

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9. Book of the Universal Kirk, Vol. I page 113.
10. Calderwood, David, History, Vol. II, page 396. "It was thought expedient that certain Brethren...."
11. Mair, William, A Digest of Laws and Decisions Ecclesiastical and Civil, page 192.

time of the institution of the Episcopal form of government by James the VI in the early seventeenth century.<sup>12</sup> Though it came to be a regular practice of the Church to appoint these commissions the powers granted and used followed no consistent pattern. Expediency not only proved to be the reason for its existence, but dictated what it should do from time to time and year to year. No set pattern was adopted for appointing members of the Commission. At times the entire Commission was made up of clergy, while in another year the Assembly was represented by clergy and laymen. In some years the Commission was small and in others it was very large.<sup>13</sup> The articles devised by the Assembly for representation to the government were matters of the greatest importance to the temporal welfare of the Kirk, and social good of the realm. For this reason and due to the fact that discussions were to be with the highest officials of the kingdom the national Church thought it wise to be careful in its selection of men. It was obvious that the best qualified, the most discreet, the respected, members of the Assembly should be the ones chosen. These were the men of influence and leadership from in and around Edinburgh the ministers and University Principals and Professors. In those times when laymen were placed upon the Commission they usually proved to be Advocates, the Provosts of the larger cities or Royal Burghs as well as Lairds.<sup>14</sup> On numerous occasions the Superintendents of the Kirk were chosen. They may have been nominated to the Commission by virtue of the fact that as Superintendents they held a unique position having been nominated for this roll by the secular government.

During the three decades after 1567 the Church's fortunes rose and fell several times. At some times the Church gained the upper hand in determining the limits of its jurisdiction, and at other times the State proved itself powerful enough to contain the ambitions of the Kirk. The prospects of stability proved

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12. Mair, William, A Digest of Laws and Decisions Ecclesiastical and Civil, page 192 ff.
13. Donaldson, Gordon, Scotland James V - James VII, page 137.  
"The conclusion seems to be inescapable that the Lairds, many of them enriched as tacksmen of teinds and feuars of Kirk lands, were attaining a new esteem..."
14. Donaldson, Gordon, The Polity of the Scottish Church 1560-1600, Vol. XI Records of the Scottish Church History Society, page 218. It is indicated here that Superintendents were nominated by the Civil power.

illusory and a constant debate raged over whether or not the Church would accept Bishops of any kind. The Church received a powerful ally when Andrew Melville returned to Scotland from Geneva. Under his influence the Assembly began to assert the principle of parity of the ministry more forcefully. The Melvillian movement proved to be a turning point in the Church's history. The Regent Morton denounced Melville for introducing the Geneva discipline and laws, and for breaking the peace of the Church and country.<sup>15</sup> As Gordon Donaldson says the, "Melvillian movement and Morton's opposition alienated from the Regent a powerful section of ecclesiastical opinion, in whose eyes his service to Protestantism was eclipsed by his hostility to Presbyterianism."<sup>16</sup> The next step was the Assembly's ratification of a Second book of Discipline in April of 1578.<sup>17</sup> It was to take fourteen years of conflict before King James was finally to give in and accept the Presbyterian system of Melville.

The Commission of Assembly that had been appointed by most Assemblies after 1567, but not all, was beginning to take a definite shape in 1588.<sup>18</sup> In the records of the Convention which met in Edinburgh in January of 1588 moderated by Andrew Melville we read:

"A convention of the most wise and fearful of the brethren met at Edinburgh in January 1588..."<sup>19</sup>

At this Convention were appointed certain Commissioners and brethren to meet every week in Edinburgh to consult upon affairs pertaining to the well of the Kirk in so dangerous a time."<sup>19</sup> And in the Assembly of August 1588 it is worth noting that in the last session it was decided to remit all questions and bills not acted on in the Assembly to the Commission appointed to attend the King with full power to act and finally decide.<sup>20</sup> Both of these ideas were truly unique, but necessary, and in the centuries to follow

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15. Melville, James, The Diary and Autobiography of Mr. James Melville, page 68.
16. Donaldson, Gordon, Scotland James V - James VII, pages 168-169.
17. Spottiswoode, John, History, Vol. II, page 256.
18. In some years the Regent refused to meet with the Assembly's Commission, see BUK, Vol. I, page 389.
19. BUK, Vol. II, page 740-743.
20. Ibid. Page 742.

the Assemblies of other years were to adopt the same expedient to facilitate the enormous volume of business that now came before the National Church.

By the year 1588 the King and the Church were drawn into more cordial relations with each other due to events outside of Scotland:

"The fact is that James was all along less of a partisan than his protestant critics alleged, and he illustrated his concept of 'universal kingship' by an attempt, concurrently with his leniency to Huntly and his associates, to reach a rapprochement with the presbyterians through concessions which were non-essentials. There was much to foster amicable relations between the King and the ministers, the Spanish threat of 1588, for example was a reminder of the benefits accruing from a godly prince....Then during the King's absence in Norway and Denmark, considerable authority was exercised, with full royal approval, by Robert Bruce, the minister of Edinburgh...."<sup>21</sup>

The whole attitude of the government towards the Church was changed. So much so that on June 5th 1592 Parliament passed an act approving the Presbyterian polity. It ratified the leading portions of the Book of Discipline, it annulled the Black Acts of 1584 in regard to royal supremacy and episcopacy, and in doing so acknowledged the Spiritual jurisdiction of the Church as already existing. It recognised the full power of Presbyteries and the other courts of the Church to settle all ecclesiastical affairs. Even though it did not completely meet the demands of the Church, it went very far in that direction and has since been called the Charter of the Church of Scotland.<sup>22</sup>

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21. Donaldson, Gordon, Scotland James V - James VII, page 192. "Huntly and his associates, refers to a number of Roman Catholic nobles from the north of Scotland who were a constant source of worry to the Church.
22. Masson, David, (Ed.) Register of the Privy Council, Vol. IV pages 748-750. "This was a day of no ordinary importance in the history of Scotland, for it was the date of what has been called the Magna Charta of Scottish Presbyterianism: The Parliament which had been called some time ago, but had been postponed more than once, had met formally in Edinburgh on the 24th of May, and again on the 29th for the election of the Lords of the Articles. As nearly 5 years had elapsed since the last Parliament, there was much to be done, and not least in Kirk Matters, in which there had been such a growth lately of Presbyterian feeling and influence that the ecclesiastical enactments of the two preceding Parliaments of 1585 and 1587 were acknowledged, even by lay politicians, to fall short of what prudent statesmanship required in the way of correction or abrogation of the vehement anti-Presbyterian Acts of Chancellor Arran's Parliament of 1584. Accordingly, in a General Assembly of the Church which had met in Edinburgh on the 22nd of May, and which continued to sit till the Parliament rose, there was much anxiety as to what Parliament might do, with no little effort, he petitioned and in interviews with the chief men, to sway it in the desired direction. Not till the 5th of June, however, when the Parliament did rise, having on that day passed as many as 181 Acts, were the Kirkmen aware of the vast extent of their success. 'Act for abolishing

By 1595 Calderwood referred to the Kirk as having attained unto perfection.<sup>23</sup> John Hill Burton goes so far as to say that they had gained everything.<sup>24</sup> However, the zealous Presbyterian ministers began to take their new found strength too seriously. They looked upon this time as being providentially sent and thus shifted the business of reformation into high gear. Had it not been for their lack of tactfulness and their high handed policies the nation might have been won for Presbyterianism without a century of struggle and bloodshed.

From 1592 when the great Act was passed by Parliament until the victory of the King's party in 1606 the Commission of Assembly played an important and ever-increasing role in the events of the times. It was apparent to the Church that even though they had achieved something of a triumph great dangers existed that could still prove destructive to the best interests of the Kirk. Therefore it was thought that a commission should be appointed to have a continual attendance at the court:

"Seeing the necessitie of the commoun affaires of the Kirk oraves that ther be a continual travelling and attendance at court, both for the furtherance of the present works, quiklik in in hands of the planting of the Kirks; as also of the continual diligence of the enemy, waiting at all occasiouns, speciallie when they find

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of the Acts contrair to the trow Religioun' was the vague title of one of these 181 acts, the most comprehensive and sweeping that had been yet passed by a Scottish Parliament in favour of the Presbyterian system, rescinded and repealed all acts of a popish tinge or capable of a popish construction still remaining in the statute-book, expressly abrogated or explained away the anti-presbyterian acts of Arran's Parliament of 1584, and guaranteed the future government of the Kirk forever by the strict Presbyterian method of General Assemblies (to be held once a year or oftener pro re nata), Provincial Synods, District Presbyterial courts, and Particular Kirk Sessions....The wonder is that such an Act was passed at all by King James and his Parliament. The unanimous explanation of the contemporary chroniclers is that Chancellor Maitland had resolved upon it as a necessary piece of statesmanship, and was able to push it through by arguments derived from the wretched and anarchiacal condition of the country at the time. The body of the slaughtered Earl of Moray was lying still unburied at Leith, and the cry for revenge for that and other acts of murder and lawlessness was growing louder and louder, attacks on the King and his misgovernment or non-government were incessant, not only in sermons, but also in rhymes, songs, and popular pasquils....How could the King save himself and recover his popularity? Such are said to have been Maitland's arguments...."

23. Calderwood, David, History, Vol. V, page 387.

24. Burton, John Hill, History of Scotland, Vol. V, page 297.

any slackness upon the part of the Kirk, in the discoverie and resisting interpryes of the saidemie; therefore it is cravit, that a care and burdein of the common cause be laid upon some brethren by the General Assembly, either of them are residents heir about Court, or else of some others to be appointit in diverse parts of the countrey, because otherwayes ther is none that finds themselves in conscience bound to have and care heir of, or to take nay paines heirin...."25

Four of the most respected and trusted men of the Kirk were commissioned for this task, but the Assembly also informed the Presbyteries to send commissioners for the same purpose:

"Item, it is thought expedient that an ordinary number of commissioners from all quarters of the country, viz., one out of every quarter, shall have ordinary residence at Edinburgh, to convene every day with a number of the Presbytery of Edinburgh, to communicat such advertisement as shall come from diverse parts of the country, and consult upon the most expedient in every case...."26

The development of the Commission down to this time had shown great advances, and had proved to be an advantageous way for the Church to conduct its affairs. However, it was susceptible to being influenced itself. Since it was in the continual presence of the leading men of the government it could also serve the purpose of the King. James recognised the value of this agency to exert his personal influence on the leading men of the Church who could in return offer their respected opinions to the Assembly. This, unfortunately, is what happened as James Melville explains in his Diary:

"Ane fair and honest taill, and an specious fair schow But alas! Here was the dead-stroke and baine of the Kirk, ever since the courthas guided her! And so much as she is inclined to the world, so far declined she from Christ; as her honours increase her graces deminished: For these Commissioners being exaulted so high as to have access to the King when he pleased, and to sit with His Majesty in Counsel, began soon to change their manners and look down on their brethren. They ruled as they willed; they rent the Kirk in two till at length the most part followed them; and the best part stood to the Kirk her established

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25. BUK Vol. III page 862.

26. Ibid.

constitution, with the King's distress, reproach, and contempt of courtiers; and finally they were the very needle to draw in the Episcopal thread; our enemies kytheit against us by them with our own armour, and mock us with our own hands to pull down our own sails, and ressaive in that fatal trojan horse."<sup>27</sup>

One wonders if this could not have been prevented had the Church been more cautious about continually placing the same men of the Commission to treat with the King. We lack information to advise us if, in fact, the government had some say as to who they would be pleased to accept as Commissioners from the Church to be in constant company of the King. Certainly the Assembly had taken steps in the years previous to prevent the continual representation of the majority by a minority. As early as 1568 the Assembly passed an Act warning about the undesirability of the same persons being appointed to function as Commissioners to the Assembly or to occupy responsible positions for long periods.<sup>28</sup> Again in 1575 it was openly stated in the General Assembly that long continuance in office could lead to ambition and inconvenience within the Kirk.<sup>29</sup> Yet the Kirk seldom became suspicious of those who were to serve them in this vital but awkward task until it was too late to do anything about it.

The catalyst that gave rise to the exploding fears of the Kirk was the return of the Roman Catholic Lords.<sup>30</sup> The Church was determined not to be found slack in its duties and set about reforming, not only their own order, but all classes of men who had a tendency to popery.<sup>31</sup> Eventually this led to another jurisdictional battle with the King that was to convince him that he could not have peace with the Church until he could develop a means of controlling them. It was felt that the Presbyterian system was the stumbling block and that King and Kirk could get on together much better if a hierarchiacal system was imposed. Several things

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27. Melville, James, Diary, page 529.

28. BUK, Vol. I, page 124 General Assembly of 1568, Session 2, 6 July 1568.

29. Ibid. Vol. I pages 336-337.

30. Burton, John Hill, History, Vol. V, pages 281-296.

31. Lee, William, History, Vol. II, page 128.

happened all at once that enabled the King to make a move towards putting forward his plan. First the Commission proceeded to alienate the nobles of the King's Counsel by summoning the President of the Session to appear before the Synod of Lothian to answer for his dealing in favours to the Earl of Huntly the leader of the popish nobles.<sup>32</sup> Then the Commission took the side of Mr. David Black, the minister of St. Andrews, who had been called before the Privy Council because of some things that he had said from the pulpit about the King and the Government. This involved the Commission and Mr. Black in a declinature against the jurisdiction of the Privy Council in such a vital matter to the Church as doctrine, and freedom of the pulpit from civil censure.<sup>33</sup> The King and the Council was infuriated and considered such action as treason.<sup>34</sup> The Commission would not admit to such a charge, of course, and claimed that they were met for the welfare of the Kirk by the warrant of Christ and not the warrant of the King.<sup>35</sup>

On the 17th of December 1596 a riot occurred in Edinburgh which was made the pretext for alterations in the government of the Church to be introduced by King James.<sup>36</sup> The tumult was ascribed by the King's party to the sermons preached by the ministers. The clergy were accused of treason, arrested and imprisoned in the castle of Edinburgh. Some fled to England, along with a few of the burghesses of Edinburgh who attempted to defend the ministers.<sup>37</sup>

The King now resolved to call a General Assembly to meet at Perth. Since the Presbyterian political power was concentrated in Fife and Mid-Lothian Perth seemed a more strategic location for the purpose the King had in mind. In a geographical location near to the northern sympathisers of the court an effective means of countering or circumventing the domination which Melville's resolute party

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32. Calderwood, David, History, Vol. V, pages 447-448.

33. Ibid. Pages 460-461.

34. Ibid.

35. Masson, David, (Ed.), Register of the Privy Council, Vol. V, pages 332-333.

36. Lee, William, History, Vol. II, page 138.

37. Calderwood, David, History, Vol. V, pages 520-521.

had established in the General Assembly could be expected.<sup>38</sup> Here and in the north of Scotland where Protestantism had been and was to be Episcopal in texture the Presbyterians were viewed as dictatorial and styled the, "popes of Edinburgh".<sup>39</sup> However, it was not so much the northern clergy who brought down Melville's great dream as it was the presence of the now all powerful King who simply over-awed the majority of the ministers. This can be seen in the Commissions of Assembly that were appointed after 1596. They were made up of the same men who had before opposed the King with the conspicuous exception of the Melvilles and his supporters. No attempt was made by James to pack the Commission with men from the north. In their retreat from the jurisdictional contest, the ministers, many of whom had violently opposed the King in previous years, flocked to his side. To support the King, at this point, was to reap a rich reward, and to oppose him could only incur his wrath. The small band of ardent Presbyterians known as disciples of Melville were forced to capitulate or seek security in other lands out of the reach of the determined Sovereign.<sup>40</sup>

After the Assembly in Dundee a Commission was appointed just as normal, to represent the desires of the Church to the government, but also to guide the Kirk after the wishes of the King.<sup>41</sup> In the eyes of a critic of the times the Commission had become pawns of a Monarch who ruled all:

"A new form of Commission was made, and power given to some few ministers to convene with the King, at such time and place as his Majesty should require, under colour to keep concord between the Kirk and the King, and to treat upon all matters serving to that use; but in effect to put in execution the articles already yielded to by the great number, to the grief of the better sort. In a manner the whole power of the General Assembly was weakened by this Commission; for the commissioners being exalted so high as to have access to the King when they pleased to sit with him

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38. Burton, John Hill, History of Scotland, Vol. V, page 313.

39. Donaldson, Gordon, Scotland James V - James VII, page 200.

"Information about the membership of the G.A. is very imperfect, but the sederunt for August 1590 shows that out of 160 members only 6 came from country north and west of Angus itself; and nearly all the others came from south of the Tay, no less than 63 from Fife and 42 from the Lothians. Thus mainly for geographical reasons the General Assembly met almost invariably in Edinburgh where the opposition to Melville was inadequately represented."

40. Spottiswood, John History, Vol. II, pages 179-183.

41. Lee, William, History, Vol. II, page 144.

in counsel, they began soon to change their manners. They would rule all both in and out of General Assembly as the King pleased. For they were the King's led horse, and usurped boldly the power of the General Assembly and government of the whole Kirk...."<sup>42</sup>

This was the next logical step if a system of government by hierarchy was ever to be introduced again into the Church of Scotland. The Commission of 1597 moved the Church back in the direction of Episcopacy when they presented a petition to Parliament, in the name of the Church, asking that ministers might have a vote in Parliament.<sup>43</sup> The petition was approved by the Parliament, but only after the King had intervened:

"According to the report of the Commission to the Assembly this did not have the support of, 'the far greatest part of the Lords, but the King's Majesty conveyed our suits with such wisdom and dexterity in our favours, that in end, after many hard answers, his Majesty procured, that he might dispoise the whole great benefices to Ministers; and that such ministers as should be admitted thereto, should have a vote, but prejudice always to the present discipline and jurisdiction of the Kirk in any point.'"<sup>44</sup>

Many in the Church viewed this as an insidious attempt to admit the tyranny of Bishops:

The Synod of Lothian opposed this scheme....and many of the members of the Synod of Fife were decidedly hostile to it. Their, great leader, Melville, was not now permitted to speak or vote in Church courts; and though he did attend this meeting, and began to deliver his opinion, he was interrupted by one of the commissioners, as being no longer a constituent member."<sup>45</sup>

The General Assembly was divided over this trend back to a government by bishops, and when the Commissioners from the King made their report:

"The action of the Commission was approved after 'The said question being at very great length reasoned and debated in every part.' The Commissions action was only approved by a majority of ten votes!"<sup>46</sup>

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42. Calderwood, David, History Vol V page 644 ff.
43. Lee, William, History, Vol. II, pages 145-147.
44. Shaw, Duncan, The General Assemblies of the Church of Scotland 1560-1600. page 87. See also; B.U.K. Vol. III, page 957.
45. Lee, William, History, Vol. II, pages 145-147.
46. Shaw, Duncan, The General Assemblies 1560-1600, page 87.

Following this concession by the Assembly an Episcopal polity was fastened down on the Church stage by stage. The Presbyteries and Synods remained, but the Assembly controlled by the King was destined to be a helpless shadow of its former greatness. Commissions of General Assembly were appointed in 1598, 1600, and 1601. In 1602 a Commission was appointed by the Assembly, and the power of this body was to remain in force until the appointment of a new Commission in 1608.<sup>47</sup> In the year 1608 the last Commission of the General Assembly was appointed, and was composed of some ministers and all of the Bishops.<sup>48</sup> In the year 1610 the General Assembly did not issue a Commission to any of its members. The idea of a Commission of Assembly, a concept that the Kirk had adopted soon after the Reformation, passed from the ecclesiastical scene for more than thirty years. With the advent of Episcopacy in the Church of Scotland, and the forming of the High Commission in 1610 there was no longer any need for an Episcopal General Assembly to appoint a Commission to act for it between Assembly meetings.

The resemblance between the Commissions of Assembly that served the Assembly in these early years after the Reformation and those that were to follow in the Covenanting Church and after the Revolution of 1689 may appear to be tenuous. However it was seed that was to germinate into the sophisticated Commission of Assembly that is typical of the mid-seventeenth century Church of Scotland. Here indeed is the genesis of that organisation of the Assembly that was to add continuity to the National Government of the Church after it became Presbyterian.

In 1638, nearly 40 years after the riot of Edinburgh had changed the

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47. HJ.K Vol. III, page 996 and 989. A number of the clergy protested about the methods of this Commission.
48. Calderwood, David, History, Vol. VI, pages 702-703. "The Commissioners of the General Assembly, the chief whereof were bishops, convened the 17th of February, to hold their consultations, and advise upon directions to court, and from court. Their commission expired at the convention held at Linlithgow, if that was a General Assembly, as they gave it forth. But they, under colour of that commission which was given five years ago keep their meetings, hold their consultations, and call ministers before them, bear down honest minister, that they may attain to spiritual jurisdiction over their benefices; and so by virtue of an old pretended commission, make way to that Episcopal jurisdiction which they had been long hunting fore; and for the same cause, was the General Assembly prorogued from time to time, that they might have time to work by the power of that pretended authority."

fortunes of the Presbyterians from success to ruin, the Covenanters made it clear that the dream of a Church governed by a Presbyterian polity had not been forgotten. The Scottish clergy had always insisted even after James re-introduced Episcopacy, that they were still Presbyters, although *primi inter pares*.<sup>49</sup> The people of Scotland had their fears aroused in August of 1621 after learning to their horror that Charles I was planning to force Laud's liturgy on the Church of Scotland.<sup>50</sup> The Church had remained Calvinistic in creed, suspect of ceremonies and liturgies, and Episcopal only in so far as an apparatus of Bishops had been screwed down on its Presbyterian polity.<sup>51</sup> When, events in England placed the King in a position of diminished political strength, the unhappy Scots realised that the time was ripe to overthrow this ecclesiastical government that had been forced upon them. In 1638 the subscribers to the National Covenant, on their own initiative, called a General Assembly to meet in Edinburgh. During the sitting of this Assembly, which Charles I was helpless to prevent although he considered it illegal, the Episcopal system was adjured, the Bishops censured and excommunicated, and plans were made to stamp out every vestige of Episcopal opposition.

Immediately after the dissolution of the Assembly, the several Commissions which it had appointed proceeded to, 'purge out', all persons who, either by adherence to 'prelacy', or for other causes, were obnoxious to the Covenanters.<sup>52</sup> Robert Baillie informs us that many ministers who remained obstinate were deposed by the Commissions appointed to meet at Edinburgh, St. Andrews, Dundee, Irvine and elsewhere.<sup>53</sup> These of course, bore little resemblance to later commissions, but by virtue of their appointment it is easy to see that the Assembly of 1638, which could meet for as many days as it pleased, still could not complete all the business before it and had to apply its powers to Commissions. Not only did the

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49. Butler, D., The Life and Letters of Robert Leighton, pages 113-115.

50. Ibid.

51. Ibid.

52. Peterkin, Alexander, The Records of the Kirk, page 195.

53. Baillie, Robert, Letters and Journals, Vol. I, page 150.

Assembly appoint disciplinary commissions, but a number of clergy were commissioned to attend the Parliament.<sup>54</sup> Thus from the very first Covenanter Assembly, commissions similar to those that existed by appointment of 16th century Assemblies were found necessary.

In 1639 when the General Assembly met again, this time with the consent of Charles I, it was assembled on the condition that everything done in the Assembly of 1638 would be considered as null and void. The Covenanter Assembly, now confident of its power, proceeded to do again everything it had done in the 1638 Assembly. A debate ensued, however, between the Assembly members and Traquair the King's Commissioner concerning the legality of receiving the several reports of the Commissions of the Assembly of the previous year.<sup>55</sup> In agreeing to review all the actions of the disciplinary commissions the Assembly was virtually sanctioning the Acts of 1638. This broke the agreement made with the King, and a valid ground was established for the King to object to all the proceedings.<sup>56</sup> Charles would have reversed these proceedings, if he had been in a stronger position, but he was at the mercy of his Scottish subjects who proceeded to do as they saw fit.

The General Assembly of 1639 followed the precedent set by the previous Assembly and appointed a Commission to attend the Parliament:

"A number of the Commissioners of the General Assembly, noblemen, ministers, barons, were appointed to attend the parliament and there to represent the grievances of the Kirk, and to meet every day at 6 in the morning for that effect."<sup>57</sup>

A very interesting thing happened in the last session of the Assembly when agitation for a Commission of Assembly to sit in Edinburgh broke into a debate between the Commissioner and the Assembly members. It was proposed to form a

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- 54. Peterkin, Alexander, The Records of the Kirk, page 189.
- 55. Ibid. Pages 254-256.
- 56. Ibid. Pages 274-275.
- 57. Ibid. Page 265.

Commission of the Assembly to supplicate the King concerning the Kirk's grievances, and to receive his answer.<sup>58</sup> Finally the commission was granted to the Presbytery of Edinburgh upon the condition that they were to meet only upon the ordinary meeting day of the Presbytery.<sup>59</sup> It was vital that the Church should maintain a constant relationship with the Parliament. In the records of the 1640 Assembly there is an approbation of the previous Commission appointed by the 1639 Assembly to attend the Parliament, and another appointed for the next year.<sup>60</sup> An attempt was made in this Assembly to enlarge upon the powers of this Commission after a debate about controlling and investigating private religious meetings. Some of the delegates were suspicious of such innovations and condemned them on the basis that they did not have qualified, ordained ministerial leadership. It was thought that a committee should be ordained for the trial and severe punishment of all these disorders, and that the committee should sit in Edinburgh and consist of those that the General Assembly had appointed as Commissioners to the Parliament along with a few others appointed by the Church.<sup>61</sup> When this bill was read it aroused some heated feelings, and the support of some of the most respected men of the Assembly was not able to arrest the cries of, "away with it"!<sup>62</sup> The idea of a Commission of Assembly with any other responsibility but representing the mind of the Kirk to Parliament had to wait for another year. Peterkin comments in his book of Assembly Records that the Assembly of 1641 found it necessary to create a Commission to complete the business that it could not get to because of the press of time and the volume of business before them.<sup>63</sup> Robert Baillie confirms this when he makes a confused notation in his Journal that 30 or 40 commissioners with about 16 elders were to serve as a Commission by the Assembly at St. Andrews in 1641.<sup>64</sup> James Balfour in his Annals speaks of a Commission of Assembly making recommendations and giving in declarations to the Parliament of

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58. Peterkin, Alexander, Records, Page 270.

59. Ibid.

60. Ibid. Page 279.

61. Baillie, Robert, Letters and Journals, Vol. I, pages 254-255.

62. Ibid. Page 255.

63. Peterkin, Alexander, Records. Page 309.

64. Baillie, Robert, Journals, Vol. I, Pages 376-377.

1641. By 1642, those who favoured the establishment of a Commission had gained the ascendancy and were able to convince others of its expediency. It had been made evident to the Assembly that the constant contact between the Scottish National Church and the Scottish Parliament was advantageous to the Kirk. The Kirk was able to press for its demands through the expedient of a body of Churchmen constantly representing the Kirk's Supreme judicatory whenever the Parliament was in session. It also appeared vital at this time to keep up a good relationship with the King and his Privy Council concerning the well being of the Kirk.<sup>65</sup> With tension so high between the Kingdoms of Scotland and England it was doubly important that they should have a responsible body of their own ready to represent at any time the position of the Church of Scotland to the Parliament of England.<sup>66</sup> In 1643 the Assembly thought it necessary to have a large Commission in Scotland to stand in readiness to deal with any situation that might arise in the troublous affair between the King and the Parliament of England. It must have been strongly felt that in such a crisis as that at which the country had arrived it was not advisable to leave the entire control of matters in the hands of the few men who represented the Scottish Parliament and Kirk in London, but that a numerous directing committee should be appointed in Scotland with whom the Kirk's commissioners were to communicate, and by whose instructions they were to be guided.<sup>67</sup>

Thus it was that the Commission of Assembly became a regular institution of the Church during the Covenanting years. Gradually it drew to itself considerable judicial power, though it was doubted whether it could be said to have full statutory recognition as a court of the Church.<sup>68</sup> The decade following the creation of the first powerful Commission of the Kirk Scottish Church History, and Scottish national history, indeed, world history was to be shaped to a considerable degree by the actions of this unique Presbyterian institution.

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65. Balfour, James, Annals, Vol. III, Pages 34, 39, 136, 143.

66. Peterkin, Alexander, Records, Page 330.

67. Mitchell, F. Alexander (Ed.), Records of the Commission of the General Assembly 1646-1647, Scottish History Society, page 1x.

68. Baillie, Robert, Letters and Journals, Vol. II, page 55, and Vol. III, Pages 65, 81.

The appointment of such a Commission by the General Assembly of 1642 has been deemed by many as an innovation of the Covenanting times, and not quite in consonance with the sentiments and practice of earlier times.<sup>69</sup> This is a misunderstanding of the activities of earlier Presbyterian Assemblies dating far back into the early years of the Scottish Reformation. The Covenanting Commission was unique in its broad powers, its attempt to represent democratically the entire Church, and in its consistency and sophistication. However the idea of a commission can be traced to the era of Melville and Knox.

W.M. Hetherington, who states that the Assembly first had a commission in 1641, refers to this action by the General Assembly as a new constitutional element which:

"...has been productive of much good and also some harm."<sup>70</sup>

John Cunningham recognised the primitive beginnings of the commission and commented that the establishment of a Commission in 1642 was based on previous precedent and was for the good work of reformation that the Church had taken in hand.<sup>71</sup> Thomas Stephens, and Episcopalian writer says:

"....that this idea of a commission was radical departure opposed by the more moderate men...the commission has continued to this day even though it is a court entirely unrecognised in law."<sup>72</sup>

Finally the most interesting observation was probably made by Robert Baillie, a contemporary of the times who said:

"The commission from the General Assembly, which before was of small use, is lyke to become almost a constant judicatorie, and very profitable; bot of so high a straine, that to some it is terrible allreadie."<sup>73</sup>

Some months previous to the General Assembly of 1642, a complete rupture of relations had taken place between the King and the English Parliament.<sup>74</sup> Both Royalist and Parliamentarians were preparing to solve their quarrels by armed conflict.<sup>75</sup> The Commissioners in London for the Scottish Covenanters had

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69. Mitchell, F. Alexander. (Ed.) Records of the Commission 1646-1647 S.H.S.
70. Hetherington, W.M., History of the Church of Scotland, Page 329. Page viii.
71. Cunningham, John, The Church History of Scotland, Vol. II, page 39.
72. Stephens, Thomas, History of the Church of Scotland, Vol. II, Page 107.
73. Baillie, Robert, Letters and Journals, Vol. II, page 55.
74. Burton, John Hill, The History of Scotland, Vol. VI, Pages 351-352.
75. Ibid.

had tendered their mediation, and offered as a solution a project of establishing Presbytery in England. This did little to allay the animosity of the King who warned the Scots about meddling in the affairs of England.<sup>76</sup> The English Parliament entertained the idea, and the Scottish Privy Council were encouraged to present a petition to the King which suggested that this was a suitable compromise.<sup>77</sup> This took place on the very eve of the meeting of the General Assembly of 1642.

The crowning act of the scheme to bring about a reformed Presbyterian Church in England was the appointment, by the Assembly, of a "Commission for the public Affairs of this Kirk, and for Prosecuting the desires of this Assembly, to his Majesty and the Parliament of England."<sup>78</sup> This Commission was comprised of 50 ministers and 35 elders. The number had been almost doubled from the previous Commission of 1641. Peterkin remarking on this action by the Assembly found this such an important step that he said:

"They henceforward formed, as it were a second house of Parliament in Scotland, exercising functions that embraced both the civil and ecclesiastical concerns of Scotland, as well as trenching upon those of England."<sup>79</sup>

Thus it was that a body was commissioned by the General Assembly to act in its name, with full and almost independent powers, except that it would have to give an account of its stewardship to the next Assembly to meet.<sup>80</sup> The Commission became in actual fact the Assembly in constant session, wielding the powers of the National Church, sometimes quite arbitrarily, and as such the Commission became extremely useful to the Covenanting cause. Every Assembly that followed up to 1652 appointed its Commission to handle the public affairs of the Kirk until the meeting date of the next Assembly.

It is informative to note how the Commissions exercised the authority placed into their hands. Thomas Stephens quotes another historian as saying, "By these

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76. Peterkin, Alexander, Records, Page 341, Also Pages 320-333.

77. Ibid.

78. Pitcairn, Thomas, (Convener of the Church Law Society), Acts of the General Assembly of the Church of Scotland 1638-1842, Page 68.

79. Peterkin, Alexander, Records, Page 342.

80. Ainslie, J.L., Records of the Scottish Church History Society, Vol. IX, Part I The Church and People of Scotland, Pages 50-51.

means they became terrible to all their enemies.<sup>81</sup> One of their chief tasks was to treat with the Parliament of Scotland or the Committee of Estates when Parliament wasn't in session. The Kirk gave in supplications, overtures, declarations, remonstrances, representations, and solemn warnings to the national government on matters concerning the welfare of the nation and the Church.<sup>82</sup> After 1642 the Assembly did not pretend to base its reasons for appointing a Commission on the grounds that communications with the King were a prime concern. The main and all important work during these early years of the Covenant was the promotion of uniformity of Church government throughout the island, and to this end the Commission kept up a constant communication with the Commissioners of the Assembly in London.<sup>83</sup>

The Covenanters having realised one dream held an even more grandiose vision and fondly anticipated the time when by a junction of the government of the Church in both kingdoms war, idolatry, and heresy should cease, and truth, peace and righteousness should reign.<sup>84</sup> The Commissioners of the Church, already in London, were instructed to labour for the attainment of this devoutly desired consumation.<sup>85</sup> The same vision could be seen by many of the clergy in England, and the common cry was increasing in volume for one catechism, one confession, one directory for worship, and one form of Church government on both sides of the Tweed.<sup>86</sup>

During the General Assembly of 1643 the fruits of the work of the Commission was realized when a deputation from the Parliament of England landed at Leith, and was introduced to the Assembly. The English delegation represented to the Church that they acknowledged with thankfulness the zeal of the Scots in extirpating every relic of popery, and that they were anxious to have the same

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81. Stephens, Thomas, History, Vol. II, Pages 92-93.

82. Mitchell, F. Alexander, (Ed.) Records of the Commission 1646-1648, S.H.S. pages 17, 30, 31, 44, 63 and 148-152.

83. Ibid. page ix.

84. Peterkin, Alexander, Records, Pages 32-333.

85. Mitchell, F. Alexander, (Ed.), Records of the Commission 1646-1647, Pages

86. Ibid. Pages 67. 65-66.

good work perfected in England. They made known the fact that they had begun by removing the High Commission, ejecting the Bishops from the House of Peers, abolishing Episcopacy, and calling an Assembly of Divines to meet in Westminster.<sup>87</sup> Out of this meeting came the document known as the Solemn League and Covenant. The subscribers to this Covenant bound themselves to labour for the preservation of the reformed religion in both kingdoms, and for the reformation of religion in the Kingdoms of England and Ireland in doctrine, worship, discipline and government.<sup>88</sup> The Scots had tried to have the Covenant read, 'Presbyterian government', but the English, who Baillie says just wanted a league, balked and in the end the Scots had to settle for the ambiguous term 'government', if this was to be a Covenant at all. A Commission was given by the Assembly for five ministers and three elders to go to England and deliver the document called The Solemn League and Covenant to the English Parliament and the Assembly of Divines.<sup>89</sup>

From 1643 until the year 1649 the Commissioners for the General Assembly of the Church of Scotland hoped and laboured for this dream of uniformity. All the time writing letters to the Commission in Scotland and seeking instructions and guidance. Some grew impatient and dissatisfied because of the frustrations of having the final agreement completed. Evidently some of the blame for failure was placed at the step of those who were in London. Robert Baillie in a letter to the Earl of Lauderdale said:

"Are there any pedantick fooles now talking of removing of the Commission? The necessitie of continewing and increasing it was never halfe so apparent as now. If there be any fitter men than the former, let them in God's name have their turne; bot a lamentable pitie it is, that men should so farre minde their own interests...."<sup>90</sup>

The records that exist of the Commission of the Assembly indicate that the London Commissioners sent no fewer than 23 letters to the Commission in Edinburgh

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87. Cunningham, John, Church History of Scotland, Vol. II, page 43.

88. Ibid. Page 44.

89. Mitchell, F. Alexander, (Ed.), Records of the Commission 1646-1647, Page 94.

90. Baillie, Robert, Letters and Journals, Vol. II, page 294.

between 1646 and 1647. These letters were commentaries on the progress of the work of the Assembly of Divines in which the Scots took a keen interest. However, as time passed the letters became increasingly pessimistic about the chances of the English Parliament ever ratifying the Confession of Faith or the Presbyterian form of government.<sup>91</sup> Late in 1647 the Commission received a letter from London, wherein they were assured that there appeared to be small hopes of settling the Presbyterian discipline in England or the other indispensable appliances of the faith. They claimed that Erastianism was predominant in England, and they were sure that the Commons would by no means renounce that spiritual empire they had acquired, having publicly declared "that they would by no means consent to the granting of an unlimited jurisdiction to their thousand judicatories."<sup>92</sup> No further letters came from London after the 19th of October 1647.<sup>93</sup>

It was not until after the defeat of the Engagers in Scotland who made a bold but hopeless bid to rescue the King that the Church of Scotland believed there was any chance for the aging dream of uniformity. On the 11th of October 1648, nearly a year after the dismal news of failure reached the Commission, another attempt was made to promote the work of the Solemn League and Covenant.<sup>94</sup> It was useless to persist and naive to think that the puritans were going to yield to the demands of the Scots. The experience of Robert Blair and Sir John Chieslie, the Scottish Commissioners, was illustrative of the fact that the Solemn League and Covenant was all but dead. Nine letters were sent back to the Commission in Edinburgh, and all were ample proof that the hope of uniformity was now gone. They told of the turmoil in the government of England, and made clear that there was no chance of advancing the beloved Covenanter plan of one Presbyterian Church government in each

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91. Mitchell, F. Alexander, (Ed.), Records of the Commission 1646-1647, page 275. Records for years prior to 1646 are not known to exist, and are thought lost forever. These surely must have contained other letters from the Commissioners in London. However, Folio LXV of Wodrow Manuscripts in the National Library contains some Miscellaneous Church and State papers for 1639-1650. A manuscript given the number 3 includes some hitherto unpublished minutes of the Commission of General Assembly 1641 which are written in a hand that is nearly impossible to decipher.
92. McCrpe, Thomas, (Ed.), The Life of Robert Blair, Wodrow Society, containing an autobiography and a supplement to the autobiography of William Row, Page 172.
93. Mitchell, F. Alexander, (Ed.), Records of the Commission 1646-1647, page 326.
94. Christie, James, & Mitchell, F. Alexander, (Ed.), Records of the Commission 1648-1649, pages 99-100.

Kingdom. Their communications were simply a running commentary of the political confusion of the time, from the usurping of the political power by the rump Parliament to the execution of Charles I.<sup>95</sup> After January 30th 1649 the letters were abruptly stopped and the efforts of the Commission to bring about uniformity was left unrealised.

The end results of the work of the London Commissioners and the Commission of the General Assembly proved that the toil had not been in vain. Long after the laws and institutions that came out of the Westminster Assembly ceased to be an element in the constitution of Church and state in England, they continued to influence and govern the Church of Scotland.<sup>96</sup> It was Scotland that reaped the benefit and results of the Westminster Assembly. This might not have come to pass had it not been for the participation, by Scots, in all the discussions and work of the Westminster Assembly. These were the leaders of the Covenanting cause, they were the leaders of the Assembly, and they were among the most useful and influential members of the Commission of the General Assembly.

The Commission that developed during the sixteenth century took no consistent pattern, and we know very little about their organisation. The Covenanting Commissions were well organised, and were similar in make up, responsibilities and duties from year to year. They were so constructed from the first that they were dominated by clergy. At no time in the decade were ministers and laymen placed in equal numbers. The philosophy of modern day Presbyterianism which tries to represent teaching and ruling elders in the same proportion was not an accepted idea of the seventeenth century Church. What seemed to be most important was the appointment of the most respected and influential clergyman and laymen. The first Commissions of this period were small in comparison with the large bodies of 100

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95. Christie, James, & Mitchell, F. Alexander, (Ed.), Records of the Commission 1648-1649, pages 112-113, 139-140, 143-144, 148-149, 153-155, 185-186, 190-191, 193.

96. Burton, John Hill, The History of Scotland, Vol. VI, pages 379-380.

ministers and 50 elders that were commissioned for this task after 1642. While the best qualified and the most sagacious<sup>97</sup> men were placed in this position of responsibility, and effort was also made to represent every Presbytery throughout the Church. It appears that the Presbytery was only represented by the clergy, but the elders were merely added to represent the government.<sup>97</sup> These elders were the nobility, the governmental leaders, the members of the committee of estates, and the Provosts of royal burghs and cities. Many Presbyteries were represented by the same men year after year. This was found to have been especially true of the Presbyteries of Edinburgh, Glasgow, Haddington, St. Andrews, Aberdeen, Lauder, Kirkcaldy and Dunoon.<sup>98</sup> Other Presbyteries preferred to rotate their representatives. This then lends credence to the theory that each Presbytery was responsible for nominating its own members to serve in this capacity. It is also worthy of note that the various judicatories returned the same or nearly the same number of men year after year. In some cases the supernumerary elders were placed on the Commission with regularity, but only those who were especially trusted could expect this consideration. For the lay elders it was a position of honour granted so long as they remained disposed to favour what the Church proposed. An example of this is demonstrated after the crisis that took place in 1648 when some of the government leaders and nobility declared themselves in favour of an Engagement to fight for the captive King Charles. The following year those that had normally been given seats on the Commission were conspicuous by their absence and replacement.

Appointments to the Commission were many, but the attendance at the meetings proved to be a disappointment. A great part of the time the Commission worked with a sederunt close to the minimum number set for a quorum.<sup>99</sup> Most of those that

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97. See Appendix.

98. See Appendix.

99. See Appendix. The quorum set for the Commission during these Covenanted years was 17 and 13 of these had to be clergy.

attended the meetings were members of the Presbyteries in an around Edinburgh.<sup>100</sup> The clergy in attendance were almost always twice or three times the number of lay members, and on many occasions the laymen present could be two, one or none. The actual participation by the lay elders in the affairs of the Commission was therefore of little significance. The important business of the Commission was always handled by committees of ministers, and the necessary documents and representations to the government were drafted by the clergy.<sup>101</sup> This problem of attendance was to plague the Commission all during this decade and on into the eighteenth and nineteenth centuries. Poor attendance so worried the working of this instrument of the Church that they were forced to resort to making pleas for members to appear at meetings.<sup>102</sup> However, it must have been a tedious business to be a member of this organisation of the Church for it required great amounts of time just to promote the mundane affairs of the Kirk. The Commission was appointed to meet quarterly, but was also given freedom to meet whenever it was thought necessary. Since they felt that the business was pressing and that the particular responsibility placed upon them demanded vigilance the Commission seemed to be meeting all the year. It therefore required a delegate's presence in Edinburgh for long periods of time. Distance, the problems of travel, and the expense of remaining in the Scottish capital for long periods mitigated against the practice of numerous meetings for some men. The Commission complained, however, that even those who lived near enough to attend were being negligent.<sup>103</sup> The nature of business and the long drawn meetings were enough to put some delegates off and thus even those that had come to Edinburgh for the meetings stayed away.<sup>104</sup> One means of dealing with this matter of attending meetings for long periods of time was the plan of rotating attendance. As early as 1641 Robert Baillie appointed to the

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100. See Appendix. Study of Attendance. Appendix J.

101. Christie, James, (Ed.), Records of the Commission 1650-1652, page xiii.

102. Mitchell, F. Alexander, (Ed.), Records of the Commission 1646-1647, page 145, see also Christie, James & Mitchell, F. Alexander (Ed.), Records of the Commission 1648-1649, page 45.

103. Mitchell, F. Alexander, (Ed.), Records of the Commission 1646-1647, page 407.

104. Ibid.

Commission noted that:

"Those of a province might serve by turns; so, after the first meeting, I got leave to go home."<sup>105</sup>

This method was adopted by some Presbyteries, but ignored by others.<sup>106</sup> One excuse offered for a minister to miss his turn at the Commission was the burden it placed upon his parish. His attendance meant that for long periods the parish would be without pastoral attention and leadership. This caused the Commission to write to the Presbyteries on the 5th of April 1648 recommending that the Presbytery see to it that the delegate's Church was given ministerial supply during his absence.<sup>107</sup> This was a problem that could not be overcome and Commissions continued to suffer from small attendance, and consequently lacked the respect of some in the Church who regretted the fact that so few could act with the power of the Assembly and influence so many.

In the very early years of the Commission Robert Baillie mentions that the Moderator of the General Assembly was the Moderator and constant convenor of the Commission.<sup>108</sup> By 1646 a change in policy is noted, and the Moderator was nominated and elected at each quarterly meeting.<sup>109</sup> This method was not satisfactory since the Moderator they elected on some occasions could not attend and this necessitated the appointment of a temporary Moderator.<sup>110</sup> Later the Moderator was elected on a more permanent basis, but the person elected did not always moderate the previous Assembly. One man stands out as having the extreme confidence of the Church and most certainly the Commission for Robert Douglas was elected as Moderator of the Commission in the latter days of the 1646-1647 Commission, and during 1647-1648, part of 1648-1649 and the whole of 1649-1650 and 1650-1651.<sup>111</sup> He would no doubt have been elected again in 1652-1653, but

105. Baillie, Robert, Letters and Journals, pages 376-377, Vol. I.  
106. See Appendix. Study of attendance. Appendix J.  
107. Mitchell, F. Alexander, (Ed.), Records of the Commission 1646-1647, page 434.  
108. Baillie, Robert, Letters and Journals, Vol. I, page 55.  
109. Mitchell, F. Alexander, (Ed.), Records of the Commission 1646-1647, S.H.S.  
110. Ibid. Page 10. Page 6.  
111. Christie, James, (Ed.), Records of the Commission 1650-1652, page xiii. From 1646-1653, the Commission met on 360 separate days out of which Douglas was present on 346 occasions. For continuous influence, no other person could approach Douglas. Cromwell's deputy, Lord Broghill, was recorded to say "...he is the leadingest man in all the Church of Scotland." This was more evident, of course, since the Commission of the General Assembly was the organ of the Church that was doing all the leading.

had the misfortune to be captured by Cromwell's troops and was carried away captive and placed in the tower of London. The other Moderators during this period were Robert Blair, William Bennet, George Gillespie and David Dickson.<sup>112</sup>

Aside from the basic responsibilities of the Commission they were given numerous other interesting tasks to perform. Representing the national Church in carrying on the reformation gave the Commission power to order Provincial Synods and Presbyteries to be careful to censure anyone who did not live a religious life in conformity with the Covenanting system. Particularly noticeable was the way the Church was trying to extirpate every form of Roman Catholicism.<sup>113</sup> The Commission of the Assembly went about the eradication of popery in various ways. They considered it their right to interfere in the domestic life of popish families, and their obligation to rescue the children of Roman Catholic families from the influence of their parents and their parent's religion.<sup>114</sup> The Commission petitioned Parliament appealing for legislation to prevent wealthy Roman Catholic families from spending the family fortune rather than leave it to a son who had subscribed the Covenant.<sup>115</sup> As it was children of popish parents who signed the Covenant were faced with being dis-inherited, or if they submitted to their parents demands they had to consider the possible economic effects of excommunication by the Church. The Commission was so keen to take away all the influence of Rome that they even complained to the Committee of Estates about the French agents that lived in the Scottish capital for having the Mass said by their own priests.<sup>116</sup>

The Assembly passed along to the Commission the huge task that so taxed every Assembly which was the assistance offered to Presbyteries and parishes in the transportation of ministers:

"I think the disorder of transportations will not be gotten helped.

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- 112. Burton, John Hill, The History of Scotland, Vol. VII, page 43.
- 113. Christie, James, (Ed.), Records of the Commission 1650-1652, page xiii.
- 114. Mitchell, F. Alexander, (Ed.), Records of the Commission 1646-1647, pages 66, 106, 234-235, 281-182, 353.
- 115. *Ibid.* Page 353.
- 116. Christie, James & Mitchell, F. Alexander, (Ed.), Records 1648-1649, pages 412-413.

till some honest men doe peremptorlies refuse to obey, which, I thin, some at last will doe; especially since the filling of so many places is referred to the Commission of the Kirk, with a power almost arbitrary, to neglect all the rules before appointed by the General Assemblies for transportation."<sup>117</sup>

After the abolition of Patronage in 1649 the work of the Commission was complicated even further, and thus it was necessary to give the Commission a set of rules governing the method by which parishes were to be settled.<sup>118</sup> The Covenanted Commissions also had responsibility for placing professors at the Universities.<sup>119</sup> It ordered ministers to serve as chaplains of regiments.<sup>120</sup> They communicated with Synods and Presbyteries concerning the collection of money for worthy causes such as the relief of ministers who had suffered loss at the hands of the northern royalist rebels.<sup>121</sup> As the supreme instrument for discipline in the interval between the Assemblies the Commission could order all the censures of the Church with the power and effect of the Assembly, and often ordered the suspension or deposition of ministers.<sup>122</sup> During one particularly troublesome time, the Commission met in Aberdeen in an area that had suffered the ravages of the northern rebels. From the 12th of May 1647 to the 25th of May 1647 twelve ministers were deposed, nine more were suspended, nine were rebuked or admonished and two ministers and seven nobles were excommunicated for supporting the rebellion.<sup>123</sup> Truly the Commission of Assembly could be called terrible to all its enemies. It was the duty of the Kirk's Commission to give authoritative notice for national fasts.<sup>124</sup> They were the board of censures for all books published or brought into Scotland.<sup>125</sup> They dealt with some cases of witchcraft, and appealed to the Parliament for the passing of stiff laws against the practice of sorcery.<sup>126</sup> In effect during the periods when the Assembly of the Church was

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117. Baillie, Robert, Letters and Journals, Vol. I, Page 61.  
118. Christie, James, & Mitchell, F. Alexander, (Ed.), Records 1648-1649, pages  
119. Peterkin, Alexander, Records of the Kirk, pages 406-407. 305-306.  
120. Mitchell, F. Alexander, (Ed.), Records 1646-1647, pages 21, 108, 211.  
121. Ibid. Pages 49, 55-56. 122. Ibid. Pages 245-273.  
123. Ibid. After rebellion of Earl of Seaforth near Aberdeen.  
124. Ibid. Pages 285-287. 125. Ibid. Pages 343-344 and Records 1648-1649.  
Pages 329, 376.  
126. Records 1648-1649, Pages 307, 329, 413-414, Pages 485, 348-349, see also  
Thomson, Thomas (Ed.), Acts of the Parliament of Scotland, Vol. VI, Pages  
359, 485.

not in session the Assembly's Commission remained as the great controlling power of the Church in the interval. This gave the Assembly a constant means of governing the Church and influencing the government. Thus for the decade while the Covenant flourished the Church of Scotland built into its ecclesiastical system a watchtower from which they could jealously guard the faith and continuously carry on the work of reformation.<sup>127</sup>

#### THE COMMISSION AND THE SCOTTISH GOVERNMENT

"In 1642 the country was in a feverish state - on the verge of civil war."<sup>128</sup> It seemed that the Church was going to have need of a greater liaison with the civil government. The affairs of the Kingdom were of great importance, and common to the welfare of both. The fact that there was<sup>a</sup> Commission from the Assembly of the Church to attend the Parliament, from 1638 to 1641, is illustrative of the Church's concern in the political life of the times.

In 1641 when Parliament passed an Act establishing the Committee of Estates it was especially expedient that the Church appoint some kind of organisation to correspond with this political innovation. Just as the Commission of Assembly was the most important body in ecclesiastical life the Committee of Estates was the most powerful force in the Scottish political life. This Parliamentary committee continued in the interval between parliaments, and had the full power of Parliament without any limitations, and without having to make an accounting of its affairs to the next session of the Parliament.<sup>129</sup> With two such powerful forces existing in Scotland, and both influencing the life of the country, the peace of the Presbyterian government depended upon the ability of the Committee of Estates and the Commission of the General Assembly to work together but as Dunlop says of Church and State in his volume on William Carstares:

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127. Mitchell, F. Alexander, (Ed.), Records 1647-1648, pages 440-441, 450-451, 456-458, 471-472, 473, 482-483, 517-518, 532-533, 537-539, 541-543, 546.
128. Cunningham, John, Church History of Scotland, Vol. II, page 38.
129. Donaldson, Gordon, and Dickson, W. Croft, (Ed.), A Source Book of Scottish History Vol. III, pages 242-243.

"It was natural and inevitable for Church and State each, to consider itself radical and fundamental, and the other secondary. Church history from the beginning, from one point of view, is the history of their relationship and it may well be so until the end."<sup>130</sup>

The Assembly made sure that several of the supernumerary elders of the Commission were also members of the Committee of Estates. In this way it was hoped that they could continually maintain some influence and vote in the government of the country.<sup>131</sup> However, the Commission had other means at her disposal. It was the responsibility of the Commission to appoint clergy to preach and pray before the parliament and the Committee of Estates.<sup>132</sup> This was a distinct advantage for the Church, and one is safe in assuming that such opportunities were used by the ministers involved to make known the mind of the Church to these governmental leaders. The most common method used by the Commission for getting the civil government to take note of the concerns of the Church was the publishing of Remonstrances, Declarations, and Solemn Warnings. These documents were devised by the Church, delivered to the Committee of Estates, and then printed to be sent to all the Presbyteries where it was to be read in the pulpit of each parish. While this seems harmless enough to the modern mind it was taken with the utmost seriousness by the government of that day, and was an action resorted to by the Church only when the gravity of the situation demanded it.

Some maintain that the real government of Scotland at this period approximated very closely to a theocracy.<sup>133</sup> The Power of the King was gone, the power of the Parliament was greatly influenced by the Covenanting spirit, and the General Assembly was the governing body. It was true that the Church exerted very great pressures on the political life of the nation, but a real struggle

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130. Dunlop, A. Ian, William Carstairs, page 26.  
131. Thomson, Thomas, (Ed.), Acts of the Parliament of Scotland, Vol. VI. Act XXXIII 1641, page 70-74, Act XXVIII 1644, Act XXII 1646, Act XXIX 1647, pages 53-54. Act XLIII 1648, Act XLII, Pages 92-93 Act XXVII 1649, pages 40-41.  
132. Mitchell, F. Alexander, (Ed.), Records of the Commission 1646-1647, pages 99, 103, 128, 130, 140, 143, 146, 147, 156, 164, 178, 201, 367, 386, 388, 401, 410, 423, 426, 431, 434, 437, 481, 547. One curious phenomena was the difficulty the Commission normally encountered in getting men to take on this task.  
133. Cunningham, John, Church History of Scotland, Vol. II, page 45.

continued for jurisdiction. During the 16th century it was the state that usurped some of the jurisdiction of the Church, but during this decade of the 17th century it was the other way round. There were many in the Parliament that resented this intrusion of the Church and declared that they would not be dictated to.

Evidence of such a conflict came to light in the summer of 1648. On the 8th of June 1648 the Committee of Estates pleaded with the Commission not to publish its Declaration against the Engagement which they had submitted to the Estates.<sup>134</sup>

The Commission responded by saying that it was the practice of the Commission to send the printed Declarations to the Presbyteries as soon as they were handed into the Committee of Estates.<sup>135</sup>

The civil leaders understood all too well the power of the Church and the effect that this declaration would have upon the people once it was read from the pulpit of every Church in the country. This attempt to change the mind of the Church failed. Realising this the government was concerned that the opposition of the Commission would mean that they would have difficulty in raising the necessary taxes to support the army to rescue the King. The Committee of Estates devised a letter to be sent to Presbyteries appealing for their help.<sup>136</sup> The tension between the Committee of Estates and the Commission thereby grew worse.

Up until the time of the surrender of the King to the English Parliament the General Assembly and the Parliament had been on the best of terms. In 1647 and 1648 the government came under the control of those who favoured a more moderate policy of dealing with the King, and who believed that England had broken its Covenant with Scotland.<sup>137</sup> William Law Mathieson in his volume on politics and Religion, maintained that the devotion of the nobles to the Solemn League and Covenant had never been very deep.<sup>138</sup> At the meeting of the Parliament in 1648 Robert Baillie was concerned over the number that were unsympathetic to the Church's policy.<sup>139</sup> The Commission of the Assembly had reviewed the concessions of King

134. Mitchell, F. Alexander, (Ed.), Records of the Commission 1646-1647, page 560.

135. Ibid. page 56. 136. Ibid. page 547. 137. Ibid.

138. Mathieson, William Law, Politics and Religion, Vol. II, page 85.

139. Baillie, Robert, Letters and Journals, Vol. II, page 36.

Charles I, but were dissatisfied.<sup>140</sup> Despite his qualms of conscience the Covenanters insisted that he had to sign the Covenants. However, those in the Parliament refused to support the Commission's action, and Baillie reports that, "... but eight or nine were found for our way."<sup>141</sup> The Scottish nobility cared more for Charles, despite his foolishness and refusal to subscribe the Covenant, and were willing to risk even the wrath of the Church to save him if they could. Thus the Commission penned its declaration showing that they opposed any engagement to save the King until he became a Covenanter, and refused to be part of or encourage any armed force supported by "malignants" who had come down from the north ready to march for the King.<sup>142</sup> To the Church the medicine was worse than the possible cure.

When the Commission made this violent objection to the country preparing itself for war to save an uncovenanted King many of the clergy were astonished at its boldness. A few were not afraid to speak out against this course of action, but a committee was quickly appointed to try the scandals that were heard from the pulpits of some in Edinburgh and Leith.<sup>143</sup> It was not wise for those within the Church to be openly critical of the Commission's action. John Cunningham, very sarcastically, but rightly refers to these high pretensions of the Commission by saying that they resembled a Scottish Vatican.<sup>144</sup> These ministers who felt a loyalty to the monarchy expressed their mind openly and refused to read the Commission's Declaration from the Pulpit. Robert Baillie writes:

"Also we resolved to have reason of Mr. William Colvill and his followers for their great and dangerous insolency, not so much in their open contempt neglecting to read our Declaration, as in their sermon and private negotiations, both with noblemen and ministers, to form a faction for dividing the Church, wherein the peremptor rigidity of some, the too great simplicity of others, and the evil

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- 140. Christie, James & Mitchell, F. Alexander, (Ed.), Records 1648-1649, page 46.
- 141. Baillie, Robert, Letters and Journals, Vol. III, page 35.
- 142. Christie, James & Mitchell, F. Alexander, (Ed.), Records 1648-1649, pages 8-26.
- 143. Mitchell, F. Alexander, (Ed.), Records 1646-1647, page 393.
- 144. Cunningham, John, Church History of Scotland, Vol. II, page 63.

talents of more, gave them occasion to make too great progress..."<sup>145</sup>

Therebellious ministers had made themselves an even greater menace to the Kirk because of a document referred to as the Devisive Supplications or Petitions. This was a paper written by some of the discontented clergy of Linlithgow, Edinburgh, and Haddington to be presented to the General Assembly of 1648, but which was never formally handed in.<sup>146</sup> This Devisive Petition, as it was known to the Commission, was considered a dangerous, malignant paper meant to divide the Kirk and hinder the work of reformation.<sup>147</sup> In fact it was a petition, the design of which was to have the power of the Commission moderated in some things.<sup>148</sup>

When the General Assembly of 1649 took place commissions for discipline were appointed for the four sections of the country, and Baillie reports that many were deposed.<sup>149</sup> Due to the efforts of Robert Douglas, the moderator of the Assembly in 1649, the discussion about the petition was dropped never to be mentioned again.<sup>150</sup> However, members of the Assembly 1649, remained convinced that the designers and subscribers of this supplication had attempted to overthrow the power of the Kirk in favour of the malignant party, and in the years to come they were not to forget this.<sup>151</sup>

Amidst all the clashing of spiritual armour, the clergy were well aware that this confrontation with the state threatened their position of power, and that their ultimate fate was soon to be determined by the weapons of war on another field. Some did not conceal their apprehension that, if Hamilton returned victorious over the English, his first step would be the suppression of the Commission of the Church as a judicatory of the Church not sanctioned by the law.<sup>152</sup> This campaign against the might of England was going to have a profound effect on the Church of Scotland. In opposition to the Engagement the Church, which had derived its principles from Melville and its inspiration from Knox, had put its

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145. Baillie, Robert, Letters and Journals, Vol. II, pages 41, 64.  
146. Christie, James & Mitchell, F. Alexander, (Ed.), Records 1648-1649, page 123.  
147. Ibid. Page 123.  
148. Baillie, Robert, Letters and Journals, Vol. III, page 95.  
149. Ibid. Pages 91, 92-93. 150. Ibid. Page 95.  
151. Baillie, Robert, Letters and Journals, Vol. III, page 95.  
152. Ibid. Page 65.

whole strength. If Hamilton had come back victorious, the Presbyterians would have failed in 1648 just as they did in 1596. The defeat of the Engagers by Cromwell was a victory for the Church and the Commission, and now with all its enemies out of the way the Covenanted Church of Scotland was in a position to proceed with its reformation. The Commission made haste to act on George Gillespie's admonition, by suspending the ministers who supported the Engagement and by marking off seven classes of offenders for exclusion from the communion of the Church until they satisfied the Church concerning their sincere repentance.<sup>153</sup> Even before this the Church had been pressing the Parliament to keep men who were under the censure of the Church from holding an office of public trust. The Commission of Assembly had orders from the Assembly of 1646 to confer with the Committee of Estates on a problem concerning the Election of magistrates and councillors for Aberdeen and Glasgow who had never subscribed the Covenant or were already under ecclesiastical censure.<sup>154</sup>

Some accused the Kirk of interference in political matters, but the Commission replied:

"We are persuaded that your honours and all such as know anything of our duty, and all such as tender the work of reformation, will bear us testimony, that as before we have not gone beyond our line, but humbly walked within our trust, aiming at nothing for ourselves, but studying the preservation of religion and the advancement of work of reformation everywhere throughout the land, so that in this particular, we have confined ourselves to the same rule and minded the same things."<sup>155</sup>

Two men, James Bell and Colin Campbell, who were responsible for presenting a paper to the Committee of Estates charging the Kirk with meddling in civil debates were placed in the Tolbooth of Edinburgh.<sup>156</sup> All others who proved to be an offence to the Church were dismissed from their various posts. The Church was now vested with an absolute veto on all public appointments, unlimited in duration and scope. The records of the Commission of 1648 and 1649 are replete with actions against engagers and malignants. Other Disciplinary Commissions were

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153. Christie, James, & Mitchell, F. Alexander, (Ed.), Records 1648-1649, pages 53-55.  
154. Mitchell, F. Alexanders, (Ed.), Records 1646-1647, page 60.  
155. Ibid. Pages 125-126.  
156. Thompson, (Ed.), Acts of the Parliament of Scotland, Vol. VI, page 234.

formed by the Assemblies of 1648 and 1649 for the purpose of purging the Church.

John Row in his supplement to the autobiography of Robert Blair reports:

"....They did much good, for many profane, scandalous, insufficient, and unfaithful ministers were deposed, especially in Angus, Mearns and Stirlingshire."<sup>157</sup>

The reign of the ultra-Presbyterian monopoly made possible by the Act of Classes and supported by the English sectarian forces fell to pieces under the weight of two successive events. First, the execution of King Charles I, and secondly the acceptance of the Covenant by Charles II who came to reign as Scotland's King.<sup>158</sup> No sooner was the King in Edinburgh than Cromwell brought his army into Scotland and succeeded in defeating the Scots at Dunbar. This was a true disaster for the Scots, and was soon to bring an end to the strict Covenanter party. With the Scottish army driven to the north, and the southeast part of the country in English hands the final act of co-operation between the Commission and the Committee of Estates was to bring about a serious division of the Church which was to mean its eventual ruin. Frustrated by the English success, and left with a divided army the Committee of Estates pleaded with the Commission to have the Act of Classes discharged. On the 11th of September with fifteen ministers and eight elders present the Commission resolved that persons accessory to the engagement, upon their petition and satisfaction could be admitted to the army. This action was too little too late, for Cromwell could not be stopped, and on the 3rd of September, one year to the day after Dunbar, the forces of Charles II were defeated at Sudbury gate.<sup>159</sup> Robert Baillie, no doubt, made the keenest observation of this time when he said in his journals:

"I am more and more in the mind, that it were for the good of the world, that Churchmen did meddle with ecclesiastical affairs only. That were they ever so able otherwise they are unhappy statesmen."<sup>160</sup>

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157. McCrie, Thomas, (Ed.), The Life of Robert Blair, Containing his autobiography from 1595-1636 and Supplement to his Life by William Row, Wodrow Society, page 221.
158. Mathieson, William Law, Politics and Religion, page 149.
159. Burton, John Hill, The History of Scotland, Vol. VII, page 41.
160. Baillie, Robert, Letters and Journals, Vol. III, page 38.

THE LAST DAYS OF THE COVENANTING COMMISSION

1649 - 1653

This is one of the most painful periods of the Church's History to contemplate and one of the most difficult to unravel. Until the death of Charles I the Scottish Covenanters had been as one in their zeal to carry on the work of reformation and in the establishment of the Presbyterian system of Church Government. At the risk of bringing severe persecutions upon themselves they resisted the pressure to support the engagement to free the captive Charles I. The resolute action and the rigid position of the Commission gained the admiration of the greater part of the Church<sup>161</sup> The course that Scotland was to take after the defeat of Hamilton was quite clear, and was drilled into the national cranium by a variety of actions. The most convincing proposal of all was the Act of Classes. Under this law seven distinct groups were defined, each worthy of some kind of ecclesiastical censure from excommunication to suspension from office, and the Committee of Estates was kept informed by the Kirk as to who could be employed by the government. The effect of this legislation was to establish in Scotland an ultra-Presbyterian monopoly of the very strictest type. The whole scheme was to collapse when the Scots brought Charles II to Scotland and revived the idea of the Uniformity of Church government throughout Britain.

Even before Cromwell marched north and defeated General Leslie at Dunbar Scotland was suffering from a serious discontent. Under the surface of a scene where it appeared that Scotland had at last attained everything they wished for seethed a possible schism. Some were complaining that the measures adopted after the defeat of the Engagers was too repressive. William Spang, Robert Baillie's cousin, wrote warning about the possible results and revealing the reputation that the Commission had gained with a good many:

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161. Christie, James & Mitchell, F. Alexander (Ed.), Records 1648-1649, pages 48-49, 113-114, 119-120.

"Likewise, it would be needful that ye remitted much of that rigor which, in your Church Assembly, ye use against those who have proven your great friends ever before. It will be better to let the sails fall somewhat lower in time, before a storm compells you; or these who think God so highly glorified by casting out their brethren, and putting so many to begging, making room through such depositions for young men, who are often miscarried with ignorant zeal, may be made through their own experience, to feel what it is, which now, without pity, is executed upon others. Generally, the great power which the Commission of the kirk exercised displeases all: It is but an extraordinary meeting, and yet it sits constantly and more ordinarily than any synod: yea without knowledge of Provincial Synods and Presbyteries, deposes ministers, enjoins pro autoritate what writs they may please to be read and inflicts censures on those that will not read them. If the Kirk of Scotland looks not to this in time, we will lament it when we cannot mend it. They say four or five rule that meeting; and is not the liberty of the Kirk come to a fair market thereby? We have an act that nothing shall be brought to a greater meeting which has not first been treated in a smaller; but now your compend of the General Assembly, or rather deputies of it, at the first instance, judge of matters, which might be better handled in lesser meetings. For God's sake, look that this course be stopped in time, else the Commission of the Kirk will swallow up all other ecclesiastical judicatories, and such ministers who reside in and about Edinburgh shall at last take all Church power in their hands. I know there is a piece of prudence hereby used, to get the power in the hands of those who are good, but what assurance have we that they will not change, or others, following this course shall creep into their place? We meet with daily regrets that older ministers are condemned, and the insolency of young ministers are fostered, the fore-runner of Jerusalem's destruction. The Lord make us wise in time!"<sup>162</sup>

After the Scots defeat at Dunbar, when the Presbyterian utopia was visibly crumbling the ecclesiastical parties became embroiled in a bitter struggle. One would have the Covenants at all costs and the other the King, and at the centre of all the controversy the Commission of Assembly strained to keep the Kirk and the Kingdom together.

A turn in events came when the Commission was approached by several ministers, army officers, and other gentlemen from the west of Scotland. This group produced a remonstrance that they wished to be directed to the Committee of Estates after the Commission had given its concurrence. The Western Remonstrance, as it was to be called, made some bold overtures:

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162. Baillie, Robert, Letters and Journals, Vol. III, pages 81-82.

"First, that the King's interest should be laid aside in the quarrel against the enemy. Secondly, that he should be suspended from the exercise of his Kingly power and authority, until he gave convincing evidence of a real change and repentance. Thirdly, they aggravate all the King's faults in Holland and at home, .... Fourthly, they offer remedies of what is past, and for preventing sin and danger. Fifthly, they challenge many things in the proceedings of the Committee of Estates, especially the noblemen for back-sliding, breach of engagements.... offering remedies for all these evils, Lastly, (which gave the greatest offense in the close there is insinuate a bond that they shall to the uttermost of their power endeavour to get these things remonstrate against remedied."<sup>163</sup>

The Commission eventually gave as their response to these suggestions the following opinion:

"....in the remonstrance they found many sad truths in relation to the sins charged to the King, his family, and in the judicatories (both civil and religious), which they proposed to remonstrate against in an orderly way."<sup>164</sup>

They further admitted that the Commission was dissatisfied with the remonstrance because it was an attempt to dictate to them, and precluded what some of the General Assemblies conclusions ought to be, but primarily because it was apt to breed division in the country and the Church which would be advantageous to the enemy.<sup>165</sup> Following this decision twelve ministers offered their protest and demanded that it should be recorded.<sup>166</sup> At this most critical point in the nation's history the Church as well as the army was to be divided.

On December the 12th 1650 the Commission was presented with the following question by the Committee of Estates:

"What persons are to be admitted to rise in arms and join with the forces of the Kingdom, and in what capacity, for defence thereof against the army of Secterics, who (contrary to the Solemn League and Covenant and Treaties) have most unjustly invaded and are destroying the Kingdom?"<sup>167</sup>

On the 14th of December came the famous reply, for the Commission with 16 ministers and 5 elders in attendance gave the answer that enabled the mass of those who had fought

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- 163. Christie, James, (Ed.), Records 1650-1652, pages 95-106.
- 164. Ibid. Pages 128-130.
- 165. Ibid. Page 130.
- 166. Ibid. Page 132.
- 167. Ibid. Pages 157-158.

"That considering it is a necessary duetic incumbent to their Lordships both by the law of God and the law of nature, to use all necessarie and lawful means for the defence of liberties, lives, and estates of the people of the Kingdome against the public enemy, who most unjustly invaded us and is destroying the Kingdome, and considering that the forces formerlie raised in this Kingdome are so ruined and scattered that there is not any considerable power of them remaining, and that the enemy hath now in his possession and altogether under his power a great partie, and that the best partie, of the Kingdome; and that there cannot possible be raised out of the rest of the land any competencie of forces to oppose the enemy, either for preservation of these parts that are yet free, or for the relief of these that are already subdued (as is represented by the Estates), unless there be a more general calling forth of the bodie of the people than heretofore hath been; therefore, in this case of so great and evident necessitie, we cannot be against the raising of all sensible persons in the land.... except as are excommunicate, forfaited...."168

On the 3rd of January 1651 General Middleton who had been excommunicated by the Commission and had his sentence pronounced from the pulpit of James Guthrie three months previous now had his sentence removed.<sup>169</sup> Everywhere Scotsmen suffering from one censure or the other were professing their repentance and taking up arms in support of Charles II.<sup>170</sup>

Letters came into the Commission from various parts of the country, expressing surprise, concern and in some cases dissatisfaction over the dramatic change in policy by this resolution of the Commission of the Kirk. Many of the clergy began to preach sermons condemning the Commission's submission to the Committee of Estates.<sup>171</sup> The Commission made every effort to explain the necessity of this action, but the protestors could not be placated, and finally James Guthrie and David Bennet, the most vociferous, were rebuked and turned over to the civil magistrates to answer for their cries against the state.<sup>172</sup>

The Committee of Estates approached the Commission of the Kirk again in April 1651 and asked them to consider the abolition of the Act of Classes.<sup>173</sup>

168. Christie, James, (Ed.), Records 1650-1652, pages 159-160. See also Baillie, Robert, Letters and Journals, Vol. III, page 126.
169. Christie, James, (Ed.), Records of the Commission 1650-1652, pages 159-160 and 172-173.
170. Cunningham, John, The Church History of Scotland, Vol. II, page 72. It is pointed out here that many of the acts of repentances were mere mockeries.
171. Christie, James, Records 1650-1652, page 260.
172. *Ibid.*, Page 293.
173. *Ibid.*, Page 361.

The Commission complied and left <sup>the</sup> ~~and~~ government free to bring an end to this infamous article of Scottish legislation.<sup>174</sup> Those who had been so vituperative after the first resolution were enraged by this decision, and the schism was now full-blown.

It was evident that a test of strength between the two parties was going to be waged in the Assembly of 1651 that was to be convened at St. Andrews. The Commission took one further step that was to ensure them of a victory when the debate concerning the public Resolutions was to come before the Supreme Court of the Church. At their last meeting before the ensuing Assembly a letter was sent to the Presbyteries with the following instructions:

"First to try those of their number that were disobeyers or opposers of the public resolutions, Secondly to confer with them, and if after conference, they still continued to act, to refer them to the ensuing General Assembly together with their letter...."<sup>175</sup>

This had the effect of making all the protestors against the Public Resolutions parties against the Commission's decision and thus kept them from having a vote in the debate. This, of course, also had the effect of pre-limiting the Assembly.<sup>176</sup> The bitterness that was engendered by this action and the Assembly debates left the Church entangled in a humiliating schism where adherents of both parties considered themselves as the remnant of the Church and set about censuring their former brothers with sentences of deposition and excommunications.<sup>177</sup> Long after the cause that sparked this fragmentation of the Kirk had any meaning protestors and resolutioners were still at odds. The story of this conflict is revealed in the Register of Consultations of the Ministers of Edinburgh and some others.<sup>178</sup>

It was Robert Baillie who said that during this time, "The Committee of

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174. Christie, James, Records 1650-1652, page 367-368.

175. Ibid. Page 459.

176. Peterkin, Alexander, Records of the Kirk, Page 628. The dissatisfied clergy turned in a declinature and protest to the Assembly which was signed by 21 persons.

177. Cunningham, John, Church History of Scotland, Vol. II, page 74.

178. Steven, William, (Ed.), Register of the Consultations of the Ministers of Edinburgh and some other Brethren, Vols. I & II.

prime importance was that of Public Affairs.<sup>179</sup> One must admit the truth of this when it is realised how much the history of the Church during this period was affected by this unique instrument of the National Church. In influence over the civil government of the time it surpassed by far the achievements of the Lords Spiritual which represented the Church in the Estates under the Episcopal discipline. Its powers within the structure of the Church as a watchman over the interests of the Church proved to be of substantial value, but of such a nature that one slip could prove fatal to the system it was designed to guard. Clear evidence of this is revealed in the incidents just discussed. Finally its methods were born of a tremendous vitality that demonstrated itself in an all-out effort to serve the God of their Covenant. As James Christie explains in his introduction to the Minutes of the Commission for the years 1650-1652:

"From a modern standpoint, and still more from an ideal standpoint, it goes without saying that much of the policy disclosed by these minutes, and some of the language used in them cannot be approved. But from the true historic standpoint, namely, the standard of the time in which the meetings took place, the members of the Commission have nothing to fear, whether regard be had to religion, morality, or humanity. In intolerance, and in the use of exaggerated language, they were no worse than their age; in disinterested attachment to the principle and in farseeing patriotism, in what they themselves called, 'the duties we owe to religion, our King and our bleeding countrey', (Minutes page 232), they were much above it."<sup>180</sup>

The results of such a highborn venture, may have been less than we have a right to expect in as much as the Church was left a shambles during the decade of the 1650s due to a decision taken in the Commission. However, one can never measure the usefulness of a project, by one decision spawned in the turmoil of a desperate situation though that one decision may give birth to catastrophic consequences. It is imperative that a judge should try to see the total picture before making an evaluation. When the Presbyterians became the Established Church once again after the Revolution of 1690 the Commission was considered so necessary that it became once more an integral part of the structure of the General Assembly of the Church of Scotland.

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179. Baillie, Robert, Letters and Journals, Vol. II, page 53.

180. Christie, James, Records of the Commission 1650-1652, page xiv.

Chapter II

1690-1694

The Controlling Commissions

THE COMMISSION OF ASSEMBLY 1690-1695

The Controlling Commissions

In October of 1690 the General Assembly of the Church met again after nearly forty years of suppression. It was in 1653 that Cromwell's soldiers forcibly turned out the last attempt of the Church of Scotland to hold its national Assembly. Twelve years of Presbyterian division (from 1649 to 1661) and nearly thirty years of Episcopal Church government had been written into Scottish history. Out of the ashes and tragedy of the Resolutioner and Protestor debate and the harsh rule of a Stuart government determined, among other things, to maintain Episcopacy the Presbyterian Phoenix rose again. Such a resurrection could not happen without momentous consequences.

In the confusion that followed the revolution the Church suffered from the pent-up frustrations of the suppressed Presbyterian supporters in the south-west of Scotland. The Episcopal clergy in that part of the nation were the first to suffer the vengeance of the angry westerners who took advantage of the chaotic situation to act with impunity. The supporters of the Stuart policies were forcibly ejected from their parishes.<sup>1</sup> The Church in the west was left virtually leaderless and desolate except for the few Presbyterian ministers that had survived the long interlude and now returned victorious to be welcomed to the parishes from which they had been turned out for not submitting to the Episcopal form of Church government.

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1. An Account of the Present Persecution of the Church of Scotland, Church Tracts Vol. 16, Murray Collection No. MU 46f 16 The University of Glasgow Library, special collections room.

A great many other Episcopalian ministers were deprived of their benefices by the government for not indicating their support of King William and Queen Mary.<sup>2</sup> This combination of forcible removal and legal deprivation added to the fact that some Episcopal clergy simply fled and deserted their parishes in the face of such open hostility had the effect of leaving the country nearly destitute of ministers. The remnant of the Presbyterian clergy considered this a providential turn of events and even though they were less than seventy in number they set themselves up as the only surviving members of the Church of Scotland and assumed control of the discipline of the Church<sup>3</sup>. Some other Presbyterian ministers who had never submitted to the Episcopal government of the Church, but had, nevertheless accepted of the first indulgence, but whose scruples checked them at the contradictory test of the year 1681, begged to participate in the restoration.<sup>4</sup> They however, were not a body who had high claims or prominent support, and their application passed unnoticed.

In 1596, in 1638, and even in 1662 when the Church of Scotland experienced and endured a change in the government of the Church the ministers, for the most part, were considered within the fold of the new government. In 1638 the Episcopal bishops and a few of the more notorious clergy suffered for their allegiance to prelacy, but the vast majority of the clergy were considered within the framework of the covenanting Presbyterian discipline. In 1662 the Presbyterian ministers were considered rightful holders of the benefice and entitled to remain as the minister of the parish on the one condition that they accepted the collation of the bishop, but hundreds refused to conform to Episcopacy.

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2. Leick, William, The Scots Episcopal Innocence, Tracts on Presbyterianism and Episcopacy in Scotland, 1694-1695, pages 14-36.
3. Burton, John Hill, The History of Scotland, Vol. VII, page 428.
4. Minutes of the Estates, 31st July 1689. The act offered by the King, but refused by the Estates included the clergy deprived since the year 1681, for not taking the test.

When Presbyterianism was re-established by the Convention of Estates in 1689 only the ministers that had been turned out in 1662 were considered the true representatives of a Church numbering about nine hundred clergymen.<sup>5</sup> This meant that but sixty or seventy Presbyterians were within the establishment, and all others including the Episcopal clergy were excluded from government unless they were qualified in point of efficiency, doctrine, and conduct. Everyone who wished to be admitted into communion and to participate in the government of the Church were to be tried by the clergymen thus restored by the act of Parliament.<sup>6</sup>

Time and events had now built in many barriers that prevented the Episcopal clergy from wanting to suffer the indignity of a Presbyterian trial that was to determine their qualifications to be ministers within the Church of Scotland. The two forms of Church government that now vied for power in Scotland had developed definite opinions of church government, and each system based its beliefs on Biblical evidence.<sup>7</sup> Both parties held a high view of Scripture which made it particularly difficult to come to some accommodation without destroying the validity of their doctrine. The Westminster Confession of Faith proved to be an obstacle to the Episcopal conformists, and kept many of them from applying for admittance. While the Episcopal clergy of Scotland were very much like their Presbyterian brethren in doctrinal belief still they resisted any attempt to force them to sign the Westminster Confession as a profession of their faith.<sup>8</sup> In the end, though, the Episcopal clergy agreed to adopt and subscribe the

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5. Mathieson, William Law, Politics and Religion, Vol. II pages 360-362.

6. Ibid.

7. Dicey, A.V., Thoughts on the General Assembly of the Church of Scotland under the Constitution of 1690, Scottish Historical Review, Vol. 14, No. 55, April 1917, pages 198-199.

8. Cunningham, John, Church History of Scotland, Vol. II, page 191.

Confession if they could then be free to participate in the government of the Church on an equal basis.<sup>9</sup> The political scene remained confused, and therefore many of the conformists remained reticent to declare their allegiance to William and Mary when they considered the Stuarts their rightful sovereigns and believed that soon James would return to the throne again. The energy of the Church was to be taxed to a considerable extent during the years ahead as it tried to overcome the desolate condition of the Church that the rabblings, deprivations and Episcopal reticence left.

The more tolerant attitudes of James VII during the latter half of the 1680s allowed the Presbyterians to meet in Presbyteries again, and the revolution of 1688 gave hope to the Presbyterians that they would once again be given, what they felt to be, their rightful place in Scotland - the Church by law established.<sup>10</sup> Events in the Convention of Estates, which met in 1689, gave further impetus to these hopes:

"Thus it can be seen that the Episcopalians considered the Convention of Estates as a Presbyterian Parliament, and the Presbyterians aware of this were, no doubt, encouraged that their establishment as the Church of Scotland could not be far off."<sup>11</sup>

The miscellaneous papers of the Church during this era confirm this feeling and indicate a great deal of activity in the Presbyterian camp. The confidence of the Presbyterians is amply illustrated in the pre-Assembly talks which were being held and where they can be seen mapping out the strategy of re-organisation.<sup>12</sup> The continuous delays in the

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9. Wodrow Manuscripts, Quarto XXIX (Unpublished). Letters to Robert Wylie from James Canaries dated 2nd Jan. 1692. (Ms.) page 326, National Library of Scotland, Edinburgh.
  10. Cunningham, John, Church History of Scotland, Vol. II, page 141.
  11. An Account of the Present Persecution of the Church in Scotland in Several Letters Church Tracts Vol. 16 Murray Collection No. NU 46f 16, The University of Glasgow Library, special collections room.
  12. Miscellaneous Papers of the General Assembly, (Ms.) Vol. I, 1687-1694, papers 1-5, National Register Office, Edinburgh.

Passing of the law to make the Presbyterian polity the law of the land gave sufficient time for the formulation of plans, and out of this wealth of planning came the idea of the visiting commissions. Mr. Alexander Pitcairn, minister of the Dron and afterwards the Principal of the New College of St. Andrews, wrote to the Earl of Melville about this:

"Tho our gracious God hath trusted us with such a day of mercy as is no small matter of rejoicing to all the Churches of Christ, and should, in a more special manner, excite the Church of Scotland to thankfulness...yet alas ! Such is our impatience and ingratitude, that nothing can satisfy unless all be calculated according to the unreasonable humour of some implacable ones who design to exercise a prelacy under the notion of Presbytery, and under pretence of purging, to destroy to Church Government, for which they pretend to be so Zealous..."<sup>13</sup>

Following the Establishment of Presbyterian Polity fears were expressed by responsible government officials over that the General Assembly of the Church might do when it convened in October 1690. With Presbyterians certain that they would be established as the national Church ever since the Revolution it can be assumed that rash promises of vengeance for thirty years of suppression were voiced by some. The fears of the Episcopal clergy were given expression in the pamphlets which flooded the publishers with all manner of stories of persecution.<sup>14</sup> Their fears were not altogether groundless, and many of those that had been run out of their parishes in the west of Scotland were in England pouring out their grievances where their stories would be received with sympathy.<sup>15</sup> They had also felt the swift sword of the Presbyterian Parliament and the Privy Council who had cut off so many of the Episcopal clergy for not

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13. Leven and Melville Papers 1689-1691, Bannatyne Club, pages 257-258.
14. An Account of the Present Persecution of the Church in Scotland in Several Letters, Church Tracts Vol. 16, Murray Collection No. MU 46f 16, The University of Glasgow Library, special collections room.
15. Burton, John Hill, The History of Scotland, Vol. VII, Page 436.

reading the Proclamation of the Parliament concerning King William and Queen Mary, and for not obeying the Parliamentary command for all clergy to pray for the new King and Queen.<sup>16</sup> The last lash of government policy, which the Episcopal party believed to be Presbyterian intrigue, was the depriving of Episcopal men from the staff of the nation's Universities for disloyalty.<sup>17</sup> It is little wonder then that the Episcopalians as well as the government officials were worried about the wrath of the General Assembly which was soon to meet. The Earl of Melville wrote to the Earl of Crawford appealing for moderation on the part of the Presbyterians in their Assembly:

"....I wish from my heart that people had taken my opinion in delaying their General Assembly for a half year longer; for it makes a great noise here, and like to prejudice the King's affairs, and the public interest. The clergy that were put out and came up, make a great clamour; many here encourage it, and rejoice at it...There is nothing now but the greatest moderation imaginable to be used, unless men will hazard the overturning of all, and take this as earnest, and not as imaginations and fears only; and it would be my opinion, that this ensuing Assembly should meddle with nothing at this time, but what is very clear will give no occasion of division amongst themselves, nor advantageous to those who have no good will to them, and are but watching for their halting; and they may endeavour to stop their enemies mouths by their moderation; and I wish they might adjourn after a few days sitting until some more convenient time, when heats and mistakes may be more over, and people calmly to see their own interest, and the calumnies that men are taken with, and too much believed, removed, and seen to be false, and the Church may have a fuller representative...."<sup>18</sup>

Melville thus makes it clear that many stories were circulating in England, and that the Episcopal exiles of Scotland were anxious to have the worst believed about the manner in which the Presbyterian polity was being set up in Scotland. Fortunately for the Presbyterians England was satisfied

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16. Laick, William, The Scots Episcopal Innocence, Tracts on Presbyterianism and Episcopacy in Scotland, 1691-1695, pages 14-36.
17. Presbyterian Inquisition, Church Tracts Vol. 16, Murray Collection No. MU 46f 16, The University of Glasgow Library, special collections room.
18. Leven and Melville papers 1689-1691, Bannatyne Club, pages 540-541.

to have a Presbyterian Church in Scotland loyal to William and Mary than a sister polity loyal to James. However, the situation was critical as can be seen from the tone of Melville's letter pleading for the Presbyterians to rule with moderation. It was his opinion that what was done in the Assembly with regard to those clergy of the Episcopal persuasion could very well determine the future existence of the Presbyterian establishment. Melville left nothing to chance and just before the meeting of the Assembly he wrote to several of the Presbyterian ministers expressing his hope that they would act in the Assembly with moderation as a means of countering the fears that had gripped the Episcopal clergy:

"My respect to yourself, and concern for the public affairs oblige me to obtest you, as you love the prosperity of your religion and country, to contribute your utmost endeavours to have this ensuing General Assembly brought to good issue, to which nothing can contribute more than a moderate management. It may not be amiss, that after some few days of meeting, and doing such things as are indispensable and necessary, you adjourn for some months, by doing whereof you will do much to confound the designs of your enemies, and advance the interest of your Prince, to whom, under God, you owe your liberty and quiet...."<sup>19</sup>

When the Assembly did convene the King's letter was read, and again the Assembly was pressed to act with moderation:

"A calm and peaceable procedure will be no less pleasing to us than it becometh you. We never could be of the mind that violence was suited to the advancing of true religion nor do we intend that our authority shall ever be a tool to the irregular passions of any party. Moderation is what religion enjoins, neighbouring churches expect from you and we recommend to you...."<sup>20</sup>

The interesting reference of William to what "neighbouring Churches" did expect could mean nothing other than what the Church of England expected and would tolerate. Thomas Hog, one of the Presbyterian ministers, writes in his Memoirs that moderation was the only expedient way to approach the prevailing

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19. Leven and Melville Papers, 1689-1691, Bannatyne Club, pages 542-544. The Earl of Melville to Mr. Hugh Kennedy dated 10 October 1690. Letters were also addressed to Mr. James Kirkton, Doctor Gilbert Rule, Mr. Hugh Fraser and Mr. David Williamson.
20. Record of the General Assembly 1690, (Ms.) National Register Office, Edinburgh.

problems of that:

"...The heavy yoke of persecution had pressed us long, and by a chain of wonders was now taken off, and hereby many were inclined to easy courses; and an excessive aversion from what they apprehended might be irritating, and bring us into trouble, proved a snare... our necks were just as taken off from the block, our settlement was in a weak and instant estate, and our adversaries were many and strong; hence such methods were thought advisable, that we might not too much provoke them, and that, if possible, some of them might be gained, at least, to entertain more favourable impressions of Presbytery."<sup>21</sup>

The theme of the Assembly was therefore, moderation. The King's Commissioner, the Lord Carmichael, was pleased with the progress and the temperate actions of the delegates, and reported this to the King's government.<sup>22</sup> The matter of greatest importance to come before the Assembly was the taking in of the Episcopal clergy to a share in the Church government. The means that was thought best for doing this was the formation of a Commission of Assembly. Again the King's Commissioner expressed his satisfaction with this method of procedure:

"....I do not see much more needful at this time but that a Commission of moderate persons may be named, to proceed in the trial of unqualified ministers, which will render Episcopacy conform to the settlement of the Government by the Act of this Parliament...."<sup>23</sup>

Just as there had been commissions for examining men after the 1638 Assembly in Glasgow, so the 1690 Assembly found this method of dealing with the specific problem of Episcopal incumbents advantageous. A subcommittee reported to the Assembly that:

"1. Their opinion is that all be purged out who upon trial shall be found utterly insufficient, supinely negligent, scandalous or erroneous and this applied to professed presbyterians as well as others.

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21. Hogg, Thomas, Memoirs, page 36. Ogilvie Collection of pamphlets 76/A/7, Trinity College Library, Glasgow.
22. Leven and Melville papers 1689-1691, Bannatyne Club, page 555.
23. Ibid. pages 545-546.

2. That no incumbent be proceeded against and sentenced upon the account of conformity with the late prelacy or for difference of opinion in Church government.
3. That the work of purging and planting may be the more effectually carried on it is their humble opinion that there be a visitation ordered for the north as well as a Commission ordinarily residing at Edinburgh.
4. That the work of each may be the more clear they humbly propose that the terms of ministerial communion.... or conditions upon which a minister may be continued in his own charge, or may be further admitted unto a share of the government, be distinctly stated....
5. That the forementioned visitors shall consist of the<sup>24</sup> most grave and wise ministers there are to be found...."

These arrangements were approved of by the Commissioner who reported to the King concerning the Commissions in what seems like the most favourable language:

"...They are also busy framing instructions for a committee, that is to sit after the General Assembly is over, for discussing of references and appeals, which would have been tedious for the Assembly to have done; and they resolve this committee shall consist of the most moderate, and give them all rules and cautions necessary. These are not yet perfected, but here is a draught of such of them as the sub-committee hath thought upon; and is not doubted but that they may be made useful enough for moderation....<sup>25</sup>

A later report by the Commissioner made it clear that a difference of opinion existed in the Assembly with regard to the sub-committee's clause about none being censured for their difference of opinion about Church government, or former conformity:

".... it could not be done in this manner; for the King's best friends were of the opinion, and did assure it, that this provision were made so express, it would occasion great offence and jealousy, and both hazard the opening of the breach that hath been mended up with the weild people, and render division of the conformists wider and incurable, so that, since the Parliament, in their act restoring Presbyterian government, thought good to omit this express provision, and to be content to set down only the allowed causes of censure, to wit, error, scandal, insufficiency, and negligency, it was urged that the Church might better follow the example...."<sup>26</sup>

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24. Wodrow Manuscripts, Quarto LXXIII (Unpublished), National Library of Scotland, Edinburgh.
  25. Leven and Melville Papers 1689-1691, Bannatyne Club pages 563-564.
  26. Ibid. pages 569-570. The 'Weild people' refer to the Cameronians and 'the breach' that has been mended is most likely a reference to the receiving of the three Cameronian preachers by the Assembly.

If everyone, including the King's High Commissioner, was optimistic about the moderation of the Presbyterians as demonstrated by the Assembly then at least one person remained unconvinced and called the moderate spirit a pretence and a fraud used to disguise a more sinister intent:

".... and the silly pretences of the moderation now shown here, which is to keep quiet some months; and then that all laity and ecclesiastics know they most expect all the effects of the wrath of an angry enemy, in place of equal judges; and the ecclesiastic party, in there several commissions, have given such evidence of their methods and designs, as the far greatest part of the nation is at a maze and dread, which one way or other, will have dire effects...."<sup>27</sup>

The Commission numbered over 50 ministers counting both the southern Commission and the Northern committee, and about 25 elders from north and south.<sup>28</sup> The Assembly did not try to make the Commission representative, nor could it, but this delegation was supposedly made up of the most grave, wise and moderate of men. The Assembly, hampered, as it was, by a lack of ministers tried as best it could to formulate a northern commission made up of men that were Presbyterian parish ministers north of the Tay River, but they were so few that the majority of this Committee were ministers and elders from south of the Tay who were also members of the Southern Commission. This disparity, and the obvious fact that the commission to purge and plant the new establishment, was made up of the old Presbyterian ministers was more than the Episcopal sympathizers could bear, and they were quick to complain to the King:

"....So my Lord, unless, by some equality in the partition of powers and favour from the King to the several interests; allow me in justice, as well as the kindness and respect I owe you, to present the dangers as most contemptible...."<sup>29</sup>

The Assembly, however, was aware that they would be liable for criticism, and therefore they made it abundantly clear that the Commissions were to act with

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27. Leven and Melville papers 1689-1691, Bannatyne Club, pages 558-559.
28. See Appendix C, The list of commissioners for 1690.
29. Leven and Melville papers 1689-1691, Bannatyne Club, 558-559. From Viscount Tarbat to the Earl of Melville dated the 30th Oct. 1690.

caution and not to be hasty in trying the Episcopal incumbents or quick to listen to charges made against them.<sup>30</sup>

We shall never know what the Commission of Assembly from 1690 until 1700 did accomplish since the minutes for these years were lost in the great fire destroyed a good part of Edinburgh in 1701.<sup>31</sup> The period has been left a blank and the Commission of the Assembly has been left open to some harsh and possibly undeserving criticism. Nearly every historian has taken the position that the moderate Assembly gave birth to a vindictive Commission whose only aim and purpose was to purge the Church of all Episcopal conformists.<sup>32</sup> The main purposes of the Commissions of 1690-1691 were to visit and try, to purge out unqualified, erroneous, negligent, and scandalous men and to plant qualified men, and to advise and oversee.<sup>33</sup> The Commission for the south side of the Tay was a Commission with powers reminiscent of the Commissions established by the Covenanting Church. The Assembly referred business to it, and gave it the power to hear all appeals that would be ordinarily made to the Assembly itself.<sup>34</sup> However, its main purpose was to control the influx of Episcopal clergy into the Church and to move about the country hearing the petitions of those who applied and trying them in morals attention to their duties. The Conditions upon which a minister was to be continued in his charge or admitted to a share in the government of the Church was spelled out in the report of the sub-committee to the Assembly:

"1. That all such and none else shall be allowed for the time to continue in their present charges and in the exercise of congregational duty who upon due trial shall be found not utterly insufficient etc., and who shall subscribe the Confession of faith and profess their submission to the Presbyterian government.

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30. Records of the General Assembly of 1690, Act XV Session 26, Instructions to the Commission for visitation on the south and north side of the Tay. Instruction 7.

31. Records, (Ms.) 1701, Session 16, 3 Dec. 1701 page 57.

32. Burton, John Hill, The History of Scotland, Vol. VII, page 440., "A powerful weeding machinery was thus sent into the Ecclesiastical garden". He then cites a footnote which lists several depositions. This is an obscure reference which seems in reality to be a list of cases of the Commission of 1694.

33. See Appendix B, Instructions to Commissions for north and south 1690.

34. Ibid.

2. That for the better securing of this government against the attempts of men of corrupt minds it be enacted that whosoever shall preach, write or act against the government shall upon trial being convicted be deprived and that they shall not be capable of being reposed but in a full General Assembly.

3. That all such and none else be admitted to a share of the government that is to sit and act in Presbyteries and Synods and general Assemblies who upon due trial shall be found to be not only orthodox in doctrine but of competent abilities, of a pious, godly, loyal and peaceable person as becomes a minister of gospel and an edifying spirit and whom the Commission visitors shall have ground to receive. They will be diligent in their ministerial duties and shall observe the National Fast appointed by the General Assembly."<sup>35</sup>

The conditions of admission to a part in the government of the Church was left in such a general condition that an arbitrary judgement could be applied, and the Presbyterians were thus clear to keep out any who they determined to be especially objectionable or dangerous. Dr. Gilbert Rule, one of the members appointed to the Commission later wrote that the emphasis in the Church was not purging and trying as opposed to planting, and in answer to a pamphlet of his day he makes it clear that the Commissions were, "To try all unqualified and cast them out," but he was also quick to make the point that, "the main design of the Commissions were to take in all who were qualified."<sup>36</sup>

Even before the Commission had opportunity to meet for the first time in January the Viscount Tarbot was writing to the Earl of Malville to complain about the Assembly's committee that was to visit the country north of the Tay. He referred to the men to be sent as, "a hot Commission sent to cast out so many good ministers."<sup>37</sup> In a second letter he appeals to the Scottish

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35. Wedrow Manuscripts, Quarto LXXIII, (Unpublished) National Library of Scotland, Edinburgh.
36. Rule, Gilbert, The Good Old Way Defended, Church Tracts Vol. 17, Murray Collection No. MJ 44g 17, The University of Glasgow Library, special collections room.
37. Laven and Malville Papers 1689-1691, Bannatyne Club, page 590.

Secretary to, "set some stop to your Kirk Commission....else it will do some mischief."<sup>38</sup> One can only wonder about this campaign, apparently born in panic, to put an end to the work of the Commission even before they had a chance to prove themselves. It seems as though the Episcopalians had reason to believe that the Presbyterians had developed a plan to dismiss all the Episcopal clergy as unqualified. The first meetings of the Commission for the south were held about the first week of January 1691. These meetings were at least a week after the Viscount Tarbat's letters. The northern committee did not convene until some months after the Viscount announced disaster as eminent.

The best sources of information for what actually took place in January when the Commission for the south came together can be found in two documents. The Episcopal version appeared in a printed pamphlet credited to Dr. Alexander Munro, a former principal of the University of Edinburgh, which was entitled, "A continuation of the Historical Relations of the General Assembly 1690." The Presbyterian counterpart was discovered in the writing of this thesis, and is in manuscript form in the Wodrow collection in the National Library of Scotland in Edinburgh. The authorship of this document, originally intended for publication, is attributed to William Dunlop, the Principal of the University of Glasgow after the Revolution. This version was apparently written as an apologetic when Mr. Dunlop was in London in 1695.

According to Dr. Munro several ministers received citations to appear before the Commission when it convened in January.<sup>39</sup> The tenor of the summons, stated by Dr. Munro in his pamphlet was, "...appear before the Commission upon the 21st day of January, to be tried in life and doctrine,

" " " " "

38. Leven and Melville Papers 1689-1691, Bannatyne Club, page 591.

39. Munro, Alexander, An Historical Relation of the General Assembly of 1690, and a Continuation of the Historical Relations, pages 31-36. Trinity College Library. Those summoned to the Commission according to this pamphlet were: Mr. Alexander Malcolm, Mr. James Hutcheson, Mr. John Farquhar, all of Edinburgh; Mr. Kay at Leith, Mr. Samuel Nimmo at Colinton, Mr. Andrew Iamsden at Duddingston, Mr. John Munro at Stirling, and many others.



Dr. Munro is quite fair in his analysis of the situation and blames not only the rigidity of the Commission, but also the rashness of the five ministers for their precipitation of the affair by their declination.<sup>45</sup>

The censure of deposition and deprivation left the Churches of Edinburgh vacant, and they were quickly filled with Presbyterians. The one exception to this was Mr. Thomas Wilkie of the Tolbooth Church, who retained his benefice, and was eventually received into the Presbyterian Communion in 1692.<sup>46</sup> The Episcopal pamphleteer accused the Presbyterians of taking advantage of the strained relationships in the city among the ministers, and indicated that what had been done in the Commission was a well planned conspiracy to rid the city of Episcopal clergy in order to replace them with their own men:

"...but also assigned their several Churches to particular persons, viz., The Grey Friar Church to Mr. Halc, the Old Church to Mr. Blair, and the Tolbooth Church Mr. Kirkton, which was commonly talked of long before, and it proving true, was a demonstration that there was a laid and formed design of turning out all the ministers of Edinburgh, by one means or another though they themselves (the 5 Episcopal incumbents) were the occasion of the more speedy execution of it."<sup>47</sup>

After the removal of these Episcopal clergymen from the parishes of the capital city of Scotland the Commission deposed no more Episcopal clergymen. It is wrong to assume that these men who were put out would have been treated in this manner even if they had submitted to the Commission. The only accurate gauge for the severity of the Commission in dealing with Episcopal clergymen would have been to see what they had done with them even though they did yield quietly to the Presbyterian trial. However, one can readily understand that Presbyterian ministers could not long endure half the Churches of Edinburgh being served by the prelatists while they, the ministers of the Established Church, were relegated to preaching in the meeting houses of the

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45. Munro, Alexander, Historical Relations, page 34.

46. Scott, Rev. Papstl, page 61, Presbytery of Edinburgh, Synod of Lothian and Tweeddale, Tolbooth Parish, Edinburgh. Mr. Wilkie was however transported to another of the Edinburgh Churches.

47. Munro, Alexander, Historical Relations, pages 34-35.

nation's chief city. The references made to the Commission made it clear that the purging and planting of the city and Presbytery of Edinburgh was top priority.<sup>48</sup>

The writer of the "Historical Relations", turns his attention next to the endeavours of the Commission to turn out two of the ministers of Stirling, Mr. John Munro and Mr. McKay.<sup>49</sup> In his attempt to relate the incidents of this affair he portrays the Commission as extremely partial, and open to all manner of devious methods.<sup>50</sup> When Mr. Dunlop's history of the same events is read an entirely different kind of Commission is revealed. He says the Commission was interested in comprehending the Episcopal clergy that were willing to submit to the new establishment, secondly they were quick to revise sentences passed against Episcopal incumbents by over-zealous Presbyteries, they refused to proceed against many whose cases had not been sufficiently developed, and lastly they did depose and deprive the Episcopal ministers of Edinburgh for contumacy according to the laws of the government.<sup>51</sup> It was Dunlop's opinion that Presbyterian Church government would have been in a short time settled had it not been for the jealous action of the enemies of the Presbyterians who found a way of gaining an audience with the King:

"But no sooner did some men see affairs going in a channel whereby Presbyterian Government might be quietly and peaceably settled, and worthy and moderate men who had served under Episcopacy by degrees taken in and the minds of the people formerly maddened with the oppression beginning to abate (which in all revolutions is a work of time) that they designed to put a stop to the Church's proceedings, and to create jealousies between the King and the Church aggravating any warm or rash procedure of any inferior judicatory

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48. See Appendix B, References to the Commission for the South - 1690.
49. Munro, Alexander, Historical Relations, pages 40-41.
50. Ibid.
51. Dunlop, William, History of the General Assembly and Commission 1690-1695, Wodrow Manuscripts, Octavo IV, Article 13, (unpublished) pages 498-499. National Library of Scotland, Edinburgh.

as if it were the deed of the whole, and represented the shyness of many of the younger and less experienced Presbyterian ministers, to receive such as they thought they had all the reason of the world to be jealous of, to be the unalterable resolution of the generality of our persuasion."<sup>52</sup>

The evidence of an attempt to create a conflict between the King and the Kirk can be seen in the attempt of the Episcopal faction to bring a halt to the Presbyterian steamroller by sending Dr. Canaries and Mr. Least as delegates to the King.<sup>53</sup> Stephen in his history reports that these men were to follow William to Flanders, and that they carried with them a petition praying for the King to put a stop to the violence of the persecution to which they had been subjected.<sup>54</sup> When this deputation reached William he put them off, but they followed him to his army, and there he gave them a conference and made them bearers of letters to the Privy Council and the Commission of the Assembly.<sup>55</sup> Some have taken from these events that the Episcopal emissaries were complaining of the harsh treatment at the hands of the Commission, but this could hardly have been the case. The first meeting of the Commission did not take place until the middle of January 1691.<sup>56</sup> According to Dunlop's History the first item on the agenda was the admitting of those who wished to submit to the government and the Church, then they tried some cases that had been referred to them from the Assembly, and only after all this did they proceed to deal with the Episcopal incumbents of Edinburgh.<sup>57</sup>

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52. Dunlop, William, History of the General Assembly and Commission 1690-1695, Wodrow Manuscripts, Octavo IV, Article 13, (unpublished) page 500, National Library of Scotland, Edinburgh.
53. Dunlop, Ian, A., William Caretaron, page 81, see also Scottish History Society Miscellany, Vol. XXI, 3rd series, page 213, see also Mathieson, William Law, Politics and Religion in Scotland 1550-1695, Vol. II, page 367.
54. Stephen, Thomas, History of the Church of Scotland, Vol. III, page 558.
55. Ibid. pages 558-559.
56. Dunlop, William, History of the General Assembly and the Commission 1690-1695, Wodrow Manuscripts, Octavo IV, Article 13, page 498.
57. Ibid. pages 498-499.

Mr. Munro said that it was January 23rd before the five Episcopalian clergymen from Edinburgh gave in their declination to the Commission. William had in fact left London for the Hague on January 18th, 1691.<sup>58</sup> The Episcopal representative travelled first to London and then on to Holland. They had gone to the English capital to see the King, but they found he had already set sail for Europe. This suggests that they arrived in London very soon after the King had left and did not realise before they left Scotland that he had departed for the continent, which also suggests that they must have been in London very shortly after the 18th of January. This being true they could not then know what was going on in Scotland between the Commission and Episcopal incumbents of Edinburgh. On February ~~the~~ 10th, William Carstares, who was with William in Holland, wrote to his brother-in-law, William Dunlop to say, "Dr. Canaries and Mr. Leask are here doing what they can for their friends".<sup>59</sup> It seems too much to expect that Dr. Canaries and Mr. Leask could have or would have travelled from Edinburgh to London and from London to The Hague in the mid of winter just to complain about the deposition of five men who had declined to even recognise the authority of the Established Church to censure them. The short space of time between the time when the deposition finally must have been intimated and when the deputation reached the King, and the difficulty of maintaining a continuing flow of intelligence to Holland does little for the credibility of the theory. It is not reasonable to believe that Dr. Canaries could have had reliable specific information about the Commission since they had been so long removed from the Scottish scene. The idea that these Episcopal delegates had as their chief complaint the activities of the Presbyterian Commission, a Commission that hardly had time to prove itself,

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58. Story, Robert H. William Carstares, page 211.

59. Ibid., pages 211-212.

is one of those historical myths passed down from one historian to another. The best that the Commission could have done to the Episcopalians at this early date would have been to arouse their already excited fears. Even Robert Story fell into the trap of believing that the Episcopal delegates had complained of the Commission:

"He (Dr. Canaries) carried to William an assurance of their loyalty, and a complaint of the hardships they were enduring at the hand of the Commission of the Kirk. The result was a letter from the King to the Commission recommending leniency...."<sup>60</sup>

If Carstares had know that Dr. Canaries was at the court because of the Commission of Assembly then it seems strange that he did not report this to William Dunlop. It seems more reasonable to believe that the Episcopal deputation were trying to accomplish something for those who had already been deprived while at the same time revealing their fears of what might happen.

Why then did William write a letter to be delivered by these delegates to the Commission? William knew and understood what the Assembly's Commission was and what it was to do.<sup>61</sup> The Commission was the representative of the National Church during that time when the Assembly was not sitting. If William wanted a message delivered to the whole Church then it would be quite natural for him to write to the Commission as the body that represented the national Church between meetings of the Assembly.

The real purpose of the Episcopal party in Holland was to represent the fears that they felt with regard to the comprehension scheme that had been proposed by the government and the Church. They most likely expressed distrust of the impartiality and fairness of those who were to be their judges. They may have been trying to convince William that the Commission, as it was formed would not, and could not examine a case against an

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<sup>60.</sup> Story, Robert H., William Carstares, page 211-212.

<sup>61.</sup> Ibid. pages 208-209, see also Dunlop, Ian, A. William Carstares, page 81.

Episcopalian from an objective viewpoint. They wanted a share in the governing of the Church, but if they had to endure a Presbyterian trial then there was little likelihood that they would be given the opportunity. In desperation the Episcopalians sent an envoy to William to appeal for another system of comprehension. A study of the scheme of comprehension that William was to submit to the next General Assembly could explain his actions at this time. At any rate it was unrealistic to believe that the Episcopal clergy could be attracted to the Presbyterian plan or that the Presbyterians intended to have the conformist incumbents to form a line at the meetings of the Presbyteries to have their credentials rubber stamped. The men received into the Presbyterian Communion at this time by the terms that the Assembly demanded were considered traitors to the Episcopal cause and every effort was made to discredit them.<sup>62</sup> Then to the terms offered by the Church must have seemed excessive for any true member of the Episcopal Church. Such feelings as these indicate that any attempt to force comprehension by this scheme was doomed to failure, and only a bitter and tragic result could be the end of the affair.

William, far removed from the scene of Scottish events, and with no one to advise him otherwise but Carstairs who had not been in Scotland after the General Assembly, gave the petitioners letters to carry back to the Privy Council and the Kirk's Commission.<sup>63</sup> Dunlop reporting on the mission of Dr. Canaries and Mr. Leask said:

"The visible effect of their endeavours against us appeared by their procuring a letter from His Majesty, then beyond the sea, discharging us to proceed against any of the Episcopal clergy until his return and further signification of his pleasures."<sup>64</sup>

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62. Munro, Alexander, Historical Relations, page 55.
63. Dunlop, William, History of the General Assembly and Commission 1690-1695, Wodrow Manuscripts, Octavo IV, Art. 13, page 500.
64. Ibid.

The Episcopalians were very much encouraged by this act of the King's favour and the Presbyterians were correspondingly irritated and perplexed.<sup>65</sup> As a distant observer William simply could not understand the difficulty the Presbyterians might have in taking in qualified Episcopal clergy, but it must be realized that the King was under some pressure from the English Hierarchy to protect their northern brethren who were willing to submit to the government and be loyal to William. It may have been an academic matter to the King, but it was a matter of survival to the Presbyterians. The Earl of Crawford wrote to the Earl of Melville to explain the situation in Scotland and from the tone of his letter it is easy to see that the system of comprehension was not definitely under question:

"....I trust the moderation of the Commission now sitting, will be evident to all who are not prejudiced at our way, and that they will go the utmost length in compliance with His Majesty, which is consistent with their principles, and the safety of the present establishment. I hope it is not expected that they are to take into the Government, crowds of such who declare themselves of different persuasion, and would vote them to the doors in a few months; not be put to embrace those who are deposed or suspended for gross immoralities, or under processess for such like, nor will not come up to the qualifications in the Act of Parliament. The Commission hath already received three, from the Synod of Argyle four, the Presbytery of Dumbarton two, and that of Glasgow as many. If some others, who are named sober men, do not address them, none, I hope, will judge that they should be invited. This is my heavy regret, that His Majesties mind was not rather intimate privately, then rendered so public by the former and late letters, which has made the Episcopal clergy haughty in their way, sparing in their applications, and very different in their style to what otherwise they would have been, and less thankful to our Church for receiving them, they now looking upon everything of that sort as force, and not choice...."<sup>66</sup>

William Dunlop, in his history, says, "If they were to receive all who applied without regard to their opinions on government then they would be outnumbered and soon the government of the Church would be turned over again."<sup>67</sup>

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65. Leven and Melville Papers 1689-1691, Bannatyne Club, pages 596-601.

66. Ibid page 172 and pages 630-631.

67. Dunlop, William, History of the General Assembly and Commission 1690-1695, page 304

If one reads William's letter it becomes apparent that the King makes no specific charge against the Commission. Through this arm of the Church he addresses the whole Church of Scotland, and directs them to allow those who had been formerly turned out of Churches to receive other calls, to review complaints of severities and hardship, and to put a stop to any further processes until he should return to Britain.<sup>68</sup> William Dunlop confirms that the King's letter brought a halt to all proceedings against the conformists of whatever kind be it in Presbyteries, Synods of the Commission:

"....However, the Presbyterians to a great degree disappointed their enemies by complying with the letter yet it must be owned that these proceedings begat strange thoughts in them and laid the foundations of jealousies which have since proved the obstacle of a union between them and the Episcoapl clergy which jealousies were greatly after heightened by the change of the civil government in favour of the Episcopal clergy...."69

The real reason then that the King placed a block in the way of the Presbyterians was not because of any persecutions or mass depositions by the slowness and reluctance to accept the Episcopal applicants. One anonymous letter in the Wodrow collection gives a full account of the King's reasons for halting the actions of the Commissions and other judicatories of the Church of Scotland:

"The account you have sent me of the delivery of the King's letter to the Commission, the manner in which it was received, the discourses that have followed, and the resolutions that are taken thereupon, do all confirm me in my former opinion that there is no good to be expected from the leading men of this Commission, That it is absolutely necessary for our recovery, at least to essay the proposal that was made of a conference or some such method to turn the current of Church affairs into another channel, That these who are principal members of the Commission be not wholly laid aside (which cannot well be done unless the Commission itself be discharged to act any further) that will frustrate the ends and design of a conference....

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68. Stephens, Thomas, History of the Church of Scotland, Vol. III pages 559-560.  
69. Dunlop, William, History of the General Assembly and Commission 1690-1695, page 503.

I make no doubt but these are many misrepresentations and false stories carried to the King against the Presbyterians. But it is likewise plain as noonday that they themselves who now have the power, do nothing effectually for composing the differences and procuring the peace of the Church, yea that they are no disposition to it, but that they are so entirely under the influence and impressions of their own jealousies and narrow measures that if they be suffered to hold their course, they will render presbitery contemptible to all sober and rational persons (in whose esteem it sinks every day) they will undermine an excellent constitution, which the law has now restored and ratified, and they will at length force the King and Parliament to do things more uneasy and of harder digestion to themselves, then they can suppose the consequence of what is now proposed will amount to even the heightened by their outmost suspicions. And therefore to prevent all this and to lose no time I could heartily wish to see a letter from his Majesty to the Privy Council with orders to them to publish it. Bearing

1. His Majesties firm resolutions to maintain Presbyterian Government (et. as in the former paper) in all its due rights and full vigour as by law established, and in all the proper constituent judicatories thereof viz. Kirk-sessions, Presbyteries, Provincial and National Assemblies. Et.

Notand. These are particularly to be enumerated, because the Commission (the stopping of which at this time is quarrelled as an encroachment) is none of them, but a novell invention devised about the year 1643, and which may be tolerated yea approved as very useful if it act well, but if amiss may very justly be restrained as no constituent part of Presbyterian government.

2. That his primary care for the peace and unity of this Church (Et as in the former paper) did move him to send his Commissioner instructed with his Royal intentions in that regard, to the late General Assembly, from which he expected a Christian and effectual remedy for healing the disorders of that Church. But that are groundless jealousies, partiality and narrowness of some particular men having hindered the same and postponed so good a work, and having thrown over upon a Commission, that which the united endeavours of the ministers representing the whole Church should have been employed about, and the instructions given to the Commission, seeming rather to be a hedge to hold out, than a door to admit and let in, and so the best a cure no ways suited to the extent of the malady. His Majesty had signified his purpose in a letter to the said Commission, That there being so many complaints brought to him, of their slowness and partial way of procedure, it was his pleasure that they forebear to meet or act as a Commission or ecclesiastical judicatory till he should be more fully informed of the whole state of the Church and give his further directions thereon....<sup>70</sup>

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70. Wodrow Manuscripts, Folio XXXIV, (Unpublished) manuscript pages 74 and 75 National Library of Scotland. See appendix J, for full transcript of t. is letter.

Alexander Munro the Episcopal Chronicler says that the Commission did not put a stop to the persecution by Presbyteries, not did they redress any grievances.<sup>71</sup> Gilbert Rule in his apologetic for the Presbyterian cause admitted that some few Presbyteries did censure one or two incumbents on slender grounds even after the King's letter, but he went on to beg that the whole Church should not be judged by these few, for the Church did what it could to prevent this.<sup>72</sup> Later on in the summer William Carstares wrote to Dunlop and in the course of the letter he said:

"I could wish some way were taken to acquaint some sober man of the Church of England with the reasonableness of their procedure, - I mean the Commission - which, I suppose, would be pleasing to the King. I hope their carriage at this time shall be such as that their enemies shall have no advantage of them, and they may be assured of all the service that is in my power."<sup>73</sup>

Thus we can ascertain that Carstares recognised the procedure of the Commission as reasonable and quite in line with the purpose for which the Assembly had created it. Furthermore we can see that the Church of England had a very influential part to play in Scottish ecclesiastical affairs. Finally we note that Carstares promised his services. William Carstares was not likely to give his wholehearted support to any project that was likely to offend the King, even though he was a Presbyterian.

In March the Commission of the Assembly for the north side of the Tay, travelled to Aberdeen to begin its work.<sup>74</sup> The King's letter had limited the function of this northern Commission, therefore the only purpose in going to Aberdeen was to take into the Church any who wished to submit to the government of the Church. When the Commission convened for business they were assailed by a hostile mob, and were forced to leave Aberdeen without

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71. Munro, Alexander, Historical Relations, page 56.

72. Rule, Gilbert, The Good Old Way Defended, Church Tracts Vol. 17, Murray Collection No. MU 44g 47, page 165.

73. Story, Robert H., William Carstares, page 216.

74. See Appendix B, Instructions to the Commission.

accomplishing a thing. William Dunlop reports about this incident in the following terms:

"This letter coming in between two quarterly meetings of the Commission, before it was delivered to them, full copies thereof were spread everywhere by the Jacobites and the discontented Episcopal Clergy, and then it was pleaded by some who were cited before judicatories as sufficient to stop their proceedings against them... It did also hinder the members of the Commission who were appointed to go north from the south as being assured that the King's letter would follow them and put a stop to their proceedings, and the other for members of the Committee for the north who lived in that country, meeting at Aberdeen on the day appointed were assaulted by a rabble of mean people; The Magistrates of the place being influenced in the name of the letter not only conniving at the same, but fomenting it underhand, for which, though some of them were afterward punished by the government, yet it occasioned the Church to lose that opportunity of receiving into the government a more comparable number of ministers than ever was willing since, because then a great many were willing and waiting for the Commission's meeting to have made application to them in order to their being received..."<sup>75</sup>

It was said by the Earl of Crawford in a letter to William Carstares that such trouble was the result of the King's letter and the fomenting of fear hysteria by some of the Jacobites in the government:

"The affair in Aberdeen is found very dirty, and the probation distinct. It is warrantably suspected, that some of high quality, and in the government had a deep share in the contrivance of that foul affair. There is likewise a sort of bond of association, subscribed by all the disaffected in the place, not only undertaking to stand by their ministers, but protesting against anything the Commission should do. I presume his majesty will not approve them in such a procedure to a Commission of the Assembly, delegated by that venerable meeting, consented to by his Commissioner, and carrying the authority of Parliament with it...."<sup>76</sup>

The King's letter provoked the Commission into sending representatives of their own to the King. Crawford wrote to the Scottish Secretary:

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- 75. Dunlop, William, History of the General Assembly and Commission 1690-1695, page 501.
- 76. Ibid., see also Carstares State Papers, page 146. Letter from Crawford to Carstares dated 16th June, 1691.

"The Commission of our Assembly has adjourned, until the 17th of June; and the Earl of Southerland, Mr. Gabriel Cunningham, and Mr. David Blair, are chosen to carry the answer to his Majesties letter, and have instructions for their management of our Church affairs...."<sup>77</sup>

It was hoped that the restrictions placed upon the Church by the King would be removed once the full and true story from the Presbyterian viewpoint had been given.<sup>78</sup> There is no record of the Commissions letter to the King in existence, but one can gather what must have been represented to the Monarch by way the King's second letter to the Commission is formed. Some assurances must have been offered by the Kirk that they were willing to comprehend the Episcopal clergy, and that they were willing to redress the grievances of those that had been truly injured by any Presbyterian action.<sup>79</sup> However, they were also bold to claim that the King's letter had the effect of protecting the scandalous, erroneous, and negligent clergy that the Church wished to purge.<sup>80</sup> William answered with a second letter, and conceded that the Church was under no obligation to receive those who were described as scandalous, erroneous, and negligent, and he allowed that the Commission could proceed to an inquiry before taking in a conformist, but he further insisted that they could only refuse him a share in the government they could not deprive him of his benefice.<sup>81</sup>

The second letter of the King further encouraged the Episcopal clergy and therefore they decided to petition the Commission as a test of the Presbyterian promise. The text of the petition was drawn in England, and Dr. Canaries in a letter to Robert Wylie says about the petition:

"....that it was approved both by King and Queen before ever I heard of it, (which was to know if I was pleased with it) and I suppose they will be found to be the best judges...."<sup>82</sup>

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77. Leven and Melville Papers 1689-1691, Bannatyne Club, page 605.  
78. Ibid., pages 601-602.  
79. Stephen, Thomas, History of the Church of Scotland, Vol. III pages 563-564.  
80. Ibid., page 564.  
81. Ibid.  
82. Wodrow Manuscripts, Quarto KKIX (unpublished), Letters of Dr. James Canaries to Robert Wylie dated 19th October, 1691, Ms page 311, National Library of Scotland, Edinburgh.

When the petition came before the Commission it was refused on the grounds that it had been signed by men north of the Tay and that the Assembly had appointed a Commission to meet there, therefore, the petition should have been directed to them.<sup>83</sup> Mr. Leisak protested against this decision in the following words:

"....there was no Commission sitting in the North at that time, that he (Mr. Kennedy) was a moderator of both Commissions, and he judged it all one which of them he applied himself to! That the King's letter was directed to them, which required them to receive such as should make application unto them...."<sup>84</sup>

A second petition was presented by Mr. Thomas Wood, the Episcopal incumbent of Dunbar, on behalf of the clergy of the Episcopal persuasion on the south side of the Tay.<sup>85</sup> The Commission hesitated for a few days, and then called the petitioners back to several questions, and to explain what they meant by some parts of the address.<sup>86</sup> This the Episcopal petitioners refused to do. On the 22nd of July the Commission gave its answer to this second petition, and the reasons for their action were attached to the answer:

"....The Commission for visitations on the south side of the Tay appointed by the late General Assembly...having considered a petition presented to them by Mr. Thomas Wood and Mr. William Denune signed by them and twelve other ministers who call themselves of the Episcopal persuasion do find that some of these petitioners are deposed and some of them suspended both of them for gross immoralities. Others of them are in processes by the Assembly referred to this Commission and some declared contumacious by the Presbyteries of the bounds where they have their residence, and some of them without the bounds committed to the inspection of the Commission. They also find that not only do these petitioners not look upon this Commission as a judicatory of the Church, but also do mistake their work by ascribing to them a power to establish the Judicatories of this Church which is not committed to them by the Assembly! And though the

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83. Munro, Alexander, Historical Relations, page 51.

84. Ibid., pages 51-52.

85. Manuscripts Regarding the Episcopal Church 1691-1708, Ms. No. 1497, The National Library of Scotland, Edinburgh.

86. Munro, Alexander, Historical Relations, page 52.

Commission be satisfied to hear of their zeal against popery and firmness in the protestant religion...yet... they have not offered to own and subscribe the Confession of Faith which by law is made the standard of the Doctrine of this Church. They give no security against other disorders nor do they offer to submit and concur with the present established government of this Church according to the instructions of the General Assembly... the petitioners seem to desire an allowance for setting up an government separate from and independent upon that which is established by law, and have refused... to explain...any expressions that seemed dark and doubtful to the Commission...Therefore the Commission cannot grant this petition as it stands in terminus however willing they be to receive such of them as personally compeiring shall be found duly qualified...."<sup>87</sup>

The Church was therefore having no part of a union or merger by any corporate petition, but preferred to receive individual applications for comprehension.<sup>88</sup>

Mr. Wood received the Commission's answer which he protested was a refusal of that which the King's letter required of them.<sup>89</sup>

It was obvious that both sides were outwardly expressing a willingness to unite, but their actions betrayed the fact that neither was willing to sacrifice their sacred principles. Alexander Munro was quite candid in admitting that each party made a pretence of wanting to get together while keeping at a distance and studying what might hinder rather than what might further any union.<sup>90</sup> It was obvious that the Episcopal clergy were not willing to suffer a microscopic inspection by the visiting Commissions which they called, "an Arbitrary Umpirage".<sup>91</sup> James Canaries in a letter to Robert Wylie sums up the perplexity of the situation:

"...The King is still for union. You are still of your mind about the petition to the Commission, I would fain know your exceptions...but pray, what other union would

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87. Manuscripts Regarding the Episcopal Church 1691-1708, Ms.No. 1497. National Library of Scotland, Edinburgh.
88. Shew, Duncan, (Ed.) Reformation and Revolution, pages 254-255.
89. Munro, Alexander, Historical Relations, pages 53-54.
90. Ibid.
91. Wodrow Manuscripts, Quarto XXIX (Unpublished). Letters from Dr. Canaries to Robert Wylie dated 22nd August, 1691, Ms.page 309 and 14th November, 1691, Ms.page 321, National Library of Scotland, Edinburgh.

"you have us yield to. We are content to sit with you in Presbyteries, Synods, and General Assemblies, and to join with you in every thing that tends to the advancing the power of religion, and suppressing scandal and vice; which comprehends the ends of discipline. Would you have declarations from us that we must tie ourselves to the Presbyterian Government? Or what would you have more than we are willing to yield, except what would justly bring the domination of having turned Presbyterian upon us, and that were not an accommodation with us, but a total routing of us, and taking us captives...And what more can be done in such circumstances! For my part, I could never understand what an Union your folks would be at, unless that they would have us turn downright Presbyterians. I tried all the corners of my invention over and over again for an Union to please both sides: but I can find none other than according to the petition. All your party understand by an Union, that the Episcopal clergy should yield their ground, and deliver up their arms, and patiently put the chains about their necks. But whoever would contrive an Union for the present circumstances, must lay before them, the Presbyterians, truly blue on the one hand, and the Episcopal Clergy, obstinate against saying or doing anything against Episcopal principles. And so he must study out an Union betwixt the two continuing so. I have convinced the Episcopal side that they may yield to the Union of the Petition: the difficulty now lies in convincing the Presbyterian side to yield to it also...If you think of bringing us over to you, as men indifferent about the government you will mistake your measures..."<sup>92</sup>

Despite what Dr. Canaries writes about the clear-cut position of the two sides a minority opinion must have existed among the Presbyterians. A paper credited to Robert Wodrow but signed by more than 20 other Presbyterian ministers is illustrative of this point:

"...The main work of ministers at that time which all the sober part of the nation expected from them should have been, with vigorous and united endeavours both in the General Assembly and in inferior judicatories to have applied themselves to the true interest of religion in a manner becoming the governors of a National Church and to have avoided everything that was contrary thereto or tended to divert therefrom, especially that might savour of a narrow resentive spirit, or an humour of faction and party and have not for edification but for division and destruction."<sup>93</sup>

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92. Wodrow Manuscripts, Quarto XXIX (Unpublished). Letters from Dr. Canaries to Robert Wylie, 14th November, 1691, Ms page 518.
93. Ibid., Quarto LXXIII, 3rd Paper.

The paper continues in a very moderate vein indeed, and called for the admission of Episcopal conformists, who were qualified and free from scandal regardless of their views about Episcopacy. It was pointed out that in such a time ways and means could have been found to use any available minister, but suggests that this was not possible because the majority of the Presbyterian ministers would not tolerate the admission of any who did not completely renounce their former allegiance, confess their sin of compliance with an evil system, and totally submit to the demands of the Church.<sup>94</sup>

The paper also pointed out that:

"...These honest and Christian methods would have tended both to the settlement and cleansing of this national Church...They would have contributed to set this Church and her government beyond the reach of the minister design of ambitious statesmen who by fomenting faction and party in the Church feel their own greatness and to render themselves necessary. They would have been greatly subservient also to remove the bad influences of our neighbouring jealousies in England, to wipe off the reproachful aspersions of our enemies at home, to conciliate the affection to all good men, either to reform or strike terror into the bad, to break their opposition and to force them at least into a feigned obedience."<sup>95</sup>

The paper also contains a complaint about the instructions given to the Commission of 1690. It could very well be that it was this same group of ministers that argued for the inclusion of the article in the Commission's instructions that would have prevented any petitioner to the Commission from being excluded from communion on the grounds of his former conformity to the Episcopal government. Wodrow says:

"The instructions given by the General Assembly 1690 to their Commission, and in the draught of an Act made in the Committee of the last Assembly have been so clogged with a multitude of terms, conditions, cautions, restrictions, and limitation as renderest these essays more effectual for excluding than for assuming..."<sup>96</sup>

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94. Wodrow, Manuscripts, Quarto LXXIII, 3rd Paper. See Appendix J, for the full transcript of this manuscript that fills 11 manuscript pages in Quarto LXXIII.

95. Ibid.

96. Ibid. From the wording of this quote it can be ascertained that the paper must have been written sometime before the Assembly of 1692.

The paper continued to list a number of faults with the way the Church went about trying to exclude the Episcopal clergy, but was also full of positive hints how any problem arising from the comprehension of Episcopal clergymen could be handled. In fact, it is very likely that the idea for the Barrier Act was born at this time and for this reason:

"It may be a further security to the Government, and a stronger one than all the repentances and engagements, as well as most just and reasonable in itself that it be enacted by the General Assembly that hence forth nothing shall pass into an Act that is so of general concernment to the Church in the name General Assembly wherein it is proposed, but shall be brought back by the delegated members to their constituent Presbyteries, who shall fully instruct their commissioners as to that point that so it may be enacted or rejected in the subsequent General Assembly. And that no matter of such importance shall pass into an Act or canon of the Church unless it have at least  $\frac{2}{3}$  of the votes of that General Assembly for it..."<sup>97</sup>

It is quite wrong then to believe that the Presbyterians were all of the same opinion, but the Episcopal brethren would have to wait for the more moderate opinion to develop further before any scheme of comprehension could be envisaged.

Both sides now set back to develop their strategy and to wait for the next meeting of the General Assembly of the Church. The Presbyterians resting secure in the King's promise to maintain the Presbyterian government of the Church, but remained adamant that they should control the admission of applicants to the sphere of Church government. The Episcopalians were satisfied that the Sovereign had promised to protect them and to see that they had their rights.<sup>98</sup>

While the Commission had some restrictions placed upon its work by the King's letter ordering them to cease all processes involving the Episcopal

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97. Woodrow Manuscripts, Quarto LXXIII, 3rd paper. The Barrier Act became an Act of the General Assembly in 1695.

98. Woodrow Manuscripts, Quarto LXXIX (Unpublished). Letters from Dr. Canaries to Robert Wylie, 14th November, 1691, Ms. page 317.

clergy their internal work did not receive a block. It was part of their assigned task to place ministers where they thought they could best serve. Since they had so few men available and so many vacant parishes to consider. This then was a vital responsibility. The abolition of the Patronage laws by the Convention of Estates meant that the Church courts would be involved in transportations to the same extent as they were during the latter days of the Covenanting Church from 1649 until the restoration.<sup>99</sup> The Assembly had little time to deal with a multitude of appeals from parishes, presbyteries and synods, and thus the energies of the Commission were to be expended by dealing with these matters. As before, the absence of the patronage system meant lengthy processes before the judicatories of the Church. It meant hearing the witnesses for the parish issuing the call, and representations from the parish where the minister was then serving as to why he should not be moved. Of course the process started in the presbytery, but generally the persons appealing the case would eventually take the matter to the Assembly. The case involving Robert Wylie was no exception. The Assembly had instructed its commission for the south of Tay to settle the transportation of Robert Wylie who had received a call from the parish and heritors of Hamilton in the Presbytery of Hamilton.<sup>100</sup> This minister of Yarrow in the Presbytery of Selkirk wished to remain where he was, and he argued long and loud to this end. In his efforts to remain in the parish of Yarrow he had to contend with the Commission. Wylie's hopes to foil any attempt to transport him depended on the decision of the Assembly's Commission. Wylie argued that it was a matter to be decided by the

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99. Balfour-Melville, E.W.M., (Ed.), Records of the Convention of Estates 1689, Scottish History Society, page 257. See also Acts of Parliament of Scotland, Vol. IX, pages 196-197.

100. See Appendix B, see also Manuscript records of the Presbytery of Selkirk 1691 page 9, letter from the Presbytery of Selkirk to the Commission on Mr. Wylie's behalf. See also Records of the Presbytery of Hamilton, 1690-1691, (Ms.), page 68.

Presbytery or the Synod, and was not to be interfered with by the Kirk's Commission because it was not within their jurisdiction. Mr. Wylie's letter to Gabriel Cunningham reveals one Presbyterian minister's feelings about the power of the Commission:

"....But they found themselves not free by reason of the King's letter to enter upon any business at all; and adjourned till the 3rd Wednesday of this month at which time I resolved not to appear.

1. Because I was never to the hour duly and rightly summoned....The Commission themselves were so just and sensible of the neglect that they raised a new order to summond upon 15 days, but the Moderator would not allow more than 4 or 5 days....

2. Whereas it may be said that the sentence of a judicatory will clear a man that is in doubt about these matters - I acknowledge the sentence of a judicatory as weighty and to be received with much reverence and awful regard. But I do assure you sir, that the sentence of the Commission would weigh very little with me in this affair. 1. Because I have from the very beginning seen all them who ordinarily meet so partial in this matter....

2. Because none of them are my immediate judges. 3. Because the whole procedure in this matter hath been so arbitrary and unwarrantable...."<sup>101</sup>

Wylie was disappointed for the Commission considered it very much their business, and well within their jurisdiction.<sup>102</sup> When the Commission had cleared with the King that they could proceed to care for their internal business they transported Wylie to Hamilton.<sup>103</sup> When the General Assembly convened in 1692 Robert Wylie was there to contest the right of the Commission to transport him. It was his hope that the Assembly would see the justice of his claim because of the interference of the Commission in the affairs of the Presbytery.<sup>104</sup> The Assembly considered the appeal irrelevant and approved of the transportation ordered by the Commission.<sup>105</sup> From the very beginning of the Revolution Church the Assembly recognised the right of the Commission to determine finally in matters that had been specifically referred to them, and

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101. Wodrow Manuscripts, Quarto XXX, Letter No. 129 (Unpublished) Letter to Mr. Gabriel Cunningham from Robert Wylie dated 3rd June, 1691. National Library of Scotland, Edinburgh.
102. See Appendix B, Instruction No. 2.
103. Wodrow Manuscripts, Quarto XXX, Letter No. 131 (Unpublished) Letter from Gladstanis to Robert Wylie simply informing Wylie that the Commission had transported him.
104. Records of the General Assembly 1692, (Ms.) Session 10, 5th February, 1692. In this session Wylie gave in a long discreet address and appeal from the Commission.
105. Ibid.

refused to overturn such a decision. The consequences of this action was to affect greatly the Church in the years to come regardless of the rightness or wrongness of the decision in this case.

It had been decided in the 1690 Assembly for the next meeting of the national Church to take place in August 1691, but the King put off the meeting of the Assembly once and then a second time. The Presbyterians were furious, and many of those who resented any interference by the government in the affairs of the Church cried out against these encroachments upon the Church. It was probably at this point that the Commission proved to be of the greatest use to the Church by keeping some from taking some inappropriate action at so crucial a time. William Dunlop says that the putting off of the Assembly:

"....did also raise new jealousies....However, the Commission did not only acquiesce in the reasons given by His Majesty in the proclamation of adjournment, but also did use their endeavours to satisfy the rest of the ministers in other parts of the nation."<sup>106</sup>

The moderation of the Presbyterians at this point was rewarded, and eventually the Assembly was allowed to convene. The King sent a letter dictating how he felt the matter of taking in the Episcopal clergy could best be handled. In the letter a plan was put forward for the appointment of a Commission that could deal impartially with the Episcopal applicants:

"...we judge it just and necessary that you should admit those who apply and are not scandalous, and that the trials be in open Assembly, and such as are not justly found guilty, to be received before the General Assembly rise, and in case their shall be so many accusations, brought in, that there cannot be time to examine the proofs and advise the same, during the ordinary time of the sitting of the General Assembly, or that you can be well about your charges. In that case we think it fit and just, that you appoint two Commissions one to sit at Edinburgh immediately after the rising of the General Assembly for discussing such accusations as the General Assembly cannot overtake, that may be brought against

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106. Dunlop, William, History of the General Assembly and the Commission 1690-1695. Page 503.

"those conform ministers who shall apply and do reside upon the south side of the Tay, and another Commission to sit at Aberdeen....and that trials be more expedite and unsuspected, we think fit, that the one half of the Commissioners shall be of your way and old Presbyterian ministers and the other half of those ministers who formerly conformed to Episcopacy and are now received by you....Which Commission are to consist of 24 ministers ....and we do expect that you will discourage malice and calumny, and proceed with diligence and impartiality...."<sup>107</sup>

This certainly suggests that the King had been advised that the difficulty to this point had been with the partiality of the Assembly's Commission. The solution then was an impartial commission that could better assess the qualifications of those who applied and fairly judge should any process or accusation be raised against those who petitioned. This was an unrealistic plan as far as the Presbyterians were concerned for under these terms they were bound to find themselves outnumbered in many of the judicatories of the Church and perhaps even on a national scale. William Dunlop explained:

"The King's....letter read then all our jealousies appeared but too well grounded for the General Assembly was put upon a lock that in a word they behaved either to disobey the King or destroy the cause for which they met, for they were required to take in the Episcopal clergy in such a manner that it was in effect giving up the thing since they must have taken into a share of the government of the Church a majority of men that were of a persuasion contrary to the government of it, for they were required to receive all men that should apply unto such a formula, and besides the Episcopal clergy that were turned out and who might also have applied on that formula, those actually in Churches at the time were more in numbers than the Presbyterian Ministers."<sup>108</sup>

Any accommodation based on the formula suggested by the King was resolutely resisted by the members of the Assembly and the Commissioner realising after a time that the Presbyterians were resisting the pressures of the court instead of proceeding to receive even one applicant suddenly dissolved the Assembly without setting a date for the next meeting of the Assembly.<sup>109</sup> The moderator of the Assembly encouraged by the members pleas called for the Church to meet again in a national Assembly in August 1693.<sup>110</sup>

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107. Records of the General Assembly 1692. (Ms.) The King's letter. See Appendix I.  
108. Dunlop, William, History of the General Assembly and Commission 1690-1695,  
page Dunlop, William, History of the General Assembly and Commission 1690-1695,  
109. Reco page 504.  
110. Ibid Records of the General Assembly 1692. (Ms.), Session 13 February 1692.  
Ibid.

With the Assembly thus turned out, and with no Commission appointed for the interval no provisions were made to receive the Episcopal clergy. The Church and the government were at an absolute impasse.

With no machinery in existence for the Church to receive those who were waiting to submit to the demands laid down by the Presbyterians everything came to a stand still. Sir James Stewart, the Lord Advocate and a committed Presbyterian, wrote to Carstares seeking his advice about addressing the King for a General Assembly if only to appoint a Commission for the north to take in some of the best of the incumbents.<sup>111</sup> However, the fate of the Presbyterians was to be decided in the Ecclesiastical halls of Canterbury rather than in Edinburgh. The Earl of Crawford reported to Robert Wylie:

"....nothing is yet determined by the King. Only in order to some resolution therein His Majesty ordered the two Scots Secretaries, The Earl of Lothian, Broadalbain, the Lord Carmichael and Justice Clerk to meet his morning at the Archbishop of Canterbury's with the Bishops of London, York and Worcester, to consider what was proper for His Majesty to do...."<sup>112</sup>

A second letter from Crawford to Wylie was a further report of the conference at Lambeth to decide the future course of events in Scotland:

"....It was debated if all the Episcopal curates now possessing Churches were to be left in the power of the Assembly to be turned out or not and it was unanimously agreed to in the negative. Then it was proposed what might be the best ways to effectuate this, and Secretary Johnston moved as the most effectual way that the General Assembly might not be allowed to meet which afterward he retracted. Then it was said by the Justice Clerk and some others that there might be ways and methods found with the General Assembly to continue the Episcopal ministers in their Churches...Mr. Carstares and Mr. Leske were attending in the outer room and before the conference broke up Mr. Leske was called in and asked if he had the reasons why his Episcopal ministers would not conform with the Act of the Church."<sup>113</sup>

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111. Carstares State Papers, pages 200-201.

112. Wedgway Manuscripts, Quarto XXX, Letter 140 (Unpublished), dated 3 March 1694.

113. Ibid., Letter 141.

The conflict of purposes between William and the Scots was finally resolved when the Assembly was allowed to sit in 1694. The Presbyterians celebrated their victory as Thomas Maxwell says, "with some magnanimity".<sup>114</sup> The Assembly appointed two Commissions again, and this time instructed them to receive the Episcopal ministers who qualified themselves according to the Act of Parliament.<sup>115</sup> One wonders in light of the events of 1694 and 1695 if Mr. Maxwell interpreted the intentions of the Assembly correctly. Certainly the Synod of Perth and Stirling had not changed their mind about the procedure that the Church should adopt for they instructed their Commissioners to the Assembly to labour for a Commission for north and south to put out all insufficient, scandalous, erroneous and negligent ministers.<sup>116</sup>

The Commissions appointed for this Assembly were larger, but hardly more representative than those appointed in 1690.<sup>117</sup> The Commission met in the south and a committee of this southern Commission was to deal with the matters north of the Tay.<sup>118</sup> An effort was made to make the northern committee evenly represented by those from south of the Tay and those north of the Tay, but nothing was done to include former Episcopal incumbents that had been previously received into the Presbyterian Communion as the King had suggested in 1692. When one reads the instructions given to the 1694 Commission it becomes increasingly clear that the Presbyterians were left with a hand as free as in 1690, and were obviously operating from a position of considerable strength. They were confident of the support of the Scottish government and felt sure that once their system was put to the test it would reveal the justice of their

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114. Maxwell, Thomas, William III and the Scots Presbyterians, The Scottish Church History Society, Vol. 15, Article 13 page 190.  
115. See Appendix N, Instructions to the Commission 1694.  
116. Records of the Synod of Perth and Stirling, Ms., 1693, page 46.  
117. See Appendix N,. 118. Miscellaneous Papers of the Assembly 1687-1694 Vol. 1 paper 46. The Assembly appointed the Committee from the southern Commission that was to go north, but the Commission for the south side of the Tay had the power to add as many more of their number, as they thought fit. The majority of the Commissioners needed to make a quorum on this northern Committee had to be from the southern Commission of the country.

ways and vindicate what they had intended to do in 1691.

The Commission on the south of the Tay did not face the task that those who were to go north would have to endure. The Presbyterian position there seemed secure. Presbyterians held most of the benefices and occupied most of the University seats. Some pulpits were empty, and some parishes were still in the hands of Episcopal ministers, but the task of resolving these problems did not seem to be insurmountable. The southern Commission could begin to consolidate the gains made previously, and they could deal with petitions from Episcopal incumbents or proceed with any of the reference that the Assembly gave to them.<sup>119</sup> One of the curious problems that was to plague the Church for some time had been referred to this Commission first during this year. The Commission for the South in 1694 was left to deal with Mr. John Hepburn, the minister of Urr, who was the epitome of all the Presbyterian problems existing in the southwest of Scotland. Hepburn not only ministered to the people of Urr but to various other groups or societies that had been left over from the days when the Presbyterian and Covenanting Church had been suppressed. Because Hepburn would go outside the bounds of his parish and offer his ministry to these people who refused to take their place in the Communion of the Church of Scotland for various reasons he had been censured by his presbytery for invading other men's parishes.<sup>120</sup> Eventually the case of this maverick Presbyterian minister necessitated the Commission sending a committee to the Synod of Dumfries in the hope of bringing some order out of the growing chaos, and to ward off rising fear of a schism.<sup>121</sup> Robert Wodrow and some of his colleagues maintained that if ministers had been united in their efforts to reclaim these Presbyterian separatists then the problem might have been eliminated in 1690:

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119. See Appendix N.

120. See Appendix N.

121. McMillan, William, John Hepburn and the Hebronites, pages 57-59.

"....To have jointly laboured by all suitable methods of information and persuasion to convince and reclaim the Presbyterian Separatists, and upon their obstinate persisting in their separation to have proceeded against them with ecclesiastical censure, for managing whereof such rules might have been laid down and so just a temperature kept, as would have infallibly broke that schism without driving the Church's censure the length of excommunication. If ministers had ben unanimous and uniform in their procedure and endeavours with the people and if the ringleaders of the schism had not been so gently dealt with or so long for-born...."<sup>122</sup>

The important work of uniting the country behind the re-established Presbyterian polity was to be carried on by a committee for the north. In this stronghold of Episcopacy the committee was responsible for receiving applications for admission to Presbyterian communion, ridding the Church of the undesirable incumbents, filling vacancies, arranging and setting up properly constituted Church courts such as elderships, Presbyteries, and Synods. Through it all they were to be confronted with a good deal of individual and concerted Episcopal opposition.

The Committee for the north convened first in Dundee in the spring of 1694. Its most important task was to settle the confused state of the ministry in this strategic city on the north bank of the Tay. Mr. Henry Scrymgeour, who had been the Episcopal incumbent, was appealing to have his pastorate restored to him.<sup>123</sup> Apparently he had resigned in November of 1690 because of the infirmity of his body and because he did not feel free in his conscience to comply with the new system of Church government granted to the Presbyterians.<sup>124</sup> The Commission heard several witnesses including the city magistrates and the Provost and then declared that Mr. Scrymgeour had deserted his parish and therefore had no further claim to the pastoral office in the town of Dundee.<sup>125</sup> Mr. Robert Langlands, a

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122. Wodrow Manuscripts, Quarto LXXIII, 3rd paper Entitled A Paper by Robert Wodrow about the Assuming of Conformist Ministers 1690. A full transcript of this paper will be found in the Appendix to this chapter of the thesis.
123. Miscellaneous General Assembly Papers 1687-1694 (Ms.) Vol. I, paper 128.
124. Ibid. papers 127 and 147.
125. Ibid. papers 122, 123, 125, and 147.

member of the 1694 Commission, in writing to Mr. James Wodrow concerning the actions of the Committee for the north mentions two other items of business carried out by the Committee while they were in Dundee.<sup>126</sup> Mr. George Graham, the incumbent of Inverarity, was libelled for being drunk in Dundee and for being negligent in not having communion for five years before 1693.<sup>127</sup> Mr. Dunlop, also a member of this committee, adds that Mr. Graham was notorious for his drinking, and that he was known for his, "habitual drunkenness aggravated with most scandalous circumstances."<sup>128</sup> Mr. Graham had the sentence of deposition from the ministry passed upon him by this committee for visiting the north.<sup>129</sup> On a happier note Mr. John Christison, one of the Episcopal clergy, was received into the Presbyterian communion upon his application to the Committee, and upon conforming to the terms of the Parliament and the General Assembly.<sup>130</sup> Mr. Langlands notes this action with a word of caution when he says, "We hope we shall not be ashamed".<sup>131</sup> Mr. Christison had been minister at Liff in the Presbytery of Dundee from 1673 until 1690, when he was turned out by the Act of Parliament restoring Presbyterian ministers to their former parishes. Mr. Andrew Wedderburn had ministered here from 1650 until he had been turned out in 1662 for refusing to conform to Episcopacy. Mr. Wedderburn, however, returned to the second charge of Dysart where he had been ministering when this act of Parliament had been passed.<sup>132</sup> Mr. Christison remained at Liff until his death in 1703, and evidently never offered the committee that had received him into the Presbyterian communion any reason to be ashamed of their action.

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126. Spalding Club Miscellany, Vol. II, page 169, Letter from Mr. Robert Langlands to Rev. James Wodrow.
127. Miscellaneous Assembly papers 1687-1694, Vol. I, paper 118. (Ms.).
128. Dunlop, William, History of the General Assembly and Commission 1690-1695, Page 512.
129. Miscellaneous Assembly papers 1687-1694, Vol. I, paper 121. (Ms.).
130. Dunlop, William, History of the General Assembly and Commission 1690-1695, Page 512.
131. Spalding Club Miscellany, Vol. II, page 169. Letter from Mr. Robert Langlands to Rev. James Wodrow.
132. Scott, Hew, Fasti, Volume V, page 348.

Very often the ministers who had a right by the Act of Parliament to return to parishes from which they had been turned out in 1662 would return to the parish simply to put the Episcopal incumbent out of the parish, and then return to the parish in which they had been working immediately prior to the Act of Parliament, thus leaving the parish vacant, but free of the Episcopal minister.

The Committee now moved on to Aberdeen, the scene of hostile rebellion in 1691 when a similar committee was severely rebuffed. Even three years later it was obvious that the Presbyterians were alien to this part of Scotland, and Mr. Langlands confesses in his letter that:

"Since we come to this place, our work has been very toilsome and difficult, and I think we and others are called to Bless God for his goodness in giving any light and direction in no dark steps."<sup>133</sup>

The committee was well aware of the size and complexity of its task, and went ahead in a systematic way. First they set about the establishment of a Presbyterian session in Aberdeen.<sup>134</sup> It was intimated to the magistrate and other inhabitants of Aberdeen that a list of persons fit to be elders and deacons was to be submitted for admittance to that office.<sup>135</sup> This was a very important step as Mr. Dunlop points out:

"The Commission did likewise take sufficient care of what was recommended to them by the Assembly as to the settling of local elderships in vacant parishes, to put them in a capacity of giving calls, the Parliament having settled the right of call and presenting unto Benefices in the hands of heritors and local elders...."<sup>136</sup>

While the lists of persons to be elders and deacons were being prepared the Episcopal Session that had been superseded issued a protest. However, the protest was not subscribed, and those who actually presented it were not willing to risk putting their signature to the document, and thus the Presbyterians had won another small battle for supremacy.<sup>137</sup> Even the magistrates that had supported the revolt against the 1691 commission now protested against the action of the Episcopal session.<sup>138</sup> Of course the reason for this turn of mind may have been political as well as expedient,

133. Spalding Club Miscellany, Vol. II, page 169. Letter from Robert Langlands to the Rev. James Wodrow.
134. Dunlop, William, History of the General Assembly and Commission 1690-1695, page 515.
135. Spalding Club Miscellany, Vol. II, page 169, Letter from Robert Langlands to the Rev. James Wodrow.
136. Dunlop, William, History of the General Assembly and Commission 1690-1695, page 515.
137. Miscellaneous Assembly Papers 1687-1694, Vol. I, paper 159.
138. Ibid. paper 160.

for the Provost and three of the baillies were included on the list of those to be elected to the new Presbyterian session of Aberdeen along with the postmaster and 17 merchants of the city.<sup>139</sup>

After gaining entrance and possession of the Kirk of Old Aberdeen, the Commission proceeded to the work of purging those they had reason to complain against. Mr. Dunlop reported:

"....The Commission cited 30 of them before them, and finding that none had a local call, nor qualified according to the law, except two, and that many of them had been deprived...."<sup>140</sup>

A complaint was also given in by the Laird of Udey against Mr. James Gordon for intruding into the parish of Foveran.<sup>141</sup> Mr. Gordon was summoned to appear before the committee, but when he appeared a considerable number of his colleagues came with him. After a speech by Mr. Gordon the Episcopal clergy gave in a series of questions for which they desired an answer.<sup>142</sup> The Assembly's committee refused to debate with them by what authority they were sent to try these men, and proceeded to their trials. However, Mr. William Dunlop did offer a protest against the style of their protestation:

"....do protest and declare, that the paper now given in by Mr. James Gordon incumbent of Banchory, Mr. Thomas Crevey, incumbent at Newhills, and others their brethren, may not be regarded, nor any way retard this Committee's procedure in any of the affairs committed to them, in respect that this Committee are clothed with their power from the last General Assembly...And in respect the said Mr. James Gordon, and others here present, do pretend to come as commissioned from a collective body and meeting of ministers; which body of ministers have no power and authority by any of the laws and rules of this Church and Kingdom to be such, nor have given these proofs of their Loyalty to their Majesties of their owning and submitting

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- 139. Miscellaneous Assembly Papers 1687-1694, Vol. I, paper 157.
- 140. Ibid.
- 141. Ibid. papers 99, 100, 102, 108, 143 and Vol. II 1694-1700 papers 66, 90, 99, 107.
- 142. Spalding Miscellany, Letters from Mr. Robert Langlands to Rev. James Wodrow, Vol. II, pages 163-168 and 169. This is the protest and list of queries given to the committee for the north by the Episcopal ministers.

to the Government of the Church now by law established, as the law doth require....and likewise in respect that all these pretended Appellants give no reasons for their appeal, but put in queries to this Committee, challenging the authority of the same by law established....I do protest..."<sup>143</sup>

The Episcopal clergy refused to be overawed by the Assembly's committee, and when their questions went unanswered they each in turn protested and placed a paper with his protest and appeal before the Committee in his own name.<sup>144</sup>

It is difficult to say what course events must have taken following this affair, but it is clear that some men were proceeded against, that some petitions were received, and that some men were received into a share of the government of the Church and formed into a Presbytery. Petitions were received from Patrick Grant, the minister of Ardcloch,<sup>145</sup> Mr. Colin Nicolson, the minister at Kirkmichael,<sup>146</sup> Mr. Alexander Cuming, the minister at Moy and Dalarossie,<sup>147</sup> Mr. David Lindsay, the minister at Drumoak,<sup>148</sup> Mr. William Garioch, the minister at Kennethmont,<sup>149</sup> Mr. William Johnston, minister at Kearn,<sup>150</sup> Mr. Donald Mackintosh, minister at Farr,<sup>151</sup> Mr. William Thomson, minister at Auchindors,<sup>152</sup> Mr. George Anderson, minister at Tarves,<sup>153</sup> Mr. William Chalmers, minister at Gartly,<sup>154</sup> Mr. William Frazer, minister at Slains,<sup>155</sup> Mr. Patrick Innes, minister at Banff,<sup>156</sup> Mr. David Ogilvie, minister at Birse,<sup>157</sup> Mr. William Law,<sup>158</sup> and Mr. John Dunbar, minister at Forglon.<sup>159</sup>

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143. Queries and Protestation of the Scots Episcopal Clergy, Tracts on Presbyterianism and Episcopacy in Scotland, 1694, page 27.
144. Miscellaneous Assembly Papers 1687-1694, Vol. I. Numerous papers but all of the same form and style, but each with the signature of the individual appellant.
145. Miscellaneous Assembly Papers 1689-1694, Vol. II, paper 19, Presbytery of Naim.
146. Ibid. paper 20, Presbytery of Abernethy
147. Ibid. paper 23, Presbytery of Inverness
148. Ibid. paper 24, See also Records of the Presbytery of Aberdeen (Ms.)
149. Ibid. paper 25, See also Records of the Presbytery of Aberdeen (Ms.)
150. Ibid. paper 26, See also Records of the Presbytery of Aberdeen (Ms.)
151. Ibid. papers 27, See also Records of the Presbytery of Aberdeen (Ms.)
152. Ibid. papers 28, See also Records of the Presbytery of Aberdeen (Ms.)
153. Dunlop, William, History of the General Assembly and Commission 1690-95 p.512.
154. Ibid. 155. Ibid see also Records of the Presbytery of Aberdeen.
156. Ibid. page 513, See also Records of the Presbytery of Aberdeen (Ms.)
157. Ibid. 158. Ibid.
159. Miscellaneous Assembly Papers 1694-1700, Vol. II, paper 49.

Besides this list of fifteen ministers the committee also received petitions from three school masters applying for licence to preach as they had done under Episcopacy, and it seems that the committee was disposed to grant their request.<sup>160</sup>

After having cited at least thirty men to appear before them it is surprising to learn that only five men were deposed.<sup>161</sup> However the committee was swift to act against men they considered to have intruded into parishes without a legal call. At least seven men were discharged from preaching on the grounds that they did not have a legal call.<sup>162</sup> Following this action a double of the proceedings or sentences were sent to Mr. John Blair, the Church's Advocate, who in turn delivered the matter over to the Lord Advocate who was to see that the Church's rulings were enforced.<sup>163</sup>

After Leaving Aberdeen the Committee moved through the north citing some of the men already mentioned, establishing elderships in Inverness,<sup>164</sup> Aberbrothwick<sup>165</sup> and Elgin,<sup>166</sup> and in general taking stock of the situation in the north and the task before them. Some parishes appealed to them for supply as they passed through the country.<sup>167</sup> Some other ministers were bold to protest against the Committee when they appeared in Inverness.<sup>168</sup> The protesters declared themselves openly as adherents to Episcopacy, they appealed to King William and Queen Mary for protection, and referred to the 132 Act of King James VI Parliament the 8th paragraph which was entitled, "Act Who may be Convened, and Persons for any Crime for which they can be Deprived of their office, and that

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160. Miscellaneous Assembly Papers 1694-1700, Vol. II, papers 147-149.  
161. Dunlop, William, History of the General Assembly and Commission 1690-1695 pages 511-512.  
162. Miscellaneous Assembly Papers 1694-1700, Vol. II, papers 58-64 and 75. In some cases men presented documents said to be 'calls', but the committee disregarded these as illegal. No Episcopal incumbent was likely to possess a call the likes of which the committee appeared to be looking for because the Episcopal clergyman had received the right to his benefice through the Patronage system, which was the method in use after the Recissory acts were passed by the Parliament when Charles II was restored. 163. Ibid paper 57.  
164. Ibid. papers 2, 4-7, 9 and 84. 165. Ibid. papers 46 and 143-144.  
166. Ibid. paper 89. 167. Ibid. papers 122 and 137-140.  
168. Dunlop, William, History of the General Assembly and the Commission 1690-1695, page 519.

they be lawfully and orderly called and tried."<sup>169</sup> The committee also used this blitzing method to make a list of the scandalous incumbents who were to be dealt with at a later time.<sup>170</sup> While the Committee continued on through the far north they did not forget the work that they had begun in Dundee and Aberdeen. The Rev. Mr. John Spalding of Dundee was commissioned to cite more intruders to appear before them in Dundee on the 8th of August 1694 when they were to return there.<sup>171</sup> A paper was also sent to the brethren of the newly erected Synod of Aberdeen containing instructions and advice for their meeting that was to take place on the 11th of July 1694.<sup>172</sup> While the Committee has been accused of a host of serious charges from exercising an arbitrary umpirage to usurping authority that did not really belong to them one must be amazed at the amount of constructive work that was accomplished. The only way in fact of bringing about the reconstruction of the Presbyterian polity in the north was by this method of visiting commissions. There was no other foundation upon which to build, and so The Commission's Committee had to erect the base of judicatories upon which the Presbyterian government could be established. A beginning was thus made by these visiting committees.

Upon the return of this Committee to Edinburgh a report of their activity was filed with the Privy Council, and a protest was made against any and all opposition that the Committee encountered, and complaints were lodged against Episcopal activity in the north.<sup>173</sup> William Dunlop, in his History of the events of this time, reported that a Committee was appointed by the Privy Council to deal with this problem, but he despairingly remarked that the Committee had never

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169. Miscellaneous Papers of the Assembly 1689-1694, Vol. I paper 140. See also Lawson, John Parker, History of the Scottish Episcopal Church, page 105. Lawson here comments on the rescinding, annulling and making void four Acts of the Parliament of Jame VI...."
170. Ibid. Vol. II 1694-1700, paper 110. This paper lists 7 incumbents in the shire of Aberdeen and notes 9 others to be inquired of.
171. Ibid. papers 44-45, 117, 133, 142. These papers list 6 incumbents that were to be cited before the committee for intrusion into the parish where they were then ministering.
172. Ibid. papers 1 & 50. This Paper was a series of overtures and some advice given by the committee for the north to the Synod of Aberdeen dated 4 July, 1694. A copy of this paper will be found in the Appendix.
173. Accounts of the Actings of the Privy Council, (Ms.). Acta Volume containing minutes from Sept. 4, 1694-Sept. 3, 1696, pages 5-8, National Register Office, Edinburgh. These accounts are still unpublished although work is in progress to have them published soon.

not and nothing had ever been done about the situation.<sup>174</sup> However, in the summer of 1695 Mr. David Blair wrote to William Carstares in London to tell him that the Privy Council had deprived three of the Episcopal protestors who had led the demonstration against the Committee for the north.<sup>175</sup>

The Church through its Commission and Committee had given many days of its time over to clearing the problem of division from the Church. Though it may appear that the Committee for the north spent much of its time in trying to reveal the defection of the Episcopal incumbents and their sins yet the Church made great strides in bringing about a settlement during the particularly difficult times. A beginning was made in the organisation of the north. An assessment was drawn, first hand, of the enormous task of supplying the vacant parishes north of the Tay. This was absolutely vital in determining the future course of events and in formulating policies that were to be used in alleviating the desolate condition of some of the northern Presbyteries.<sup>176</sup> The excursion was necessary if the Church was to gather intelligence about the feelings of the generality of the people, and in gaining a measure of support for the Presbyterian program. Though the Committee did complain to the Privy Council that some witnesses did not appear when summoned by them, this should not be taken as a suggestion that the greater part of the people refused to co-operate with the Presbyterian clergy who had invaded this part of Scotland. On the contrary a great many witnesses responded to the call and came forward to testify in one case or another, and it can be safely stated that many more co-operated with the Committee for the north than did not appear when summoned.<sup>177</sup> This story and these statistics go a long way to refute the claim of Robert Story and John Hill Burton who said that the Committee failed to effect any improvement in the north.<sup>178</sup>

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174. Dunlop, William, History of the General Assembly and Commission 1690-1695, (Ms.), pages 518-519.  
175. Carstares State Papers, page 255. Letter from Mr. David Blair to William Carstares dated 18 July 1695.  
176. Acts of the General Assembly from 1694 and throughout the 17th and early part of the 18th centuries regarding the supply of the north.  
177. Miscellaneous Assembly Papers 1689-1694, Volume I, and 1694-1700, Volume II.  
178. Story, Robert Herbert, Church of Scotland Past and Present, Volume IV, page 581. See also, Burton, John Hill, History of Scotland 1689-1748, Volume I, pages 241-242

In fact it was the work of this Committee and its relative control that created the atmosphere which allowed the Church to recover as quickly as it did. As the last decade of the bitter seventeenth century draw to a close an ecclesiastical peace had at last come to a Kingdom that had seen the worst of strivings over Church government and struggles about ecclesiastical politics. If it seemed, at first, that the Church was resolved to solve its problems by cutting off all those that refused to compromise, as Cunningham suggests in his history, then indeed we come to a time when they grew weary of ecclesiastical slaughter.<sup>179</sup> The King must have rejoiced at this peace that seemed to come upon the Church of Scotland. The occasion for any royal jubilation was not so much that he had been the champion of mercy and toleration, but most likely for the more mercenary reason that this further enabled him to tighten his grip on the crown. William had been tightrope walking long enough between his feelings for the Presbyterians in Scotland and his respect for the power of the Church of England.

179. Cunningham, John, Church History of Scotland, Vol. II, page 195.

Chapter III

1695-1706

The Stabilising Commissions

THE COMMISSION OF THE GENERAL ASSEMBLY 1695-1706

The Stabilising Commissions

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As the Church edged itself towards the eighteenth century it struggled hard to stabilise its position. Those who held responsible positions in the established Church had to steer the Church through perilous times. The Commission of Assembly was to prove itself of great usefulness during this period. As a restraining force it kept the new establishment from confrontation and possible conflict with the civil powers. By its continual watchfulness it protected the Church from a host of dangers that threatened to undermine the revolution settlement. By the very fact that it existed it helped the National Church to recover after a period of purges that left the Church severely handicapped because of a lack of leadership.

The Commission of Assembly was appointed in revolution history as a means of expediting the re-establishment of Presbytery, and as a way of controlling the number and type of Episcopal clergy that were admitted to communion. The scheme nearly suffered a quick end when William intruded ordering all Presbyterian action against Episcopalians to cease. William's own plan for the erection of the Church's Commission in 1692 as a means of comprehending the Episcopal clergy could just as easily have put the Church off the idea of having a Commission. However, when the Assembly convened in 1694 a new Commission was appointed and from that time until the present day the Commission has been appointed annually by the Church.

After 1694 the Assembly no longer divided Commissions into north and south. As an instrument of the Church it grew along with the Church and yearly became more representative of all the Presbyteries.<sup>1</sup>

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1. Appendices

As the National Assemblies were held in Edinburgh the Commission of the National Church also met in Scotland's capital. It was necessary for the Church during this time to appoint other visiting Commissions to travel to certain areas in the north, but these were made up largely of the members of the Edinburgh Commission. Such groups appointed by the Assembly were to aid the recently established Presbyteries in settling the many vacant parishes.<sup>2</sup> As these various committees travelled they were responsible to the Edinburgh Commission, and often received instructions and advice from the Commission in Edinburgh.<sup>3</sup> The Commission of the Kirk did, however, on occasion form sub-committees out of its own membership to deal with internal domestic problems such as developed in the south-west of Scotland.<sup>4</sup>

The main reason for continuing the practice of appointing a Commission after 1694 was the Church's continuing need for reconstruction in that part of Scotland north of the Tay. Year after year the Commission was instructed to organise and carry out the supply of ministers and probationers to the north.<sup>5</sup> The Assembly assigned a proportion of ordained men out of each Presbytery south of the Tay to go to the north for a certain period of time for the purpose of supplying the vacant parishes there with the services of a minister. For parish ministers this usually meant spending three or four months away from ones own parish on this mission of mercy. These men were assigned by the Commission to a certain Presbytery, and once on the field the Presbytery assigned them to the various parishes that were destitute of preaching and pastoral care.<sup>6</sup> Almost every available probationer south of the Tay and all probationers north of the

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2. See Appendix Instructions to the Commissions from the Assembly.
3. Miscellaneous Assembly papers 1694-1700, Vol II paper 176: "The Commission and Instruction to this committee from the Reverend Commission being read..." this paper dated Elgin 23 June 1698.
4. Ibid. paper 163, dated Edinburgh, 2 June 1698.
5. See Appendix Instructions to the Commission from the Assembly. See also Records 1701, Session 3, 12 March 1701, pages 11-12.
6. Records of the United Presbyteries of Fordoun, Brichen and Arborthwick, pages 16 & 25, 4 May 1699, and 8 June 1699. (Ms.).

They were encouraged to settle in the vacant parishes of the northern part of Scotland. Even the parliament gave encouragement to young men who were willing to settle there by offering them a sum of money.<sup>7</sup> However, some were not beyond criticising the settlement of so many young and inexperienced men in such difficult circumstances. The Rev. James Ramsey wrote to the Rev. James Wodrow:

"....the burden, which is now insupportable to a few, may become (if more fit hands be joined to us) more easy, but if any design to plant all this vast desolate country only with young men, both of the present and the rising generation, yea the whole of Scotland will repent it...."<sup>8</sup>

It was no secret that many of the clergy did not enter into this task wholeheartedly. Some of the southern ministers viewed this mission into the hostile north with the same trepidation that others felt about embarking for the American colonies. Some few went cheerfully, some went reluctantly, others begged to be excused, and a few said nothing but refused to go.<sup>9</sup> The Commission directed where the men should be sent, took the lists of probationers from all presbyteries and facilitated the transportation of men from the south to the north.<sup>10</sup> If a man failed to carry out his assignment the Commission inquired of the Presbytery the reason, and continuously prodded the Presbyteries that were lax in taking their share of the responsibility.<sup>11</sup> Should a man be assigned to supply the north and default again and again the Church did not hesitate to censure him. The Presbyteries in the north would be advised of the men that were to come to them. If they failed to show then it was reported to the Commission who in turn would refer the matter back to the Presbytery in a manner similar

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7. Stevenson, A., A Collection of the Laws in Favour of the Reformation In Scotland Containing the Acts of Parliament of Scotland Concerning the Church, page 234, Act XV 2st Parliament of King William and Queen Mary, Session 5, May 1695.
8. Spalding Club Miscellany, Vol. II, page 170.
9. Cunningham, John, Church History of Scotland, Vol. II, page 197.
10. See Appendix D, The General Assembly tried to make it as easy as possible for vacant northern Churches to call ministers and have them expeditiously transported if approved. See instructions 4 and 10.
11. Records of the Presbytery of Haddington (Ms.) 25 Feb, 1697. page 138, letters from the Commission. See also Records of the Synod of Lothian and Tweeddale 1694, page 4.

to the Commission of 1697-1698 who wrote to the Presbytery of Haddington in the following terms:

"....representing the sad state of the north and that Mr. William Russell was appointed for supply against the 1st of March."<sup>12</sup>

Mr. Russell's excuse for refusing to go was not accepted by his Presbytery and eventually they suspended him from his ministry, but he appealed his case to the Synod.<sup>13</sup> The Synod was anything but lenient with the reluctant Mr. Russell and deposed him for his continued disobedience.<sup>14</sup>

In 1701 and at the September quarterly meeting the Commission was informed that Mr. John Paisley of Lochwinnoch in the Presbytery of Paisley had refused to go to Aberdeen, after being transported there.<sup>15</sup> After considering the matter further the Commission wrote a letter to the Presbytery of Paisley instructing them:

"....to deal seriously with their brother Mr. Paisley to obey the said sentence of the last General Assembly....And also that this Commission desire that the Presbytery send immediately one of their brethren to supply Aberdeen till the penult Sabbath of November...."<sup>16</sup>

In December the matter was still not settled, Mr. Paisley complained that he could not go to the north because of his health.<sup>17</sup> The Commission voted whether to suspend their disobedient brother or delay the matter until the next quarterly meeting and it carried to delay.<sup>18</sup>

For over two years the Commission struggled to have Mr. David Pitcairn accept the call of Forres in the north. Mr. Pitcairn fled to Europe rather than obey the Church's sentence. On the 10th of June, 1702 the Commission discharged Mr. David Pitcairn from exercising his ministry in Scotland or accepting a call without applying first to the General Assembly or Commission unless he should return and accept the call to Forres, they further refused to grant Pitcairn's request to be Chaplain of Colonel Ferguson's regiment.<sup>19</sup>

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12. Records of the Presbytery of Haddington (Ms.) 25 Feb, 1697, page 138. (Page 205.
13. Ibid. 11 March, 1697, page 142. Also 6 May, 1697, page 197. Also 1 July 1697
14. Ibid. 3 Feb, 1698, page 237. See also, Scott, Hew Records of the Presbytery of Haddington, Page 378. In the Fasti.
15. Records 1701, Session 11, 3 Sept 1701, Page 42
16. Ibid. Session 13, 4 Sept 1701, Pages 47-48
17. Ibid. Session 18, 4 Dec 1701, Page 67
18. Ibid.
19. Ibid., 1702, Session 19, 10 June 1702, Page 139. See also, Scott, Hew, Records of the Presbytery of Kirkcaldy, Pages 86-87. In the Fasti.

If the Church was somewhat reckless in making vacancies after the revolution then it must be agreed that the course of the Church and especially the Commission of Assembly were untiring in the task of filling whatever vacancies existed. As early as 1702 the Church seemed to have an adequate supply of manpower. In the records of the Commission of 1701 we find that an appeal was made to the Commission by the parish of Blairgowrie for permission to call Mr. William Stewart, a probationer, from the Presbytery of Dunkeld:

"Where he had been a sufficient time without hope of a call since all the highland parishes there were filled."<sup>20</sup>

The appeal was sustained by the Commission. This state of affairs in itself, is a magnificent achievement which speaks well for the efficiency of the Church of Scotland during that difficult period of re-adjustment after the Revolution. A further indication of this can be seen in the letter from Caithness reporting:

"....they desire no more probationers, but seeing Mr. Charles Keith has come he can supply...."<sup>21</sup>

This is not to suggest, of course, that the problem was completely solved, for there were still small vacant charges, and huge spacious parishes with only one minister. It does help us to see that within less than ten years the progress was remarkable.

The Commission was also to prove itself useful as the Church devoted itself to the task of bringing about a disciplined Christian society. The period of Episcopal control had been considered a time of moral laxity. Many of the clergy that were censured by the Presbyterians were charged with negligence in the exercise of ecclesiastical discipline. Revolution Scotland was to return to a more conservative and austere manner of conduct. The last breaths of the seventeenth century were to be spent in advocating censures against profanity, and in promoting piety. The Commission called its representatives from the various

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20. Records of the Commission, Session 14, 4 Sept, 1701, pages 48-54.

21. Records 1701, Session 14, 4 Sept, 1701, pages 54-57.

Presbyteries to Edinburgh to meet with them and to lobby for a civil law against profaneness. In 1695 the Presbytery of Dundee records in its minutes:

"The Reason of the Presbyteries meeting this day before the appointed time, was, a letter from Mr. John Law, Moderator, in the name of the Commission to the end that they might commune together about the affairs of the Church both before, and in time of the sitting of Parliament."<sup>22</sup>

The Church was apparently successful in its efforts, for the Parliament of 1695 did ratify and confirm all the laws related to the crime of blasphemy.<sup>23</sup> One outcome of this civil law was the trial and execution of a student names Thomas Akenhead who expressed some opinions considered to be atheistical and blasphemous.<sup>24</sup> The Church had given birth to a spirit of strict unmoving discipline, and regardless of the consequences was prepared to carry on its fight to end the gross impiety they found all about them. The Commission as the arm of the Assembly pressed the courts of the Church to put all the laws against profaneness into execution in the local parishes.<sup>25</sup> The Commission of 1700 pursued this matter further by suggesting to the Parliament that the laws against profaneness could be made more effectual if the Parliament would see to it that all parishes had an elected magistrate.<sup>26</sup> The Church applied the pressure for the application of the laws against profaneness, and the Commission was the instrument of the Church to stir the zeal of the judicatories of the Church and to awaken the civil magistrates to their duty.<sup>27</sup>

Early in the history of the Revolution Church came the attempt by the Presbyterians to clarify the basis on which the Church had been re-established. The Convention of Estates in 1689 had settled the Presbyterian government because

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22. Records of the Presbytery of Dundee, (Ms.) 2 May, 1695, Page 28.
23. Stevenson, A., Collection of Laws and Acts of Parliament Concerning the Church Since the Reformation, pages 201-202, Act XI, Against Blasphemy, 28 June, 1695, Session 5 Parliament William and Mary also, Mathieson, W.L., Scotland and the Union, page 220.
24. Cunningham, John, Church History of Scotland, Vol. II, Page 198.
25. Records of the Presbytery of Argyll 1698, (Ms.), Page 155, letter from the Commission dated 2 Feb, 1698. See transcript in the Appendix. Other Presbyteries note receipt of such a letter but only the Presbytery of Argyll seems to have written it into the record.
26. Garstares Papers, (Ms.) Folio DK. 1. 1. 2 paper 221, Letter from the Commission 1700 to the Parliament. University of Edinburgh Library.
27. Acts of General Assembly - 1697 Act XI, 1699, Act. VII, 1705 Act IX.

of the inclinations of the people.<sup>28</sup> The Presbyterians accepted settlement on these grounds, but under protest, for they could only be entirely satisfied if Presbyterianism was established on the basis of Divine right. Much of the difficulty that the Church of Scotland experienced with the separatists in the South-west of Scotland stemmed from a difference of opinion with regard to the acceptance of a settlement on so weak a basis as the inclinations of the people. Many were also dissatisfied that the Church seemed content to continue on treading a path that could never promise a return to the kind of golden days that existed in the mid-seventeenth century. They pressed hard for the Church to declare the basis on which it felt itself to depend. William Carstares writing to Principal John Stirling of Glasgow pleaded for the Church to follow a moderate course so as not to spoil what had already been gained:

"....I Bless God that the Church of Scotland hath such a settlement and such quiet as at present it doth enjoy, and long may it do so, and such will have little peace on serious reflection that would disturb its peace and expose it to danger by rash and imprudent practices howsoever disguised and varnished."<sup>29</sup>

As early as 1698 the Commission of Assembly had tried to satisfy the discontent that was rising over this matter by publishing the 'Seasonal Admonition':

"We do believe and own that Jesus Christ is the only head and King of His Church, and that He hath instituted in His Church, offices and ordinances, order and government, and not left it to the will of man, magistrate, or Church to alter at their pleasure, and we believe that this government is neither Prelatical nor Congregational, but is Presbyterian, which now, through the mercy of God, is established among us; and we believe we have a better foundation for this our Church government than the inclinations of the people or the laws of them...."<sup>30</sup>

In 1700 the Commission underlined this statement when they addressed the Parliament in a letter which included the statement:

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28. Balfour-Melville, E.W.M., Account of the Proceedings of the Estates 1689-1690, S.H.S., Vol. I, page 216.
29. Letters of Principal John Stirling, (Ms.) Vol. III, No. 2, Letter from William Carstares to Principal Stirling dated 21 April, 1702. These manuscripts are in the University of Glasgow Library.
30. Cunningham, John, The Church History of Scotland, Vol. II, Pages 201-202.

"....Seeing the Presbyterian government of the Church is founded on the Work of God and most agreeable to the Holy Scriptures and a branch of our reformation from Popery."<sup>31</sup>

As the seventeenth century faded into the eighteenth the Church grew more and more restless on this point. They were not satisfied with the Commission's declaration, but insisted that an Act should be passed in the Assembly. The Commission's statement was a convenient dodge for a confrontation with the government. In the Assembly an act would have to be discussed before the King's Commissioner who would decide if the Assembly's action violated the Government's or the King's jurisdiction and interests. Time and time again, as the century progressed, mention was made of the Commission's value because it eliminated the necessity of a direct and open discussion before the government officials. There was no King's commissioner to control the Kirk's Commission. The government recognised this as well, but tolerated the Commission of Assembly while keeping a wary eye on its activities. The time was to come when the Commission was to come under fire by the Government who objected to the Church expressing itself in this manner.<sup>32</sup> As the time of the Assembly of 1702 approached plans were under way to have the National Assembly assert the Church's intrinsic power, but the attempt had to wait because the Assembly was interrupted by the death of William. The next year the same plan was under foot, and this proved to be a test of the balance of power between the boldness of the Kirk and the newness of Queen Anne's government. Carstares wrote again to John Stirling warning that such action might bring serious consequences:

"....The proposals as to the intrinsic power which some few urge with so much warmth, are at this juncture so visibly inexpedient and I had almost said destructive to the solid

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31. Carstares Papers, (Ms.) Folio D.K.1. 1.<sup>2</sup> paper #22, In the University of Edinburgh Library.
32. McCrie, Thomas, (Ed.), The Correspondence of the Rev. Robert Wodrow, Vol. III, pages 134-136. Letter from Robert Wodrow to Mrs. Wodrow dated 26 May, 1724.

security of our Church that I am amazed any should countenance or urge them, and particularly such whose zeal for such heights was little known till there were factions in our state. I cannot forget the noise that was made about this affair in the last sessions of Parliament and chiefly by some who would laugh at our folly if we should believe that they had the least tincture of Presbyterian principles....I am persuaded that our strength at present is to be quiet and sit still...." 33

The Church was not willing to delay any longer and the moderate advice such as Carstares offered was ignored. The government was equal to the Kirk's strategy and when the said act was proposed the Queen's Commissioner dissolved the Assembly.<sup>34</sup> The Church made its feeling about this matter known in a strongly worded letter to the Queen<sup>35</sup> This was not enough for those who criticised the Church as meekly submitting to the dissolution of the Assembly and charged the establishment with being Erastian. Long afterwards the Seceders were to look back at this event and see it as the final victory of the State over the Kirk:

"....In 1703 the reign of Queen Anne, the General Assembly, apparently sensible to this degradation, was about to introduce an Act asserting the supremacy of Christ, the intrinsic power of the Church, and the divine right of Presbytery; but the proposal to pass so good an act was fatal to that Assembly. It was abruptly dissolved by the Queen's Commissioner, without any recorded protest. Since that time, the matter has been fairly given up by the Church; and the paramount power of the crown remains undisputed. What a contrast appears in this respect between the General Assemblies of the Church since the Revolution, and the reforming Assembly at Glasgow in the year 1688.<sup>36</sup>

Much of the Commission's time was taken up with the mundane affairs of the Church during this period. Vacant parishes had to be settled, probationers had to be assigned to supply vacancies, often the Commission had to assist in the transportation of ministers from one parish to the other, and advice was offered to inferior judicatories when they requested it. In one way or another, though,

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- 33. Letters of Principal John Stirling, (Ms.) Vol. III, letter No. 2 dated 21 April, 1702.
- 34. Acts of the General Assembly 1703. See also Records of the Commission of Assembly, (Ms.) Session 1 1703.
- 35. Acts of the General Assembly 1703, Act VIII, Session 9.
- 36. Testimony of the Reformed Presbyterian Church in Scotland, Historical part, page 173-174.

the National Church working through the Commission was deeply involved in the day to day life of the Church. The Commission was viewed as an integral part of the Church.

The Assembly continued to believe that a Commission was needed to see to the interest of the Church on all occasions. It often referred to the Commission many of the appeals that came before it that the Assembly did not have time to deal with. In a polity where each judicatory jealously guarded its jurisdiction a conflict of interests seemed to be a foregone conclusion. In the year 1701 the Commission and the Synod of Perth and Stirling found themselves at odds over the planting of a parish within the bounds of the Synod. It was reported in the Commission:

"...that as to the affair of the Appeal from the Synod of Perth and Stirling by the said parish....is null, and that the same hath not locum standi before the Commission. As to Mr. Cuming it was the opinion of the Committee appointed to ripen this affair that his circumstances should be considered by the Commission.... compeired Patrick Mathieson as Commissioner from the said parish of St. Madois, and having produced his Commission, desired that the papers produced might be read, Whereupon it was objected by Mr. Samuel Nairn and others of the Synod of Perth and Stirling, that this Commission could not hear any appeal from that Synod unless they were empowered for that effect, which as he alleges, they are not in this case. To which it was answered, that the parish of St. Madois is a vacant parish lying on the north side of the Tay, and the Commission are sufficiently empowered to meddle in appeals and processes about the planting thereof...."<sup>37</sup>

In September of the same year the Commission wrote to the Synod of Merse and Teviotdale telling them to stop meddling with the transportation of Mr. William Miller from Chirnside to Melgale and acquainting them that the affair was now depending before the Commission.<sup>38</sup> This was the beginning of a dispute that was to be carried on in the Church for many years. By the year 1709 Robert

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37. Records 1701, Session 9, 6th June 1701, pages 31-32.

38. Records 1701, Session 15, 5th September 1701, pages 54-57.

Wodrow reports to his wife that the state of affairs finally came to a point where many were appealing for the Assembly to put a stop to interference in the affairs of Synods by the Kirk's Commission.<sup>39</sup> When Mr. Alexander Rankin, the Episcopal incumbent at Benvie in the Presbytery of Dundee and the Synod of Angus and Mearns, appealed his case to the Commission the Commission reversed the sentence of the Synod. Mr. Rankin petitioned the Commission on the grounds that he had been discharged from preaching without regard for an act of the Commission of Assembly 1700. The Commission sent a letter to the Presbytery of Dundee ordering them to stop all proceedings against Mr. Rankin.<sup>40</sup> Six months later during the June meeting of the Commission of 1701 the second petition of Mr. Rankin came to the attention of the Commission:

"Petition of Mr. Alexander Rankin of Benvie to the Commission and from a visitation of the Synod of Angus and Mearns which is a trial of his life and conversation - after he was allowed to preach at Benvie since 1692 by the Presbytery of Dundee and according to the Act of the Commission 1701 - Now Synod has no regard for the Act of the Commission of the General Assembly."<sup>41</sup>

On the 11th of June the Commission found in favour of Mr. Rankin:

"By Act of Commission 1701 find no cause to take away his licence or allowance to preach."<sup>42</sup>

The Commission became involved in a disagreement with the Presbytery of Edinburgh over the transportation of Mr. William Mitchell from the Canongate parish into one of the parishes of the city of Edinburgh. Some steps were taken by the Commission to prohibit this, but this was met by a protest from the Presbytery:

"....It was alleged by the town of Edinburgh that the Commission had not power to meddle in this affair in regard it is not particularly referred to them by the General Assembly, and they are prohibited to meddle with any other matters but what is particularly referred to them, for though there be a reference in

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39. McCrie, Thomas, Wodrow Letters, Vol. I, Page 13.
40. Records 1701, Session 20, 5th December 1701, pages 74-75.
41. Ibid 1702, Session 20, 10 June 1702, pages 142-145.
42. Ibid Session 21, 11 June 1702, pages 145-147.

favour of Edinburgh about the planting thereof, yet there is none in favour of Cannongate, and this appeal is against the design of that reference in favour of Edinburgh, and so cannot be meddled therein, unless the town of Edinburgh had been the appealants. To which it was answered for the Cannongate, that this is a process about transportation of ministers to Edinburgh, which is particularly referred by the General Assembly to the Commission of the General Assembly, and so they are certainly empowered to cognosce therein, and determine whether the minister called, should come to Edinburgh or not...."43

The Synod of Fife was another judicatory to have a sentence reversed by the Assembly's Commission when the Commission acted in favour of Mr. James Graham's petition and against the Synod's sentence of deposition:

"Mr. Graham's appeal sustained on grounds that the Synod pronounced sentence on general rather than particular terms."44

The Commission did, however, order Mr. Graham to be, "sharply rebuked, admonished and exhorted," but the Synod of Fife protested against this action of the Commission to the next General Assembly.<sup>45</sup> In the Commission of 1703 the Synod of Perth and Stirling had their act of deposition against Mr. John Skinner, and Episcopal incumbent, reversed because, "nothing had been proven and the list of witnesses had been kept from him."<sup>46</sup> The clearest evidence of the time however, seems to point to a conflict over the problem of jurisdiction which is revealed in the case involving the Commission of Assembly and the Presbytery of Earlston. The Commission had ordered the Presbytery not to proceed to the trials of one certain probationer. The Presbytery took this as a challenge to their rightful jurisdiction:

"There was a paper produced ....by one of the elders of the parish of Ledgerwood: Entitled an Act of the Commission of the late General Assembly about the affair

43. Records 1702, Session 26, 3rd September 1702, pages 158-162.  
44. Ibid. Session 35, 4 December 1702, pages 190-191.  
45. Ibid. Session 42, 4 March 1703, pages 241-243.  
46. Records 1703, Session 4, 25 March 1703, pages 241-242.

of Ledgerwood and after reasoning about the receiver and reading of the said paper: There was a state of a vote proposed-read the said paper simpliciter or with the following note, that although the Presbytery judge the manner of this paper coming before them as unprecedented and without that due regard had to a radical judicatory of this Church that is proper, yet out of deference to the Commission, the Presbytery allow it to be read: and it being put to the vote it carried read (with note antedicta)...There was a state of a vote proposed, proceed to take Mr. Adam Milns trials or not: another state of a vote was proposed - whether the Presbytery having read the Act of Commission discharging any further procedure towards the settlement of Mr. Adam Miln at Ledgerwood be obeyed or not and it being put to the vote, whether the first or second should be the state of the vote it carried the first. Thereafter, it was put to the vote proceed to take Mr. Adam Milns trials or not: It carried proceed...notwithstanding, of the Commission's Act in regard the Commission has no jurisdiction nor authority in this Church but so far as affairs are committed to them by this Assembly; and that the Commission is expressly discharged not to meddle in any process before the Presbyteries and Synods~~es~~ except such as may be of universal concern, which is not the case at Ledgerwood....therefore the Presbytery does not judge themselves obliged to give obedience to the Act of the Commission their having no jurisdiction competent to the Commission in the affair, but on the contrary to testify against and oppose the.... usurpation of this judicial and stated judicatory of the Church."<sup>47</sup>

It evidently had been felt for some time that the Commission needed some regulation, and by the years 1702 and 1703 Presbyteries were instructing their Commissioners to overture the General Assembly for some limitation of the Commission's powers and for a re-organisation of the method appointing the persons who served on the Commission.<sup>48</sup> Some even thought that the Commission had served its purpose and said that:

"Commissions are not now needful"<sup>49</sup>

The matter that concerned everyone most was the representation of the Presbyteries on the commission. Overtures were made by several Presbyteries for commissioners

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- 47. Records of the Presbytery of Earlston, 1705-1716, page 201.
- 48. Miscellaneous Assembly Papers, (Ms.), Vol. IV, 1703-1704, paper 165.
- 49. Miscellaneous Assembly Papers, (Ms.), Vol. IV, 1703-1704, paper 165.  
Various overtures from several Presbyteries to the General Assembly 1702-1703. This overture came from the Presbytery of Perth.

to be nominated by a committee of the Synod rather than by a committee of the national Assembly. It was proposed that a proportional number from each Presbytery should be placed on the next Commission.<sup>50</sup> These overtures motivated the Assembly of 1704 to pass an act whereby the Presbyteries were to discuss the regulation of the Assembly's Commission and to report the summation of their thoughts to the 1705 Assembly.<sup>51</sup> The discussions of the various Presbyteries during that year were written and sent to the Assembly of 1705. These reports give us an insight into the mind of the Church at this time and on this most important issue. The Presbytery of Selkirk gave the following instructions to their commissioners:

"The Presbytery of Selkirk are of the judgement that there be a just and equal representation of the several Synods of the National Church according to the number of ministers and parish Churches within each Synod, and that 21 members both ministers and ruling elders will be sufficient to represent the greatest Synod in the Commission. Further they are of the opinion that it will be found entangling to draw the equality of representation down to the several Presbyteries. That for nomination and choice of the said members the several Synods do separate and go apart at some interval of the Assembly to nominate and choose them out of the bounds of the respective Synods according as they are found most fit and capable to attend, and bring in lists of them to the Assembly. That the most weighty matters be discussed by the Assembly and not referred to the Commission and that no clause of general instructions be given to the Commission but that it be limited to meddle with nothing but what is expressly in their instructions. That the Commission do not proceed in any weighty business which concerns the national Church or any whole Synod unless their be a reasonable number of members present from diverse Synods representing them, at least it is not just that any particular Synod carry matters in the Commission.

That for visiting of the Commission Book a fit and judicious minister out of each Synod be appointed to whom some ruling elders may be added to make a committee for that end. And that in censuring the said book and in judging of any protest or complaint against the Commission all the members of the Commission be removed without any exception.<sup>52</sup>

50. Miscellaneous Assembly Papers, (Ms.), Vol. IV 1703-1704, paper 165.  
51. Acts of the General Assembly 1704, Act LVI, Session 12, 29 March 1704.  
52. Miscellaneous Assembly Papers, (Ms.) Vol. V 1705-1706, paper No. 9.

The Presbyteries of Wigtown, Kirkcaldy, Haddington, Linlithgow and Dunfermline, wrote in a similar vein.<sup>53</sup> The Presbytery of Argyll wanted a limitation placed on 'pro-re-nata' meetings which, of course, has always been considered a power that any judicatory should use with the greatest care and discretion.<sup>54</sup>

The general effect of these instructions to the Assembly from the Presbyteries was to have more democratic representation of the National Church on the Commission, and that a method should be adopted that would encourage a better attendance at the Commission meetings. It was also obvious that some were anxious that some limitations should be placed on the Commission's powers to interfere in the affairs of the lower judicatories.

For a number of years the complaint had been that affairs were generally run by the Edinburgh ministers and elders who made up a considerable number of the members of the Commission. Since the Commission always held its meetings in Edinburgh these men were always the most numerous in the sederunts of each meeting. One particular incident in the records of the Commission's meetings sheds some light on this problem. During a meeting of the Commission of 1702 a call had been issued for Mr. John Orr of Bothwell by the Town of Edinburgh. During the discussion of this matter it was decided that the members of the Commission from the Presbytery of Edinburgh should be removed before the vote was taken. The reason offered was that they were a considerable number and would influence the outcome of the vote:

"It was moved that the members of the Presbytery of Edinburgh might be advised to remove without putting the Commission to give a decision in that question which the said members agreed unto for saving the Commission time and for the satisfaction of Mr. John Orr, but Mr. William Wisheart protested that the same should be 'salvo Jure', and but prejudice of members of Presbytery's right to vote in such cases...."<sup>55</sup>

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53. Miscellaneous Assembly Papers, 1705-1706, Vol. V, papers 20, 23, 24, 26, 28, 40.  
54. Ibid. paper 26.  
55. Records 1702, Session 32, 3 Dec. 1702, pages 179-183.

When the instructions were given to the Assembly this problem was discreetly brought to the attention of the Assembly by the Presbytery of Selkirk.<sup>56</sup> There is no evidence, however, that there ever was ecclesiastical political manoeuvring by those on the Commission from the Edinburgh area. In fact, when the Presbyteries were sending in their thoughts on the regulation of the Commission of Assembly to the General Assembly of 1705 the Presbytery of Edinburgh made it clear just how they felt in a paper signed by William Carstares:

"...That there should be a due proportion appointed. As to the number of ministers in Presbyteries in the nomination of the members of the Commissioners, and earnestly entreats that the Presbytery of Edinburgh may have no burden in this matter, but according to their numbers no more than any other Presbytery."<sup>57</sup>

The real difficulty in making the Commission more representative was in a better attendance at the meetings of the Commission. If all the members of the Commission took their responsibility seriously then there could be no jealousy because of one Synod or Presbytery dominating the proceedings. Very often during the course of the Commission's meetings appeals were made to members to be in better attendance because of the importance of the matters to be discussed in the Commission.<sup>58</sup> Several times, after the Commission had been meeting for several weeks, the members would slowly melt away. Eventually called meetings could not be held for the want of a quorum.<sup>59</sup> Measures were taken in the new Act that regulated the Commission to overcome the apathetic feelings about attendances at the meeting of the Assembly's Commission. There was little that the Church could do though to enforce this rule without being too rigorous to faithful Presbyterian ministers. It was one thing to embarrass a delinquent presbytery and delegate to the Commission but it was quite another thing to start censure proceedings against them. Another step to encourage a larger participation in the affairs of the Commission was an increase in the number necessary to

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- 56. Miscellaneous Assembly Papers. Vol.V,1705-1706, paper No. 9.
- 57. Ibid. paper No. 38.
- 58. Records 1701,Session4,Page 15,1703, Session 31,Page 318, Session 38,Page 341, Session44,Page 359, Session 45,Session 52,Session 60,Page 78,Session 64, 1704, Session2,1706,Session 9, Session 49,and Session 55.
- 59. Ibid.1703,7 July, 12 July,28 July,2 August,6 August,30 August 1704,11 August to 20 August,22 August,25 August to 29 August,1706,24 December,27 December,3 January, 22 January,4 February,to 11 February,18 February to 26 February,6March, 13 March, 19 and 20 March.

constitute a quorum. The quorum was raised from 15 to 21 by the General Assembly of 1703.<sup>60</sup> This fell far short of the 40 suggested by one Presbytery in 1702 and another in 1703.<sup>61</sup> The more conservative 21 was, however, more realistic and in keeping with the average number that could be expected to attend at any one time.

Since the Revolution and re-establishment of the Presbyterian polity Edinburgh had been the only place of meeting for the Commission. As the capital of Scotland, and the seat of government Edinburgh was the logical choice for the meetings of a National Church. Close contact could be kept with the government and its officials, and a constant watch could be kept for developments that might be prejudicial to the Kirk. This contributed to the general sentiment, however, that the people were ill informed on what was going on. Presbyteries and Synods far removed from Edinburgh were resentful, at times, of decisions taken for them. Robert Wylie, the minister at Hamilton, complained of this lack of information in a letter to Principal John Stirling, the Principal of the College of Glasgow:

"....but we are always too late and slow and behind the season with many things that might be very useful if minded in time...but it seems those who design us no good are making great advances and we are like to lie secure till we be worried like a hare in the heat. If there were a better and more frequent correspondence amongst us, which times of danger call for, it might be a mean to remove grudges and jealousies which cannot fail to have fatal consequences...."<sup>62</sup>

In 1710 the Presbytery of Perth actually suggested to the Assembly that the Commission should be appointed to meet, "at other places in the nation such as Perth, Glasgow, and Aberdeen that they may have a more full view of the state of the Church."<sup>63</sup> Despite this suggestion the Commission continued to meet, and has

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60. Acts of the General Assembly 1703, Act IV, Session 7.
61. Records of Miscellaneous Assembly Papers 1703-1704, Vol. IV, paper 165, No. 5. Studies of the sederunts of Commission meetings show that for more than half the time the Commission operated with attendance very near the quorum needed. The best attended meeting was the one that followed immediately after the General Assembly when most of the delegates were still in Edinburgh. The first few meetings of each quarterly meeting were usually well attended, but attendance dwindled sharply if delegates were kept for any length of time.
62. Letters of Principal John Stirling, (Ms.) Vol. III, Letter 27, dated 4 January 1703. The University of Glasgow library.
63. Records of the Presbytery of Perth, (Ms.) 20 April 1710, page 3.

always met in Edinburgh.

The discussions held throughout the Presbyteries during the year of 1704 served as a basis for the Act of the General Assembly called, "An Act Concerning the Regulation of the Commissions of the General Assembly, and the Attendance of Members Therein", which was passed by the Assembly of 1705.<sup>64</sup> From this time and for many years to come the delegates appointed to serve on the Commission were nominated during the sitting of the Assembly by a committee equally representative of the Presbyteries of the Church.<sup>65</sup> This committee did not directly appoint the delegates, but presented the list of those that they nominated to the Assembly's own committee who could revise the list as they saw fit, and who presented the list to the full Assembly.<sup>66</sup> This regulation made little apparent difference to the actual makeup of the Commission. The same approximate number of members were appointed, and for the most part the influential churchmen continued to be appointed and to govern the workings of the Kirk's Commission.<sup>67</sup> When the quarterly meetings were held there was little appreciable difference in the attendance, and those who did attend continued to be from the Churches in and about Edinburgh. The Church would have to wait a number of years for a true reformation of the Commission.

Following the regulation of the Commission in 1705 the Presbyteries continued to complain of the Commission's power to meddle with their affairs. In 1708 the Synod of Fife made the following recommendation to the various Presbyteries within its bounds:

The Synod recommends to the Commissioners from the several Presbyteries within their bounds to the ensuing General Assembly, that they represent that the general clause in the Commission's instructions, viz. 'and to advert to the interest of the Church on every occasion, that the Church and present establishment thereof does not suffer or sustain any prejudice which they can prevent', may be so explained as that no affairs of Presbyteries or Synods not expressly referred to them by the General Assembly, or laid before them by reference from

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64. Records of the General Assembly 1705, Act VI, Session 7.

65. Ibid., Index of Unprinted Acts, Session 10.

66. McCrie, Thomas, (Ed.), Wodrow Correspondence, Vol II, Pages 382-383.

67. See Appendix J.

inferior judicatories shall be taken out of their hands  
by the Commission...."<sup>68</sup>

These overtures were successful and the commission granted to the men appointed to serve that year included this further limitation of the Commission's power.<sup>69</sup> It was difficult, however, to draw a fine distinct line that would divide forever the jurisdictions of the various judicatories especially in a polity that had a system of appeals to higher courts built into it. In the very next Assembly of 1709 Robert Wodrow wrote to his wife reporting:

"The Commission must not meddle with sentences of Synods."<sup>70</sup>

This particular problem was to disturb the Church time and time again over the next several years. It must be admitted, viewing the situation from this vantage point, that while the Commission's meddling, as it was called, might be interpreted as an invasion of an inferior judicatory's function it also injected a much needed objective viewpoint into the Church's judicial procedure. The Commission further fulfilled its reason for existence by expediting many matters that would have had to wait until the following Assembly met, and by keeping some of the time-consuming cases of discipline from taking up the time of the Supreme judicatory. The Commission's greatest asset was its ability to meet an untimely crisis and head it off. Those who were calling for specific instructions to be given to the Commission beyond which it could not step were unknowingly limiting its power to such a degree that it would be useless in a time of emergency. Since the Presbyterians were living in unpredictable times it was vital that the Commission's powers should be sufficiently indefinite so that they could have wide scope to deal with any problem that threatened the security of the Church efficiently. Such events as were encountered in the succeeding years proved the wisdom of this policy.

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68. Records of the Synod of Fife, (Ms.), 8 April 1708, Page 63.

69. Acts of the General Assembly 1708, Act VIII.

70. McCrie, Thomas; Wodrow Correspondence, Vol I, Page 13, letter 7. The tone of Wodrow's remark makes it clear that this is a sentiment shared by many.

One of the most important functions of the Commission was its ability to interpret the mind of the Church to the Government, and to bring pressure to bear so that certain grievances of the Church could be quickly dealt with. Year after year high ranking members of the Scottish Government, who were also elders, were honoured by being placed upon the Commission as supernumerary members.<sup>71</sup> Rarely did they attend, but it must be supposed that for the most part they had the interest of the Church close to their hearts. They served as a very important link between the National Church and the Civil Government. When the Commission had a particular interest in the actions of the Parliament or the Privy Council, or if they wished something enacted on their behalf, then some of their number would be despatched to speak with the government leaders and their other friends who were members of the government:

"Report of the Committee for managing the address to Parliament-that they had been at much pains in consulting together and also advising with diverse members of Parliament what might be the fittest time for presenting an address for an Act ratifying the former laws and Acts in favour of the Protestant Religion and the present Presbyterian Church Government..."<sup>72</sup>

The Commission was dependent upon the Government for money so that they could manage the Church's public affairs. It had been the custom since the days of Charles I for the government to give the Church a gift of money for the payment of its debts encountered in carrying out its public business. It was the Commission's responsibility to disperse funds and accounts for the public expenditures. This gift came from the Crown out of the collection of the Bishop's rents.<sup>73</sup> When William came to the throne at the Revolution he re-instituted this custom.<sup>74</sup> The Church came to depend on these funds to meet expenses, to pay the salaries of its clerks and agents, and for sending probationers to supply in

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71. See Appendix List of members of the Commission.
72. Records 1703, Session 22, Pages 295-296. The References of this type throughout the records of the Commission are very numerous.
73. Mitchell, F. Alexander, (Ed.) Records of the Commission 1646-1647. After the Reformation the monastic lands of the Church were annexed to the Crown. Where once the Church was wealthy because of the lands it owned now the Monarchy was enriched. These lands were rented to tenants and money was collected yearly from these estates for the Crown. During the time of the Episcopate the revenue from these former Church lands was placed under their control. When the Presbytery became the established form of Church government again the rent, called Bishop's rent, devolved on the Monarchy. Charles offered a gift of \$400 to the Church yearly from these funds.
74. Miscellaneous Assembly Papers 1717. (ms.). 75 papers relative to King Williams' gift of Bishop's rents to Presbyterians 1690-1716.

distant places.<sup>75</sup> This, in fact, proved to be a very disappointing method of meeting the Church's financial commitments,, especially after the collapse of the Darien Affair. Money was very scarce throughout the realm, and while the funds continued to be gifted each year by the King, the gift came only as a promise of payment rather than in hard cash.<sup>76</sup> Time and time again the Laird of Auchterfardal, who dispersed the money during this period, reported to the Commission that he had no money from the Bishop's rent available to pay the King's gift to the Church.<sup>77</sup> For several years these accounts remained unpaid, and thus the salaries and public debts remained unpaid by the Church.<sup>78</sup> These sources were so unreliable that a new source of income was sought by the Church after the Union of the Parliament.<sup>79</sup> The Commission also represented to the Parliament the case of unpaid ministers:

"...Commission informed that the petition of the minister and parish of Lerwick in Shetland to the Lords of Her Majesties Treasury about payment of stipends thereof, which was recorded by the General Assembly, is not yet granted - some to wait upon the Lords of the Treasury thereabout. Letter from Presbytery of Aberdeen in favour Of Mr. Robert Burnet for assistance in a process about securing the payment of his stipend - his case also to be put into a memorial for the Lords of the Treasury."<sup>80</sup>

With unflinching zeal the Church through the Commission continued to pressure the Government with a multitude of financial grievances until the Church was satisfied at last that justice was done.

All through this period the Church was aware of at least three threats to its stability. These dangers were popery, prelacy and the protesters of the southwest of Scotland. The Assembly's Commission was best placed to deal with

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75. Records 1701, Session 6, 7, 22 and 23, 1702 Session 9, 1703, Sessions 46, 47, 77, 80, 81, 1704, Sessions 4, 27, 37.
76. Ibid.      77. Ibid.      78. Ibid.
79. Records of Account of Disbursement of Church's Public Money, 1701-1745, (Ms.) National Register Office Edinburgh. (Crown rents : Bishops rents and Accounts 219 12 1.) After 1709 Payments of the Crown's allowance seems to have been made yearly from Baron of Exchequer and in quarterly instalments of £125.
80. Records 1704, Session 8 September 1704 Page 689 and Session 6 December 1704 Page 693, see also Session 11 July 1704 Page 576.

these constant problems. The Commission was regarded as the militia of the Church to be on continuous alert. As one Presbytery said in a letter to the Commission:

"...we look upon you as set upon the watchtower to give faithful warning to all concerned in this dangerous and critical time."<sup>81</sup>

The Kirk's Commission was never lax in this responsibility.

The continued existence of Romanism in the highlands and islands of Scotland was a menace to the security both of the Church and the Government. It was never forgotten that a pretender to the throne existed, that he was a papist, and that he was supported by the might of France.<sup>82</sup> As long as Roman Catholicism thrived in the remote parts of the Kingdom James could have a base from which to operate. Now that the Presbyterian Church was firmly entrenched a great effort was made to eradicate this threat. A report made to the Commission in 1706 made it clear that there were many districts in the country where the Reformation, carried on in Scotland for nearly 150 years, had little or no effect. There were glens in the highlands where popish and even pagan rites were still practiced and where popery was said to be on the increase. The report states:

"...It is not possible for these ministers to discharge all the necessary ministerial duties to them, which gives great advantage to seminary priests who are trafficking in places remote from the minister's residence, especially in Braemar, where popery is still on the growing hand, as appears by a lamentable account thereof mentioned in that letter, and that the distance of a minister from that place is the great cause thereof, and therefore the Presbytery thinks that it would be a proper method to banish popery out of these parts if a fund could be got for maintaining a minister at Braemar....the Presbyteries write that if they were free of popery, they do not despair to get paganish and superstitious customs rooted out....the committee found that the letters from Synods and Presbyteries do complain very much of the growth of popery and insolence of trafficking priests, and particularly in the Presbyteries of Moray and Kincardine O'Neil...."<sup>83</sup>

81. Records of the Presbytery of Bigger, (Ms.) 28 November 1706, Page 123.
82. DeFoe, Daniel, History of the Union, Pages 1-12. Here in the preface to his History DeFoe points out the dangers that existed from the Roman Catholic pretender who was the recognised King by France and was supported by French arms.
83. Records 1706, Session 51, 27 November 1706. Report of the Commission's Committee about the state of Parishes in the Highlands and Islands, Pages 186-194.

The Church did address itself to the distressed situation in many parts of the north with a praise-worthy efficiency. It passed acts for the distribution of Gaelic Bibles, Psalmbooks and Catechisms. It promoted the establishment of libraries and schools in highland districts. Financial encouragement was given to young men who could speak in the Irish tongue so that they would study for the ministry. Deputations were sent to visit the worst places, and lists were sent by all the Synods and Presbyteries concerned noting all the Roman Catholics living within their bounds. The Assembly referred to the Commission the task of carrying out all these programs and plans.<sup>84</sup>

The Commission went to work on this matter with commendable alacrity. They had at their disposal the reports from the Presbyteries, which brought out the fact that while popery had been completely blotted out in some districts of the country, in other parts, more remote from civil or ecclesiastical influence, it remained almost entire. In the country of Selkirk there was not one papist, however, in South Uist and Barra, two of the western islands, there were only 17 protestants out of 1,500 examinable persons.<sup>85</sup>

The Commission sent letters to several Presbyteries entreating them to guard against the growth of popery. In one such letter the Commission even asked for an account of children of papists taught by popish tutors to be sent to them so that could apply to the Government for the laws against such practices to be put into force.<sup>86</sup> Of course, laws against the followers of Catholicism so far removed from the seat of authority were difficult to enforce and movement amongst these people with the purpose of trying to force them to obey these laws could be dangerous. It was dangerous for the Presbyterian clergy, as well, and the Commission had to make a representation to the Government to

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84. See Appendix A, References to the Commission, 1706.

85. Miscellany of the Maitland Club, Vol III, Part 2, Pages 389-390. A very interesting study of the relative strength and weakness of Romanism and Presbytery in various districts between 1701 and 1705.

86. Records 1701, Session 8, 5 June 1701, Page 28.

provide them with some protection:

"The Commission heard a representation from some in the Synod of Argyll and Presbyteries in the north concerning the abounding of papists and recommended a copy of the statement should be presented to the Lord Advocate and application made to the government from time to time for action and some course to be taken to protect ministers sent to supply where papists reside."<sup>87</sup>

So serious was the threat that the Commission issued forth a continuing stream of complaints and grievances to the Lord Advocate. It became clear that the enforcement of existing laws against papists and even the passing of more restrictive legislation could not solve the problem. When the report of 1706 was received the Church embarked on an ambitious program of education. Impetus was given to a creditable venture known as the Society for the Propagation of Christian knowledge.<sup>88</sup> It was also believed that trafficking priests could be combated by trafficking catechists.<sup>89</sup> A plan was conceived to send men out into the field to labour in the midst of Roman Catholic settlements:

"....viz. that some probationers known in the popish controversies should be sent to these parts of the nation where Popery does most about, to travel amongst the people, under the inspection and at the direction of the Presbyteries of the bounds, and show them the errors of the Church of Rome and danger of the same, and to instruct them in principles of the true Reformed Protestant Religion, and more especially in wide and spacious parishes, where ministers cannot be so frequently with their people...."<sup>90</sup>

Another action to suppress popery can be seen in the overture that the Commission devised:

"....primo - That, to begin the work each minister should advance a quarter of a years cenesime of their stipend for one year, and that it should be recommended to the members of the Commission that are upon the place to advance their proportion presently if they think fit.  
Secundo - That each probationer to be missionated be allowed 200 marks for  $\frac{1}{2}$  year.  
Tertio - Probationers be under inspection of Presbyteries of the bounds to which they go, and join with the minister of the parish, sometimes, assisting him in preaching, and informing the people of the parish in reference to the truth.

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87. Records 1702, Session 7, March 17th, 1702, page 101.  
88. Records 1706, Session 97, 21 Jan, 1707. Report of the Committee for Schools, pages 284-285.  
89. Ibid. Session 66, 4 Dec 1706, pages 215-225  
90. Ibid., Session 40, 11 Nov 1706, pages 148-149.

Quarto - That at first there be two sent, one to Strathbogie and Enzie and one to Braemar in the Presbytery of Kincardine, and that the Committee to be named by the Commission for managing this affair be empowered to acquaint both the number of these men and send their allowance as the fund shall increase.

Quinto - That a letter be written to Presbyteries about the contribution with the first convenience, and that letters be sent to the Presbyteries where these probationers are to be sent in order to obtain their consent.

Sexto - That great care be taken in choosing fit and able young men to be sent on this design, and for that end that letters be sent to all the Universities to know what account they can give of such.

Septimo - Its overtured that 'ere these young men do go, in this mission they do spend a month in some of the Universities in studying the cavils of the popish missionaries and the fittest way of dealing with the people.

Octavo - That the Committee be chosen for managing this affair be empowered to give some advice and directions to these young men as to their conduct in this work.

Ultima - The Synod and Presbyteries in the south be desired to send in their contributions to the Committee to be chosen by this Commission for management thereof as said is, and that as soon as possible that the same be paid to these young men."<sup>91</sup>

By 1708 the efforts of the Church to bring this problem of growing popery to light had influenced the government to such an extent that the Queen felt constrained to issue forth a proclamation against popery and for the enforcement against them.<sup>92</sup>

The preachers, catechists, and schoolmasters toiled on, but Roman Catholicism continued to linger in its old haunts.<sup>93</sup> As we shall see in later chapters succeeding Commissions were left to deal with this threat to the security of the Protestant Church.

The remnant of the Episcopal clergy were regarded by the Presbyterians as a serious risk to the security of the Church and the State. All during the reign of William the Presbyterians feared that they were about to have their

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91. Records 1706, Session 41, 13 Nov. 1706, pages 152-153.

92. Ibid., 1708, Session 19, 13 Nov. 1708, pages 500-505.

93. Miscellany of the Maitland Club, Vol. III, pages 389-391, part 2.

form of Church government overturned. After a decade they still did not trust the government's promise to protect the Presbyterian government fully. They insisted on trying to assert the Church's intrinsic power by claiming that they existed by Divine right. After the accession of Queen Anne, the government came under the control of men more sympathetic to the Jacobite cause, William Carstares warned that any action to express the basis of the Presbyterian settlement on any ground but the inclinations of the people would be, "visibly inexpedient, and ...destructive to the solid security of the Church."<sup>94</sup> When the Assembly disregarded this advice and tried to pass an Act asserting intrinsic powers the Earl of Seaforth, the Queen's High Commissioner, dissolved the Assembly.<sup>95</sup> When the Church appeared to quietly acquiesce in this fuel was added to the fire of discontent that was spreading in Scotland's southwest. The Church however, did not meekly submit although it now saw the wisdom of Carstares's warning. A strongly worded address was made to the Queen about the Church's intrinsic power, reminding her that the reformation from Rome, in Scotland at least, was by Presbytery, and that they had a right to exist as a National Church. Many people failed to be convinced of the sincerity of the Presbyterians, and events that followed in the Commission appeared to substantiate their doubts. John Skinner, an Episcopal incumbent, who had been deposed by the Synod of Perth and Stirling at this time had his sentence removed by the Commission of Assembly on the basis that nothing had ever been proved and the list of witnesses was kept from him.<sup>96</sup> This and other similar acts of justice and moderation were not easily forgotten, and years later when the Seceders looked back to this time they remembered an address by the Commission to Queen Anne in which the Commission pointed out

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- 94. The Letters of Principal John Stirling, (Ms.), Vol. III, letter 2.
- 95. Acts of the General Assembly 1703 see also Records 1703, Session 1 24 March 1703, & Session 2, 24 March 1703, pages 234-236 & 240.
- 96. Records 1703, Session 4, 25 March 1703, pages 241-242.

as a, "pregnant instance", of their, "moderation", that hundreds of curate had been admitted on the easiest terms.<sup>97</sup>

It was true, of course, that many former curates had been received into the communion of the Presbyterian Church. The grounds for their admission were not as easy as imagined by the sceptics of that time. The easy terms referred to by the Commission in the address to Queen Anne in 1712 may have seemed easy to the Presbyterians, but they could get little agreement about that from the Episcopal clergy. In 1701 the General Assembly referred to their Commission a petition made to them from a Mr. Thomas Henderson, a former curate.<sup>98</sup> On the 5th of June the Commission appointed a committee to take up this petition.<sup>99</sup> The committee recommended to the Commission that Mr. Henderson should be received into Presbyterian communion on the basis of his last confession.<sup>100</sup> Mr. Henderson had applied before it seems, but at the previous encounter he had given some unsatisfactory answers. He now answered in terms that were pleasing to the Presbyterians:

"....But it seems at my last conference at the Rev. Mr. George Hamilton's chamber (I being a little surprised with some questions) one of my answers were a little precipitant, and not so deliberate as I could have wished, and being ex tempore, did not give full satisfaction to some of the Rev. Members of that subcommittee, therefore I do after mature deliberations declare my grief for compliance with the sinful courses of the late times, and as for my taking the Test, Tho when I took it I thought that explication of it put in favours of the Church at that time, did solve it of its apparent inconsistencies and contradictions, yet now I see the evil of it, for which I am sorry, and as to the government of the Church by Episcopacy, I consider it hath even been a great grievance and burden to the Church

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- 97. Reformed Presbyterian Testimony, Historical part, page 175.
- 98. Acts of the General Assembly 1701, Index of unprinted Acts
- 99. Records 1701, Session 7, 5 June 1701, Page 24.
- 100. Ibid. Session 9, 6 June 1701, Pages 33-35.

and nation, and that the present government of this Church is the government most consonant to the Holy Scripture and primitive Christianity, and that the civil magistrate hath no power from the Word to introduce any other form of government."<sup>101</sup>

These were the same hard terms offered to Episcopalians nearly a decade before. Many of the Episcopal clergy decided to remain outside the framework of the National Church rather than accept these terms.<sup>102</sup> Even after being received into communion the former follower of Episcopacy was suspect by the Presbyterians and considered traitors by their former colleagues. One full year later Mr. Henderson was still not settled anywhere though he was a Presbyterian minister in a Church still suffering from a critical lack of man power. The Commission considered his petition:

"....to be appointed anywhere where his ministry might be profitable."<sup>103</sup>

Later the same year he petitioned the Commission again asking to be sent north to minister and after his petition was granted the Commission mercifully allowed him a sum of money as well.<sup>104</sup> In 1706 the unfortunate Mr. Henderson had still not been settled and the Commission for that year passed an act in his favour and gave a testimonial of his good behaviour plus an allowance for another 200 merks.<sup>105</sup>

Those Episcopalians that did not apply for comprehension were carefully watched by the Church.<sup>106</sup> Those who took the oath of allegiance and qualified for government protection remained in their parishes, or opened meeting houses.<sup>107</sup> These men had to be extremely careful and were liable for prosecution if they did anything to stir the wrath of either the government or the Church. Those who refused the oath were very suspect and could be deprived of their benefice and

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101. Records 1701, Session 9, 6 June, 1701, Pages 33-35.
102. Wodrow Manuscripts, Octavo V, Kirk Manuscripts code No. 34.7.9., National Library of Scotland, Edinburgh.
103. Records 1704, Session 3, 24 March 1703, Pages 239-240
104. Ibid. Session 35, 8 June 1704, & Session 36, 9 June 1704, Pages 333-335.
105. Ibid. 1706, Session 5, 6 August 1706, Page 37.
106. Grub, George, An Ecclesiastical History of Scotland, V.III, Page 342.
107. Ibid.

any right to exercise their ministry. From time to time reports were sent from Presbyteries to the Commission complaining about the activities of some other to these Episcopal ministers:

"The Presbyteries of Edinburgh, Perth and Auchterarder sent in to the Commission an account of the Episcopal ministers who exercises the ministry and intrudes upon Churches in their bounds.<sup>108</sup>

It was then the Commission's task to represent these matters to the Lord Advocate. Often times even with the backing of the civil government little could be done to satisfy the demands of the Presbyteries. When the Synod of Angus and Mearns represented their case to the Commission about the situation in Brechin where the Episcopal incumbent refused to move the Commission reported:

"....that the appointments about Brechin observed but little was done thereabout....the Commission therefore continues the former recommendations thereabout procuring a stipend for a Presbyterian minister and stopping the incumbent there.<sup>109</sup>

During the reign of Queen Anne the boldness of the Episcopalian clergy was more notable in that even deprived men intruded with impunity into vacant parishes. The Commission received the following letter from Aberdeen referring to such a matter:

"Letter from Reverend James Osburn, Professor of Divinity at Aberdeen giving account of Mr. Andrew Burnetts insolent carriage and setting up to preach at Trinity Kirk, Aberdeen notwithstanding his deprivation by Parliament...."<sup>110</sup>

The General Assembly in the strongly worded address to the Queen listed as grievances the increase in Episcopal disorders, intrusions and irregularities.<sup>111</sup>

The Commission received the Queen's reply whereby she indicated that she had read the grievances and:

"....did approve of that manner of applying to the Privy Council. The Queen will favour no irregularities or enormities especially in Ecclesiastical affairs."<sup>112</sup>

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108. Records 1701, Session 15,5 September 1701, Page 56.

109. Ibid. Session 22,3 March 1702, Page 81.

110. Ibid. 1703, Session 5,26 March 1703, Page 244.

111. Acts of the General Assembly 1703, Act III, Session 4, and Act VIII, Session 9.

112. Records 1703, Session 6,7 May 1703, Page 255.

However, a new day was about to dawn that would dramatically change the course of events in Scotland. In terms of a special statute, the Parliament elected in the year 1689, which continued to sit during the whole of William's reign, was to continue only briefly after Anne's accession. William's parliament had been sympathetic and friendly towards the Presbyterian establishment. The new government was going to be something entirely different. The Queen ordered a new Parliament to sit, and after its election it was evident that a strong party existed that favoured Jacobite policies.<sup>113</sup> The Episcopalian clergy were not inactive and had presented a petition to the Queen requesting her favour and protection.<sup>114</sup> The Queen, always partial towards Episcopacy authorised the Privy Council to seek some toleration for these petitioners.<sup>115</sup> Encouraged by this measure of support from the Queen, the Earl of Strathmore proposed in Parliament that a toleration should be granted to all Protestants in the exercise of their religious worship.<sup>116</sup> This was just the kind of situation that the Commission of Assembly was best suited for.<sup>117</sup> The Kirk's Commission sprang into action by appointing a committee to prepare an address stating the position of the Church in this matter. The following address was framed and given to the agent of the Church to deliver to some of the members of the new Parliament who were also members of the Commission:

"....now being informed that there is a motion made in open Parliament for granting toleration to Protestant dissenters, whereby we cannot but understand these of the Episcopal clergy to be chiefly meant, and a comprehension for them to be intended, in respect there are none other who make any sort of figure in this nation and as none want a toleration or connivance, so there are none but they that can pretend to a parochial liberty in any part of the kingdom. We find ourselves both in conscience and in duty to this Church and Nation, and likewise to our constituents

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113. Grub, George, An Ecclesiastical History of Scotland, Vol.III, page 345.

114. Ibid.

115. Records of the Privy Council, (Ms.), Acta, Vol. 52, July 1699-May 1703, page 510, National Register Office, Edinburgh.

116. Grub, George, Op. Cit, page 345.

117. Records of the General Assembly 1703. See Instructions to the Commission

in all humility to represent to your grace and to the honourable Estates of Parliament, that as these of the Episcopal persuasion can have no pretence possible of claim from conscience or reasons to any such tolerations, so the enacting thereof by Parliament would prove of most dangerous consequence and pernicious effect to Religion and Godliness and to that quiet and tranquillity that hath so long and happily been enjoyed in the present establishment and contrary to the interest of her Majesties government and the claim of right which we are ready to make convincingly appear to your Lordships to reject any such notion of toleration or before any proceedings therein, to grant us a full and free hearing of what we have to lay before your Lordships in opposition thereto...."118

Not only did the Church prepare to defend the status quo, but they took the offensive and planned an address asking for the Parliament to ratify all the laws passed in favour of the Church.<sup>119</sup> On the 19th of May they framed a second address and voted unanimously to present it in opposition to the proposed toleration.<sup>120</sup> The Commission also made ready for a debate about the re-introduction of Patronage and an address opposing any such legislation was prepared.<sup>121</sup>

The Government for some reason dropped its plans for a toleration in Scotland at that time. The Church due to its readiness had won that round against the Episcopalians.

If the Church had its external problems because of the Catholics in the highlands and islands, and the Episcopal incumbents in the north and wherever else Episcopal meeting houses and clergy were located, they had serious internal problems with their own clergy in the southwest of Scotland. The 'Society people' who refused to join with the Established Church at the Revolution complained about the defections in the country and criticised the Revolution settlement as not going far enough. They would only be satisfied when Scotland returned to the Covenant, had a Covenanting clergy, and a Covenanted Monarch. It had been hoped that the receiving of the three Cameronian preachers in 1690 would have satisfied

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118. Records 1703, Session 12, 15 May 1703, Pages 268-269.

119. Ibid. Session 15, 18 May, 1703 & Session 18, 20 May 1703, Pages 276-277 & 284-288.

120. Ibid. Session 17, 19 May, 1703, Pages 279-281.

121. Ibid. Session 18, 20 May, 1703, Pages 284-287.

the societies. Unfortunately this was not the case, and even though they were left without any ordained clergy they continued to thrive. This body of dissenters were distinguished not only because they remained outside the communion of the Church, but because they denied the lawfulness of the civil government and they refused subjection to the civil magistrates on the grounds that they wanted those qualifications which were required by the Work of God and the Covenants. They separated from the Church and the State, and adhered only to what they called the Covenanted reformation.<sup>122</sup>

The stream of criticism that issued forth from these dissatisfied people was very disconcerting to the Church. With the 'society people' continuously setting forth in minute detail the defections of the times, and boldly pronouncing the Church to be thoroughly Erastian a wound in the side of the Church was kept from healing. Their harangue, which influenced many of the less moderate Presbyterians, exposed the Church to the dangers of a schism. It was necessary therefore to try and satisfy this extreme wing of the Church in order to silence, if possible, these malcontents. The situation was complicated, however, by two clergymen in the Church of Scotland who persisted in ministering to these people. Those two antagonists, Mr. John Hepburn of Urr and Mr. John McMillan of Balmaghie, represented a thorn in the flesh of the Church that had to be extracted. The process was not going to be painless, and in light of later events, could hardly be called successful.

Both of these clergy took it upon themselves to minister not only to their own parishes but to the 'society people' by preaching, administering the sacraments, and marrying. Since the separatists were scattered over a broad area of south-west Scotland this meant that both Hepburn and McMillan were taken into the bounds of neighboring parishes. The ministers of these parishes complained of this intrusion. As long as the adherents to the societies were receiving

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122. Reid, H.M.B., A Cameronian Apostle, Page 13.

this encouragement from ministers of the Church of Scotland there remained little hope that they would ever be silenced or eventually brought within the fold of the Church.

By the year 1703 the division within the bounds of the Presbytery of Kirkcudbright had reached serious proportions.<sup>123</sup> This time the storm broke over reflections that some of the clergy had made about the Presbyterian ministers that had taken the oath of allegiance to Queen Anne's government.<sup>124</sup> The taking of this oath was considered, by many, as a further subjection to encroachments by the state. The Commission of Assembly became aware of Mr. McMillan's deportment and of the impending schism in the Presbytery of Kirkcudbright when they received a reference from the Presbytery concerning the affair:

"Mr. Thomas Verner presented a reference from the Presbytery of Kirkcudbright concerning Mr. John McMillan, minister of Balmaghie, who was in danger of withdrawing from the said Presbytery....said Presbytery should at first deal privately and endeavour to reclaim him for peace of the Church and all prudent means taken with him and others - if private means fail or prove ineffectual that Presbytery lay the case before the Commission."<sup>125</sup>

The situation in the south-west of Scotland deteriorated even further when the Cameronians issued another declaration refusing to acknowledge the Queen and her Government and declared against them. The Commission was quick to act in the name of the Church to disassociate the Church from the Sanquhar declaration. The Commission sent a committee to wait on the Lord High Commissioner and to show how the Commission detested this incident of disloyalty and fanaticism:

"....that the action of a few may not be imputed to the ministry or Church of Scotland, who have on all occasions in Doctrine and practice given sincere and undoubted loyalty to her Majesty and the Government."<sup>126</sup>

When the Presbytery took up the matter with the three malcontents in July on

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- 123. Records of the Presbytery of Kirkcudbright, (Ms.) 9 February, 1703.
- 124. Ibid. 8 April 1703.
- 125. Records 1703, Session 46, 28 June, 1703, Page 362.
- 126. Ibid., Session 20, 24 May 1703, Page 291.

the advice of the Commission, John McMillan handed in a paper of their grievances. The whole situation was referred to the Commission again when the Presbytery sent the following letter:

"....giving an account that Mr. John McMillan....Mr. John Reid at Carsfern, and Mr. William Tod, at Buittle, had given into the said Presbytery a paper of grievances against the National Church, and they have lately absented themselves from some meetings of the said Presbytery...."<sup>127</sup>

The Commission advised the Presbytery to:

"....deal seriously with their brethren to leave off their devisive course and if they (the Presbytery) prevail not, that they affair should come before the next quarterly meeting of the Commission."<sup>128</sup>

In the Commission's letter to the Presbytery a comment was also made about the grievances of McMillan:

"....About the twelve heads of grievances. We find little of moment in it, but what hath been already considered in the seasonable Admonition, they complain that the Divine Right of our Government, and the intrinsic power of the Church have not been asserted, both these are very plainly asserted in that....Admonition, which is to be looked upon as a Public Deed of this Church...."<sup>129</sup>

In August of 1703 the three disturbers of the peace of the Church finally declared themselves when they publicly stated in the Presbytery that they were not free to join with ministers who had taken the oath of allegiance to the Queen in the Sacrament of the Lord's Supper.<sup>130</sup> By December the Presbytery had framed a libel against McMillan and he was deposed on December the 30th 1703.<sup>131</sup> In 1704 the whole affair was referred to the Commission. The Commission raised a new libel and cited him to appear before them.<sup>132</sup> When McMillan refused to appear he was warned to attend at the Commission's citation or face a sentence of

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127. Records 1703, Session 54, 15 July 1703, Page 385.

128. Ibid. Session 55, 20 July 1703, Page 387.

129. Ibid. The Seasonable Admonition refers to the Act of the Commission 1698. There was a great deal of argument about whether or not such action even by the Commission could be regarded as a Public Deed.

130. Records of the Presbytery of Kirkcudbright, (Ms.) 17 August 1703.

131. Ibid. 30 December 1703. See also Act of Assembly 1704, Act XVIII.

132. Records 1704, Session 5, 7 June 1704, Pages 536-540.

excommunication.<sup>133</sup> After questioning the deposed minister of Balmaghie the Commission sustained the sentence of the Presbytery of Kirkcudbright, but seeing that McMillan pleaded for a conference they nominated a committee to discourse with him and the people of Balmaghie and report.<sup>134</sup> We are not told what took place at this conference but on the 20th of July 1704 McMillan appeared before the Kirk's Commission again with his acknowledgement of error and a statement of his desire to be reposed.<sup>135</sup> The Commission then told McMillan that his case would be referred to the Assembly of 1705 which was about 9 months away and that he could not be reposed to his previous charge.<sup>136</sup> McMillan protested against this action of the Commission claiming that they did not properly interpret the meaning of the Act of the Assembly of 1645 for it specified ministers who were deposed for error, ignorance, negligence or scandalous behaviour.<sup>137</sup> The Commission replied that it also applied to anyone who broke the good order of the Kirk, and they believed that he had broken that good order.<sup>138</sup> Following this decision by the Commission McMillan published his work called, "The True Narrative", and in December before the Commission had a chance to call him to answer for his indiscretion he addressed to them an Article entitled "A Protest and Appeal by John McMillan Unjustly Deposed."<sup>139</sup> In this protest and declaration he demanded a re-hearing of his case, retracted his pledges given in June and July to the Commission and renewed his appeal to the next free, faithful and rightfully constituted General Assembly. The Church never regained Mr. McMillan who continued to minister at Balmaghie and to the 'society people' of that area. Furthermore they wasted a good deal of time and effort after this advising the Presbytery and listening to their grievances because of the irregularities

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133. Records 1704, Session 8, 8 June 1704, Page 564.

134. Ibid. Session 14, 14 July 1704, Page 596.

135. Ibid. Session 19, 20 July 1704, Pages 617-618.

136. Reid, H.M.B., A. Cameronian Apostle, Page 141.

137. Ibid.

138. Ibid. 137. Ibid.

perpetrated by their separatist and deposed brother, and trying to gain admission to the Church and Manse at Balmaghie that McMillan refused to leave. Several letters were written to the parish and to the heritors intimating what must be done about gaining entrance to the buildings, but no one was successful in prying Mr. McMillan loose from Balmaghie or even convincing the majority of the people of Balmaghie to desert their minister.<sup>140</sup>

The contemporary of John McMillan whose ministry flourished in the discontented south-west of Scotland and worried the Church with the possibility of schism was John Hepburn.<sup>141</sup> He was the leader of the other branch of 'society people', and possibly the more numerous branch, called Hebronites.<sup>142</sup> Even before McMillan's irregular behaviour Hepburn was notorious for his opinions in the Church.

In 1699 Hepburn returned to his parish at Urr with his sentence of suspension removed but was warned to confine his activity to his own parish. With the accession of Queen Anne to the throne in 1702 and the instigation of the Oath of Allegiance the difficulties between the Church and the Hebronites came to a head. Hepburn refused to take the oath, calling it the Black Oath, and condemning bitterly any who did comply with the government in taking it.<sup>143</sup> This did not endear him to his brethren who had been forbearing long enough. In 1702 and 1703 complaints were raised about Hepburn's brazen conduct. The Assembly of 1704 passed an Act against Schism and disorders, and condemned the practices of Hepburn and McMillan.<sup>144</sup> Hepburn was referred to the Commission, and they were given full power to deal with him.<sup>145</sup> After some difficulty the Commission forced Hepburn to appear before them in the summer of 1704. When he appeared he presented

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140. Records 1706, Session 3, 18 April 1706, Page 21 and Session 50, 26 November 1706, Pages 183-184.
141. Hepburn, John, Humble Pleadings, page 296. Here in the first paragraph we have an indication of a joint effort between Hepburn and several others in the south-west including McMillan and his adherents which illustrates Hepburn's part in the schism.
142. McMillan, William, John Hepburn and the Hebronites, Page 9-11.
143. *Ibid.* Page 69.
144. Acts of the General Assembly 1704, Act VIII (See also Stirling Letters (Ms.) Vol. II No. 54 letter dated 27 March 1704.
145. *Ibid.*

a paper that takes up 12 manuscript pages in the Commission's minutes, but this along with his verbal replies did little to satisfy the committee who reported the following verdict to the Commission:

"....they found him self-convicted, self-willed and refractory to the Church and worthy to be proceeded against."<sup>146</sup>

Hepburn then appealed for the Commission to give him until the next quarterly meeting promising to obey the sentence of suspension already placed upon him.<sup>147</sup>

The Presbytery of Dumfries pleaded for the Commission to proceed immediately, alleging that he had followed schismatical practices and complaining that excessive restraint had been exercised in dealing with this obstinate dissenter.<sup>148</sup>

It was decided to proceed without any delay at the next session.<sup>149</sup> Hepburn did not stand idly by that night waiting for the inevitable to happen. He took his story to the Lord Advocate, Sir James Stewart a member of the Commission, and a staunch and very much respected Presbyterian. The Lord Advocate reported to the Commission the next day that:

"Mr. Hepburn had been with him, and conferred with him about the question put to him by the Commission the day before. That he had grounds for assurance that the said Mr. Hepburn will obey the Commission's injunction, and not exercise his ministry without the parish of Urr until the next meeting in September... and since Mr. Hepburn desired the delay until the next September that the same might be granted."<sup>150</sup>

The matter was delayed and Mr. Hepburn was allowed to go after receiving a sharp rebuke.<sup>151</sup> Mr. Hepburn did not honour his word or justify the Lord Advocate's faith in him. The hope of the Commission for peace in the south-west was dashed again when reports of the Presbyteries of Dumfries, Penpoint, Lochmaben and Kirkcudbright revealed that Hepburn had not kept his promise to the Commission in July.<sup>152</sup> In September Hepburn excused himself because of his health. In

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146. Records 1704, Session 16, 18 July 1704, Page 600.

147. Ibid. Page 601.

148. Ibid. Pages 601-603

149. Ibid. Session 17, 18 July 1704, Page 611.

150. Ibid. Session 18, 20 July 1704, Page 612.

151. Ibid. Page 616.

152. Ibid. Session 35, 7 September 1704, Page 679.

December the Commission was urged to proceed by the Synods of Dumfries and Galloway.<sup>153</sup> Still the Commission hesitated and at last appointed a committee to go to the southwest to meet with Mr. Hepburn and to discuss the grounds of their separation, and to endeavour to inform them of their mistakes.<sup>154</sup> The conference was held in Sanguhar in February of 1705.<sup>155</sup> The Hebronites gave in their grievances and these were discussed at length. The Hebronites presented a paper of terms for their joining in communion, but the committee considered these impracticable.<sup>156</sup> When the conference concluded, little was accomplished although the moderator of the committee reported to the Commission in March that:

"....the conference was managed with much charity and meekness. A letter from Gavin Mitchell, in the name of several others who scrupled at Communion, showing that on account of this conference being given to several who were not present, may seem to have a better opinion of the ministry than formerly and declares their satisfaction with the management of the said committee and a great respect to the members thereof...."<sup>157</sup>

Then Mr. Hepburn was called before the Commission and a favourable account was made of him, and to crown this spell of goodwill the Presbytery of Kirkcudbright sent a letter to the Commission declaring that they were:

"....willing to pass, for their parts, the bygone disorders laid to his charge providing he will engage to join in the Communion of this Church...."<sup>158</sup>

The Hepburn case was then referred to the Assembly of 1705. At that Assembly all the goodwill and work of the year past went for nought, because of Hepburn's actions towards the Church's High Court, and he was deposed from the ministry by the Assembly.<sup>159</sup>

In 1706 petitions were made to the Assembly by his parish asking for Hepburn's re-instatement in the parish of Urr. The matter was referred to the Kirk's

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153. Records 1704, Session 40, 7 December 1704, Pages 703-704.

154. Ibid. Session 41, 7 December 1704, Pages 705-706.

155. Ibid. Session 49, 8 March 1705, Pages 731-742. Minutes of conference at Sanguhar.

156. Ibid. See also Hepburn, John Humble Pleadings, Pages 231-233.

157. Ibid. Session 49, 8 March 1705, Page 742.

158. Ibid. See also Hepburn, John, Humble Pleadings, Pages 233-234.

159. Records of the General Assembly 1705, Act VIII.

Commission. The case was delayed from one session until the next until it was referred back to the Assembly of that year. On the 18th of June 1707 the affair came before the Commission again. A committee of 12 was appointed to meet with him, and at the following session the committee reported that they thought if the sentence of deposition was taken off Hepburn would, "come to a greater length than formerly in giving the Commission satisfaction."<sup>160</sup> On being called before the Commission Hepburn added:

"....as the sentence of deposition had done skait, the taking of it off would tend to edification."<sup>161</sup>

It was decided, however, to put the affair off until the August quarterly meeting because so few members were in attendance to decide in such a weighty affair.<sup>162</sup>

In August the Commission took up the affair again.

"....the said Mr. Hepburn said he was desirous ..the sentence of deposition might be taken off him, because he thought it had done more evil than good, and the taking it off may tend to edification, and it being represented that the people of Urr had given in a petition which had been read, craving the sentence of deposition might be taken off him,

He was desired to signify, what encouragement he would give in order to the answering that petition and was enquired if he will engage to walk orderly in time coming, according to the principals of Presbyterians, with a due subjection to Church jurisdiction, he answered he should endeavour to carry as he judged most for the glory of God and edification of souls, as he thought he had formerly endeavoured to do...."<sup>163</sup>

Not being quite satisfied with Hepburn's first reply they asked him to agree to several articles and judically own them:

"....Mr. John Hepburn does declare that in case it shall please the Commission....to take off the sentence of deposition...he shall take upon him the inspection of the people of his particular charge. That he shall to his power endeavour to head the breaches and divisions of this Church, and to continue people of the evil and danger thereof, according to the Scriptures

160. Records 1707, Session 9, 19 June 1707, Pages 350-351.

161. Ibid.

162. Ibid. Page 351.

163. Ibid. Session 14, 7 August 1707, Page 362.

and our Solemn Covenant, and that in his visits to any of God's people of his acquaintance in other places, he shall endeavour to do it without offence to God or this Church and that he shall endeavour what in him lies to maintain and preserve the peace and unity of this Church, according to Presbyterial principal, and for this purpose desires and expects that grievances hitherto, occasioning distance and difference amongst the Lord's people may be duly considered, and methods laid down for their removal, that all suitable ways may be taken to bring us back to our first husband by covenant...."164

The members were divided over this matter and when the vote was counted on the question to repon Hepburn or not it was a tie.<sup>165</sup> The moderator refused to cast the deciding vote.<sup>166</sup> The matter was left until the following session when the minutes report that, "by a great plurality of voice", Hepburn was reponed to his ministry in Urr.<sup>167</sup>

When the General Assembly of 1708 convened and the records of the Commission were revised trouble developed over the Commission's dealing with Mr. Hepburn:

"There are such irregularities in the taking the sentence of deposition off John Hepburn, that the Assembly refused to approve the Commission's taking off of that sentence; and enjoin in time coming that Commissions strictly observe the Acts of Assembly, and not transgress the same under any pretence whatever; and empowers the Commission of Assembly to enquire into what had been Mr. Hepburn's deportment since he was reponed and to proceed as they shall see cause."<sup>168</sup>

Regardless of the dangers and difficulties faced by the Kirk during this decade the Church of Scotland emerged considerably stronger and more stable. Progress was made in Roman Catholic strongholds, the shortage of clergy was abating, and the disorders of both extreme opinions, the Episcopal clergy and the 'society people' had been dealt with. The Commission had proved its value in many ways during the period, and had successfully warded off an attempt by a Jacobite party in the country to introduce a toleration scheme. The Commission itself was now a

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164. Records 1707, Session 16, 8 August 1707, Page 371.

165. Ibid. Session 16, 8 August 1707, Page 372.

166. Ibid.

167. Ibid. Session 17, 12 August 1707, Pages 373-374.

168. Acts of the General Assembly 1708, appended to Commission's minutes, Page 418.

recognised part of the Church's structure. If a few thought that it was not needed the greater majority found it not only needful but vital to the success and protection of the Assembly's and indeed the whole Church's security. The Commission was to reward this confidence during the years 1706 and 1707 when negotiations for the Union of the Parliaments was under way.

Chapter IV

1706-1707

The Negotiating Commission

COMMISSION OF THE GENERAL ASSEMBLY 1706-1707

Negotiating Commission

After James III of Scotland became James I of England some hoped for an even greater union of the Kingdoms. One of the aims of William III was a uniting of the English and Scottish Parliament, but he never lived to see the realization of this dream.<sup>1</sup> The prospects for such an eventuality were not bright when Anne came to the throne in 1702. Relationships between England and Scotland had been strained for some time. The Scots were still suffering from the failure of the Darien scheme, and they were very much tempted to blame the English economic policies for their plight. The tension was not less because of the ecclesiastical differences of the two nations. There was, however, one very important matter pending which more than anything else was to draw the two nations together. The Queen had no heir to the throne, and neither kingdom was willing to have the son of James as the next monarch. It was of utmost importance to the future security of both countries that an agreement should be reached on who was to have the right to the throne. Should each kingdom decide for a different royal house then chaos and perhaps civil war would result. A Treaty of Union was needed to settle the succession for both countries, to save Scotland from financial ruin, and to assure England of security on her northern borders. After a series of complex political moves a commission was appointed by each parliament to negotiate the articles upon which a Treaty could be based.

Most wise men of the time realised that if a Union was to be accomplished then a great many factors would have to be neutralised to assure the success of the negotiations. Not the least of these factors to be considered was the Church of Scotland. It is too much to say that the decision lay in the hands of the Church rather than in the hands of the Parliament, but the support of the Church in this venture would have made it very much easier. The Parliament worked to gain this support, and in the sittings of the 9th and 10th of October the Estates devoted themselves to the discussion of an Act securing the Presbyterian Church Government in Scotland.<sup>2</sup> However, the

1. Story, Robert Herbert, William Carstairs, page 285.

2. Thomson, T. Acts of the Parliament of Scotland 1706, page 217

general sentiment of Churchmen, despite this action, was hostile to the Union.<sup>3</sup> The Earl of Mar reporting to the Lord Treasurer in England said:

"Tho we have still as good hopes as ever of succeeding in Parliament; yet I must acquaint your Lordship that the humour in the country against the Treaty of Union is much increased of late; and I must acknowledge the ministers preaching up the danger of the Kirk is a principal cause of it....." 4

The great part of the credit for keeping the Church out of the quicksands of political intrigue during this national crisis, belonged to William Carstares.<sup>5</sup> He was the logical person to guide the Church at this time within the framework of a moderate policy, by the vast experience which he had gained as a statesman and advisor during the reign of King William. During the negotiations for the Union, the Earls of Seafield, Mar, Leven, Stair and others of similar political stature corresponded with him.<sup>6</sup> He used his influence to further the Unionist policy, and to secure the recognition of the Presbyterian Government in the Treaty. His sagacity and knowledge of men proved vital. His familiarity with affairs enabled him to devote himself to the task of controlling and guiding Scottish ecclesiastical opinion, so as to keep the many elements of hostility from coalescing in a fatal opposition.

The scruples of extreme Presbyterians saw in the project of Union with a nation that vowed allegiance to a Prelatic Church a breach of the Covenant. The Covenants were still held in such high regard that many were decrying incorporation as involving the nation in perjury. For Presbyterians to countenance Prelacy, and to unite in a Parliament composed of Lords Spiritual, seemed to many as nothing less than a national sin. Those of a Covenanter stripe like the Hebronites and Cameronians lamented any attempt at Union, and prophesied that the wrath of God would descend upon the nation.<sup>7</sup> The alarm raised in the south-west was spread by the Jacobites whose purpose was to destroy the Union before it could become a reality. This strange alliance could only do harm to the cause of independence. The Church was unlikely to offer active opposition to the Union if it meant joining forces with these two extremes.<sup>8</sup>

3. Lockhart, Robert, The Affairs of Scotland, page 217.
4. Mar & Kellie Papers, Historical Manuscripts Records Commission, 60 - 1, page 302 - Letter dated 26th October, 1706.
5. Portland Papers, H.M.C. IV, page 382 - Letter dated 16th January 1707 from Daniel Defoe to Robert Harley.
6. Carstares State Papers, pages 717 - 764.
7. McMillan, William, John Heburn and the Hebronites, page 138.
8. Mathieson, William Law, Scotland and the Union 1695-1747, page 181.

If ever the value of the Assembly appointing a Commission to sit in the interval between Assemblies was proved, then it must be at this point. This was exactly the kind of crisis that made such an ecclesiastical instrument imperative to the National Church. Dr. James McKinnon, in his history of the Union, implies that some contended at the time, "that in so grave a crisis they should petition the Queen to summon a special Assembly".<sup>9</sup> However, there is no evidence in the Acts of the Commission to verify this attitude among its members, and Dr. McKinnon offers no reference for his information. He goes on to say that it was on the advice of Carstares that the majority of Commission members expressed the opinion that the powers of the Commission of Assembly were sufficient to entitle them to act on behalf of the whole Church.<sup>10</sup> Again, this is not substantiated by evidence, but it was true that the Commission had the power, and even more, the duty to act on behalf of the Assembly when the Church's interest was at stake.

The Commission met in October and framed an address to the Parliament beseeching them to favour the Church with an Act for its security:

"It being moved by some of the brethren, that at this juncture it were fit that the Commission might humbly address her majesties Commissioner, and the honourable Estates of Parliament in favours of the Church, to do something for security of the Protestant Religion in this Kingdom, and for the preservation of the purity of the Doctrine, worship, and of the discipline and government of this Church according to our Confession and Faith as the same is now established by the laws and Acts of Parliament of this nation." 11

The next week an appeal was made in the Parliament for a Public Fast. Defoe notes in his history of the Union that:

"A proposal was made this day for a general fast, which occasioned some debates, but was adjourned. And here it was very publicly observed, from what hand, the motion of a fast came: some maliciously enough, though merrily, noted that the motion of a fast came first from those, who were rarely observed either to fast or pray, and that now began to talk so religiously, that it was taken for a mere banter. On the other hand, it was observed, that the most sober and religious members both of nobility and gentry, opposed this motion in the house: but the reasons were evident".<sup>12</sup>

9. MacKinnon, James, The Union of England and Scotland, page 298.
10. Ibid.
11. Records 1706, Session 14, 9th October 1706, pages 84 - 85.
12. Defoe, Daniel, History of the Union, page 269.

This proposal of a fast had been brought forward by nationalists, and the Jacobites seeing the advantage of delaying tactics supported it.<sup>13</sup> These parties hoped that the prevailing public sentiment against the Union could be whipped into such a demonstration that the promoters of the Treaty would be forced to forsake it.<sup>14</sup> It was thus left to the Commission to appoint a Fast or not. On the 9th of October, two ministers from the Synod of Glasgow moved that "the Parliament should be addressed for a Solemn National Fast and Humiliation, and for prayer to God for direction in so weighty an affair".<sup>15</sup> The next week the Commission did pass an Act for Prayer and Supplication for Direction, but did not address the Parliament for a Public National Fast:

"The Commission of the General Assembly taking to their most serious consideration the great and weighty affairs now in agitation, specially the Treaty betwixt the two kingdoms, and how much these call to all to be earnest with God in sincere and fervent supplications for his direction and assistance to the high courts of Parliament and others concerned, to bring them to a happy issue for his own glory and the good of this Church and Kingdom. Do therefore resolve and declare that in the first place, They for themselves and for all that shall be pleased to join with them will keep and observe Friday next being the 18th of this instant at 10 o'clock forenoon in this same place for a day of serious prayer and supplication to God for his Divine presence and assistance for the ends foresaid, and in the next place do most earnestly recommend it to all the Lord's ministers and people, that they also make application to God upon all proper occasions for the said ends and blessing, and that this act be forthwith sent and transmitted to all Presbyteries for their concurrence by themselves, and by stirring up their people to the duty above recommended". 16

This was met by opposition from some members who insisted that the Commission should appoint a Fast to be observed throughout the Nation, and thus the matter was referred back to a committee.<sup>17</sup> The next Monday a compromise was reached and the Kirk's Commission decided that a fast was in order, though not a Public National Fast, but rather one to be appointed in each Presbytery on an appropriate day of their choice:

"The members of the Commission having reasoned concerning this affair at great length. They after mature deliberations concerning the manner of enjoining this solemn duty, particularly

13. Mar & Kellie Papers, H.M.C. 60 - 1, page 290. "And then they again proposed the fast not only in Edinburgh, but through the whole country with a design to stop our proceeding till that was over.....".
14. Mathieson, William Law, Scotland and the Union, page 182.
15. Records, 1706, Session 15, 9th October 1706, pages 86-87. Glasgow was a centre of discontent because of the Union, and the scene of rioting.
16. Records 1706, Session 20, 14th October 1706, pages 97 - 98.
17. Ibid.

Whether it were expedient in the present juncture of affairs that this solemn and necessary duty should be enjoined by a circular letter from the Commission or by applying to Parliament: did at length unanimously agree that same should be done by circular letter." 18

The next day an Act was passed for carrying out the Solemn Day of Prayer and Humiliation.<sup>19</sup> It was plain by this action of the Commission that the Church was not going to be the party responsible for delaying the discussions of the articles of the Treaty. Having weighted everything carefully in the balance the majority of the Commission members must have believed that the security of the Church depended on the way that they handled themselves in this affair. A letter from the Rev. John Logan of Alloa to the Earl of Mar helps us to understand the mind of the Commission relative to this matter:

"...the ministry of this National Church have been hitherto silent (except some who are suspected to be bypassed by those of leading influence in their own corner) and are loath as ministers to interfere with the State in any civil affairs, though otherwise as men and subjects they are equally concerned with others in the resignation of the sovereignty: and pains have been taken at the last session of the Commission of Assembly to prevent any rupture on that head by their refusal of a National Fast, zealously pleaded for and pressed after by some before the downsitting of the Parliament. Yet all of them I converse with in present are of a dissenting judgement from an incorporate union, and do look thereupon both as sinful in itself and of dangerous consequence to the established government of this Church, it being (as thought by some) contradictory to the Covenants against Prelacy in its three dominions whereto this nation stands engaged, and one manifest exposing of their government to patent danger in regard the British Parliament may at after pleasure avert any fundamental in our constitution without the consent of their constituents, and this they are rather apprehensive of, that in one nation two legally authorised forms of Church government are unprecedented and were never heard of and cannot be thought to stand long in Britain". 20

We are led to believe that it was William Carstares who convinced the Commission of the inexpediency of calling for the National Fast. The Earl of Mar wrote to England:

" The Commission of the General Assembly have at last ended the affair of the fast, the opposing party would have had them addressing the Parliament for a National Fast. My Carstares was the principal man in the managing of this affair, and had it not been for him, probably it had taken another turn not as much to our liking". 21

18. Records 1706, Session 25, 21st October, 1706, pages 113 - 114.
19. Ibid., Session 26, 22nd October, 1706, pages 115 - 118.
20. Nar and Kellie Papers, H.M.C., 60 - 61, page 274.
21. Ibid., pages 296 - 297. Letter from Earl of Mar to Nairne, dated 23rd October, 1706.

While the government dreaded any delay in getting on with the negotiations they no doubt were worried about the causes to be mentioned should a Fast of national proportions be approved. The task could hardly get off the ground if causes for a public Fast brought the Church and State into open conflict in the very beginning. The opponents of the Treaty of Union were most likely to have drawn up such causes that it would have been necessary either to refuse the Kirk permission to have the fast, something seldom if ever done, or allow it and thereby approve of the causes that would have been fatal to the Treaty's ratification.

Fear was the mood of the time; fear on the part of those who worked for the Union, that the Church would go too far in its opposition:

".....He (Queen's Advocate - Sir James Stewart) behaves pretty well in the Commission of the Kirk, who are still sitting and with great difficulty and pains are kept from going wrong, which I'm afraid they will do at last.....by the ministers preaching up fear and danger, and their carriage in the Commission, and the misrepresenting the Union by others, the humour of the commonality are against us...." 22

and fear on the part of the Church that they would not have a full security.

By this time the Kirk was expressing its desires in greater detail. On November 4th An Act of Security was read for the first time in Parliament which embodied verbatim all that had been suggested by the Commission as necessary to protect the interests of the Church.<sup>23</sup> The Commission, however, as they afterwards alleged, had intended their first address to the Parliament as a mere outline of the things needful for the Church's security and not the sum of the legislation finally needed to secure the Presbyterian interests.<sup>24</sup> On the 7th of November a second address was agreed upon and presented to the Parliament.<sup>25</sup> Six articles were thus added to the general address which had asked for security of Doctrine, Worship, Discipline, and Government.<sup>26</sup> The Commission had struggled for some time in trying to come to an agreement about this second address. On the 29th of October the list of difficulties, as they were known, were drawn by the committee for public affairs, and reported to the full Commission. It was voted in the Commission to delay a decision about including the second and fifth articles:

22. Mar and Kellie papers, H.M.C. 60 - 1 page 309. Earl of Mar to Nairne dated November 3, 1706.
23. Mathieson, William Law, Scotland and the Union, page 182.
24. Defoe, Daniel, History of the Union, page 623. See also Records 1706 Session 52, 28th November 1706, pages 200 - 209. Reply to the dissent.
25. Ibid., Session 38, 8th November, 1706, pages 141 - 143.
26. Ibid.

"But as to the second particular about the oath of Abjuration, and the fifth concerning the constitution of the Parliament of Britain with relation to Bishops sitting therein, there was some reasonings about the same, and season of moving in these things, and it was put to the vote whether the same should be recommitted, or delayed.....voted to delay". 27

Three days later the party in the Commission pressing to include these two articles declared that they should be taken up again and included in the address to the Parliament, but it was agreed after further reasoning that they should be delayed.<sup>28</sup> The persons who opposed the inclusion of these articles in the address were beginning to lose the upper hand, and three days later the following action was taken:

"The committee appointed last Tuesday to consider the two heads of difficulties then discoursed of in relation to the constitution of the British Parliament and the English oath of Abjuration, did present a overtures in relation thereto, which being often read and discoursed upon, the first of these received some amendments, and it was agreed that both should lie upon the table until the other heads that might be added to the Commission's address, were also brought up and considered and the whole heads of that address completed in order to be approved". 29

In the afternoon session of the same day the debate raged. Should they or should they not include the articles related to the British Parliament and the Sacramental Test? The following course of action taken by the Commission:

"The Commission having resumed the consideration of the two heads of difficulties contained in the overture mentioned in the forenoon, the first thereof in relation to the constitution of the British Parliament was several times read, and after much reasoning thereabout and some amendments made thereupon, and after prayer it was put to the vote, add this head to the rest of the heads of the Commission's address, or not, and it carried add". 30

The debate over this matter and the action of the Commission finally taken greatly disturbed many of the elders who were members of both the Commission and the Parliament, and they dissented from the decision, and protested that the same should be mariced.<sup>31</sup> According to Defoe, all of those who voted against this motion and entered their opposition withdrew from the Commission's proceedings.<sup>32</sup> Defoe also adds that this protest met with "rash

27. Records 1706 Session 53, 1st November, 1706, pages 131 - 132.

28. Ibid, Session 54, 4th November, 1706, pages 133 - 134.

29. Ibid, Session 56, 7th November, 1706, pages 138 - 139.

30. Ibid, Session 57, 7th November, 1706, page 139.

31. Ibid.

32. Defoe, Daniel, History of the Union, page 336.

and personal reflections". Even though these personal reflections met with censure within the Commission the elders refused to return, and from that time they were less careful of applications made by the clergy to the Parliament.<sup>33</sup> The contemporary historian of the events goes on to point out that when the Commission's address came before the Parliament it was read quickly, debated, and dropped thus showing the Parliament's disdain of the Church's action.<sup>34</sup> On the 28th of November the elders who protested against the second representation of the Commission to the Parliament gave in their reason of dissent. It was asked if they wished them recorded and explained that if they insisted then the Commission would be obliged to reply in writing. The elders' dissent pointed out that the second address was unnecessary for the Church's security, that it would tend to delay proceedings, that the make up of the British Parliament was no affair for discussion by the Commission, and that it would in no way affect the constitution of the Church of Scotland finally to present address now could have dangerous consequences because it would admit a construction opposite to the vote of Parliament.<sup>35</sup> The Commission's reply was moderate and concise. They claimed to be grieved because of the misunderstanding, and tried to point out that there was little ground to be severe of the address as it was simply a reminder of some things the Church wished to be remembered when the Act of Security was formed.<sup>36</sup> Since it was the last article that stirred the greatest confusion the Commission gave over most of its time to answering the complaint about the Church's objection to the constitution of the British Parliament.<sup>37</sup> It was represented to the Parliament:

".....that in case the proposed Treaty of Union be concluded, this nation will be subjected in its civil interests to a British Parliament wherein twenty six Prelates are to be constituent members and legislators, we do not speak in that sixth article of the legal establishment of the Church ..... and lest our silence should be constructed to import our consent to or approbation of the civil places and power of Churchmen, we crave leave in all humility and due respect to your grace and honourable Estates of Parliament to represent that it is contrary to our known principles and Covenants that and Churchman should bear civil offices or have power in the commonwealth not can we see how this address doth of its own nature tend to the disadvantage of the established Church and Presbyterian interest....." 38

33. Defoe, Daniel, History of the Union, page 336.

34. Ibid.

35. Records, 1706, Session 52, 28th November, 1706 pages 195 - 200.

36. Ibid.

37. Ibid.

38. Ibid.

The Commission's strong stand in the face of severe opposition was well received in many parts of the Church, and letters came in from many Presbyteries expressing their satisfaction with what the Commission had done.<sup>39</sup> Some unexpected support for the cause came from the "Society People". After the vote to approve the second address to the Parliament a strange entry is made in the Commission records. Three representatives from the Cameronians handed in a paper approving of the Commission's proceedings:

".....showing satisfaction of those in the south and east of Scotland who do not join in the communion of this Church showing their joy for, and cordial adherence to and concurrence with this Commission's seasonal and faithful testimony given to the principles and Covenants of this Church, and showing that the Commission's necessary and honourable testimony does occasion such sweet harmony and unity of heart amongst them that fear the Lord and entreating that the Commission might consider the grievances that they have occasioned any breaches in the Church as the said petition and representation more fully bears." 40

There were others, though, who thought that the Churchmen had gone mad.<sup>41</sup> Until the latter part of October the government felt that the Church's wants were few, simple, and that they could be easily satisfied. They completely misread the Church's true feelings. Many who now became aware of the Church's position, for the first time, feared that the whole Treaty could be over-turned by the Church's actions. George Baillie of Jarviswood, one of the signatories to the elders' dissent, wrote to Secretary Johnstone in England:

"Many of the Presbyterian Ministers are against the Union, and acting such a part as they did in the late troubles: attempting to advise and interpose by the Commission of the Kirk in matters that belong not to them, and to raise objections against the Union from the Covenants.....Wylie leads this squadron....." 42

The Earl of Mar was also upset over this turn of events and he wrote to Sir David Bairne:

39. Records 1706, Session 46, 19th November, 1706 pages 168 - 170, and Session 57, 5th December, 1706, page 226, Session 70 12th December page 254.

40. Ibid, Session 38, 6th November 1706, page 144.

41. Portland Papers, H.M.C.: Vol. IV, page 360 "But Defoe is heard to say that, 'This terrible people the Churchmen have not done yet: they have now in debate a protestation against the Act of Security as insufficient, God Almighty open their eyes'".

42. Jarviswood Correspondence, Bannatyne Club, letter dated 29th October 1706. Wylie mentioned here must certainly have been Robert Wylie the minister of Hamilton.

"The Commission of the Kirk have this day gone on in their own way. They declared that it is their opinion that no Churchmen should bear office, and that it is contrary to the Covenant, therefore they could not be silent lest it should be thought they consented to the twenty six bishops sitting in the Parliament of Britain. This with some other things are to be layed before the Parliament tomorrow in an address from them.... Rothas, Jerviswood, the Justice Clerk, and some others dissented from the entered their protests against it, but it was carried by forty votes. Mr. Cantaros has acted a very good part all along, and is sensible of their folly..... one thing I must say for the Kirk, that if the Union fail it is owing to them, and since it is so they act fairly in taking the burden upon themselves: but if they will be able to bear it I cannot determine....." 43

If the Commission's address was provoking to the Unionist it was disappointing to the Nationalists, who had hoped that it would be something more than mere suggestions, but a protest such as had already been presented by the Presbyteries of Hamilton and Dunblane.<sup>44</sup> This would surely have split the Church and the Parliament into two camps, and offered little hope for the restoration of communications.

Even with this second address many were not satisfied that the Church had won any guarantee of a real security. On the 14th November the committee formerly named to meet and consider what had to be done for the further security of the Church reported that they had spoken to various members of Parliament, but that there were still several other things to be thought upon besides what was in the Act of Parliament already passed. After some discussion it was remitted back to the Committee to consider and ripen.<sup>45</sup> Another month went by, and on the 12th December the Commission gave in a paper entitled, "Heads of some things to be desired of the Parliament".<sup>46</sup> This paper, however, was more conciliatory in tone and reflects a more moderate approach. It omits all mention of the Bishops, but reiterated the other points advocated in the second address.<sup>47</sup> It added a new demand suggesting that all possible security should be provided against the re-assumption by the Crown of its supremacy over the Church.<sup>48</sup> The Presbyterians were also especially keen to have a Commission continued as before for the valuation of

43. Nar and Kellie Fararg, H.K.C., 60 - 61, page 315.

44. Nathieson, William Law, Scotland and the Union, page 184.

45. Records 1706, Session 42, 15th November, 1706, pages 156 - 157.

46. Ibid, Session 71, 12th December, 1706, pages 236 237.

47. Ibid

48. Ibid.

tiends and the planting of new churches.<sup>49</sup> As of the first of January 1707 the clergy had been given little satisfaction that anything of the kind would be continued in the United Nation. Further more, the Scottish clergy were worried about the possibility of not having a Privy Council where they could have their grievances redressed. On the 8th of January a committee was appointed to discuss this matter:

" Committee appointed to consider what is fit to be done for obtaining a court for plantation of Kirks and valuation of tiends, and for Church irregularities and other things thought needful for the Church's security....." 50

A pamphlet of the time commenting on the Union, put forth as part of its case against an incorporating union that:

".....Many snares will be daily strewed in our way, tho' perhaps without any design to ruin us.... We are to have no Privy Council in the north part of Britain: this in the Treaty was refused to our Commissioners: But we may be left to the discretion and mercy of an ill principled Justice of the Peace...now if with a Privy Council, ministers are in a very bad circumstances, what are we to look for when we have none at all"? 51

On the 11th of February the Commission was informed that some progress had been made in this matter:

" Several brethren having given an account of their diligence in speaking concerning a court for the Plantation of Kirks and the valuation of teinds, it was informed that there was an Act brought in and got a first reading for remitting that affair to the Lords of the Council and Session....." 52

The Commission urged their members to step up the pressure for a favourable reaction to this matter by the Parliament by speaking to the members of the Parliament earnestly about this affair.<sup>53</sup> On the 17th of February the Parliament voted to remit this matter to the Lords of the Council and Session.<sup>54</sup>

49. Defoe, Daniel, History of the Union, pages 504 - 505. "...it had been the custom in former Parliaments to grant a Commission of their own members to sit as a court, and to judge the sale and valuation of teinds or tithes in the several parishes, augmentation of the stipends of ministers, prorogation of tacks or leases of teinds: dividing or disjoining parishes...erecting and endowing new churches, annexing and dismembering churches....."
50. Recordg. 1706, Session 75, 8th January 1710, page 263.
51. Lawful Prejudices Against an Incorporating Union With England Or Some Modest Considerations on the Sinfulness of this Union, and the Danger Flowing from it to the Church of Scotland, Murray Collection of Church Tracts, Mu 46f 17, University of Glasgow Library.
52. Records 1706, Session 100, 11th February 1707, page 297.
53. Ibid.
54. Defoe, Daniel, History of the Union, page 509.

In the end of December 1706 the Commission received two letters, one from the Presbytery of Stirling and another from the Presbytery of Glasgow suggesting a third address to the Parliament about some other things that they thought, "necessary and ... fit to be sought for the Church's security..."<sup>55</sup> This was immediately squelched by the Commission as being unnecessary and highly inexpedient.<sup>56</sup> There is nothing to indicate why, but after this proposal for a third address a new committee was appointed for considering things proposed for the Church's security.<sup>57</sup> One could interpret this move, especially in the light of the decision not to address the Parliament, as dissatisfaction with the old committee. It is obvious that two schools of thought existed within the Church, and, of course, within the Commission. The first address to the Parliament had been made by the more moderate party and later representations were influenced by the less moderate Churchmen. Whoever had the majority of members in attendance at the Commission meetings during these days of negotiation could dictate the policy. It is likely, though, that the change had been necessitated by the poor attendance at the Commission's meeting. The Commission had continued in session since the opening of Parliament. By the end of the year it must have appeared doubtful to many of the members that anything further could be done by the Church to influence the final outcome of the negotiations. With such a mood prevalent, and the Scottish winter in its full fury the Commission was sparsely-attended. A check of the sederunt of the Commission during this time indicates that they were operating near the quorum margin. In fact, on no fewer than twenty occasions the sessions could not be constituted because they lacked a quorum.<sup>58</sup> In a time when the whole future of the Church hung in the balance it seems strange to find the ministers and elders acting so irresponsibly. No doubt numerous sessions had been held already, and doubtless the spirits were sagging under the strain of lasting tensions, but Scottish Presbyterianism depended on a Church ready and prepared to act. Doubtless if an emergency had arisen a competent number of members could have been summoned to avert a crisis from among the clergy and laity in and about Edinburgh, but a national representation was needed in such an hour.

55. Records 1706, Session 80, 31st December, 1706, page 256.

56. Ibid.

57. Ibid., Session 84, 7th January, 1707, page 261.

58. Records 1706, Session 55, 2nd December 1706, pages 206 - 207, and Session 20, 14th October, 1706, page 96. Numerous other references were made during the year for a better attendance of members.

On the 16th January 1707, the Parliament reversed its former policy, and reluctantly yielded to the pressure of the Church, and passed an Act for securing the Church of Scotland as a condition of the Union.<sup>59</sup> Many praised this move since they thought that this was the only real hope for any true security for the Church of Scotland. The great fear of the Presbyterians had been that their Church Government might be overturned by a British Parliament, Episcopal in sympathy since the majority of its members would be English and thus members of the Church of England. The Scottish Parliament had retreated from the issue at first realising that such a stipulation on behalf of the Church of Scotland might lead the Church of England to demand a similar stipulation. It was thought by many that the Parliament was naive if they thought the Security of the Church was assured without such a safeguard. In order to avoid the kind of dangers involved in a discussion of the ecclesiastical arrangements which should be made at Westminster the Parliament took what Marchmont admitted to be a "very unprecedented step".<sup>60</sup> They ratified before hand whatever provisions might be inserted by England for the protection of their Church Government.<sup>61</sup> Many thought they were giving too much by simply handing the English a blank cheque. This, however, was probably the only way around a difficult situation. The Treaty would have been in danger if they had been presumptuous enough to do as the Commission suggested in their second address and raise a fuss over the English Prelates in the new British Parliament. The Union might have suffered a similar fate had the Scottish Parliament waited for the English to pass an Act Securing the Church of England. To ratify such a thing in the Scottish Parliament would have surely caused a conflict with many of the clergy. The Commission responded to this Act of Parliament by approving an address to the Parliament beseeching them to delete this clause from the Act of ratification:

".... which clause seems to us not only to be like a blank, put with your Grace and Lordships consent in the hands of Parliament of the Hierarchy and Ceremonies of their Church, but also a consent that if it be an article and fundamental of the Union, and as is contained in your ratification

59. Defoe, Daniel, History of the Union, pages 616 - 617. This is the Appendix to the History.
60. Rose, Sir George Henry, Marchmont Papers, H.M.C., Volume III, pages 313 - 314.
61. Mathieson, William Law, Union of England and Scotland, page 186.

cannot but imply a manifest homologation, we do therefore humbly beseech your Grace and Lordships that there be no such stipulation or consent for their establishment of that Hierarchy and Ceremonies as you would involve yourselves and this nation in guilt, and as you consult the peace and quiet of the nation both in Church and State, we pray that God may bless and preserve our Gracious Queen, and direct your Grace and Lordships in this and all the great and momentous affairs which are or may be before you". 62

This petition, as others before it, had little or no effect, and the Act of Ratification passed without any changes being made. It was clear now that the Treaty would be passed in England and the Act of Union had only to pass through the formalities to become a reality. Some hoped that now the Church would declare itself in favour of the Union. Principal John Stirling received a letter from a correspondent in England expressing such a hope:

"Instead of remonstrances which nobody can think now will do any good; If those who think well of a Union would declare for it a great deal might be done, to heal these divisions and prevent their fatal effects, and if the Commission of the Church would declare in express terms for it before it rise, as she did lately in her first address, however inconsistent her second address was with it, she might do vast service to the country and to herself by preventing jealousies and procuring the favour and countenance of all united governments that shall understand their true interest". 63

Another English writer addressed himself to William Carstares seeking his help in getting the Commission to approve the Union:

"The Treaty of Union being now very near agreed to by your Parliament, we can't but think it highly necessary for the Commission of the Church to take some method to shew her approbation of it in express terms...it is our opinion, that, if some express declaration was made in the Commission in favour of the Union, that the unhappy conduct of the Church in her second address, would be hid from all but a few who are at the pains to make exact inquiries into public transactions...so it would retrieve the reputation of the Commission with those who know the whole of your proceedings. And we take the liberty Reverend Sir, to give it as our opinion, that an address from the Commission to the Parliament, just as it is breaking up, returning them thanks for the great care which they have taken of the civil and religious concerns of Scotland, in the whole course of their management of this Treaty, and assuring them that you will endeavour to satisfy the people, as you have opportunity in your several stations, of their wisdom and faithfulness to their trust in

62. Records 1706, Session 94, 16th January, 1707. pages 279 - 281.

63. Stirling Letters, (Ms.) Volume III, letter 22 from J. White, (later Lord Barrington) to John Stirling, dated 11th January, 1707.

the great affair, or any other way of giving your attestation to this treaty, which you in your prudence shall think more proper, would answer all those good ends which we hope for, and propose to you....." 64

The Commission never did send word to the Parliament offering thanks or congratulations for the manner in which the Treaty was managed. The Churchmen could see no lasting advantage to the Church of Scotland for having wished well to the Union or for taking any credit in having promoted it.

When the Treaty of Union came to the English Parliament, dis-satisfaction among the clergy was evident there as well. The Bishops in Parliament complained that the Scots did not stipulate in clear language the security of the Church of England:

" The High-Church men in our Parliament say that they think your Parliament has not stipulated the security of the Church of England, and are very much dis-satisfied on that account. And as seldom as they are in the right, I think they are so in this case. For the words in the latter end of your Union Act can by no means, in my opinion, be thought to amount to a stipulation in favour of the Church of England.....the High-Church men have lost very much of their esteem with all good and wise men by opposing the Union. 'Tis plain to people here that this opposition proceeds from nothing but biggotry, self-interest, and faction". 65

Others frankly said that they could not vote for an Act of Security to the Church of Scotland in good conscience if they had to say they did ratify, approve and confirm the Confession of Faith and Presbyterian Church Government. The Archbishop of Canterbury, however, took a liberal approach, for the times, and is reported to have said:

"...he had no scruples against ratifying your Confession of Faith and Presbyterian Church Government, that for his part the narrow notions of the Churches had been and always would be their ruin and that he believed the Church of Scotland to be as true a Protestant Church as our own, tho' not so perfect....." 66

On the whole, the Union was more acceptable to England than to Scotland, and met with little opposition save from some of the Clergy. One other Act was added, and this at the insistence of the Spiritual peers, which safe-

64. Carstares State Papers, pages 756 - 757.

65. Stirling Letters, (Ms.) Volume III, letter number 24, Shute to Principal Stirling, dated 15th March, 1707. University of Glasgow Library.

66. Ibid.

guarded the security of the Church of England. The Treaty, with this one addition, was rapidly passed in Westminster and received large majorities in both houses, and on the 6th of March, 1707, the Treaty received the Royal Assent.<sup>67</sup>

From the account that we have then the Scottish Church if not an opponent of the Union was at least a most unfriendly critic.<sup>68</sup> The national clergy dreaded an incorporating Union, and many feared that it would inevitably mean the ruin of the Presbyterian settlement. They had noted the treatment of dissenters in England and what they saw or heard led them to believe that they could expect little better from a Parliament in London controlled by a majority of Episcopalians.<sup>69</sup> From the very first, and as soon as the Articles of Treaty were known, the Scottish countryside was aflame with discontent. In Edinburgh, mobs ruled the streets for several days and throughout the country there were riots and tumults:

"...There is no doubt but these are the views upon which the Jacobites propose settling the Succession without the Union: and though I am satisfied there is nothing so far in the world from your thoughts and the intentions of the Kirk. Yet we can't help concluding from the nature of the thing and from the tumults which we hear there are in several parts of Scotland, that these would be the effects of settling the succession without the union....." 70

In Glasgow, riots broke out, and the Provost of the city was attacked and the magistrates threatened for not joining with the populace in addressing the Parliament about the city's opposition to the Union:

"I doubt not but you have heard of the confusion here, I was about to write to you on Monday night and again on Wednesday, but times the mob was up and I forbore till I saw the event... On Wednesday the Provost appeared on the streets and in a little space there was some offering to stab at him, and in a trice they were running from all parts, but he escaped. The rest of the magistrates have this day been offering to demitt before a meeting of the Deacons... I wish our Parliament would desist from meddling any more about the Union for in all appearance our land is like to be a field of blood...." 71

67. Brown, Hume, The Union of England and Scotland, pages 127 128.
68. Mathieson, William L., Scotland and the Union, page 187.
69. Brown, Hume, The Union of England and Scotland, page 114.
70. Stirling Letters, (Ms.) Volume III, letter number 21, Shute to Stirling dated London, 17th December, 1706.
71. Ibid., Volume I, letter number 84, James Brown to Stirling dated 15th November, 1706. This letter was written when Principal Stirling was in Edinburgh attending the Commission.

Some of the clergy were playing a rather sinister part in arousing the people during this critical period. Principal Stirling received a letter from his cousin relating what he heard in one of the Church's of Glasgow:

"...I also agree with you, that it were to be wished that such who differ in their opinion about the great business now in dependance would manage themselves with less heat and passion: But I'm afraid our wishes as to this be without success, especially when I hear ministers from the pulpits say people ought to fear lest our great ones in Parliament who sell the nation to such who heretofore have shown little kindness to us, for a price which will not enrich them, and that if this affair of the Union be pushed on them with so much fury and violence they cannot but fear it will prove the ruin of this nation. If after this people rise in arms against authority, or private people be rabbled in innocence? Bless me, is this either Gospel or good manners? I could not have believed such expressions, should drop from any man's mouth, far less from a minister's in the pulpit on the sabbath if I had not heard them myself....." 72

The Earl of Mar sent a paper to Sir David Nairne, said to be written by Robert Wylie, the minister at Hamilton, that was so designed to stir public sympathy against the Treaty and so full of seditious suggestions that the Parliament ordered it burned by the hand of the public hangman.<sup>73</sup> Parliament was also concerned over the grave dangers that existed to the peace in the shires of Lanark, Dumfries and Kirkcudbright. On the 29th of December, the Chancellor informed the House that tumultuous scenes had taken place, accompanied by seditious writings and speeches against the Parliament, and called on it to provide for the safety of the country.<sup>74</sup> Designs were on foot it was said, to assemble a force in the south west to march on Edinburgh, and compel Parliament to recall its sanction of the first three articles of the Treaty, as treason to the nation, and injurious to the Church. These rumours were countenanced, if not circulated, by the opposition, as tending to show the extent of the national aversion against incorporation.<sup>75</sup> The army of people from Glasgow and area were met by dragoons on their march to Edinburgh and surrendered meekly.<sup>76</sup> Several of the mob were imprisoned until the Union was complete, but it could hardly be said that they ever posed a serious threat to the Treaty even if they had been allowed to march to Edinburgh and permitted to protest in the capital city.<sup>77</sup>

72. Stirling Letters, (Ms.) Volume III, letter number 86, Brown to Stirling dated 2nd December, 1706.

73. Mar & Kellie Papers, H.M.C., page 355, dated 12th December, 1706. See also Defoe, Daniel, History of the Union, pages 389 - 384 and appendix, pages 614 - 615.

74. Defoe, Daniel, History of the Union, page 383.

75. MacKinnon, James, The Union of England and Scotland, page 309.

76. Ibid., pages 312 - 313.

77. Ibid.

The public display of opposition was not confined to the south west of Scotland alone. Defoe, in his history of the Union, records time and again various representations sent from all over the nation registering opposition to the Treaty of Union. At no point does he record a single paper supporting the Scottish Estates in their attempt to ratify a Treaty of Union.<sup>78</sup>

The Commission was concerned about this outburst of dis-content, and were especially keen to keep the people from being led by Jacobite intrigues. It was finally thought necessary to issue a circular letter by way of the various presbyteries:

"Reverend and Dear Brethren, the General Assembly of this Church having appointed us to take care that it suffer no prejudice through neglect of due application to the honourable estates of Parliament or any other judicatory concerned in the management, of the public affairs, and wherein a Treaty of Union with the neighbouring Kingdom is under deliberation before the Parliament, the representatives of our nation endeavoured, and are still endeavouring to exonerate our consciences in doing what we judge incumbent on us for securing the Doctrine, Worship, Discipline, Government, Rights and Privileges of this Church as now by the great goodness of God the same are established among us, and being informed of disorders and tumults in some parts of the country, which the enemies of our present happy establishment may be ready to improve, though without ground, to the disadvantage and reproach of the Church, we do look upon it as our duty to recommend to all our brethren that as they have in their stations access, they do discountenance and discourage all irregularities and tumults that tend to disturb the government of our gracious Queen, to whom we are in gratitude as well as duty under the highest obligations, seeing in the kind providence of God we by her wise management enjoy so many advantages, and upon whose preservation and peace and the security of all that's dear to us, do much depend...." 79

Story says that the violence of the Presbyterians was restrained by this circular from the Commission which was written by Carstares, and that the letter served the double purpose making it appear that the Commission was now more favourable to the Union.<sup>80</sup> Indeed, the letter was artfully calculated to represent the Commission as at least indifferent if not well disposed towards the Union:

"...Of so much service has your distance from hence been, together with the first and third address, and their circulat letters, which have amused the generality to that degree, as to make them believe the Commission to be rather for the Union than against it...." 81

78. Defoe, Daniel, History of the Union, See minutes of the Treaty.  
79. Records 1706, Session 68, 6th December, 1706, pages 229 - 230.  
80. Story, Robert Herbert, William Carstares, page 300.  
81. Carstares State Papers, pages 756 - 757.

The Earl of Mar in writing to his correspondent Sir David Nairne in London cautiously remarks that the Presbyterians were beginning to show some wisdom:

"...by the enclosed copy of the letter from the Commission of General Assembly to Presbyteries, you'll see the clergy are beginning to grow some wiser, but it is easier by much (they say) to raise the devil than to lay him...." 82

Sir David Nairne in answering this letter shows that the English were greatly encouraged by the letter of the Commission:

"The letter from the Commission...is of more consequence here than can be well imagined for the calmness and disapproving of the tumults and makes people think they are become more inclinable to the Union and that the Act of Security of their Church has made them so". 83

William Mathieson, in his history, is careful to point out that the Church could exercise great force to end the Union, "...had its indiscretion been equal to its power".<sup>84</sup> Standing between a hard pressed government and an infuriated and frustrated populace and equally solicited by both, the Church occupied a very difficult position indeed. When it is considered how little the Union was in harmony with their ecclesiastical tradition, and how strong was the current of popular feeling which threatened at times to sweep them off their feet, it is a great complement to their prudence, and to their vigilance and the capacity of their leaders, that they adhered on the whole to the path of neutrality - unsympathetic and even menacing neutrality as it was - marked out for them by the Commission of the Assembly.<sup>85</sup> They were truly wise enough to see that there was no sane alternative open to them but the Union. Had the Treaty failed, the prospect was poverty because of a lack of profitable trade and possible conflict because of the succession to the throne question.

At the time of the debate about the Fast when the Nationalists and Jacobites were disappointed by the Commission's refusal to ask Parliament to proclaim a National Fast, the Church's position was made clear. The Commission had arranged instead a day of prayer and on that day, William Carstares prefaced his remarks with words too plain to be mistaken. Robert Wodrow wrote to his father and gave the following account of the great man's lecture:

82. Mar and Kellie Papers, H.M.C., page 351. Letter from Mar to Nairne, 7th December 1706.

83. Ibid., page 356. Nairne to Mar, dated Whitehall, 14th December, 1706.

84. Mathieson, William Law, Scotland and the Union, page 187.

85. Ibid., page 188.

"Yesterday was kept in this Presbtery as a fast. I heard Mr. Carstares lecture before the Commissioner upon the 85th Psalm and preach on Psalm 5; 1,2,3.....Mr Carstares had a preface to this purpose that many were gathered together to spy out ministers' management of a fast day about the Union; but the Reverend Commission had set it apart not to party themselves in Parliament - that was none of their concern, far less to create or indulge unaccountable jealousies in some people's minds about the matter....." 86

Carstares, at an earlier time, had written to Principal Stirling saying that the attitude and expressions of the clergy during this time should be such that no one could take exception to them:

"....as for what concerns the great affair of the Union, that is the common subject of discourse, I can only say that the most grave and judicious ministers here do look upon it to be a matter of such weight and consequence that the terms of it ought to be well understood 'ere positive sentiments about it be expressed, especially by their brethren in pulpits or by Church judicatories, and they seem to think that the plain nature of the affair itself as well as the multitude of those that wait for our halting do call for great circumspection in our management and so much the more that the Parliament and Commission of the Church are shortly to meet when things may be more clear and duty more plain, and it is not doubted Reverend brethren but that you will use your endeavours as you have access and that the carriage of our brethren may be such in this matter as may be liable to no just exception as a too hasty and peremptorie expressing of judgment about it till it be fully known will be...." 87

However, anxiety in the country was quite high, and not everyone was content to sit back and leave matters in the hands of a central authority such as the Parliament and the Commission. Certainly the clergy were not going to wait. Letters came from various presbyteries to the Parliament. The Commission sent out letters to the Presbyteries calculated to quieten the growing excitement. Robert Wodrow who was not a member of the Commission, wrote a letter to the Presbytery of Paisley beseeching them to stop interfering and to let the Commission get on with the task of securing the Church's interest. Wodrow was probably helping his colleague in the University of Edinburgh, Principal Carstares, who was the moderator of the Commission. Patrick Simson, the elderly minister of Renfrew, wrote to his young friend on the 26th of December concerning the matter:

"...for anything I can find or learn the Commission of the General Assembly have been diligent and faithful, and if I were there I know not what I could add to what they have done and are doing, and I have often found that the instructions and proposal of Presbyteries to the General Assembly and Commission behaved to yield to what upon

86. Mathieson, William Law, Scotland and the Union, page 188.

87. Stirling Letters, (Ms.) Volume I, Letter number 75, dated 23rd April, 1706.

the place was found convenient or practicable. I am very satisfied of your harmony. I wish from my heart all our brethren had been so disposed as not to outrun the Commission venting their particular light in public and making separate addresses to Parliament with other whom they persuaded to join therein to the great hazard of the breaking of the Church among themselves and from the government since we have representatives of the Church meet in Commission to watch over all affairs wherein she is concerned with whom we ought to have corresponded only in those matter until we have found them either negligent or unfaithful which is not the case to be supposed, besides I think our main task is to watch over the matters of God....but as soon as possible we shall endeavour your relief. I am truly grieved that the Commission is so ill kept by brethren in the west...." 88

A second letter from Patrick Simson followed on the 9th of January:

"...Our unity is our strength. As to the separate addressing of ministers while we had our representatives sitting in a Commission I am still of the opinion I was in my last to you: as for the ferment among the generality I wish it had not been too much influenced by some ministers themselves. I know when there was no Commission that Presbyteries did send in such as they thought fit to attend in time of Parliament, and sometimes if I right remember, even when there was a Commission, with instructions to join with them in addressing the Parliament, but now the Commission being bound to attend there is no need for appointing others. Now need we recant on the power of a delegate judicatory in the intervals of the radical, it is certainly limited and accountable to that kind of Judicatory from which they have their commission and can go no further than their commission leads them, but may be for the time a sufficient representative of the whole to watch over the incident cases...." 89

Wodrow had little success in his endeavours and the Presbytery of Paisley felt constrained to send their petition to the Parliament, but they did return an answer to Wodrow's letter:

" The Presbytery of Paisley had this day your letters...before them: they now understand a little more than formerly they could, when they see how the Parliament carries as to these things that relate to the Sacramental Test, countertest, and the Abjuration oath. We are at a loss that we know not the measures that the Commission of the General Assembly are taking in this critical juncture, but this we write to you as our mind, that the Church ought not to be altogether silent at such a time, when their seems so little solid security for their interests....it is our opinion, that the Church would in this case give their mind in the plainest terms, addressing against such encroachments, and leaving their testimony against them in an exoneration of their conscience and a testimonial to the world, that they regard the welfare of their mother Church: the formula of your proceeding in this, we leave to the wish of the Commission, but we see you in conscience, there should be a silence at such a time as this, we know that

88. Wodrow Letter, (Ms.) Volume IV, letter number 64, Patrick Simson to Robert Wodrow dated 26th December, 1706.

89. Ibid., Volume IV, letter 66, dated 9th January, 1707.

the Commission's prudence will direct to deal in such a way as will occasion no reflection upon you, but we look at plainness and prudence as very consistent. The Commission is now upon the plaid; and do see further than we can see, but it deserves consideration, how far it is for Churches to address her Majesty, if the Parliament are as above said...." 90

Patrick Simson commented on the action taken by the Presbytery when he wrote to Wodrow to assure him that this indicated no lack of trust for what the Commission might do or was in the process of doing:

"...Now it is not to be supposed that the Reverend Commission of the General Assembly will fail in their duty in this matter and we may fully trust their faithfulness in so concerning a juncture, but I said and do still say that as to the way and manner of the Commission is still best able to judge what will be most to the advantage and least to the disadvantage of the affairs of the Church..." 91

The whole affair had been very trying for the country and certainly for the Church. Defoe, in his history of the Union, had nothing but admiration and praise for the way the Commission carried out its task:

" The Commission of the Assembly hitherto carried as before noted, with a great deal of prudence and moderation; and though there were some unhappy struggles there, which perhaps were pointed by the same party at making a breach; yet as they came to no head, and were soon crushed by the wisdom and conduct of the rest, I shall not preserve the memory of them to posterity. The general proceedings of that revered body being always tempered with modesty, calmness and discretion, at the same time that they were anxiously concerned for the security of the foundation on which they stood, and had the whole weight of the Church of Scotland's safety upon their hands...." 92

Defoe also gave credit to the Commission for defeating the aims of the Jacobites who sought to use the Church to defeat the Treaty:

"...the prudence and steadiness of the Ministers in the Commission of the Assembly, defeated all the wicked designs of this party (Jacobites); for though these were in the Commission a great many ministers who were sincerely and heartily against the Union, yet they were not to be drawn in to act with so much imprudence as the projects of that party designed; and therefore, whatever we hear of unhappy warmth at several times happened there, and which at one time was feared would have gone higher, yet the temper and sincerity of the main body, both ministers and elders, always over-ruled, and, in good time, suppressed it...." 93

- 90. Records of the Presbytery of Paisley (Ms.), 26th March, 1707, page 314.
- 91. Ibid.
- 92. Defoe, Daniel, History of the Union, page 243.
- 93. Ibid., page 244.

Even though the Assembly made no mention of the Union when it met in 1707, they did approve of the actions of the Commission.<sup>94</sup> Some Presbyteries instructed their Commissioners to the Assembly to approve the actions of the Commission.<sup>95</sup> However, they did further instruct them that:

"...they were not to consent to any letter, act, or instruction from the General Assembly which may import an approbation of the Union or be inconsistent with the testimonials given against the same by the Commission in their...addresses..." 96

The Presbtery of Wigton gave similar instructions but were even more adamant about what the Assembly's course ought to be:

"...That in regard of the Commission of the late General Assembly did address the Parliament concerning somewhat in the constitution of the British Parliament which is not agreeable to our principles and Covenants, that the Assembly be not defective in what is further to be done in that affair..." 97

The work of the Commission was so overtaken by the Union that other important matters seem to have been overshadowed. This of course, is not true, and much other routine business was carried out, although prime attention was given to the Treaty of Union. At least two other things of note should be mentioned when considering the Commission of 1706. The Commission each year would receive from the various Presbyteries letters concerning overtures and proposals to be prepared for the next General Assembly.<sup>98</sup> These overtures were normally general matters such as the increase of profanity, and what should be done about it, or the problems of popery and Episcopal irregularities. In the year 1706, these matters came as usual before the Commission, but the following instruction was also sent along:

"...The committee found, that there are some overtures and instructions craving that application may be made to the Parliament to add what civil sanctions they shall think fit, for making the greater excommunication more awful to obstinate and scandalous persons..." 99

The Church had not enjoyed this doubtful privilege since the Revolution when King William slipped past the notice of the Church an act ending civil sanctions for ecclesiastical censures. The Church, however, had to exist in a plural

94. Records 1706, Assembly's approval appended to minutes, 6 April 1707, page 310.
95. Records of the Presbtery of Hamilton, (Ms.) 26th March, 1707, page 314.
96. Ibid.
97. Records of the Presbtery of Wigton, (Ms.), 25th March, 1707, page 314.
98. Records 1706, Session 48, November 22nd, 1707, pages 173 - 176.
99. Ibid.; Article number 9, page 175.

society where numerous Episcopalians, a few Roman Catholics and some separatists also claimed a right to exercise their faith. Some unscrupulous persons having been censured by the National Church refused to abide by these censures saying that they were of a different communion. The way to remedy this was to extend the civil censure to the Church's censure once again. The Commission was careful to seek the advice of their friends in Parliament before actually applying for this legislation. They were quickly informed by the government that such a petition did not have a hope, and thus the Commission never approached the Parliament formally with this suggestion.<sup>100</sup>

In the Commission for 1706, a directory was prepared to be presented as an overture to the next General Assembly which outlined directions for the pastoral visitation of families and how such visits should be carried out.<sup>101</sup> In 1708, the Act was passed by the General Assembly, having passed through the proper channels and having been approved by the various Presbyteries according to the terms of the Barrier Act.

In the Union negotiations they strove mightily to salvage and secure the government, discipline and worship of the Church. The Commission proved itself a necessity to the Church during this crisis, and by its negotiations with the Parliament it forced the government to take seriously the Church's demand for an Act for the Security of the Church. It was the moderation of this Commission which kept the Churchmen from submitting to the temptation of involvement in political wrangling, a thing that ecclesiastics dreaded more than anything. The Commission's value was to be seen again and again in the years after the Union as the Church faced several critical moments because of actions passed by the British Parliament.

100. Records 1706, Session 48 and Session 49, November 22nd and November 25th, pages 176 - 177 and page 180.

101. Ibid., Session 70, 11th December, 1706, pages 251 - 254.

Chapter V

1708-1715

THE COMMISSION OF ASSEMBLY 1708-1715

By the time the General Assembly of 1708 convened, the ancient Parliament of Scotland had passed away forever. This alone was a matter of great concern to the Church, but something that provoked even greater consternation, was the demise of the Scottish Privy Council. With the passing of the Scottish legislative body and the Privy Council a great deal of the strength of the Supreme Court of the Church also departed. The Church of Scotland could never expect to influence or control the newly formed British Parliament as it had the Scottish Parliament. Destitute of a governmental branch sympathetic to the Church, as the Scottish government had been after the Revolution, the Established Ecclesiastical order was disquieted, and felt its future security threatened despite the Treaty of Union. With the abolition of the Privy Council in 1708 even the confident Carstares was uneasy. Now they were left without even one intermediate representative body between them and the Government in London.<sup>1</sup> The Earl of Loudon wrote to Carstares to caution him about the ministers' anxiety in this matter:

"...I do not wonder that many ministers seem to think that the redressing of such grievances as the Church may have will be rendered the more difficult by the want of a council in Scotland: but, at the same time, I agree perfectly with you in thinking, that it is not proper for the ensuing Commission of the Assembly, or any ecclesiastical judicature, to interpose in these matters..."<sup>2</sup>

While the Union settlement did promise to give the nation a

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1. Brown, Hume, The Union of England and Scotland, page 144.
2. Carstares State Papers, pages 770-771, Letter dated 30 December 1708.

Protestant Sovereign, it still remained unpopular with the Scots. The ministers of the Church remained dissatisfied, and refused to believe that enough had been done to secure the government of the Church. The Presbyterian author of one pamphlet, published in Edinburgh in 1707, prophesied that a legal toleration of Episcopacy would follow soon after the consummation of the Union.<sup>3</sup> The clergy were so upset by the course of events, that it was considered to be a dangerous subject to be discussed in the only Supreme Court left in Scotland. Story says:

"This avoidance of a subject, which could not but be uppermost in all, indicates no indifference to it, nor any unanimity regarding it; but rather reveals a state of feeling and opinion, in which it was tacitly admitted that the subject could not be approached without danger. National pride had been too bitterly wounded, ecclesiastical jealousy too recently irritated, the practical effects of the Union, in Church and State, in society and in trade, too little tested, to allow of any body of Scottish Presbyterians giving it a dispassionate and unprejudiced discussion..."<sup>4</sup>

Mc Crie comments on a letter written by Robert Wodrow in 1709 which seems to establish the predominant feelings which prevailed in Scotland on the subject of the Union:

"Wodrow here expresses the almost universal opinion which then prevailed in Scotland on the Union. As a writer of that day observes, 'The Jacobite and the Presbyterian, the persecuting Prelatic Non-Juror and the Cameronian, the Papist and the reformed Protestant, parled together' against the Union. In the articles of Union there is engrossed, in very clear and strong terms, an Act securing the Protestant religion and Presbyterian Church government, as by law established in Scotland at the Revolution; but this security was judged insufficient by some of the best friends of that Church. Lord Belhaven protested,

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3. Lawful Prejudices Against An Incorporating Union With England...., Murray Collection number Mu 46f 17, The University of Glasgow Library, Special Collections Room.
4. Story, Robert Herbert, William Carstares, pages 303-304. The Queen was not unaware of the Church's feelings, and she discreetly did not mention the matter in her letter to the Assembly.

'That this act is no valid security to the Church of Scotland, as it is now established by law, in case of an incorporating Union, and that the Church of Scotland can have no real solid security by any manner of union by which the claim of right is unhinged, our Parliament incorporated, and our distinct sovereignty and independency abolished.' In this protest he was joined by the principal Jacobite leaders, who were determined Episcopalians! It was clearly seen that the object of the Jacobites was promote their own political projects, by deepening the repugnance of the Presbyterians against the Union, which was calculated to strengthen the House of Hanover. When the Jacobite party obtained the ascendance a few years afterwards the Church of Scotland bitterly experienced the insufficiency of the security given in the Articles of Union..."<sup>5</sup>

Whatever bitterness may have been evident because of the Union settlement, the fact remained, that in 1708 the Assembly elected Carstares as moderator. Carstares is reported to have said that:

"...This was proof of their moderation and that they could allow a differing from them in sentiments as to some particular things and retain love and charity."<sup>6</sup>

It may have been moderation on the part of the Assembly or it may have been submission to the will of the Queen's Commissioner to the Assembly. Carstares had been responsible to a large degree for the fact that the Church did not take such a stand that the Union would have been impossible. We know from Wodrow's letters that the royal Commissioners greatly influenced the Assembly's choice of a moderator.<sup>7</sup> Carstares had been rewarded in other ways, but this may have been a further recognition of his invaluable service in promoting the Union.<sup>8</sup> One thing is certain from Carstares' remark, and that is that he had a difference of sentiments from a number of people in the Church over the matter.

With feelings of fear, bitterness, and suspicion the Church tried to get used to the Union. These years of trial found the Church in

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5. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume I, pages 41-43.
6. Story, Robert Herbert, William Carstares, page 303.
7. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume III, page 240.
8. Story, Robert Herbert, William Carstares, pages 301 and 303-304.

need of a constant watchman. The Commission was found to be exceedingly useful for this purpose at this time, especially in representing to the Parliament of Great Britain the mind of the Scottish Church.

After nearly sixty years the Church found it necessary once again to send representatives to London. It was during the sitting of the Westminster Assembly of Divines that the Assembly last thought it expedient to delegate some to go to London. At that time the Commissioners in London were in constant correspondence with the Church through the Commission of the General Assembly. Once again the National Church believed that it should be represented in London by special agents delegated and instructed by the Assembly. It would therefore be necessary to have a Commission of Assembly if for no other reason than to keep a constant means of communication open between the National Church in Scotland and the London Commissioners as was done during the Covenanting days. The General Assembly sent no delegates to London during the sitting of the first British Parliament, and this aroused some comment:

"...Is it not a neglect that you have not one or two of your most discreet ministers here at the Session of Parliament?..."<sup>9</sup>

The Scottish ecclesiastics took the hint and in 1708, and for some years to come delegates were provided with instructions and sent to London to attend to Church affairs, by addressing the Queen and the Parliaments.<sup>10</sup>

The idea of the Commission of Assembly became more firmly entrenched in the organizations of the Church of Scotland than ever before. It was true that the power of the Commission had to receive some limitations,

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9. Stirling Letters, (Ms.), Volume III, page 51c, Letter from Daniel Williams, dated 24 February 1708.
10. Acts of the General Assembly 1708, Act IX. Instructions to Commissioners to go to London.

but it was felt that it would greatly endanger the Church if the powers of the Commission were not kept broad enough to deal with whatever emergency might arise. Therefore in 1708 the Assembly worded the Commission's instructions in the following way:

"...The General Assembly fully empowers and authorises their said Commissioners, or their quorum, to cognosce and finally determine, as they shall see cause, in every matter referred, or that shall be referred to them by any act or order of the Assembly except it be otherwise restricted, and to do everything contained in, and conform to the instructions to be given them by this Assembly, and to advert unto the interest of the Church on every occasion, that the Church and the present Establishment thereof, do not suffer or sustain any prejudice, which they can prevent, as they will be answerable..."<sup>11</sup>

However, it was finally thought necessary to restrict the Commission's power to interfere in the affairs of inferior judicatories unless specifically directed by the Assembly. The Commission was not to use the emergency powers granted to it as an excuse to deal with problems in Presbyteries or Synods:

"...providing this clause be not extended to particular affairs; or processes before Presbyteries and Synods, that are not of universal concern to or influence upon the whole Church..."<sup>12</sup>

Over the years the Commission grew larger and more representative of the Church. Concern was expressed, however, because some men were returned to serve on the Commission year after year. There is no evidence to suggest that an attempt was made to pack the Commission. Generally it was the policy of those who nominated the members of this arm of the Church, to appoint those who had proved their faithfulness to the Church in the past. This would naturally include some men who had served the Assembly in this capacity on many previous occasions. After the Revolution it was expected that the men who had

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11. Acts of the General Assembly 1708, Act IX, Instructions to the Commission 1708.

12. Ibid.

served the Church prior to 1662 would be given the honor of a permanent place on the Commission, but these were few in number. The laymen added to the Assembly's Commission were still the noted men of the day. Many of the most important of these were placed on the Commission year after year. Before the Union of the Parliaments these elders were mainly involved in the Scottish Government. After the Union it was not so essential to have elders who were also government officials. A few, of course, were, but afterwards it should be noticed that some from the professional world were added such as Doctors of Medicine and University professors from fields other than the faculty of Divinity. One large contingent of elders on the post-Union Commissions represented one of the surviving institutions of Scotland these were the Advocates. All of the elders on the Commission were known as supernumerary members, and represented no particular judicatory. This was soon to be challenged, and after the Secession supernumerary members became few indeed and even elders were appointed from various Presbyteries.

The same problems persisted in affecting the working of the Commission. Even though there were a great many supernumerary elders few ever bothered to attend the meetings on a consistent basis. Most did not attend at all. Absenteeism continued to perplex the Church even after the Assembly's legislation which virtually made attendance obligatory. Some of the attendance problems stemmed from the fact that many delegates placed on the Commission were not members of the Assembly and did not realize that they had been appointed until some time after. The members of the Commission were instructed on at least one occasion to inform their brethren who had been recently delegated to serve on the Commission

of their responsibility:

"The Commission finding that many of their numbers were not present in the Assembly and does not know of their being members do therefore recommend to the ministers present from the several Presbyteries to take care that such members as live in their bounds be advertised of the diets of the Commission and be desired to attend thereon..."<sup>13</sup>

The activities of the Commission during these years immediately following the Union settlement differed only slightly from the pre-Union days. It continued to be involved in the settlement of ministers, and the transportation of a minister from one parish to another. Frequently the grievances of a Presbytery had to be dealt with, or complaints about the intrusion of an Episcopal clergyman into a vacant parish, but mostly it was the mundane business matters referred from the Assembly that occupied the Commission.

The old enemies of the Kirk still existed as before. The Union settlement had not been able to solve them. The battle against Roman Catholic incursions continued to be waged by the Kirk. The threat of a French invasion and the attempted landing of the Pretender in Scotland in 1708 made the Church keenly aware of the ever-present dangers. Reports to the Commission about the difficulty encountered in trying to minister in the few isolated areas where the Church of Rome retained a firm hold added fuel to the motives of the Church of Scotland to extirpate this considered evil. The following report made to the Commission gives an indication of what problems still existed:

"Letter from Mr James Chapman, Moderator of the United Presbyteries of Aberlour and Abernethie concerning the circumstances of Mr Colin Nicolson incumbent at Strathaven and being thereby informed of his zeal against popery and good inclinations toward the present establishment and that thereby some who are disaffected and popishly inclined have occasioned his stipend's being detained from him and put him to expensive law processes so that he is reduced to straits and therefore is craving assistance for his encouragement to labour there, the Commission having

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considered the premises did and hereby do ask the procurator and agents for the Church to assist the said Mr Colin Nicolson in pursuing for his stipend and resolves that if money gifted by her Majesty for defraying the public charges of the Church come in, that the expenses thereof be out of that fund and appoints this to be intimate in a letter to the said Presbytery that they may acquaint the said Colin Nicolson to send information of the state of his affair to the Procurator and agents for the church in order to their assisting him thereto."14

In 1709 a report was received from the Presbytery of Skye revealing the extent of Romanism in that distant part of the country:

"Petition for the Presbytery of Skye giving a lamentable account of the bad state of that Presbytery from the abounding of Papists and popish priests. That there are upwards of 2,000 papists in their bounds inhabiting whole counties. That there are only 6 Presbyterian ministers there and that there are 6 or 7 priests diligently trafficking amongst them. That their parishes are so wide and their stipends so small and so ill paid that they are not able to have a due oversight of that people."15

Some months later a letter came from the Presbytery of Kincairdine. This shows the zeal of the Church and Government in searching out and suppressing the Roman Catholics, and the problems involved in having civil sentences carried out:

"...With the good prospect they once had of the peoples being prevailed with to come to Church but by the insinuation of priests and other traffickers to popery these poor people are kept in hope of some change, and continues in their error and the Commission being informed of the zealous and faithful exercise of the laws against priests and resettlers off them in that country by the judges of the northern circuit this last month of October and that there are endeavours used for having some sentences of banishment passed against these resettlers taken off which will be very discouraging to ministers and others in these bounds who are friendly to the present establishment. The Commission appoints that the letter be laid before her Majesty's Advocates and appoints some to wait on his Lordship for that effect and another group appointed

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14. Records 1708, Session 27, 3 March 1709, pages 540.

15. Records 1709, Session 2, 28 April 1709, pages 18-19.

to wait upon the Lord Justice clerk and Lord Anstruther about that affair also to signify to their Lordship the sense this Commission have of the good service their Lordships did the present Establishment at their last circuit and to entreat their Lordships to use their interest that the sentences of banishment laid on these resettlers may not be taken off."<sup>16</sup>

The Commission had instructed their Commissioners in London as early as 1708 to address the Queen about this matter.<sup>17</sup> A further representation of their concern was made to the Commissioners when a memorial was sent to them in response to a letter seeking further instructions before they proceeded any further:

"You are to use your utmost endeavours that a proclamation be issued appointing all the officers of the law in Scotland particularly the Lords of Justiciary in their circuits to put the laws against popery to vigorous execution, and that premiums be allowed by Acts of Parliament to such as shall apprehend priests and Jesuits be made effectual."<sup>18</sup>

In a letter from the Church's agent at London dated the 19th of August 1708 a report was given showing that the Queen had taken decisive action favourable to the Commission's desires:

"We have been employed for some time past in speaking about our affairs to those that have the management of affairs at Court. We gave in the copies of the proclamations concerning the propagating of Christian Knowledge and against profanity and immorality. We also gave in My Lord Advocate's memorial as to the other two proclamations against popery and intrusions and also gave in a memorial of our own giving an account of what is desired as to these, that there might be no mistake, we also took the liberty to speak to the Queen very particularly about the growth of popery and intrusions..."<sup>19</sup>

Time and time again the Church complained to the Queen about the activity of Episcopal intruders. Especially in the areas of the north where the National Church encountered difficulty in forcing the authorities to

16. Records 1709, Session 11, 4 January 1710, page 55.

17. Records 1708, Session 3, 29 April 1708, pages 435-436.

18. Ibid., Session 11, 9 July 1708, pages 456-458.

19. Ibid., Session 14, 29 September 1708, pages 467-473. From the Commissioners in London, dated 19 August 1708.

to exercise the controls that the law and the Church demanded. In one instance the Procurator for the Church reported:

"...The process before the Justiciary against the Justices of the Peace in the shire of Mearns for their unwarrantable opposing of such as were sent to supply vacancies in their bounds and also against some intruders in Angus and Mearns had been insisted in and that the Lords of Justiciary had sentenced two of the Justices to imprisonment during the pleasure for their miscarriage and had removed Mr John Grubb, intruder at Oathlaw and had removed and also declared uncapable in the terms of the law, Mr John Auchterlony in Aberlemno and Robert Lindsay at Edzell, but also continued the process against John Auchterlony at Fordoun until June."<sup>20</sup>

If there was a harrying of people merely because they were not Presbyterian in the strongholds of the Established Church, as Dunlop suggest,<sup>21</sup> then this also shows that civil magistrates resisted the Church in places where Episcopal sentiment was dominant. Some other incidents of this resistance can be clearly seen in the Elgin affair which was brought to the attention of the 1709 Commission:

"The Commission was informed that the Magistrates and town council of Elgin did in the summer last appoint the inhabitants of that town to attend them, in riding their Marches upon the day of Fasting appointed by the Synod, in obedience to the 8th Act of the General Assembly 1709, and did fine some of the inhabitants who kept the Fast because they would not leave public worship and attend at riding of the said Marches and being informed also that there is a process presently before the Lords of Justiciary court against the said Magistrates of Elgin on that account do hereby appoint those who are to wait upon the Lord Advocate, humbly to entreat his Lordship that the said process may be persisted in..."<sup>22</sup>

The results of this strange affair turned out to be an apology from the Elgin Magistrates, and a stern warning from the Lord Advocate:

"Letter from the Magistrates of Elgin to the Lord Advocate and shown by the Lord Advocate to the Commission which letter is an apology and the excuse given as misunderstanding. No offense was intended and

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- 20. Records 1708, Session 24, 2 March 1709, page 519.
- 21. Dunlop, A. Ian, William Carstares, pages 133-134.
- 22. Records 1709, Session 11, 4 January 1710, page 55.

stating that they did not intend to fine anyone and would do all they could in the future to act against profaneness. The Lord Advocate declared that if the said Magistrates and Town Council do not promise to attend Gospel ordinances dispensed by the legal minister of that place he will proceed against them."<sup>23</sup>

In the time immediately following the 1708 threat of a Jacobite insurrection, in support of the Pretender, the Established Church wielded a mighty stick. Even Queen Anne, an ardent supporter of the Church of England, seemed willing to help the Presbyterian Establishment to crush the Jacobites in Scotland. The representatives in London wrote to the Commission in Edinburgh:

"In our last upon Tuesday we gave you account of the passing of two proclamations, one against the growth of Popery and the other against intrusions into Churches and manses. There is also a letter from the Queen, to my Lord Advocate which the Earl of Sunderland read to us relating to meetinghouses. This is either ahead or shortly to be sent and in it the Queen approves of the procedure of the magistrates of Edinburgh in shutting up the meetings of unqualified preachers in that city, requiring that every meeting house of such unqualified preachers be shut up in all places of Scotland and that my Lord Advocate demand an account of all magistrates concerning their diligence in obeying her Majesty's orders in that matter as the letter itself fully bears. It is not proper for us to suggest anything by way of advice since we are persuaded the Reverend Commission will take such measures as are proper for them to render the forsaid proclamations and letter effectual and we doubt not but when some from the Commission converse with my Lord Advocate, his Lordship will give such directions as to Popery, intrusions and unqualified Episcopal ministers as will be most proper for reaching the end, and removing some of the heavy grievances so much complained of and we are persuaded that when an account of my Lord Advocate's opinion as to the legal and proper method which Presbyteries are to take in their proceedings, as to popery, intrusions, and meetinghouses is sent by the Clerk of the Commission to the ministers where these grievances abound it may prevent any wrong steps which perhaps some would make."<sup>24</sup>

Despite Carstare's wording of this letter which called for moderation in the use of this new power it granted everything that the Church had wished for since the time of the Revolution. Such a letter from the Queen appeared

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23. Records 1709, Session 12, 5 January 1710, pages 59-60.

24. Ibid., Session 14, 29 September 1708, pages 467-473. Letter from the London Commissioners dated 21 September 1708.

to be all that was needed to set in motion a fresh purge of what the Presbyterian clergymen called Episcopal intruders. A letter sent to London and signed by several Episcopal ministers in December of 1708, just a few months after the Queen's letter to the Lord Advocate, helps in giving a more accurate understanding of what must have happened:

"We are sensible that we have been wanting to our own interest as well as in our duty to you, by omitting to wait of you, before you left this place. The many proofs which a long experience hath given us of your religious and affectionate concern for the preservation of this afflicted Church, and the knowledge we have of your prudent conduct, and laudable diligence in all your honest and generous undertakings, determines us, the Episcopal ministers undersubscribing, to give you the trouble of this line: humbly entreating for ourselves and our brethren, that you may be pleased, while you are at London and about the Court, to employ a part of your time and care in representing the oppressions and severities which we presently suffer; unto those that have interest with the Queen, or who are in any capacity to befriend us, either in Parliament or otherways. 'Tis probable you may penetrate into the reasons of State, which move the Queen and her ministers, to abandon so many of our order, who love, honour, and pray for her Majesty's person, and government, to the rage of those under the direction and influence of her Majesty's Advocate, who are taking effectual methods to ruin and extirpate us. You have observed the distinguishing severities by which all that pray for the Queen are particularly discouraged; and we shall hereafter transmit to you some of the most remarkable instances of this. After you have observed the more secret springs of the present extraordinary violence in the proceedings against us, we earnestly beg your advice, to direct how you judge it proper for us to move for our own relief..."<sup>25</sup>

The machinery was now available for the Church to rid itself of a problem that had been a constant source of irritation since the Revolution. On the first of October 1708 the Commission sent a letter to all the Synods and Presbyteries informing them of the Queen's proclamation, instructing them to make up a list of all the papists in their bounds and to send a copy to the Sheriff, the Justice of the Peace, and one to the Synod and the Commission but to cite Episcopal intruders before the Presbytery:

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25. Deville Papers, (Ms.) Number 1497, Letter number 8, dated 11 December 1708. A letter from six Episcopal clergymen to Mr John Mackenzie, Clerk of Session. National Library of Scotland, Edinburgh.

"...the intrusions declared by them if not done already and if intruders do not thereupon remove, then application to be made to the Sheriff or the Justice of the Peace, and if these do not their part send an account to procurators and agents of the Church who may be ordained to represent the matter to the Lords of Justiciary, and Presbyteries desired to take all proper and obliging methods of the speedy planting of vacant Kirks in a legal and orderly way..."<sup>26</sup>

For some time the activities of the Episcopal clergy had been considered by most Presbyterians as brazen, seditious, dangerous to the security of the Church and State, and worthy of the highest censures of civil and ecclesiastical courts. Their carriage after the Union was viewed by the Presbyterians as particularly defiant. They were accused of supporting the Pretender during the threatened invasion of Scotland in 1708, and of deliberate attempts to provoke the National Church by using the English liturgy in the Episcopal meetinghouses. The Presbyterians reacted out of all proportion to the seriousness that the liturgical innovation presented. Many saw this simply as an effort to embarrass the Scottish Presbyterians by forcing them to over react and thereby bringing the Presbyterians in Scotland and the Anglicans in England into conflict, and eventually they succeeded in this. Such Episcopal innovations in the manner of conducting worship was considered a new departure. In the days following the Restoration the Episcopalians followed a pattern of worship not very different from the Presbyterian order which they had inherited from the Covenanting days. Complaints came in from several Presbyteries, as early as 1706, about the use of the English form of worship in the Episcopal meetinghouses. In 1706 the Commission appointed a committee to consider reports about the use of the English order of service in Scotland:

"Committee appointed to consider instructions from Presbyteries, reporting that they find that their

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26. Records 1708, Session 18, 1 October 1708, pages 488-489.

are complaints of the English Services being set up publicly both at Edinburgh and in several other places in this nation even as far as Moray, Caithness and Orkney where never any such thing was done before, and being informed that there are several thousand Service books imported into this kingdom and a great number of them distributed among the people gratis, it was their opinion that the Commission should call for the particular instances, and also for the address made by the General Assembly 1703, which contained some things in relation to this head, and prepare an address thereabout to the Parliament..."<sup>27</sup>

George Grub in his history of the times says that this was, "One of the most important ecclesiastical changes which marked the reign of Queen Anne."<sup>28</sup> He goes on to intimate even as early as the period immediately following the Revolution Dr Alexander Munro and others used the English form of worship in Scotland.<sup>29</sup> The reasons for this extraordinary step given by Grub, a policy which was bound to be offensive to a vast majority of Scots, was that, "There was a strong wish to quit the irregular extemporary worship".<sup>30</sup> The Presbyterians, however, criticized the Anglican form as too formal and too restrictive. Principal John Stirling received a letter concerning the English Service which said:

"The common prayers, excluding preaching so often, and prayers before and after sermon in the pulpit, will, I believe, be very astonishing to the people of this country and these are the 1st and 2nd particular. The 3rd is, the stinting ministers to their forms of prayers, without allowing them their liberty on any occasion..."<sup>31</sup>

Notwithstanding the prejudices of some of their own people and the resistance of the Established Church the Episcopal clergy spread the use of the liturgy throughout the country.<sup>32</sup> As early as 1703 the attempt to use a Book of Common Prayer, in a service in Glasgow, occasioned a riot.<sup>33</sup>

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27. Records 1706, Session 40, 11 November 1706, pages 150.

28. Grub, George, Ecclesiastical History of Scotland, Volume III, page 358.

29. Ibid.

30. Ibid.

31. Stirling Letters, (Ms.), Volume I, Letter number 108 from Mr James Anderson of Dumbarton dated 18 March 1711.

32. Grub, George, Ecclesiastical History of Scotland, Volume III, pages 358-359. Here Grub explains that the change to the English service was generally favoured by the higher classes, but that the common people opposed it.

33. Ibid.

By the year 1707 the alarm of the Presbyterians was sufficiently aroused to cause the Assembly to pass an Act clarifying the position of the Established Church on this matter.<sup>34</sup> By this Act the use of the English liturgy was condemned and the use of the same discharged from being practiced in Scotland. This was of little effect as far as stopping the Episcopal ecclesiastics from extending the use of the liturgy. They knew that the Assembly's Act did not have the force of law, and that the Presbyterians could hardly appeal for help to the British Parliament. Even the Queen's proclamation of 1708 was of little use. In 1709 the Commission received a petition from some persons in and about Edinburgh complaining of the Episcopal innovators:

"...We the neighborhood of the town of Edinburgh and suburbs undersubscribers, do most humbly represent that notwithstanding the many good laws and Acts of Parliament 1707 made for the settlement and security of this National Church and against all encroachments upon her rights and privileges or innovations in her doctrine, worship, discipline or government, and of her Majesty's repeated assurances in her royal proclamations, letters to her Privy Council and the General Assemblies of this Church to maintain and defend the same in its present establishment against such unlawful intrusions, encroachments, and innovations, particularly her Majesty's promises...yet to our very great surprise several of the Episcopal clergy prompted and instigate thereto by the Jacobite party who are equally disaffected to the civil as to our Ecclesiastical constitution have of late not only erected meeting houses in this city after the Scot's Episcopal way, but also in several places here have set up the English liturgy, which as it is contrary to our establishment and very grievous and offensive to us and all others who are well affected to her Majesty and the present establishment, so it will prove fatal and dangerous consequences to this Church if not speedily remedied... 2. They cannot pretend it to be a matter of conscience in setting up the English service here, abstracting from Presbyteries even the body and bulk of the Episcopal persuasion in Scotland have never been fond of the English way of worship... 3. We conceive that by these illegal and unwarrantable encroachments, intrusions, and innovations, they design no less than the ruin of

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34. Acts of the General Assembly 1707, Session ultima, Act XV.

both Church and State for as setting the English Service here did in former times breed much trouble and confusion in this Church and Nation so at present it does raise and foment jealousies and heart burnings in the minds of people other ways zealously affected to her Majesty's person... We have for brevities sake represented but a few of many inconveniences that will certainly follow the suffering of such practices, and do judge it our duty in all humility to lay them before the Reverend Commission seeing you are set by the Church of Scotland upon the watchtower to advert that the interest of Jesus Christ and the present Establishment of this Church do not suffer or sustain any prejudice which you can prevent, particularly to take upon all emergents and see to the due execution of the Acts of Assemblies..."<sup>35</sup>

This was all the prompting the Church needed. In response to this petition the Commission of 1709 passed an Act against innovators in the worship of God.<sup>36</sup> Since the Church was convinced that the use of the English liturgy was not only a violation of all the Acts Establishing the Presbyterian government, discipline, and worship, but was contrary to the Confession and Scripture it is not surprising to see the strong stand that they were prepared to take in defence of these laws and principles. The element of risk involved in condemning the English liturgy now that the country was ruled by a British Parliament, where the majority of the Government were members of the Church of England, did not seem to enter into the thinking of the Presbyterians. It could be that they thought the risk was minimal because a great number of the Episcopal clergy were discredited in the eyes of the English for their part in the 1708 rebellion. In view of this and because of the Queen's proclamation the Presbyterians thought that they were safe.

This action was received with elation by most the Presbyterian clergy, and in a short time the Presbytery of Perth reported sentences of censure passed against three Episcopal innovators.<sup>37</sup> The more moderate men, however, were afraid of the results of this action. In the State papers of William

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35. Records 1709, Session 5, 3 August 1709. This petition was signed by 173 persons from in or near <sup>Edin</sup>burgh.
36. Ibid., Session 8, 5 August 1709, pages 41-43. The fact that the Commission could pass what the Records calls an Act is remarkable.
37. Records of the Presbytery of Perth, (Ms.), 13 September 1710, pages 22-27. National Register Office, Edinburgh.

Carstares a letter from Mr Pringle in Whitehall explains what the possible results of violent opposition by Presbyterian clergy of Episcopal liturgists might mean:

"...I cannot but think, but that the less notice the Church takes of these people who sets up the English liturgy, the better. I do not believe they will gain many proselytes to that way in that country;...I think the Commission taking notice of it to the ministry here absolutely right; and I think the letter writ on this occasion by the Moderator unexceptionable. But, I confess, I cannot be of the same mind as to the printed Act of the Commission which you were pleased to send me, but must think it had been better to have forborn it. The next day after receipt of yours, I waited on my Lord President, and delivered the Moderator's letter to his Lordship, which he read before me: He seemed to apprehend much there might be a concert with some here, and that, as at settling the Union, they had found the greatest difficulty to have the proposal of a toleration for the dissenters in the north laid aside, so he apprehended much, if it should be again set on foot, they should find it a very hard task to dissappoint it..."<sup>38</sup>

The stage was now about set for the first great setback to the Established Church of Scotland at the hands of the British Parliament. The Act of the Commission in 1709 made it abundantly clear how the Church would go about proceeding against Episcopal innovators if they persisted in using the English liturgy. On this basis, and by the action of the Presbytery of Edinburgh an Episcopal clergyman, James Greenshields, who led worship at a meetinghouse in Edinburgh, and used the Anglican service book, was imprisoned by the Magistrates of the city.<sup>39</sup> Twice Greenshields appealed his case to the Court of Session (Scottish Supreme Law Court), but the Magistrates' sentence was upheld.<sup>40</sup> The Episcopal cleric was not defeated for he set a precedent by appealing from the Court of Session to the House of Lords.<sup>41</sup> In 1711 after a change of Government from Whig to Tory the House of Lords heard the case.

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38. Carstares State Papers, pages 772-775.

39. Cunningham, John, Church History of Scotland, Volume II, pages 222-223.

40. Ibid.

41. Ibid., page 225.

It had been pending for some time, but now with the change of parties the Greenshields case received fast and sympathetic attention. The Lords reversed the decision of the Scottish Court of Session, and found the Magistrates of Edinburgh liable for costs.<sup>42</sup>

The Greenshields case had even greater implications than at first imagined for it served as the spark to ignite the British Parliament into activity in favour of a Bill of Toleration for Scotland. The Scots, however, refused to believe that the Parliament of Britain would try to pass an Act of Toleration for dissenters since they thought the Union itself depended upon the maintenance of the status quo.

The fact that the Established Kirk of Scotland was intolerant towards their Episcopal countrymen did not come as a rude shock to the people of the day. They interpreted this attitude as loyalty to the Reformation, the Covenant, and the Scriptures. The very word liturgy was full of sinister meaning for the Scot, and they were determined not to allow it or abide its use anywhere in their bounds. As late as January 1710 the Church had assurances from the Queen herself that appeared to guarantee her support in the battle against the innovators:

"Letter from the Duke of Queensberry against innovations stating that a letter sent him had been laid before her Majesty and her Majesty had commanded him to assure the Commission that she will upon all occasions protect the established Church of Scotland and that she will be very far from giving the least countenance or encouragement to any innovation or practice which may be contrary to the laws made for the security of religion in this part of her Majesty's kingdom..."<sup>43</sup>

When the British Government changed later in the year 1710 and the Tories took over from the Whigs, a very different state of affairs developed. The Tory leaders had been pressing during the Union negotiations

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42. Cunningham, John, Church History of Scotland, Volume II, pages 225.

43. Records 1709, Session 11, 4 January 1710. page 56.

for a toleration in Scotland, but the Scots would have none of it and the whole treaty was threatened. Now that the Scots had ratified the Treaty and the Kingdom was united by Crown and Parliament the British Parliament, overwhelmingly controlled by the English, could at the least provocation pass laws affecting Scotland. The provocation was the Greenshields affair, and soon after a bill was before the Parliament for a legal toleration of the Episcopalians in Scotland. Principal Stirling's English correspondent had assured him that once the Union was ratified then no such law could be passed since it would have the effect of repealing the laws of the Scots Parliament that had now passed from existence.<sup>44</sup> All the fears of those who had fought against the Union seemed now to be justified. This is exactly what some had predicted would happen if Scotland involved herself in an incorporating Union. In 1707 an Edinburgh pamphleteer wrote that:

"...A legal toleration in Scotland will be very prejudicial to this Church and nation. Every thinking man knows that such a toleration will certainly follow on the Union, and 'Tis as certain that it will bring along with it very mischievous effects..."<sup>45</sup>

The usefulness of the Commission was again demonstrated after the 21st of January 1712. On that date the Toleration bill was introduced in the British Parliament. The House of Commons considered it under the title of, 'Act to Prevent the Disturbance of the Episcopal Communion in Scotland in the Exercise of their Religious Worship; And for Repealing an Act of the Scottish Parliament, Entitled An Act against Irregular Baptisms and Marriages.'<sup>46</sup> The Commission enabled the Church to take up the challenge to its security immediately. Word was quickly sent to Carstares, Blackwell, and Baillie who were in London, to oppose the Bill

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44. Stirling Letters, (Ms.), Volume III, Letters 22 dated 11 January 1707, 24 dated 13 March 1707, and 26 dated 16 March 1707 from John Shute.
45. Lawful Prejudices Against An Incorporating Union With England..., Murray Collection number Mu 46f 17, The University of Glasgow Library, Special Collections Room.
46. Acts of the Parliament of Great Britain 1712: Statutes at Large, Volume IV, Cap. XXXII, page 594.

by every means in their power.<sup>47</sup> A committee of the Commission considered the letters from the Commissioners in London and drew up instructions for their procedure and made a draft of a representation to be presented to the Queen. The Commission quickly approved the committee's actions and sent a message to their delegates in London:

"Crave that before passing that bill, this Church may be heard at the bar of the said houses by lawyers."<sup>48</sup>

Then the representation to the Queen against the toleration was read and voted upon and approved.<sup>49</sup> The Commission represented the intended alterations to Scot's law by the Parliament, pointing out that it violated the security granted to them at the Union, and appealed for the Queen's protection and support in opposing the threatened legislation. The Commission made it clear that such an Act was more than a Toleration, but an encouragement to the Jacobites who were waiting to rebel against her and who were loyal to the Pretender. All the Acts of the Scottish Parliament were reviewed, as were the acts securing the Presbyterian Church at the time of the Union. Finally the Church expressed astonishment and affliction over the scope of the proposed toleration, and feared that it would be the overthrow of the Presbyterian Church, and put the Church and the Nation in a state of confusion. The London Commissioners were kept busy trying to influence the members of the Parliament.<sup>50</sup> They worked hard to relieve the Church of this threat, but some of the anxious clergy in Scotland misinterpreted their purposes. This caused Carstares to write to John Stirling:

"I have neither changed my party nor my principles, I have endeavoured to manage myself in this perplexing juncture as inoffensively as I could...I hope I have been and always shall be concerned for our contemned Church..."<sup>51</sup>

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47. Records 1711, Session 12, 7 February 1712, page 294.
48. Ibid., Session 13, 7 February 1712, pages 297-298.
49. Ibid., Session 14, 8 February 1712, pages 301-306.
50. Stirling Papers, (Ms.), Volume III, letter 132 dated 4 December 1711, letter 135 dated 25 December 1711, and letter 137 dated 31 January 1712 from Thomas Blackwell.
51. Ibid., letter 141 dated 14 February 1712 from William Carstares.

On the 20th of February the Commission heard an account of the London Commissioner's activities:

"The letter of the Commission delivered to the Queen which she was graciously to receive, and to express herself in these terms - 'The Church of Scotland hath hitherto had my protection, and I resolve to continue it, and shall consider what is represented to me'. They likewise then shew, that before the Commission's packet came to their hand, viz., upon Friday 8th, 1712, they did petition the House of Peers (at the 1st reading of the toleration bill before them) as they had done in the Commons, but with this variation - that they desired, that either the Commission of Assembly might have a reasonable time to be heard...by council before the bill should be read the second time, as their Lordships would think best, which the Duke of Devonshire having presented, on hearing was allowed upon Wednesday afternoon, this time being so short, They with much difficulty got one lawyer; that undertook to plead, who did it to good purpose; Sir David Dalrymple was so kind to go with them to their Council, and give him all the light from our laws that the affair required, after t they were withdrawn, the Lords made several amendments, of which they promise an account, so soon as they know certainly what was agreed to by the house, they heard that the main debates was upon amendments..."<sup>52</sup>

On the 5th of March the expected news came in a letter from Carstares confirming the passing of the Bill of Toleration and the Abjuration Oath.<sup>53</sup> Cunningham says the Toleration Act was only a measure of justice.<sup>54</sup> Anyone reading the history of the times would probably agree with him, at least at first, however, one must be aware that this act was passed by the same Parliament that had passed the Occasional Conformity Act which deprived English dissenters of their rights of citizenship, and the Schism Act which disabled dissenters in England from maintaining schools for the education of their own children. We can be reasonably safe in assuming that a great many of those who worked for the passing of this Act had anything but enlightened motives. It was George Lockhart who prevailed on the Tory members of Parliament to support the Toleration

52. Records 1711, Session 17, 20 February 1712, pages 315-316.

53. Ibid., Session 21, 5 March 1712, pages 324-325.

54. Cunningham, John, Church History of Scotland, Volume II, page 231.

Act, who confesses, when he writes in his Memoirs, that he did this:

"To convince the Presbyterian clergy that the Establishment of their Kirk would in time be overturned, as it was obvious that the security thereof was not so thoroughly established by the Union as they had imagined."<sup>55</sup>

Indeed, efforts had been taken by some Englishmen, at the time of the Treaty of Union negotiations, to assure the Presbyterians that no United Parliament would be able to ruin their security with impunity. One who studies this period finds his mind returning to the letters written by Lord Barrington to John Stirling in January 1707. Here Lord Barrington attempts to show the Principal the logic of the indefeasible security of the Church, and how any attempt to destroy that security would be illegal.<sup>56</sup> He gave it as a fact that once the Scottish Parliament was united with the English that no Act of the Scottish Parliaments could ever be repealed. Now in the Act of Toleration passed in 1712, only five years after Lord Barrington wrote this, the United Parliament proceeded to repeal the Acts of the Revolution Parliament of Scotland. The British Parliament by doing this destroyed any confidence that might have existed in Scotland for the Union. The Church marveled at this reward for its faithfulness in 1707, choosing to believe that Jacobite intrigue had brought them to this end. Grub comments on the Presbyterian opposition to the bill by saying:

"In opposing the Act of Toleration, the ministers of the established Church shewed an equal want of wisdom and charity. They might have known that their resistance would be ineffectual, and that it would tend to make their remonstrances be listened to with less attention in other matters."<sup>57</sup>

However, the Established Church had little choice but to oppose this action. All their past history demanded that they assume this posture. The Union settlement gave them a thin legal wedge. To sit back and do nothing would

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55. Lockhart, George, Memoirs, Volume I, page 418.

56. Stirling Letters, (Ms.), Volume III, letter 22 dated 11 January 1707, letter 24 dated 13 March 1707, and letter 26 dated 16 March 1707, from John Shute who became Lord Barrington by the time we arrive at the events surrounding the Act of Toleration.

57. Grub, George, Ecclesiastical History of Scotland, Volume III, page 365.

have been disasterous. On the one hand there were in the country such powerful critics as John McMillan and John Hepburn, not to mention the host of clergy with less moderate opinions of how matters should be handled. A complacent acceptance of their fate might have encouraged the Jacobites to do what the Church now feared would be the inevitable result, the final overthrow of the Presbyterian Establishment for an Episcopal system.

In their opposition to the Act the Presbyterians managed to have added, in the House of Lords, an amendment requiring Episcopal clergy to take an oath Abjuring the Pretender. It was thought that this would render the Toleration ineffective since the great majority of the Episcopal clerics would refuse such an oath.<sup>58</sup> The plan backfired however, and as Cunningham says, "The Presbyterians fell into the pit they themselves had dug."<sup>59</sup> It was agreed to add the oath, but if it was right for one group of clergy to take the oath then it was thought that it should be made compulsory on all. The oath was offensive to the Jacobites, and at least one Bishop thought that a legal toleration with such stipulations would be disadvantageous to their cause unless they could be made the Established Kirk of Scotland.<sup>60</sup> The oath turned out to be doubly hateful to the Presbyterians, and for many years threatened to split the Church.<sup>61</sup>

The immediate response of the Commission to the regrettable news of the bill's success was the appointment of a committee to decide what was best to do at such a juncture.<sup>62</sup> The next day the committee reported that a representation and address was to be drawn and sent to the Queen declaring the Commission's understanding of the oath.<sup>63</sup> The Representation was an expression of Presbyterian loyalty and an attempt to explain their scruples

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58. It was known that Jacobite Episcopalians would never abjure the exiled Stuart Pretender.

59. Cunningham, John, Church History of Scotland, Volume II, page 230.

60. Dunlop, A. Ian, William Carstairs, page 130.

61. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume I, pages 153-154. See footnote entitled Abjuration Oath. This is a copy of the oath and helps to show what offended the Presbyterian clergy in it.

62. Records 1711, Session 21, 6 March 1712, pages 325-326.

63. Ibid., Session 23, 6 March 1712, page 326.

concerning 'the succession' referred to in the said oath.<sup>64</sup> The Commission also contended that the Act of Security at the Union had freed the Church forever of any oath, test, or subscription inconsistent with the present Presbyterian Establishment.<sup>65</sup> The Commissioners in London reported on the 26th of March that, "all was well as far as the address goes", but went on to inform the Commission that a bill was introduced for restoring patronages.<sup>66</sup> The Commission responded immediately by drawing up a second letter to present to the Queen showing their opposition to this bill as well.<sup>67</sup> The Commission's ability to influence the Parliament proved to be ineffective, and the Patronage Bill passed as the Toleration Bill had passed with the exception of a few amendments. The Presbyterian protests were not feeble, but they were of little use. One blunder in the use of Parliamentary form served only to offend the British Parliament all the more. The Commission's representatives petitioned the House of Lords about the Bill restoring Patronages. They maintained that as Patronage had been abolished before the Act of Union its restoration was inconsistent with the conditions set forth in the Act of Security. In addressing this petition to the Lords they made it out to the, 'Most Honourable Peers of Great Britain', instead of the known correct form, 'The Lords Spiritual and Temporal'.<sup>68</sup> William Carstares, one of the Commissioners in London, surely must have realized the impolitic form of the address for he would have had experience with such procedure when he was in the service of William III. The Church of Scotland found it difficult because of their position and beliefs to acknowledge the Spiritual Lords in the House of Lords. This very point had been at issue during the Treaty negotiations when the Commission represented to the Scot's Parliament that they wished something down about the fact that

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64. Records 1711, Session 25, 7 March 1712, pages 331-333.

65. Ibid.

66. Ibid.

67. Ibid., Session 29, 27 March 1712, pages 339-344.

68. MacKinnon, James, The Union of England and Scotland, pages 417-418.

26 Bishops would be sitting in the Parliament of Great Britain. The Lords took note of the style used to address them by the Scots, and issued a sharp rebuke to the perpetrators of the insult. A quick retraction was made and the correct format was attached to the petition, and it was then accepted and read in the Lords. The petition set forth the historical situation and tried to show that the status quo had been implied in the Treaty of Union. It attempted to demonstrate the unfairness of the bill's provisions in taking from the Church its power of presentation without restoring to the ministers the whole right to tithes or restoring to the Church the right to dispose of vacant stipends. They argued that many of the Patrons were against the change, and tried to make it look obvious that patronage would encourage contests, disorders and differences between Patrons, Presbyteries, Heritors, Parishes and the people.<sup>69</sup>

The third insult to the Scottish National Church was the passing into law of the Yule Vacance Act which allowed for the religious observance of Christmas in Scotland. This day in the Christian year was suspiciously regarded as popish, and thus despised by the Presbyterians. The final blow came when the House of Commons addressed the Queen on the 31st of May 1712 about the Bishops' rents in Scotland:

"That she would be pleased to apply the rents of the late Bishops' lands in North Britain that remained in the Crown for the support of such of the Episcopal clergy there as should take the oaths to her Majesty."<sup>70</sup>

On the 12 of June 1712 the Queen agreed to this request.<sup>71</sup>

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69. Records 1711, Session 29, 29 March 1712, pages 339-344.

70. Cunningham, John, Church History of Scotland, Volume II, page 238.

71. Ibid., The Church up until now had received a gift from the Monarch every year. This gift of money came from the Bishops' rents. It was true that these funds were not very reliable, and many times the gift came late because it was difficult to collect the money. In fact a new means of payment of the royal gift had already been authorized, but other institutions in Scotland continued to depend on the Bishops' rent for funds. The University of Glasgow was one such institution, and Principal John Stirling received a letter informing him of the plan to use the Bishops' rents to support the qualified Episcopal clergy. This Act in particular helps one to understand the fears of the Presbyterians who were sure that the British Parliament was tottering on the brink of re-establishing Episcopacy in Scotland.

All of these misfortunes left the Presbyterian ranks demoralized and expectant of worse things. Wodrow writes on the 19th of April 1712 that, "...perhaps this is the last Assembly we may have."<sup>72</sup> McCormick records in his biography of Carstares, that the Assembly feared that it might be interdicted or allowed to meet only to be dissolved. Cunningham states in his history that rumors increased that many more ominous measures were in preparation:

"The Presbyterians were to be compelled to induct all licentiates who received presentations without further form and trial..."<sup>73</sup>

Never, since the Revolution, had the prospects for the Presbyterian Church been so dismal. Everything depended upon the conduct of the Assembly of 1712. The Assembly was not prevented from meeting, of course, and was conducted with due moderation and therefore the threat to dissolve it never materialized. One thing is certain, though, and that is that the Assembly was especially pleased with the actions taken by the Commission during the year past. The representations against the Toleration and Patronage, and the Commission's understanding of the Abjuration was incorporated verbatim into the Acts of the Assembly.<sup>74</sup> The Church was even bold to ask the Queen to keep these representations in mind in the hope that their grievances would some day be redressed. Certainly the Church recognized, as never before the utter necessity of maintaining the traditional appointment of a Commission. The events of the years 1711 and 1712 made it apparent that the Church might have been much worse off had they not had anyone to represent them in the critical times through which they had just passed. It was true that the Commission was not able to change the mind of the British Parliament or prevent the passing of the dreaded Acts, but their resolute actions made it possible for the Church to maintain its unity, and satisfy the

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72. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume I, page 263.

73. Cunningham, John, Church History of Scotland, Volume II, page 238.

74. Acts of the General Assembly 1712, Acts X and XVI.

scruples of the less moderate clergy. Had they done anything less or even acceded in the Parliament's activities then the Establishment would have been in danger.

The opposition of the Church centered on the Toleration and Patronage Acts. The Patronage Act was to have a portentous history for the Church of Scotland, but it posed no immediate threat to the Church, and was therefore kept in the background for a time. The immediate controversy centered around the hated Toleration Act and especially the appended Oath of Abjuration. It was the Abjuration that threatened another division in a Church already suffering from schism in the southwest.

By October the 28th the clergy were to have taken the oath of Abjuration. None of the Scottish Presbyterians were willing to take the oath without expressing their understanding of the oath and their mental reservations about it. Many others were determined to defy the government come what may rather than subscribe it. Some of these who would have nothing to do with the oath had such strong feelings that they intimated that they did not wish to have anything to do with any of the ones who submitted and subscribed the oath. As early as the 16th of April Robert Wylie, wrote to Principal Stirling saying:

"...I am afraid with you, of fatal divisions and of a ruining rent in this Church upon the account of this oath, nor is it resolutions of mutual charity and forbearance amongst ministers that will prevent it. The only expedient for the present I can think of is that ministers and judicatories join in the refusing side, and that the General Assembly as an united, loyally constituted and secured Church represent against both toleration and abjuration, and if you please against patronage too, we know not what effect this may have both for turning off the mischief of what is already enacted and for preventing further encroachments upon our Constitution and Reformation rights. We are notoriously

invaded, and shall not a National Church that hath all the law and faith of mankind upon its side, complain, or is it to be supposed that our keenest enemies will go to the heights of extinguishing at one blow a whole National Church. This I think is the only point in which we can be unanimous. For it is not to be doubted but every minister hath formed his thoughts as to the main question whether lawful or unlawful, whether sin or duty. And it is as little to be doubted that those who are persuaded that the taking of the oath is unlawful and sinful can never join with those who think themselves clear be the consequence what it will. But those who think themselves clear may safely join with the others in endeavouring to decline the mischief since at most if all endeavours should prove ineffectual they can incur no personal hazard till the first of August. And then probably the Church must be broken..."<sup>75</sup>

The seriousness of the situation became evident to the Commission when several Presbyteries reported that various divisions were about to occur unless something was done to forestall the dreaded possibilities:

"Overture produced from the Presbytery of Stirling seeking for the Commission to come upon a method of preventing divisions among ministers, and the members from the Presbyteries of Dunfermline and Dunblane, declared that their Presbyteries had agreed to something of the same return, and after having discoursed at length, upon the subject of the oath, until the whole forenoon was spent, it was proposed that a committee should be appointed to think upon some overture for maintaining of harmony, and preventing division among ministers of this Church and to consider what may be proper for this Commission to do, with respect to other matters of public concern that lies before them..."<sup>76</sup>

The next day the committee reported the following decision:

"...that the Commission should rest in what is recommended by the 16th Act of the late General Assembly, as to mutual forbearance and should of new recommend to Synods, Presbyteries and particular brethren, the punctual observation of what is enjoined in the forsaid Act with respect to mutual forbearance, the Commission having heard the report, did agree thereunto unanimously..."<sup>77</sup>

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75. Stirling Letters, (Ms.), Volume I, Letter 113 dated April 16th 1712. Wylie refers to August as the deadline, but this was extended to October.
76. Records 1712, Session 12, 25 September 1712, page 46-47.
77. Ibid., Session 13, 26 September 1712, pages 46-47.

The fact that the Commission did not take a hard fast line was probably the salvation of the Church at this time. Coming down on one side or the other would have surely split the Church. If everywhere clergy experienced regret and dissatisfaction with the oath at least there was agreement as to the Assembly's address to the Queen, and approval of the Commission's action during the time that the bills were before the British Parliament. The great majority of the ministers had their scruples satisfied by what had been said and done, and were determined to make the best of a bad situation. William Carstares led a deputation himself to the civil magistrate on the infamous day and together they took the oath, but afterward read a prepared statement expressing their understanding of the oath.<sup>78</sup>

The days following the deadline for the taking of the oath were critical for the Church of Scotland. The sides were now drawn between jurors or those who subscribed the oath and non-jurors the ones who refused to take it, and every ingredient necessary for a schism was present. Wodrow reveals the bitter story of estrangement between those who took the oath and those who refused it.<sup>79</sup> The great task that faced the Church now was the maintainance of some semblance of unity until the dangers passed. Carstares and some of the more moderate clergy were pressing for the Church to be patient for relief was sure to come. Robert Story in his life of Carstares relates the following critical stages in the period:

"Proceedings of the Commission of the General Assembly and their deputies in opposing the Toleration and Patronage Acts were approved in strong terms, and ordered to be engrossed in the minutes. The worthy minister who preached before the Commissioner on the first Sunday of the Assembly inveighed against the notion that liberty

78. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume I pages 321-322.  
79. Ibid., pages 253-263, 263-273, 310-313, 320, 321, 327-331, 334-338, 338-342, 362-368, 418-421, 429-432. See also, Cunningham, John, Church History of Scotland, Volume I, pages 240-241.

of conscience, 'could be a blessing to any people, or person', and enlarged upon, 'the sinfulness of toleration', and with these protests the dangerous position was passed and the risk of a widespread clerical disaffection evaded. The fact was that Carstares and his friends knew well that the recent Acts had been carried by the enemies of the Church, whose treacherous ends they would but serve if they allowed themselves to be provoked into hostility to the Crown, or disunion among themselves. The hope of the Presbyterians was in the Protestant succession. The triumph of Jacobitism and the reaction towards Episcopacy would not long survive the accession of the house of Hanover, and if the Church remained united and peaceable, the day of that accession was sure to dawn."<sup>80</sup>

This was made doubly difficult by a pamphlet war between the two parties.<sup>81</sup> These pamphlets cast aspersions and aroused suspicions regarding the loyalty and honesty of each party. Much of the argument was over what the Commission had said in its letter to the Queen explaining the Church's understanding of the Oath. The main arguments were about the qualifications required in the succession to the Crown which was not suitable for Presbyterian principles. These qualifications stipulated that the successor had to be a member of the Church of England, and in the eyes of the Church of Scotland the taking of the oath was tantamount to an approbation of Prelacy. Others argued against it because it was thought that any subscription of the oath was a homologation of the Treaty of Union. Still others brought up the old argument about submission to the civil powers, and giving way to government encroachments. Little faith was put in the counter argument that the Commission had opposed the Toleration and the Patronage Acts and represented the Church of Scotland's understanding of the Oath. One pamphleteer pointed out that the Commission could not satisfy anyones scruples because it did not speak for the Church unless it had the warrant of the Church, and this he said it did not have. Others, however, argued that it did have this

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80. Story, Robert H., William Carstares, page 345.

81. Church Tracts, Volume 15, shelf mark 19 B 8, Trinity College Library, Glasgow. A volume of pamphlets from the years 1712 and 1713.

warrant for it was written into their instructions to advert to the interest of the Church at all times. The author of the pamphlet, "The White Swan with Black Feet...", made the most significant remark:

"What this will turn to, God only knows; but meanwhile, it has a frowning aspect, and seems to portend sad things to this poor forlorn Church, whose bypast deplorable breeches did always proceed more from the unhappy divisions and unfaithful defections of professed friends, than the futile policy and formidable strength of avowed enemies. And if there be still strife amongst brethren, even when the Canaanite and the Perizzite are dwelling in the land, what can we look for, but that our wells of water shall be stopped, and we ourselves shall perish with drought?"<sup>82</sup>

The saving fact for the Church was that the Government did not press for subscription to the oath.<sup>83</sup> By a miracle, and the constant efforts of the Church leaders a schism that would have equalled the Protestant-Resolutioner conflict of 1649-1662 was avoided. Bitter feeling lingered for a number of years, and it was necessary for the Assembly of 1714 to take action to try to put an end to the bitter feelings that existed between Christian brothers.<sup>84</sup> The events of this age boded ill for the future of a Church that emerged from the brink of ruin with so many tender nerves exposed. In later years when the arena of Scottish ecclesiastical life became heated over the Secession, and later still at the Disruption men would look back to this time and remember that these were the days when the Church's wounds were first opened.

The Episcopal adherents and Clergy enjoyed the afflictions of the Presbyterians, but could not comfort themselves with a real victory. As staunch supporters of the Pretender, the majority of them were deprived by their political principles from sharing in the benefits of the Toleration having refused the oath of Abjuration.<sup>85</sup> They had major

82. The White Swan With Black Feet or the Nimble Tricker Unmasked in a Letter to a Friend;..., Church Tracts, Vol. 15, Shelf Mark 19 B 8, Trinity College Library, Glasgow.

83. Grub, George, Ecclesiastical History of Scotland, Volume III, page 367.

84. Acts of the General Assembly 1714, Act VIII.

85. Grub, George, Ecclesiastical History of Scotland, Volume III, page 366.

problems themselves between jurors and non-jurors. The hope that the Union would eventually collapse was never realized, and the longing that the Stuarts would be restored seemed as far away as ever. The ruin of the Episcopal fortunes came in 1715 and 1745 when they resorted to the desperate tactic of joining in a rebellion the purpose of which was the restoration of the Pretender.

While far less was made of the Patronage Act than the Toleration and Abjuration oath, still it was the long range effects of this political manoeuvre that was to outlast all the intended intrigues of the Jacobites. From the very beginning the General Assembly instructed its Commission to obtain a redress of this grievance by sending Commissioners to London to represent the Church's case.<sup>86</sup> The Assembly restated the faith expressed by the Commission in its letter to the Queen that in due time these, "most just complaints may come...to be redressed."<sup>87</sup> Year after year the Church instructed its Commission to petition for a redress of the grievance of Patronage until eventually the instruction became nothing more than a mere formality. It was not until 1784, after a hot debate, that even the form was dropped and the Church gave up all hope of ever having the law removed.<sup>88</sup>

Many in the Presbyterian Church were greatly angered when the British Parliament restored the ancient rights of lay Patrons, but still they did not fully comprehend the dangers. Robert Wylie, one of the great opponents of the Government wrote to his friend Robert Wodrow confessing his ignorance of the Patronage controversy.<sup>89</sup> Many of the Presbyterian clergy must have offered opposition without really understanding why. It was sufficient for them that the British Parliament was thought to be

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86. Acts of the General Assembly 1712, Act IX, See instruction number 9 to the Commission.

87. Ibid., Act III.

88. Gunningham, John, Church History of Scotland, Volume II, page 395.

89. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume I, page 379.

intruding upon an ecclesiastical prerogative. After all the Presbyterian Church had not existed under the Patronage system for well over 50 years, and few men were left who could remember what it was like before 1649. Robert Wodrow, however, seemed sensible to the dangers and wrote to Mr John Williamson, the minister at Musselburgh, that he wished a pamphlet could be published on the subject:

"...informing even some ministers, and setting them right in their reasoning about them, and opening the eyes of the people. I am more apprehensive of patronages than the toleration, and wish Presbyteries would not involve themselves in them until the General Assembly give their judgement how we should carry."<sup>90</sup>

Presbyteries did inquire, and addressed their inquiries to the Commission. It was the task of the Commission to serve as the advice giving agency in the interval between Assemblies. Before long these inquiries took on serious proportions:

"Mr Robert Livingstone from the Presbytery of Biggar and several brethren from other Presbyteries, shewed that they crave the Commission's advice for directing them how to carry with respect to presentations from patrons when offered to them, and the Commission after discoursing sometime upon this subject found it a matter of great importance; and no less difficult, which could not be fully advised at this diet... delayed until their meeting in December..."<sup>91</sup>

A committee of the Commission was appointed to consider the first test case when a presentation came from the Queen to a Mr William Duggat, a probationer.<sup>92</sup> Several members of the Presbytery of Kirkcaldy who presented an appeal for advice to the Commission, because of their difficulty in the matter, heard the Commission's committee report:

"...it was agreed that this Commission cannot lay down general rules upon this matter, specially not referred to them, but that Presbytery should Act with prudence in that particular cases that shall come before them."<sup>93</sup>

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90. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume I, page 370.  
91. Records 1712, Session 13, 26 September 1712, page 49.  
92. Ibid., Session 15, 27 September 1712, pages 56-57. This evidently is the first test of this law.  
93. Ibid.

The Commission's discreet dodge in declining to give any general rule was considered a wise move by Robert Wodrow.<sup>94</sup> Robert Wylie thought differently, and was critical of the Commission's indecision since it had:

"...likewise positively refused to give advice to Presbyteries how to carry on the matter of presentations, and that because it is better that a particular Presbytery should make a wrong step than the Commission, which refusal, and reason for it, doth, in my opinion, balk the very end of their being a Commission, and the faithfulness they owe to the General Assembly, and to the Church. And since they refuse to give advice, I wish, the nons may concert what course to follow in this matter."<sup>95</sup>

Here is clearly shown the kind of criticism constantly directed at the Commission. They were damned if they did, and damned if they did not take action so much of the time. They had been criticized in the past for dealing with matters not specifically referred to them, and here they were criticized for refusing to act on a matter that could be considered none of their affair. This demonstrates the confusing nature of problems for the Commission. It was important that they know when to use the ambiguous special clause enabling them to act in the interests of the Church to avert disaster, and when not to use it lest they be censured for exceeding their powers and meddling with things not referred to them. Their refusal in this case is illustrative of the fact that a great deal of confusion existed in the Church over this matter of patronage. For the Commission to have declared itself on the side of the law and called for presentations to be accepted would have meant catastrophe within a Church already torn by inner dissention over the Abjuration oath. If however, they had suggested that presentations should not be accepted by Presbyteries then they were courting trouble from a Government already suspicious of the Commission's powers. It was the Commission's task to bring unity into the Church and thus they had to be very careful what moves they were to make.

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94. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume I, page 370.

95. Wodrow Letters, (Ms.), Unpublished, Volume VI, letter number 178. National Library of Scotland, Edinburgh. The nons refers to the non-jurors or those who refused the Oath of Abjuration.

Eventually the Commission heard the case concerning Mr Duggat, with the members of the Presbytery of Kirkoaldy present. The whole affair was placed back in the lap of the Presbytery, and the only advice offered was the Commission's hope that they should:

"...proceed in that matter as they shall judge to be most for the edification of this Church."<sup>96</sup>

Elsewhere in Scotland Presbyteries proceeded to settle parishes as they had done before, and where presentations were offered they were ignored or when a Patron insisted on his rights the Presbytery simply refused to proceed.<sup>97</sup> Robert Wylie, who now considered Patronage to be a sinful usurpation of the congregation's right to a popular call, wrote to Wodrow suggesting how Presbyteries ought to get over this hurdle:

"...it is plain enough that no Presbytery should comply with any presentation, either before or after a call, as given in consequence of the pretended right of patronage, nor admit of any entrants who accepts it. If the patron be conscientious in the matter he will not claim it, if he be civil and moderate he will not trouble the Church about it, but will compromise the matter, if discreetly dealt with. If he be an enemy, he ought not to be yielded to, and Presbyteries may do the best they can to agree with the people for a season, till we see what these things may turn to. But it seems some are in a disposition to give up everything if they may keep their own stipends, and not incur the censure of the present law..."<sup>98</sup>

Wodrow acted with a little more restraint, and simply suggested that Presbyteries ought not to get involved until they had a policy that could allow for some uniformity of action.<sup>99</sup>

When the General Assembly met in 1713 the issue of presentations was skillfully avoided, and the Duggat case was remitted to the Commission.<sup>100</sup> This was another reason for keeping a yearly Commission. Such difficult matters that might present an embarrassment to the Monarch's Commissioner

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96. Records 1712, Session 18, 5 December 1712, page 67.

97. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume I, pages 396-397.

98. Ibid., page 381, See also, Wodrow, Robert, Analecta, Volume III, page 148.

99. Wodrow, Robert, Analecta, Volume III, page 148.

100. Acts of the General Assembly 1713, Index of Unprinted Acts.

was shifted over to the Commission. Wodrow makes mention of this in one of his many letters:

"...These things with a timeous appointing of a Commission, and remitting to them things that, in our present circumstances, perhaps, cannot so well be done in open Assembly, are what occur to me as work proper to be done..."<sup>101</sup>

In the Commission there was, of course, no representatives of the Crown, and thus the National Church felt the freedom to do things that could not be carried out in the Assembly without risking the dissolution of the Assembly by the Commissioner. It was this very power that caused some to question the whole matter of the legality of such a procedure, and indeed the Commission itself. William Duggat then petitioned the Assembly to hear his case and charged the Commission with partiality.<sup>102</sup> When the Assembly delayed his hearing he made some very serious accusations and used such an insolent manner that the Assembly unanimously agreed to declare his licence null and void and discharged him to preach.<sup>103</sup> When the Commission met and finally took up the matter all that was left for them was the preparation of a memorial representing the true reasons why Mr Duggat's presentation was opposed.<sup>104</sup> It was then decided to declare the contumacious probationer's appeal void as well.<sup>105</sup>

One further thing should be mentioned with regard to the Commission of 1713. The Commission's committee for public affairs moved:

"...that this Church was at present in very great danger by the growth of Popery, the trafficking of priests and Jesuits, and other enemies of her constitution, and divisions were like to arise among her friends, and that it was the chief work of this Commission to consider what may be done to prevent the bad consequences of those evils, and therefore it was thought reasonable

101. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume I, pages 253-263, See the 6th article of the letter.

102. Ibid., page 458. Wodrow reports that Duggat was educated in Popery and only recently turned Protestant. He also accused him of being a tool of the Jacobite party in Fife.

103. Ibid.

104. Records 1713, Session 2, 12 May 1713, pages 103-106.

105. Ibid., Session 4, 13 May 1713, pages 109-110.

that the Commission should resolve to continue sometime together and apply themselves seriously to think of remedies for such dangerous evils..."<sup>106</sup>

The remedy finally decided upon had little practical merit to recommend it, but it did create a storm among the Church's political enemies. On the 19th of August 1713 the Commission issued a warning against the dangers of Popery.<sup>107</sup> According to Wodrow, in a letter to Mr John McBride, the English liturgy and the Union were adequately dealt with, and he believed that it would make more noise with the English than have any influence among the Scots to whom it was supposedly directed.<sup>108</sup> Wodrow was right and the issuing of the warning by the Commission was considered a bold stroke that was quite unseasonable by the Tory Government. The Church was told in no uncertain terms that in the future she should be more careful. The Commission met in November and was pressed by some to lay the details of accounts about the growth of Popery before the Queen.<sup>109</sup> The more moderate men of the Commission did not favour the proposal and suggested that instead the detailed accounts could be given over to the Justiciary.<sup>110</sup> The Government leaders were reported by Wodrow to have been outraged by the Commission's warning and they issued a threat to take away the Commission of the General Assembly at the next Parliament.<sup>111</sup> The Earl of Mar, the new Secretary for Scotland, was also angered and accused the Commission of beginning the old work of 1648 by the warning.<sup>112</sup> In 1714 when the Assembly met the Queen's Commissioner, the Duke of Athole, even opposed the Assembly's approbation of the Commission's warning.<sup>113</sup>

Not long after the Assembly of 1714 Queen Anne passed away, and a new era was begun by the accession to the throne of a Hanoverian. The

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106. Records 1713, Session 9, 14 August 1713, pages 130-131.
  107. Ibid., Session 12, 19 August 1713, pages 138-144.
  108. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume I, page 486, & 559.
  109. Records 1713, Session 18, 13 November 1713, page 165.
  110. Ibid.,
  111. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume I, page 527.
  112. Ibid., See also Cunningham, John, Church History of Scotland, Volume II, pages 257-258.
  113. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume I, pages 486, & 559.

Presbyterians saw this event as a relief for the Protestant Church everywhere and prayed that it would be a welcomed relief for the Church of Scotland.<sup>114</sup> The latter part of Queen Anne's reign had been a complete disaster for them, and when it ended the Kirk was left in a very unsettled state. Bitterness, pride, and division, occasioned by the Abjuration Oath, had left the Presbyterian ranks in disarray. Wodrow comments that when the business of sending Commissioners to London came before the Commission in 1714 that it was a matter of great consequence because of the different opinions held within the Commission regarding the Jurant and non-Jurant debates.<sup>115</sup> Finally the Act of Patronage and the unreasonable attitudes regarding it put forward by the Church and many of the Patrons worked a real hardship on the judicatories primarily responsible.<sup>116</sup>

One reading Robert Wodrow's estimate of the situation would have to agree when he saw the Commission as a vital part of the Church's organization, and capable of doing much to remedy the state of affairs that continued to plague the Church. The next two decades were to be important ones for the Church of Scotland. The part of the Commission in the struggle to bring about a settled state in Scottish ecclesiastical life is of great importance. The whole question of the Church's unity was to be determined during that time, and in that battle the Commission's role was vital.

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114. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume I, page 565.  
Letter to Col. John Erskine 2 September 1714.  
115. Ibid.  
116. Ibid., page 575.

Chapter VI

1716-1724

THE COMMISSION OF ASSEMBLY 1716-1724

It is said by one writer that, "the differences of good men are never to be mentioned but with sorrow."<sup>1</sup> If this proverb has any truth to it then the period we enter upon now is a sorrowful one indeed. The events of Queen Anne's reign imposed problems of the greatest perplexity for the Church of Scotland. The Act of Toleration, which may appear as a necessary bit of justice to us now, forced the Church to believe that two ecclesiastical systems were set up in Scotland. The Oath of Abjuration, attached to the Toleration Bill, created an impasse for about  $\frac{1}{3}$  of the Scot's clergy. The restoration of Patronage was considered to be a grievance in that it denied the 'divine right' of Christians to call their ministers by a free vote.

For the majority of the Scottish clergy the whole storm over these acts of legislation, though they considered them grievous, was not worth the risk of upsetting the Establishment. To them a moderate policy appeared to be the best way to proceed. They believed that constant clashes with the State could only bring more burdens upon the Church, but continued intemperate opposition would jeopardize the whole Revolution settlement. Those who loved the Covenants and hated governmental encroachments found the new burdens unbearable, and were willing to risk all to be rid of them. What those who opposed this moderate policy lacked in numbers they made up for in zeal. They were convinced that they were on the Lord's side, and represented the popular opinions of the people. Nonetheless the more moderate clergy

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1. London Quarterly and Holburn Review, The Erskines and the Methodists, January 1958, page 36, Taken from Biographica Evangelica, 1786, Volume IV, page 281.

down through the years felt that it was unwise to endanger a basically satisfactory settlement by provoking the government.<sup>2</sup> The Church tottered through the next decade limping between the two opinions of bold dissent and moderate forbearance.

The Commission of the Church found it increasingly difficult to carry out its tasks without offending one party or the other. The nature of the work that it had to do placed it in several awkward situations the results of which made the Commission unpopular with some of the more zealous clergy of the church. The blending of these events and the Commission's handling of them made the Commission a convenient scapegoat for the difficulties encountered by the church during this time. These events are worthy of our consideration for they build one upon another until the church is convinced that the powers of the Commission must be regulated, and if possible its constitution changed.

At the opening of the reign of King George I, a Monarch that the Presbyterians welcomed, the problem that received priority in the judicatories of the Church was the Oath of Abjuration. It was here, at the imposition of this oath, that the Church stumbled and manifested the wide inner division that had existed for some time. The situation was so bad that in some places, especially in the southwest, some non-juring ministers refused to sit with juring clergy in Presbyteries and Synods. Cunningham reports that they even went so far as to invade the parishes of those who submitted to take the oath and administered the sacraments, conducted marriage ceremonies, and preached to the mutinous flocks of the jurors in the style of the schismatic Hepburn and McMillan.<sup>3</sup> In 1714 the General Assembly appealed for

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2. Sefton, Henry Reay, The Development of Moderatism in the Church of Scotland, page 18. A thesis presented at the University of Glasgow January 1962, number 2013 in the University Library.
3. Cunningham, John, Church History of Scotland, Volume II, page 241.

such practices to cease and urged unity and mutual forbearance.<sup>4</sup> Robert Wodrow, in his Letters, reveals how great crowds flocked to the Communion services of those who refused the oath, and how the public worship conducted by the takers of the oath was sparsely attended.<sup>5</sup>

When George I came to the throne the Church seized the opportunity to present to the new Government their grievances. Until this time the Government had been lenient and did not press for subscription and ignored the fact that many of the Scot's clergy refused to take the Abjuration oath. This bit of tolerance contributed to the fact that the Church survived the period without a schism of catastrophic proportions. However, in 1715 a crisis came on the country in the form of a second Jacobite rebellion.<sup>6</sup> Many anxious supporters of the Government urged upon the non-juring clergy the necessity of declaring their allegiance by subscribing the Oath.<sup>7</sup> They even made it easier by conceding that the one word that so bothered these obstinate Scottish clergymen should be changed, so that it might satisfy their scruples.<sup>8</sup> The Commission in 1711 and 1712 urged upon the Government the removal of anything in the oath that might be construed by Scottish Churchmen as limiting the British Monarch to membership in the Church of England, and if this could not be achieved then some words should be changed that the oath could read as if the qualifications appended were not a part of the oath.<sup>9</sup> When some non-jurors, of a very strict character, still refused after the Government's changing the wording of the oath in 1715 fears were aroused because they thought the Government threatened ~~by~~

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4. Acts of the General Assembly 1714, Act VIII.
5. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume I, pages 340 & 351.
6. Stephen, Thomas, History of the Church of Scotland, Volume IV, pages 111-118.
7. Stirling Letters, (Ms.), Volume II, Letter number 7 from Sir David Dalrymple to John Stirling dated November 24, 1715. See Appendix for the text of the letter. See Appendix A Chapter VI.
8. Statutes at Large, Vol. V, pages 32-34.
9. Records 1711, Session 25, 27 March 1712, pages 331 - 333.

by the Jacobite rebellion would not be so tolerant as to overlook this behaviour.<sup>10</sup> Those who still refused believed that they could not swear their allegiance without approving of such despised things as the Union, the Toleration, Patronage, or without betraying the people who supported them in their refusal.<sup>11</sup>

While the debates between State and Church dragged on, discontent was spreading throughout the country. The miscellaneous papers of the General Assembly 1716 contain a letter sent from a Patrick Wylie, in the Synod of Perth and Stirling, indicating the depth of feeling among the people over this matter, and appealing for the Commission to strengthen their hands:

"...the said Commission exert their utmost endeavours and rise the most proper methods for strengthening the hands of their brethren who have taken the said oath and may be under difficulties amongst their people thereby..."<sup>12</sup>

On the 15th of November the Commission of Assembly received instructions from the Synod of Fife concerning divisions due to the strained feelings over the oath:

"...Mr David Pitcairn, minister of Dysart, gave in an Act of the Synod of Fife, appointing him and other members of the Commission belonging to that Synod, to lay before the Commission their desire, that they would apply to the government for relief to their brethren who had not clearness to take the oath of Abjuration and are under difficulties through the divisions that are among the people thereby, and that the Commission would promote both as much as they can, and would a favourable and hearty concern for each other with respect to both, and that they would endeavour to get the Church freed of the grievances of Patronage and other grievances particularly by laying the same before the government speedily. There was also presented and read an Act of the Synod of Perth and Stirling, and another Act of the Synod of Angus and Mearns to the sames purposes as to the oath of Abjuration..."<sup>13</sup>

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10. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume II, page 206. James Hart to Robert Wodrow dated 15 June 1716, See also pages 245-251. Robert Wodrow to William Gushart dated 23 April 1717.
11. Mathieson, William Law, Scotland and the Union, page 236.
12. Miscellaneous General Assembly Papers 1716, (Ms.), letters dated 10 October 1716.
13. Records 1716, Session 20, 15 November 1716, page 48.

The Commission decided to heed this advice, appointed Commissioners to go to London, and instructed them:

"...to use all proper and prudent means, to obtain the following explanation of the Oath of Abjuration, viz., and whereas certain scruples have arisen to many of His Majesty's faithful and loyal subjects in Scotland concerning the said oath of Abjuration as if the reference to the Act of settlement was to approve the same. It is hereby declared that the said oath, neither is nor was meant to oblige His Majesty's subjects to any act or acts any ways inconsistent with the doctrines, principles, worship, discipline or government of the Church of Scotland and further... to use like endeavours to obtain an alteration of that part of the narrative of the late Act of Parliament enjoining the taking of the said oath, which does occasion scruples to brethren."<sup>14</sup>

During the next two years and until 1719 the Church laboured through the efforts of its Commission to have the oath altered a second time.<sup>15</sup> In 1718 the Commission received a petition from the non-juring clergy appealing again for relief from the oath.<sup>16</sup> In the end, a modification of the oath in terms suggested by the Commission was adopted by Parliament, with the result that the great majority of those who held out against the oath were able to take it.<sup>17</sup> It appeared as though the Church's case had been won, but while the Government had come a long way in seeking peace a few of the non-juring clergy still refused to submit, however the Government refused to press the matter. They were satisfied that the greater number had complied, and that the younger ministers when they were ordained would subscribe. They let the scrupulous few continue on in the awkward company of the Cameronians and the Jacobites.<sup>18</sup>

Other controversies raged in the meantime, and proved to be a source of further dissension as the second decade of the century began

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14. Records 1716, Session 21, 16 November 1716, pages 57-59.
15. Spalding Miscellany, Volume I, pages 227-253. The Diary of Mr William Mitchell, one of the Commissioners in London 1717.
16. Records 1718, Sessions 13 and 14, 13 and 14 November 1718, pages 232-233 and 235-238.
17. Statutes at Large, Volume V, page 238.
18. Mathieson, William Law, Scotland and the Union, page 236. See also Warrick, John, The Moderators of the Church, page 265.

to fade. The Reverend Mr Webster's charge against Professor John Simson involved the Church in a debate concerning the nature of Christ.<sup>19</sup> This incident occupied the Church's attention from 1714-1717. It resolved little although both men came out of the fray feeling that they were vindicated, but it did provide opportunity for the members of the clergy and interested parties to chose sides.<sup>20</sup> Those who valued the liberty of free but restrained search for truth sided with Professor Simson, and those who were zealous for the purity of Doctrine and the containment of any expression of faith within the limited confines of the Westminster Confession sided with Webster. Unfortunately for the Church this was only the first skirmish in a doctrinal battle that was to characterize the Church well into the 18th century. Though disagreements were to be measured in how each side valued a word, a deep chasm separated the two opinions. The reflections made on personalities in the process of building cases served to alienate them even further, and each looked for opportunities to revive old conflicts.

During the Assembly of 1717 the Presbytery of Auchterarder was censured for devising a new formula that probationers being ordained there had to subscribe. In the Presbytery's attempt to weed out any young men tainted with the supposed heresies of Professor Simson, they had fallen into the usage of an unorthodox subscription, and for that reason the Assembly took up the consideration of the matter. Eventually the matter was remitted to the Commission.<sup>21</sup> At the same time the birth of another controversy was taking place that was further to involve the Church in a doctrinal entanglement. Some of the more evangelical minded clergymen, among them several who had spoken out against Simson,

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19. Simson was the Professor of Divinity at the University of Glasgow. Webster was an Edinburgh minister, and the father-in-law of Ebenezer Erskine. Webster charged Simson with teaching the heresy of Arminianism.
20. Acts of the General Assembly 1717, Act IX. See also Cunningham, John, Church History of Scotland, Volume II, page 247.
21. Acts of the General Assembly 1717, Act X.

regretted what they considered a decline of evangelical zeal, and the straying from the path charted by the Covenanting pioneers. In the attempt to awaken the Church to its need for an evangelical revival they pressed some theological points taken from a book entitled "The Marrow of Modern Divinity" written by a 17th century English Puritan. Their case was so stated that certain truths, unless carefully explained, were open to a double interpretation and could be construed as unorthodox.

Thus it was that two parties were formed within a Church that was noted for the fact that little latitude was allowed to exist. One side steadfastly maintained its scruples with regard to the Oath of Abjuration, was suspicious of government encroachments, championed the popular causes, and was jealous in the extreme when guarding the doctrines expounded by the Westminster Confession of Faith. The other party was the more numerous and more moderate, submitting under protest to the Government's oath, careful not to prejudice the cause of the Establishment, and attempting to avoid all doctrinal controversy that might lead to a rupture. Such was the state of affairs as the Church embarked on the third decade of the 18th century. The more extreme of the evangelical party were criticized for being over-zealous in their attempt to fish out heterodoxy, for their attachment to the Covenants, and for courting the affections of the populace.<sup>22</sup> The moderates were upbraided for involving the Church in political intrigue, for prostituting popular righteous causes to the whims of statesmen, and for being over-concerned for the Establishment at the expense of commitment to the cause of Christ.<sup>23</sup>

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22. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume I, page 260 and page 351. See also Boston, Thomas, Memoirs, page 282.  
23. Ibid., Volume II, pages 323-324.

When the Presbytery of Auchterarder's affair came before the Commission the Presbytery argued that they had a sound meaning in what they had designed to express by the proposition.<sup>24</sup> After discussing the matter with the Commission for some time the Presbytery brought in a paper in which they declared that:

"...although the sense they have given in their explication offered to the Commission, be sound and orthodox, and that they thought the words may bear it, yet in regard the General Assembly have condemned the proposition as it stands, therefore they promised that they will not use those words to express their orthodox meaning."<sup>25</sup>

After this the Presbytery was admonished and ordered to observe the promise given to the Commission.<sup>26</sup> In a sense they had satisfied their own scruples by making it clear that no matter how unorthodox they might sound yet their intention was orthodox. The Commission preferred to turn a blind eye to this apparent contradiction, and to allow the heat of discontent to cool.

When the Assembly met in 1719 the Commission of the Assembly was given a special instruction:

"...That they inquire how the prohibition has been observed in the bounds of the Presbytery of Auchterarder, or elsewhere, whereby the using of the proposition emitted by the Presbytery and condemned by the General Assembly 1717 was discharged; and that they enquire into the publishing and spreading of books and pamphlets, tending to the diffusing of that condemned proposition, and promoting a scheme of opinions relative thereto, which are inconsistent with our Confession of Faith, and that the recommenders of such books or pamphlets, or the errors therein contained, whether by word or print, be called before them to answer for their conduct in such recommendations. And the Commission are empowered to judge in cases of Doctrine that shall be brought before them by appeals or references from Synods or Presbyteries..."<sup>27</sup>

In compliance with their instructions, the Commission of 1719, appointed, "a committee for preserving the purity of Doctrine."<sup>28</sup>

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24. Records 1717, Session 7, 15 August 1717, pages 118-120.
25. Ibid.
26. Ibid.
27. Acts of the General Assembly 1719, Act XI. General instructions were given to the Commission in 1717 and these were continued year after year for over 150 years.
28. Records 1719, Session 5, 27 May 1719, page 298, and Session 8,

The committee was appointed to meet at Edinburgh, and a sub-committee was also to meet at St. Andrews.<sup>28</sup> The book "The Marrow of Modern Divinity" although not specifically mentioned by the Assembly was the reason for broadening the Commission's powers. It had been republished in Scotland with a preface written by James Hog, minister at Carnock, a noted evangelical. The committee of the Commission that met at Edinburgh summoned Mr Hog and three of his colleagues who were also suspected of being responsible for having the book published. When questioned by the Edinburgh committee their answers were satisfactory. The sub-committee, however, was busy examining the book and extracting from it heterodox propositions which they intended to submit to the Assembly of 1720.<sup>29</sup>

The storm surrounding the content of this book was a good advertisement for in the spring of 1720 another printing was needed. The Synod of Fife, however, wrote to the Commission about the prospect of reprinting asking the Commission to put a stop to it.<sup>30</sup> The Commission considered this reference and finding that the book was being examined by the sub-committee they recommended to all ministers of the Church:

"That they give no countenance or assistance to the reprinting or republishing of this book until the committee have made their report and that the same is reconsidered and judged by the Assembly..."<sup>31</sup>

When the matter came before the Assembly of 1720 the book was condemned as offensive, and contrary to Scripture and the Confession. The various doctrines thought to be in question and given an ambiguous meaning in "The Marrow" were; the nature of faith, Universal Atonement and Pardon, Holiness necessary to Salvation, the attitude towards fear of

13 August 1719, page 308.

29. Records 1719, Session 10, 11 November 1719, page 312.

30. Ibid., Session 14, 9 March 1720, page 377.

31. Ibid.

punishment and the hope of reward, which were not allowed to be motives for believer' obedience, and of the believer not being under the law as a rule of life.<sup>32</sup> In general "The Marrow" was considered to have had some antinomian characteristics, and it was believed that the book was mistaken in applying the distinction between the law of works and the law of Christ.<sup>33</sup>

The powers given to the Commission in 1719, which enabled them to deal with "The Marrow" and other matters of doctrine, were continued by the Assembly of 1720, and the matter was remitted back to the Commission.<sup>34</sup> During this year the supporters of the book rallied round and decided that in the Assembly of 1721 they would attempt to vindicate their position and have the Act of Assembly condemning "The Marrow" repealed. Unfortunately for them the Assembly was severely hampered by the grave illness of the Lord High Commissioner, John Earl of Rothes, and most of the Assembly business, including this matter about "The Marrow" was referred back to the Commission.<sup>35</sup> The Commission was given the special instruction to:

"...particularly take under consideration the representation, presented to the Assembly by Mr James Hog and others, about the book entitled The Marrow of Modern Divinity, and to call the subscribers of that representation before them or their committees and ripen and prepare these matters concerning doctrine for the next General Assembly, but not to give a final decision therein..."<sup>36</sup>

The Commission studied the representation of the twelve subscribers and considered it full of:

"...gross calumnies and injurious and undutiful aspersions cast upon the General Assembly and... the accusers themselves...by standing up in defense of that book, so justly censured, have laid themselves open to be suspected of favouring too much the errors contained in it..."<sup>37</sup>

32. Acts of the General Assembly 1720, Act V.

33. Ibid.

34. Ibid., See instructions to the Commission and the Index of Unprinted Acts.

35. McCrie, Thomas, (Ed.) Wodrow Correspondence, Volume II, pages 578-583.

36. Acts of the General Assembly 1721, Act IV.

37. Records 1721, Session 12, 10 August 1721, page 67

The next step for the Commission was the presentation of a series of twelve questions.<sup>38</sup> The twelve men balked at first saying that the Commission had already indicated what they felt about the representation, but the Commission insisted that the questions should be answered.<sup>39</sup> At the next session Mr Hog and the other subscribers gave in a paper with their answers:

"Concerning an Act of the General Assembly 1720 condemning the Marrow of Modern Divinity being called by the Commission of the late General Assembly to answer some queries alledged to be founded on the said representation, considering that the Reverend Commission having in August last passed an Overture, and therein made determination in several heads of the Representation aforesaid, which no answers of ours can warrand them to alter, and considering that the putting of queries to us in this manner is we conceive, an uncommon and undue method of procedure, we do not look upon ourselves as obliged to answer them, nevertheless for the sake of truth, and to take off any shadow of suspicion, however groundless, and being neither afraid or ashamed to bring to sight our sentiments of these points in the form of answers to the queries, as well as we have already in our representation. We judge it expedient to take them under our consideration and return answers thereunto against the Commission in March. Withal protesting that our condescension herein shall not be construed an approbation of this method of procedure, nor be approved as a precedent."<sup>40</sup>

In March when the Answers to the Questions posed by the Commission came in they covered 35 folio pages.<sup>41</sup> The Commission gave their findings on these long answers at their May meeting just before the Assembly.<sup>42</sup> Each point raised by the 'Marrow Men' received an answer and note was taken of several imputations cast upon the Assembly and the Commission.<sup>43</sup> Then the Assembly's Commission overtured the next Assembly with regard to this matter,

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38. Records 1721, Session 15, 8 November 1721, pages 89-91.

39. Ibid.

40. Ibid., Session 16, 9 November 1721, page 92.

41. Ibid., Session 19, 14 March 1722, pages 123-158.

42. Ibid., Session 24, 9 May 1722, pages 161-165.

43. Ibid.

in the following words:

"...And the Commission overtures the General Assembly that for the reason above mentioned they should strictly enjoin the said brethren to conform themselves to what the General Assembly has declared or enacted as above and would prohibit them or any others to vent or spread by teaching, preaching, writing, or dispersing pamphlets or any other way whatsoever any of the propositions above mentioned or forbidden to be used, and that the General Assembly should make the said brethren engage to conform themselves to this Act or inflict a suitable censure, if they refuse to do the same, and also the General Assembly should censure them as they think fit for the above mentioned reflections upon the General Assembly 1720, and should refuse the desires of their petitions as to the repeal of the 5th Act of the said General Assembly, and should appoint the Commission of Assembly and all Synods and Presbyteries of the Church to call the contraveners of this Act to an account and censure them as they shall be found guilty, and particularly these Synods and Presbyteries where any of these foresaid brethren do reside should be enjoined carefully to observe their conduct and keep them to their duty, but before removing the said brethren, they were warned apud acta to attend the ensuing General Assembly."<sup>44</sup>

This decision had the support of every member of the Commission present save one minister from Stirling.<sup>45</sup> It is interesting to note that the Commission held its final meeting on the day before the Assembly. This was to insure a good attendance for the vote on the proposed overture of the Commission which was of such vital importance that the weight of numbers could only add respect for their decision.

In the course of the Assembly's meeting the case came before the whole house. Wodrow says that before the 'Marrow Men' were called in many spoke of the good disposition of their carriage, but adds that when they finally came in, "little of it appeared."<sup>46</sup> During the debate over the affair they, "insisted that the Commission had groundlessly blamed them for calumniating the Assembly and the Church."<sup>47</sup>

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44. Records 1721, Session 24, 9 May 1722, pages 161-165.

45. Ibid., See Also McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume II, pages 638-639.

46. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume II, page 646.

47. Ibid.

The Commission's overture was gone through paragraph by paragraph and all objections against it fully taken off, and then it was put in a form to be passed by the Assembly. At length the Assembly of 1722 came to a vote and by 134 to 5 accepted the report of the Commission, with a few alterations, and converted it into an Act of the Assembly.<sup>48</sup> The 'Marrow Men' were rebuked and admonished, and it was said that they deserved a higher censure, but the Assembly was forbearing in the hope that the leniency shown would encourage them to loyalty and a more dutiful behaviour in the future.<sup>49</sup> Wodrow reports that the parties being censured were warned not to speak after the censure, but that they defiantly offered a protest. Mr Kidd, one of the 'Marrow Men' who actually handed in the protest, put gold down with it, but the paper and the coins were refused.<sup>50</sup> This protestation which they offered, but which the Assembly refused, was an adherence to:

"...our old Confessions, National Covenant, Solemn League, Confession of Faith, and Catechisms, and complain of the Commission's queries, and then declare that they cannot submit to the Act of 1720, or this act, but will preach the truths and protest against what the Assembly hath done or what may follow..."<sup>51</sup>

Regardless of how defiantly the 'Marrow Men' flew in the face of the Assembly the evangelical cause had suffered a severe blow. The more moderate clergy had been successful in keeping the Church on a less extreme course. As the protest of the 'Marrow Men' illustrates the evangelical party wanted the Church to revert back to the days of a bygone glory. Any attempt to keep them from doing just that was considered a defection from true Presbyterianism. Many of the defections that the 'Marrow Men' and their followers believed existed were traced to the admission of so many prelatial curates in the the Church courts.<sup>52</sup>

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48. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume II, page 653.

49. Acts of the General Assembly 1722, Act VII.

50. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume II, pages 653-654.

51. *Ibid.*, page 654.

52. Cunningham, John, Church History of Scotland, Volume II, page 255.

This is what their fathers had predicted if the Presbyterians took in the Episcopal incumbents on any terms just to satisfy the Government.

The decision of the Church did not, of course, end the controversy. These same men, supported by a few adherents, and given the acclaim of an ignorant populace, found themselves at odds with the Church on many other occasions. The Commission of Assembly did not endear itself to any of these men. As far as they were concerned it was an instrument of the Church designed to protect the interests of the moderates rather than Presbyterianism.

The Commission of 1716 was authorized and empowered to send committees to the north and to the highlands to visit the Churches there, to consider the state of affairs after the rebellion, and if necessary to "purge" and to "plant".<sup>53</sup> The Commission had little work to do for the lower judicatories were quick to censure any Episcopal clergyman who had joined with the rebels.<sup>54</sup> The Presbyterians had waited a long time to clear the parish churches of Episcopal incumbents. The Government offered little sympathy to those who joined with the Pretender. Thomas Stephen, the Episcopal historian, castigates the Church for their willingness to take advantage of this situation, and in most points he is quite right about the methods used to rid the country of the remaining Episcopal clergy.<sup>55</sup>

Presbyteries were also hard on the Presbyterian clergy if they were suspected of aiding the rebels in any way. The Presbytery of Perth libeled and eventually deposed Mr English, the minister of Kilspindy. On appeal to the Synod the Presbytery's sentence was sustained. Mr English took his appeal to the Assembly in 1718, and complained against the Synod's Clerk, Mr Patrick Wylie, but the case was referred to the Commission.<sup>56</sup>

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53. Acts of the General Assembly 1716, Act IX.

54. Ibid.

55. Stephen, Thomas, History of the Church of Scotland, Volume 4, pages 118-133.

56. Acts of the General Assembly 1718, Index of Unprinted Acts, Session 14.

When the Commission took up the case in November of 1718 Mr English's complaint was that the libel was not relevant and that in the depositions of witnesses there were some, "...scored, underlined, margins remarked, and blotted out sections by the clerk..."<sup>57</sup> The Commission found for Mr English and reponed him to the ministry, and took notice of the fact that 2 elders in the parish of Kilspindy who supported their minister were also deposed and had sentences of lesser excommunication passed against them.<sup>58</sup> The Synod was recommended to proceed to review the cases of these elders.<sup>59</sup> Mr. Wylie, the Synod Clerk, was deposed by the Commission from his post as Clerk, and was ordered to pay back to Mr English the amount he had extravagantly charged him for copies of extracts of the case.<sup>60</sup> The Synod carried the affair to the 1719 Assembly. Wodrow reports that it proved to be a very litigious action, but that the Commission's decision was not overturned.<sup>61</sup> It was not until the Assembly of 1720 that Patrick Wylie was reponed.<sup>62</sup> This did not end the matter for the Presbytery and Synod both pursued it to the 1721 Assembly. The Assembly of that year appointed a diet for hearing the complaint of the Presbytery of Perth against the sentence of the former Commission with relation to Mr. William English of Kilspindy.<sup>63</sup> For some reason or other the diet was never held. At last in the Assembly of 1722 the Supreme Judicatory of the Church ended the affair by stating that:

"The petition of the Presbytery of Perth, complaining of the procedure of the Commission of the Assembly of 1720 in the case of Mr William English...is refused; and tis found, that the said case, in so far as it affects Mr English, the Assembly cannot resume the consideration thereof, it being already determined by the Commission of Assembly."<sup>64</sup>

Thus the Commission was responsible for a piece of justice on behalf of this minister. The results of this case and the Assembly's decision

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57. Records 1718, Session 10, 12 November 1718, pages 226-227.  
58. Ibid., Session 11 and 12, 12 and 13 November 1718, pages 228-230.  
59. Ibid. 60. Ibid.  
61. Acts of the General Assembly 1720, Index of Unprinted Acts.  
62. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume II, page 447.  
63. Acts of the General Assembly 1721, Session 4, Index of Unprinted Acts.  
64. Ibid., 1722, Session 8, Index of Unprinted Acts.

not to overturn a decision of the Commission was to have greater implications than at first realized. Later when the Assembly's right to reverse their Commission's sentences was debated this case served as a classic illustration for the side debating that the Commission's actions could not and should not be tampered with.

Two other cases were handled by the Commission in this period involving the reversing of Synod censures. In 1718 the Commission reponed Mr James Gordon, the minister of Knockandow, in the Presbytery of Abermethy, the Synod of Moray. In this affair the deposition was sustained by the Synod but reversed by the Commission on the basis that no libel was ever exhibited to him, and that not enough time was allowed for Mr Gordon to work up his defense.<sup>65</sup> It appears that Mr Gordon had been deposed on the grounds that he was of Episcopalian sentiments. A considerable number of the Reverend members of the Synod of Moray did enter their dissents from this decision of the Commission, but the decision stood.<sup>66</sup>

The other matter had its beginnings in the Jacobite rebellion of 1715. Mr William Russell, the minister of Stobo, in the Presbytery of Biggar was libeled for not praying for King George. In 1720 the Synod of Lothian and Tweedale suspended him, and in 1722 he was deposed. The affair was referred to the Commission who voted to repone him by a great majority.<sup>67</sup> The Church, however, did not look with favour upon this action of the Commission. In 1723 when the Assembly met they voted to disapprove of the action, and the recording of this disapprobation was appended to the attestation of the Commission's records:

"...and having heard their remarks thereupon viz., that in page 178 the Commission reponed Mr William Russell, minister of Stobo, against a sentence of deposition pronounced by a committee of the Synod of Lothian and Tweedale and afterwards approven

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65. Records 1718, Session 16, 11 March 1719, pages 246-248.

66. Ibid.,

67. Records 1722, Session 2, 23 May 1722, pages 178-179.

by the said Synod upon grounds posterior to the forsaid sentence viz., his profession of repentance and acknowledgement of the faults for which he was deposed, which he could by no means be brought unto before the Synod, and for the want of which he had been deposed...they ordered the clerk to attest their book with a disapprobation of their decision in the case of Mr Russell..."68

Year after year, and with each fresh incident of displeasure the Commission's makeup was questioned. In 1719 the Assembly received instructions from several Presbyteries with regard to the Commission. The Presbytery of Meigle appealed for members of the Commission to sign the Confession of Faith as members of the Assembly had to do, and that Presbyteries have an equal proportion on the membership.<sup>69</sup> The Presbytery of Wigtown, and the Presbytery of Fordoun overtured that:

"...the Commission to be appointed...be either of the same number or the same persons with the constituted members of the General Assembly and that their be no supernumerary elders appointed from any Presbytery whatsoever to be members of the Commission except their just and equal proportion."<sup>70</sup>

These overtures came in ever-increasing numbers during the third decade of the century. In 1721 the Synod of Fife overtured the Assembly:

"...that the members of the Commission both ministers and elders be named in a just proportion to the several Presbyteries they represent, and as they are in the rolls of the Assembly that in so just a representation of the several Presbyteries the interest of the elders as well as the ministers therein may be the better understood."<sup>71</sup>

The Presbytery of Wigtown, who overtured the Assembly, with regard to the Commission, more consistantly than any other Judicatory, said in 1721 that they:

"...craved that the Assemblies renew their Act about the Constitution of their Commission and enact for preventing inconveniencies that each Presbytery be empowered to transmit with their Commissioners their own nomination of these their number who shall be constitute members of the then ensuing Commission and that none shall be members thereof but those so nominated."<sup>72</sup>

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68. Records 1722, The General Assembly's attestation of the Records is appended to the records of the Commission, pages 252-253.

69. Miscellaneous General Assembly Papers 1719, (Ms.), Volume 2.

70. Ibid.

71. Ibid., 1721

72. Ibid.

Again in 1723 Wigtown overtured the Assembly:

"That as the Acts of Assembly of the Church determine the representation of the Presbyteries in Assemblies and Commissions in a just proportion to their number that the venerable Assembly may likewise take care that the said representation should not be of the same persons which tends to corruption and a constant membership, but by a just circulation of brethren equal by office."<sup>73</sup>

The vital question bothering the Church was the method by which Presbyteries were represented on the Commission and the proportion of representatives relative to other Presbyteries. It was somehow felt that if Presbyteries were free to name their own representatives then the actions of the Commission would be more consistent with what the Presbyteries desired. It was also suggested that appointing men to serve year after year would tend to a corrupting influence. These were all problems that the Assembly would be forced to take more seriously in the Assembly of 1724.

In the mean time a great many other things also proved to be grievous to the Church. When the rebellion came to a rather hasty and disorganized end early in 1716 it looked as though the fortunes of the Pretender had been spent forever. In Scotland the consequence for this futile effort spelled disaster for the Episcopalians. It was hoped that during the General Assembly of 1716 that the Assembly would appoint a National Thanksgiving for deliverance from this enemy and the preservation of King George I. The right of the National Scottish Church to appoint Religious Thanksgivings and Fasts in Scotland had been the function of the Assembly or its Commission until just after the Union of the Parliaments. It now proved an embarrassment to the Government and the Church. Before the Union, it had been a simple matter of deciding to observe such a day, drawing a draft of the causes, and having the Scottish Parliament or Privy Council approve the Act, thus giving it the full force of law. Since the Union

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73. Miscellaneous General Assembly Papers 1723, (Ms.), Volume II

the Church could hardly bring itself to test the British Parliament or Crown on this point. Nonetheless in 1716 Instructions came in from nearly every Presbytery calling for the Assembly to appoint a day of Thanksgiving. When this came before the Assembly the Lord High Commissioner informed the Assembly that the King had already appointed such a day. The Presbyterians considered this an encroachment of the Government into Ecclesiastical affairs, and they could hardly submit without a protest. What is more they were not likely to take kindly to the King who was considered by the Church of England as the head of the Church appointing a fast for Scotland. Matters were so managed that the Commission could appoint the Thanksgiving when the Government's proclamation should appear. Wodrow reported the mood of the Assembly when he writes:

"...we are like to be threaded out of the exercise of our power as to fasts and thanksgivings by the Assembly; No Assembly, that I mind of, having appointed any days of this nature these six or seven years..."<sup>74</sup>

The problem of appointing National fasts was to become a bone of contention for the Church of Scotland during the next two decades. The two parties found it increasingly difficult to agree on the causes, and feelings were too tender to risk a forcing of the issue. The more evangelical members of the clergy looked upon this failure as a defection. The more moderate members refused to countenance the national fasts because of the insistence to regard Patronage, and the Toleration as worthy of inclusion in the causes. This would threaten relations between the Church and the Government, and the British Government would hardly approve such a National Fast on such a basis.

The interference of the High Commissioner to the Assembly in this matter of a Thanksgiving highlights a point that deserves mention and illustrates one of the main reasons why the Assembly found it more expedient

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74. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume II, page 202.

than ever to appoint a Commission. The reference of many matters from the Assembly to the Commission was a means of avoiding an embarrassing confrontation between Kirk and State or a means to keep from being involved in a conflict of interests with the Crown. On more than one occasion affairs were abruptly referred to the Commission instead of being left to discussion in open Assembly where they ran the risk of offending the King. Later in the debates that surrounded the Patronage issue the Assembly found it particularly useful to remit problems involving a presentation by the King to the Commission. Thomas Stephen says:

"...the Church was embarrassed by the presence of a royal commissioner whose duty it was to preserve the rights of the crown from invasion, and the Assembly was obliged to devolve its dirty work on the Commission, which was now become by divine right also a part of their constitution."<sup>75</sup>

Wodrow seems to bear out Stephen's claim when he reports a curious debate during the Assembly of 1725.<sup>76</sup> This argument developed over Instructions that came to the Assembly from the Synod of Fife and the Synod of Perth and Stirling. It seems that many were concerned about the publishing of an edition of the Westminster Confession of Faith and whether it should contain in the preface the Act of the General Assembly of 1647 which explained it, and the Solemn League and Covenant. However, there was a clause in the Act of Assembly 1647<sup>crushed</sup> that could be so constructed that it seemed to restrict the King from calling ministers that he pleased to consult with, and also because the Solemn League and Covenant stood condemned by an unrescinded Act of Parliament. Therefore it seemed best that the debate should not be carried on in the Assembly.<sup>77</sup> In fact, Wodrow says that he made a private suggestion himself that the matter should be handled by the Commission, but he goes on to reveal that when this was proposed to the Assembly that it raised a further clamour.<sup>78</sup>

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75. Stephen, Thomas, History of the Church of Scotland, Volume IV, page 135.  
76. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume III, pages 199-203.  
77. Ibid.  
78. Ibid., page 200.

Finally Wodrow indicates that the Commissioner was extremely anxious that the matter should not come into the Assembly from the Committee on overtures, and in the end it was referred to the Commission.<sup>79</sup> It should never be thought though that the Church was in any way displeased or embarrassed by the presence of the King's representative as Stephen suggested. On the contrary they were pleased and flattered. The evidence seems to suggest that a good deal of respect was felt for the Commissioner and his wishes. In fact Wodrow suggests that the Moderator of the Assembly had been and was chosen on his advice and with his approval. During the 1721 Assembly it was reported that;

"Mr Mitchell was designed to be Moderator, but Mr Thomas Black of Perth carried it by six votes, which some think odd."<sup>80</sup>

Then during the election for Moderator in the 1726 Assembly Wodrow writes:

"The Assembly came to a choice of the new Moderator, and Mr Mitchell, though his daughter is a dying, was named by the Commissioner, and Mr William Hamilton, Professor of Divinity, was concerted by a good many, because Mr Mitchell was of late made a particular turn, because he declined it, because he was since Professor Hamilton, and because those I speak of are not for still being tied down to one named by the Commissioner. The struggle run very near. As I reckoned it on my buttons, Mr Mitchell had but one, and I am pretty sure he had not two. However, it carried..."<sup>81</sup>

The following year another struggle developed over the election of the moderator of the Assembly. Robert Wodrow says that at first the Commissioner was for Professor Hamilton, but turned in favour of Mr Black of Perth. Then Wodrow added that he did not think that the Commissioner would have minded if the Professor were elected, as in fact he was. Then an interesting observation was made with regard to something that was said in open Assembly:

"Indeed, the Church being balked last year in their choice, which was noticed in Assembly by

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79. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume III, pages 199-203.

80. Ibid., Volume II, page 578.

81. Ibid., Volume III, page 240.

Mr Ramsey, who questioned whether Mr Hamilton was not really chosen by the last Assembly, which Mr Mitchell resented from the chair, and said he saw where that pointed, and that it was an attack on the sincerity of the Clerk..."<sup>82</sup>

On other occasions Wodrow points to the usefulness of the Commissioner and the value of having such a person in the Assembly. This point will be taken up again briefly when it shall become increasingly clear of the part that the King's Commissioner was to play in the discussions, debates, and activities of the General Assembly.

The problem of greatest moment to the Church during this period was the procedure in settling vacant Churches. The Act of Patronage was regarded as a great burden and hardship by the Church, but it is significant that the General Assembly did not legislate on the Question whether or not a minister might accept a presentation. The Assembly also avoided the question of how a Presbytery should proceed if a presentation were made to a parish within their bounds. Members of the Assembly of 1713 were inclined to waive all general rules in the case of a presentation for fear of clashing with the law and bringing more burdens upon the Church. The leadership of the Church evidently thought it would be better to play safe and depend on the unpopularity of the law in Scotland which kept patrons from venturing to test their rights before the Church.

For a considerable time after the restoration of Patronage the churches continued to choose their own ministers through the system that had been in use from the time of the Revolution. Through this system a candidate was chosen from a list devised by the heritors and elders and presented to the heads of the families of the parish who voted to approve or disapprove. On some occasions the patron would then offer the presentation to the person chosen by the parish after the manner mentioned. The Church had made no provisions for the proper ways of receiving a

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82. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume III, page 240.

presentation, and refused to discuss, until forced to do so, under what circumstances or conditions a presentation was to be recognized as valid by the Church. Many individual ministers and some judicatories refused even to take any notice of a patron's rights or actions under the law. By the third article of the Act restoring Patronage, the right of presentation devolved on the Presbytery if the Patron did not make a presentation within six months of the parish falling vacant. In most cases, after the Patronage law was passed the jus devolutum, as it was called, was allowed to come into operation. If a patron tried to exercise his right of presentation the Presbytery concerned usually found a way around the law that allowed them to ignore his attempts and they would proceed to handle the settlement in the way they always had before the law came into force. The Stirling letters inform us of how the Commission itself managed to avert one such incident. In the Synod of Perth and Stirling, the parish of Kilspindy fell vacant after the Presbytery deposed the incumbent, and the Synod sustained the Presbytery's action. As soon as possible after this action the Presbytery called one Mr Shaw from the parish of Aberdalgie to be settled there. At this point the Patron of the parish presented a Mr Mercer, minister at Forteviot, as agreeable to himself and the whole parish.<sup>83</sup> The Patron then went on to complain against an action of the Commission which had reversed the whole affair:

"I did think I was hardly used by the Commission who meddled in this affair, which did not at all lay before them. I have proceeded legally in every step I have made in this matter, appealed from one judicatory to another and now its before the General Assembly who I hope will give me redress and prevent my being obliged to carry it further, which I am resolved to do rather than to lose my right..."<sup>84</sup>

The Commission was forced to reverse the presentation of the Patron and

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83. Stirling Letters, (Ms.), Volume II, letter 25, dated 12 May 1719.

84. Ibid.

the call of the Presbytery and Parish because they had reponed the deposed minister of the parish to his charge.<sup>85</sup> How many incidents like this occurred we shall never know, but the threat to this Patron gives support to the theory that many patrons wanted to exercise their legal right and were prepared to appeal the matter all the way to the House of Lords if necessary. Of course, in 1719 the Parliament made the law of Patronage more effective by enacting that the expiry of the six months allowed by the patron should not take place if he presented a minister not legally qualified, or who was the pastor of another parish or who was not willing to accept a presentation.<sup>86</sup> Up until this time the law was kept from being of any effect because the Presbyterians were successful in stalling until the six months had run its course and then they proceeded to settle the parish as they always had done. This amendment to the bill virtually eliminated the possible loopholes by which the Church of Scotland had avoided a confrontation with the Patronage issue. Now if a Patron presented a man and he did not accept the six months statute of limitation commenced again. If the Church continued to refuse recognition of a presentation the parish could be kept vacant indefinitely and the patron kept the stipend until the presentee was finally settled.

In the rare cases where a presentation was recognized it was often difficult to make inferior judicatories submit to the law or to give in to the appointment of a higher judicatory. The Presbytery of Peebles refused to settle John Hay as minister in the parish of Peebles although directed to do so by a superior judicatory. Scott in his *Fasti* says that Mr Hay was presented as early as 1713 to the parish of Peebles by the Earl of March, but that the magistrates opposed the minister because of his youth.<sup>87</sup> The Synod

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85. Records 1718, Session 10 and 11, 12 November 1718, pages 226-231. See also Acts of the General Assembly 1718, Index to Unprinted Acts.
86. Statutes at Large, Volume 5, page 239.
87. Scott, Hew, Fasti, Synod of Lothian and Tweeddale, Presbytery of peebles and the parish of Peebles, page 287. This John Hay was the son of Theodore Hay, vicar of Peebles 1676-1687. He was the grand-nephew of John Hay who was minister from 1667-1687. His great Uncle was minister before that, and his great-great Uncle Theodore Hay served here from 1610 until 1648 when he retired.

reversed the action of the Presbytery who had supported the magistrates claim. The lower judicatory still refused to submit. The affair worked its way through the courts of the Church until at last the General Assembly ordered the Presbytery to submit to the Synod's sentence. As insurance against any obstinate behaviour on the part of the Presbytery the Assembly appointed a committee designed to make sure that the will of the Assembly was obeyed. This committee was to:

"...correspond with the Presbytery of Peebles, and to Act and vote in their meetings at the next ensuing diet, and thereafter, until the settlement of John Hay in the parish of Peebles be completed, and to concur with them in his ordination."<sup>88</sup>

Here then is the first recorded instance of what came to be known as a 'riding committee'. The key words in this act are, "to act and vote in", and, "to concur with", for later on when such committees are appointed they are given the power to act and vote themselves and later still even to ordain should the Presbytery refuse to do that after the committee settled the man. Curiously Wodrow, who comments on this incident, says nothing of the innovation of a corresponding committee.<sup>89</sup> He does mention one other important fact in the passing, and this remark shows how the wishes of the Royal Commissioner were catered for in the Assembly:

"...Mr Hay's settlement at Peebles ordered by the Synod of Lothian, against the mind of the Presbytery, is approved by the Assembly, and he ordered to be settled there. The Commissioner's aunt, the Lady Mure, sets up for him."<sup>90</sup>

Wodrow's refusal to note the corresponding committee seems remarkable. Most likely it did not seem extra-ordinary to him. There is the possibility that this method of dealing with inferior judicatories who would not obey was already in use, perhaps by Synods. The fact that the Assembly should name corresponding committees to meet with certain Presbyteries was not

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88. Acts of the General Assembly 1717, Index of Unprinted Acts, Session 13.

89. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume II, page 265.

90. Ibid.

new. The purpose for which they were ultimately intended may be seen to be original, but in the early years of the Revolution Commission, the Assembly appointed the Commission to correspond with the northern Presbyteries. In some cases when the Commission corresponded with these Presbyteries men were tried and censured. In the Commission's dealings with the schismatical Hepburn committees of the Commission were sent to the south-west of Scotland. After the rebellion of 1715 it became necessary for the Assembly to send various committees of the Commission into the north to help Presbyteries deal with the ministers who joined in the rebellion.<sup>91</sup> However, in all these cases the Assembly did something which was popular with the Presbyteries where the correspondents were sent, and the correspondents were made welcome. In this case the Assembly was appointing correspondents to force the Presbytery to do something that it did not want to do. Some years later Robert Wodrow and a number of other men were to regret the use of correspondents as a means of settling vacant parishes by order of the Assembly or its Commission.

In a way the corresponding committees proved useful. Members of the Presbytery could refuse to vote altogether in an unpopular settlement, and the will of the superior judicatory could be carried by the votes of the correspondents. In this way the members of the Presbytery could absolve themselves of any blame before the people by saying that it wasn't their fault that the unpopular settlement had taken place, but they could point the finger at the corresponding committee of the National Church and say that they had no control of the matter. Other men who strong scruples about doing anything in support of the Patronage law could be satisfied in the same way after they had registered their protest. In the particular case involving Mr Hay the outcome seems to

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91. Acts of the General Assembly 1716, Act IX.

have proved satisfactory to the parish for he remained in the parish of Peebles until his death in 1760.<sup>92</sup>

The Assembly's example was soon followed by the Commission.

Mr James Christie was ordered to be transported to the parish of Dunfermline, but the Parish refused to have him settled. When no accommodation could be reached the matter was referred to the Assembly's Commission. The following procedure was to take place:

"...read presentation...read Presbyteries reasons why it should be laid aside...read the representation of the heritors as patrons and call of heritors, some magistrates and Town Council of the Burgh, and of the elders, and heads of families...signed by 430 persons...then read representation by some heritors, magistrates and Town Council giving reasons why presentation could not be sustained and entreating that the matter be laid aside... signed by 16 persons...Act of Kirk-Session entreating that the matter be laid aside and that a list of ministers and probationers acceptable to the parish be drawn and a free election allowed...read the Act of the General Assembly 1649 appointing method of settling ministers...carried by a great majority to proceed..."<sup>93</sup>

As soon as the will of the Commission was known in this affair one of the members of the Presbytery, who evidently favoured the settlement, made the following request:

"Mr Allan Logan in the name of the Presbytery of Dunfermline, entreated of the Commission that they would appoint such ministers as they thought fit to join with the said Presbytery in the settlement of Mr James Christie in the parish of Dunfermline."<sup>94</sup>

The Commission considered this request, and realizing that the Presbytery was of no mind to proceed to the settlement even though the Commission ordered it, did accordingly:

"...appoint their brethren Mr James Henry, Mr John Cleghorn, Mr William Thompson, Mr William Greenless, Mr William Myles and Mr William Knox being members of the Commission from the Presbytery of Kirkcaldy and Couper to concur and join with the said Presbytery of Dunfermline if required by them in all steps of the foresaid settlement..."<sup>95</sup>

92. Scott, Hew, Fasti, Synod of Lothian and Tweeddale, page 287.

93. Records, 1717, Session 11, 14 November 1717, pages 146-147.

94. Ibid., Session 13, 15 November 1717, pages 153-154. 95. Ibid.

Thus the Commission had appointed its first real 'riding committee'. However, it should be noted that while Mr Logan had wanted a committee designed to settle Mr Christie, the Commission only appointed some to concur and join with the Presbytery. According to the minutes of the March meeting of the Commission the correspondent committee reported that it had met several times with the Presbytery and the parish not so much to settle Mr Christie as to submit to the wishes of the Presbytery to have the presentation laid aside. In discussions with all the parties a compromise was worked out and the Presbytery and the correspondents ended the affair in a peaceable way.<sup>96</sup> Thus the Assembly's example in 1717 and the Presbytery's request of the same year had paved the way for a new precedent.

The very next year the Commission was called on to settle a dispute in the Presbytery of Kirkcaldy and the parish of Ballingrie. The Patronage law said that when the presentation devolved on the Presbytery the heritors and elders were to chose from a list of persons presented by the Presbytery. In this case the heritors and elders were divided over which of the two on the list should be called:

"Parties were called, and there compeared Mr Adam Cunninghame Advocate as Commissioner for that part of the parish who were for Mr Robert Balfour, Probationer, whose Commission was produced, and on the other side compeared the right honourable John Earl of Rothes for himself and as an heritor, And Alexander Colvill of Blair as Commissioner, in name of those in the said parish who are for Mr James Thomson, probationer as likewise compeared Mr James Hadow and diverse other members of the Synod of Fife appealed from in the said matter, and parties being thus sisted, the sentence of the Synod of Fife allowing a new moderation of a call to either of the above mentioned probationers who are to be put on a list, with this express promise, that the major part of the heritors and elders then voting and signing shall determine

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96. Records 1717, Session 18, 13 March 1718, pages 172-173.

in the settlement with consent of the greater and better part of the heads of families was read with the appeal therefrom made by these who were for the said Robert Balfour, reasons thereof and answers thereto, and parties being fully heard, the appellants proposed a full and free election, and that the parish might not be restricted to these two, but it was answered to that, that the whole parish seemed to be centered on these two, and to bring in any more in the list might occasion further divisions in the parish, and seeing there was no personal objections against any of the two above mentioned it was most proper to continue them to be the list, parties being removed, and the Commission maturely considered the affair, it was put to the vote, approve of the above narrated sentence of the said Synod or not, and the rolls being called and votes marked, it carried unanimously in the affirmative approve, like as the Commission of the General Assembly did and hereby do approve and appoints a new moderation of a call to either of the 2 probationers...Mr Andrew Cunninghame, in the name of his constituents protested for liberty to complain to the General Assembly."<sup>97</sup>

This decision occasioned the first complaints against the Commission's decision with regard to a settlement, it was not, of course, to be the last. The Patronage act had made such a course of affairs possible. Now the Church had to learn to live with the law. Some were bound and determined that they would not countenance it, while others of a more moderate and complying nature did not consider it of such great significance. The heated debate over Patronage was just beginning, but before it was over the argument about the rights of the parish and the legal rights of the Patron was to contribute not only to the secession, but to what some came to believe was an era of Ecclesiastical despotism.<sup>98</sup>

The occurrence of the year 1723 and 1724 which involved the Commission in the affair of Lockmaben brought a flood of protests and a renewed effort to have the Commission regulated so as to keep its power out of the hands of a few.

Attempts had been made on more than one occasion to have the

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97. Records 1718, Session 2, 28 May 1718, page 197. It is interesting to note that the decision favoured the side of the Earl of Rothes, who had been and was to be the King's Commissioner to the Assembly.  
98. McKerrow, John, History of the Secession Church, page 34.

Commission's constitution altered. The reorganization of the Commission in 1705 was not considered sufficient. It must be admitted that there was little real reform of the Commission at that time, merely an attempt to make the election of members a little more democratic. Wodrow commenting on the actions of the General Assembly of 1711 reports that the usefulness and the structure of the Commission came under review and pressure was brought to bear then to have its powers limited:

"In the entry, the Moderator represented his mind very fully about the Commission, and alledged that it was extremely useful, yet it needed to be restricted. That it was evident the Commission had this year (in Mr Elder's case and Mr Mair's) altered their own sentences, and done other things that certainly did contradict one another, at their different meetings; that if a Moderator were willing, he might signify to some members to come up, and so get the Commission to vote what he pleased; that members of the Commission (vix et mediis) had procured, upon particular matters, a particular set of members that came up for that purpose; and that in weighty affairs it was hard, that under the general of the Church's good, public concerns of the Church could be carried by a majority of twentyone."<sup>99</sup>

In the Assembly of 1718 a row developed over the appearance year in and year out of the same persons on the Commission. Wodrow who later denied that this was a valid criticism of the Commission, and that only a relative few were returned in successive years reported the troublous incident about the Commission's makeup to his wife in a letter from the Assembly:

"In the afternoon about six, the Assembly met; and, of 11 the committee returned, they fell on the nomination of the Commission, which was drawn up by the committee named a day or two since. The brethren from the Synod of Merse complained that a certain person in their bounds who had been 15 years on the Commission, and for that cause had been left out by the three nominators of the Commission from that Synod, was put in without their knowledge; and one whom they had nominate, Mr Douglas, struck out, after he had been read in the committee. This made terrible flame in the house as ever I saw, the committee was called in, and one side reasoned that the committee ought to

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keep by the list given in by the Synods; the other side urged that the committee had the nomination, and could alter the lists. The Act of Assembly was read, and it appeared the committee had power to alter by that Act; yet it seemed to be agreed to strike out that member who, in the meantime was not named. But the Commissioner interposed only in private on the throne, signifying he was one of the King's Chaplains; and it was agreed that the Assembly had power to keep in or out, and he was kept in as Mr Douglas added."<sup>100</sup>

These incidents and the one that we come to now help to illustrate that the Commission was considered a court of such stature that members were to be chosen carefully, and that it was to be made to represent the true mind of the Kirk. The inclusion of men simply because they were Crown favourites did not set well with a segment of the Church.

In the Assembly of 1723 the whole affair of Lochmaben was referred to the Commission by the common consent of all the parties.<sup>101</sup> Wodrow gives the reason why the affair could not be discussed in the Assembly:

"Annandale was brother-in-law to the Commissioner and it was not so proper that a cause of that nature, wherein the King's presentation was, should come in open Assembly."<sup>102</sup>

The case involved three competing calls to the same parish and was therefore a most complicated affair. Regardless of what the Commission's decision

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100. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume II, pages 382-383. The system of nominating a Commission was complex indeed. During the sitting of the Assembly delegates from each Synod were nominated from the Presbyteries of the Synod to serve as a nominating committee. Each Synod's delegation presented a list of persons from each Presbytery within the Synod. This committee submitted its list of nominees to the Assembly's executive type committee. From this list the Assembly's committee selected the men who were to serve for the coming year. The lists were seldom altered, but the committee apparently had the power to take off or add to the list. The list approved by this executive committee was presented to the Assembly to be approved. In the case that this footnote refers to the list was altered to include Mr Ramsey of Kelso who had served on the Commission for 15 consecutive years. He was appointed because he was the King's chaplain. However the Synod's nominating committee had deliberately left his name off since he had served so long. To appease the anger of the Assembly members who favoured Mr Douglas his name was re-instated, but Mr Ramsey was also appointed to serve.

101. Acts of the General Assembly 1723, Index of Unprinted Acts, Session 11.

102. Wodrow, Robert, Analecta, Volume II, page 385.

was going to be there would be two parties, and perhaps three that were to be disappointed or angry. Wodrow analysed the situation that finally developed perfectly and said:

"...I fear it will prove a handle to open the Act of Assembly about the constitution of the Commission, by severals who want a handle to break matters more and more among us..."<sup>103</sup>

After the dissolution of the Assembly the Commission took up the Lochmaben case and:

"...resolved to take consideration whether the Synod did right in ordering a call to be moderated to Mr Carlyle...and do everything for settling him in the parish, that is requisite according to the rules of the Church with as much dispatch as possible."<sup>104</sup>

A petition was received from about 125 parishioners pleading that the sentence of the Synod of Dumfries might be confirmed and that the Commission order the speedy settlement of Mr Carlyle.<sup>105</sup> At the next session the Commission voted to appoint the Presbytery of Lochmaben to proceed to call Mr William Carlyle and to settle him without delay according to the rules of the Church.<sup>106</sup> This the Presbytery refused to do and appealed the matter back to the General Assembly. In November, at the Commission's quarterly meeting, Mr David Wightman protested for the Presbytery that his appearance before them was not to be construed as a passing from their appeal to the Assembly.<sup>107</sup> In the time following the Commission's order in May and August the Presbytery had proceeded to settle Mr Edward Bunkle in the parish. The Commission considered this as contempt for their authority, a laying aside of a call which the majority of the parishioners concurred in, and a grossly precipitant action since Mr Bunkle had only 5 or 6 days for his trials, plus the fact that the

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103. Wodrow, Robert, Analecta, Volume II, page 387.

104. Records 1723, Session 1, May 22nd 1723, page 264.

105. Ibid.

106. Ibid., Session 2, May 22nd 1723, page 265.

107. Ibid., Session 13, 14 November 1723, pages 298-301.

Presbytery had taken his whole trials in order to his ordination in just 1 day.<sup>108</sup> On all these grounds the Commission voted to annul the settlement of Mr Bunkle, but his ordination was allowed to stand.<sup>109</sup> At the next session the Presbytery was rebuked and admonished.<sup>110</sup> Following this action the party interested in Mr Carlyle's settlement appeared and called for the Commission to take some action in his favour. Accordingly they sustained his call and ordered the Presbytery to take the matter to their consideration, but if the Presbytery delayed or refused then the Commission ordered that:

"...the parties can appeal to the Synod and the Moderator of the Synod is authorized to call a pro re nata meeting of Synod to take this matter under consideration and to do therein as they shall see cause."<sup>111</sup>

Many Presbyteries were outraged to think that a lower judicatory was forced against its will, by the Commission, to proceed to settle a man who had received and accepted a presentation. A great number of overtures were presented to the Assembly of 1724 calling for the regulation of the Commission. Most of the Overtures, as usual, called for a due proportion from each Presbytery, and that several ministers of the Church have their equal turns of being members of the Commission.<sup>112</sup> The Presbytery of Lochmaben, the most concerned in the affair, overtured:

"That in regard the Act of Assembly 1705 about naming a Commission...does not answer the end proposed that every Presbytery of Scotland shall name the members of the Commission for their own Presbytery...That members be changed annually that the same persons be not constantly members of the Commission."<sup>113</sup>

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108. Records 1723, Session 13, November 14th 1723, pages 298-301.

109. Ibid.

110. Ibid., Session 14, 15 November 1723, page 301.

111. Ibid., Session 15, 15 November 1723, page 301.

112. Miscellaneous General Assembly Papers 1724, (Ms.) Presbyteries of Bigger, Jedburgh, Selkirk, and Middlebee.

113. Ibid., Presbytery of Lochmaben.

The Presbytery of Earlston's overture was even more sophisticated:

"In regard a great deal of the government and discipline of the Church comes into the hands of the Commission. Therefore in order to maintain a parity in administration, and that the final decision of business in this Church may not be lodged in the hands of a few. It is overtured that Presbyteries at appointing members for the Assembly shall also name such as they incline to be on the Commission in case the General Assembly think fit to appoint one, or that every General Assembly shall name the Commission out of their own number without altering or adding or diminishing from the number of the said Assembly. Also that the said Commission thus constitute shall sit for a week after the General Assembly in order to discuss appeals referred to them unless sooner ended and that the members be strictly enjoined to attend..."<sup>114</sup>

The Presbyteries certainly knew that in fact there was a parity of administration, for the Commission was a numerous body. New men were added each year even though a few were practically constant members. The Kirk's Commission was in reality a very representative body reflecting the opinions of the National Church and the National and civil governments. Members were placed on the Commission from every Presbytery and Synod and from all areas of governmental life. It could be argued that the Assembly had lodged important business in the hands of a few, but only by virtue of the fact that a great many members did not attend the Commission's meetings. Except when the membership knew that a very important matter was to be discussed before the Commission the meetings were usually poorly attended with barely over the minimum number for a quorum. It could have been argued also that the final decision in important affairs, could be left over to the Assembly, but the main purpose of a Commission was to expedite matters so that the Assembly could be kept free from such time consuming debates. Even when the Commission was merely to ripen affairs for the next Assembly there was the chance that fault could be found with the methods and procedures taken, as in fact, happened in the Marrow case.

114. Miscellaneous General Assembly Papers 1724, (Ms.), Presbytery of Earlston.

As for the overture that the Commission meet following the Assembly for a week, it was already the Commission's custom to meet for a few days following the Assembly. During this time the Commission could begin work on the important affairs referred to it while they had the advantage of a greater number being in attendance. The orders of the Assembly limited them to carrying on important items of business only at the fixed quarterly meetings. The fault in the Commission really lay as it had always done with the failure of members to attend the quarterly meetings in sufficient strength, especially the meetings scheduled for August, November and March. While it is true that travel caused serious limitations to be placed on some members, and expense was an important consideration to others still the poor attendance at Commission meetings was a sad commentary on the majority of members who did not take their duties as Presbyters as seriously as they perhaps should have done. It can hardly be argued that the members did not have knowledge of the affairs that were before the Commission. Most men of the day were well informed indeed. Robert Wodrow serves as the prime example for us in this respect. This pastor of a western parish managed to know most of the business and gossip of the times. Stirling's letters also prove how well these men in the west of Scotland understood what was being done or what was going on in the nation's capital city.

The Presbytery of Dunoon instructed its commissioners to press earnestly:

"that some practices used in choosing the Commission of the Church be reformed. Particularly that it be not in the power of the electors when met in constituted committee, to alter lists or reject the lists given in by particular electors in every Synod. But that these lists stand, unless it be found by that committee that the electors from the Synod industriously keep themselves from being members of the Commission, in which case the committee of elections may if they think fit add such but that no other additions be made to the lists given in...unless the same be done in full and open Assembly... and therefore that the 17th Act of the Assembly 1568, regulating the lection of Assemblies and their commissions be revived and punctually observed in all time coming,

appointing commissioners to be changed from one Assembly to the other lest the election be confined to certain persons, especially considering, that blessed be God, there is now not such penury of excellent and able ministers and elders as there was in the year 1568. It being most consonant to Presbyterian principles that the members of the Church fully share in its government and that it cannot but be stumbling to find it otherwise."<sup>115</sup>

Wodrow in writing to his wife from the Assembly said that there was little of importance before the Assembly of 1724 but the Lochmaben affair:

"Whereon no small heat seems to appear against the Commission. And considering that the Commission will not vote, the Earl of Annandale reckons himself sure to overturn Mr Carlyles settlement."<sup>116</sup>

There were other grumblers at the Assembly, as well, determined to do something to revenge themselves because of some cause or other related to the Commission of Assembly:

"The instructions have nothing material, save a general cry upon the Commission, and new limitations to be put upon it, From the Synod of Argyll, because Mr. G.D. was left out last year, The Synod of Moray, and some neighboring Presbyteries, upon the account of the Commission's procedure as to Mr John Ramsey in March last; the Synod of Merse, because Mr Ramsey was kept on and Mr Gandy turned out..."<sup>117</sup>

Wodrow, at least, was fearful that the Assembly's actions would have adverse effects:

"If a door be opened, as to the Commission, I am apprehensive it will draw deeper than we apprehend."<sup>118</sup>

However, he did not stand alone with his fears for he reported that:

"The commissioner is much alarmed... and its he that can best bring the cry against the Commission to some period."<sup>119</sup>

The dispute about the Commission, centering as it did about the affair at Lochmaben meant that the King's Commissioner had a real interest in what was done with regard to the Commission. The Commission had been

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115. Miscellaneous General Assembly Papers 1724, (Ms.), Dunoon overtures.

116. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume III, page 125.

117. *Ibid.*, page 126.

118. *Ibid.*

119. *Ibid.*, page 128.

instrumental in bringing about the settlement of Mr Carlyle, the King's presentee, in Lochmaben, and therefore those who hoped that the Commission would not be tampered with had a strong ally. History took a strange twist at this point for not more than 10 years before the Government had been threatening to make the Commission an illegal court, and to bring to an end its meeting. When the Committee of Assembly appointed to deal with the Presbyteries' overtures met to prepare them for open Assembly an interesting debate occurred. Some proposed that the nomination of the Commission should be made by Presbyteries, and then the Assembly could simply approve such a nomination.<sup>120</sup> It was said that this would eliminate constant members, assert the equality of representation, and retrieve the sinking interest of the Commission.<sup>121</sup> Wodrow points out for us that the argument about constant members was a farce, and that there were only about 8 who were yearly appointed to the Assembly's Commission.<sup>122</sup> As for the sinking interests of the Commission this was a vital point. The Commission was no longer the same as it had once been. The Union of the Parliaments had altered its purpose considerably. It could still represent the grievances of the Church to the Government, but it seldom did so because the seat of the Government was so far away, and the cost of travel prohibitive. It no longer called for National Fasts or ordered Nation-wide days of Thanksgiving. Some of the matters it once had responsibility for had now been taken over by the Society for Propagating Christian Knowledge. So many limitations had been placed upon the Commission over the years that it had less power to determine finally unless by special reference from the Assembly. Presbyteries and Synods constantly challenged its authority and right to interfere with their sentences. Most of the vacant parishes in the highlands and the islands had

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120. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume III, page 128.

121. Ibid.

122. Ibid.

been cared for, and were now under the control of competent inferior judicatories. In 1726 a Commission of Assembly was formed to care specifically for the Highlands and the Islands, and to manage the King's Bounty.<sup>123</sup> The main purpose of the Commission for Public Affairs in this period was to expedite matters for the Assembly by so preparing them during the year that when the Assembly met the matter could be fully ripened for debate and much time saved for other important matters. For the most part the matters referred to the Commission from the Assembly were of little consequence. Had it not been for the Patronage law and the emergence of patrons set on achieving their rights the Commission would have been left with very little of significance that would have merited their continued existence. With the exception of being available to hear representations about Papists in the north and irregularities of the surviving Episcopal clergy the only function left to the Commission seemed to be the emergency powers granted to it to watch over the interests of the Church should some great occurrence take place. In fact the Commission was not the great powerful tool of the Church that it had once been. The plans now to change it brought the King's Advocate on the scene:

"...He showed that a Commission thus named would be a new Assembly, not a Commission; that the Assembly's approbation would not alter the nature of it; that it would be a new judicatory; That we have the connivance of the King for our Commissions; but if their constitution were altered and brought to this channel, we were not to expect it."<sup>124</sup>

When the affair of Lochmaben itself came before the Assembly it caused such a storm that it seemed likely to divide the Church. Wodrow moaned that the settlement of Lochmaben was not worth the division it caused in the Assembly.<sup>125</sup> When the Commission was removed so that a

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123. Acts of the General Assembly 1726, Act VI. This Commission was set up to administer £ 1,000 that the King granted for the encouragement of itinerant preachers in the Highlands and the Islands, and to pay for Catechists to go there as well to instruct the people in the, "Principles of the true Religion".
124. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume III, page 128.
125. Ibid., page 130.

vote could be taken Wodrow reports:

"...This affair is of no great importance to divide the Church, as its like to do, and seems to be what is insisted on by one side, to give a thrust to the present set of people in office, under the King, and have a thrust at the Commission, and the whole reasonings run against all the Commissions of Assembly.

This day the Assembly met at nine, and continued till two. The Synod of Dumfries were heard, and the Committee and the minority, who outvoted the majority, and the Presbytery of Lochmaben. At length the Assembly, parties being removed, entered on their method, which took a long time; and, in my opinion, the Commission had a right to vote, but that was not granted. And after the reasoning, the vote came, Consider the Commission's procedure or the state of Lochmaben. One would have thought they should have first considered the matter on which the Commission went, before they considered the actings thereabout. However, it is carried by a straight vote by 7, Consider the Commission, with a reserve that the Presbytery, the Synods, and settlement should be considered. In the afternoon, The Assembly had a very needless loss of time, whether the Moderator should be heard. The Moderator of the Assembly, pro tempore, proposed that he should be heard, which it seems he did not desire, but was standing in the area. Upon this a flame rose, and in the flame, Mr Smith desired but one word, and he would end it. This heightened the flame, being, as was thought, contrary to a resolution yesterday, that parties should not be heard. It run to such a confusion, that the Commissioner interposed, and very kindly exhorted the Assembly to unity and harmony, and promised them as much time as they needed to sit, and desired it, as a favour, that Mr Smith might be heard, and the Commission not concluded in a vote till fully heard. Upon this, the Assembly unanimously heard Mr Smith, who, after he had thanked the Commissioner, signified he came in to hear the minute; that he had no desire to speak; but when the Moderator, without his desire, had been so kind as to propose he might be heard, and the Assembly appeared so violently against this, he craved to be heard, to put an end to their trouble, by telling them he had nothing to ask, and wondered that such a heat should be. On this all calmed. Indeed, this is a proof what need the Assembly have both of a Commissioner and a Moderator, and several members in, that know the forms better than most now in the Assembly. And I never saw such confusion as this day, and the reason was, because the Commission being out as parties, the remaining members did not well know the usages of the Assembly, and the Moderator, Mr M. Reid, had no management. Then the Assembly reasoned upon the actions of the Commission for some hours, with pretty much calmness. The matter was pretty much opened,

and I thought the Commission fully vindicate in their not exceeding their powers. But at length, about nine, the question was put, Whether the Commission had exceeded their powers in their actings as to Lochmaben in August and November? and it carried, Exceeded, by 13 votes some say 30. The plurality of ministers in both votes approved the Commission. But the Synods of Argyle, Moray, and Merse, that thought themselves injured at the last Commission, with a few other, as Mr Brown of Abercorn, Mr Lookup, Mr Orr went over in this question..."<sup>126</sup>

In a Church so divided over such matters the idea of a Commission that could be used to aid the desires of one party or the other appeared to be more trouble than it was worth. It had become less a tool of the Assembly and more a weapon of ecclesiastical politics. The Commission, so capable of being used in this way, had become an anachronism that the Church was left with, and could well do without. At this time in the Church's history such a body, used in such a way, was merely a fifth wheel, and not a very dependable one at that. The Commission was in desperate need of reform and regulation if it was to be of use to the Church in that day. When, at last, this matter came before the full Assembly fears were expressed concerning the Commission's powers:

"...Sir James Campbell, Mr Linning, and Mr Drummond, were for new regulation, and they urged that Commissions had been of great hurt sometimes to this Church; that many were constantly on it; and that the representation was not equal."<sup>127</sup>

It was answered that this may have been true in James VI time but could not be argued now:

"...and that if members come up, it was impossible the Commission could be more dangerous than the Assembly being just the same numbers and representation save its supernumerary members, which the other side allowed, that is the Nobility, Lords of Session, Advocates, and Justice Clerk; that the cry against the Commission was only from some particular places, which were disgusted at the choice and Acts of the Commission last year."<sup>128</sup>

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126. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume III, pages 130-132.

127. Ibid., page 130.

128. Ibid., page 134.

Several suggestions were made for regulating the Commission along the lines suggested in the overtures of the Presbyteries. None of these were acceptable, however, and some greatly feared the possibility of the Act concerning the Commission becoming an open debate. The answer remained:

"...every difficulty imaginable will be answered by the members of Commission their attendance; and that its necessary that some who know the Church's affairs, and are really of greater efficiency than others, should still be members, providing they be freely chosen, and the Commission still accountable;..."<sup>129</sup>

Under the pressure of these arguments there was little left for this one party to do but drop their appeal for a new regulation. They did continue, however, to press for a change in the membership. Those who had been keen to have the Commission regulated were also hoping to be members of the next Commission appointed. This was arranged and Wodrow writes:

"...this was the best modeled Commission for one side that I have ever seen."<sup>130</sup>

If this party could not regulate the Commission they were determined to dramatically change its membership. This greatly displeased many, and when the vote was taken whether or not to approve the nominators choice Wodrow reports that the vote was 80 to 8 with a great many abstaining to show their disapproval. Accordingly had those who were abstainers, voted, as Wodrow thought in the negative, the outcome would have been doubtful.<sup>131</sup> This would have been the first time that the list would have been disapproved had the vote gone as Wodrow suggested. The effect of such action meant that the whole debate concerning the Commission would be in open Assembly again. Most likely, in that event, it would have been safer not to appoint a Commission at all. The divisions within the Church at this time could only have been worse, and the danger to the constitution of the Commission heightened. One thing

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129. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume III, page 135.  
130. Ibid., page 139.  
131. Ibid.

that this whole debate did expose, but not to the credit of some in the Church, and that is the extent of political manoeuvring. Before the vote on the Commission's membership for the next year the Lord Advocate spoke. What he had to say adds some light to the problems that the Church was facing as they made their decision on this matter:

"At six, the Assembly met, and the nomination of the next Commission was read, after which the Advocate had a speech, very pointed and severe, as to the new Commission nominated. He said, there were several things that appeared in the nomination that showed the particular spirit of a party; that the things that were reckoned grievances, and loudly complained of, were just fallen into by themselves; that of the six members of a Presbytery (Edinburgh) five were thrown out; that the Moderator of the last Commission for whom the Assembly would allow him to have a peculiar honour, (Mr Smith) since he owed a great deal of education to him, was left out, which wanted a precedent. These, he said, were reasons he could not well get over in voting, Not approve; but he had stronger reasons against this nomination, and he thought the liberty of the Assembly directly infringed by this nomination; for the burghs were brought in to this Commission, twenty six more than used to be; and the next Assembly the whole sixty seven burghs might be brought in which he took to be a matter of that consequence as the Assembly ought to provide a remedy. He noticed that the supernumerary members were put in among the ordinary members, when it answered their purpose that nominated them, and others of them were reserved to their own room, just according to the sides they were supposed to be of, which was a new discovery of a party spirit..."<sup>132</sup>

Had the Church been able to settle the Lochmaben affair more amicably rather than involving itself in a fruitless debate about the powers of the Commission they might have been saved the anguish that the latter half of the third decade was to bring.

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132. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume III, page 138.

Chapter VII

1725- 1732

## COMMISSION OF THE GENERAL ASSEMBLY 1725-1732

This period of the Church's history is marked by doctrinal controversy, and a general feeling that there would be no salvation for the Church until the grievance of patronage was removed. A huge gap existed between the two parties in the Presbyterian Establishment, and it was growing ever wider. Some thought there would be little hope of peace until the Church accepted the fact of the patronage law and stopped making so much of it. The situation was kept in an unsteady state of equilibrium by the evangelical men who played on the emotions of the mass of the people. Wodrow criticised this more extreme wing of the Church by accusing them of seeking popular acclaim. He wrote:

"...the Marrow people...print and scatter papers and sermons very cheap through the country, and are popular and spreading and gaining ground in some places..."<sup>1</sup>

These 'Marrow people' complained of defections from the Revolution settlement and chided the other party because of their meek submission to patronage. Furthermore they accused them of sacrificing the desires of the people for the wishes of the Government and the notable men of the time. There was little chance of a harmonious agreement among churchmen so long as one side feared the accolades of statesmen and blamed certain of the clergy for seeking political favour while the moderate men retaliated by saying that there were some designing to destroy the Presbyterian settlement by their rash and indiscreet actions. The Assembly and its Commission had been trying to walk as lightly as possible so that they would not risk either the Presbyterian polity by defying the Government or the peace and unity of the Church. It had not been an easy task, and the future boded ill for any hope that it would become easier. With patrons pressing for the law of patronage to be obeyed, and a zealous party within the Church steadfastly maintaining that patronage was unscriptural and against the law of the Church it appeared more and more certain that a conflict of interests could not be avoided.

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1. Wodrow, Robert, Analecta, Volume III, page 360.

The Presbyterian polity had been built on a pyramid principle which had the Assembly at the foundation holding the whole structure. The Assembly had always acted as the parliament of the Church, exercising legislative, as well as judicial powers.<sup>2</sup> It made rules binding on Synods, Presbyteries, and Kirk-Sessions. It was restrained only by its own written constitution, the Word of God, and the laws of the land.<sup>3</sup> According to Principal Hill the superior court had the inherent right of superintendance and control.<sup>4</sup> What's more, in Scotland the Assembly was the primitive court and had never been the creature of the Presbytery. It had existed before the Presbyteries and after the Reformation governed the Church for years before any Presbytery was organised. The Assembly formed the first Synods and Presbyteries, and from the very beginning had acted as the governing body of the whole Church, exercising, whenever it saw fit, original jurisdiction; acting directly on the Presbyteries, and individual ministers, citing, trying, condemning or acquitting them as it deemed right; transferring pastors from one parish to another without the intervention of any of the lower courts, and, in general, exercising a general and immediate jurisdiction over the whole Church.<sup>5</sup> Should the inferior courts refuse to submit to the superior then the threat existed that the foundation would crumble and the whole system liable to collapse. After the Union of the Parliaments and the results that followed many were taking another look at the nature of the Church. Differing philosophies were developing with regard to the Assembly having a cumulative or a primitive power. There was a strong feeling that the National Establishment was not only not needed but not Scriptural. This line of thought was put forth by the followers of John Glass whose case will be taken up briefly later in the chapter. There was also a belief that the true primitive power belonged with the Presbytery rather than the Assembly,

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2. Hodge, Charles, The Church and its Polity, page 172. Mr Hodge leans heavily upon Principal Hill and refers in his footnotes to Principal Hill's Institutes.
3. Ibid.
4. Peterkin, Alexander, A Compendium of the Laws of the Church of Scotland, Volume I, page 465.
5. Hodge, Charles, The Church and its Polity, pages 408-409. The Assembly was therefore more than a court of appeal, although it was that, and it was certainly more than an advising body.

and that the Presbytery and the Parish had certain Divine rights that the Assembly had refused to recognise. It was becoming apparent that the authority of the Assembly was being challenged as it had never been before, and that its authority would have to be asserted before the voices of dissent and anarchy should ruin the system. The period from 1725 to 1735 is characterised by an attempt on the part of the National Church to exercise its authority in order to retrieve a desperate situation. On the one hand a popular movement was pressing for the limitation of powers exerted by the National Church, and especially as it was exercised by its delegated Commission, and on the other hand the Assembly tried to suppress the angry voices of dissent while defending its rights as the supreme judicatory of the Church. The problem for the Church was just how to do this while at the same time satisfying the State and the various parties that were growing because of this dilemma.

If the authority of the Church and its Commission was the topic of prime importance then the fate of the Presbyterian establishment in Scotland depended on the methods adopted by the Church to exercise that authority. The future of the Commission itself, as a force on the Scottish ecclesiastical scene, was going to be on trial. Wodrow did not think that the exercise of authority through the Commission would set well with the Church:

"...The screwing things thus so high, under pretext of preserving the authority of the Commission will undoubtedly have very ill effects on this Church; and if mercy prevent not, will rent us in pieces..."<sup>6</sup>

Following the Assembly of 1724, when the Commission came under severe attack, one would expect that those using its powers would be more wary of stirring up the wrath of the Church. This does not appear to be the case at all. In fact it was the Commission that became the stage where the heavy battles of the next few years were to be fought. Nothing that the Assembly of 1724 had done changed the Commission very much. The same methods were

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6. Wodrow, Robert, Anallecta, Volume IV, pages 294-295.

followed for choosing members, and after the 1724 General Assembly, the moderate party appeared to gain control again. The same problems existed as before. The attendance at meetings was generally poor and consisted mostly of ministers from in and around Edinburgh. As the methods of the Church to establish its authority became bolder the Commission became an excellent instrument for carrying out the aims of the Assembly.

In the years 1725 and 1726 the Commission took certain actions with regard to settlements, that were considered departures from past policies. These actions again called into question more forcefully, the right of delegated Commissions finally to determine in cases that involved radical judicatories. Both of these points were fully discussed in 1725 when the Assembly reviewed the action of the Synod of Aberdeen in setting aside a call to St. Machars Cathedral from the magistrates and elders in favour of one from the elders alone. It was referred to the Commission to moderate a new call.<sup>7</sup> The Commission, however, decided to sustain the call to Mr Chalmers, former minister at Dyke in the Presbytery of Forres, as the minister of St. Machars.<sup>8</sup> Mathieson in his discussion of the affair says that Chalmers was the candidate of the magistrates and not the choice of the people.<sup>9</sup> It was not a popular decision within the Commission, and as soon as the vote in favour of Mr Chalmers was announced:

"...His Majesty's Advocate having been for the negative in the question, demanded that his dissent to the Commission's determination in this case might be recorded and there concurred with him in the said desire, the Lord Provost of Edinburgh, Commissioner Campbell, Mr Hugh Dalrymple Sr., Advocate, Easter Elchies, Campbell of Clause, Ardkinglass, Baillie Campbell, Baillie Nimmo, Commissioner Drummond, Mr Neil Campbell at Renfrew, and Mr James Anderson..."<sup>10</sup>

Reasons for the dissent were entered by Mr Duncan Forbes against the Commission's decision to sustain Mr Chalmers. It was argued that the Commission had assumed a jurisdiction that did not belong to them, that

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7. Acts of the Assembly 1725, Session 12, 10 May 1725, Index of Unprinted Acts.
8. Records 1725, Session 9, 12 August 1725, pages 455-456.
9. Mathieson, William Law, Scotland and the Union, page 241.
10. Records 1725, Session 9 & 10, 12 & 13 August 1725, pages 455-456.

they had voided their own action by contradicting the authority of the Assembly in not heeding the inclinations of the people.<sup>11</sup> He went on to say that the Commission's action had served only the purpose of denying the right of the people:

"...Such proceedings tend to alienate the minds of the people, and to endue amongst them a disrespect to the orders of the Church. Since after they apprehended, they were in possession of a right of giving their opinion, upon the foundation of the sentence of the late General Assembly, and after they had so given their opinions, and a vast majority determined the sentiments of the body of the people to be against the call. If, nevertheless, the declarations of those sentiments shall be found to have been of no consequence, they may be apt to imagine that the Acts and orders of the General Assembly are elusory, and to complain that they were put to the trouble of declaring their sentiments by a poll, when that poll was to have no effect in their favours..."<sup>12</sup>

The Commission's reply was in the form of an astonished retaliation:

"Dissents by a few from the majority of our judicatories tho' allowable in some extraordinary cases to save the dissenting members from the censure, which may fall upon the majority of an inferior judicatory from a superior one, have always been unfavourable and of ill repute in this Church as tending to division, and the break of that peace upon which, under God, our safety depends, and therefore have been rarely made use of, and this is perhaps the first time since the Revolution that it has been entered against the judgement of the Commission in a particular case of justice, determining the validity of a call to a particular congregation, where the dissenters could not reasonably apprehend any danger to themselves from an Assembly's displeasure against a Commission who had an Assembly's power committed to them in the affair in which they judge... Yet considering the manner in which this dissent was entered and the uncommon methods taken to support it, so as to draw in some members to subscribe the reasons of dissent, who had not so much as adhered to it when it was entered and to procure others to desire to have their dissent marked at the subsequent meeting who were not so much as present when the sentence complained of was passed. All which the Commission cannot but look upon as unprecedented and unjustifiable by the rules of this Church. The sentence of the Commission dissented from approves of the call to Mr James Chalmers of Aberdeen as being by a great majority of the town council and elders, which has always been a valid call in the royal burroughs since the... Revolution and the inclinations of the people being consulted, according to the direction of the Assembly, tho' there were many who wished rather to have another than Mr Chalmers yet none of them offered any objections against him or against the validity of his call given him by the proper electors..."<sup>13</sup>

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11. Records 1725, Session 9 & 10, 12 & 13 August 1725, pages 455-458.
12. Records 1725, Session 13, 11 November 1725, pages 469-470.
13. Ibid., Session 13, 11 November 1725, pages 471-476.

The Commission also cited similar cases handled by the former Commissions in a similar situation to justify their taking of the whole matter to cognition so as to speed justice.<sup>14</sup> In time to come the freedom to dissent and thus point out in detail why a certain individual or group was parting ways over a particular matter became suspect. The reason for the Commission taking such a dim view of the use of the use of the dissent can be explained by looking at the Acts of the Assembly of 1644 concerning dissents. To express dissent was paramount to accusing the other party dissented from of going contrary to Scripture, and the laws of the Church. In this way the superior judicatory had to take the matter under their consideration and if the dissent was allowed then the decision had to be overturned. This was one of the root problems that was to come before the Assembly in the near future. Should the decision of the Commission be reversed by the Assembly or not? Some felt that to do this was to threaten the very constitution of the Assembly's Commission. Those who dissented from the Commission's decision in November were further outraged when the Commission met in March, for at this meeting the Commission actually transported Mr Chalmers from Dyke to St. Machers:

"The Commission voted by great plurality to decide in the affair and voted to transport. Whereupon Masters Allan Logan and Neil Campbell, ministers; the Lord Grange, Lt. Col. Erskine, Sir Duncan Campbell of Locknell, Mr Hugh Dalrymple Sr., Advocate, and Ballie Nimmo, ruling elders entered their dissent and offered to give in reasons."<sup>15</sup>

The dissenters listed in the reasons for this dissent that the representation of the people of Aberdeen had not been heard, nor had the parish of Dyke. It was also pointed out that the Presbyteries of Forres and Aberdeen were not co-operating and in fact had never been consulted. Finally they pointed out that the Assembly was only 2 months away:

"The meeting of General Assembly is near and we judge it had been better to refer the whole affair

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14. Records 1725, Session 13, 11 November 1725, pages 471-476.  
 15. Ibid., Session 21, 30 March 1726, pages 501-503.

a decision by them had been of greater weight in regard of the parish of Dyke. The Presbytery of Aberdeen and Forres, and the Synod of Moray might have been fully heard and the reasons either for demurring in this matter or opposing the transportation might have been duly weighed; and the Commission proceeding in opposition to all these may by some be construed a grasping at power in prejudice of the Assembly."<sup>16</sup>

The Commission answered that the people had been fully heard at a former diet, that the parish of Dyke had been cited and they refused to appear, and a Presbytery's refusal does not make invalid the Commission's action for after all the Commission is a superior court.<sup>17</sup>

The serious charge that the Commission was grasping at power at the expense of the Assembly was answered in the following words:

"...There appears no ground for that construction to be put upon their deciding in a thing referred to them. But rather that they might have been blamed for not doing what the last General Assembly made their duty to do, and by which omission the next General Assembly must have had trouble, which they were by their decision to endeavour to prevent..."<sup>18</sup>

Finally the Commission stated that they made the decision about Aberdeen for, "the glory of God, the good of souls, interest of the Gospel...and the greater good of the Church..."<sup>19</sup> If there was anything to be regretted in the whole affair it was that two dissents from their decision had been offered, and it was these dissents which tended to weaken the respect of Christian people to judicatories and to encourage them in their contests about calls.

When the Assembly met the Commission's procedure was disapproved because, as Wodrow relates in his letter:

"... they had not considered the inclinations of the people, that is, heads of families, in opposition to town-council, session, and communicants, the

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16. Records 1725, Session 21, 30 March 1726, pages 503-506.
17. Ibid., pages 506-510, Session 22, 31 March 1726
18. Ibid.
19. Ibid.

plurality of whom, as far as appeared to me, were for Mr Chalmers, and because they had been precipitant in determining that settlement, when the Assembly was so near at hand."<sup>20</sup>

What, however, is of significance is that the Assembly did not find that the Commission had, as Wodrow noted:

"...exceeded its powers, nor that they had done wrong in supplying the Presbytery's not concurring with the call, nor in joining correspondents with the Presbytery in settling of Mr Chalmers, and several other important steps."<sup>21</sup>

The very fact that Wodrow mentions these points helps us to understand that there were many willing to dispute the Commission's power. Wodrow reports that the members of the Commission submitted to this decision of the Assembly but complained that the Assembly did not spell out specifically how the Commission's procedure had been wrong.<sup>22</sup>

The next important question before the Assembly was whether or not they should reverse the settlement of Mr Chalmers. Arguments were put forth about the Commission being a delegate court, imposing upon the power of radical judicatories and their encroaching on the constitution of the Church.<sup>23</sup> The Lord Grange urged that the Commission had exceeded its powers, that the Assembly had the power to reverse its decisions and that they ought to do so, and thus vindicate the rights of Christian people as to their elections.<sup>24</sup> He noted that unless the Assembly could overturn their decisions that the Commission could assume a power to do grave damage when they knew that their sentences were not to be reversed.<sup>25</sup>

Professor Hamilton, Professor of Divinity in the University of Edinburgh, spoke next in defense of the Commission's action and made the case for the Commission having such powers:

"...even when the Commission had been disapproved, the sentence still stood, and was never opened since

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- 20. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume III, page 250.
- 21. Ibid.
- 22. Ibid.
- 23. Ibid., page 251.
- 24. Ibid.
- 25. Ibid.

the Revolution. He instanced the case of Mr Graham of Dunfermline, and Mr Hepburn, and Mr English of Kilsindy to enter upon all their pleadings would be endless. They noticed that this was a matter of vastly more consequence to the Church than the Aberdeen call, or a hundred more; that it affected the Constitution of the Commission essentially; that in all supreme courts, when a power was committed finally to determine, though iniquity, error, and wrong was committed, yet, having power finally to determine, the delegates might be censured, but what they did by a right power still stood, till a new process on another foot was raised. They granted, that in general cases, relative to the constitution of the Church, or the doctrine of the Church, or in case of the Commission's exceeding powers given them, the Assembly could reverse what they did, but in private cases, where there were parties concerned, what ever error was by the Commission, and however they might be censured and disapproved, their sentence behoved to stand irreversable, in the nature of the thing and not from any want of power in the Supreme court; that it were the highest unrighteousness and iniquity, after the Assembly had given a...power finally to determine in a private case, and the determination was made to open that decision or reverse it; that this would be to render Commissions useless, to open a door for bringing in all causes determined by a Commission anew before the Assembly, after they had clothed the Commission with power to Act in their room- it would load Assemblies with work, and render all Commissions henceforth useless..."<sup>26</sup>

When the vote on whether to reverse the sentence of the Commission was finally taken Wodrow reports that it carried not reverse by either 23 or 27 votes, and that with the members of the Commission removed.<sup>27</sup> Those who voted for reversing maintained above all other arguments that there was a hazard of Commissions going wrong.<sup>28</sup> Those who voted not to reverse answered that their was a far greater hazard of destroying the Commission which had offered a vital and important service since the revolution including, "The seasonable warning".<sup>29</sup>

When the Commission for the year 1726 was nominated many of those who had

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26. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume III, pages 252-253.
27. Ibid., page 253.
28. Ibid.
29. Ibid. The Seasonable Warning was an Act of the Commission of 1698 which asserted the Divine right of Presbytery and the intrinsic power of the Church. It was to be remembered that the Assembly could not get a similar act passed in open Assembly because of government opposition.

favoured the Aberdeen settlement were left off including Mr Smith, at Cramond, Mr Ramsay at Kelso, and Wodrow himself.<sup>30</sup> There was a further regulation placed upon the Commission insuring that they would not take up private affairs like the one at Aberdeen, except at their ordinary stated meetings.<sup>31</sup>

From what we see in the Assembly of 1726 it is clear that the Church was sorely divided over basic issues. There certainly was distrust of the Commission. Neither side was willing to respect the others appeal that they had the good of the Church, and the glory of God at heart in their decisions. As never before there were recriminations, suspicions and jealousies expressed. Had it not been for the Simson affair which sapped most of the Assembly's time and energy the Commission's actions might have received the attention of the supreme court of the Church. It was obvious too that the differences of opinion concerning the procedure of calls was of primary concern to the Church. While one side was pressing for more powers to be vested in the congregation thus making the call and election of the minister dependent on the outcome of a poll the majority party objected to the intrusion of persons who had no ecclesiastical status in such matters.<sup>32</sup> The actions of the Commission in 1725 and 1726 made it apparent that an Act of Assembly regarding the settlement of parishes was necessary to save the Church from certain disaster. In 1719 and 1720 an overture concerning the planting of vacant churches, especially tantum jure devoluto was sent to the Presbyteries for their approval.<sup>33</sup> This overture was an attempt at a compromise so that once the Patron allowed the right of presentation to devolve on the Presbytery a set procedure would be available. While the overture made it plain that the right to settle the vacant parish was with the Presbytery it gave every consideration to the desires of the heretors, elders and heads of families. In 1721 the Assembly had to resolve not to pass the overture into an Act because a majority of the Presbyteries did not favour it.<sup>34</sup>

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30. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume III, page 258.

31. Acts of the General Assembly 1726, Act VII,

32. Mathieson, William Law, Scotland and the Union, page 240.

33. Acts of the General Assembly 1719 and 1720, Overtures printed after the Index of Unprinted Acts.

34. Acts of the General Assembly 1721, Act V.

From that time on the Assembly referred to its Commission the problem of framing a satisfactory overture. The situation had deteriorated to such a degree by the end of the first quarter of the century that the Assembly or its Commission was going to be forced into offering another overture. Wodrow says in 1725:

"The procedure of our Assembly this month...was little of importance save settlements of parishes and calls; which take up that time now that transportations did some years ago, and if Patronages continue the Church will of necessity be obliged to lay down rules which they have not yet done..."<sup>35</sup>

The Commission made slow progress in formulating an overture that was agreeable to a majority of the members. Wodrow commenting on the problems the Commission faced said:

"The affair of the draught of an Act about calls and planting parishes tanquam jure devoluto, was sub-committed to several, whereof I was one. We read the Act, on which the late Mr Mitchell had bestowed much pains; and generally speaking, save in a few phrases, I think might do. The difficulty in the matter to make Acts of Assembly about planting of parishes, is the Act of Parliament about Patronages. it can scarce be thought that the King's Commissioner will sit and see the Act of Parliament canvassed, or anything contrary to it; therefore it were good if we could, under the colour of planting parishes jure devoluto, which by law we are allowed to do, we could bring in some just regulations as to calls and settlements of ministers, which might be rules at least to Church judicatories, as to the settlements of vacant congregations..."<sup>36</sup>

As the Church was stymied by the refusal of Presbyteries to approve the overture, the Commission was frustrated by the contending philosophies among members.

Realising that agreement was impossible the Commission of 1727 reported that the:

"Overture about planting of churches given up as the Commission...could not come to any resolution because it was impracticable at the time."<sup>37</sup>

The Commission of 1728 was successful in proposing an overture to the Assembly about planting vacant churches, but since it differed only in minor points from

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35. Wodrow, Robert, Analecta, Volume III, page 195.

36. Ibid. pages 456-457.

37. Records 1726, Session 13, 8 March 1727, page 39.

the earlier overtures its reception was not very enthusiastic.<sup>38</sup> The overture was remitted back to the Commission for amendments and discussion and was soon forgotten. It was not until 1731 that the Assembly attempted to send another overture regarding the planting of vacant churches to the Presbyteries. By this time the Church was very distressed over the failure to pass an Act that would ease the divisions that had developed over the settling of ministers in parishes. The content of this overture was considerably different from those offered in 1719 and 1721 or the one proposed to the Assembly by the Commission in 1727. Only token recognition for the rights of the heads of families was offered by this overture while the heritors and elders were left to elect and call.<sup>39</sup> No indication was given in this overture that the inclinations of the people were to be tested except by their approving or disapproving the person selected by the elders and heritors. Furthermore if any of the parish disapproved they were to offer their reasons to the Presbytery, "...at whose judgement, and by whose determination, the calling and entry of a minister is to be ordered and concluded."<sup>40</sup> It was the passing of this overture into an Act by questionable means that ultimately caused the Church to be torn by the Secession.

After the General Assembly condemned the 'Marrow', and in effect the Marrow men, attempts were made by this evangelical wing of the Church to check what was known as 'legal preaching'. Robert Wodrow who sarcastically referred to these young men as 'new-lights' complained that the:

"overture about Legal Preaching remitted to the Commission last year the Assembly could not overtake and the Commission did nothing in it, and I find leading persons are not hearty in regulations about preaching. Its again remitted to the present Commission, and I doubt it will be buried."<sup>41</sup>

The Act against 'legal preaching' was read in the 1726 Assembly and after a

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38. Records 1728, Session 18, 13 March 1729, page 262-265.

39. Acts of the General Assembly 1731, Act IV.

40. Ibid.

41. Wodrow, Robert, Analecta, Volume III, page 428.

struggle was referred to the Commission instead of being made an Act of the Assembly,<sup>42</sup> Wodrow commenting on the matter said:

"It is a good act, and I wish it had passed. All agreed in approving the matter of it. Then we adjourned till tomorrow, when little remained save common form. One of the reasons for dropping this Act at present seemed to be, that it was drawn up by such as were supposed to be favourers of the Marrow, Messers Warden, Williaon, Curry, and etc., though I do not think any of them favour it. And the word legal preaching was not liked, though explained safe enough; and yet its a word in our former Church Acts. But considering the desultory haranguing way of preaching, and not preaching of Christ, and the spirit that is so common at this time among our young preachers, as some call them, it will be a pity if the Commission do not effectually form the Act, and I hope they will."<sup>43</sup>

The Commission did not come to an agreement about the form of the overture during the year, and as the Commission meetings drew to a close they had to admit:

"...Overture as to the method of preaching not prepared as the committee appointed could not bring in any distinct overture."<sup>44</sup>

During the years 1727 and 1728 the overture was discussed and debated. Then at the last quarterly meeting of the 1728 Commission the more moderate men had sufficient numbers to succeed in giving the following report to the Assembly:

"...having considered the overture on method of preaching, found that there are diverse particulars therein which require much deliberation, but having considered the directory, for worship they find that the same is very full to this head of preaching and therefore give it as their humble thoughts to the General Assembly that instead of making any new regulations on this head they should recommend to all ministers and preachers to observe the directory already made."<sup>45</sup>

This did not satisfy the more zealous brethren who desired a more evangelical kind of preaching, and a return to what they considered were the former methods. The Assembly of 1729 therefore refused to be satisfied by the Commission's report and sent them back to the drawing boards again by instructing them once more to

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42. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume III page 258.

43. Ibid., pages 258-259.

44. Records 1726, Session 13, 8 March 1727, page 39.

45. Ibid., 1728, Session 19, 13 March 1729, pages 265-266.

frame an overture for the method of preaching.<sup>46</sup> Still in 1731 no overture had passed out of the Commission to the Assembly for action. Two northern presbyteries therefore instructed their Commissioners to overture:

"That the General Assembly recommend it earnestly both to ministers and preachers that they be spiritual and searching in sermons and that they study a plain and intelligible and Gospel strain in them adapted to the capacities of their hearers." and, "Next as to this the point of doctrine we finding it so common a complaint and matter of so great lamentation as a signal instance of degeneracy in doctrine that the latter licentiatees in some parts of this nation make so little mention of Christ and his righteousness either for acquaintance or acceptance and spend the time of their public discourses not so little a reference or relation in what they say, to Christ crucified and now crowned, not glory and honour for the suffering of death and hold themselves distant and remote from the Gospel substance and simply to harangue in favour of virtue or opposition to vice..."<sup>47</sup>

No overture was sent down to the Presbyteries from the Assembly, however, until after the Assembly of 1735 when the Church made an attempt to accommodate the Seceders.

Many of the clergy and elders regretted the fact that the Church had lost the power to call National Fasts. It was considered by many as one of the defections of the times that the Church so rarely called fasts. The Scottish pride had been deeply wounded by the removal of the Scottish Parliament in 1707. The significance of this fact can hardly be overstated for it marked the end of what had been, up until this point, the ideal of the Church; that the Church should be the Nation at prayer. After the Union a good deal of embarrassment followed upon the application of a Scottish National Fast. The Church refused to seek the civil sanction for their ecclesiastical act by approaching the British Parliament. To ask the Monarch for approval meant that many of the reasons for a Fast had to be disguised in ambiguous language. Then again for the National Church to call for a National Fast without civil sanction was unheard of, and would have been an insult to the Crown. However, to carry

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46. Records 1729, Session 1, 17 May 1729, page 296.

47. Miscellaneous General Assembly Papers 1731, Volume II, Instructions to Commissioners from the Presbytery of Aberlour 6 May 1731, and Instructions to the Commissioners of the Presbytery of Deer 2 April 1731.

on with a fast of national proportions using the words that did not truly reveal what the nation was praying for seemed a useless and somewhat dishonest procedure. It was thought by many that they would have to forgo the privilege of appointing National Fasts in favour of the idea that Presbyteries and individual congregations should appoint their own. None the less many who refused to accept either the reality of the Union or the impracticability of listing reasons for fasts in less than tactful words blamed the Church and the Commission for defections from former practices of the Church. The Assembly had not passed an Act appointing a National Thanksgiving or Fast since the year 1710.<sup>48</sup> Wedrow noted that in 1725 the Lord High Commissioner had expressed the view that the King was willing to entertain the idea of a National Fast in Scotland.<sup>49</sup> The Assembly happily appointed the Commission to call a Fast when they thought it would be convenient.<sup>50</sup> While the Commission did not appoint a day for the Fast during that year the Assembly of 1726 did appoint the first Solemn National Fast for sixteen years in Scotland.<sup>51</sup> Again in 1727 the Assembly recommended that the Commission be empowered to call a Fast. In the very first session the Commission, noting that they were empowered to call a fast, decided:

"...considering the uncertain state of public affairs at present...delayed further consideration of this matter...and did recommend several Presbyteries to be earnest themselves in Prayer..."<sup>52</sup>

Although we have little to inform us at this time why no agreement could be reached between the parties on this matter it is safe to assume that the uncertain state of public affairs meant that it was not wise to list patronage as one of the causes for a fast. Most certainly there would have been many in the Church who would have insisted that this was a sin worthy of being listed among the chief causes for the necessity of a fast. Others would have considered

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48. Acts of the General Assembly 1708, Act VII, Acts of the General Assembly 1709, Act VIII, and Acts of the General Assembly 1710, Act VII.
49. McCrie, Thomas, (Ed.), Wedrow Correspondence, Volume III, page 199.
50. Ibid., pages 199-200.
51. Acts of the General Assembly 1726, Act V. Causes given were very general.
52. Records 1727, Session 1, 21 May 1727, page 98.

any mention of the patronage law, the toleration law, or other defections as risking the good favour of the government to make a point about which little would ever be done.

In 1735 when the Church was trying to accommodate the outraged Seceders the Commission could no longer ignore the calls for a Fast. At the 5th session of the 1735 Commission the draught for a fast was brought in with the causes, but:

"...several members moved that the particular day thereof should be remitted to be named by the several Presbyteries according to the conveniency and circumstances of their respective bounds and others urged 1 day."<sup>53</sup>

When the question was put those favouring a fixed day carried the vote.<sup>54</sup> In 1736 the matter came again before the Commission. During the first three quarterly meetings the matter was delayed. In March 1737 when an attempt was made to delay again a dissent was raised by several who favoured the Seceders and thought that one way to accommodate them was to call a Fast.<sup>55</sup> The Commission's answer explained that they were convinced of the inexpediency of a National Fast and pointed out:

"...there may be much serious fasting in the in the bounds of Synod or Presbytery or congregations yea in families and by particular persons without the inconveniency which lie in the way of the Commission appointing a fast."<sup>56</sup>

Unfortunately fasts were used for excuses to list causes of defection, and many felt that such methods were used to breed strife and contention, to stir up old conflicts which often resulted in reflections on one party or the other. It was thought that it would be safer not to appoint National days of prayer and fasting just to propound this devisive kind of propaganda.

During the years of 1725-1730 the Church had not only to contend with these difficulties already mentioned but with two ministers in the Synod of

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53. Records 1735, Session 5, 17 May, 1735, pages 280-283.

54. Ibid.

55. Records 1736, Session 9, 10 November 1736 and Session 10, 11 November 1736, pages 541-542. Reasons of Dissent and answers appended to the end of the minutes for 1736, pages 555-563.

56. Ibid., Dissent signed by Ralph Erskine and David Hunter-ministers, and Munro Gordon and Erskine, elders.

Angus and Mearns who were convinced that the much beloved Covenants of Scotland were incompatible with the spirit of the Gospel and interfered with the sacred right of conscience. To hold such opinions as ministers within the Church of Scotland was certain to bring down the wrath of many ministers who held the Covenants in such high esteem that the Church was considered defective because it had never called for them to be subscribed again after the Revolution settlement. Mr John Glass, the minister of Tealing, and Francis Archibald, the minister of Guthrie alienated a good section of the Church by propagating the idea that under the old Jewish economy the commonwealth and the Church were identical, and that to be a member of the Church,<sup>57</sup> In the New Testament, however, a truly spiritual community was gathered out of all the nations which had no connection with the kingdoms of the world. At this point Glass was striking at the very foundations of the idea of a National Established Church, and thus he could hope for little support from the majority of Scot's clergy. He was, in fact, one of the first to wrestle seriously with the problem of the nature of the Church forced upon the Church of Scotland during this period. It could not be denied that the nature of the Church had changed dramatically in Scotland since the Union. There was perhaps good reason to question the viability of a national church under the circumstances that existed in Great Britain at that time. The fact that he was a devoted pastor, and held fast to honest convictions about the nature of the church did not keep John Glass from being brought before the courts of the Church. After the Assembly of 1728 and 1729 the Commission of the Kirk was instructed to deal with Mr Glass's appeal from the sentence of the Synod of Angus and Mearns who had suspended him from his ministry.<sup>58</sup> The grounds for suspending him were, that he declared he could not see a foundation in Scripture for the government of the national church, and because Glass refused to sign the Confession of Faith because

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57. Scott, Hew, Pastis, Volume V, page 437. Francis Archibald had sympathised with the Cameronians before coming under the influence of Glass.

58. Records 1728, Session 3, 18 May 1728, pages 176-178.

he had reservations about the magistrate's powers asserted in the Confession plus reservations about Christian liberty and liberty of conscience. He also contended that the National Covenants were without warrant in Scripture, and that a single congregation with its session was subject to no jurisdiction under heaven.<sup>59</sup> This was the crux of the problem and identified Glass as an independent or congregationalist. The Commission continued the suspension against Glass at the May quarterly meeting, but by August they discovered that he had paid no heed to the sentence.<sup>60</sup> The sentence was continued and efforts were made to regain him, but all to no avail, and when the 1729 Commission was instructed to deal with him and could not bring him to a submission they deposed him.<sup>61</sup> John Glass must have known that he could expect no mercy from that section of the Church that still held the Covenants as nearly sacred and longed for them to be restored, nor could he hope for any sympathy from the other section of the Church bent on preserving the Establishment and its authority. He was not without some friends, however, for the Presbytery of Jedburgh was so concerned in the case that they instructed their Commissioners to the General Assembly to press for the removal of the sentence of deposition saying:

"...great care ought to be taken, lest by a too rigorous and authoritative pressing unnecessary or less momentous truths, consciences be oppressed and either wrought into a hypocritical compliance upon wrong principles or driven into an open and schismatical contempt of that authority which they cannot comply with; both which...might be prevented by using that leniency and forbearance, which our holy religion binds all its professors to in such cases."<sup>62</sup>

The Presbytery then complained of the Commission's procedure in handling the case:

"...the Presbytery is informed instead of considering the case entire as it lay before them and determining upon the sentence complained of; they called out such points as they thought fit from the mixed multitude

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59. Records 1728, Session 3, 18 May 1728, pages 176-178.

60. Ibid., Session 6, 21 May 1728, page 199, and Session 11, 15 August 1728, page 214.

61. Records 1729, Session 20, 12 March 1730, pages 367-369.

62. Miscellaneous General Assembly Papers 1730, Volume III, dated 6 May 1730.

which lay before the Synod and setting aside their sentence they proceeded to judge and censure him de nova by their own authority. Which if true the Presbytery find themselves bound in duty to insist, that inquiry be made into this their conduct, and whether they have not exceeded their powers in this decision; and if they have that Mr Glass be reponed against their sentence. And the rather that, they they are informed, in no very numerous meeting of the Commission, this sentence met with a very vigorous opposition and was carried by a very small majority, and they think it hard that a case of so great moment to the Church should be finally determined by such a small number of representatives."<sup>63</sup>

The Presbytery had put its finger on one of the weaknesses of the system, and one which made all Commission decisions suspect. The Church had to come to some conclusions about their willingness to suffer the decisions of a minority acting with the Assembly's power. The decision was opposed by most of the moderate members of the Commission. Wodrow commenting on this case in his *Analecta* says:

"...The ministers of Angus were well convened and had taken pains to gather the members of the Commission... Professor Hamilton with all his party, set up for Mr Glass; and the vote run very narrow, and came within six or seven. Its thought that this determination of the Commission will weaken Mr Glass's party in Angus, and put an end to the divisions of the country."<sup>64</sup>

Mr Robert Wallace, a moderate, and a member of the 1729 Commission has left among his manuscripts a paper he prepared for delivery in the Commission supporting Glass, and from this we have some idea of the reasons for the division of opinion concerning this matter:

"...When I consider how a process against Mr Glass commenced before our courts I think the Synod and Presbytery in which Mr Glass is most concerned, or at least several of their members have shown a great deal too much forwardness and keenness and too much warmth in this matter. I cannot say they have used that tenderness towards Mr Glass that his case deserved, and as several members of this court have observed, they have taken steps not only rash and hasty but altogether unjustifiable. I reckon the main steps will be here, every minister of our Church is obliged to subscribe the formula and adhere to it. This Mr Glass once did, but now thinks and sees reason to differ from us and openly

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63. *Miscellaneous General Assembly Papers 1730*, Volume III, dated 6 May 1730.

64. Wodrow, Robert, *Analecta*, Volume IV, page 111.

acknowledges he has principles different from the principles of our Church. These principles relate chiefly to the government of the Church; we are Presbyterian, Mr Glass is independent. We are for a National Church, Mr Glass only for a Congregational Church, we attribute to Christian Magistrates a power which Mr Glass denies them therefore we believe many things may be done by the magistrate for discouraging error and advancing the internal part of religion which Mr Glass thinks cannot be done. I reckon he does not differ in doctrine, nor in worship, and not very much in discipline; its only the government and things that relate to the government and perhaps in some things the difference is greater in words and appearance than in reality... I say...that Mr Glass's principles, in which he differs from us are not of such a nature as that he be deserving to be simplicitor deposed. I believe there are many good and faithful ministers of Jesus Christ who differ from us in greater points than Mr Glass. I cannot think that ever our Church will by any deed admit that its their opinion that all independents...be deposed...<sup>65</sup>

The Church remained divided over the deposing of this minister and embarrassed by the criticism of Independent ministers in England and New England.<sup>66</sup> Wodrow maintained that he was not deposed for his Independent views, but his disorders, contumacy, devisiveness, innovations and schismatical practices.<sup>67</sup> A Church suffering the malady of the Church of Scotland could ill afford to allow such disrespect for its authority at this time in its history. There was no room in the Church for those who could not submit to its authority or whose beliefs suddenly came into conflict with the Confession of Faith. John Glass had to wait for 10 years for the Church finally to repone him as a minister, but even then they did not allow him to hold a charge within the establishment. The whole affair had served to stir up controversy and added to the divisions already plaguing the Church.

Until the year 1729 the Church had moved rather cautiously with regard to forced settlements, especially when the conflict of interests involved a

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65. Wallace, Robert, Manuscript Papers of Robert Wallace, University of Edinburgh Library, Laing Manuscripts II 620 17  
66. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume III, page 459.  
67. Ibid.

Presentation. Suddenly there seemed to be a flurry of activity whereby several Churches were settled with a great deal of difficulty by the Commission at the instruction of the General Assembly. History is often presented in such a way that it becomes easy to believe that a certain subject occupied the attention of the whole country. Should we have lived during these times that we now come to it seems likely that we would not have been much affected in any way by the troubles related to forced settlements of churches and the patronage laws. Real difficulty in settling most churches was rare, and even in 1729 and 1730 when the storm surrounding forced settlements was raging, there was but a dozen or so parishes involved. Half of these had serious difficulties in finally arriving at a peaceful solution, and two of these parishes were in the city of Aberdeen. When one considers that Scotland had about 900 parish churches it becomes difficult to see how such an ecclesiastical tempest could arise when only about 1 or 2% of the Churches of Scotland were seriously affected by the hated patronage law.

In 1729 several cases involving disputed settlements of vacant churches were carried to the Assembly. These, of course, were turned over for the Commission to deal with, but the disputes were handled in such a way that the Commission was bitterly denounced, and dissension within the Church increased to a new pitch. The first settlement to be dealt with involved the parish of Towie in the Presbytery of Alford. In this case the Patron maintained that it was his right to settle the parish, but the Presbytery said that according to the law the six months period after the pulpit had been declared vacant had passed, and thus the presentation had devolved on the Presbytery. When the Commission found for the Presbytery in this settlement the Crown's solicitor dissented from the decision and asserted his right to give in the reasons for his dissent.<sup>68</sup> The conflict did not end here, and at the Commission's next

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68. Records 1729, Session 5, 21 May 1729, pages 297-298.

session the matter was taken up again:

"The Commission went on in the advising of the cause of the parish of Towie...then in order to a final decision the Commission...agree to this state of the question; Reverse the sentence of the Synod of Aberdeen whereby they made void the settlement of Mr Moir at Towie or not? And it carried reverse... In respect that the Commission has already found that the right of planting the parish of Towie was devolved upon the parish of Alford, and was in their hands, and that it appears to them that the elders and heads of families in the said parish of Towie were not left to their free choice and consequently that the declarations made by them in favour of Mr Alexander Leask, and concerning their aversion to Mr Andrew Moir's settlement were drawn from them by such means as make the same to deserve but small regard. And likewise in respect that the Commission judged Mr Leask was not the person to be settled at Towie having been minister in a parish very near to it before, when he was deposed for immorality, and that he had not yet recovered his character in the bounds of that Presbytery who had themselves deposed him..."<sup>69</sup>

This brought forth another dissent from the King's solicitor and a protest from the Synod who promised to complain to the next General Assembly. The Commission was left in a dubious position. They had kept the letter of the law and protected the right of the Presbytery against both a presentation and the Synod's decision. In the process of carrying out this piece of justice they had brought themselves into conflict with the patron and with those who maintained that the people's inclinations had to be uppermost in the Church's consideration. When Mr Charles Erskine, his Majesty's Solicitor entered his dissent in the Commission records he made use of the fact that the Church seemed not only to be disregarding the rights of patronage but the wishes of the people, and referred to the devious methods used by the Presbytery to escape having the presentation brought before them within the six months:

"...it appears, and was not denied before the Reverend Commission that the presentation was duly intimated to the said Moderator within six months and he was requested to call a meeting of Presbytery, which had been adjourned

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69. Records 1729, Session 6, 21 May 1729, pages 298-300. The case is all the more confusing in that Mr Andrew Moir was the one the Presbytery was anxious to settle in the parish, but Mr George Moir had been the previous minister and had been transported from Towie in 1727.

from the end of the month of March to the 30th of April in order to producing of the said presentation, and if the Presbytery by adjourning themselves to distant diets beyond the six months could effectually make the right of Patronage fall into their own hands notwithstanding of such intimation and protestation the law restoring Patronage would be rendered elusory and serve no other purpose than to throw the right of presentation into the hands of Presbyteries, who at their pleasure might, as in this instance impose a minister upon a parish, contrary to the united inclinations of Patron, heritors, elders, and heads of families..."70

In his third reason of dissent Mr Erskine refers to the Commission overturning the Synod of Aberdeen's sentence:

"For that the sentence reversing that of the Synod of Aberdeen and finding the settlement of Mr Moir good and valid...not agreeable to the rules of the Church...appears despotic, and of a tendency to alienate the hearts of the people from the government of the Church contrary to edification and in the end may be injurious to the present constitution."71

When the Commission records were brought before the Assembly they were approved but with an exception concerning certain cases. It was imperative that the Assembly take note of this case, for to ignore it was to suffer the displeasure of the government who could take further steps to insure that the law of Patronage did work despite all the efforts of the Church to escape it. It was also important that they should recognise the opinions of those who continuously called for the Church to give precedence to calls that had the popular backing of the members of the congregation. The saving factor for the Commission in this affair was the character of Mr Leask the Patron's presentee, who was the apparent choice of the congregation as well. The Commission's decision was left to stand and Mr Moir was settled as the minister of the parish.

Other affairs of a similar nature also came before the Commission of 1729. In the Presbytery of Aberdeen a dispute arose over the settling of the parish

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70. Records 1729, Reasons of Dissent in the Affair of Towie, pages 385-388.

71. Ibid., Mr Charles Erskine, the King's solicitor was one of the elders of the Church that supported the evangelical cause and who supported the Erskines in other complaints against the Commission. See Records of 1736 and dissent raised against the Commission's delay in appointing a National Fast.

of Newmachar. This Presbytery was still suffering from the reverberations of the settlement of Old Machar by the Commission of Assembly. In the case involving Newmachar the presentation for the parish was in the hands of King's College in Aberdeen who presented within the six months a Mr Thomas Reay, a probationer, to be the minister, but the Presbytery refused. The Commission acted as follows:

"...The Commission...by a vote...do disapprove of the Presbytery of Aberdeen in their refusing to moderate a call for one to be a minister of the parish of Newmachar before the six months after the vacancy were expired, tho' they were applied to for that effect, both by the patrons and by the parish and do find that the censure past by them upon Mr Thomas Reay was without foundation and therefore did and hereby do reponne the said Mr Thomas Reay to the exercise of his power of preaching the Gospel as a probationer and declare him capable of receiving a call to any vacant parish in this church...and appoints the Presbytery of Aberdeen to moderate a call from Mr Thomas Reay to be minister of the parish of Newmachar according to the desire of the parish and patrons, sometime before the 12th of September next...and in case his being elected, and called to be minister...that he put on trials and being found qualified be ordained minister of the Church..."<sup>72</sup>

Against this sentence Mr George Gillespie raised a dissent and offered to give in the reasons for his dissension.<sup>73</sup> Robert Melvill in the name of the Presbytery protested and intimated that he was going to complain to the next General Assembly.<sup>74</sup> The Commission read into the protest the Presbytery's intention to disobey the will of the Commission, and, thus, they appointed a committee to meet with the Presbytery to carry out the Commission's sentence:

"...they did and hereby do appoint Masters Alexander Birse\*, Martin Shank at Upper Banchory, Patrick Gordon at Lumplanner, James Innes at Bamff, Peter Darling at Boyndie, George Johnston at King Edwards,

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72. Records 1729, Session 8, 13 August 1729, pages 308-310.

73. Ibid.

74. Ibid. Robert Melvill was one of those who wished his name recorded as acquiescing in the Towie affair with the Commission's sentence.

James Bannerman at Forglan, John Mercer at Pyrie, James Lesly at Crimmond, Francis Denny at Kenmay, and Alexander Chalmers at Moxnock, ministers; the Lord Drummore\*, the Laird of Troup\*, Provost Stewart of Aberdeen, the Laird Monaltry, and the Laird of Stricken, ruling elders, to meet and join with the forsaid Presbytery of Aberdeen in all steps of their proceedings with relation to the settlement of Newmachar and in the case the Presbytery shall decline meeting, and acting with them, then the Commission appoints that such of the members of that Presbytery as are willing to join with the correspondents, shall...go on in the settlement and declare any five of the said members of Presbytery and Correspondents a quorum...three being always ministers..."75

In November the Commission received a report from their correspondents stating that they carried out the Commission's sentence, and that:

"...The congregation was very frequent and...Mr Thomas Reay was unanimously elected, with all the evidence we could possibly demand of their sincere and earnest desire to have him speedily settled as their minister..."76

They also reported that the representatives of the Presbytery of Aberdeen handed in a protest to them upon the moderating of Mr Reay's call and again at this ordination:

"...but though the congregation was frequently convened and most of them present when the protest was read not one of them adhered thereto but on the contrary, those who spoke remonstrated against it which encouraged us to proceed... we will not now enter upon all the imputations which are therein cast upon the very Reverend Commission and upon us for executing their orders..."77

The lengths to which some would go in trying to maintain what they considered their rights does not speak well for the Church during this difficult time. In this protest the committee of correspondents reported that the reflections were not only cast upon them and the Commission in the presence of a "promiscuous multitude", but also upon Principal Chalmers and the intimation of a scandal against Mr Reay the proposed minister of the parish in question.<sup>78</sup> The Presbytery made it clear in their protest that if Mr Reay was ordained in this manner he would face severe opposition from the Presbytery. The correspondents

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75. Records 1729, Session 8, 13 August 1729, pages 308-310. The \* indicates those who were present in the sederunt of the Commission at the time of appointment.  
76. Ibid., Session 12, 13 November 1729, pages 322-325.  
77. Ibid.  
78. Ibid.

suggested that he should be taken under the protection of the Commission since the charge of scandal was apparently irrelevant and merely an excuse to discourage his settlement and that the Commission take the necessary measures to insure that the Presbytery of Aberdeen take him in as a brother member.<sup>79</sup> In Wodrow's manuscripts a short narrative of the procedure of the Presbytery of Aberdeen relative to the settlement of Newmachar in 1729 explains the position of the Presbytery:

"...know that the Commission judged in that affair what was not committed to them...and the correspondents were men for the purpose, not only from the remotest Presbyteries in the Synod when the nearest were overlooked as not fit for such a work and design, but members from the Synods of Angus and Moray, men altogether unacquainted with Newmachar. From the time of serving the edict and the sham moderation there were not ten free days. The day of the pretended moderation the Presbytery by their commissioners protested against the committee, their proceeding in that affair, what yet they did, Tho' Mr Reay was a stranger to the most of them, and they had no testimonial of his moral character, and the people had no free choice, the election being confined to him, yet by ways and means an election was made, which because it was not so popular as expected, a committee of the session was empowered to receive more voices on the Sabbath thereafter, and that without the inspection of so much as one member of the committee...after the Committee had pretended to try him, his ordination was appointed, after which the Presbytery protested, because he was not duly called, because the committee was not a court to whom the power of ordination doth belong, because their taking upon them the power is destructive of the rights of a radical court...because he had not signed the Confession of Faith and formula, because his morality was called in question, the Presbytery having ground to except against him with respect to his conduct on a Sabbath day..."<sup>80</sup>

The Committee of correspondents explained the necessity of receiving more votes the following Sabbath because the harvest was in progress and threatening weather had kept some away the week before.<sup>81</sup> The Confession of Faith was not signed because the Presbytery refused to produce the book in which it kept the signatures of the other members of Presbytery who had

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79. Records 1729, Session 12, 13 November 1729, pages 322-325.

80. Wodrow, Robert, (Mss.), Folio LKVIII, Manuscripts 90-91, The National Library of Scotland - Edinburgh.

81. Records 1729, Session 12, 13 November 1729, pages 323-325.

subscribed the Confession. Mr Reay indicated that he was ready and quite willing to sign the formula. When he appeared the Presbytery took exception to the elder delegate he brought with him and refused to enroll him as a member of the Presbytery and would not recognise him as the minister of the parish of Newmachar.<sup>82</sup>

The Presbytery was, however, nearly evenly divided in its deliberations over this matter. This report helps us to understand the situation in Aberdeen somewhat:

"...Among the many unjust and monstrous representations made of the Presbytery, there is one (as we are informed) that a notable member of the Commission, said in Commission that eight members of the Presbytery of Aberdeen had taken upon them to suspend seven of their brethren, after which till our cause be more fully opened, we can allow them to call us murderers and adulterers if they will; we have met with considerable provocation from the few of our Presbytery who differed and dissented from us, but they never laid under any censure, tho' they had merit enough for it...All we have as yet proposed, is that tho' we shall not take upon us to censure our brethren who had acted such an unaccountable part, as it might deserve, in as much as they with the correspondents of Synod pretended to be a court superior to their Presbytery...yet we are willing to rest in a single declaration of our dissatisfaction with their conduct and this to be recorded. Many methods have we tried for peace, as the hints of this narrative may show, but lest we should have ONE peaceable meeting of Presbytery, the author of all our trouble hath been casting in some fiery ball or another which rageth because he wants numbers to support his violence and carry on his projects and when he hath got these, he will give a further discovery of the fierceness of his wrath, and if he still go on in his way without control and prosper therein farewell to Presbytery in the Synod of Aberdeen, and we are afraid the plot is so far carried and the conspiracy so strong by lamentable, anti-evangelistic methods of planting Churches, since the betrayers of our liberties, set up his head among us, that were the stability of the Church of Scotland depending on a vote of the Synod of Aberdeen she would not only stagger but fall and be snared and broken..."<sup>83</sup>

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82. Wodrow, Robert, (Mss.), Folio LXVIII, Manuscripts 90-91, The National Library of Scotland- Edinburgh.

83. Ibid.

The Commission had left itself room to defend its procedure by basing its instructions on the fact of an election by the people. However, those who opposed the procedure did so on the basis that the offering of a presentation limited the parish to a list of one. The people could vote, but only for or against the one candidate on the list. It was felt that the people had a right to select the minister they wanted from a list of several. George Gillespie, minister of Strathbogie, argued in his dissent from the Commission's sentence that the right of Christian people had been violated because this was a forced settlement of a patron's presentee, and he called for the Church to stand united against this kind of encroachment:

"...its highly necessary that the several judicatories of the Church stand fast in the liberty wewith Christ hath made them free and strengthen one anothers hands in maintaining and opposing and defeating by all lawful means the encroachments made upon it by Patrons and their presentees, this in my apprehension seems much wanting not to say counter acted by the very Reverend Commission...<sup>84</sup>

The Commission in its answer agreed that patronage was a grievance but explained:

"...Yet while the law for Presentations stands, whereby the Patron has the sole right of giving a title to the benefice, there is a restraint laid upon the Presbytery, so that they cannot proceed in the same manner as if there were no such law, least they should ordain a minister to a parish without a titlee to a benefice, and the Church judicatories should not be blamed, if when the Patron and the parish concur in seeking to have a particular person duly qualified settled in a vacant parish they do their best to gratify both, and this is all the Commission by this sentence have done."<sup>85</sup>

This was the first time that the Commission had supported to such a degree any sort of presentation and this seemed a new precedent to many. It was becoming increasingly clear that an overture would be necessary so that a

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84. Records 1729; Dissent of George Gillespie in the Newmachar affair, pages

390-400.

85. Ibid.; The Commission's answer, pages 401-406.

set procedure could be followed. The idea of the Corresponding committee was also objectionable to a large segment of the Church. The Presbytery regarded it as no court at all, while the Commission intended it to have all the powers to carry out a sentence of the Commission, with the Presbytery's co-operation. The Presbytery believed that it was an attempt to override the powers of an inferior judicatory and reckoned that it would pay no heed to their desires. While such committees had been appointed before, they were only rarely appointed by the Commissions of former years. In the Lochmaben affair the Commission merely approved of the Synod sending correspondents to carry out the Synod's sentence. In this case the Presbytery was certain that the correspondents were added to insure that the Commission's sentence was carried out by making sure that there were enough present to outvote the Presbytery. Wodrow in his Analecta offers an interesting interpretation of the Commission's procedure:

"These superadded committees to Presbytery, especially from the Commission, are, in my opinion, dangerous and evasive of our constitution. If a Presbytery malverse, let them be complained of to Synod, Assembly and Commission. Let superior courts appoint whom they will to execute their Acts, but never appoint additions to Presbyteries to overvote them, and pretend to act in concert with the Presbytery when the Presbytery are against the thing. This is a scorning and jesting..."<sup>86</sup>

The Commission was, however, to use this procedure again during the year and with increasing regularity during the next 2 or 3 years until the Assembly was to limit the use of corresponding committees as a means of accomodating the Seceders. When the Assembly met in 1730 overtures were already coming in appealing for the protection of the Presbytery's rights such as the following overture from the Presbytery of Ellon:

"That they fall upon some effectual means in time coming for preventing invasion upon the radical powers of Presbyteries...by committees appointed by superior

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86. Wodrow, Robert, Analecta, Volume IV, page 72.

judicatories for managing the affairs of Presbyteries and putting in execution the sentence of Synods during a standing appeal by the Presbytery to the venerable Assembly.

That you insist the Commission book appointing a committee for settling Newmachar be not approved by the General Assembly and that parallel cases may meet with a sufficient check..."<sup>87</sup>

This, however, appeared to be the only way to make a recalcitrant Presbytery submit to higher authority and the only means of the Commission accomplishing a final determination to disputed settlements which were referred to them by the Assembly.

After the forced settlement of Mr Reay in the parish of Newmachar by the Commission's "riding committee" the Presbytery of Aberdeen proceeded to libel Mr Reay for, "...powdering his periwig on the Sabbath day."<sup>88</sup> He was vindicated of this charge by the General Assembly in 1730.

The settlement of the parish of Renfrew in the Presbytery of Paisley proved to be another headache for the Commission. Robert Wodrow was called to this parish by the Presbytery, but Mr John McDermitt, the minister at Ayr, received the presentation of the King. The Commission at the August quarterly meeting voted to sustain the King's presentation by, "a great plurality."<sup>89</sup> At the March meeting it was noted that the Renfrew settlement had been delayed by the Presbytery of Ayr who refused to go on with the process because the Presbytery of Paisley had not concurred in the Commission's sentence. This support for the Presbytery of Paisley by the sister Presbytery to the south was the method adopted for the Church to strengthen each other's hands in defiance of the law of patronage. This method of forcing a delay could only be worked when a transportation was involved as well. The Commission found that:

"...the said Presbytery of Ayr ought to go on in the said transportation, notwithstanding that the forsaied concurrence is not given. In respect that the sentence of the Commission supplies the place of the Presbytery's concurrence..."<sup>90</sup>

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87. Miscellaneous General Assembly Papers 1730, Volume III, Instructions of the Presbytery of Ellon to their commissioners to the General Assembly.

88. Scott, Hew, Fasti, Synod of Aberdeen, Presbytery of Aberdeen, Parish of Newmachar, page 509.

89. Records 1729, Session 11, 15 August 1729, pages 318-320.

90. Records 1729, Session 11, 15 August 1729, pages 318-320.

90. Ibid., Session 20, 12 March 1730, page 370.

At the next session the sentence of the Commission received a protest, and the Commission was informed that a complain was to be offered to the General Assembly.<sup>91</sup> The action of the Presbytery demonstrates again the Church's opposition, and illustrates how the Presbytery misunderstood the role of the Commission as representing the Assembly. So unfamiliar was the Presbytery with the way they should handle the affair that it can be seen that some rules were necessary to guide them. As far as a great many persons were concerned the Commission was making up rules as it went along. The non-cooperation of the Presbytery proved finally successful and both the presentation of Mr McBerrett and the call to Mr Wodrow were dropped and a compromise reached over a third candidate.

A fourth disputed settlement caused some consternation in the ranks of the Commission. In November the Commission ordered the Presbytery of Kirkcubright to proceed to the settlement of Mr Lemont in the parish of Kelton. At the March meeting a letter was received from the Presbytery giving an account of their procedure and asking for the privilege to delay until the Assembly heard their case:

"...there was also laid before us a representation and petition signed by Samuel Brown of Malencie, heritor, two life rentwives, three ruling elders, and 50 other persons said to be heads of families, containing several reasons of their great unwillingness to accept Mr Lemont...entreating the Presbytery to concur with them and strengthen their hands in getting Mr John Falconer settled to be their minister, or at least to get both candidates laid aside. The Presbytery considering the present state of the said parish and the paucity of our numbers in this meeting did delay the whole matter entire until the next Presbytery, without any disrespect to the appointment of the very Reverend Commission. At the next meeting of the Presbytery their was presented another representation and petition signed by Sir Thomas Gordon of Barlton, Samuel Brown forsaide and some others adhering to the former and earnestly entreating the Presbytery to sist procedure with respect to Mr Lemont until the

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91. Records 1729. Session 21, 13 March 1730, page 371.

next General Assembly in regard they had protested for liberty to complain of the Commission to the said General Assembly... The Presbytery considering this and the former petition more fully and finding several weighty grounds contained in the same did...at Kirkcudbright March 3rd... again take under their consideration of the whole affair...and considering the great opposition in the said parish against the same...that the said settlement cannot tend to the edification of the body of that people, but may be of dangerous consequence to produce a new schism in that parish, to the prejudice and hurt of many like that in the neighboring parish of Balmaghie, which hath continued these 29 years and infected many in the country, and tho' the deposed Mr McMillan be removed from the parish of Balmaghie yet he frequently returns and doth his outmost to blow up the fire of division... the Presbytery thought it dangerous to proceed, and most expedient to delay this affair until the next General Assembly, they knowing the state of the parish and the circumstances of this corner better than those who live at a great distance can do; and therefore presume that this delay will be no ways disobliging to the Reverend Commission..."92

The Commission was somewhat less tactful in its reply insisting that the Presbytery proceed as they were ordered in November.<sup>93</sup> It was feared in the Commission that such disobedience could be infectious and destroy the power of the Commission:

"...they cannot approve of your conduct in delaying to put their sentence into effect, as being contrary to the rules of the Church, and having a tendency to render the sentences of the Commission of no effect..."94

Another litigious appeal involved the Commission in the settlement of the parish of Hutton in the Presbytery of Chirnside. In the 1728 Commission Mr Robert Waugh, who was presented to the parish by the King, received the approval of the Commission and his settlement was ordered.<sup>95</sup> The Assembly of 1729 fixed a diet to hear the complaints of the Presbytery concerning this

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92. Records 1729, Session 17, 11 March 1730, pages 354-356.

93. Ibid., Session 18, pages 359-360.

94. Ibid.

95. Records 1728, Session 14, 13 November 1728, pages 236-237.

matter, but for some reason the diet was never held.<sup>96</sup> Wodrow in his letters from the Assembly said:

"...the Commission Book was approved, except as to the parish of Hutton, where a remark very strong was made, that the Commission, by their decision had acted contrary to our Constitution, and principals against Patronage."<sup>97</sup>

The Presbytery referred their difficulties, brought on by the Assembly's oversight, to the Commission for advice. It was a debatable point whether or not the Assembly of 1729 had intended the Presbytery to proceed to the settlement of Mr Robert Waugh as minister of Hutton or had left the whole consideration of that matter until the next General Assembly. The Assembly spent so much of its time on the Simson affair that a proper state of this case had never been made. The Commission after much discussion and debate voted to advise the parish to proceed to the settlement of Mr Waugh.<sup>98</sup> Again George Gillespie dissented from this decision and indicated that he would give in the reasons for his dissent, but this time he was joined by John Curry and Lt. Col. Erskine.<sup>99</sup> The dissent given into the Commission in March made an exception against the Commission's procedure in giving this advice, accused them of exceeding their power and transgressing their instructions and indicated that the advice to proceed to settle Mr Waugh was contrary to the Word of God, the Acts of the General Assembly and the practice of the Church.<sup>100</sup> The Commission was quick to reply that they had not ordered the settlement, for that had been done by the Commission of 1728, but they only expedited the settlement that the Assembly meant to order.<sup>101</sup> This was the only course open to the Assembly, and the dissenters had to realise that the Commission was given the power finally to determine:

"...Yet this Commission looks upon it, as none of their business nor can they think, suppose the former Commission were condemned, that it would

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96. Acts of the General Assembly 1729, Session 13, 12 May 1729, Index of Unprinted Acts.

97. McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume III, page 435.

98. Records 1729, Session 13, 12 November 1729, pages 331-333.

99. Ibid.

100. Ibid., pages 406-415, Dissent appended to Commission minutes 1729.

101. Ibid., pages 415-420, Answer to dissent by the Commission.

avoid anything for the dissenters purpose, their drift still being the reversing of the sentence, and so far as their arguments are leveled at this point, they must fail, unless that part of our constitution which concerns the Commission were altered, for that the Commission's sentence is final, and ought not therefore to be rescinded however it may be disapproved..."<sup>102</sup>

When the Assembly finally met and took up the Commission's procedure with regard to Hutton the old debate concerning the Commission's power finally to determine came before them. The time the dissenters were so disturbed by the actions of the Commission determined to make the best of the patronage situation. This brought the Church ever closer to the point of rupture for the dissenters showed their willingness to defy the law. The dissent was defeated in the Assembly. Ebenezer Erskine argued that the members of the Commission were included in the vote against the dissent when they should have been excluded, but it was answered that both sides would lose votes if the Commission members did withdraw and thus it wouldn't affect the vote.<sup>103</sup> The vote against allowing the dissent and for not reversing the Commission's sentence turned out to be only four. When the dissenters discovered this they cried that they had been cheated for had the Commission members not voted they would have likely carried the vote their way.<sup>104</sup> A dissent was, in fact, raised against the decision of the Assembly itself, but many members declared that this would tend to disturb the peace of the Church, and ought not to be allowed therefore the Assembly by a vote discharged the clerk to mark any dissent.<sup>105</sup> Then in the very next session the Assembly passed another Act disallowing the recording of dissents against the determination of Church judicatories.<sup>106</sup> This seemed a peculiar kind of oppression to the dissenters who had effectively used this method to keep before the Church their thoughts with regard to patronage and its being forced upon the Church by the Assembly itself.

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- 102. Records 1729, pages 415-420, Answer to the dissent by the Commission.
- 103. Wodrow, Robert, Analecta, Volume IV, page 128.
- 104. Ibid.
- 105. Acts of the General Assembly 1730, Session 14, Index of Unprinted Acts.
- 106. Ibid., Act VII.

If nothing else the sad experience of the past year pointed to the need for an overture advising the Church as to the exact procedure to be followed in settling Churches. This was not to come before the Church for another two years. This meant that the Church had to pass through another year without the guidance of such a measure. Robert Wodrow passed the blame for this state of affairs on the leading men of Edinburgh:

"...the leading men of Edinburgh will never allow that act to come to any bearing."<sup>107</sup>

He also said:

"Most of the Assembly's time these many years, hath been taken up in things quite alien from the proper work of General Assemblies, which is to consider what may be proper to be done for bettering of discipline and what new rules and regulations are to be made. But, now litigious and very idle debates as to calls and settlements of parishes consume our whole time, with complaints against patrons, without endeavouring to better matters as to patronages. An Act of Assembly as to the proper manner of calling ministers, and determining when a call is to be found a proper call for settling a minister would save a vast deal of time and trouble to Synods, Assemblies and Commissions!"<sup>108</sup>

It was true what Wodrow said about the importance of having such an Act passed but blaming the men of Edinburgh for holding up the matter in the Commission of the Assembly is perhaps a bit too partial. What he is most likely trying to say, is that there were many insistant on making the inclinations of the people the all important part of the Act and giving to the heads of families the power to call and elect while others were violently opposed to such a scheme. The majority of the men in Edinburgh, on the other hand, were probably just as insistant that the right to call belonged to those who had some ecclesiastical responsibility such as the Presbytery and the Kirk-Session. Until there was some compromise on this point it didn't seem likely that such an Act would ever be possible.

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107. Wodrow, Robert, Analecta, Volume IV, page 136.

108. Ibid.

The Commission of 1730 found that they were having to face a series of disputed settlements again. The Balfroun settlement, in the Presbytery of Dumbarton came before them and they favoured the presentee, Mr Sinclair.

It was reported by Wodrow that:

"...they laid aside Mr Brown, and that though it was evident he had eighty heads of families, and most of the elders and near as many heretors as any of the other two; and preferred the presentee's call, with thirteen heads of families, and an equal number to Mr Buchanan of heretors,... who had seven elders (the presentee none), and thirty five heads of families; contrary to our received rules and principles. This is turning very common."<sup>109</sup>

When the Synod of Glasgow and Ayr met they took notice of the Commission's actions with respect to Balfroun and heard the Presbytery of Dumbarton represent that they would not proceed in the settlement until the General Assembly heard the complaint.<sup>110</sup> Following a debate the Synod proceeded to write to the Commission intimating that they wished with the Presbytery of Dumbarton that the procedure regarding Balfroun should be halted until the Assembly.<sup>111</sup> In November the Commission laid aside the letter of the Synod and appointed a riding committee so that they could get on with Mr Sinclair's trials, but before they could do this a quorum was called for, and after finding that they did not then have a quorum present the matter was tabled.<sup>112</sup> The Commission was not to be deterred and when it met in March the affair was taken from the table and the appointment of a corresponding committee was approved.<sup>113</sup> Wodrow was present during the March Commission and evidently was very much displeased with this kind of procedure, and now after many years of supporting the idea of a Commission whose decisions could not be overturned he now begins to reproach the Commission. He had steadfastly maintained that to reverse a sentence of the Commission of Assembly was to ruin it. Now with regard to this hard line adopted

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109. Wodrow, Robert, Analecta, Volume IV, page 169.

110. Records of the Synod of Glyndendale 1730, 7-8 October 1730, page 214.

111. Ibid.

112. Records 1730, Session 10, 11 November 1730, page 461.

113. Ibid., Session 15, 10 March 1731, pages 473-475.

by the Commission to force obedience to the law he expresses second thoughts:

"I notice that Commissions of our Assemblys are taking very wide steps, under the notion of executing their own sentences, and this way evidently encroachs upon Synods and Presbyteries, which will be of terrible consequence. An affair as that of Balfroon, by a most irregular appeal, upon a groundless pretence, is taken out of the Presbytery's and Synod's hands to the Assembly, not with any design the Assembly should consider it, but to turn it over to the Commission. The Commission act as a few about Edinburgh are disposed, to please patrons and great men, and a few make a false step, and then its pretended it cannot be rescinded by a posterior act of the Commission, and so must be execute; and committees of called-out men are chosen by the Commission, and under the pretext of executing the Commission's sentence, refuse to allow the Presbytery to meet with them, unless they act as the Commission acted. This sapps our constitution, exposes us and heightens our division, and is the way to make the whole Church of Scotland stoop to a few at Edinburgh, as if they were Dishops...This is a growing evil, which undoubtedly in the first room divides us...it brings in a party spirit amongst us...it brings in animosities and emulation among minister and is a plain departure from our Presbyterian principles, and quitting the proper rights of General Assemblies by sinking their power as to settlements in the hands of a few ministers; and is what, in my opinion, Presbyteries, and Synods should consider the tendency of and endeavour to provide remedys against."<sup>114</sup>

During the course of the year the Commission had favoured the call of Matthew Dysart to the parish of Eccles in accord with the parish and the patron, but against the wishes of the Presbytery of Dunse. The Presbytery's opposition in this matter had kept the parish vacant for 16 months already. At the November quarterly meeting in 1730 the settlement was ordered and a 'riding committee' appointed to carry out the Commission's sentence.<sup>115</sup> Also the parish of Grimmond in the Presbytery of Aberdeen was appointed to be settled and a 'riding committee' appointed to settle Mr William Hay as the minister there.<sup>116</sup>

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114. Wodrow, Robert, Analecta, Volume IV, pages 210-211.

115. Records 1730, Session 12, 12 November 1730, pages 467-469.

116. Ibid., Session 8, 13 August 1730, pages 450-452.

The use of the 'riding committee' had indeed become of common use. Until the year 1729 the courts of the Church and the Commission had resorted to this alternative on a very few occasions. Now in the year 1730 it appears that the Commission was prepared to use it in every instance where the will of inferior courts came into conflict with its will. Such apparent arbitrary use of power was bound to meet with opposition, and was certainly having adverse effects. It was considered oppressive and despotic to force the will of a superior judicatory on an inferior one in this way. When the Secession finally took place they looked back at the use of this expedient, "as unscriptural, unconstitutional, and at variance with sound policy."<sup>117</sup> So the procedure calculated to bring respect for ecclesiastical authority and law had instead brought the Church into contempt. It tended to foster rather than repress a spirit of resistance, and involved the Church in some unseemly affairs which have remained a blot upon her history. One hardly knows where to place responsibility for such a state of affairs. Is this a commentary on hard-headed Scottish pride or was it a courageous stand for righteousness against tyrannical methods and laws? The blame for the situation can hardly be placed at the steps of the National Church, after all the law of patronage was imperative, and when both patron and presentee demanded that the law should be carried into effect the Assembly or its Commission was forced to Act. In consequence of an unbending spirit in both people and clergy the Church felt itself placed in circumstances of peculiar difficulty. What was certain was that the country could not go on enjoying the privileges of a State Church while flouting that State's laws when it affected them through the Church. What tended to hasten the approaching crisis still more, and added greater difficulty for the Supreme Court of the Church in effecting the settlement,

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117. McKerrow, John, History of the Secession Church, page 35.

was the attitude of a number of the clergy. It was the considered opinion of the day that the populace were being stirred up in these matters by a minority of clergy and elders who were kicking against a system that had been practiced in the Church for some generations. On the one hand a moral argument could be made to support the patronage system despite its associations with the Roman Catholicism of pre-reformation days for it involved the rights of people's property. It could be argued as well that the government had compromised itself and the patronage system to a great extent by limiting the powers of patrons. It was the law that the church could be kept vacant for only six months before the rights of the patron devolved upon the Presbytery, and thus it was impossible for an unscrupulous patron to keep the church permanently vacant while retaining the benefice. On the other hand it could be shown that the Church of Scotland had always kept the power of calling in the hands of an ecclesiastical court. During the great days so admired by the exponents of the policy of placing the power to call in the people, the Church experienced some controversy when an attempt was made to place the power to call in the grasp of the Kirk-Session and heritors rather than the Presbytery. In fact, the great David Calderwood, no doubt much admired and respected by these latter day Covenanters, offered his dissent against the plan to allow Kirk-Sessions the power to call rather than the Presbyteries in his day.<sup>118</sup> However, the Church not only experienced opposition, but another portion of the clergy, perhaps more sympathetic to the national dilemma were non-co-operative. They did not speak out or protest against settlements, but they refused to carry into effect the decisions of the Assembly or the Commission, lest they should alienate their own parishes against them. Thus by absenting themselves from ordinations and settlements where presentations were involved they were protecting themselves against an irate congregation or an offended neighboring parish. One way around this difficulty

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118. Commission's narrative of the Proceedings against Ebenezer Erskine and others... Pamphlet printed in 1734, page 26-27, Librarian's room, Trinity College, Glasgow.

was a committee of persons from distant parts to carry out the law thus leaving the members of the local judicatories free from the stain of supporting an unpopular law.

Wodrow gives us an insight into the operations of these corresponding committees when he reports on the committee of the Commission that met at Dumbarton with the Presbytery to settle the Balfiron affair:

"There were only Mr Neil Campbell, Mr R. Paton, Mr James Wilson and Mr Sidserf, ministers at Dumbarton, who joined from the Presbytery at this meeting, There were 6 or 10 members of the Presbytery met with them upon the Commission's letter; Upon their meeting, the first question was, Who were members of that joint meeting? The Commission by their act, called the Presbytery and committee, or the committee and such of the Presbytery as should join with them. The Presbytery were met; but the committee, that is the three named to join with them, for of near twenty named, and sixteen of them in this Synod, none would join save these three. Before they would allow the Presbytery to join them, (they) put the question, Whether they were ready to execute the Commission's sentence of settling Mr Sinclair in Balfiron before the Assembly? The Presbytery answered, They were come there in obedience to the Commission's letter, and ready to act according to their light; but the committee insisted on the Commission's letter, and would not allow them to act unless they would declare for Mr Sinclair's settlement. On this they retired all save Mr Sidserf, and Mr McCalpin of Arrechar. These with the committee, gave Mr Sinclair three discourses to be delivered in the intervals of the Synod of Glasgow. This is a very dangerous innovation, come in but of late, to adjoin committees, a quorum three or five, to Presbyteries to execute the sentences of a superior court, with exclusive powers to cut off both presbytery and Synods. This takes away all proper powers of Presbyteries and Synods, and lands all in the the Commission solely, which is an infringement of our constitution, in my opinion."<sup>119</sup>

When the Assembly met in 1731 the Commission's records were approved, but with exceptions regarding the Commission's action at Balfiron and their reponing Mr Archibald to be minister at Guthrie.<sup>120</sup> The Balfiron settlement stood as had

119. Wodrow, Robert, Analacts, Volume IV, pages 219-220.

120. Acts of General Assembly 1731, Session 8, 14 May 1731, Index of Unprinted Acts.

the other forced settlements of that year and the previous years. However, when the Assembly discussed the Balfour affair they did disapprove of several steps that the Commission had taken in that affair.<sup>121</sup> Wodrow says:

"What was most spoken against was their going in to the call that had a minority, over the belly of Presbytery and Synod, and their shameful hastening of the affair, to prevent its coming before the Assembly."<sup>122</sup>

The Assembly decided it was time that definite action should be taken to pass an Act that would offer rules and guidelines for settling vacant parishes. An overture was framed similar to the ones offered in 1719 and 1720 and the one prepared by the Commission in 1728. There were major differences in the wording, and the whole appearance of the Act was contrary to what the more evangelical clergy would have liked. Robert Wodrow who helped to write the overture indicates that it was to be so worded as not to cause any embarrassment to the Crown over the patronage issue.<sup>123</sup> The fact that the overture did not even offer in parenthesis as former overtures that patronage was a grievance to the Church must have appeared as an uncalled for submission to the Government. The act was certainly no compromise with those who favoured the power to call being placed in the hands of the people, for in this act:

"...And in order thereunto, they (the Presbytery) shall appoint one or more of their number to meet with the heritors, being Protestants, and the elders who represent the people, that they may elect and call one to be their Minister, whom they are to propose to the whole congregation, to be either approved or disapproved by them; And the disapprovers to offer their reasons to the Presbytery of the bounds, at whose judgement, and by whose determination, the calling and entry of a minister is to be ordered and concluded. And when the like case happens in Royal Burghs, that the Call or Election be by the Magistrates, Town Council, and Kirk Session, Where there is no Landward Parish; and where there is a part of the Parish in Landward, the Call or Election shall be by the Magistrates, Town Council, Kirksession and Heritors."<sup>124</sup>

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121. Acts of the Assembly 1731, Session 8, 14 May 1731, Index of Unprinted Acts.  
122. Wodrow, Robert, Analecta, Volume IV, page 261.  
123. Ibid., page 251.  
124. Acts of the Assembly 1731, Act IV.

Wodrow reports that the debates in the Assembly over the proposed act brought despair over the possibility of a real harmonious agreement concerning the matter:

"...It was urged, that the Christian people were proper choosers and callers...It was urged by the Moderator, that poll elections were warranted by no practice in the Christian Church...Professor Hamilton, when this was like to come to some heat, interposed, and endeavoured to show, though the plan of the Act 1690 was the fixed interest in a congregation, and that was the misde, that the people, by this act, had their approbation and disapprobation allowed, with the reasons, of which Presbytery were the Judges...By this time, some about Edinburgh came to take the matter of calling to heart; but the directors of affairs, as I have said lay off, and it seems, inclined to have the power of calling left loose, that it might really be in the Commission's hand to settle according as parties would have it, and so no rule was agreed to. This present Act is the only general Act that ever the Assembly has yet agreed to; but then it needs great amendments...many other regulations would be needful to make, but I doubt this is scarce a time for it; and I see some leading persons are not fond of rules. Power is sweet, and such who get it in their hands are not willing to part with it."125

The Assembly also received overtures from Presbyteries and Synods calling for the Assembly to do something about the use of 'riding committees'.

Wodrow says:

"There was mostly from the Synod of Aberdeen strong instructions against superior judicatories, Synods, Assemblies, and especially Commissions appointing joint committees, Correspondents, and other such meetings, to overrule Presbyteries. This related to the affair of Old Machar and Newmachar, and was sadly abused in Dalfron. This is indeed a taking the whole power of the matter from Presbyteries by a superior party in the Synod or Commission, and is like to have very ill consequences. It was said, that Presbyteries are rebellious to superior judicatories, they must be quelled, and in other cases they were not appointed, but this is certainly a dangerous thing, and has been much abused of late by the Commission."126

During the year 1731 the Commission ordered the settlement of Kinross with a Mr Stark because he was the recipient of a presentation.<sup>127</sup> This was

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125. Wodrow, Robert, Analecta, Volume IV, pages 251-256.

126. Ibid., pages 258-259.

127. Records 1731, Session 12, 10 November 1731, pages 38-40.

done even though, as Scott says, "he was obnoxious to the parish and the Presbytery."<sup>128</sup> A large 'riding committee' was appointed to proceed to trials, ordination and admission.<sup>129</sup> The Commission, however, reported that his settlement had been peaceful and before a numerous congregation, but that the Presbytery not only refused to proceed to settle him, but refused to produce a copy of the Confession of Faith for him to sign.<sup>130</sup> The Committee had thought of this possibility, having experienced this form of non-co-operation before, and produced a copy of the Confession from the Presbytery of Edinburgh.<sup>131</sup> It was some time, however, before the Presbytery could be prevailed upon to enroll this minister as a member of the Presbytery after he had been forcibly settled in their midst. In fact, it was not until after the Assembly of 1733 that Mr Stark gained any recognition by the recalcitrant Presbytery, and then only after six members of the Presbytery were sharply rebuked at the bar of the Assembly, by the Moderator, Mr Gowdie.<sup>132</sup>

Another interesting settlement took place in the Presbytery of Edinburgh when the Commission of Assembly had to appoint a 'riding committee' to force the settlement of Mr Patrick Witherspoon in the West Kirk of Edinburgh against the will of this powerful Presbytery.<sup>133</sup> It is also of interest to note that Mr Witherspoon was settled in accord with the wishes of the people of the parish.

One other incident that occurred in the Commission of 1731 deserves some attention, for it helps us to visualise the extent of disagreement between ministers in the Kirk. The Commission on considering an address and representation from the Synods of Perth and Stirling, and instructions from the Presbytery of St. Andrews concerning errors in doctrine and the growth of infidelity...agreed that letters should be sent to all the Presbyteries earnestly recommending that all ministers of the Church should be careful in guarding against the spreading of any errors contrary to the standards and condemned by the Acts of the Assembly, "particularly such as strike against the fundamentals of our

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- 128. Scott, New, Fasti, Volume V, page 66 (2nd edition).
- 129. Records 1731, Session 12, 10 November 1731, pages 38-40.
- 130. Ibid.
- 131. Ibid.
- 132. Acts of the General Assembly 1733, Index of Unprinted Acts.
- 133. Records 1731, Session 16, 8 March 1732, pages 49-52.

Holy Religion in terms of the 8th Act of the Assembly 1730."<sup>134</sup> Mr. Alexander Moncrieff, minister of Abernethy, protested against this action of the Commission as too weak, very general, and not answering the ends proposed by his constituents and promised to complain to the Assembly.<sup>135</sup> Moncrieff, one of the zealous evangelicals and later one of the Seceders, had more in mind by this Act than the Commission was willing to enumerate. This attempt at another strong Act, intended as a further restriction upon a Church much in need of some latitude, really had little hope of success. Many of the younger ministers felt the theological atmosphere in Scotland as very stifling. The fact that there was a growing number of these men in this time of the Church's History can be little doubted.<sup>136</sup> Robert Wodrow speaks of groups of these men forming themselves into clubs for theological discussion, but is very suspicious of their doctrine, and annoyed at the freedom of thought allowed.<sup>137</sup> To men like Moncrieff, Ebenezer and Ralph Erskine, Ralph Boston, and others who formed the nucleus of a dissent movement this kind of hedging by the Commission was typical of the 'prevailing party', and was considered evidence of growing disaffection to the traditional principles of the Church.

When the Assembly of 1732 came round, another incident outraged these men and drove them to speak out furiously against the persons who were responsible for passing, by what was considered devious and unconstitutional methods, the Act for settling vacant churches. The Assembly of 1731 had sent the overture to the Presbyteries for their consideration and ratification. During the 1732 Assembly the returns were counted and it was found that 6 had approved the overture, that 12 favoured it with some amendments, but that 31 were against it. However, 18 Presbyteries sent in no return at all.<sup>138</sup> The Church was obviously

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134. Records 1731, Session 18, 9 March 1732, Resolve about error, pages 55-56.
135. Ibid.
136. Sefton, Henry Reay, "The Early Development of Moderatism in the Church of Scotland," Thesis presented to the University of Glasgow, 1962.
137. Wodrow, Robert, Analecta, Volume III, pages 183-185. See Also, McCrie, Thomas, (Ed.), Wodrow Correspondence, Volume III, page 190.
138. Cunningham, John, Church History of Scotland, Volume II, pages 283-284.

divided over the issue, and the tactful thing to do would have been some kind of compromise, a rephrasing of the overture, and a further year in the Presbyteries of the Church. However, the Assembly was desperate for an Act that would give direction once and for all on the appropriate procedure for settlements once the presentation devolved on the Presbytery. Wodrow noted that even in 1731 when the overture was just framed that some were calling for it to be turned into an Act without resorting to the Barrier Act which called for the overtures to be sent to the Presbyteries:

"...Professor Hamilton was for making this a standing Act at present, as having long been under the Presbyteries' consideration; but he yielded..."<sup>139</sup>

Grasping at desperate measures rather than face another year without some sort of regulation the Assembly argued that the 18 who made no return should be considered as having been favourable because their silence signified assent in this circumstance. This meant that by this kind of questionable arithmetic the overture would become an Act by a vote of 31 to 18, and that the 18 non-returns should not be counted at all.<sup>140</sup> In a very confusing session it was voted first that the overture should be retransmitted, and then by a second motion that the overture should be approved, which by modern standards and likely by early 18th century standards as well goes against all the rules of parliamentary procedure. When the vote was taken on the second motion, "it carried by a great plurality to approve."<sup>141</sup> Considering that the overture had been amended in an attempt to accommodate any who opposed it, and looked remarkably different from the overture sent down to the Presbyteries in 1731 it probably deserved

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139. Wodrow, Robert, Analecta, Volume IV, page 252.

140. Cunningham, John, Church History of Scotland, Volume II, page 284.

141. Acts of the General Assembly 1732, Scroll minutes (Ms.), National Register Office, Edinburgh. Sessions 10 and 11, 9 and 15 May, pages 26 and 28.

another year in the Presbyteries of the Church. The overture may have been more appealing to the majority of the Presbyteries now that it had been amended to make it appear that the Church still considered patronage a grievance. What, in fact, happened by the manner of its adoption by the Assembly was that Professor Hamilton's advice of the year before had been followed and the Barrier Act conveniently passed by. Unknown to the Church this overture and the odd method of its approval was to determine the fate of the Church for years to come, for it brought the two contending views about the method of calling a minister into a direct confrontation.

Chapter VIII

1732-1735

THE COMMISSION OF THE GENERAL ASSEMBLY 1732-1735

The passing of the Act about the method of planting vacant churches by the General Assembly of 1732 proved to be a turning point in the history of the Church of Scotland. What followed thereafter was dramatically to change the face of the Kirk and lead to the Secession. This act had made it a policy of the Church that the calling of a minister after the six months for a presentation had lapsed would be the combined function of the Presbytery, the Kirk-session and the heritors. This was a reassertion of the policy that had been adopted at the time of the Revolution, but it was a far cry from what a number of the dissenting party wanted from the Assembly. Ebenezer Erskine, one of the leading voices of the party, took the opportunity when preaching before the Synod of Perth and Stirling to lampoon this Act. He said in his sermon:

"...that Christ was, 'rejected in his poor members, and the rich of this world put in their rooms.'... and that the Scribes and Pharisees, who, though zealots for the moral law, were strangers to grace, who thought that, 'a smack of the learning then in vogue,' was all that was needed to fit a man for the ministry, who courted the great and treated the people, 'as an unhallowed mob,' who denied the, 'supreme diety' of Christ, and who, in their carnal wisdom', put him to death."<sup>1</sup>

Such words loaded with reflections upon the leading party of the time, were bound to cause a stir. Erskine was charged by his hearers with drawing an insulting parallel between the persons responsible for passing the Assembly's Act about planting of vacant churches and the Scribes and Pharisees of Jesus's time.<sup>2</sup> He also inferred that those who were zealots for the moral law were strangers to grace which was an obvious reference to those who stood against the 'Marrow men', and the debates aroused by that affair nearly a decade before. His statement about the denying of the diety of Christ was most certainly

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1. Mathieson, William Law, Scotland and the Union, page 244.
2. McKerrow, John, History of the Secession Church, page 45.

a strike at Professor Simson and his supporters.<sup>3</sup> A criticism was directed at the younger men in the Church who conducted their ministry in a different way, and who preached differently as well. As we shall see Wodrow also took these 'new lights' to task for their liberal theology and for the style of their preaching. The whole sermon of Erskine was seen as an attempt to call support to Erskine's cause as champion of the people, while making sharp, stinging criticisms of those who, as he suggested, thought only of the people as, "an unhallowed mob."<sup>4</sup> So strongly worded was the sermon that Erskine's own Synod, the Synod over which he had moderated in the previous year, found it necessary to issue a complaint about the sermon, saying, "...that some expressions in his sermon gave offence..."<sup>5</sup> Erskine, however, could not be convinced of this, and maintained that the Lord gave him the utterance.<sup>6</sup> In defending himself and his sermon before the Synod he went even farther and said that ministers who had accepted presentations and were forced upon the Church were:

"...thieves and robbers...I adhere to my notes on this head as the truths of God; but deny they infer the charge of my looking upon all the ministers of this Church as thieves and robbers; for I know a vast many of them have both God's call and the Church's call; but as for these violent settlements that have taken place since the Patronage Act, I cannot think upon them as warranted by the Word of God..."<sup>6</sup>

The Synod found by a majority of six that Erskine was censurable for the expressions used in his sermon.<sup>7</sup> Against this sentence fourteen ministers

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3. Professor John Simson, professor of divinity at the University of Glasgow, had been suspended in 1729 by the General Assembly for certain supposedly heretical statements made when lecturing on the nature of Christ. Simson had a great deal of support from the clergy, but the evangelical men and great numbers of laymen pressured the Assembly into taking some action about him. The sentence of suspension seemed inadequate to the more extreme members of the evangelical party who had hoped that Simson would be deposed.
4. McKerrow, John, History of the Secession Church, page 45.
5. Records of the Synod of Perth and Stirling 1732, (Ms.), Sessions 4-6,
6. Ibid., Pages 127-136.
7. McKerrow, John, History of the Secession Church, page 48.

and two elders protested.<sup>8</sup> The Synod then voted to rebuke and admonish Erskine, but he left the meeting, refused to submit and appealed to the General Assembly. Following this he arrogantly published his Synod sermon, and defended it from his own pulpit. His opponents accused him of conducting himself in the manner of a, "...trumpeter of schism."<sup>9</sup> Erskine maintained that the Assembly's Act about planting vacant churches had forced him to preach in such a way because the Act had imposed a new condition of ministerial communion upon him and his followers that could not be accepted:

"...I cannot, and dare not, retract my testimony against it (the Act of Assembly 1732), either before the Assembly, the day after it was passed into an Act, or by what I said in my sermon before this Reverend Synod, in regard I cannot see the authority of the King of Zion giving warrant to confer the power of voting in the election of ministers, upon heritors, beyond other Christians, especially when, in the said Act, heritors disaffected to Church and State were put upon a level with those of our own communion, and I shall be sorry if this Act of our Assembly be made a term of our ministerial communion..."<sup>10</sup>

It was plain enough that the leader of this evangelical dissent was calling for the repeal of the Assembly's Act or he would have to consider himself forced outside the pale of the Established Church's communion.

Something more, however, lay behind this action by these evangelical ministers. The Church since 1690 had placed the power to call in the hands of elders and heritors. While many including Erskine had argued for a long time that the right belonged, by divine right, to the people of the parish, this was not, and never had been the law of the Church or of the land. The procedure of calling and electing as well as naming and proposing a minister in a conjunct meeting of the heritors and elders now had the sanction of the Church.<sup>11</sup> This, of course, was the particular complaint of Erskine who considered

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8. Records of the Synod of Perth and Stirling 173, (Ms.), Session 6, page 136.
9. Ibid. Including Fisher, Moncrieff, and Wilson the three that were censured along with Erskine by the General Assembly that was to follow.
10. Mathieson, William Law, Scotland and the Union, page 245. See also, the pamphlet by the Commission of Assembly entitled, A True Narrative of the Proceedings Against Ebenezer Erskine and Others..., page 3.
11. Acts of the General Assembly 1732, Act VIII.

some heritors as especially unworthy and looked upon this Act as an usurpation of the people's rights and a violation of Scripture:

"...The call of the Church lies in the free call and election of the Christian people. The promise of conduct and counsel in the choice of men that are to build is not made to patrons, heritors, or any other set of men, but to the Church, the body of Christ, to whom apostles, prophets, evangelists, pastors, and teachers are given. As it is the natural privilege of every house or society of men to have the choice of their own servants or officers, so it is the privilege of the house of God in a particular manner. What a miserable bondage would it be reckoned for any family to have stewards or servants imposed upon them by strangers, who might give the children a stone for bread, or a scorpion instead of fish, poison instead of medicine? And shall we suppose that ever God granted a power to any set of men, patrons, heritors, or whatever they be, - a power to impose servants on his family, without his own consent, they being the freest society in the world?...I think that I have good reason to refuse, that any minister has God's call, who has only a call from the heritors... yet, notwithstanding, I do not hereby exclude the whole ministers of the Church of Scotland, nor myself among them, from having the call of God, in regard, that from the Revolution till the act of patronage came to be in force, I know of no settlements but where the body of Christian people concurred in the election of their ministers, and in the practice of the Church till of late, they were allowed to vote..."<sup>12</sup>

The Assembly's Act, it should be noticed, made provision for the congregation to vote, but the final decision in the event of a disapproval was with the Presbytery.<sup>13</sup> Ebenezer Erskine wanted the vote of the people of the parish to be the determining factor in whether a man was called or not, but this was not the case, nor had it ever been the case.<sup>14</sup> The conflict then was, what kind of democratic procedure was most consistent with the Word of God? The Assembly's Act was definitely a compromise with patronage, but it offered a measure of freedom to the congregation while still looking upon the patronage law as a grievance to the Church:

"The General Assembly, taking to their serious consideration how necessary it is, that (until it shall please God in his providence to relieve

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12. McKerrow, John, History of the Secession Church, page 48.
13. Acts of the General Assembly 1732, Act VIII.
14. Peterkin, Alexander, Peterkin's Compendium, Volume II, pages 69-70.

this Church from the grievances arising from the Act restoring patronage) there should be an established rule for the planting of vacant churches..."<sup>15</sup>

Erskine and his followers were holding out for an impossible dream of free election which was bound to bring the Church into a head-on clash with the government, but in itself was a plan odious to many of the ministers who favoured strict ecclesiastical control over such matters. In a Presbyterian system, regardless of what method was adopted, the call of a minister had to be made subject to the will of the Church courts otherwise the Presbytery would have no control over the doctrine, principles, and affections of the men called. It would be unfair to Erskine to suggest that he did not believe in such control by the judicatories of the Church but his plan had many of the appearances of congregationalism which just did not fit into the Presbyterian interpretation of the nature of the ministry or the nature of the call.

During the period from the re-introduction of patronage until 1732 the law had been left dormant. Even after presentations were offered very few parishes of the 900 or so in Scotland were greatly troubled. True forced settlements were rare indeed, and although some ugly incidents did occur when a forced settlement was necessary they were few. Most churches continued to be settled amicably with patron, elders, and people often in agreement about the settlement. When one gives serious attention to Scott's Fasti, checking such matters as forced settlements and serious disputes it is more surprising to note the absence of difficulties than their presence. Very few disputed settlements occurred in the south of Scotland, the west or the far north, but forced settlements accompanied by angry scenes or rioting in the parish are extremely rare. In fact, one finds as much difficulty in the period before the law of patronage as after. The serious difficulties that are noted seemed to have been concentrated around Aberdeen, and in the Synods of Fife and Perth and Stirling where the evangelical ministers were most numerous.

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15. Acts of the General Assembly 1732, Act VIII.

The Assembly of 1733 took up the case of Ebenezer Erskine's appeal and reference from the Synod of Perth and Stirling and sustained the Synod's action:

"The Assembly find the expressions vented by Mr Erskine, and contained in the minutes of the Synod's proceedings, with the answers thereto, made by him, to be offensive, and to tend to disturb the peace and good order of this Church; therefore, they approve of the proceedings of the Synod, and appoint him to be rebuked and admonished by the Moderator, at their own bar, in order to terminate the process..."<sup>16</sup>

Erskine, however, was not going to submit even to the Assembly without a protest, and thus the affair was not to be terminated. It is given to few men to believe so strongly in what they have done that they can stand against the whole Church. Erskine was supported by only three other men at the Assembly, and they also were rebuked, but Erskine felt he could count on another six or eight clergymen plus a great many of the populace who he considered to be wronged by the Assembly's Act. John McKerrow, in his history of the Secession, says that the affair could have been terminated when Erskine and his fellow protestors left the Assembly without retracting their statements for, "...the brethren had no intention at this point of leaving the Communion of the Church."<sup>17</sup>

When the four men left the Assembly they left their protests, in writing, on the table. When these were read it was found to be a further insult and indignity directed at the Church. The Assembly felt that they had a right to expect Erskine's submission for he had appealed to the Assembly and this implied his willingness to accept the Supreme judicatory's decision. If he did not intend to accept the decision if it went against him then he should not have appealed in the first place. Had he and his supporters offered that submission then indeed the affair could have been terminated. These evangelical extremists were convinced, more than ever before, that the Church had parted ways with the true path of Reformation, and that now it was their mission to bring the

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16. Acts of the General Assembly 1733, Act VII.

17. McKerrow, John, History of the Secession Church, page 53.

Church that had been led astray back to its traditional ways or go on alone. The Assembly on the other hand argued that no order could be maintained in the Church if ministers would not submit to being rebuked by the Supreme Court for a matter of so little importance as mere impropriety of speech, without offering insulting protests in return. Refusal to submit, refusal to obey, and refusal to retract, while offering only to dissent from the whole action of the Church was a clear demonstration of contumacious behaviour. To act in this manner after a Church censure, with impunity, was subversive to the discipline of the Church.

Following the Assembly these protesting brethren issued a declaration giving the reasons for their actions, and tracing the righteous causes of their actions.<sup>18</sup> Erskine continued to preach and write maintaining that any attempt to stop him was a tyrannical invasion of a minister's prerogative.<sup>19</sup> In fact, it was not the purpose of the Church to bring him to a promise of silence with regard to the supposed defections that he was railing against, but merely that he acquiesce in the judgement of his superiors that on a particular occasion he had violated decorum. Unfortunately neither party was much in the habit of bending their knee to the other for any reason always believing that they had the truth, therefore any recantation would be a denial of that truth.

The Assembly was bent on maintaining some semblance of authority, and refused to suffer the reproach of this minority or endure any further commentary through their preaching or writing about the affair, ordered the four brethren to:

"...appear before the Commission in August next, and then show their sorrow for their conduct and misbehaviour, in offering to protest, and in giving in to this Assembly the paper by them subscribed; and that they do retract the same. And in case they do not appear before the said Commission in August, and then show their sorrow, and retract as said is, the Commission is hereby

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18. McKerrow, John, History of the Secession Church, pages 75-80.

19. Ibid., Page 52. The full text of Erskine's protest given in to the Assembly.

impowered and appointed to suspend the said brethren, or such of them as shall not obey, from the exercise of their ministry, and further, in case the said brethren shall be suspended by the said Commission, and that they shall act contrary to the said sentence of suspension, the Commission is hereby impowered and appointed at their meeting in November or any subsequent meeting to proceed to a higher censure against the said four brethren, or such of them as shall continue to offend by transgressing this Act. And the General Assembly do appoint the several Presbyteries, of which the said brethren are members, to report to the Commission in August, and subsequent meetings of it, their conduct and behaviour with respect to this Act."<sup>20</sup>

During the year of 1733 and on into 1734 the Commission carried on much as before, and the settlement churches continued to be a constant source of difficulty for them. The Commission had reversed the sentence of Mr Hugh Mitchell, who had a call to the parish of Stevenkirk in the Presbytery of Stranraer who had been censured on a trumped up charge of immorality and had his licence to preach declared null and void by both the Presbytery and the Synod. The people of the parish were quite anxious to have him settled, though, and appealed to the Assembly who referred the case to their Commission. At their quarterly meeting in November the Commission considered the libel taken up against Mr Mitchell. The libel was proved not relevant and all the witnesses who spoke against him were proved unreliable. The Commission, unable to review the matter from a more objective viewpoint, ordered Mitchell's settlement and appointed a committee of correspondents.<sup>21</sup> According to the Fasti Mitchell was the victim of an intruder who shot him dead while he was standing at his own door.<sup>22</sup> Such revenge helps to illustrate how strong some felt towards any who dared to be a presentee.<sup>23</sup>

The parish of Muckhart became a subject of the Commission's concern during this time. The Synod of Perth and Stirling reversed a sentence of the Presbytery

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20. Acts of the General Assembly 1733, Act VII.  
21. Records 1733, Session 13, 16 November 1733, pages 201-206.  
22. Scott, Hew, Fasti, Volume II, page 354.  
23. Ibid.

of Auchterarder:

"...Whereby they refused to moderate a call for a Mr Rennie, and declaring void the proceeding of a committee of the said Presbytery who met at Muckhart in March last to witness the subscribing of a call to the said Mr Hally, and the said Synod their appointing a committee of their own number to deal with the parishioners of Muckhart to concur with the settlement of the Presentee."<sup>24</sup>

The Commission then ordered the Presbytery to moderate a call to Mr Rennie, "by a great plurality."<sup>25</sup> In this case the Commission had found against John Hally, a probationer, who had been favoured by the heritors and the elders, and in favour of the King's presentee. In this case the Commission was protecting the legal rights of the patron while the Presbytery was trying to frustrate his rights. At the November meeting of the Commission a correspondent committee was appointed and ordered to settle Mr Rennie:

"...Commission declared that they are not satisfied with reasons offered by the Presbytery of Auchterarder for their disobedience to orders of the Commission in August...Commission appointed a committee of correspondents to meet with such of the Presbytery of Auchterarder as shall be willing to meet to settle Mr Rennie..."<sup>26</sup>

The Commission also sustained the call of Mr John Gilchrist to the parish of Urquhart and Mr James Pursel to the parish of Traquhairs. Both of these men were involved in disputed calls, but the Commission favoured them because they had presentations.<sup>27</sup> In the Traquhairs case:

"...Parties were called - Party for Mr Ritchie insisted to have the reasons of an appeal entered from the Presbytery and Synod of Dumfries, their sentences allowing a call to be moderated at large to one to be a minister of the said parish notwithstanding a presentation from the crown was given to Mr Pursel. The Commission voted unanimously to sustain a call to Mr Pursel and appointed the Presbytery of Dumfries to proceed to his trials and settlement. Mr Ritchie's party protested and craved liberty to complain to the next General Assembly."<sup>28</sup>

Finally it was necessary to appoint a 'riding committee' to have Pursel settled there.<sup>29</sup>

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24. Records 1733, Session 6, 9 August 1733, pages 167-169.  
25. Ibid.  
26. Ibid., Session 12, 15 November 1733, pages 196-200.  
27. Ibid., Session 8, 10 August 1733, pages 175-176 and 179-180.  
28. Ibid., pages 179-180.  
29. Ibid., Session 16, 13 March 1734, pages 227-230.

Another important case came before the Commission this year involving the settlement of the parish of Portmoak. From the year 1703 until 1731 Ebenezer Erskine himself had been the minister there. During this period of time when the Secession was becoming a reality history took an ironical twist because Erskine's old parish was being subjected to a forced settlement. At the November meeting of the Commission Sir John Bruce of Kinross, the patron of Portmoak, appeared supporting his presentation to Mr Richard Bell, a probationer, to be the minister.<sup>30</sup> The opposers of the sentence also appeared to support their case. The sentence of the Synod approving of the Presbytery's judgement in rejecting the presentation was considered. The Moderator of the Commission produced a letter from the patron, Sir John Bruce:

"...of the 9th current containing an offer of a list of six probationers therein named to any of whom, if the Commission would appoint a call to be moderated, admitting no others on the list, waives his appeal and consents to such a moderation, which letter being read, the Procurator for the parish objected that Sir John Bruce neither has formerly exercised nor even produced any right to the patronage of the parish of Portmoak. The Commission having considered the objection allowed the procurator for Sir John Bruce to produce some document..."<sup>31</sup>

This was a new way of disputing a forced settlement. Never before, at least in the records of the Commission, had anyone disputed a patron's possession of the legal right. Of course, it had been nearly 30 years since Erskine had been previously settled there, long before the patronage law was restored. This objection, however, only had the effect of delaying the process. In the afternoon session the parish's hope of frustrating the settlement was foiled by the patron producing the documentary proof of his right to the patronage. Following this the Commission:

"...did appoint the Presbytery of Kirkcaldy to invite the six probationers mentioned in Sir John's letter to come and preach in vacancy and thereafter that Presbytery do moderate a call to any one of these six but none other."<sup>32</sup>

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30. Records 1733, Session 9, 14 November 1733, pages 184-185.

31. Ibid.

32. Ibid., Session 10, 14 November 1733, pages 187-188.

The attempt of the patron to compromise even his legal right was given a cool reception by the people of Portmoak who had sat under the influence of Ebenezer Erskine for so many years. In the March Commission we see the fruits of his gesture when the following memorial was presented:

"...representing the discouragements the young men have met with who were invited by the said Presbytery to preach by turns at Portmoak according to the appointment of the Commission. They being refused access to the pulpit of Portmoak and non-convening to attend public worship there on the Lord's day..."<sup>33</sup>

This was referred from the Commission to the Assembly of 1734.

At the parish of St. Ninians in the Presbytery of Stirling the Commission ordered the settlement of Mr James Machie in opposition to the wishes of the people.<sup>34</sup> This, however, was carried over into 1734 and eventually the Commission ordered the settlement and appointed a 'riding committee' to carry out their sentence.<sup>35</sup> Scott, in his Fasti, says that this so angered the parish that near to one-half joined the Seceders.<sup>36</sup>

Of particular interest was the Auchtermuchty affair. The settlement of Matthew Moncrieff, who had the patron's presentation, had to be carried on by a 'riding committee' on the 19th of April 1734 just before the meeting of the General Assembly.<sup>37</sup> A protest was entered and the matter was taken up in the Assembly of that year.<sup>38</sup>

The great concern of the Commission during this year was the appearance of Ebenezer Erskine and the three brethren who supported him in his protest. The Commission carried this affair after the specific instructions of the Assembly. In August the Commission put the question to the four repeatedly, but they insisted on giving in written answers. The Commission refused to proceed in this manner and would not receive the written answers.<sup>39</sup> In the afternoon

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33. Records 1733, Session 17 and 18, March 14th 1734, pages 235-237.
34. Ibid., Session 11, 15 November 1733, pages 193-194.
35. Ibid., Session 15, 13 March 1734, pages 223-225.
36. Scott, Hew, Fasti, Parish of St. Ninians, Presbytery of Stirling, the Synod of Perth and Stirling, pages 711-712.
37. Records 1733, Session 18, 14 March 1734, pages 237-240.
38. Ibid.
39. Ibid., Session 4, 8 August 1733, pages 160-161.

session William Wilson and Alexander Moncrieff offered a paper to the Commission, and then Ebenezer Erskine and John Fisher offered another.<sup>40</sup> When each was questioned he obstinately refused to reply viva voce, saying that the answers to any questions were in the papers. The Commission was thereby forced to read the papers, but upon investigation it proved to show, "no retraction or sorrow."<sup>41</sup> At the sixth session the Commission ordered them again to answer viva voce, but they insisted again that the papers offered to the Commission should be read. Instead the Commission judged that:

"...it is not necessary to allow them to be read. This being intimate to them they were heard viva voce as to what they had to offer and both said they wished to protest for liberty to complain to the next General Assembly against the forsoid resolution of the Commission excluding them from being heard by their papers and further protested that any sentence of suspension which the Commission may pronounce against them shall be void and null..."<sup>42</sup>

This left only one course open to the Commission who read the Assembly's instructions and made an inquiry into the behaviour of the men:

"...there was given in a report from the Presbytery of Perth which was read bearing that some members in that Presbytery who of late heard the 2 dissenting brethren in their bounds preach did declare that they contrive in their sermons to reflect upon the proceedings of the late and preceding General Assembly...There was also produced a representation of the Presbytery of Stirling bearing that they had made enquiry into Ebenezer Erskine's carriage and that a very favourable report was made to them concerning him..."<sup>43</sup>

There were also presented a number of petitions and representations from interested persons such as the Town council and Kirk Session of Stirling, the Town council and Kirk Session of Perth and some Presbyteries. It was decided that these should not be read and the vote to read them or not gave a preview of the state of mind of the Commission for it carried not to read, "by a great majority."<sup>44</sup> The Commission was attended by a great number of

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40. Records 1733, Session 5, 8 August 1733, page 164-166.

41. Ibid.

42. Ibid., Session 6, 9 August 1733, pages 169-171.

43. Ibid.

44. Ibid.

persons, there being 60 ministers and 50 elders present.<sup>45</sup> At the next session Ebenezer Erskine and his friends were suspended, but not without an attempt to forestall such action. Before the vote to suspend it was proposed that the Commission should delay executing the sentence of the General Assembly until the November quarterly meeting.<sup>46</sup> When this failed and the vote to suspend carried by a "great plurality" a dissent was registered by six of the Commission members.<sup>47</sup> In November the Commission attempted to bring the men to submission, but it seemed certain that this was not going to be successful. Many papers were presented to the Commission from Synods, Presbyteries, and others who feared the eventual outcome and called for the Commission to preserve the peace of the Church and if possible to show leniency.<sup>48</sup> Their duty was clear, and despite the calls for tenderness they only had one course left open to them if they were to follow the Assembly's instructions.<sup>49</sup> Some thought that the Commission would be excused by the Assembly for not following the instructions to the letter by saying that they acted with mercy in order to prevent any prejudice to the Church as their general instruction stated. The Commission answered that they were bound to act in conformity to the Assembly's specific instructions.<sup>50</sup> The Committees appointed to confer with the protestors reported that they had little success. When the men were called they were asked if they obeyed the Commission's sentence. Ebenezer Erskine answered that:

"...the Act of the late General Assembly executed by this Commission at their meeting in August was, in his opinion inconsistent with the Commission he had received from God and that he had determined himself to obey God rather than man and therefore he had not obeyed nor submitted."<sup>51</sup>

The question was put whether to proceed to higher censure or delay until

45. Records 1733, Session 6, 9 August 1733, pages 169-171.

46. Ibid., Session 7, 9 August 1733, pages 171-173.

47. Ibid. Names of the dissenters were: ministers- Henry Lindsay, Alexander Wardrop, and James Garrock. Elders- Col. John Erskine, Alexander Bruce, and Albert Monro.

48. Ibid., Session 9, 14 November 1733, pages 183-184. Papers were from the Synods of Ross, Fife, and Perth and Stirling; Presbytery of Dornoch; Representations from Synod of Dumfries; letters from Synod of Murry, Galloway and Angus and Mearns. Letter from Presbytery of Aberdeen.

49. Commission's Pamphlet, The Narrative Concerning the Procedure About Erskine and others, pages 30-34.

50. Ibid.

51. Records 1733, Session 10, 14 November 1733, pages 188-190.

the March quarterly meeting. Realising the seriousness of this vote the members prayed for light and then voted. The votes were equal. With 106 members in attendance at this sederunt and 105 voting (excluding the Moderator), a little mental arithmetic allows us to see that if everyone voted a tie was impossible. Therefore, we can only assume that some members shrank from the final step and abstained. In this case the Moderator, John Gowdie was forced to cast his vote, and everything depended on it. John Warrick, in his book comments:

"...It would be difficult to find a parallel case in Church History...everything depended on the Moderator. A weaker man would have trembled. Few would have wondered if the occupant of the chair had craved the favour of the court, and begged to be relieved of such a weight of responsibility, by sending the case on to the Assembly. But the orders to the Commission were specific. They were commanded to do the deed, and Gowdie ruled the court. A death like stillness prevailed. Short and sharp was the word which came from the Moderator's lips - "proceed", and the doom of the Seceders was fixed."<sup>52</sup>

In fact, the doom was not quite fixed as Warrick suggested, for the censure was not decided that day because the hour was late, and the censure was left until the next day.<sup>53</sup> When the minutes were read the following day of the previous session's actions, Col. John Erskine, one of the ruling elders, asked that it might be marked by what majority the vote to proceed passed, but this was refused.<sup>54</sup> Just as the court was about to proceed in the affair one member moved that he had reason to believe that some, at least, of the 4 ministers were disposed to suffer their protests to be removed, and that the Commission should appoint a committee to confer once more.<sup>55</sup> This was a last desperate move by a hopeful peacemaker, a last great effort to rescue the four brethren tottering on the brink of a separatist movement that could only bring

52. Warrick, John, The Moderators of the Church of Scotland 1690-1740, Chapter XXI, page 309.

53. Records 1733, Session 10, 14 November 1733, pages 188-190.

54. Ibid., Session 11, 15 November 1733, page 192.

55. Ibid., Session 12, 15 November 1733, pages 195-196.

disgrace to the Church. A long conference ensued in which the committee returned to the Commission and desired more time to confer because, "the four brethren desired it".<sup>56</sup> McKerrow says the meeting lasted from 6 in the evening until 10 and that the following proposal was made as the basis of an amicable adjustment of the question at issue between them:

"If the General Assembly shall declare, that it was not meant by the Act of the last Assembly, to deny or take away the privilege and duty of ministers to testify against defections, then we shall be at liberty, and willing to withdraw our protest against the said Acts of Assembly, and particularly, we reserve to ourselves the liberty of testifying against the said Act of Assembly 1732, on all proper occasions"<sup>57</sup>

Another proposal was made but it too failed.<sup>58</sup> Erskine and his adherents refused any accommodation that appeared to be a limitation of their absolute freedom to preach and publish.<sup>59</sup> At the next session the Committee reported:

"...that they met with these brethren and that for sometime they were in hopes to have some success but that they have at last declared their resolution to continue of the same mind as formerly and declined to go into any proposals offered to their consideration by the committee."<sup>60</sup>

Now their fates were sealed, for the refusal to make any concessions meant that the contumacious presbyters were to be cast out of the Church. The Commission proceeded to form the question regarding higher censure which turned out to be:

"...loose the relation of the said four ministers to their several charges and declare them no longer ministers of this Church and prohibit all ministers of the Church to employ them in any ministerial function, or depose them simpliciter?"<sup>61</sup>

It carried, "loose by a great plurality", and if they did submit the Commission in March was to recommend them with favour to the next General Assembly.<sup>62</sup>

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56. Records 1733, Session 12, 15 November 1733, pages 195-196.

57. McKerrow, John, History of the Secession Church, page 61.

58. Ibid., page 62. See also, Commission's pamphlet, The Narrative Concerning the Procedure About Erskine and others, pages 37-39.

59. McKerrow, John, History of the Secession Church, page 62.

60. Records 1733, Session 13, 16 November 1733, pages 206-207.

61. Ibid.

62. Ibid. At this point 12 ministers adhered to a protest against the vote. The Protest was offered by Gabriel Wilson and is recorded in McKerrow's history, page 63.

Cunningham says that the Commission chose the more lenient alternative in their decision to censure.<sup>63</sup>

When the sentence was announced to these four martyrs of the evangelical cause they gave in a protest to the clerk:

"We do hereby adhere to the protestations formerly entered before this court, both at their last meeting in August, and when we appeared first before this meeting. And further, we do protest, in our own name, and in the name of all and every one in our respective congregations adhering to us, that, notwithstanding of this sentence passed against us, our pastoral relation shall be held and reputed firm and valid. And likewise we do protest, that, notwithstanding of our being cast out from ministerial communion with the Established Church of Scotland, we still hold communion with all and every one who desire, with us, to adhere to the principles, of the true Presbyterian, Covenanted Church of Scotland, in her doctrine, worship, government, and discipline; and particularly with every one who is groaning under the evils, who are afflicted with the grievances we have been complaining of; who are, in their several spheres, wrestling against the same. But in regard the Prevailing party in this Established Church, who have now cast us out from ministerial communion with them, are carrying on a course of defection from our reformed and covenanted principles; and particularly, are suppressing ministerial freedom and faithfulness in testifying against the present backslidings of the Church, and inflicting censures upon ministers for witnessing, by protestations, and otherwise, against the same. Therefore we do, for these and many other weighty reasons to be laid open in due time, protest, that we are obliged to make a SECESSION from them, and that we can have no ministerial communion with them, and that till they see their sins and mistakes and amend them. And, in like manner, we do protest, that it shall be lawful and warrantable for us to exercise the Keys of Doctrine, Discipline, and Government, according to the Word of God, and Confession of Faith, and the principles and constitutions of the Church of Scotland, as if no censures had been passed upon us: Upon all which we take instruments. And we hereby appeal unto the first free, faithful, and reforming General Assembly of the Church of Scotland."<sup>64</sup>

Here, in this protest, are the contents of a formal declaration of the reasons for a secession. It was made clear that their discontent was with the prevailing party, who chose to pursue measures after a moderate rather than an enthusiastic manner. To the evangelicals this policy appeared to secularise the Church,

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63. Cunningham, John, Church History of Scotland, Volume II, page 293.  
64. McKerrow, John, History of the Secession Church, page 64.

convert it into a mere puppet of the State, and liberalise its standards, all of which they believed was destructive of true covenanted Presbyterianism. They found subjection to these policies intolerable, claiming that they tended to be a defection from the past ways of the Church of Scotland, and even a failure to follow Scriptural dictates. They found the attempts of the Church to maintain its authority as the Supreme Court as designed to extinguish the freedom of expression and independence of action, and the methods used as despotic. They were convinced that matters had now come to such a crisis that a resolute stand had to be made regardless of the consequences. They absolutely refused to tamely submit to censures they considered unjust, tyrannical and contrary to the Word of God. To give in at this time would be to admit before the people, that they had stirred to such a passion, that they were wrong. They continued in their factious, schismatic course, and the Church was broken.

The process had now just about run its full course. The Church of Scotland had known few such black days. This event was comparable only to the debate that had raged in the Church nearly a hundred years before when the Resolutioner and Protestor conflict brought the Presbyterian Church to its ruin. It was not so black because of the severity of the censure, for better men had endured sentences more severe. Nor was the situation dispairaging because of the reckless use of invective, and testimony against defection, for all Presbyterian extremists since John Knox had used this licence and the Church still progressed. It was not because the moderates had set out on a policy of re-establishing the authority of superior courts and failed because its procedure was fatal to its success. The day was dark and forboding because twice within the span of a century Christian churchmen of a Presbyterian Establishment had come to such a position that they could not or would not bend to try and understand the others procedure. Pride and principle, authority and submission to authority, were to come before brotherly forbearance in love.

While it may be true that the Government had forced the Church into this position, nevertheless the State could not make the Church forsake charity and the study of peace and unity. Here in this small country with so many ties to bind one another in a common purpose the Church had failed for the second times in a hundred years for the lack of common understanding. Now the Church had to suffer the indignity of being broken before the world, split into two Presbyterian churches. As John Cunningham in his history comments, how strange that such a small thing as a Synod sermon could lead to a Secession.<sup>65</sup> The truth of the matter was that this result had been threatening for a number of years, in fact, from the very beginning of the Revolution. A moderate and evangelical party existed even then, and fears were expressed from the start when attempts were made to revive the old Resolutioner and Protestor debate. Many were disappointed even then because the Church had accepted a settlement that was not based on the principles of the Covenanted Church of former times. Others were reluctant to accept a Church being settled by the inclinations of of the people rather than by the Word of God. Several crises were averted during the reign of Queen Anne. The Church found it difficult to accept the Union, and the laws imposed upon them after the Union such as Toleration and Patronage. Robert Wylie felt that the Church could not endure if one half submitted to the Abjuration oath while the other half resolved to resist its imposition. A near schism was prevented in 1722 when the 'Marrow' was condemned. Cunningham, in fact, suggest that the Secession could have been averted even now had the Assembly looked the other way when Erskine made his protest, as the Assembly of 1722 had overlooked a similar kind of protest against the condemnation of the Marrow.<sup>66</sup> Now at this point in history everything contrived to make the Church ripe for a schism.

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65. Cunningham, John, Church History of Scotland, Volume II, page 293.

66. Ibid., page 294.

Before the Commission adjourned to its March meeting it was moved that:

"...several misrepresentations having spread abroad of the proceeding of the judicatories of this Church concerning the 4 ministers against whom the sentence yesterday night was passed, there should be a committee appointed to take all proper material and make up a narrative or state of the whole proceedings in this affair to be published to the satisfaction of all concerned."<sup>67</sup>

When the Commission met in March 1734 the worst possible report was all that greeted them. The four Seceders were so far from even attempting to bring about a settlement through their submission and good behaviour that no hope now existed upon which the Commission could base a favourable report to the next General Assembly. The procedure of the Church through the Commission had so enflamed the passions of the people in the areas where these men were ministering that the Church courts could not even carry out the Commission's sentence. The Presbytery of Perth, when it met, was thrown into a turmoil. A letter was sent to the Commission from the Presbytery of Perth, when it met, offering reasons why they thought it was expedient not to intimate the sentence of the Commission.<sup>68</sup> There was also produced an extract of the minutes of the Presbytery meeting dated the 26th of December 1733 containing a protest offered by James Mercer, the Moderator, against the procedure of the Presbytery:

"...in removing him from the chair for refusing to put the vote whether or not the Presbytery should proceed to appoint the intimation of the Commission's sentence against Wilson and Moncrieff...some ministers declared their adherence to the protest."<sup>69</sup>

Such a case must have been unique in all the history of the Church, and surely this serves to point out the divided and confused state of the Church at this time. The Commission's actions reflected the disturbed mind of the Church at this point in its history, for after reasoning about the matter they were divided over whether to

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67. Records 1733, Session 14, 16 November 1733, pages 208-209. The narrative produced was a masterpiece of logical analysis and defense based on the principle that the General Assembly or its Commission could not long endure unless obedience was given, authority respected, and peace and good order studied. No Government could exist where anarchy and confusion reign, and where men could ignore the supreme court.
68. Ibid., Session 19, 15 March 1734, pages 241-243.
69. Ibid., page 241. This was an order of the Commission to be obeyed not to be voted on.

remit the matter to the Assembly or to see to it that the sentences were properly intimated.<sup>70</sup> After being put to the vote it carried by a plurality to appoint the intimation of the sentences.<sup>71</sup> Mr Adam Ferguson, the minister of Killen, was to intimate the sentence from the pulpit of the Church at Perth before the end of April, and Professor Campbell, of St. Andrews, was to take care of the intimation at Abernethy.<sup>72</sup> The Commission was then informed by several members that:

"...it was a thing notorious that the said sentence had not been intimate in the town and parish of Stirling..."<sup>73</sup>

Therefore, Mr James Richard of Aberfoyle, was instructed to intimate the Commission's sentence there.<sup>74</sup> In anticipation of the failure of these men to gain access to these churches the Commission agreed and declared letters to be sent to:

"...His Grace the Duke of Atholl, Sheriff principal of Perth or his deputy and the magistrates of Perth and Stirling, to desire them in their respective stations to protect the forsaid ministers in executing the orders of the Commission and to take care that they have free and peaceable access to the pulpits of the respective Churches and the Commission do further agree and do direct the said ministers that if, upon their applying to the said magistrates and their requiring protection the same shall be refused they shall then make a protest and may forbear to make the said intimation, and in that case the Commission declare that the said sentences, or any of them the intimation whereof shall be omitted, shall be held as sufficiently intimated."<sup>75</sup>

This was a rare departure from the usual procedure, but these were critical times for the Church, and it was well known that the temper of these congregations could put a stop to the intentions of the judicatories. As suspected none of these intimations could be made since those appointed were restrained by the churches involved from gaining entrance to the Church.<sup>76</sup> Thus ended the

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70. Records 1733, Session 19, 15 March 1734, page 243.

71. Ibid.

72. Ibid.

73. Ibid.

74. Ibid.

75. Ibid.

76. McKerrow, John, History of the Secession Church, page 82.

affair of Ebenezer Erskine and the Commission of Assembly. If the Seceders were to achieve nothing else by their actions they were to bring about a change in the Kirk's Commission. After the Assembly of 1734 this instrument of the Church was so divested of its power that only on occasions was it to be of any use or purpose to the Church again.

The Seceders charged that the Commission had become a tool of the "prevailing party" rather than of the Church, and they claimed that it had assumed an unconstitutional power in determining in causes not referred to it.<sup>77</sup> Erskine in his first charge against the established Church said:

"The...conduct of the Commission appears to strike at the very root of our presbyterian constitution, and to be a piece of tyranny equal to any thing exercised by the diocesan prelates, when they were in power and authority in the land. It is a Presbyterian principle, founded upon the word of God, that the authoritative missions of men unto the work and office of the holy ministry, by the trial of their gifts and qualifications, and the setting of them apart to that sacred office, by prayer and imposition of hands belongs to a constitute presbytery. It is also a received principle among us that the power of superior courts over a Presbytery is not a primitive, but a cumulative power and authority; that is neither synods, nor assemblies, nor their commissions, can deprive presbyteries of these inherent rights and privileges that belong unto them, or of that power and authority they have received from the Lord Jesus Christ, the only Head and King of the Church, but that they ought to protect and support them in the exercise of the same. But the present management of the Commissions of our several Assemblies in appointing committees with a power of trial and ordination, is a taking of that power out of the hands of the presbyteries, which properly belongs unto them; and at the same time, the erecting of a court, with a power of mission, unto the work and office of the ministry, that has no manner of foundation in the word of God..."<sup>78</sup>

Here we are at the crux of the debate it seems. That the Commission did

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77. McKerrow, John, History of the Secession Church, page 76.

78. *Ibid.*, page 77.

exercise the power to settle, to proceed with trials, and ordain cannot be denied, but technically they were doing this as correspondents with the Presbytery. It had been a practice for sometime to use correspondents with Presbyteries who had been appointed by the Assembly and this could not be denied. Therefore, it was still considered that the Presbytery had been the judicatory to try and ordain, and not the Assembly or its Commission. McKerrow commenting on Erskine's first charge goes on to say:

"...They refer to the unconstitutional power assumed by the Commission, in determining the causes referred to them. This delegated court engrossed almost the whole authority of the Church, and matters of the highest importance were settled by them in a manner the most arbitrary and absolute. By pleading that their decisions, however unjust they might be, were irreversible, they made their own will and pleasure the rule of their conduct. The wishes of the people, and the remonstrances of presbyteries, were alike disregarded by them. Contrary to the common maxim, delegatus non potest delegari, they assumed to themselves the power of erecting sub-commissions, and invested them with powers which were not entrusted to themselves, and which it was not in the power even of the Assembly to give, viz., to invade the rights of presbyteries, which are radical judicatories. These sub-committees, appointed by the Commission, travelled over the country, received the trials of young men, and ordained them, in opposition to the declared mind both of the presbyteries in which, and of the parishes over which, they were settled; and this they did, without waiting the judgement of the ensuing Assembly, though protestations for leave to complain to the Assembly had been entered in due time and form."<sup>79</sup>

Mr. McKerrow's statement is not supported by the facts, for he distorts the truth by making it appear that a roving band, appointed by the Kirk's Commission, went willy nilly throughout the country seizing opportunities to thrust a presentee on a protesting and defenseless parish without bothering about the presbytery in which that particular parish was located. In fact the corresponding committees were appointed especially for the one occasion with a specific set of instructions. When their task was complete it was unlikely that they

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79. McKerrow, John, History of the Secession Church, page 76.

would ever be called upon again to serve a similar purpose. They were to meet with the Presbytery, and act as a Presbytery in whatever they did. Only on one occasion did they ever resort to taking a man's trials, and then ordaining him, and that was at Belfron in the Presbytery of Dumbarton. On more than one occasion, as has been shown, they added a corresponding committee to the Presbytery to settle a man that the Presbytery refused to settle, but who the parish was anxious to have settled. Every case that they became involved in was referred to them from the Assembly or remitted to them from the Synod, Presbytery, or parish, they did not go out looking for disputed settlements. When an appeal was brought before them they acted in the name of the Assembly, and on behalf of the Assembly, and they were answerable to the Assembly. When the Assembly was convinced that they had exceeded their powers they disapproved the action and took appropriate measures to limit such powers thereafter or gave specific instructions to eliminate the possibility ever occurring again. In each case the Commission acted consistent with its instructions in an attempt to serve the Assembly by expediting matters in conformity with the powers given unto them. Should the Assembly take away the power finally to determine then everything would have to come before the Assembly and valuable time would have to be spent in the Assembly dealing with squabbles about settlements. Since some men were not willing even to submit to the judgement of the Assembly after appealing to that court it could hardly be expected that they would willingly submit to the determination of the Assembly's Commission if that action was contrary to their own desires. It may have been true that the Church was ruled by a prevailing party and therefore the Commission as well, but the whole Church was responsible if some men did not take their Commission responsibilities seriously. The Assembly and the Commission tried often enough to have the attendance at Commission meetings as high as possible. The men in and around Edinburgh made up only about a third of the total membership of the the Commission and yet in seditments of the Commission, which were often just over the minimum for a quorum, they normally made up the majority of members present. It is interesting to note that McKerrow does not say anything about the Commission

being controlled by a party or a minority of men from in and around Edinburgh.

When the Assembly met in 1734, an interested country watched attentively as it proceeded. Sympathisers with Erskine and his friends had made every effort to send men to the Assembly who were of a, "right spirit".<sup>80</sup> The whole Church, of course, was concerned about the state of affairs and regretted that matters had taken such a turn. The Assembly was in a conciliatory mood and anxious to remove anything possible, consistent with their principles, that blocked the way for the Seceders to return to the fold. If necessary the Commission could go, and, in a sense it did, when its powers to determine finally were vetoed by the actions of the 1734 General Assembly. First the settlement at Auchtermuchty was annulled after it was found that the Commission had exceeded its powers,<sup>81</sup> and for the first time a decision of the Commission of the previous Assembly was overturned. The Assembly also passed an Act whereby the Synod of Perth and Stirling was given the power to take up the case of Ebenezer Erskine and his colleagues, after the Commission had decided in that affair.<sup>82</sup> For a number of years it had been the belief of a majority of the members that to take away the Commission's power to determine finally, was to ruin the Commission, and destroy its authority and purpose. John McKerrow in his history makes the point that the motive for passing this Act was that the members of the Assembly:

"...were convinced that the Commission, in loosing the protesting brethren from their congregations, and declaring them no longer ministers of the Established Church, had acted precipitantly and unjustly..."<sup>83</sup>

If this was truly the opinion of the Assembly then the Commission was made a convenient scapegoat for the frustrated feelings of churchmen anxious to end this schism. It was worth even giving in on this point about the Commission's powers if it were to bring peace and unity to the Church. It is rather more

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80. McKerrow, John, History of the Secession Church, page 83.

81. Acts of the General Assembly 1734, Session 8, Index of Unprinted Acts.

82. Ibid., Act VIII.

83. McKerrow, John, History of the Secession Church, page 85.

rational to believe that members did not consider that the Commission had acted wrongly, but that an overwhelming desire prevailed the meeting to have peace at any cost, and they were thus anxious to have the men legally restored to their charges in the hope that they would be charitable in return.

Two other complaints made against the Commission were referred to the next Assembly.<sup>84</sup> The Commission also had another limitation placed upon its use of Correspondents when the Assembly included in their instructions these words:

"...and it is further provided, that when any Presbytery or Synod of this Church shall decline to comply with the sentences of the Commission, or to give the same a full execution; in that case, the commission is hereby prohibited to execute the same, by appointing any such correspondent meetings as has been the practice of late, but shall allow the matter to lay over to the ensuing Assembly, to which such Synods or Presbyteries shall be answerable for such their conduct..."<sup>85</sup>

This was an obvious concession to the Seceders, but more important an admission that such a practice was unconstitutional and perhaps wrongly used by the Commission. The Commission had little of its power left and no effective way of enforcing the inferior judicatories to comply with whatever sentences it still had the power to pass or actions that it found necessary to take on behalf of the Assembly. A further attempt was made to regulate the powers of the Assembly's Commission, but this was laid on the table until another diet.<sup>86</sup>

Finally, with regard to the Commission and the Assembly of 1734, the Assembly referred to them the matter of considering an overture about the manner of preaching.<sup>87</sup> This, of course, had been discussed in the Commission before, and had been before them for some time. Overtures had been made, but never passed because there was never any unanimity among the members about how the overture should be phrased. This greatly displeased the evangelicals who were unhappy

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84. Acts of the General Assembly 1734, last session, Index of unprinted Acts.

85. Ibid., Act VII.

86. Ibid., Session 10, Index of Unprinted acts.

87. Ibid., Session ultima, Index of Unprinted acts.

about the trend among younger preachers to preach only about morals. In their second charge the Seceders complained of corruptions and argued that ecclesiastical rulers were refusing to listen to representations of Synods and Presbyteries urging them to do something about the propagating of errors and the new and fashionable mode of preaching which consisted in:

"...sapless and lifeless descanting upon moral virtues... seeing the Church of Scotland is in such circumstances at present, through the influence and management of the prevailing party, there is too much ground to fear, that in a little time (if God not prevent) this established Church shall only be orthodox, in the same sense that the Church of England is so, by subscribing the articles which are truly Calvinist in the doctrinal parts, while yet Arminian doctrine is everywhere taught by her clergy, Upon which account, we judge this generation, and our poor posterity, in the utmost danger of losing the Gospel in its power and purity, through the prevailing of a corrupt and unsound ministry."<sup>88</sup>

The Assembly also declared the 7th Act of the General Assembly 1730 and the 8th Act of 1732 to be no longer binding,<sup>89</sup> arranged for a deputation to go to London to complain about the grievance of patronage,<sup>90</sup> and passed an Act concerning ministerial freedom whereby all restraints were lifted and ministers fond of preaching against defections of the Church were left to use any expressions they pleased with impunity.<sup>91</sup> The charges leveled at the Church by the Seceders were met in almost every point. The authors of the 1733 Commission's narrative concerning the case against the Seceders posed a hypothetical question for their readers:

"...We shall suppose a Presbytery has found and declared a minister to be insufficient for the ministry, but he, entertaining a good opinion of his own abilities, appeals from them to the Synod and finding no redress there, he carries his cause to the Assembly which also finds him unqualified; ought not that person to submit and forbear preaching? Or must the Assembly and other judicatories of the Church stoop to submit to him?..."<sup>92</sup>

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88. McKerrow, John, The History of the Secession Church, page 78.

89. Acts of the General Assembly 1734, Act V.

90. Cunningham, John, Church History of Scotland, Volume II, page 297.

91. Acts of the General Assembly 1734, Act IX.

92. Commission's Pamphlet, Narrative of Proceedings against Ebenezer Erskine and others..., pages 46-47.

In this case the Church had gone more than the second mile, but the four separating brethren refused to be reconciled. The Commission during the year 1734 also proved to be submissive. Not one correspondent committee was appointed to force any settlement, a committee was appointed to draw up reasons for a fast,<sup>93</sup> and an overture about preaching was agreed upon and made ready for presentation to the Assembly.<sup>94</sup> An address was prepared against patronages and commissioners were given the address to take to London.<sup>95</sup> This matter met with some opposition from a more moderate member who registered his dissent in the following terms:

"...a great many are absent, not knowing a matter of such consequence was to be moved and therefore a certain number of the Commission concerting the proposing and hurrying on a resolution of this kind this lessens respect for the judicatory...  
4. He apprehended the application is unseasonable, the wisdom of former General Assemblies and Commissions, whose zeal for the Church is confessed, having restrained them for attempting an application of this kind until some favourable conjuncture should be present...this is not the juncture...  
5. If application is not successful it may lead Parliament into an inquiry how the judicatories have formerly complied with presentations and possibly produce a law more effectual..."<sup>96</sup>

Thus the opposite party, when in control, demonstrated that they were just as capable of using the Commission as the so called, "prevailing party", for their own ends, and were able to take advantage of an opportunity to put forward their own plans.

The Commission was also active in this year undoing some of the things the previous Commission had done. For example, in the parish of Fortmoak, the Commission affirmed the sentence of the Synod of Fife putting aside Sir John Bruce's presentee after the Commission of the year before found in favour of the patron.<sup>97</sup> The patron at Auchtermuchty, however, who

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93. Records 1734, Session 3, 17 May 1734, page 272.  
94. Ibid., Session 11, pages 303-305, 16 August 1734.  
95. Ibid., Session 10, 15 August 1734, pages 299-301.  
96. Ibid., Session 11, 16 August 1734, pages 314, and Session 14, 14 November 1734, pages 333-336.  
97. Ibid., Session 3, 17 May 1734, page 273, Session 4, 17 May 1734 pages 274-277, and Session 17, 12 March 1735, page 361.

had been disappointed when his Presentee's settlement was voided by the action of the Assembly with regard to the Commission's sentence in that affair, he took some extreme action. Mr Alexander Stoddart, minister at Falkland, produced a representation and petition from the Presbytery of Couper:

"...relating to the settlement of the parish of Auchtermuchty and representing certain steps of proceeding by Captain Moncrieff of Weidie as patron of that parish in obtaining a sist by the Lords of the Session in a bill of advocation from the Presbytery of Couper and thereafter a bill of suspension of the stipend of that parish to be passed against Mr Patrick Maxton, minister thereof, and craving the Commission would fall upon such measures as they shall find most effectual for preventing the subjecting the ecclesiastical rights and privileges to the cognizance of civil judicatories..."<sup>98</sup>

Patrick Maxton was called at the same time by the patron's presentation.

When the Assembly reversed his settlement, carried out by the Commission's committee, the Presbytery ordered Maxton's induction. This was interdicted by the Court of Session, but the Presbytery ordained him in July 1734 despite this. The court condemned this action but received the Presbytery's apology, however, the patron was allowed to retain the stipend for the period in question.<sup>99</sup> This latest intrigue by a patron to force the Church's compliance was referred to the Assembly of 1735.<sup>100</sup>

When the Assembly met in 1735 the measures and reforms of the previous year designed to reclaim the Seceders were carried still further in the hope that an end could be put to the secession. The Commission was again a prime target for reform although they were thanked for the representation concerning patronage that had been formulated in the year past and sent to London. This time an overture was sent down to the Presbyteries about the manner of electing the members of the Commission and concerning their powers:

"...That the committee for naming the members of the Commission, be appointed to observe that due proportion

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98. Records 1734, Session 12, 13 November 1734, page 321, Session 14, 14 November 1734, page 329, Session 16, 12 March 1735, page 354, and Session 18, 13 March 1735, pages 363-365.
99. Scott, Hew, Fasti, Volume V, pages 126-127.
100. Acts of the General Assembly 1735, Session 6, Index of Unprinted Acts.

betwixt ministers and elders which obtains in the Assembly, and that care be taken by them, that such of the nobility, officers of State, Lords of Session, and barons of Exchequer, who use to be superadded to the nomination, be in time coming, named from the several Presbyteries, or Burghs which they are to represent in Assemblies, and that such others of them alternately be super-added, who cannot be named above; and that this may be evident to the members of Assembly, the clerks be appointed to extend the rolls in the same order with the rolls of Assembly. Second, that when any Presbytery of this Church do not comply with the sentences of the Commissions, relating to settlements of ministers, or consent not to give the same a full execution, in that case the Commission be discharged to execute the same, by appointing any correspondent meetings, but shall allow the matter to remain over to the ensuing Assembly."<sup>101</sup>

The Assembly also passed overtures concerning preaching, and an Act Recommending the Preserving of Unity and Preventing of Error.<sup>102</sup> The Seceders, however, were not impressed, and though Wilson had second thoughts Erskine remained adamant, and in a letter to the Presbytery of Stirling he maintained his secession from the Establishment and had the nerve to call for the Church to come and follow him:

"...Some brethren call us to come in and help them against the currant of defection; but now that the hand of Providence has taken us out of the currant against which we were swimming, and set us upon the reformation ground, by a solemn testimony and institution, it would be vain for us to endanger ourselves by running into the currant again, unless our reverend brethren, who call for our help can persuade us that our so doing will turn the currant, and save both them and ourselves, and so preserve the Lord's work and testimony. In my opinion, it would be far wiser for these reverend brethren to come out of the dangerous currant to us, than for us to come back to them, Jeremiah 15:19-21..."<sup>103</sup>

In 1736 the Assembly took two more steps to achieve an accommodation. The

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<sup>101</sup> Acts of the General Assembly 1735. Overtures appended.

<sup>102</sup> Acts of the General Assembly 1735, Overtures appended

<sup>103</sup> Ibid., Act VII.

<sup>104</sup> McKerrow, John, History of the Secession Church, page <sup>page 88.</sup>

overture about preaching became an Act requiring ministers in their preaching to conform to, "the right Gospel strain."<sup>104</sup> Secondly, they passed an Act that declared that it was a principle of the Church that none should be ordained to a parish contrary to the will of a congregation.<sup>105</sup> Practically every demand of the Seceders was met, but they insisted that these were hollow reforms and cited the fact that intrusions were countenanced by the Assembly at Denny and Troquair, and that Professor Campbell of St. Andrews had been acquitted of heresy.<sup>106</sup>

The two sides were soon to part company for the Seceders having gone so far were prepared to go the whole way. The issuing of their "Judicial Testimony," which defined their position, made it clear that they were going to try and restore the ultra-Presbyterianism that had fallen in 1651.<sup>107</sup> Each side now continued to attack the other in terms that could hardly be considered the language of diplomacy or Christian charity. The fathers of the Secession were represented as factious demagogues, violent schismatics, turbulent discontented men whose ruling passion was the love of popularity, and those who had abandoned the national church, that they might gratify their ambition of being the head of a new denomination. The national church, on the other hand, was portrayed as full of corruption, disaffection, tyranny, despotism, on the part of those who had prostituted the Church of Christ to the love of power, and who courted the men of power, position, and riches. The Established Church lingered a little longer before taking any final action hoping that the schism could be broken. They were tolerant enough to wait until 1740, but at last the Seceders and the others who joined the Secession were deposed.

The Church, which had been struggling with the doctrine of the nature of the Church from the time that the Toleration law, was placed in a

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104. Acts of the General Assembly 1736, Act VII.

105. Ibid., Act XIV.

106. Mathieson, William Law, Scotland and the Union, page 248.

107. Ibid.

precarious position. Still surrounded by a disaffected Episcopal Church, worried about the spread of Romanism in the islands and highlands of the nation, attempting to ignore the schismatic Cameronians in the south-west, and refusing to have anything to do with the Church of England, the Church of Scotland now had to contend with a schism that threatened to split the Church nearly in half. The Secession grew in popularity and spread over much of the country greatly weakening the National Church. The evangelical party that remained within the fold of the establishment suffered a decline because they were frustrated in all their efforts, despite many concessions by the moderates, to keep the obstinate Secessionists from setting up another reformed Church in Scotland outside the discipline of the Establishment.<sup>108</sup> The moderates prevailed and were left to heal the wounds of the broken Church. The Commission, which the Assembly continued to appoint, retained only a shadow of its former power and authority. The Kirk's Commission was a casualty of this period of ecclesiastical turmoil in Scotland, but for the most part it had served its purpose well.

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108. Mathieson, William Law, Scotland and the Union, pages 248-249.

## Conclusion

## CONCLUSION

In the process of tracing the development of the Commission we have discovered that from the earliest times the General Assembly claimed the right to delegate to certain persons various powers of the Assembly. Within the limits of the instructions given it the Commission of Assembly for Public Affairs acted with the authority and the power of the court from which it received its appointment. It was a matter of expediency that generated the idea, and it was to be expediency that dictated its continuance. After the Reformation the Church of Scotland refused to give place to the hierarchical type of ecclesiastical government. Consequently the office of Spiritual Lords was absent from the Estates of Scotland. The Presbyterian Church was left without the necessary machinery by which the corporate mind of the Church could be expressed to the civil government. It was not practical for the Assembly to meet frequently, and thus the expedient devised was the appointment of certain persons to act for the Assembly.

During the time of the Covenanting Church, when the Presbyterian system had a free hand to develop as it believed necessary, the Commission of Assembly became an essential part of the National Kirk's organization. It became, in fact, the administrative arm of the Assembly with extensive, and almost unlimited powers. By comparison with today's Church it probably did what boards and agencies do now and then some. It continued in session for great parts of the year. Often it acted completely independent of the Assembly by issuing Solemn Warnings and Admonitions, and by representing policy to the national government. During this time the Commission was almost regarded as a court of the Church, and respected as such by many members of the Church.

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After the Revolution of 1690 the Church found it necessary to appoint Commissions again to carry on the business of the Assembly. The plan to accommodate the Episcopal clergy served as one reason for its resurrection. The turmoil and confusion of this period in the history of the Church made it necessary for the Assembly to develop a means by which the security of the establishment could be guarded when the Supreme court of the Church was not in session. The Commission was to defend the Church against enemy intrigue on a national basis, to work for the stabilising of the Presbyterian form of government, as a means of promoting the Assembly's program for the advancement of piety and the elimination of profanity, and as a means of representing the desires of the Church to the Scottish government. It was expedient and essential that the Assembly revive the appointment of a Commission after 1690, and it became a necessary part of the structure of the Presbyterian Church thereafter.

As the Church stabilised its position, and as its organisation matured and its manpower increased, the need for a Commission with wide powers and extensive involvement in the affairs of the Church declined. Following the Union of the Parliaments in 1707, and the removal of government to London, a key reason for a strong Commission of Assembly was lost. From that point the Church began to devolve some of its powers on specific Commissions. The special task of promoting the propagation of Christian knowledge became the function of a separate Assembly committee which helped in the establishment of the Society. During the Assembly's involvement with the Marrow case the Commission was saddled with determining if the book contained any heterodox opinions. A few years later when another doctrinal controversy developed over the teaching of Glasgow University's Professor of Divinity a special committee of the Assembly was appointed, and the Commission

was given no responsibility in this matter at all. After the Revolution the Commission had prime responsibility for maintaining the work of the Church in the north of Scotland. This, of course, had been one of the primary reasons for continuing the Commission, but by the mid 1720's it was thought to be of such magnitude that it demanded an Assembly Commission that could give it their complete attention. After the King set up a sum of £ 1,000 for aiding the work of the Church in the highlands and islands a special commission was organised with responsibility for administering the Royal Bounty. With a growing number of men to call upon, and with the security that the Church experienced after a period of 30 years as the Established Church in Scotland, such a devolvement of responsibility was possible and necessary.

Events following the Union of the Parliaments forced upon the Presbyterians a series of incidents that were to alter greatly the face of the Kirk. Strained relationships developed within the Church over a variety of matters. Most of the reasons for this feeling in Scotland could be traced back to the Covenanting days of the mid seventeenth century. However, many clergymen were disturbed about the Union itself, and as time went on and discontent mounted it manifested itself in opposition to the moderate forbearance demonstrated by many within the Church. The passing of the Toleration Act with the appended Abjuration Oath and the Patronage Act forced the Churchmen into distinct camps. Doctrinal controversies developed in a land where they had hardly been known for over a century. Every action thereafter was coloured by opinions that were hammered out during the debates about the Abjuration, the Simson trials and the Marrow. With two divergent parties developing a conflict was certain to be occasioned. The Moderate party's apparent submission to the law of Patronage was the

crushing blow to any hope of unity. The issues that finally broke the Church were the rights of the people of a parish to vote and call their own minister, and the dispute over the right to dissent and complain about the supposed defections of the Church. When this disaster struck the Church it was the Commission of Assembly for Public Affairs that was at the center of the controversy.

The Seceders were able to achieve, by their withdrawal from the Church, what others, at times, had been pressing for, a major regulation of the Constitution of the Kirk's Commission. The Commission as an arm of the Assembly had little choice but to obey the instructions of the Supreme Ecclesiastical Court of Scotland, but because it tended to be controlled by men who had a belief in a moderate approach to the Government's demands, and that the will of the General Assembly should command respect followed by submission, this instrument for enforcing the Assembly's will became odious to a substantial minority. After the Secession it was felt that one way to accommodate this minority was to neutralise the powers of the Commission. Thus the Commission, which had proved to be such a powerful influence for much good and some bad, as one historian said, was to have little influence thereafter.

The Commission has been appointed annually down to the present time. Following the Secession it met regularly and carried on with some important business. It even became involved in other disputed settlements, such as the one at Inverkeithing. It continued to receive reports about the growth of Popery, and sent representations to London about the growing number of priests and the advancements of Romanism. On occasion it commissioned representatives to go to London to register complaints about Patronage, but this was more an attempt to placate the people who had been aroused by the Seceder preaching about defections than a hopeful attempt to achieve relief.

During the quarter of a century after the Secession the Commission slowly lost its place as the Assembly's mighty arm. With its great powers stripped from it, and with less business of a vital nature to motivate ministers to attend, more and more stated meetings of the Commission were not held for the want of a quorum. During the last half of the eighteenth century, and after, until modern times, the records of the Commission normally consists of a copy of the Assembly's Commission, the list of members, a few items of less important business, and a long list of meetings which failed to take place for the want of enough members to make a quorum. The change in the Commission is demonstrated by the fact that it took a huge book of nearly 600 manuscript pages to hold the records of the Commission just for the years 1701 to 1705, and it took a volume of similar size with half the number of manuscript pages to hold the entire proceedings of the Commission between the years 1848 and 1918. The Church had lost the use of one of its most controversial courts. It had been an instrument of expediency for a threatened Church, and a convenient means of alerting the Church in the event of unscrupulous men or ambitious governments attempting to take advantage during the interval between Assemblies. Really of greatest value when the Church experienced its greatest dangers, it became known as the watchtower of the Church. It had demonstrated the wisdom of those who thought it needful to appoint such a body during such times as the sitting of the Westminster Assembly of Divines in the seventeenth century, or the debates over the Treaty for Union of the Parliaments in the early eighteenth century. Before the Union it had been a vital link with the Scottish Government, able to maintain lines of constant communication between the National Church and the National Government, but after the Union it proved to be little more than a means of escaping a confrontation with the Crown over the

patronage issue.

Unfortunately, the Commission was always associated with the troubles that now and again afflicted the Church. Somehow, it was the Commission, that was involved in critical decisions that greatly affected the well being of the whole Church. In the earliest times it was through what was known as a Commission that James VI had introduced Episcopacy into the Church of Scotland. The Church never forgot that incident, and in 1724 the point was made again to illustrate that the Church should be wary of the power of the Commission. It had been the Commission of Assembly that had acquiesced in the decision of the Government to rescind the Act of Classes in 1650 after an urgent request by a desperate Scottish Committee of Estates. Now, finally having played a leading part in the events leading to the Secession, this ecclesiastical expedient seemed most expendable. It was believed that this court was the most venerable to the leading of a party, was notoriously lacking, most of the time, many of its members, and yet had the powers of the Assembly. Some vigorously denied that the Commission had been an instrument of ecclesiastical politics. The Assembly passed acts to encourage a greater participation in the affairs of the Commission by those who had been appointed to serve it for the year. The Commission itself on numerous occasions called for a better attendance by its members, but to no avail. Many said that numbers was no real test of the Commission's right to act, and they argued that respect and confidence should follow competency and faithfulness to the Church regardless of numbers. The Seceders, at least, challenged this confidence and competency by issuing their protest and dissent to the Assembly with regard to certain actions taken by the Church in their time. For those who had a vision of the Church as not only truly reformed, but democratically governed the Commission of Assembly proved to be no mere chimera, but a monstrum horrendum. For them

it was absolutely essential that the constitution of the Commission should be changed, and its powers severely limited. When this was forced upon the Church by the Secession it proved to be the slaying of this dragon. That is not to say that because this was done all the problems of the Church had been solved, for of course they were not. The Church experienced as much difficulty over the next century without a powerful Commission to aid it as it did the century before with one. The Commission had been one of the instruments of the National Church designed to keep it from running headlong into difficulty. Most of the time it had been successful in doing just that, but its failure during the years preceding the Secession may have been its tactless use of powers to enforce the determinations of the National Church, however, one surmises that this unique Presbyterian invention was a victim of the times and circumstances which crowded in on the Church of Scotland.

The value of the Commission remained and has continued down to the present time, but its power to influence as it did before 1735 was almost non-existent. One might well study the post-Secession Church in Scotland and ignore the Commission of Assembly altogether and completely comprehend the History of the Scottish Kirk. However, to ignore the Kirk's Commission for public affairs in the pre-Secession Church of Scotland would mean a failure to take into account one of the most important structures of the early Presbyterian Establishment. To overlook the Commission would be like refusing to take cognisance of the fact of the Presbyteries or Synods or even the Assembly itself. Anyone who would seek to understand the forces that motivated the Church during the period from 1638 to 1653 and from the Revolution to the Secession would be well advised to take note of the Assembly's Commission.

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Quarto LXXII

- Article 1. Mr. Robert Douglas's Account of the Assembly 1638 - original.  
2. Account of the Assembly at Westminster 1644-1645 by George Gillespie, 70 pages.  
3. A brief narration of the Coming in of Prelacy again to this Kirk - by Robert Douglas.

Quarto LXXIII

- Article 2. Speech to Parliament after the Revolution.  
4. Paper by Robert Wodrow Anent the Assuming of Conformist Ministers with some draughts of papers thereabout - 1690.  
5. Overtures About a Commission - 1690.  
9. Letter on the Dissolution of the Assembly 1692.  
54. Draught of an Overture from the Commission August, and a letter printed - July 1706.  
55. Upon the Union - A Passage sent in a letter from London 1706.  
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Manuscript 35. 3. 11

1. List of Religious Houses
2. List of Parishes in Scotland
3. List of Parishes in Scotland and Presbyteries

Manuscript 35. 4. 8

1. An Account of the Names of Ministers and Parishes within the Several Synods and Presbyteries of Scotland at and since the late Revolution 1689. The names marked thus O are Episcopal, who have either been deprived by the State or deposed by the Church or voluntarily deserted, or turned out by the people, or yet continued to preach in their Churches. The rest are Presbyterians

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Volume I 1694-1701  
II 1702-1711

Volume III 1699-1704  
IV 1705-1707

Volume V 1708-1711

Quarto XI 1716  
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Appendix  
Introduction

APPENDIX A

COMMISSION FOR PUBLIC AFFAIRS OF THIS KIRK AND FOR PROSECUTING THE DESIRES  
OF THIS ASSEMBLY TO HIS MAJESTY AND THE PARLIAMENT OF ENGLAND.

---

The General Assembly considering the laudable custom of this Kirk for to appoint some Commissioners in the interim betwixt the Assemblies, for presenting of Overtures and prosecuting the other desires of the Kirk to his Majesty, the Lords of his Council, and the Estates of the Parliament; and taking to their consideration the present condition of the Kirk of England, with the declaration thereof sent down from the Parliament, and some reverend brethern of the ministry there, with their own answer to the Parliament and ministry, and their humble supplication to His Majesty for Unity of Religion and Uniformity of of Kirk Government. And withall remembering their desires to the Honourable Lords of His Majesties Secret Council, and to the Commissioners appointed by the King and Parliament, for conservation of the common peace, that they would join their concurrence in their desires to His Majesty and Parliament, and directions to the Commissioners of this Kingdom at London for the time: And likewise considering their good hopes from God's gracious favour to this Island, that by His good providence He will in His own way and time settle this great work through this whole Isle; and that it is both our earnest desire and Christian duty to use all lawful means and Ecclesiastic ways for furtherance of so great a work, continuance of the common peace betwixt these nations, and keeping a brotherly correspondence betwixt these kirks. Therefore the Assembly thinks it necessary before their dissolving to appoint, and by these presents do nominate and appoint, Masters, Andrew Ramsey, etc., etc.... And grants to them full power and commission in this interim, betwixt and the next Assembly, for to meet and convene at Edinburgh upon the 17th day of this month of August, and upon any other day or in any other place as they shall think convenient: And being met and convened, or any 15 of them, their being always 12 ministers present: With full power to consider and perform what they find necessary for the ministry by preaching, supplicating, preparing of draughts of one Confession, one Catechism, one Directory of Public Worship (which are always to be revised by the next General Assembly) and by all other lawful and Ecclesiastic ways, for furtherance of this great work in the Union of this Island in Religion and Kirk-Government, and for continuance of our peace at home, and of the common peace betwixt the nations, and keeping of good correspondence betwixt the Kirks of this Island. Like as if it shall please God to bless the prayers and endeavours of His Saints for this blessed Union, and that if either the Lords of Council, or Commissioners

APPENDIX II (Cont.)

for the Peace shall require their concourse at home or abroad, by sending Commissioners with theirs to His Majesty and Parliament for that effect, or that they themselves shall find it necessary, The Assembly grants full power to them, not only to concurre by all lawful means and Ecclesiastic ways with the Councel and Conservators for the peace at home, but also, to send some to present and prosecute their desires and humble advice to His Majesty and the Parliament, and the ministry there, for the furthering and perfecting of so good and great a work. Like as with power to them to promote their other desires, overtures, and recommendations of this General Assembly to the King's Majesty, Lords of Councel, Session, Exchequer, and Commissioners of Parliament for plantation of Kirks, for common burdens, or conservation of the common peace, and to the Parliament of this kingdom, in case it fall out pro re nata before the next Assembly, and suck like, with as full power to them to proceed, treat and determine in any other matters to be committed to them by this General Assembly, as if the same were herein particularly insert, and with amply power to proceed in the matter particularly or generally above-mentioned, as any commissioners of General Assembly have had and have been in use before: They being always accountable to, and censurable by the next General Assembly, for thereabout.

APPENDIX A (Cont.)

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY OF - 1642

Edinburgh

Andrew Ramsay  
Alexander Henderson  
Robert Douglas  
William Colvill  
William Bennet  
John Adamson - Principal of the College of Edinburgh  
William Arthur

Presbyteries within Province of Fife

George Hamilton  
Robert Blair  
Arthur Mortoun  
David Dalgleish  
Andrew Bennet  
Walter Greg  
John Moncrieff  
John Smith  
George Gillespie  
John Ross  
John Duncan  
Walter Bruce

Presbytery of Haddington

Andrew Blackhall  
James Fleeming  
Robert Ker  
David Calderwood

Presbytery of Dalkeith

James Robertson  
John Logan  
Robert Lighton

Glasgow

John Strang - Principal of the College of Glasgow  
David Dickson  
Robert Baillie  
Robert Ramsay

Ayr

George Young  
James Bonar

Irvine

John Bell

Penpoint

Samuel Oustein

Stirling

Henry Guthrie

APPENDIX A (Cont.)

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY - 1642 (Cont.)

Perth

John Robertson at St. Johnstoun

Dundee

John Robertson

Dunse

John Hume

Aberdeen

Andrew Cant  
William Guild

St. Andrews

Samuel Rutherford

Cupar

James Marbin

Tongue

Alexander Monroe

Perth

Robert Murray

Kirkcudbright

John Maclellan

Selkirk

Andrew Duncanson

Forfar

Silvester Lamie

Elgin

Gilbert Ross

Elders

Marquis of Argyll  
Earle of Lauderdale  
Earle of Glencarne  
Earle of Kinghouse  
Earle of Eglintoun  
Earle of Weemes  
Earle of Cassils

Lord Gordoun  
Lord Maitland  
Lard Balcarras

Sir Patrick Hepburne of Wauchtoun  
Sir David Creightoun of Lugton

John Henderson of Fordell  
George Winrame of Libertoun  
Sir Robert Drummond  
Sir William Carmichael  
John Binnie  
Thomas Paterson  
John Sempil  
John Kennedy of Ayr  
John Leslie from Aberdeen  
William Glendinning -  
Provost of Kirkcudbright  
John Colzear  
Sir David Home of Wedderburne  
Sir David Barclay of Cullearnie

with the concurrence of the Procurator of the Kirk

APPENDIX B

COMMISSION FOR THE PUBLIC AFFAIRS OF THE KIRK - 1643

The General Assembly considering the laudable custom of this Kirk in appointing Commission betwixt assemblies for the public affairs of this Kirk, and the commendable practice of the late Assembly at St. Andrews, in appointing their Commission for the prosecuting that blessed work, for uniting the Kirks of this Island in Religion and Kirk-Government, by all lawful and ecclesiastic ways, for continuance of our own peace at home, and of the common peace betwixt the two kingdoms, and for other good ends, as at length is expressed in that Commission: And finding that the painful endeavours and proceedings of that Commission, unanimously approven in the General Assembly, though they have much advanced that glorious work of Unity in Religion and Government; yet has not brought the same to full perfection and a final accomplishment; and the General Assembly being now much animate and encouraged to prosecute that work by the Parliament of England their Bills past against Episcopacy, and sundry other corruptions, and the good hopes of a Solemne Covenant betwixt the Nations, and conceiving that in their times of danger, there may be some occasions for convening the General Assembly, before the time indicated for their next meeting. Therefore the General Assembly finding it necessary to appoint a new Commission by these presents, nominates and appoints Mr. Andrew Ramsay, etc., etc.....

To meet at Edinburgh the 21st day of August next, and upon any other day thereafter, and in any other place they shall think good; and gives and grants unto them, or any 15 of them, there being 12 ministers present, full power and Commission, to consider and performe what they find necessary by praying and preaching, by supplication His Majesty and all the judicatories of this Kingdom, by Declarations and Remonstrances to the Parliament of England, to the Synod of Divines in England, or any other lawful and Ecclesiastic ways, for furtherance of this great work, in the Union of this Island in Religion and Kirk Government, and for continuance of peace at home, or of the common peace, and keeping of good correspondence betwixt the kirks of this Island. With power also to them to concur with the Lords of Councill, Commissioners of peace, or with the Honourable Estates assembled in Convention or Parliament, or with their Committees or Commissioners, prosecuting this good work at home or abroad by all ecclesiastic ways. And suchlike with power to them to prevent the dangers contained in the Remonstrance, presented unto the Convention of Estates by

APPENDIX B (Cont.)

COMMISSION FOR THE PUBLIC AFFAIRS OF THE KIRK - 1643 (Cont.)

the late General Assembly, and to prosecute the remedies of these dangers contained in another Remonstrance, presented by the said Commissioners to the Convention the 6th of July last, by admonitions, directions, censures, and all other Ecclesiastic ways. And further in case their Brethern of England shall agree to the Covenant betwixt the kingdoms, the draught and frame whereof is now so unanimously approven in the General Assembly gives also unto the persons foresaid, or the quorum above written, full power and authority to command and enjoin the same to be subscribed and sworn by all the members of this Kirk: And that in such order and manner, and with such solemnity as they shall think convenient for so great and glorious a work; and to send their directions to Sessions, Presbyteries, and Synods for Execution of their orders thereanent: And with power to proceed against any person what-so-ever, that shall refuse to subscribe and swear the said Covenant, with all the censures of the Kirk, or to refer the trial and censures of the Kirk, as they shall think convenient: And such like gives unto the persons foresaids power and liberty to call a General Assembly pro re nata, in case that shall find the necessity of the Kirk, and this great work to require the same: With full power also to them to give answers in name of the General Assembly to all letters sent to the General Assembly from the Kirks of Holland, Zealand, or any other foreign Reformed Kirks. And further gives power to them to promote the other desires, Overtures and Recommendations of this, or of any former Assemblies to the King's Majesty, Parliament, or Convention of Estates, to the Lords of Councill, Session, Exchequer, Commissioners of Parliament for plantation of Kirks, for the common burdens, and for conserving the peace. And suchlike gives us full power and Commission to them to treat and discern in any other matters referred, or to be referred to them by this General Assembly, as if the same were herein particularly insert. And Generally gives unto the persons foresaid, or the quorum above mentioned full power and authority, to do and perform all things which may advance, accomplish, and perfect the great work of Unity of Religion, and Uniformity of Kirk-Government in all his Majesty's dominions, and which may be necessary for good order in all the public affairs of the Kirk until the next General Assembly, ne quid detrimenti capiat Ecclesia . . . . They being always accountable to, and censurable by the next General Assembly.-

APPENDIX B (Cont.)

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY OF - 1643

Number of previous times on the Commission

<u>Edinburgh</u>		<u>Kelso</u>	
Andrew Ramsay	1	Robert Knox	
Alexander Henderson	1	<u>Jedburgh</u>	
Robert Douglas	1	William Jamieson	
William Colvill	1	<u>Perth</u>	
William Bennet	1	Robert Murry	1
George Gillespie	1	<u>Stirling</u>	
John Adamson	1	Henry Guthrie	1
John Sharpe		<u>Dumfries</u>	
James Sharpe		James Hamilton	
William Dalgleish		<u>Penpoint</u>	
<u>Haddington</u>		Bernard Sanderson	
David Calderwood	1	<u>Stranraer</u>	
Andrew Blackhall	1	John Leviston	
James Fleeming	1	<u>Ayr</u>	
Robert Ker	1	James Bonar	1
John Macghie		<u>Dunoon</u>	
<u>Dalkeith</u>		Evan Cameron	
Oliver Colt		<u>Glasgow</u>	
Hugh Campbell		David Dickson	1
Adam Penman		Robert Baillie	1
Richard Dickson		<u>Ayr</u>	
<u>Dunbar</u>		James Cunningham	
Andrew Stevinson		George Young	1
<u>Linlithgow</u>		<u>Dundee</u>	
Richard Dickson		Andrew Auchinleck	
<u>St. Andrews</u>		<u>Aberdeen</u>	
John Lauder		Andrew Cant	1
Robert Blair	1	David Lindsay	
Samuel Rutherford	1	John Oswald	
Arthur Norton	1	William Douglas	
Robert Trail		<u>Inverness</u>	
<u>Kirkcaldy</u>		Murdo Mackenzie	
Fredrick Carmichael	1	<u>Caithness</u>	
Mungo Law		John Monroe	
John Smith	1		
Patrick Gillespie			
<u>Dunfermline</u>			
John Duncan	1		
<u>Dunse</u>			
John Hume	1		
<u>Kirkwall</u>			
Walter Stuart			

APPENDIX B (Cont.)

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY - 1643 (Cont.)

Number of previous times on the Commission

Elders

Marquis of Angyle	1
Earle of Marshall	
Earle of Sutherland	
Earle of Eglington	1
Earle of Cassills	1
Earle of Dumfermling	
Earle of Lauderdale	
Earle of Lindsay	
Earle of Queensberry	
Earle of Dalhousie	

Lord Angus	
Lord Maitland	1
Lord Elcho	
Lord Balmerinoch	
Lord Cowper	

Viscount of Dudhope

Sir Patrick Hepburne	1
Sir Archibald Johnstoun	
Sir David Hume of Wedderburn	1
Sir Alexander Erskine of Dun	
Sir William Cockburne of Langton	1
Sir Thomas Ruthevin of Frieland	1
Sir James Arnot of Fernie	
Sir Walter Riddell of that ilk	
Sir Lodovick Houston	
Sir William Carmichael	1
Sir John Smith	

Laird of Bonjeburgh	
Laird of Libberton	1
Laird of Brodie	

James Demmistoun	
Master Robert Barclay	
John Rutherford	
William Glendining	1
John Sempill	1
John Kennedy	1
Master Alexander Douglas	

## APPENDIX C

## RENOVATION OF THE COMMISSION FOR THE PUBLIC AFFAIRS OF THE KIRK - 1644

The General Assembly considering the Commissioner appointed by the last General Assembly have not yet fully perfected that great work for Unity of Religion and Uniformity of Kirk-Government....And that now in respect of the present condition of affairs in this Kingdome, their proceedings cannot be examined at this time: Therefore finding it necessary that the said Commission be renewed unto the Commissioners therein mentioned, and to the persons afternamed now thought fit to be added for the best expediting of business; do hereby appoint Master Andrew Ramsay, etc., etc.....

.....full power and commission to prosecute the said work of unity in Religion, and Uniformity of Kirk-Government in all his Majesty's Dominions, and to do and perform all things particularly or generally contained in the said Commission of the preceeding General Commission, or in an act of the said Assembly upon the said 19th day of August, entitled "A REFERENCE TO THE COMMISSION ANENT THE PERSONS DESIGNED TO REPAIR TO THE KINGDOM OF ENGLAND" and to treat and determine therein, and in all other matters referred unto them by this General Assembly, suchlike and freely, as if all these were herein expressed; and as the persons nominate in the said former Commission might have done by virtue of the said Act and former Commission at any time gone by, and with as ample power as any Commission of any former General Assembly.

APPENDIX C

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY - 1644

Previous times on the Commission

<u>Edinburgh</u>		<u>Jedburgh</u>	
Andrew Ramsey	2	William Jamieson	1
Alexander Henderson	2		
Robert Douglas	2	<u>Perth</u>	
William Colvill	2	Robert Murry	1
William Bennet	2		
George Gillespie	2	<u>Stirling</u>	
John Oswald	1	Henry Guthrie	2
Mungo Law	1		
John Adamson	2	<u>Dumfries</u>	
John Sharp	2	James Hamilton	1
James Sharp	1		
William Dalgleish	1	<u>Penpoint</u>	
		Bernard Sanderson	1
<u>Haddington</u>			
David Calderwood	2	<u>Stranraer</u>	
Andrew Blackhall	2	John Livingston	1
James Fleeming	2		
Robert Ker	2	<u>Ayr</u>	
John Macgillie	1	James Bonar	2
		George Young	2
<u>Dalkeith</u>		James Cunningham	1
Oliver Colt	1		
Hugh Campbell	1	<u>Dunoon</u>	
Adam Perman	1	Even Cameron	1
<u>Linlithgow</u>		<u>Glasgow</u>	
Richard Dickson	1	David Dickson	2
		Robert Baillie	2
<u>St. Andrews</u>			
John Lawder	1	<u>Dundee</u>	
Robert Blair	2	Andrew Affleck (Auchinleck)	1
Samuel Rutherford	2		
Arthur Morton	2	<u>Aberdeen</u>	
Robert Trail	1	Andrew Cant	2
		David Lindsay	1
<u>Kirkcaldy</u>			
Fredick Carmichael	2	<u>Tureff</u>	
John Smith	2	William Douglas	1
Patrick Gillispie	1		
		<u>Inverness</u>	
<u>Dumfermline</u>			
John Duncan	2	<u>Chanorj</u>	
		Coline Mackenzie	
<u>Dunse</u>			
John Hume	2		
<u>Kelso</u>			
Robert Knox	1		

APPENDIX C

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY - 1644 (Cont.)

Previous times on the Commission

<u>Caithness</u>		<u>Ellon</u>	
John Monroe	1	John Patterson	
<u>Kirkwall</u>		<u>Elgin</u>	
Walter Stuart	1	Gilbert Rosse	
<u>Cupar</u>		<u>Strathbogie</u>	
David Dalgleish	1	Richard Maitland	
Andrew Bennet	1	Elders	
<u>Kirkcaldy (added)</u>		Marquis of Argyle	2
John Moncreiff	1	Earle of Marshall	1
<u>Dunse (added)</u>		Earle of Lauderdale	1
Alexander Case		Earle of Lendsay	1
<u>Jedburgh (added)</u>		Earle of Queensberry	1
Thomas Wilkie		Earle of Dalhousie	1
<u>Glasgow (added)</u>		Viscount of Dudhope	1
John Strang	1	Lord Maitland	2
<u>Caithness (added)</u>		Lord Angus	1
William Campbell		Lord Elcho	1
<u>Lauder</u>		Lord Balmerinoch	1
James Guthrie		Lord Cowper	1
<u>Dunblane</u>		Sir Patrick Hepburne of Waughton	2
Henry Levingstoun		Sir Archibald Johnstoun	1
<u>Auchterarder</u>		Sir David Hume of Wedderburne	2
David Drummond		Sir Alexander Areskine of Dun	1
<u>Paisley</u>		Sir William Cockburne of Langton	1
John Hay		Sir Thomas Ruthven of Frieland	1
<u>Lenaxk</u>		Sir James Arnot of Fernie	1
Richard Inglis		Sir Walter Riddall of that Ilk	1
<u>Forres</u>		Sir William Carmichael of that Ilk	2
William Falconer		Sir Lodovick Houston of that Ilk	1
George Cumming		Master George Douglas of Bonjedburgh	1
		Master George Winname of Libbertoun	1
		Laird of Brodie	1
		Sir James Smith	1
		Master Robert Barclay	1
		James Dennistoun	1

APPENDIX C

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY - 1644 (Cont.)

Previous times on the Commission

Elders

John Rutherford	1
William Glendining	2
John Sempill	2
John Kennedy	2
Master Alexander Douglas	1

Elders added

Earle of Glencairn	1
Earle of Lothian	

Lord Murray  
Lord Yester

Robert Maitland  
Fredrick Lyon  
James Macdowell  
David Beton  
Sir James Stuart  
Sir John Weemes  
Master William Sandilands  
Archibald Sydserfe  
Laurence Henderson  
James Stuart  
Thomas Patterson  
Alexander Jaffray

RENOVATION OF THE COMMISSION FOR THE PUBLIC AFFAIRS OF THE KIRK - 1645

The General Assembly taking to their consideration, that in respect the work of Uniformity in Religion in all his Majesty's Dominions, is not yet perfected, (though by the Lord's blessings there is a good progress made in the same) there is a necessity of renewing the Commission granted formerly for prosecuting and perfecting that great work; do therefore renew the power and Commission granted for the public affairs of the Kirk by the General Assembly, held in St. Andrews in the year 1642, upon the 5th day of August.....to Master Andrew Ramsay, etc., etc.....

And for discharging the said Commission appoints the persons aforesaid, or any 19 of them, whereof 15 shall be ministers, to meet at Edinburgh upon the 14th of this month of February and upon the second Wednesday of May, August, November, and of February next to come, and upon any second Wednesday in any other place they shall think meet.....and further, renews to the persons aforenamed, the power contained in the Act of the said General Assembly of 1643 entitled A REFERENCE TO THE COMMISSION ANENT THE PERSONS DESIGNED TO REPAIR TO THE KINGDOM OF ENGLAND; as also the power contained in 2 several acts of the said late General Assembly of 1644 Session 6 made against secret disaffectors of the Covenant, and for sending ministers to the Army.....

They being always for their whole proceeding countable to and censurable by the next General Assembly.

APPENDIX D

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY - 1645

Previous times on Commission

Edinburgh

Andrew Ramsay	3
Alexander Henderson	3
Robert Douglas	3
William Colvill	3
William Bennet	3
George Gillespie	3
John Adamson	3
John Oswald	2
Mungo Law	2
John Sharp	2
Robert Lawrie	
George Leslie	
Andrew Fairfowl	

Haddington

David Calderwood	3
Andrew Blackhall	3
James Fleeming	3
Robert Ker	3
John Macghee	2

Dunbar

John Dalryell	
Andrew Stevenson	2
Robert Lauder	

Dalketh

James Robertson	
Patrick Sibbald	
Robert Carson	

Peebles

Alexander Spittal	
Alexander Dickson	
James Smith	

Malithew

John Gibson	
James Symson	
Ephraim Melville	

Blyth

Alexander Somervell	
Robert Eliot	
George Bennet	

St. Andrews

Robert Blair	3
Arthur Morton	3
Samuel Tutherford	3
Alexander Colvill	

Gupar

Andrew Bennet	2
Walter Gregg	1
James Wedderburn	

Kirkcaldy

John Smith	3
Fredrick Carmichael	3
John Moncrieff	2
Patrick Gillespie	2

Dunfermline

John Duncan	3
James Sibbald	
Robert Bruce	

APPENDIX D

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY - 1645 (Cont.)

previous times on the Commission

<u>Kirkcaldy</u>		<u>Dunblane</u>	
John Smith	3	Andrew Jeffrey	
Fredrick Carmichael	3		
John Moncrieff	2	<u>Fenpoint</u>	
Patrick Gillespie	2	Bernard Sanderson	2
<u>Dunfermline</u>		<u>Dumfries</u>	
John Duncan	3	Alexander Tran	
James Sibbald			
Robert Bruce		<u>Annan</u>	
<u>Dunse</u>		Thomas Chalmers	
John Hume	1	<u>Wigton</u>	
Mungo Dalryell		Andrew Lauder	
<u>Chirnside</u>		<u>Kirkcudbright</u>	
Alexander Kinneir		Hugh Henderson	
Thomas Ramsay			
<u>Kelso</u>		<u>Stranraer</u>	
William Turnbull		John Levingstoun	2
		James Blair	
<u>Lauder</u>		<u>A. C.</u>	
Thomas Donaldson		James Bonar	3
James Guthrie	1	John Burne	
<u>Jedburgh</u>		<u>Irvine</u>	
William Jameson		John Bell	1
		Hugh Mackale	
<u>Selkirk</u>		<u>Greenock</u>	
David Fletcher		Matthew Brisbane	
Andrew Dunkison			
<u>Perth</u>		<u>Dumbarton</u>	
Robert Murray	2	David Elphingstoun	
David Weemes			
John Hall		<u>Glasgow</u>	
<u>Auchterarder</u>		Robert Ballie	3
David Drummond	1	George Young	3
John Freebairn		David Dickson	3
George Murry		John Strang	2
<u>Stirling</u>		<u>Hamilton</u>	
Henry Guthrie	3	Patrick Sharp	
Robert Wright		<u>Lanark</u>	
		Robert Birnie	

APPENDIX D

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY - 1645 (Cont.)

previous times on the Commission

Dunoon

Evan Cameron 2

Meikle

George Symmer

Dundee

Andrew Affleck (Auchinleck) 2

Arbroath

Patrick Lyon

Fordaf

John Lindsay

Brechan

George Fogo  
George Strachan

Aberdeen

Andrew Cant 3  
William More (or Mair)

Deer

William Davidson

Ellon

John Paterson

Turneff

William Jaffary  
Thomas Mitchell

Forres

George Cumming  
Joseph Brodie

Chanonry

William Lawder

Tain

David Ross

Dingwall

Ferquhard Makelennan

APPENDIX D

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY - 1645 (Cont.)

previous times on the Commission

Wlders

Archibald Marquis of Argyle	3	John Binnie	
John Earle of Crawford and Lindsay	3	Archibald Sydsenf	1
Alexander Earle of Eglintoun	2	Laurence Henderson	1
William Earle of Glencarne	2	James Stuart	1
John Earle of Cassils	2	Gilbert Sommervill	
Charles Earle of Dunfermline		John Semple	3
James Earle of Tullihardin		Robert Barclay	1
John Earle of Lauderdale	2	Patrick Leslie	
James Earle of Annandale		James Law	
William Earle of Lothian	2	Robert Cunningham	
James Earle of Queensbury	2	George Gardin	
William Earle of Dalhousie	2	William Glendinning	3
William Earle of Lanerk			

Viscount of Arbutnot  
James Viscount of Frenndraught

Archibald Lord Angus	2
Alexander Lord Garleis	
James Lord Johnstoun	
John Lord Yester	1
John Lord Balmerino	
Alexander Lord Balcarras	1
John Lord Loure	
John Lord Barganie	

Sir Patrick Hepburne of Wauchtoun	3
Sir John Hope of Craighall	
Sir Archibald Johnston of Warristoun	2
Sir David Hume of Wedderburn	3
Fredreck Lyon of Bringtoun	
Sir Alexander Areskine of Dun	2
Sir Alexander Fraser of Phillorth	
Sir William Ballie of Lamington	
Sir Haddin of Glanmegies	
Sir Thomas Ruthven of Freeland	2
Sir James Macdougall of Garthland	2
Sir Alexander Murray of Blackbarronie	
Sir William Drummond of Rickartoun	
Sir William Scoot of Hardin	
Sir Andrew Ker of Greenhead	
Sir William Stuart of	
Sir Alexander Shaw of Sauchie	
Sir John Smith	2
Alexander Brodie of that ilk	2
George Hume of Kimmerjane	
Alexander Colvill Justice Deputy	

APPENDIX E

RENOVATION OF THE COMMISSION FOR THE PUBLIC AFFAIRS OF THE KIRK - 1646

The General Assembly, taking to their consideration that, in respect the great work of uniformity in religion in all his Majestie's dominions is not yet perfected, (though by the Lord's blessing there is a good progress made in the same,) there is a necessity of renewing the commission granted formerly for prosecuting and perfecting that great work; do, therefore, renew the power and commission granted for the public affairs of the Kirk by the General Assemblies, held in St. Andrews in the year 1642, and in Edinburgh, 1643, 1644 and 1645 unto the persons following, Master Alexander Henderson, etc., etc.....

Giving unto them full power and commission to all and every thing for prosecuting, advancing, perfecting and bringing the said work of uniformity in religion in all his Majestie's dominions to a happy concluding, conform to the former commission granted by preceding Assemblies thereanent: And to that effect, appoints them, or any seventeen of them, whereof thirteen shall be ministers.....

APPENDIX E

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY - 1646

previous times on Commission

<u>Edinburgh</u>		<u>Kirkcaldy</u>	
Alexander Henderson	4	John Smith	4
Robert Douglas	4	John Moncrieff	3
William Colvill	4	Patrick Gillespie	3
William Bennet	4		
George Gillespie	4	<u>Dunfermline</u>	
John Adamson	4	John Duncan	4
John Oswald	3	James Sibbald	1
William Dalgleish	2		
		<u>Chirnside</u>	
<u>Haddington</u>		Alexander Kinneir	1
David Calderwood	4	Walter Swinton	
James Fleeming	4		
Robert Ker	4	<u>Kelso</u>	
		Robert Knox	2
<u>Dunbar</u>		William Penman	
John Dalryell	1		
James Wright		<u>Lauder</u>	
		James Guthrie	2
<u>Dalkeith</u>		Thomas Donaldson	1
John Knox			
Adam Penman	2	<u>Jedburgh</u>	
Robert Lichtown	1	William Jameson	1
		Thomas Wilkie	1
<u>Peebles</u>			
Alexander Dickson	1	<u>Selkirk</u>	
Patrick Fleeming		John Knox	
John Hay	1		
		<u>Perth</u>	
<u>Linlithgow</u>		Robert Murry	4
Richard Dickson	1		
Thomas Vassie		<u>Auchterarder</u>	
David Drummond	2	John Freebairn	2
<u>Blyth</u>		<u>Stirling</u>	
Alexander Somervill	1	Robert Wright	1
Robert Eliot	1		
		<u>Dunblane</u>	
<u>St. Andrews</u>		David Auchterlonie	
Robert Blair	4		
Robert Traill	3	<u>Weems</u>	
Samuel Rutherford	4	William Maier	
Alexander Colvill	1		
		<u>Penpoint</u>	
<u>Cupar</u>		Samuel Oustein	1
Walter Gregg	2		
Alexander Balfour			
George Thompson			

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY - 1646 (Cont.)

previous times on Commission

<u>Lochmaber</u>		<u>Forfar</u>	
John Leimont		Silverster Lambie	
<u>Wigton</u>		<u>Brechin</u>	
Andrew Lauder	1	Laurence Skinner	
		William Rate	
<u>Kirkcudbright</u>		<u>Mearns</u>	
James Irving		David Campbell	
<u>Stranraer</u>		<u>Aberdeen</u>	
Alexander Turnbull		Andrew Cant	4
<u>Ayr</u>		William Douglas	1
James Bonar	4	David Lindsay	2
William Adair		<u>Ellon</u>	
<u>Irvine</u>		Gilbert Anderson	
John Neve		<u>Alford</u>	
Patrick Colvill		Alexander Garrioch	
<u>Greenock</u>		<u>Turreff</u>	
Matthew Brisbane	1	William Jaffray	1
John Hamilton		<u>Elgin</u>	
<u>Dumbarton</u>		Thomas Law	
Allan Ferguson		<u>Caithness</u>	
<u>Hamilton</u>		William Campbell	
James Nasmyth		<u>Kirkwall</u>	
<u>Glasgow</u>		Walter Stuart	2
George Young	4		
Robert Bellie	4		
David Dickson	4		
Robert Ramsay			
<u>Lanark</u>			
John Lindsay	1		
John Weir			
<u>Dunoon</u>			
Iven Cameron	3		
<u>Meikle</u>			
James Affleck			
<u>Dundee</u>			
John Robinson	1		
<u>Arbroth</u>			
Andrew Eliot			

APPENDIX B

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY - 1646 (Cont.)

previous times on Commission

Elders

Marquis of Argyll	4
Earle of Crawford and Lindsay	3
Earle of Marshall	2
Earle of Glencairn	3
Earle of Cassils	3
Earle of Dunfermline	2
Earle of Tullibardine	1
Earle of Balcleugh	
Earle of Lauderdale	1
Earle of Lothian	2
Earle of Lanark	1
Archibald Lord Angus	3
John Lord Balmerino	1
Robert Lord Burleigh	
John Master of Yester	2
Sir Patrick Hepburn of Waughton	4
Sir John Hope of Craighall	1
Sir Archibald Johnston of Warriston	3
Sir David Jume of Wedderburn	4
Sir Robert Hope of Craighall	
Sir Robert Innes of that ilk	
Sir William Baily of Lanington	1
Sir John Muncruff of that ilk	
Sir James Macdougall of Garthland	2
Patrick Cockburn of Clarkington	
Sir Hugh Campbell of Cesnock	
Sir William Cunningham of Cunningham-head	
Sir Hume of Blackader	
Sir James Dundas of Arniston	
Alexander Forbes Tutor of Pitsligo	
Master George Winraham of Libbertoun	2
David Weemes of Fingask	
Master Francis Hay of Balhousie	
Alexander Colvill of Blair	1
Alexander Brodie of that ilk	3
Georgas Dundas of Dudiston	
William More of Glanderson	
Sir James Nicolson of Colbrandspaiith	
Sir John Edgar of Wedderlie	
Sir William Hume of Lenthill	
James Raubhead	
Laurence Henderson	2
James Strart	2
John Semple Provost of Dumbarton	4
John Kennedie Provost of Ayr	3
George Gardine	1
George Porterfield Provost of Glasgow	
Robert Arnot Provost of Perth	
Master David Weemes	
Thomas Paterson	
John Sleigh	
	John Johnstoun
	Thomas White

APPENDIX F

RENOVATION OF THE COMMISSION OF THE GENERAL ASSEMBLY - 1647

The General Assembly, taking to their consideration, that in respect the great work of uniformity in religion in all his Majesty's dominions is not yet perfected, (though be the Lord's blessing there is a good progresse made in the same,) there is a necessity of renewing the Commissions granted formerly for prosecuting and perfecting at that great work; do, therefore, renew the power and Commission granted for the Public Affairs of the Kirk, by the General Assemblies held in St. Andrews, 1642 and at Edinburgh 1643, 1644, 1645 and 1646.....

The Assemblies gives to the person before named full power of censuring compliers and persons disaffected to the Covenant, according to the Acts of the Assemblies; declaring always and providing, that ministers shall not be deposed but in one of the quarterly meetings of this Commission, with full power to them to treat and determine in the matters foresaid, and in all other matters referred unto them by this Assemblie, as fully and freely as if the same were here particularly expressed, and with as ample power as any Commission of any former General Assemblie that had or been in use of before, they being always for their whole proceedings countable to and censurable by the next General Assembly.

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY - 1647

<u>Edinburgh</u>	Previous times member	meetings attended
Robert Douglas	5	139
William Colvill	5	57
George Gillespie	5	84
John Adamson	5	67
Andrew Fairfoul	1	54
George Leslie	1	83
Robert Lawrie	1	28
Andrew Ramsey	4	23
<u>Dunse</u>		
Alexander Casse	1	3
<u>Chirnside</u>		
Samuel Douglas		3
<u>Kelso</u>		
Robert Knox	3	14
William Penman	1	10
<u>Lauder</u>		
James Guthrie	3	82
<u>Jedburgh</u>		
Robert Cunningham		8
<u>Selkirk</u>		
David Fletcher		17
<u>Dunbar</u>		
Robert Lawder		4
Andrew Stevenson	3	9
Robert Davidson		1
<u>Haddington</u>		
David Calderwood	5	53
James Fleming	5	51
Robert Ker	5	42
<u>Dalkeith</u>		
James Fairlie		12
Oliver Colt		14
Patrick Sibbald		6
<u>Peebles</u>		
Alexander Spittle	1	34
Alexander Dickson	2	23
John Hay	2	33

APPENDIX F

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY - 1647

<u>Division</u>	Previous times member	meetings attended
<u>Inverclyde</u>		
Thomas Vassie	1	26
Ephraim Melville	1	85
Patrick Shields		46
<u>Biggar</u>		
Alexander Sommerville	2	-
George Bennet	1	48
Alexander Levingston		60
<u>Weems</u>		
William Menzies		1
<u>Pent</u>		
Robert Murry	5	-
Alexander Rollock		25
<u>Stirling</u>		
Henry Guthrie	4	-
Robert Wright	1	3
George Justice		5
<u>Dunkeeld</u>		
Alexander Ireland		3
<u>Auchterarder</u>		
George Friebaum	3	-
George Murry	1	22
<u>Dunblane</u>		
Henrie Livingston	1	22
<u>Dunfries</u>		
James Hammiltoun	2	100
George Gladstones		65
<u>Penpoint</u>		
Bernard Sanderson	3	32
<u>Wilton</u>		
Andrew Lawder	2	21
George Ruthenford		30
<u>Stranar</u>		
John Levingston	3	41
George Hutcheson		43
<u>Irving</u>		
John Bell	2	28
Hugh Machaile	1	68

APPENDIX F

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY - 1647

<u>Greenock</u>	Previous times member	meetings attended
Matthew Brisbane	2	-
John Hamiltoun	1	31
<u>Dumbarton</u>		
Allan Ferguson	1	2
<u>Glasgow</u>		
David Dickson	5	90
Zachary Boyd		51
Robert Ramsay	1	47
Robert Ballie	5	51
<u>Hamilton</u>		
James Nasmith	1	54
Francis Aird		77
<u>Lenark</u>		
Robert Binnie	1	62
Thomas Kirkcaldie		41
<u>Dunoon</u>		
Evan Cameron	4	46
<u>St. Andrews</u>		
Robert Blair	5	69
Samuel Rutherford	5	76
Alexander Colvill	3	39
Coline Adam		68
George Hamilton		57
John Ramsey		25
<u>Guxar</u>		
James Martin		17
William Levingstoun		16
<u>Kirkcaldy</u>		
Thomas Melville		24
John Smith	5	76
Fredrick Carmichael	4	30
Patrick Gillespie	4	83
Alexander Moncreiff		66
<u>Dunfermline</u>		
John Duncan	5	9
James Sibbald	2	-
Walter Bruce		22
<u>Meikle</u>		
George Pittillo		5

APPENDIX F

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY - 1647

<u>Dundee</u>	Previous times member	Meetings attended
Andrew Affleck	3	31
John Barclay		9
<u>Forfar</u>		
Thomas Peirsin		1
<u>Brechin</u>		
William Rait	1	2
<u>Mearns</u>		
David Strachan	1	1
<u>Aberdeen</u>		
Andrew Cant	5	66
William Douglas	2	1
<u>Kingardine O'neal</u>		
John Forbes		2
<u>Turreff</u>		
George Sharp		4
<u>Fordyce</u>		
William Chalmer		15
<u>Porres</u>		
Joseph Brodie	1	1
<u>Elgin</u>		
Alexander Sommer		1
<u>Ellon</u>		
Gilbert Anderson	1	"
<u>Gaithness</u>		
William Smith		"

APPENDIX F

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY - 1647

<u>Elders</u>	Previous times member	meetings attended
Marquis of Argyll	5	9
Earle of Crawford and Lindsay	4	10
Earle of Eglington	3	8
Earle of Glencairne	4	9
Earle of Cassils	4	9
Earle of Home		2
Earle of Tullibairdine	2	7
Earle of Bukoleuch	1	-
Earle of Lawderdale	4	7
Earle of Lothian	3	2
Earle of Finlathour		6
Earle of Lanerk		5
Earle of Callendar		3
Archibald Lord Angus	4	23
Lord Briche		1
Lord Yester	3	6
Lord Balmerine	1	3
Lord Cowper		1
Lord Borganie	1	5
Sir Archibald Johnstoun of Warriston	4	4
Sir John Hope of Craighall	2	48
Sir Arthur Areskine of Scotiscraig		13
Sir Alexander Fraser of Philorth		7
Sir Fredick Lyon of Brigtoun		-
Sir James Mackougall of Garthland	3	6
Sir Walter Cockburne of Langton	2	1
Sir Andrew Ker of Greithhead	1	9
Sir Hugh Campbell of Cresnock	1	3
Sir James Levingston of Kilsyth		27
Sir Thomas Ruthvin of Freeland	3	-
Sir Gilbert Ramsey of Balmayne		33
Sir John Henderson of Fordell		2
Sir Walter Dunday younger of that ilk		90
Sir William Scott younger of Harden		2
Sir Lodovick Houston	2	2
Master George Winrame of Libberton	3	106
Alexander Levingston of Saltcoats		1
John Brisbane of Bishoptoun		-
Sir Robert Douglas of Tilliquillie		-
James Pringle of Torwoodlie		-
Sir James Nicholsons of Colbrandspath	1	1
William Ker of Newton		4
William Forbes younger of Lesly		2

APPENDIX F

MEMBERS OF THE GENERAL ASSEMBLY COMMISSION FOR - 1646

<u>Elders</u>	Previous times member	meetings attended
John Kennedy of Carmuchs		"
Robert Arruthnot of Findowie		30
Alexander Brodie of Letham		"
Master Robert Narne younger of Strathurd		4
Master James Schoneir of Caskeberrie		6
James Ruchaid	1	11
Laurence Handerson	3	63
James Stewart		65
David Douglas		5
John Jaffreys		5
George Portenfeild	1	25
John Semple	5	35
John Kennedy	5	2
William Glendinning	4	4
Master John Cowan		2
John Mills		26

APPENDIX G

ACT RENEWING THE COMMISSION FOR THE PUBLIC AFFAIRS OF THE

KIRK - 1648

".....giving unto them full power and commission to do all and everything for preservation of the established doctrine, discipline, worship and government, of this Kirk, against all who shall endeavour to introduce anything contrary thereunto; and for prosecuting, advancing, perfecting and bringing the said work of uniformity in religion in all his Majestie's dominions to a happy conclusion, conform to the former commissions granted by preceding Assemblies thereanent; and to that effect, appoints them, or any 17 of them, whereof 13 shall be ministers, to meet .....

declaring always and providing, that ministers shall not be deposed but in one of the quarterly meetings of this commission; and, further, authorises them as formerly, with full power to make supplications, remonstrances, declarations and warnings - to indict fasts and thanksgivings as there shall be cause - to protest against all encroachments upon the liberties of the Kirk - and to censure all such as interrupt this commission, or any other Church judicatory - or the execution of their censures - or of any other sentences or acts issuing from them ....."

APPENDIX G

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY - 1648

<u>Edinburgh</u>	Previous membership	<u>Dunblane</u>	Previous membership
John Adamson	6	David Auchterlony	1
Robert Douglas	6	Andrew Rynd	
George Gillespie	6		
John Smith	6	<u>Penpoint</u>	
Mungo Law	4	Samuel Ousteen	2
Robert Lawrie	2		
George Lesly	2	<u>Lochmaben</u>	
John Weir		Thomas Henderson	
<u>Dunbar</u>			
John Lawder	1	<u>Dumfries</u>	
Andrew Wood		Charles Archibald	
<u>Haddington</u>			
David Calderwood	6	<u>Wigton</u>	
Robert Ker	6	Andrew Lawder	3
John Mackghie	4		
<u>Dalkeith</u>		<u>Stranraer</u>	
John Knox	1	John Leviston	4
John Sinclair		Alexander Turnbull	
		George Hutchison	1
<u>Peebles</u>		<u>Kirkcudbright</u>	
Alexander Dickson	3	John Macklellan	1
Robert Eliot			
Patrick Fleeming		<u>Ayr</u>	
<u>Linlithgow</u>		William Foulerton	
Thomas Vassie	2	John Genell	
Ephraim Melvill	2	<u>Irvine</u>	
Hew Kennedy		Patrick Colvil	1
		James Ferguson	
<u>Bleas</u>		<u>Paisley</u>	
Kenneth Logie		Hew Pebbles	
Alexander Leviston	1	Alexander Dunlope	
George Bennet	2		
<u>Perth</u>		<u>Greenock</u>	
David Weems	1	John Hamilton	2
William Row			
Robert Young		<u>Dumbarton</u>	
<u>Wem</u>		David Ephiston	1
William Menzies	1	<u>Glasgow</u>	
<u>Auchterarder</u>		David Dickson	6
John Freebairnes	4	Robert Baillie	6
John Givan		Patrick Gillespie	5
		Robert Ramsey	2
<u>Stirling</u>			
Henry Guthrie	5		

APPENDIX G

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY - 1648

<u>Hamilton</u>	Previous membership	<u>Kincardine O'Neill</u>	Previous membership
Patrick Sharpe	1	Alexander Cant	
James Nasmith	2		
		<u>Alford</u>	
<u>Lanark</u>		John Young	
John Home			
		<u>Deer</u>	
<u>Dunoon</u>		Nathaniel Martine	
Evan Camerson	5		
		<u>Inverness</u>	
<u>St. Andrews</u>		John Ammand	
Robert Blair	6		
Samuel Rutherford		<u>Forres</u>	
David Forrester		William Falconer	
Robert Traill	4	Joseph Brodie	2
<u>Cupar</u>		<u>Elgin</u>	
Andrew Bennet		Alexander Sommer	1
John Macgill younger			
Walter Greg	4	<u>Fordyce</u>	
		William Chalmer	1
<u>Kirkcaldy</u>			
John Moncreiff	5	<u>Tain</u>	
Fredrick Carmichael	5	David Rosse	1
John Chalmers		George Gray	
<u>Dunfermline</u>		<u>Kelso</u>	
John Duncan	6	Robert Knox	4
Andrew Donaldson		William Perman	2
William Oliphant			
		<u>Lauder</u>	
<u>Meikle</u>		James Guthrie	4
George Sommers	1	Thomas Donaldson	
<u>Dundee</u>		<u>Jedburgh</u>	
Andrew Affleck	4	William Jameson	5
		Thomas Wilkie	1
<u>Arbroth</u>		James Ker	
Arthur Granger			
		<u>Selkirk</u>	
<u>Meams</u>		John Knox	1
David Strachen	2	Andrew Duncan	1
<u>Aberdeen</u>			
Andrew Cant	6		
John Row David Lindsay	4		
<u>Ellon</u>			
John Patterson Gilbert Anderson	2		

APPENDIX G

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY-- 1648

<u>Elders</u>	Previous membership
Archibald Marquis of Argyle	6
Earle of Eglintoun	4
Earle of Cassels	5
Earle of Lothian	4
Archibald Lord Angus	5
William Lord BorthwickJohn Lord Forphichen	
John Lord Balmerino	2
Robert Lord Burleigh	1
James Lord Couper	1
Lord Kirkcudbright	
Alexander Lord Elcho	
Sir Archibald Johnston of Warriston	5
Sir John Hope of Craighall	3
Arthur Erskine of Scotcraig	1
Sir John Moncreiff of that Ilk	1
Beaton of Creigh	
Sir John Warchhope of Midrie	
Sir Thomas Ruthven of Freeland	4
Sir George Maxwell of Netherpollock	
Sir James Fraser of Brae	
Sir James Hackact of Pitfirren	
Sir Walter Carmichael of that Ilk	1
Walter Dundas younger of that Ilk	1
Thomas Craigs of Ricarton	
Sir Alexander Inglis of Ingliston	
Alexander Brodie of that Ilk	1
Forbes of Bight	
William Moore of Glanderston	
John Ker of Lochtoun	
Alexander Pringil of Whitbank	
Walter Scot of Whitlaid	
John Craford	
Sir John Chisley of Carswell	
Robert Monroe of Obsteall	
Cornwall of Bonhard	
George Dundass of Dundinston	1
Sir James Stewart of Kirkfield	
Mr. Alexander Colvil of Blair	1
Mr. Alexander Peirson	
Mr. Robert Burnet Younger	
Mr. Thomas Murray	
George Porterfield	2
Mr. James Campbell	
James Hamilton	
Lawrence Henderson	4
Mr. Robert Barclay	3
Mr. William More	
William Glenndenning	5
Dowglas	1
James Stewart	5
Gideon Jack	
Mr. Dougall Campbell	William Brown
John Boswall	Robert Brown
John Brown	William Russell

".....And, to that effect, appoints them, or any 19 of them, whereof 13 shall be ministers, to meet in the citie tomorrow, the 7th of this instant, and thereafter, upon the second Wednesday of November, February and May next, and upon any other day, and in any other place, they shall think fit; giving also unto them full power to send commissioners to the kingdom of England, for prosecuting the treatie of uniformitie, as they shall find conveniencie, and to give instructions, and commission to that effect, conform to former commissions granted thereanent:.....

and with full power to them to treat and determine in the matters referred to them by this Assemblie, as fully and freelie as if the same were here fully expresse, and with as ample power as any Commission of any former General Assemblies hath had or been in use of before: Declaring also, that all opposers of the authoritie of this Commission in matters intrusted to them, shall be holden as opposers of the authoritie of the General Assembly, and this Commission in their whole proceedings are comptable to and censurable by the next General Assemblie.

APPENDIX H

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY 1649

<u>Edinburgh</u>	previous times a member	<u>Kirkcudbright</u>	previous times a member
Robert Douglas	7	John Mackeleland	2
John Adamson	7	James Irving	1
Mungo Law	5	Robert Ferguson	
George Leslie	3		
		<u>Stranraer</u>	
<u>Glasgow</u>		John Scott	
David Dickson	7		
Robert Baillie	7	<u>Ayr</u>	
Patrick Gillespie	6	Thomas Wylie	
James Durham		Hew Eccles	
<u>Edinburgh</u>		<u>Irvine</u>	
James Hamilton	1	John Bell	3
John Smith	7	John Nevay	2
		William Guthrie	
<u>Perth</u>			
Alexander Rollock	1	<u>Greenock</u>	
John Murray		John Hamiltoun	3
<u>Dunkeld</u>		<u>Paisley</u>	
Thomas Lunsie		Hew Peebles	1
		Alexander Dunlope	1
<u>Auchterarder</u>			
John Freebairne	5	<u>Hamilton</u>	
George Murry	1	Francis Aird	1
		James Nasmith	3
<u>Dunblane</u>		William Hamilton	
Harie Livingston			
		<u>Dumbarton</u>	
<u>Veems</u>		Harie Semple	
William Major	1		
		<u>Lanark</u>	
<u>Dumfries</u>		Richard Inglis	
Hew Henderson		William Summervale	
<u>Peapoint</u>		<u>Dunoon</u>	
Samuel Oustine	3	Even Cameron	6
<u>Annan</u>		<u>St. Andrew</u>	
Mr. Garvin Young		Robert Blair	7
		Samuel Rutherford	7
<u>Lanholm</u>		James Wood	
David Laing			
		<u>Cupar</u>	
<u>Wilton</u>		John Macgill	
William Maxwell		Alexander Balfoure	
		William Roe	

APPENDIX H

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY 1649

<u>Kirkcaldy</u>	previous times members	<u>Forbes</u>	previous times members
John Moncreife	6	William Falconer	1
Herie Wilkie			
Fredrick Carmichael	6	<u>Elgin</u>	
		Murdoch Mackenzie	
<u>Dunfermline</u>			
William Oliphant	1	<u>Strathborie</u>	
		Robert Jameson	
<u>Meikle</u>			
George Pitillo	1	<u>Abernethy</u>	
		Gilbert Marshall	John Roe
<u>Dundee</u>			
John Robieson	1	<u>Tain</u>	
		John Dallas	
<u>Arbroath</u>			
James Thomsons		<u>Caithness</u>	
		William Smith	1
<u>Brechin</u>			
William Rata	2	<u>Dunse</u>	
		Robert Hume	
<u>Mearns</u>			
David Campbell	1	<u>Chirnside</u>	
		Thomas Suitoun	
<u>Aberdeen</u>		James Stratoun	
Andrew Cant	7		
John Menzies		<u>Kelso</u>	
Andro Abercromby		John Douglas	
<u>Alford</u>		<u>Lauder</u>	
Robert Sheyn		James Guthrie	5
		Thomas Donaldson	1
<u>Garioch</u>			
William Forbes		<u>Jedburgh</u>	
		William Jameson	6
<u>Fordyce</u>		John Livingstoun	
William Chalmers	2	John Scot	
<u>Ellon</u>		<u>Selkirk</u>	
John Paterson	3	Andro Duncanson	2
<u>Deer</u>		<u>Dunbar</u>	
Duncan Forbes		John Dalzell	3
		Arthur Forbes	
<u>Inverness</u>			
John Annand	1	<u>Haddington</u>	
		James Fleming	6

APPENDIX H

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY 1649

<u>Dalkeith</u>	previous times	members	<u>Linlithgow</u>	previous times	member
James Robieson	1		Gilbert Hall		
How Campbell	2		Ephraim Melville	3	
<u>Irvine</u>			<u>Biggar</u>		
How Mackell			George Bennet	3	
			Kenneth Logie	1	
<u>Stranraer</u>			John Craford		
George Hutcheson	2				
<u>Peebles</u>					
Patrick Fleming	1				
John Hay	3				
<u>Elders</u>					
Marquis of Argyll					7
Earle of Sutherland					1
Earle of Eglintoun					5
Earle of Cassils					6
Earle of Lothian					5
Viscount of Arbutnet					1
David Lord Elcho					3
Lord Bricchen					1
Robert Lord Burleigh					2
James Lord Couper					2
Sir Archibald Johnstoun of Warrington Clerk of Register					6
Sir Daniel Carmichale Trea. Deputy					
Sir John Hope of Craighall					4
Mr. George Winraham of Libbertoun					5
Mr. Alexander Peirson of Southhall					
Brodie of that ilk					2
Four of the ordinary Lords of the Session					
Arthur Ershine of Scotcraige					2
Laird of Wauchtoun					6
Sir David Hume of Wedderburne					6
Laird of Edzell					
Laird of Midrie					1
Sir William Scot of Harden					1
Laird of Greenheid					2
Laird of Freeland					5
Laird of Cresnock					2
Sir James Stewart of Kirkfield					1
The Laird of Suintoun younger					
Laird of Eight					1
Sir James Fraser					1
Tutor of Pitsligo					1
Sir John Chiesly					1
Sir John Smith					4
Mr. Alexander Colvil of Blair					2
Whitbank younger					1

APPENDIX H

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY 1949

Elders	previous times members
Sir Thomas Ker	
Laird of Fernie	
Sir James Adair	
Sheriff of Tiviodail younger	
Laird of Ingildtoun	
Laird of Leslie younger	
Laird of Dunbeth	
Laird of Watertoun	
Laird of Greenock	
Calloshields younger	
Buchobantie	
Crashlaw	
Cloberhill	
Dalsenfe	
Mr. Robert Burnet younger	1
Mr. Thomas Murry	1
James Elais	
Laird Kennedie	
Alexander Jaffray	
James Stewart	6
George Porterfield	3
Mr. Robert Barclay	4
William Glendonning	6
How Kennedy	
Thomas Macbride	
Robert Lockhart	
Mr. James Campbell	1
John Carson	
John Boswell	
Alexander Douglass	
Mr. Alexander Skeen	
William Brown	1

APPENDIX I

ACT RENEWING THE COMMISSION FOR THE PUBLIC AFFAIR OF THIS KIRK - 1650

The General Assembly, considering how necessary it is for preservation of Religion in this Kingdom and prosecution of the works of Uniformity in all his Majesties dominions that the commissions formerly granted to that effect be renewed, therefore they do renew the power and commission granted for the public affaires of the Kirk by the General Assembly held at St. Andrews 1642, and at Edinburgh 1643, 1644, 1645, 1646, 1647, 1648 and 1649, unto the persons following .....

Giving unto them full power and commission to do all and every thing for preservation of the established doctrine, discipline, worship and government in this Kirk, against all who shall indeavour to introduce anything contrary there unto; and for prosecuting, advancing, perfyting and bringing the works of Uniformity in Religion in all his Majesties dominions to a happy conclusion, conform to the former commissions granted by preceeding Assemblies thereanent. And to that effect appoints them or any seventeen of them whereof twelve shall be ministers, to meet in this city the 27th of this month, and thereafter upon the second Wednesday of November, February and May next, and upon any other day and in any other place they shall think fit; giving also unto them full power to send Commissioners to the Kingdom of England for prosecuting the treaty of Uniformity as they shall find conveniencie, and to give instructions and Commissions to that effect, conforme to former commissions granted thereanent. And likewise, in case delinquents have no constant residence in any one Presbytery, or if Presbyteries be negligent or overawed, in these cases the Assembly gives to the persons before named power of censuring compliers with malignants or sectaries and all persons disaffected to the Covenant, according to the Acts of the Assembly; declaring always and providing that ministers shall not be deposed but at one of the quarterly meetings of this Commission; and further authorises them as formerlie with

APPENDIX I

ACT RENEWING THE COMMISSION FOR THE PUBLIC AFFAIRS OF THIS KIRK - 1650

full power to call a General Assembly pro re nata, in case they find the necessity of the public affaires of the Kirk to require the same; and to appoint ministers to attend the army; to assist and concur in purging the King's family, and in settling ecclesiastick government and discipline there; to make supplications, remonstrances, declarations and warning; to indict fasts and thanksgivings as there shall be cause; to protest against all encroachments upon the liberties of the Kirk; and to censure all such as interrupt this Commission or any other Church judicatorie, or the execution of their censures or of any other sentences or acts issuing from them: And with full power to them to treat and determine in the matters referred unto them by this Assemblie, as fully and freely as if the same were here fully expressed, and within as ample power as any Commission of any former General Assemblie hath had or been in use of before: Declaring also that all the opposers of the authority of this Commission in matters entrusted to them shall be holden as opposers of the authority of the General Assemblie. And this Commission in their whole proceedings are accountable to and censurable by the next General Assembly.

APPENDIX I

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY 1650

<u>Edinburgh</u>	previous times a member	<u>Forfar</u>	previous times a member
Robert Douglas	8	David Lindsay	
Hugh M'Kale	4	<u>Aberdeen</u>	
James Hamilton	1	Andrew Cant	8
David Dickson	8		
<u>Penpoint</u>		<u>Ellon</u>	
Bernard Sanderson	4	David Lindsay	
<u>Lochmaben</u>		<u>Deer</u>	
Alexander M'Gowme		Robert Keith	
John Leitchmonth			
<u>Lanholm</u>		<u>Inverness</u>	
David Laing	1	John Anand	2
<u>Wilton</u>		<u>Meikle</u>	
Andrew Lauder	4	Alexander Simmer	
Archibald Hamilton		<u>Dornock</u>	
Samuel Row		George Gray	1
<u>Irvine</u>		<u>Dunfermline</u>	
Patrick Colvill	2	James Sibbald	3
Half Rodger			
<u>Greenock</u>		<u>Meikle</u>	
John Hamilton	4	George Pitillo	2
<u>Paisley</u>		<u>Arbroath</u>	
Alexander Dunlope	2	James Thomesone	1
How Peebles	2		
<u>Dunbarton</u>		<u>Brechin</u>	
Harie Semple	1	William Rait	3
<u>Glasgow</u>		<u>Garioch</u>	
Patrick Gillespie	7	John Middletoun Garioc	
James Duxhame	1	<u>Ellon</u>	
Robert Ramsay	3	John Patterson	3
John Carstairs			
<u>Dunfermline</u>		<u>Fordyce</u>	
John Duncan	7	William Chalmers	3
William Oliphant	2	<u>Forres</u>	
<u>Dundee</u>		Joseph Brodie	2
John Robieson	2	<u>Tain</u>	
		John Dollas	1

APPENDIX I

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY 1650

<u>Chirnside</u>	previous times a member	<u>Haddington</u>	previous times a member
Thomas Ramsay	1	John Lawder	
<u>Lauder</u>		David Calderwood	7
Thomas Donaldson	2	Robert Ker	7
<u>Jedburgh</u>		<u>Dalkeith</u>	
John Livingston	1	Adam Penman	4
<u>Dunbar</u>		<u>Peebles</u>	
John Dalzell	4	Alexander Spittel	2
Arthur Forbes	1	Alexander Dickson	3
<u>Haddington</u>		<u>Linlithgow</u>	
James Fleming	7	Ephraim Melville	4
<u>Dalkeith</u>		<u>Stirling</u>	
James Fairlie	1	James Guthrie	5
Patrick Sibbald	2	David Bennet	
<u>Peebles</u>		<u>Stranraer</u>	
Robert Elliot		John Dick	
<u>Linlithgow</u>		<u>Ayr</u>	
James Sympsone	1	Gabriel Maxwell	William Cockburne
Hugh Kennedy	1	<u>Irvine</u>	
Thomas Vassie	3	William Russell	
<u>Bleber</u>		<u>Dunblane</u>	
Alexander Livingstoun	2	Andrew Rynd	1
<u>Cupar</u>		<u>Hamilton</u>	
William Row	1	James Nasmyth	4
<u>Dunkeld</u>		Hew Archibald	
Alexander Ireland	1	<u>Lanark</u>	
<u>Ayr</u>		Thomas Kircaldie	1
Alexander Blair		Robert Lockhart	
<u>Kelso</u>		<u>Dunoon</u>	
Robert Knox	5	Evan Cameron	6
<u>Jedburgh</u>		<u>St. Andrews</u>	
William Jamiesone	2	Robert Blair	8
John Colt		James Wood	1
		James Sharp	
		Samuel Rutherford	8

APPENDIX I

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY 1650

<u>Cupar</u>	previous times members	<u>Kirkcaldy</u>	previous times members
Andrew Bennet	1	Fredrick Carmichael	7
Walter Greg	5	John Chalmers	1
		Thomas Melville	
Elders			
Marquis of Argyll			8
Earle of Sutherland			2
Earle of Eglintoun			6
Earle of Cassillis			7
Francis Earle of Buccleuch			2
Earle of Lothian			6
Archibald Lord Angus			6
Lord Arbuthnot			2
Lord Bricchen			2
Lord Burleigh			3
Lord Kirkcudbright			1
Master Forbes			
Sir James Stewart			7
Sir Archibald Johnston of Warieston			7
Sir Daniel Carmichael			1
Sir John Hope of Craighall			5
Sir Alexander Brodie of that Ilk			3
Mr. Alexander Peirson of Southhall			1
Arthur Erskine of Scotsraig			3
Laird of Wauchton			7
Laird of Creich			
Glenorchie			
Wedderburne (younger) sherrif of Galloway			
Laird of Elght			2
Sir William Scott of Harden			2
Sir John Cheislie			2
Sir Thomas Ker of Cavers			1
James Douglas of Mowswell			
Laird of Freeland			6
Laird of Carmichs			
Laird of Inglistoun			1
Laird of Obstail			
Laird of Edingoun			1
Laird of Locktour			1
General Major Howburne			
Laird Glanderstoun			1
Gavin Hamiltoun of Airdry			
Laird of Craiglaw			
Mr. Alexander Colvill of Blair			2
Mr. Robert Burnet advocat			
Mr. James Schoner of Caskeberrie			1
Lawrence Henderson			5
George Cleghorne			
Alexander Jaffray			1
John Keith			
George Porterfield			4

APPENDIX I

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY 1650

Elders	previous times members
Hugh Kennedie	1
John Graham	
William Home	1
John Sleich	1
John Boiwell	
Thomas Quhyte	
Patrick Angus	
John Short	
Mr. Alexander Spittle (younger)	
William Brown	2
John Dick	

APPENDIX J

COMMISSION OF THE GENERAL ASSEMBLY 1647 - Attendance Study

	Sept.	Oct.	Nov.	Dec.	Feb.
Alexander Casse Dunse					
Samuel Douglas Chirnside	1		25		
Robert Knox Kelso	1				8,10,11,14,16 16,16,17,18
William Penmen Kelso					
James Guthrie Luader		12,13, 14,15,15	24,25, 25,26, 26,		8,10,11,12,14, 15,16,16,17,18, 21,21,22,22,23, 23,24,24,25,25, 26,28,28,29
Robert Cunninghame Jedburgh					16,16,18,22,22, 23,24
David Fletcher - Selkirk		14,14,15			10,11,12,14,15, 16,16,17,18
Robert Lewder Dunbar			5,25	23	
Andrew Stevenson Dunbar	1				8,12,14,15,16, 17
David Calderwood Haddington	1,29,30	12,13,14	2,25,26, 26,		8,11,12,15,16, 16,17,17,18,21, 22,22,23,23,24, 24
James Fleming Haddington	1,29,30 30	12,13,14, 14,15	2,5,24, 25,25, 26,		10,12,14,15,17, 17,18,22,23,24, 24
Robert Ker Haddington	1,29,30, 30	12,13,14 14,15	2,5,24, 25,25	23	8,14,15,17,17, 21,22,22,24,25
James Fairlie Dalkeith	1, 1,30	12	26,26 2,5,25		11,16,17,18,22 23,23,24,24,25
Oliver Colt Dalkeith		12,13	2,5,25		10,16,17,18,22 23,23,24,24,25 25,29
Patrick Sibbald Dalkeith	30	14	2		

APPENDIX J

COMMISSION OF THE GENERAL ASSEMBLY 1647 - Attendance Study

	Sept.	Oct.	Nov.	Dec.	Feb.
Alexander Spittle Peebles	1		2,5		8,10,12,14,15 16,16,17,18,23 23,24,25,25
Alexander Dickson Peebles	1		2		10,11,12,14,15 16,17,22,23,23 24,24,25,
John Hay Peebles	1		2,5		8,10,11,14,15 16,16,17,17,18 21,22,22,23,23 24,24,25,29
	March		April	May	June
Alexander Casse Dunse					1,2,2
Samuel Douglas Chirnside	1				1
Robert Knox Kelso					6,6,7,8
William Penman Kelso			24,24,25,25		2,2,6,6,7,8
James Guthrie Lauder	1,2,3,10,11,13 14,14,15,16,17 17,17,18,20,20 21,21,22,22,22, 23,25,28,29,29, 30,30,31,3,		3,4,4,5,6,7,7,11 11,12,13,13,14,14 17,18,18,19,19,20 20,21,21,24,24,25 25,28	1,1 31	1,1,2,2,5,6 7,7,9,10,12 12
Robert Cunningham Jedburgh			12,13,		1,2,2
David Fletcher Selkirk			25		1,1,2,2
Robert Lawder Dunbar				5	
Andrew Stevenson Dunbar			6,7		
Robert Davidson Dunbar					
David Calderwood Haddington	7,7,8,8,9,10 10,11,13,13 14,14,15,17, 17,18,20,20, 21,21,22,22, 22,24,24,25, 25,27,28,29, 29			4,5 5	2,2,5,6,6

APPENDIX J

COMMISSION OF THE GENERAL ASSEMBLY 1647 -- Attendance Study

	March	April	May	June
Robert Ker Haddington	13,14,15,16,17 17,20,21,21,22 23,24,24,25,25 30,30,31		4,5 5	1,2,2,8,9,10
James Fairlie Dalketh	1	12		
Oliver Colt Dalketh	1			
Patrick Sibbald Dalketh		5	5,31	
Alexander Spittle Peebles	21,22,22,22, 23,24,24,25 25,27,28,29 29,30,30,31 31	13,13 14	4,5,4 31	1,1,2,6,6,7 7,8,9,10,12 12
Alexander Dickson Peebles		13,13,14	4,5,4 10,31	1,2,5,6,7,7 8,9,12,12
John Hay Peebles	1,3,4,13,14	13,13,14	4,5	1
James Fleming Haddington	8,8,9,10,10,11 13,14,14,15,16 17,17,18,20,20 21,21,22,22,22 24,24,29,30,30 31		4,5 5	1,2,2,8,9,10

## APPENDIX J

## COMMISSION OF THE GENERAL ASSEMBLY 1647 - Attendance Study

	Sept.	Oct.	Nov.	Dec.	Feb.
Robert Douglas Edinburgh	1,29 30,30	12,13, 14,14 15,15	2,5,24,25, 25,26,26	23	8,10,11,12,14,15, 16,16,17,17,18,21, 21,22,22,23,23,24.
Andrew Ramsay Edinburgh		12,13, 14	2,5	23	10,15,16,18,22,22,23 24,25,25,28,28
John Adamson Edinburgh		13	2,6	23	11,15,16,21,22,29
William Colvill	29,30 30	12,14	2,5,24,25 25,26,26	23	8,10,11,15,16,17,18, 21,22,22,23,24,24, 25,28,29
George Gillespie Edinburgh	29,30 30	12,14 14,15 15	2,5,24,25 25,26,26	23	8,11,15,16,16,17,18 21,22,22,24,28,28,29
Mungo Law Edinburgh	1,29 30,30	12,13 14	2,25,25, 26,26	23	8,10,11,15,17,18 22,23,24,24,25,25, 26,28,28,29
Andrew Fairfoul Edinburgh	1	12,13 14,14 15	2,5,24,25, 25,26,26	23	8,10,11,14,15,17,17 18,21,22,22,23,24, 24,25,25,26,28,28,29,
George Lesly	29,30 30		2,5,24,25, 25,26,26	23	10,11,12,14,14,17,17 18,22,23,28,29
Robert Lawrie Edinburgh	29,30 30	12,15	24,25,26 26	23	8,10,11,15,16,18 22,24,25,28,28,29
Thomas Vassie Linlithgow	29,30 30	2	2,5,24,25 25		10,11
Ephraim Melville Linlithgow	1,29 30,30	12,13 14,14 15	2,5,25,25 26		10,11,15,22,23,23, 24,24,25,25,29
Patrick Shields Linlithgow	1,29 30,30	12,13 14	2,5,24,25		10,11,24,24,25,25
Alexander Sommerville Biggar					
George Bennett Biggar			2,5,25,26		10,11,12,14,15,16, 16,17
Alexander Livingstone Biggar	1		2,5,25,26		10,11,12,14,15,16,18 21,25
Robert Munzy Perth					
Alexander Rollock Perth	1				11,14,15,16,16,17,18 21,22,22,23,23

APPENDIX J

COMMISSION OF THE GENERAL ASSEMBLY 1647 - Attendance Study

	Sept.	Oct.	Nov.	Dec.	Feb.
William Menzies Weems	1				
Henry Guthrie Stirling					
Alexander Ireland	1		25,26,26		

\* Robert Douglas attended every meeting of the Commission 139 for 1647-48.

	March	April	May	June
Robert Douglas Edinburgh	1,2,3,4,6,7,7,8,8 9,10,10,11,13,13,14 14,15,16,17,17,18, 20,20,21,21,22,22 22,23,24,24,25,25 27,28,29,29,30,30 31,31	3,4,4,5,6,7,7,10 11,11,12,12,14, 14,17,18,18,19, 19,20,20,21,24 24,25,25,26,26, 27,28,28	1,1,4 5,5,31	1,1,2,2 5,6,6,7 7,8
Andrew Ramsay Edinburgh	10,11,13,18			
John Adamson Edinburgh	1,2,4,6,7,8,8,8,11 13,13,14,14,16,17 17,20,20,21,22,23 25,25,27,28,30,30 31,31	4,4,12,12,13,13 14,14,17,18,18 18,19,20,21,24 24,25,26,28,28	4,5	1,5,6,7 8,10,12 12
William Colvill Edinburgh	1,3,10,11,13,14,18 29,30,31,31	3,5,6,7,10,14, 17,18,18,21,24 24,25	4	1,2,2
George Gillespie Edinburgh	1,2,4,8,9,10,10,13 13,14,14,15,17,17 18,20,20,22,22,22, 23,25,25,27,29,29 30,30,31,31	3,5,6,7,7,11,19 20,21,24,24,28	1,4,5 31	1,1,2,6, 6,8
Mungo Law Edinburgh	1,2,3,4,6,7,8,8, 10,10,11,13,13,14, 14,16,17,17,18,20, 21,21,22,29,30,31, 31	4,4,5,6,7,7,11, 11,12,12,13,14 18,19,20,20,21 28,28	1,1,5 31	1,7,7,
Andrew Fairfoul Edinburgh	1,2,11,16,22,23, 27,28,31	4,5,6,11,13,13, 14,18,19,20,21 25,26,28	4,5,31	1,2,2,8
George Lesly Edinburgh	1,2,3,4,7,9,10,11 13,14,16,17,17,18 20,20,21,22,22,22, 23,24,24	3,4,5,6,7,12,12 13,14,18,19,20 21,25,26,26,27, 28,28	1,1,5 31	1,2,6, 10,12
George Lawrie Edinburgh	1,6,11,16,16			1

APPENDIX J

COMMISSION OF THE GENERAL ASSEMBLY 1647 - Attendance Study

	March	April	May	June
Thomas Vassie Linlithgow	8,8,9,10,13,13	4,4,5,18,19,19		1,2,6,7
Ephraim Melville Linlithgow	1,2,3,8,8,9,10,10 13,13,16,17,17,20 20,21,2,22,22,22 23,24,24,29,30,30 31	5,6,6,7,18,19 19,20,20,21,2, 24,24,25,25,26 26,27,28	4,31	1,1,2,2 6,7,8,9 10,12,12
Patrick Shields Linlithgow	2,3,6,7,8,8,8,9, 10,13,13,14,20,21 22,22,23,24,24	3,4,4,5,6,7	4	1,2,6
Alex. Sommerville Biggar				
George Bennett Biggar	7,7,8,8,10,10 11,13,13,14,14 15,16,17,17,18 20,20	3,4,4,5,6,7	5,5	1,1,2,5,6,6,7 7,9
Alex. Levingston Biggar	7,7,8,8,9,10 10,11,13,13 14,15,15,16 17,17,18,20, 21,21,24,24, 25,25	3,4,4,7,20,21,24, 24,25,25	4,5 5	1,1,2,6,6,7,7 8
Robert Murry Perth				
Alex. Rollock Perth	18,20,20,21, 22,22,23,24 24,27,28,29			
William Menzies Weems				
Henry Guthrie Stirling				
Alex. Ireland Dunkeld				

APPENDIX J

COMMISSION OF THE GENERAL ASSEMBLY - 1647 Attendance Study

	Sept.	Oct.	Nov.	Dec.	Feb.
John Freebairn Auchterarder					
George Muxry Auchterarder					10,11,12,14,15,16,17,17
William Justice Stirling			26,26		
Robert Wright Stirling		14			29
Henry Livingston Dunblane	1				10,14,15,17
James Hamilton Dumfries	1		24,25 26,26		8,10,11,14,15,16,17,18,21,22 22,23,23,24,24,25,25,26,28, 28,29
George Gladstones Dumfries	1				16,16,17,17,18,21,22,22,23, 23,24,25,25,26,28,28,29 8,10,11,12,15,16,16,17,18,21, 21,22,22,23,23,24,24,25,25,26
Bernard Sanderson Penpoint					
Andrew Lawder Wigton	1				22,22,29
George Rutherford Kirkcudbright		12,13, 14,15			
John Levingston Stranraer	1			26	8,10,11,15,16,16,17,17,18,21, 21,22,22,23,23,24,24,25,25, 26,28,28,29
George Hutcheson Stranraer	1				8,10,11,15,16,16,17,17,18,21, 21,22,22,23,24,24,25,25,26
John Bell Irvine	1	12,13 14,15			10,11,14,15,16,16,17,17,18,21
Hugh Mackail Irvine	1	12,14, 14,15 15			10,11,14,15,16,17,17,18,21, 22,22,23,23,24,24,25,25,28, 28,29
John Nevay Irvine	1	12,13 14,14, 15			8,12,14,15,16,17,18,21,21, 22,22,23,23,24,24,25,25, 28,28,29
Matthew Brisbane Greenock					
John Hamilton Greenock		12,13, 14			23,24,25,25,28,29
Allan Ferguson Dumbarton					

APPENDIX J

COMMISSION OF THE GENERAL ASSEMBLY - 1647 Attendance Study

	Sept.	Oct.	Nov.	Dec.	Feb.	March	April	May	June
James Nasmith Hamilton		12,13, 14,15, 15			10,11,15, 16, 17,22,22,23,29				
Francis Aird	1	12,13, 14,14, 15,15			10,11,15,16,18,21,22,22,23, 23,24,24,25,26,28,28,29				
John Freebairn Auchterarder									
George Murry Auchterarder		21,21,22,22,22,23, 24,24,25,25,28,29 29,30,30,31		20					1,1,2,2, 5
William Justice Stirling	1								6,7,7
Robert Wright Stirling	1								
Henry Livingston Dunblane				14,14,17,18,18,19 19,20,20,21,24,24 25,25					6,7,8
James Hamilton Dumfries	1,2,4,5,7,7,10,10 11,13,13,14,14,16 17,17,18,20,20,21, 21,22,22,22,25,27, 28,30,31			3,4,5,6,7,7,10,11, 13,13,14,14,17,18, 18,19,20,21,21,24, 24,25,26,27,28	1,1,4 5,5 31			2,5,6,7 8,9,10, 12,12	
George Gladstones Dumfries	1,2,3,6,7,7,8,8,9, 10,10,11,13,14,14 16,17,17,18,20,20 21,21,22,22,22,23 25,25,27,28,29,30 31			3,4,4,12,12,13,13					5,6,7,8 9,10
Bernard Sanderson Penpoint								31	1,1,2,2 5,6,7,7, 8,9,10
Andrew Lawder Wigton	1,2,3,4,8,8,9,10 11,13,13,14,14,15								2,2,5
George Rutherford Kirkcudbright	24,24,25,27,28,28 29,30,30,31			3,4,4,6,7,10,11,11 12,12,13					5,6,6,7
John Levingston Stranraer	1,2,3,4,6,7,7,8,9 10,10,11,13,13,14								6
George Hutcheson Stranraer	1,2,3,4,6,7,8,9, 10,10,13,14								1,1,2,5 6,6,7
John Bell Irvine				19,20,20,21,24,24, 25,26,26,27,28			1,1		

## APPENDIX J

## COMMISSION OF THE GENERAL ASSEMBLY 1647 - Attendance Study

	March	April				May	June
Hugh Mackaile Irvine	1,3,4,6,7,8,8,10, 14,15,16,17,17,18 20,20,21,21,22,22 22	17,18,19,20,21,24, 24,25,25,26,28,28				1,1	1,1,2,5 6,6,7
John Nevay Irvine	1,2,3,6,7,7,8,8,9 10,11,13,14,14,16 17,17,18,20,20,21 21,22,22,23,24,24, 27,28,29,30	11,11,12,12,13,13, 14,17,18,19,19,20, 20,21,21,24,24,25 25,26,27,28,28				1,31	1,1,2,5 6,6,7
Matthew Brisbane Greenock							
	Sept.	Oct.	Nov.	Dec.	Feb.		
David Dickson Glasgow	1,29 30,30	12,13 14,14 15,15		23	8,10,11,14,15,16,16,17,17,18 21,21,22,22,23,23,24,24,25 25,26,28,28		
Zackory Boyd Glasgow	1	12,13 14,15			8,10,11,12,16,17,17,18,22,22 23,23,24,25,25		
Robert Ramsay Glasgow	29,30 30,	13,14 14,15 15			8,12,14,15,16,17,18,21,21,24		
Robert Baillie Glasgow	29,30 30	12,13 14,14		23	8,10,11,14,15,16,18,21,22,24 25,26,28,28		
Robert Birnie Lenark	1				10,11,13,14,15,17		
Thomas Kirkcaldie Lenark	1	12			8,10,11,16,17,18		
Evan Cameron Dunoon	1,29 30						
Robert Blair St. Andrews	1	13,14 15		23	8,25,26,28,28,29		
Coline Adam St. Andrews	1	12,13 14,14 15,15			8,10,12,14,15,16,17,17,18 21,21,22,22,23,24,24,25,25 26,28,28,29		
George Hamilton St. Andrews	1	12,13 14,15			8,10,11,14,15,16,16,17,18 21,22,22,22,23,23		
Samuel Rutherford St. Andrews			26 26		8,10,11,12,16,17,17,18,21,21 22,22,23,24,24,25,25,26,28 28,29		
Alexander Colvil St. Andrews	1			23	22,22,24,24,25,26,28,29		

APPENDIX J

COMMISSION OF THE GENERAL ASSEMBLY 1647 - Attendance Study

	Sept.	Oct.	Nov.	Dec.	Feb.
John Ramsay St. Andrews	1			23	14,16
James Martin Cupar	1				10,11,14,15,16,16,17,22,25, 25,28,28,29
William Livingston Cupar	1				14,15,16,17,18,21,22,23,24 25,25,28,29
Thomas Melville Kirkcaldy	29,30 30				10
Alexander Moncreiff Kirkcaldy	1,29 30,30		24,25 25,26 26		
Fred. Carmichaell					10,11,15,16
Patrick Gillespie Kirkcaldy	29,30 30	12,13 14,14	24,25, 25,26	23	8,10,11,15,16,16,21,21,22,22 23,23,24,24,25,28,29
John Smith Kirkcaldy	1,29 30,30		24,25 25,26 26		10,11,23,24,25,25,26
	March		April	May	June
John Hamilton Greenock	1,11		7,7,10,11,11 12,12,13,14 14,18,19,19, 20		1,1,2,2 5,6
Allan Ferguson Dumbarton	3,6				
James Nasmith Hamilton	1,3,4,7,7,8,9,15 16,17,17,20,21,22 22,23,24,24,25,25 27,29,30		18,19,20,20 24,24,25,26, 27,28		1,1,2,5 7,7,8
Francis Aird Hamilton	1,4,7,8,9,14,14 15,16,17,17,20 21,21,22,22,22 23,24,24,25,25,		11,11,12,12, 13,14,18,19 19,20,20,25 28,28	31	1,1,2,2 6,6,7,7 8,10,12 12

APPENDIX J

COMMISSION OF THE GENERAL ASSEMBLY 1647 - Attendance Study

	March	April	May	June
David Dickson Glasgow	1,2,7,7,8,8,9,10 11,13,13,14,14 15,17,17,17,18,20 20,21,21,22,22,23 23,25,25,27,28	12,13,13,14,14 17,18,18,19,19 20,20,21,21,24 24,25,25,26,28 28	31	1,1,6,6,7,7
Zackaory Boyd Glasgow	17,20,21,21,22 22,22,23,25,25 27,28,29,29,30 30,31,31	3,4,28,28	1,1 31	1,1,2,2,5,6 7,7
Robert Ramsay Glasgow	18,20,21,22,22 23,25,25,27,28 30,30,31,31	3,4,5,6,7,7,10		2,5,6,6,7,7
Robert Baillie Glasgow	1,2,3,7,7,9,10 11,13,14,15,17 17,20,21,22,22 23	19,20,20,21,21, 24,24,25,26	5	
Robert Birnie Lanark	8,8,9,10,10,13 13,14,14,15,16 17,17,18,20,20 21,21,22,22,22 23,24,24,25,25 27	11,12,12,13,13 14,14,17,18,18 19,19,20	31	1,1,2,2,5 6,6,7,7,8 9,10,12,12
Thomas Kirkcaldie Lanark	7,8,8,10,10,13 13,14,14,16,17 20,21,22,22,23 24,24,27	3,5,13,13		1,2,2,6,7,8 10,12,12
Evan Cameron Dunoon	14,14,16,17,17 18,20,21,22,22, 23,25,27,28,30 31	3,4,4,6,10,11 11,13,14,17,18 18,19,20,20,21 25,26,26,27,28 28	1,1 4,5 5	
Robert Blair St. Andrews	1,2171718,8,9 17,17,20,20,21 21,22,22,23,24 24,25,25,27,28 29,29,30,30,31	4,4,5,6,7,7,10 11,12,12,13,13 25,25,26,26,27 28	1,1 31	1,2,5,6,6, 7,8,9,10,12
Coline Adam St. Andrews	1,2,3,4,6,7,8 8,9,10,13,13, 14,14,15,17,17 18,20,20,21,21	18,18,19,19,20 20,21,21,24,24 25,25,26,27,28 28	1	
George Hamilton St. Andrews	10,10,13,13,14 16,17,17,18,20 20,21,22,22,23 24,24,25,25,27 28	18,19,19,20,21 25,25,26,27,28 28		2,5,6,6,7,7

Samuel Rutherford/

APPENDIX J

COMMISSION OF THE GENERAL ASSEMBLY 1647 - Attendance Study

	March	April	May	June
Samuel Rutherford St. Andrews	1,2,4,6,7,7,8 8,9,10,10,11,13 13,14,15,16,17 17,20,20,21,21 22,22,22,23,24, 24,27,28,29,29 30,30,31,31	25,25,26,26,27 28	1,1	2,6,6,7,7,8 9,10
Alexander Colvil St. Andrews	13,14,15,17,17,18 22,23,24,24,25,25 27,29,31	5,6,11,11,13 14,20,24,24 25,25	4,5	
John Ramsey St. Andrews	21,21,22,22,23,24 24,25,27,29		31	1,2,5,6,6 7,7,8,10 12
James Martin Cupar	1		31	1,2,5,6,6 7,7
William Livingston Cupar	1		31	1,5,6,7,8 9,10,12
Thomas Melville Kirkcaldy	17,18,20,21,21,22 22,23,24,24,25,25 27	19,19,20,20 21		7,9
Alexander Moncreiff Kirkcaldy	1,2,3,6,7,7,8,8,9 10,10,11,13,13,14 14,16,17,17,18,20 20,21,21,22,22,22 31	3,4,4,5,18 18,19,20,21 24,24,25,25 26,26,27		6,6,7,8,9 10,12,12
Fredrick Carmichael Kirkcaldy		14,14,17,18 18,19,19,20 21,25,26,27 28		1,1,2,2,5 6,6,7,7,8 10,12
Patrick Gillespie Kirkcaldy	1,2,4,6,7,7,8,9 14,15,16,17,17 20,20,21,21,22 22,22,23,25,27 28,29,29,30,30 31	4,4,5,11,12 13,13,14,14 19,20,20,21 24,24,25,25 26,27,28,28	31	1,1,2,2,5 6,6,8,9,10
John Smith Kirkcaldy	16,17,17,20,20 21,21,22,22,22 24,24,27,28,29 31	3,4,4,5,7,7, 10,11,12,12 13,13,14,14 17,18,19,20 21,21,24,24 25,25,26,26 27,28,28	1,4 5,5 31	1,1,2,2,5,6 6,10,12,12

APPENDIX J

COMMISSION OF THE GENERAL ASSEMBLY 1647 - Attendance Study

	Sept.	Oct.	Nov.	Dec.	Feb.
John Duncan Dunfermline					
James Sibbald Dunfermline					
Walter Bruce Dunfermline	1	12,13 14,15	26		8,10,11,15,16,16,17,17,23
George Pittillo Meikle					
Andrew Affleck Dundee	1				8,10,11,12,15,16,16,17,17 18,21,21,22,22,23,24,24,25 25,26,28,28,29
John Barclay Dunee	1				8,10,11,14,15,16,16,17
Thomas Pierson Forfar	1				
William Raith Breachin					8,10
David Strachain Mearns	1				
Andrew Cant Aberdeen					15,16,16,17,17,18,21,22 22,23,23,24,24,25,26,28,28
William Douglas Aberdeen	1				
John Forbes Kincardine O'Neil	1				
George Sharp Turreff	1		24,25 26		
William Chalmer Fordyce	1				22,22,23,23,24,24,25,26 28,29
Joseph Brodie Foxres	1				
Alexander Sommer Elgin	1				
Gilbert Anderson Ellon					
William Smith Caithness					

APPENDIX J

COMMISSION OF THE GENERAL ASSEMBLY 1647 - Attendance Study

	March	April	May	June
John Duncan Dunfermline		11,12,24,24 25,25,26,26 27		
James Sibbald Dunfermline				
Walter Bruce Dunfermline	8	11,12,13,13,	31	1
George Pittillo Meigle				7,8,10,12, 12
Andrew Affleck Dundee	1	25,26,26,27 28		
John Barclay Dundee				
Thomas Pierson Forfar				
William Rait Brechin				
David Strachain Mearns				
Andrew Cant Aberdeen	2,3,4,7,7,8,8,9 10,10,11,13,13 14,14,15,16,17 17,20,20,21,21 22,22,22,23,24 24,25,25,27,28 29,29,30,30,31 31	3,4,4,5,6,7 7,10,11,11		
William Douglas Aberdeen				
John Forbes Kincardine O'Neil			5	
George Sharp Turreff				
William Chalmer Fordyce	1,2,3,4			
John Brodie Forres				
Alexander Sommer - Elgin				
Gilbert Anderson - Ellon				
William Smith - Caithness				

APPENDIX J

COMMISSION OF THE GENERAL ASSEMBLY 1647 - Attendance Study

Elders	Sept	Oct.	Nov.	Dec.	Feb.
Argyle	29,30 30	13			16,24,29
Crawfurd		13	25,26		10,11,15,23,24
Eglinton					15,16,22,23,24,28,29
Glencairne					10,11,15,23,24,28,29
Cassils		13	25		10,11,22,24,29
Home					
Tullibairdine	1				11,15,22,24,29
Burcleuch					
Lauderdale					24,28,29
Lothian					17
Finlatour					15,16,24,29
Lanerk					24,24,29
Callender					11
Angus			24,25 26		12,16,18,21,22,22,23,25,28
Brechin	30				
Yester			2,24 25,26		
Balmerino		13			
Couper		13			
Bargonie		13			24,29

APPENDIX J

COMMISSION OF THE GENERAL ASSEMBLY 1647 - Attendance Study

Elders	March	April	May	June
Argyle	1,11			
Crawford	1,11			
Eglinton	1			
Glencairne	1,11			
Cassils	1,11			
Home	1,11			
Tullibairdine	1			
Burcleuch				
Lauderdale	1,11		31	8
Lothian	11			
Finlatour	1,11			
Lanerk	1,11			
Callender	1,11			
Angus	10,11	24,24	31	1,2,2,6,6 12
Brechin				
Yester	1,11			
Balmerino			31	8
Couper				
Bargonie	1,11			

## APPENDIX J

## COMMISSION OF THE GENERAL ASSEMBLY 1647 - Attendance Study

Elders	Sept.	Oct.	Nov.	Dec.	Feb.
Sir Archibald Johnston of Wariston					
Sir John Hope of Craighall			25		16
Sr Arthur Areskine 1 of Scotiscraig		12,13 14,15,26	26		10,15,22,26
Sir Alexander Fraser of Philorth					22,23,24,25,26,29
Sir Fred. Lyon of Brighton					
Sir James Macdougall of Garthland		13			11,28,29
Sir Walter Cockburn of Langton					
Sir Andrew Ker of Greenhead		15			10,11,22
Sir Hugh Campbell of Cresnock					
Sir James Levingston 29 of Kilsyth 30,30					10,11,15,17,18,21,21,22,22,24, 25,28,29
Sir Thomas Ruthven of Freeland					
Sir Gilbert Ramsay of Balnyne		14,15	25,26 25,26		8,10,11,15,17,18,21,21,22,23,24 26,28,29
Sir John Henderson of Fordell					15
Sir Walter Dundas 29 of that ilk 30,30		12,14 14,15, 15	24,25 26		8,10,11,14,15,16,17,17,21,21,22 22,23,23,24,24,25
Sir Wm. Scott younger of Harden					
Sir Lodovick Gorden		13,14			
Master Geo. Winrame 29 of Idverton 30,30		12,14, 14,15 15	2,24 25,25 26,26	23	10,11,12,14,15,16,16,17,21,21,22 22,23,24,24,25,25,26
Sir Alexander Levingston of Saltcoats					
Sir John Brisbane of Bishopton					
Sir Robert Douglas					
James Pringle					

APPENDIX J

COMMISSION OF THE GENERAL ASSEMBLY 1647 - Attendance Study

Elders	March	April	May	June
Arch. Johnston of Warriston	1,11,15,17			
Sir John Hope of Craighall	2,3,4,7,7,9,10,10 13,13,14,14,15,17 17,20,20,21,21,22 22,22,23,24,24,25 25,27,28,29,29,30 30,31,31	3,4,4,5	31	2,6,6,7,7 10
Sir Art. Areskine of Scotiscraig	13,13			
Sir Alex. Fraser of Philorth				
Sir Fred. Fraser of Brighton				
Sir James Macdougall of Gafthland	1,18			
Sir Walter Cockburn of Langton	1			
Sir Andrew Ker of Greenhead	13,13,17,20,28			
Sir Hugh Campbell of Cresnock	30,31,31			
Sir James Levingston of Kilsyth	1,3,11,13,14,14 17,18,20,21			
Sir Thomas Ruthven of Freeland				
Sir Gilbert Ramsay of Balnyne	1,14,18,20,21,22	3,5,6,7,10,19		
Sir John Henderson of Fordell	17			
Sir Walter Dundas Younger of that ilk	1,2,3,7,9,10,11 11,13,13,14,14 15,16,17,17,18 20,20,21,21,22 22,22,23,24,24 25,27,28,29,29 30,30,31	4,5,6,7,7,13 14,14,18,19,19 20,20,21,25,25 26,26,27,28,28	4,5,5	6,12,12
Sir Wm. Scott younger of Harden		28,28		

APPENDIX J

COMMISSION OF THE GENERAL ASSEMBLY 1647 - Attendance Study

Elders	March	April	May	June
Sir Lodovick Gordin				
Master George Winname of Liberton	1,2,3,8,10,10 11,13,13,14,14 15,17,17,18,20 20,21,21,22,22 22,23,24,24,25 27,28,28,29,30 30,31,31	4,4,5,6,7,7,11, 13,13,14,17,18 18,19,19,20,20 21,21,24,24	1,4,4 5,31	1,5,6,7,8,9 10,12,12
Alex. Levingston of Saltcoats		7		
John Brisbane of Bishopton				
Sir Robert Douglas				
James Pringle				

APPENDIX J

COMMISSION OF THE GENERAL ASSEMBLY 1647 - Attendance Study

Elders	Sept.	Oct.	Nov.	Dec.	Feb.
William Kex of Newton					10,15,22,22
William Forbes of Lesly					
John Kennedy of Carnicks					
Robert Arbuthnot of Findowne					
Alex Brodie					
Master Robert Narne of Strathurd	1		25		16
Master James Schoner of Caskeberry	1	12,13 14,15 15			
James Rucheid	1, 29,30		2, 24,25 26		23,24
Laurence Henderson			2,24 25,26	23	15,22,23,24,29
James Stewart	29,30 30		2,24 25,25		10,16,23,24,29
David Douglas	1		24,25 26		
John Jafferys					
George Portenfield	29,30	13			10,12,15,16,16,22,22,23
John Semple					28,29
John Kennedy					28
William Glendding					24,28,29
Master John Cowan					
John Mells	1	12,13	2		
Sir James Nicholsons					

APPENDIX J

COMMISSION OF THE GENERAL ASSEMBLY 1647 - Attendance Study

Elders	March	April	May	June
William Ker of Newton				
William Forbes of Lesly		28,28		
John Kennedy of Carmicks				
Robert Arburthnot of Findowie	20,22,22,25,25 27,28,29,30,30 31,31	4,5,7,7,10 11,12,18,19 19,20,21,24 24,26,28,28	1	
Alexander Brodie				
Master Robert Narne of Strathurd	1			
Master James Schoner of Caskeberry				
James Rucheid	11	5,7		
Laurence Henderson	1,10,11,13,14,14 15,17,20,20,21 22,23,24,24,25, 27,29,29,30,30	7,7,10,11,12 13,13,14,14,18 20,21,24,24,25 25,26,26,27	1,1 5	1,1,2,2,5 6,7,7,10 12
James Stewart	1,7,7,8,13,15 17,17,20,22 27,28,29,30 30,31,31	4,4,10,11,12 12,13,13,14,14 17,18,19,20,21 21,24,24,25,25 26,28	1,1 5 31	2,2,5,6,6 7,7,8,10 12
David Douglas	11			
John Jafferys	1,20,22,25			
George Portenfield	1,13,17,18,28,30	17,18,20,28,	1,1	1,8
John Semple	13,20,21,23,30	4,4,5,6,7,7,11 12,12,13,14,17 18,18,19,20,21 21,24,24,25,25 26,26,27,28,28	1	
William Glennding	1			
John Kennedy	1			
Master John Cowan	1,13			
John Mills	3,9,10,10,13,13 20,23,31,31	6,11,12,12,14 18,20,20,21 21,28,28		
Sir James Nicholasone	31			

APPENDIX K

ACT FOR THE COMMITTEE OF ESTATES - ACT XXXIII 1641

ACTS OF THE SECOND PARLIAMENT OF SCOTLAND

The Three Estates of Parliament presently convened having taken to their consideration the present estate of this country and Kingdom, being invironed and threatened with arms by sea and land, and great hostile preparations hatched and prepared against the same, without any just ground or quarrel, whereby there is nothing less intended against this Church and Kingdom, nor an utter extermination and total destruction so that the said estates are necessitate and forced to put themselves in readiness for a just and lawful defense of the Religion, Laws, Lives, Liberties and Country; and with all considering how necessary it is for the good of the public, welfare of the Country, and maintenance of the armies lifted, and to be uplifted and out-rigged both by land and by sea, and for ordinary directing and governing of the whole body of the Kingdom, that a settled, grave and solid Committee from the Estates be elected, nominate, constitute, and authorised by this present Parliament; which Committee from the Estates shall consist of a competent number of the most able, qualified, and trust-worthy noblemen, barons and burgesses of this Kingdom. Therefore the foresaid Estates of Parliament now convened, do hereby nominate, elect, choose and appoint:

John Earle of Rothes	James Lord Couper
James Earle of Montrose	Robert Lord Burleigh
John Earle of Cassils	Archibald Lord Napier
John Earle of Wigton	John Lord Lawer
Charles Earle of Dumfermling	John Lord Lindsay
William Earle of Lothian	John Lord Balmerino
Sir Alexander Gibson of Durey	Sir John Hope of Craighall
Sir John Scot of Scotstoun	Senators of the College of Justice
Sir Thomas Nicolsone of Carmock	Sir Patrick Hepburne of Wauchton
Sir David Hume of Wedderburne	Sir Patrick Murry of Elibank
Sir George Stirling of Ker	Sir William Douglas of Cavers
Sir Patrick Hamilton of Little Preston	Sir Thomas Hope of Corsey
Sir William Cunningham of Caprintoun	Lesley of Forbes
Drummond of Riccartoun	William Hamilton of Linlithgow
Master George Doundosse of Manner	Master Alexander Wedderburne Clerk of Dundee
John Smith - Edinburgh	George Porterfield - Baillie of Glasgow
Edward Edgar - Edinburgh	Hew Kennedie - Baillie of Ayr
Thomas Patterson - Edinburgh	
Richard Maxwell - Edinburgh	
John Rutherford Provost of Jedburgh	
Alexander Jaffary - Burgess of Aberdeen	
James Stewart burbess of St. Andrews	
John Scot Burgess of Montrose	

Besides the Committee of Estates appointed in 1641 Committees were appointed by Parliament in 1644, 1646, 1647, 1648, 1649 and in each of these Committees the same form was followed. A number of Noblemen, Barons and Burgesses were nominated and appointed to serve in the interval between Parliaments.

APPENDIX K

THE COMMITTEE OF ESTATES

		Nobles	Barons	Burgesses
Committee of Estates	1641	12	16	12
"	" 1644	33	35	32
"	" 1646	16	14	13
		(plus Nobles, Barons & Burgesses who are in the Commission for England)		
"	" 1647	no record of 1647 Committee		
"	" 1648	6	6	6
"	" Mar. 1649	19	26	26
"	" Aug. 1649	no record of Aug. 1649 Committee		

(Many of the members of this Committee also served on the Commission of the General Assembly.)

Appendix  
Chapter II

APPENDIX A

Instructions to the Commissions for Visitations on the South and North sides of Tay, 1690

The following instructions to the Commission for Visitations on this side of Tay, were read in presence of the Assembly.

1. That there be appointed by the Assembly, a delegate number of the most experienced ministers and elders. This number to be forty ministers, and twenty ruling elders, fifteen of them to be a quorum, ten of those always being ministers: And that they at their first Session, Choose their Moderator and Clerk: And for the Sub-committee betwixt the Quarterly meetings, nine to be the Quorum, six of these being always ministers.
2. That the work of this Commission for Visitations be, to take to their cognizance all references, and appeals, and other things, which being stated before this Assembly, shall by them be specially referred to the said Commission, to determine the same.
3. That the Commission give their opinions to all Presbyteries and Synods, who shall apply to them for the same, in difficult cases; and though Presbyteries shall not apply, yet if the Commission shall be informed of any precipitant, or unwarrantable procedure of Presbyteries, in processes, which may prove of ill consequences to the Church, the Commission shall interpose their advice, to such Presbyteries, to sist such procedure, till either the Synod, or next General Assembly take cognizance of it; if the said Commission shall not find a present fit expedient, to direct them, for bringing the matter sonner to a right conclusion.
4. That in discussing references, appeals and bills, they take care to purge out all, who upon due trial, shall be found to be insufficient, supinely negligent, scandalous or erroneous.
5. That this Commission shall have power of visiting and ministers within the bounds of any Presbyteries, on this side of the Water Tay, as they shall find need: And that this power reach Presbyterians as well as others.
6. That they shall be careful, that none shall be admitted by them to Ministerial communion, or to a share of the Government; but such as upon due trial (for which the Commission is to take a competent time) shall be found to be orthodox in their Doctrine, of Competent abilities, having a pious, Godly, loyal and peaceable conversation, as becometh a Minister of the Gospel, of and edifying gift, and whom the Commission shall have ground to believe, will be true and faithful to God and the government, and diligent in their ministerial duties. And that all who shall be admitted to the Ministry, or shall be received to a share in the Government, shall be obliged to own and subscribe the Confession of Faith, and profess their submission to, and willingness to join and concur with the Presbyterian Church Government.
7. That they be very cautious of receiving information, against the late conformists, and that they proceed in the matter of censure, very deliberately, so as none may have just cause to complain of their rigidity: Yet so as to omit no means of information. And that they shall not proceed to censure, but upon relevant libels and sufficient probation.
8. That this Commission do not take on them, to meddle with anything not expressed in their Commission: and that it be declared, that this Commission os only given, ad hunc effectum and pro presenta ecclesiastatu.
9. That this Commission be in all their actings, countable to, and censurable by the next ensuing General Assembly.

APPENDIX B

Commission for visitations on the south side of the Tay - 1690

The General Assembly considering, that there are many important and weighty affairs, processes, appeals and references, tabled before this Assembly, which the Assembly could not overtake, for want of time to consider them maturely; does therefore nominate and authorise a Commission of ministers and elders, for visitations of the whole of the Presbyteries, on the south side of Tay, viz., Mr Hugh Kennedy, ... To meet for their first diet at Edinburgh the fourteenth day of November instant, fifteen of them being a quorum, whereof ten are to be always ministers; And of their sub-committee in the interval of thier quarterly meetings, nine to be a quorum, six of these being always ministers, who only are to ripen and prepare matters for the quarterly meetings. And their next quarterly meeting to be at Edinburgh the third Wednesday of January thereafter and their next quarterly meeting to be on the third Wednesday of April. And if afterwards the said Commission shall think fit, to appoint other quarterly meetings, they may do as they see expedient. With full power to them and their sub-commission foresaid to give warrand for citing parties upon fifteen free days. And the said Commission being only appointed, Ad hunc effectum and pro presenti ecclesiae statue, therefore, the Assembly recommends particularly to the said Commission, to take cognizance of, and finally determine in the particulars following, specially committed and referred to them, by this Assembly, viz.

The purging and planting of the city and Presbytery of Edinburgh;  
The transportation of Mr Robert Wylie to Hamilton;  
The process of the heretors and people of Peebles;  
The process of Mr Thomas Wood at Dunbar;  
The process of Mr Robert Spotswood at Abbotstree;  
The process of Mr John Bowes at Abbotshall;  
The process of Mr Patrick Lyon at Kinghorn;  
The process of Mr Symon Cowpar at Dunfermling;  
The process of Mr William Crawford at Ladykirk;  
The process of Mr James Orr at Huttoun;  
The process of Mr Adam Peacock at Morbattle;  
The process of Mr Daniel Urquhart at Clackmannan;  
The process of Mr George Munro at Dollar;  
The process of Mr George Shaw at Logie;  
The process of Mr Alexander Ireland at Fossoway and Tillibally;  
The process of Mr Robert Sharp at Muckhart;  
The process of Mr James Grahame at Dunfermline;  
The process of Mr George Gray at Beath;  
The process of Mr John Monro at Stirling;  
The process of Mr John Skinner at Bathkenner;  
The petition of the Magistrates of Perth, and reference about Mr John Anderson;  
The process of Mr william Allison at Kilbocho;  
The process of Mr James Coupar at Humble;  
Some References of the Synod of Merse and Teviotdale to the Assembly  
    One about Doctor Canaries                      One about Mr Jamison  
    One about Mr Kirkcaldy - Return to charges or else to demitt  
About Mr William Crawford deposed, to procure him some livelihood because of  
    his age and infirmity;  
The affair about Mr Duncan Campbell and the parishes of Dunmon and Kilmun;

APPENDIX B

Commission for visitations on the south side of the Tay - 1690 (continued)

The process of Mr Robert Glasford at Auchterderren;  
The reference from the Presbytery of Stirling for advice about Dr Patrick Coupar;  
The Petitions of Mr William Hamiltoun and Mr Hugh Nisbet;  
The petition of Mr Alexander Strang, about his clerks fees.  
This Commission is also to Corresponde with the state, about fasts and their causes, if the occasions thereof fall out during the time of their sitting;  
To take the Monitory paper to consideration and see what use is to be made of it;  
To consider what Acts of Assembly are fit to be printed together, and order the same. To consider the form of process, being first revised by the Lord Aberuchle and the Lord Halcraige, and to apply to the Privy Council for their civil Sanction to the observation of the fast.

S

This Commission to walk in all things, according to the particular instructions given unto them by this Assembly, and in all their actings they shall be countable to and censurable by the next General Assembly. And this Commission to continue till the first of November next, or the diet that shall be appointed for the next Assembly.

Commission for visitation on the north side of Tay - 1690

The General Assembly taking to their consideration the necessity of purging and planting of the churches on the north side of Tay, do by their ecclesiastical authority, nominate, appoint and authorise their Reverend brethren Mr Kennedy, etc....To be a Commission for visiting the whole Presbyteries, on the North side of the water of Tay, in planting vacant churches, constituting elderships in congregations, trying and purging out of insufficient, negligent, scandalous and erroneous ministers, by due course of ecclesiastical process and censures, according to the particular instructions given them thereabout, and for that effect, to have their first diet of meeting, at Aberdeen, the second Wednesday of March next, and thereafter to appoint their own diets and places of meeting, as they see expedient with full power to them, or their quorum being seven ministers and three ruling elders, to issue out warrants for citing of parties upon fifteen free days, to cognosce, determine and finally decide, in planting of vacant churches, Constituting elderships, and trying and purging out, all insufficient, negligent, scandalous and erroneous ministers, conform to the particular instructions given them thereabout they always being countable to, and censurable by the next General Assembly of this Church: And this Commission to continue till the first of November next, or the diet that shall be appointed for the next General Assembly

APPENDIX C

Members of the Commission of General Assembly for the south - 1690

Ministers

Hugh Kennedy - Edinburgh  
John Veatch - Lauder  
John Law - Edinburgh  
Gabriel Semple - Dumfries  
Gilbert Rule - Edinburgh  
James Kirkcoun - Edinburgh  
William Areskyne  
William Weir - Linlithgow  
William Crichton - Linlithgow  
John Anderson - Perth  
Alexander Pitcairn  
Richard Howison - Stirling  
George Campbell - Dumfries  
John Lawrie - Penpoint  
Archibald Hamilton - Wigtoun  
Patrick Peacock - Kirkcudbright  
John Spalding - Kirkcudbright  
Michael Bruce - Kirkcudbright  
Gabriel Cunningham - Irvine  
Patrick Warner - Irvine  
Alexander Forbes - Irvine  
John Hutcheson - Ayr  
William Eccles - Ayr  
James Veatch - Ayr  
Patrick Simson - Paisley  
Matthew Crawford - Paisley  
William Legat - Paisley  
Neil Gillies - Glasgow  
Thomas Forrester - Dumbarton  
Andrew Mortoun - Glasgow  
Robert Duncanson - Campbeltoun  
John Barnatyne - Lanerk  
William Ker - Hamilton  
William Vilant - St. Andrews and Cowper

Elders

Earl of Crawford  
Earl of Sutherland  
Viscount of Arbutnot  
Lord Halcraig  
Lord Aberuchill  
Laird of Ormistoun  
Laird of Grange Hamilton  
Sir John Riddel  
The Laird of Greenknows  
Provost Muir of Ayr  
Archibald Muir (late Baylie of  
Edinburgh)  
Laird of Lamintoun  
James Molurg (Dean of the Guild)  
Laird of Leuquhart  
George Stirling (Deacon Conveener)  
Laird of Naughtoun  
Laird of Meggans  
Sir Thomas Stewart  
Laird of Glenderstoun

APPENDIX D

Members of the Commission of General Assembly for the north -1690

Ministers

Hugh Kennedy  
John Law  
William Crichtoun  
Edward Jamieson  
Robert Rule  
James Rymer  
James Fraser  
Alexander Forbes  
John Anderson at Perth  
George Meldrum at Kilwinning  
Thomas Ramsay  
Andrew Bowie  
Robert Young  
William Legat  
William McKay

Elders

Lord Viscount of Arbutnot  
Laird of Moggins  
Laird of Naughton  
Laird of Lequhat  
Laird of Greenknows

Ministers from the north

John Stewart - Forres  
James Urquhart - Forres  
Alexander Dunbar - Forres  
Alexander Fraser  
Thomas Hogg  
Hugh Henryson  
William McKay  
Walter Dinneen - Dornoch  
George Meldrum of Glas - Strathbogie  
Arthur Mitchell - Aberdeen  
William Ramsay  
Francis Melville  
John McCulloch

Elders from the north

Earl of Sutherland  
Laird of Brodie  
Laird of Grant  
Laird of Grange Dunbar  
Laird of Elght  
Laird of Culloden  
Laird of Dalfolly  
Laird of Park Hay  
Sir John Monro  
Sir George Monro  
Sir Robert Gordon of Embo  
David Frazer of Mains  
Mr John Campbell of Moy  
Hector Monro of Drummond  
Alexander Duff of \_\_\_\_\_  
Robert Martyne of Burnbrae

Appendix E

Transcription of Wodrow Manuscript - Quarto LXXIII

Report of the Subcommittee appointed to consider of what is fit to be enjoined to a Commission of the Assembly for discussing references and appeals in the present exigence and during the interval till the next Assembly for purging and planting of the Church.

1. Their opinion is that all be purged out who upon trial shall be found utterly insufficient, supinely negligent, scandalous or erroneous...
2. That no incumbent be proceeded against and sentenced upon the account of conformity with the late prelacy or for differences of opinion in matter of Church Government.
3. That the work of purging and planting may be the more effectually carried on it is their humble opinion that there be a visitation ordered for the north as well as a Commission ordinarily resident at Edinburgh.
4. That the work of each may be the more clear they humbly propose that the terms of ministerial communion...or the conditions upon which a minister may be continued in his own charge, in present circumstances of the church, or may be further admitted into a share of government, be distinctly stated. In order to which they offer:
  1. That all such and none else shall be allowed for the time to continue in their present charges (and in the exercise of congregational discipline) who upon due trial shall be found to be utter insufficeint etc., and who shall subscribe the Confession of Faith and profess their submission to the Presbyterian government.
  2. That for the better securing of this government against the attempts of men of corrupt minds it be enacted that whosoever shall preach, write, or act against the government shall upon trial being convicted be deprived and that they shall not be capable of being reponed but in a full general assembly.
  3. That all such and none else be admitted to a share of the government that is to sit and act in Presbyteries and Synods and General Assemblies who upon due trial shall be found to be not only orthodox in their competent abilities, of a pious and godly, loyal and peaceable person as becomes a minister of the Gospel and an edifying spirit and whom the Commission visitors shall have ground. They will \_\_\_\_\_ and diligent in their ministerial duties and who shall observe the National Fast, of the General Assembly.
5. That the forementioned visitors shall consist of the grave and discreet ministers, the said ministers are to visit the Synods of Angus and Mearns, and of Aberdeen, of Moray, or Ross, Of Caithness, and of Orkney. They are to repair unto the place or places within the bounds of the foresaid Synods they are to judge most convenient, and to appoint their own diets of visitation. Their first meeting to be at Edinburgh the morrow after the rising of the Assembly and their visitation to begin Febr. 1691, also they are to chose their own moderator and clerk. That for these places to which they cannot have safe and ready access or where they cannot overtake, they shall inform themselves of these countries and report to the next General Assembly and shall send preachers if they can be had That for expediting their work in these presbyteris where they shall visit, They are 1. give Presbyteries timeous advertisement...eight days before they meet, and it is hereby declared that one citation shall be sufficient. That consideration be had of the charges of the fourty visitors, also that preachers be appointed by the Assembly to supply their charges during their absnce and some encouragemnt for these preachers; and that they return from the said visitation before the end of June. That they shall call for the assistance and concurrence of the ministers and ruling elders in the places they pass through as they shall find expedient... That were the said visitors shall find men worthy and qualified they shall constitute elderships and Presbyteries the which presbyteries shall meet in Synods once before the next General Assembly and shall send Commissioners to the said Assembly according to the constitution and custom of the Church...

Appendix F

Transcription of Wodrow Manuscript - Quarto LXXIII

Sir

The short imperfect note I sent you the other day had in it so far as I conceive a true hint of our present case. The great crowd of business that lies upon you, and a multitude of distracting occasions that daily rush upon me do hinder us both from having a cool, leasurly and recollected thoughts on this matter as the important and intricacy of the thing under consideration doth require. It is plain to me that this proposal of union betwixt the Presbyterians and the late conformists is become a matter of far greater difficulty then it was a year or two years ago. Both are much higher and more averse then they were, and the way of managing it hath quite spoiled it. Each side will now aggravate the others part and neither in my opinion is excusable, and the Assembly have this to say which with all indifferent persons will sound plausible (and much more with these who seek to make their own advantage of our breaches and discontents) that a full Assembly ought not to have terms imposed upon them nor to be bound up to words connected by men as are stranger to our Church. The true way in my apprehension had been to have prepared this union by a conference of moderate Presbyterian ministers with power to them to call and consult with whom they should judge meet of the other clergy. The overture made some time ago in order to this has been, as I understand, marred by the opposition of the Episcopal agents at court, (upon what grounds 'tis easy to guess) in which they have done no good service to this church, nor to their own brethren and constituents. And the effects of this now widened breach may prove very uneasy and troubleous both to them and us and hurtful to the whole kingdom both in the ecclesiastical and civil parts thereof and to the country itself.

Union is a most desirable thing and necessary, the great difficulty of it will be in the first advances, if these be rightly managed, time will soften and smooth peoples spirits that are now exasperated and make that sweet and pleasant that is now rugged and harsh. Not to reflect upon past errors it seems this can never be effectuated but in the formerly proposed way of conference, and it must arise from the Presbyterians themselves else we shall return unto our former confusion.

A signification of the Kings displeasure with the backwardness that appeared on both sides may be seasonable and of good effect and particularly there is ground to blame the addressers for their obstinacy in refusing to explain or give a rational meaning if any. One Title of the Formula, it having never been his Majesty's intention that they should sign it or repeat it as parrots, and till that clergy be brought a little lower, Impossible it is that a Church which stands upon a legal establishment will ever receive them, unless there were more of a spirit of humility and Christian condescendence than can yet be boasted of. There needs not ground of challenge...the Assembly the temper and inclination of the plurality of that body did but too plainly appear though they have this to say that nothing that could give a just particular was ever brought against them. However, it will do well that both understand that the King is dissatisfied with them and that both be bound to good behaviour. That there be no more processes for a time against the Episcopal clergy till better order be taken, and it were good also that ministers would preach true Gospel and not bring those matters to the Pulpit.

To set a foot again a hopeful union I see no probable way, but that both parties being a little humbled the prospect of a conference be reaffirmed, and carried on abstractly from state designs and without the intermingling projects of complainers either of which will fatally destroy it.

Appendix F

Transcription of Wodrow Manuscript - Quarto LXXIII continued

The notion that offers at present is in short this, that a few moderate men ( marked in the list with this asterish \*) be speedily called about the middle of March to meet at Edinburgh, with power to them to call for and consult with any of the brethren of the late conformists whom they think fitt ( if known they will incline to call the advertisement in and about town) of what is fit to be done for incorporating the brethren of the several Synods. The result will probably be some such overture as you have in the close of the last paper I sent you. Perhaps the Formula may be made more smooth. And a chosen committee condescended on to go to Aberdeen in summer to assume such as are irreprochable, that they may meet in Presbytery and send Commissioners to the next Assembly when it shall fall. And all libels if any be offered to be superseded till at the Assembly only the persons libeled to ly our till trial. The committee to be few and a way laid out for bearing their expenses. Let this be the first tenative and no more proposed to this conference in March, but that the overture be carried to the Synods which are to meet in April for their approbation, which if obtained, or from the most part of them will be as good or better than an Act of a General Assembly. And though the King be abroad at that time the conference may transmit an account of their progress and diligence to the Secretary and may receive his Majesty's first pleasure.

The conference may meet again before the end of May, by a new order from the King calling them (and with them the whole list herewith sent) and requiring them or any 30 of them who shall meet to take before them the whole state of the Church ( which that they the better do, they may be enjoined to bring from each Synod a true account of the parishes in each Presbytery, planted and unplanted, the names of the present Presbyterian ministers, and of the late incumbents and the manner of their removal and upon the whole to lay down a present scheme of union, that an effectual close may be put to our unhappy differences.

Somewhat of this scheme was formerly offered whatever shall be resolved upon must be carefully kept secret, and not imparted but to the King or such others as by common consent it shall ve thought necessary for advancing the design to impart it unto. Some more of rhe Episcopal brethren may be called and consulted to this. These things 'tis hoped will lead to a better understanding and a happy issue. The whole to be laid before the next General Assembly which 'tis to be wished within the year and before a year by a Parliament. And likewise some endeavours may be used about the choice of such an Assembly. If the matter succeed there 'tis well. If not, it must to the reproach of our Assemblies be put into the Parliaments care.

This is all that in great haste that I can say in so short a time, and so difficult a case. I pray God to direct those who have the ordering of affairs, and to send us peace and love and unity.

List:

- |                     |                      |                     |
|---------------------|----------------------|---------------------|
| Mr Alexander Cowden | Robert Miller *      | John Hamilton       |
| Henry Areskine,     | James Clark          | Henry Hamilton      |
| Robert Boyd         | James Kilpatrick     | Robert Brown        |
| John Gowdie         | Patrick Cumming *    | William Hüssel      |
| John Veitch *       | Gilbert Rule *       | Thomas Millar       |
| William Hardy *     | George Campbell *    | William Tullidaff * |
| Alexander _____ *   | David Blair *        | George Turnbull     |
| Thomas Sheild       | Alexander Hamilton * | Robert Paton        |
| William Dunlop )@   | Robert Anderson @    | Alexander Douglas @ |
|                     | John Currie @        | Samuel _____ @      |

APPENDIX G

Letter of King William to the Commission of the General Assembly of the Church of Scotland - February 13th 1690.

Right Reverend and Well-beloved, We greet you well:

Whereas there hath been humble application made to us, by several Ministers, for themselves and others, who lately served under Episcopacy in that our ancient Kingdom, We have thought good, as well for the good and advantage of that Church, as the Public Justice and Welfare of the Nation, and the interest of our Government, to signifie our Pleasure to you, that That you make no distinction of men, otherwise well qualified for the Ministry, who are willing to join with you, in the acknowledgment of, and Submission to the Government of Church and State, as it is by Law now established, though they have formerly conformed to the law introducing Episcopacy; and that ye give them no vexation or disturbance for that cause, or upon that head; and that in regard many of these Ministers are turned out summary, without any sentence or Order of Law, if such shall be called to be Ministers of any vacant Congregations, by plurality of Heritors and Elders, we judge it reasonable that you admit them, where there is no just cause to the contrary, without making any difficulty. Whereas some of these ministers complain of severities and hardships by several Sentences pronounced against them, we think fit to give you opportunity to review what cases shall be brought before you; that your selves may give such just redresses as the matter requireth, before we take any further notice of these Complaints.

We will assure you we will protect you, and maintain the Government of the Church, in that our ancient Kingdom, by Presbytery, without suffering any invasion to be made upon it: And therefore we will expect, That you will avoid all occasions of divisions and resentments, and cordially unite with those that will agree with you in the Doctrine of the Protestant Religion, and own the Confession of Faith, which the law hath established as the Standard of the Communion of that Church. And it is our Pleasure, that during our absence out of Britain, until we give our further directions, that you proceed to no more process or any other business, and dispose your selves to give out your best means, for healing and reconciling differences; and apply your selves to give impartial redresses upon any complaints that shall be offered unto you, against Sentences already past, that we be not obliged to give our selves any further trouble thereanent. So we bid you heartily farewell. Given at our Court in the Hague; February 13, 1690, and our Reign the Third year.

Sic subscribitur, by his Majesty's Command

Jo. Dalrymple

APPENDIX H

Second Letter of King William to the Commission of the General Assembly of the Church of Scotland - 15-25 June 1691

Right Reverend and Well-Beloved, We greet you well.

By the letter presented to us from you, by Mr John Law, and Mr David Blair, minister, your two Commissioners, we do perceive you sufficiently understood our intentions contained in our Letter, directed to you from the Hague; and we are well-pleased with what you write, both as to your own unanimous inclinations to redress those, who may be lesed, and to unite with such of the clergy, who have served under Episcopacy, and fallen neither under the qualifications of the Act of Parliament, nor the terms of our letter, and that you are sufficiently instructed by the General Assembly to receive them: From all which, we do expect a speedy and happy success; and that ye will be so frank and charitable in that matter, that we cannot doubt but that there shall be so great a progress made in this Union betwixt you, before our return to Britain, that we shall then find no cause to continue that stop, which at present we see necessary; and that neither you, nor any Commission or Church meeting, do meddle in any process or business that may concern the purging out of the Episcopal ministers: And we do not restrain you as to other matters relative to the Church or your selves; nor did we ever intend to protect any in the Ministry who were truly scandalous, erroneous, or supinely negligent; and therefore we did propose their subscribing the Confession of Faith, as the standard of the Church Communion, which takes off the suspicion of errour: And as for those who are really scandalous, insufficient, and supinely negligent, if such shall apply, either by themselves or with others, though they were willing to acknowledge our authority, and to join with you, we do not oblige you to receive such; and in that case where there is just cause, you may proceed to a fair impartial inquiry, in order to their being received in the Government of the Church, but not in relation to the turning them out of their Benefices and Ministry: as the Act of our Parliament has left them to our further orders, we will not doubt of the sincere performance of what you have so fairly promised in your letter, whereby you will best recommend yourselves to us, and answer that trust reposed in you, by the Act of our Parliament. So we bid you heartily farewell. Given at our court at Aprebruz... of our Reign the Third year.

By his Majesty's Command, Sic Subscritur

Jo. Dalrymple

APPENDIX I

Letter of King William to the General Assembly 1692 - Taken from  
Manuscript Records of the Assembly in the National Register Office,  
Edinburgh, Session 2, 16 January 1692.

Right Reverend and Well-beloved we greet you well.

By our letter in February last from the Hague, and by another in June from our camp...directed to the Commission of the last General Assembly. We have signified our care for the settlement of the Church in that our ancient Kingdom of Scotland, and asked you to bring these conform ministers into Church Government by Presbytery as it is now established by law, and though we had assurances from the Commission of their willingness to take in their brethren into ministerial communion, yet there hath not hitherto been such progress made in that as we could have expected.

It is represented to us that you are not a full General Assembly their being as great a number of the ministers in the Church of Scotland as you are who are not allowed to be represented, though they were neither purged out upon the heads mentioned in the Acts of our last General Assembly, during which time there was no stop put to your procedure or trials yet we have signified our pleasure to these conform ministers, not to insist upon that point, but to apply to you in the terms of the formula and declaration, which we have delivered to our Commissioner, be rather inclined that this union may be more effectual and cordial, that it should be an Act of your own, to receive and assume into Church Government and communion with you, such as shall address to you in these terms, and subscribe the Confession of Faith, which clears the soundness of their principles as to the fundamental articles of the Protestant Religion.

We do assure you it is not our meaning or intention to impose or protect scandalous ministers, and though there is more caution necessary in the admission of persons to sacred orders than allowing them that share of the Government in the Church which is consequent to their ministry, and that scandals are neither to be presumed, nor lightly sustained against Presbyters, and these ministers having some months ago applied to the Commission you might have opportunity to understand their circumstances, and if anything scandalous should hereafter appear they ought then to be turned out, notwithstanding you now receive them by all which a trial in order to this union at present does not appear very necessary, yet for your satisfaction in that point, we will not desire you to admit any that may apply, against whom there shall be a relevant accusation, instantly instructed by sufficient legal processes, But where no sufficient probations are adduced, we judge it just and necessary, that you should admit these who apply and are not found scandalous, and that the trials before the General Assembly rise, and in case there shall be so many accusation brought in, that their cannot be time to examine the processes and advise the same during the ordinary time of the sitting of the General Assembly or that you can be well absent from your charges, In that case we think it fit and just that you appoint two commissions. One to sitt at Edinburgh immediately after the rising of the General Assembly, for discussing such accusations as the General Assembly cannot overtake that may be brought against these conform ministers who shall apply and do reside upon the South side of Tay and another Commission to sit at Aberdeen within ten days after the rising of the General Assembly, to discuss such accusations as remain

APPENDIX I

Letter of King William to the General Assembly 1692 (continued)

undetermined by the General Assembly against these ministers residing upon the north side of the river of Tay, who shall apply to you, and that the trials may be more impartial, expedite, and unsuspected, we think fit that the one half of the Commissioners shall be of you the old Presbyterian Ministers and the other half of those ministers who formerly conformed to Episcopacy and are now to be received by you, against whom there shall be no accusation which Commissions are to consist of 24 ministers at least, being 12 of either side who are to sitt without interruption until they determine these accusations which may easily be finished before Whitsunday next, and we doe expect that you will discourage malice, and calumny, and proceed with diligence impartially that those who are worthy may be admitted and such as are scandalous Ministers, whom we abhor, may be justly rejected. So as there may be a full representation of the whole Church in the next General Assembly.

We do like-wise renew to you the assurance of our firm inclinations to protect you and to maintain the Presbyterian Government in the Church of that our Kingdom established by law; and we will not suffer encroachments or novelties to be intruded upon it, and we do expect that you will rest and depend upon this and not allow yourselves to be imposed upon by some hot violent spirits, who would carry you from your moderation and charity upon design to continue the whole Government of the Church in the hands of a part of the Ministers which is both inconsistant with the Presbyterian grounds and the plan of Church Government established in 1592, and lately ratified by us in Parliament which we will take care to have effectually observed...

Appendix J

Taken from Wodrow Manuscript Folio XXXIV pages 74 and 75. A letter regarding the King's hopes for an accommodation of Episcopal clergy by the Presbyterians with references to the Commission.

Sir

The Account you have sent me of the delivery of the King's letter to the Commission, the manner in which it was received, the discourses that have followed, and the Resolutions that are taken thereupon, do all confirm me in my former opinion, that there is no good to be expected from the leading men of this Commission, that it is absolutely necessary, at least to essay the proposal that was made of a conference some such method to turn the current affaires into another channel, that if these who are principal members of the Commission be not wholly laid aside (which cannot well be done unless the Commission itself be discharged to act any further) they will frustrate the ends and design of the conference, and that it is most requisite that somewhat be done effectually with all convenient speed. The growing confusions of church matters in every corner call for it, and the probable prospect we have of his Majesties short stay in Britain will admit of no long delay.

The ambiguous structure and expressions of that letter have no doubt encouraged many to twist it into the sense that pleased themselves best and to elude its true intent. We need to have his Majesties pleasure signified to us plain and in such a manner as may leave us plane for shifting. If the Commission shall send some of their number to the King (which you say is talked of) to take off misrepresentations, I fear it shall but issue in a disingenuous juggling, and a retardment of doing any thing to purpose for the relief and settlement of this groaning church. Fair promises may be made, till the King be again overseas, but 'tis impossible for some folks not to return to their bias, their very promises of mederation are for it and against the hair, and rather then admit a curate it wold be the choice of some to see all again in confusion.

I make no doubt but there are many misrepresentations and false stories carried to the King against the Presbyterians. But it is likewise plain as noon-day that they themselves who now have the power do nothing effectually for composing differences and procuring the peace of the church, yea that they are in no disposition towards it, but that they are so entirely under the influence and impressions of their own jealousies and narrow measures, that if they be suffered to hold their course, they will render Presbytery contemptable to all sober and rational persons (in whose esteem it sinks every day) they will undermine an excellent constitution, which the law has now restored and ratified, and they will at length force the King and Parliament to do things more uneasie and of harder digestion to themselves, then they can suppose the consequence of what is now proposed will amount to even tho' heightened by their own outmost suspicions. And therefore to prevent all this and to lose no tyme I could heartily wish to see a letter from his Majestie to the Privy Council, with orders to them to publish it, bearing

1. His firm resolutions to maintain Presbyterian Government (as in the former paper) in all its due rights and full vigour as by law established, and in all the proper constituent judicatories thereto viz. kirk-sessions, presbyteries, provincial and National Assemblies. Et. Notand. These are particularly to be enumerated, because the Commission (the stopping of which at this tyme is quarrelled as an encroachment) is none of them, but a novell invention devised about the year 1643, and which may be tolerated yea approven as very useful if it act well, but if amiss may very justly be restrained as no constituent part of Presbyterian Government.

Appendix J

Wodrow Manuscript Folio XXXIV - Transcription continued

2. That his princely care for the peace and unity of this Church (Et. as in the former paper) did move him to send his commissioner instructed with his Royal intentions in that regard, to the late General Assembly, from which he expected a Christian and effectual remedy for healing the disorders of that church. But that the groundless jealousies, partiality and narrowness of some particular men, having hindered the same and postponed so good a work, and having thrown over upon a Commission, that which the united endeavours of the ministers representing the whole Church should have been employed about, and the instructions given to the said Commission seeming rather to be a hedge to hold out, then a door to admit and let in, and so at the best a cure no ways suited to the extent of the malady. His Majesty had signified his purpose in a letter to the said commission that there being so many complaints brought to him, of their slowness and partial way of procedure, it was his pleasure that they forbear to meet or act as a commission or ecclesiastical judicatory till he should be more fully informed of the whole state of the Church and give his further directions thereanent. But that they should in the meantime be careful to dispose themselves brethren to heal and compose differences, et. to redress those who have been injured and to receive into communion such as are well qualified for the ministry (et. as in the terms of the King's letter).

Not. His Majesty expressing himself to this purpose in a second letter, it will take off the ambiguity of the first, and if this be sent in tyme there will be no need to take further notice of the Commission's present behaviour, whether they sit or not. For if they now resolve to sit, when they see the King's mind plainly to be that they should not sit, they will instantly rise, and not offer to meet again.

2. It is to be noted that the acknowledgment of and submission to, the government in the Church seems sufficient to be laid down as a rule to Churchmen for the admission of those who are otherwise qualified without mentioning the state as in the King's letter. For it is none of their work to try ministers upon their loyalty. These who have appeared evidently disloyal are sufficiently incapacitated already, and it will be more becoming the character of ministers of the Gospel in due tyme to supplicate the Parliament, that there may be locus penitentios for such of their misguided brethren as shall be found otherwise worthy to serve in the ministry, that so they may have access to admit them when they shall be reconciled to the State.
3. That his Majesty is resolved with all convenient speed to call a full and free National Assembly of the whole Church, and that in order thereto it is his pleasure that the persons aftermentioned meet in conference to advise with such as his Majesty shall please to nominate and send to them, and to give their opinion (Et. as in the former paper)  
Not. This meeting being only for consultation and advice, but having no devisive power, there is nobody can quarrel it that the King advise with whome he will, and that he call whom he thinks fit to give him information; and to leave the choice thus to the King may have influence upon some to make them the more concerned for gaining to themselves a good character. Also, all this is to be done speedily, that measures may be the better taken about calling the next General Assembly and for several other reasons that cannot now be insisted upon.
4. That in the meantyme his Majesty wills the inferiour judicatories of Presbyteries and Synods to proceed in the ordinary course of discipline in planting of vacant congregations and purging out such as are unworthy of the ministry according to

Appendix J

Wodrow Manuscript Folio XXXIV - Transcription continued

the Act of Parliament and the rules of Ecclesiastical discipline in which they are to proceed with due caution and wariness as they will be answerable to the ensuing General Assembly. That in preaching they abstain from reflections and spreading jealousies among the people (Et. as in the former paper) That by sharp rebuke and other church censures they endeavour to restrain the insolencies and riotous disorders of any people of their persuasion who may attempt to molest or disturb any of the ministers who had conformed to prelacy, as they wold not be judged and repute to be abettors, underhand fomenters, and encouragers of such unwarrantable practices. That no minister be thrust in upon any vacant congregation without a free call from the plurality of heretors and elders, and that no pluxality of heretors and elders presume to call and present to a presbytery any of those who have been put out by legal sentence till further order be taken thereanent.

This last clause seems necessary in this interim because in some places no final trouble hath been given to Presbyteries under the pretense of presenting men according to the King's letter to the Commission.

This together with what hath been hinted in the former papers, is all that at present occurs to me as necessary materials for a public letter from his Majesty to the Council to be printed and transmitted to the several Presbyteries. But there are other things for regulating the conference, may be enjoined apart to those whom his Majesty shall think fit to nominate as his commissioners to propose his pleasure to the ministers who I wold humbly offer might be these:

- |                     |           |                       |
|---------------------|-----------|-----------------------|
| Earle of Crawford   | Arnistoun | Provosts of Edinburgh |
| Vicecount of Stalks | Hallcraig | Glasgow               |
| Lord Raith          | Ormistoun | Ayr                   |
| Lord Carmichael     | Stevenson | Mr Smallet            |

And that the Conference may be the more decently and calmly managed it may be not unexpedient that Carmichael, Stevenson and the Provost of Edinburgh sit constantly with the ministers by the King's order.

The rest to add the greater splendor and weight to their resolutions may be appointed at certain tymes to bring his Majesties proposals or demands to the ministers and to receive their answers whereof they are to give his Majesty from tyme to tyme an account, besyde, that the engaging of so many noblement and gentlemen in this project will facilitate its taking effect in the next General Assembly.

It may also be ordered that the Clerk of this conference have the records of the late General Assembly and of their Commission with all the processes depending before them put into his hands in case his Majesty shall think fitt to require the ministers of this conference to take a view of these processes and to give their opinion thereupon.

And lastly it wold be carefully advertised to that a strict and scrupulous secrecy be enjoined to all concerned in this conference that none of their debates or conclusions not the matters brought before them be divulged, till first all be presented to the King, and measures taken about offering them to the next General Assembly. Otherwise if they take vent there will be found malignant spirits who will make it their work to spail the whole. But if this design be rightly managed I hope it may provide such conclusions as were hinted to you formerly and several other rational and Christian overtures very conducive to the peace of this Church, of some whereof I have already seen a rude draught.

If what is confidently glanc't at here, and in the scribblings I formerly sent you, may any way contribute to suggest to your better thoughts some happy expedient for healing and settling this Church 'tis all that in sending you them, is aimed at

Sir Your humble servant

Appendix K

Transcriptions of Wodrow Manuscript - Quarto LXXIII (3rd Paper) A Paper credited to Robert Wodrow about the Assuming of Conformist Ministers 1690

In the late happy revolution it pleased the Lord in his infinite mercy, by the abolition of Prelacy, the re-establishment of Presbytery and the putting of Church Power in the hands of Presbyterian ministers, to afford an excellent opportunity for purging the Church, healing her breaches and settling her peace.

The main work of ministers at that time which all the sober part of the nation expected from them, should have been, with vigerous and united endeavours both in General Assembly and in inferior judicatories to have applied themselves to the true interest of religion in a manner becoming the governours of a national Church and to have avoided everything that was contrary thereto or tended to divert therefrom, especially those things that might savour of a narrow resentive spirit, or an humour of faction and party and have not for edification but for division and destruction.

The chief business then of the ruling Church (as such) was

1. By impartial trials and candid procedure to have censured and purged out such ministers as had been found to be, scandalous, insufficient, supinely negligent, or erroneous without any regard to or mention of their former compliances with the times.
2. To have received into ministerial Communion and brotherly association in Church judicatories such as being acceptable and useful to their congregations and otherwise free of blame, should have desired to be so associated, and that upon simple terms of submission to and concurrence with the government and to have frankly declared that no other terms should be sought.
3. To have declared that such of the ministers, who had in that first hurry of the change been thrown out of charges, as should be found blameless might upon a fair and legal call from other congregations, and they themselves being under no legal incapacity, be freely admitted thereto. As also that such as being blameless remained in charge yet were unacceptable and so useless to their parish might receive another call that so the Church might not be deprived of the labours of any worthy minister especially in a time of so great desolation and scarcity, and when the Presbyterians were not able to supply the vacancies in those places in hew the people would not call nor receive any who had conformed to prelacy, for less in others.
4. For those who being under suspicion of scandal yet no clear probation could be adduced against them, or who being acceptable and useful to their congregations, and blameless in their life and doctrine yet should be addicted to the late prelacy as to refuse submission and concurrence with the present government if any such had been, to have left them under a forbearance to the congregational exercise of their ministry, without assumption or power of ordaining others till till the Church should be better planted and the General Assembly take further order.
5. To have jointly laboured by all suitable methods of information and persuasion to convince and reclaim the Presbyterian separatists, and upon their obstinate perishing in their seperation to have proceeded against them with ecclesiastical censure, for managing whereof such rules might have been laid down and so just a temperature kept, as would have infallibly broke that schism without drawing the Church's censure the length of excommunication. If ministers had been unanimous and uniform in their procedure and endeavours with the people and if the ring-leaders of the schism had not been so gently dealt with or so long for born.
6. To have turned the keenest edge of Church discipline against profanity and unquestionable wickedness, and to have called in the assistance of the magistrates for strengthening thereof and for exerting the good laws and Acts of Parliament against all immorality and vice, which again and again ratified and remedied but still wants execution.

Appendix K

Wodrow Manuscript - Quarto LXXVIII (3rd Paper) transcription continued.

These honest and Christian methods would have tended both to the settlement and cleansing of this National Church... They would have contributed to set this Church and her Government beyond the reach of the sinister designs of ambitious statesmen who by fomenting faction and party in the Church feel their own greatness and to render themselves necessary. They would have been greatly subservant also to remove the bad influences of our neighboring jealousies in England, and to wipe off the reproachful aspersions of our enemies at home, to conciliate the affection expressed to all good men, either to reform or strike terror into the bad, to break their opposition and to force them at least into a feigned obedience. But instead of following such methods and measures it is but too palpable and plain that a quite contrary course has been run, and such bad effects have ensued as ought at length to awaken these who are concerned to get speedily and effectually about the amending of former errors and the preventing of further threatened dangers for:

1. There hath generally appeared in Church judicatories an utter aversion from assuming into the Government upon any terms whatsoever of any who had conformed to the late prelacy, and that notwithstanding of the most solemn repeated protestations and promises of moderation made to his Majesty and in view of the world.
2. There hath almost everywhere been found the greatest keenness to empty churches and cast parishes waste by ouing of the late incumbants. Some was upon frivolous grounds, sometimes upon surmises and ill-proven accusations, which produced an heap of appeals to the General Assembly 1690 that yet be discussed to the great scandal and reproach of the Government; Superior judicatories being both to ~~revoke~~ or censure the actings of the inferior against the clergy, and there being a general disposition to rest upon the conclusion whatever the premises, tho' their were none to fill the places of those deprived, and tho' the effect of their deprivation was the growth of ignorance, faction and profaness wherewith the land is overwhelmed.
3. Some have industriously moved the probation of Scandall and taken the advantage of simple non-compearance; and some have sustained Episcopal ordination, or compliance with Episcopacy as part of libel and ground of deposition, as if they had been resolved *bijs et modis* to reach the end.
4. Those who have applied have been sometimes slighted and rejected and sometimes wearied with long dilatorious and vexatious attendance and these whose assumption has been procured upon his Majesty's letter or certain circumstances and junctions in the state, have been and are kept unders marks of distinction and noways associated with as brethren. Yea the actings of such Presbyterians as assumed them have been concealed as if they have done an ill thing which could not bear the light.
5. The essays that have been made towards assumption in the Instructions given by the General Assembly 1690 to their Commission, and in the draught of an Act made in the Committee of the last Assembly have been so clogged with a multitude of terms, conditions, cautions, restrictions, and limitations as renderest these Essays more effectual for excluding then for assuming.

This conduct that have served but to convince the world that there was no sincere design of union, and to load Presbyterians with the reproach of a narrow factious and implacable spirit hath been...excused by some upon mistaken grounds of policy. For whatever might be suggested in corners of the concern of conscience in this matter, to gratify or uphold faction and biggotry, yet no Presbyterian of common sense durst ever maintain before the world that ministers ought to be deposed merely because of their compliance with the late prelacy or that it is unlawful to receive such into the Government by Presbytery as had complied, they being willing to submit to and concurr with the present establishment.

- I. It is pretended that there can be no security to the present government without signs of repentance in the late compliers and strict engagements. But it is answered:

Appendix K

Wodrow Manuscript - Quarto LXXIII (3rd Paper) Transcription continued

1. That it hath always been found in revolutions of this kind that the most impenitent were aptest to profess repentance and these most forward to give ample engagements were readiest to break them; and that to make these the test of assumption hath been the way to take vipers into the bosom of our Government and to irritate and exclude the best men...
  2. The late compliers are either convinced that they sinned or not; if they are convinced of sin they will repent of their own accord without making their repentance a condition of their admission; If they are not convinced, it was in the then circumstances of the Church a sin; dare any man say that ministers every way qualified and whose service and labours in the ministry are needed by the Church ought to be debarred for want of that conviction.
  3. Have ever engagements, subscriptions or oaths in matters of government proven a solid security...
  4. A conformist wishing to become a Presbyterian cannot profit by a change...
  5. The proportional representation recommended by the late Parliament will make it clear to a demonstration that the members of Assembly sent by those Presbyteries which are undoubtedly Presbyterian will be  $\frac{2}{3}$  of the General Assembly.
  6. It may be a further security to the Government, and a stronger one than all the repentances and engagements, as well as most just and reasonable in itself that it be enacted by the General Assembly that henceforth nothing shall pass into an Act that is so of general concernment to the Church in the same General Assembly wherein it is proposed, but shall be brought back by the delegated members to their constituent Presbyteries, who shall fully instruct their Commissioners as to that point so it may be enacted or rejected in the subsequent General Assembly. And that no matter of such importance shall pass into an Act or canon of the Church unless it have at least  $\frac{2}{3}$  of the votes of that General Assembly for it.
- II It is pretended that the assuming of the late conformists will give great offence to many godly people in the land.
1. How - when the interest of the Church and religion does depend on their assumption - When their are vacant churches.
  2. Since all congregations are secured that no minister shall be thrust upon them but whom themselves shall choose and consent to receive. The people should be taught to mind their own business and their soul concernments, and not to meddle with things beyond their line, far less to place so much of their religion and saintship in them as many do who are scandaliously ignorant of the very first rudiments of Christianity.
  3. Since it is plain that the seville subjections to compliance with the humours of th people that too many ministers lay under during the late persecutiou hath been in a great measure the cause of the present separation, and hath brought people to that degree of insolence as to pretend to direct ministers in the subject matter of their preaching and to prescribe to their rules and methods in their Acts of Discipline which is the worst sort of Erastianism. It is certainly more than high time for ministers to emancipate themselves and the Gospel in their hands from this servitude and thralldom, and not to boggle at their duty because some who pretend to be godly will stumble at it, which sure is no part of their godliness.
  4. It might be a mean to take off all shadow of stumbling and to cut the sinews of the present separation, especially in the new edition thereof if ministers themselves did generally better understand and would inform such of the people as are capable of it, of the true nature of Erastianism; and make them know amongst other things that because some of these whom they called curates were profligat and unworthy men all are not so, nor to be thrust away in the bulk without distinction, especially when so many parts of the Church do so much need them and are willing to receive them and they to serve upon a Presbyterian foot.

Wodrow Manuscript - Quarto LXXIII (3rd Paper) Transcription continued

That one well deserving minister of the Episcopal way left out, whilst he is willing upon reasonable grounds to reconcile himself to the government, is more dangerous and a greater reproach to Presbytery than 20 taken in.

That the Church's civil privilege granted her by the magistrate do not become a part of her intrinsic power. That fixed Annual Assemblies is merely a grant of an Act of Parliament that the Church hath power and right to meet as often as necessary occasions do require, these being first represented to the Magistrates and in case of his refusal, to meet at the utmost time, the matter so requiring. That when their are not urgent occasions of meeting, or where there is a probable prospect of more real prejudice than advantage to the Church by reason of the distempers of her members or otherwise; it is no loss of intrinsic power, tho' such general meetings be forborn for many years. That the proceedings in 47, 48, 49, etc. are not to be drawn into example, there being a vast difference betwixt the juncture and circumstances of affairs then when the Church and Estates were in direct opposition, and in a state of war, and now when by the infinite mercy of God the Church's is under the protection and encouragement of the civil government. That the compliance of ministers with Erastian usurptions were as evident and gross as they are falsely pretended to be, yet all this could not justify the present schism, till at least the matter were tried before the General Assembly. And that therefore these who have started out of late into disorderly schismatical courses and practices ought to be severly and resolutely censured...

If the former spirit still prevail and the opportunity be lost, shall not the civil magistrate be justified in taking upon him to do by himself what he thinks just in so broken a condition, and what ministers ought to have done. And shall not all the heavy consequences of their neglect be justly charagable upon them. And particularly the unavoidable necessity that will be put upon the magistrate of granting to the ministers of the Episcopal way a freedom not only of preaching but of exercising of discipline by themselves, of meeting in judicatories and propagating their own persuasion, which will widen the wounds of the Church, increase libertinism, profanity, and opposition, heighten our animosities and rancor and render Presbyterian Government contemptable.

This paper apparently signed by:

Alexander Cowden  
Henry Erskine  
John Gowdie  
John Veich  
William Hardy  
Thomas Sheild  
James Clerk  
James Kilpatrick  
George Meldrum  
Patrick Simson

Patrick Cuming  
Gilbert Rule  
George Campbell  
David Blair  
Alexander Hamilton  
John Hamilton  
Henry Hamilton  
William Donlop  
Patrick Vernor  
Robert Rule

APPENDIX I

Act approving overtures about a Commission of the General Assembly, and instructions thereto - 1694

This day the following overtures and instructions were read in the presence of the General Assembly, the tenor whereof follows;

1. It is overtured to the General Assembly, that there be a Commission appointed to the General Assembly to meet and take such affairs under their consideration; as the General Assembly shall think fit to commit to them.
2. That out of this Commission there be a certain number, specially appointed by the General Assembly, as a committee to go to the north, with power to the Commission to add any more of their number, as they think fit.
3. That this Commission consist of fifty ministers and twenty five ruling elders, fifteen to be the quorum, or whom ten are to be Ministers
4. That out of this Commission, fifteen ministers and five ruling elders, besides these ministers and ruling elders of the north, who shall be named in the foresaid Commission, be appointed as a committee, as said is, to go to the north; Thirteen of which committee to be the quorum, of whom seven to be of these commissioners who are on the south-side of Tay; and of these seven, five at least to be ministers. And that the said committee have the same power on the north-side of Tay as the Commission itself.
5. That the General Assembly appoint the first meeting of this Commission, and that the meeting be before the members go out of town after the Assembly ends; and that the Commission do appoint their own meetings, and like wise the time when the said committee should meet in the north.
6. That this Commission may receive into Ministerial Communion, such of the late conform-Ministers, as, having qualified themselves according to Law, shall apply personally to them, one by one, duly and orderly, and shall acknowledge, engage and subscribe upon the End of the Confession of Faith, as follows viz.

I \_\_\_\_\_ do sincerely own and declare, the above Confession of Faith, approved by the former General Assemblies of this Church, and retified by Law in the Year 1690, to be the Confession of my faith; And that I own the Doctrine therein-contained, to be the true Doctrine, which I will constantly adhere to; As likewise, That I own and acknowledge Presbyterian Church-Government of this Church, now settled by Law, by Kirk-Sessions, Presbyteries, Provincial Synods and General Assemblies, to be the only Government of this Church; and that I will submit thereto, concur therewith, and never endeavour, directly nor indirectly, the Prejudice or subversion thereof; And that I shall observe Uniformity of Worship, and of the Administration of all public Ordinances within this Church, as the same are at present performed and allowed.

And the Commission is to have special regard to their Ministerial Qualifications. And if any of the said Ministers so applying, or any other ministers within this Church, of what persuasion soever, shall be accused or informed against, of any scandal, Error, Supine Negligence or Insufficiency, then the said Commission shall make Enquiry thereinto, cite Parties, lead witnesses, take Depositions, and do every other Thing that may clear the matter of fact informed against them, and report the same, and their Diligence therein, to the Next General Assembly.

APPENDIX I.

Act approving overtures about a Commission of the General Assembly, and instructions thereto - 1694 (continued)

Providing always, that if any be accused of gross uncontroverted scandals, and these clearly proven; in that case, the Commission shall proceed to determine as they find cause; As is likewise expected of all Presbyteries in this kingdom, that they will use that discretion in their behaviour and government, as that (during the continuance of this Commission) in all Processes against any ministers, they advise with their respective Synods, or in case of urgent necessity, consult with the said Commission. As also, that the General Assembly require all Presbyteries and Synods, in their admitting or receiving any to Ministerial Communion, that they oblige them to take and subscribe the above acknowledgement; and that during the said time, neither this Commission, or any other judicatory of this Church, do take advantage to censure any minister whatsoever, for not having qualified himself in the terms of the Act of Parliament 1693, entituled Act for settling the quiet and peace of the Church; as likewise, that the said Commission and all other judicatories are to take care, that if any shall be found to have maliciously or calumniously accused any minister, they shall be condignly censured, according to the order and practice of this Church. As also, that the Assembly ordain, that none of these ministers, who are not presently in charge, be received into Ministerial Communion by the said Commission, or by that Presbytery or Synod of the bounds in which they now reside.

7. That this Commission and committee foresaid shall be careful to erect elderships, and plant ministers, invacant congregations on the north side of Tay, either by ordaining well qualified expectants (who shall be bound at their entry to subscribe the said Confession of Faith with any vacant congregation therein (the Presbytery to which they belong being first applied unto) requiring all ministers, who shall be called, to give obedience to these sentences of transportation; with power likewise to the said Commission, to receive any appeals that shall be made in any process of transportation of a minister from one Synod to another (which appeals may be from any such Presbytery to the Synod or Commission, which of these two shall first happen to sit) and to determine finally therein as they find cause.

8. And seeing that there are diverse processes led before several judicatories of this Church, against Mr John Hepburn, which, by references thereabout, ly before this Assembly; that therefore the General Assembly do remit these processes to the consideration of the said Commission. And it being informed, that several aspersions are laid on the ministers and judicatories of this Church, by some persons, as if the said ministers and judicatories had receded from the known principles thereof, in relation to the constitution and Government of the Church contained in the Confession of Faith, tho' the contrary thereof be evident, not only by the ministers of this Church their owning of, and adhering to the said confession, wherein these principles are contained; but also by the whole course of their ministry; that therefore the General Assembly require the said Commission, to take all due pains to inform, convince and satisfy any such persons of their mistakes, that they may be reclaimed.

9. That such references and appeals as the General Assembly cannot overtake to determine, and shall be particularly remitted to the said Commission by this Assembly; the same shall by the said Commission be taken to consideration, cognosced upon, and finally determined, as they see cause.

APPENDIX I

Act approving overtures about a Commission of the General Assembly and instructions thereto - 1694 (continued)

10. That this Commission do not take on them to meddle with any thing not contained in their Commission; and that in all their actings, they be countable to, and censurable by the next ensuing General Assembly.

11. That this Commission continue till the second Tuesday of April 1695, or the meeting of the next General Assembly, whichever of these two shall first happen.

- - - - -

Commission of the General Assembly for some ministers to meet at Edinburgh 1694

The General Assembly of this National Church, taking to consideration how requisite it is, in the present juncture, that there be a Commission appointed for such affairs as this Assembly sees fit to commit thereto; doth therefore, by these presents, nominate and appoint Mr William McKay Minister at Dornoch, etc....to be Commissioners of this General Assembly to the effect after expressed; With full power and Commission to the said persons, or their Quorum, which is hereby declared to be any fifteen of the said Commissioners, whereof ten at least are always to be ministers, to meet and convene within the Assembly-house at Edinburgh upon the day next and immediately following the dissolution of this General Assembly, at ten o'clock in the forenoon for their first meeting; and to appoint their after-diets of meeting as they shall see convenient; as also to choose their own moderator, in case of the absence of the Moderator of this Assembly. And sikklike, the General Assembly fully impowers and authorisies the said commissioners, and their Quorum foresaid to consider cognosce and finally determine, as they shall see cause, in all references, Appeals, and other matters that have been, or shall be particularly remitted to them for that effect, by any Act or order of this Assembly; all which are holden as herein expressed; and specially to proceed and cognosce in everything contained in, and conform to, the overtures and instructions thereanent, approven by the General Assembly...as full and freely, as if the same were in these presents at full length insert and set down. Likeas the General Assembly hereby prohibits the said commissioners to meddle in any other matter not herein contained; Declaring also, that in and for all their actings, the said Commissioners shall be countable to, and censurable by, the next ensuing General Assembly of this Church. And, lastly, the General Assembly hereby declares, that this Commission shall continue till the second Tuesday of April 1695, or the next meeting of the General Assembly, which of these two shall first appear.

APPENDIX M

Commission of the General Assembly to a Committee for the North-side of Tay 1694

The General Assembly of this National Church taking to consideration, how requisite it is in the present juncture, that there be a committee appointed for the North-side of Tay, for such affairs as the Assembly sees fit to commit thereto; do the therefore, by these presents, nominate and appoint, Mr William Crichton, Minister at Falkirk, etc... together also with any others that shall be added to them by the said Commission which is to meet at Edinburgh, out of their own number, to be a Committee of this General Assembly for the north-side of Tay, to the effect after expressed: With full power and Commission to the said persons or their quorum, which is hereby declared to be any 13 of the said committee, of whom 7 shall be of the commissioners, who are on the southside of Tay, and of these 7, 5 at least to be ministers, to meet and convene at such time and place as the forsaid other Commission which is to meet at Edinburgh shall appoint for their first meeting; with power to the said committee and their quorum forsaid, to appoint their own after-diets and places of meeting, as they shall see convenient; as also to choose their own moderator. And suchlike, the General Assembly hereby fully impowers and authorises the said committee and quorum thereof aforesaid, to consider, cognosce and finally determine in all references, appeals, and other matters that have been or shall be particularly remitted to them for that effect, by any act or order of this Assembly; all which are holden as herein expressed. And specially to proceed and cognosce in everything contained in, and conform to the overtures and instructions thereabout, approven by this Assembly upon the 13th of April...as fully and freely as if the same were in these presents, at full length insert and set down; Like as, the General Assembly hereby prohibits the said committee to meddle in any other matter not herein-contained. Declaring also, that in and for all their actings, the said committee shall be countable to, and censurable by, the next ensuing General Assembly of this Church. And lastly, the General Assembly hereby declares, that this committee shall continue till the second Tuesday of April 1695, or the meeting of the next General Assembly, which of these two shall first happen.

APPENDIX N

References by the General Assembly to the Commission of the General Assembly and the Committee for the North-side of Tay - 1694

Reference to the Commission of the General Assembly, which is to meet at Edinburgh, about the revising and publishing of Mr Samuel Rutherford's manuscripts on Esther and Isaiah.

To receive overtures about the form of procedure in church judicatories, in order to making a frame thereof, and to report to the next General Assembly.

To write to Mr Alexander Shields an Account of the General Assemblies having recommended the desire of his letter.

Petition by parish of Bothwell, for continuing Mr Alexander Orr in that parish.

Process against Mr George Mayr;

Process against Mr John Hepburn;

Reference about some grievances;

Reference about Mr William Lindsay's intruding upon the Kirk at Alva;

Reference about a National Fast;

Reference about a petition for Mr Gilbert Simpson at Kingsbarns;

Reference about a Petition for Mr James Buchan;

Reference about a petition by Mr Patrick Lyon at Kinghorn;

Reference about a petition by Mr William Crawford at Ladykirk;

Reference about a petition by Mr Adam Peacock at Morebattle;

Reference about a petition by the Presbytery of St. Andrews;

Reference about receiving a report to these allowed to confer with Mr  
William Veitch;

Reference about a paper of grievances presented to the Presbytery of  
Hamilton and by them to the General Assembly;

Reference to the committee of Assembly for the North-side of Tay, to settle an eldership in Aberdeen.

Reference about an intrusion upon the Kirk of Foveran;

Reference to cause to cite Mr Scrimzeour, and determine about his interest in  
the pastoral office at Dundee;

Reference about a petition by Mr John Stewart at Inneraven;

Reference about a petition by Mr Patrick Innes at Bamff;

Reference about a petition by Mr Alexander Fordice at Rafford;

Reference about a petition by Mr John Christison at Liffie;

Reference about a petition by Mr George Anderson at Tarves;

Reference about a petition by Mr Alexander Jamieson at Tyrie;

Reference about the sentence of the Presbytery of Forross, transporting  
Mr William Mackay from Dornock to Cromdale and Inverallen

APPENDIX 0

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY 1694

Ministers from the South

William McKay	Donnock
William Stewart	Kiltearn
Hugh Anderson	Cromarty
Alexander Dunbar	Aldearn
Alexander Forbes	Dyke
Thomas Thomson	Forress
James Urquhart	Kinloss
Francis Melvil	Arbuthnot
John Spalding	Dundee
Thomas Forrester	St. Andrews
Andrew Bowie	Ciruss
John Anderson	Leslie
Archibald Riddel	Weemyes
Edward Jamieson	Mongmail
Samuel Nairn	Exrol
Michael Potter	Dumblaine
George Turnbull	Alloa
Alexander Douglas	Logie
John Law	Edinburgh
David Blair	Edinburgh
James Kirkton	Edinburgh
George Meldrum	Edinburgh
Gilbert Hule	Edinburgh
George Campbell	Edinburgh
John Moncrieff	Edinburgh
William Mein	Dalkeith
William Burnet	Calder
John Anderson	West Kirk
Thomas Wilkie	Canongate
William Crichton	Falkirk
Patrick Cumming	Ormiston
George Barclay	Strathbrock
John Veitch	Westruther
Gabriel Semple	Jedburgh
William Veitch	Dunfries
Robert Paton	Carlareock
William Jack	Biggar
Archibald Hamilton	Wigton
David Williamson	West Kirk
James Osburn	Kilmorcock
Thomas Lining	Tesmahago
Patrick Simson	Renfrew
William Donlop	Principal of College of Glasgow
Robert Langlands	Glasgow
John Monro	Rothesay
Mungo Watson	Gladsmuir
Thomas Ramsay	Calder
Charles Gordon	Dalmeny
William Boyd	Dalry
William Mackie	Portmoak

APPENDIX O

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY 1694

Ministers from the South

William Earl of Crawford  
George Earl of Sutherland  
Robert Viscount of Arbuthnot  
William Lord Ross  
David Lord Ruthven  
Patrick Lord Polworth  
Robert Master of Dunleigh  
Adam Cockburn Ormistoun Lord Chief Justice  
Sir Colin Cambell of Aberuchil senator of the College of Justice  
Mr. John Hamilton of Halcraig senator of the College of Justice  
Mr. Francis Montgomery of Giffon  
Ludovick Grant of that Ilk  
Duncan Forbes of Cullodden  
James Brodie of that Ilk  
Adam Drummond of Meggins  
William Baillie of Lamington  
John Hume of Ninewells  
Sir John Hall of Dunglas the Lord Provost of Edinburgh  
James Pringle of Torwoddlie  
Sir Colin Campbell of Ardkinlos  
Sir Thomas Stewart of Kirkfield  
Sir Archibald Mure of Thornton  
Forbes of Bight  
David Ross of Balnagowan  
Adam Gordon of Dalfolly

APPENDIX P

MEMBERS OF THE COMMISSION OF THE GENERAL ASSEMBLY 1694  
FOR THE NORTH

Ministers

William Crichton	Falkirk
David Williamson	Westkirk
Patrick Cuning	Ormistoun
Robert Langlands	Glasgow
James Osburn	Kilmarnock
William Dunlop	Principal of the College of Glasgow
John Anderson	Lesley
William Boyd	Dalry
George Turnbull	Allea
Mungo Watson	Gledsmuir
Charles Gordon	Dalmory
Archibald Riddel	Weemyss
John Monro	Rotheray
Alexander Douglass at Logie	
William Mackie	Portmoak

Ministers from the North

William McKay  
 William Stewart  
 Hugh Anderson  
 Alexander Dunbar  
 James Forbes  
 Thomas Thomson  
 James Urquhart  
 Francis Melvil  
 John Spalding  
 Samuel Weira

Elders from North

Dornock	Robert Viscount of Arbutnot
Kilteann	Ludovick Grant of that ilk
Czemarty	James Brodie of that ilk
Aldearn	Damean Forbes of Culloden
Dyke	David Ross of Balnagowan
Ferress	Adam Gordon of Dalfolly
Kinloss	Forbes of Nigh
Arbutnot	
Dundee	
Harol	

Elders from South

David Lord Rathven  
 Robert Master of Burleigh  
 James Pringle of Torwoodlie  
 Adam Drummond of Noggins  
 John Hume of Ninewells

Appendix  
Chapter III

Commission of 1695

Appendix A.

John Dysert	Goldingham
William Jack	Kelso
John Vetch	Westruther
Gabriel Seaple	Jedburgh
Robert Wilson	Melrose
John Forrest	Linton
George Andrew	Prestonpans
Patrick Cuming	Ormiston
John Law	Edinburgh
David Williamson at	West-Kirk
George Barclay	Uphall
William Ruffela	Stobo
Robert Livingston	Libertoun
William Vetch	Dumfres
Thomas Sheilds	Sanguhar
George Mullinine	Moffat
James Armstrong	Cannaby
Andrew Cameron	Kirkcudbright
James Gilchrist	Kirkmichael
Hugh Thomson	Kilmaures
George Gelland	Shotts
John Bannatyne	Lanerik
Patrick Simson	Renfrew
John Hardy	Dumbarton
Daniel Campbel	Kilmichael
John Darroch	Craigness
Alexander Douglas	Logy
George Hamilton	St. Andrews
Edward Jamison	Monymeal
Archibald Riddel	Weems
Allan Logan	Torryburn
James Kirkton	Edinburgh
George Meldrum	"
David Blair	"
Gilbert Rule	"
Thomas Wilkie	Cannongate
William Crichton	Edinburgh
William Dunlop	Principal of University of Glasgow
Thomas Millar	Kirklistoun
William Moncrief	Largo
Richard Houlson	Musselburgh
William Trail	Borthwick
William Burnet	Calder
Matthew Selkraig	Crichton
Alexander Dalgleish	Abercorn
John Moncrieff	Edinburgh
George Earl of Melvil	Lord Privy-seal
William Earl of Crawford	
George Earl of Sutherland	
Patrick Lord Polwarth	
Sir James Stewart	His Majesty's Advocat
Adam Cockburn	of Ormiston Lord Justice Clerk

Appendix A. contd.

Sir Alexander Swinton of Herringston Senator of the College of Justice  
Sir Colin Campbell of Abernethy " " "  
Sir David Home of Crossrig " " "  
Sir John Hamilton of Helensburgh " " "  
Sir Robert Cheisly, Lord Provost of Edinburgh  
Sir James Ogilvy of that Ilk, His Majesty's Solicitor  
Mr. Francis Montgomery of Giffan  
Lt. Col. John Erskine  
William Baillie of Lemington  
Sir Thomas Stewart of Kirkfield  
Sir Thomas Burnet His Majesty's Physician  
Sir John Clerk of Pennycook  
Sir Archibald Hutcheon of Thozntoun  
Mr. Archibald Dickson of Tourelands  
Walter Stewart of Pardovane  
James Melurg late Dean of Guild of Edinburgh  
Alexander Monteith Deacon Conventer of Edinburgh

Commission of the General Assembly 1697

Appendix B.

Alexander Colden	Dunce
John Dysart	Coldinghame
William Jack	Kelso
John Gaudie	Sprouston
John Vetch	Westruther
William Calderwood	Legertwood
Gabriel Semple	Jedburgh
George Guthrie	Oxham
Charles Gordon	Askirk
Hugh Craig	Gallasheirls
James Clerk	Immerweek
Robert Stark	Stenton
Mungo Watson	Gladsmuir
George Andrews	Prestonpans
William Trail	Borthwick
Patrick Cumming	Ormistoun
Gilbert Tule	Edinburgh
William Crichton	"
George Meldrum	"
David Williamson	West-Kirk
John Moncrief	Edinburgh
John Law	"
James Kirkton	"
David Blair	"
George Barclay	Uphall
Thomas Miller	Kirklistoun
James Thomson	Peebles
Robert Livingston	Biggar
William Vetch	Dumfries
Robert Paton	"
George Boyd	Glencairn
George Mullinine	Moffat
James Armstrong	Camnaby
Robert Rowan	Pennyhame
Thomas Castellaw	Lochswalt
Thomas Spalding	Parton
Andrew Aewart	Kells
Andrew Rodger	Galstoun
Patrick Livingston	Air
Alexander Orr	Bith
John Glasgow	Kilbirney
Robert Wylie	Hamilton
Alexander Findlater	"
John Bannatyne	Lanerk
Thomas Linning	Lesmehago
William Dunlop	Principal of the College of Glasgow
James Hay	Kilsyth
Patrick Simpson	Renfrew
John Stirling	Greenock
Duncan Campbell	Roseneath
Alexander King	Bonil
John McKlaurin	Kilheadin
Daniel Campbell	Kilmichael of Glasrie
Samuel Nairn	Errol
William Moncrief	Methven
William Reid	Dunning
John Forrester	Stirling

Appendix B. contd.

Alexander Douglas	Logy
Thomas Porrester	St. Andrews
William Moncrief	Largo
George Hamilton	Principal of St. Leonards College, St. Andrews
Edward Jameson	Monymeal
Andrew Bowie	Girias
John Anderson	Lesly
Archibald Riddell	Weems
Samuel Charters	Innenkeith
Thomas James	Cleith
William Mitchell	Dundee
James Osburn	Aberdeen
George Anderson	Tarves
Thomas Ramsay	Aberdeen
Alexander Forbes	Dyck
James Thomson	Elgin
Thomas Wilkie	Camongate
William Innes	Thurso
William Wischoart	Leith

Elders -

George Earl of Melville - President of the Council  
 William Earl of Crawford  
 George Earl of Sutherland  
 Robert Lord Burleigh  
 John Lord Belhaven  
 John Lord Carmichael  
 Sir James Stewart His Majesty's Advocate  
 Adam Cockburn of Ormiston Lord Justice Clerk  
 Sir Alexander Swinton of Mersington - College of Justice  
 Sir Colin Campbell of Aberuchil - College of Justice  
 Sir David Home of Grosrig - College of Justice  
 Sir John Hamilton of Haloraig - College of Justice  
 Mr. Francis Montgomery of Giffen  
 William Baillie of Lamington  
 Sir Archibald Muir of Thornton Lord Provost of Edinburgh  
 Sir Thomas Burnet His Majesty's Physician  
 Alexander Monteith Convener in Edinburgh  
 Sir Alexander Monro of Bearcrofts  
 The Laird of Humble  
 Sir William Denholm of Westshiells  
 Sir Thomas Stuart of Kirkfield  
 Sir John Home of Bleckader  
 Adam Drummond of Meggins  
 Captain John Erskine  
 Captain James Coult

Commission of the General Assembly 1698

C Appendix C.

Andrew Cameron	Kirkcudbright
Andrew Ewart	Kells
Robert Rowand	Penninghame
Robert Campbel	Stonykirk
John Hunter	Air
James Gilchrist	Kirkmichael
John Wilson	Largs
Thomas Kennedy	Ballantrae
Andrew Pauls	Fenwick
Robert Wylie	Hamilton
George Cleland	Shots
Thomas Lining	Lesmehego
John Scot	Carlisle
John Banantyne	Lanark
James Brown	Glasgow
William Dunlop	Principal of the College of Glasgow
Andrew Tait	Carmunock
Patrick Simpson	Renfrew
Thomas Blackwell	Paisley
Robert Wallace	Berrermock
George Park	Kilmerne
Walter Campbell	Dunoon
Daniel Campbell	Kilmichael
Samuel Nairn	Errol
Thomas Black	Perth
William Moncrieff	Methven
John Tillidaff	Dumbarnie
William Spence	Galloway
William Reid	Dunning
William Chambers	Moonzie
Michael Potter	Dumblain
Alex. Douglas	Logie
George Turnbull	Alloway
John Forester	Stirling
William Dick	Forgan
Alexander Shiels	St. Andrews
William Moncrieff	Largo
John Anderson	Principal of St. Leonard's College
James Haddow	Coupar
Archibald Riddel	Kirkcaldy
William Mackie	Merkinsh
Samuel Charters	Innerkeithing
Allen Logsn	Terryburn
John Spalding	Dundee
William Mitchel	Dundee
William Arrot	Montrose
John Osburne	Aberdeen
Thomas Ramssy	Aberdeen
George Anderson	Tarves
Patrick Innes	Bamff
Thomas Thomson	Turrress
Alexander Forbes	Dyke
James Thomson	Elgin
Hugh Anderson	Cromarty
William Innes	Thurso
John Forrest	Prestonkirk
David Clunie	Cockburnspath
John Sandilands	Dalphington
Mr. Robert Horsburgh	Glenwhom

Appendix C. contd.

James Anderson	Lintown		
Andrew Mitchel	Mannour		
Patrick Cuming	Ormistoun		
David Walker	Temple		
Matthew Selkirk	Crichton		
John Shaw	Newton		
John Brand	Borrowstonness		
John Kinaird	East Calder		
George Barclay	Uphall		
William Burnet	Falkirk		
Robert Rule	Principal of the College of Edinburgh		
George Meldrum	Edinburgh	John Simson	Morbattle
William Crichton	"	John Veitch	Westruther
James Kirkton	"	John Hardie	Gordon
John Law	"	Gabriel Semple	Jedburgh
George Hamilton	"	George Guthrie	Oxham
John Moncrieff	"	James Nible	Exford
David Blair	"	Hugh Craig	Gallasheils
James Webster	"	Charles Gordon	Ashkirk
David Williamson	West-Kirk	William Veitch	Dumfries
Thomas Wilkel	Cannongate	John Paisley	Morton
George Andrews	Prestonpans	Thomas Schiels	Sanquhar
Mungo Watson	Gladsmoor	George Mulligen	Moffat
Alexander Colden	Dunee	James Armstrong	Cannabee
James Ramsay	Eymouth		

Elders -

George Earl of Melville - President of the Council  
 William Earl of Crawford  
 George Earl of Sutherland  
 William Lord Loss  
 Robert Lord Burleigh  
 John Lord Belhaven  
 John Lord Carmichael  
 Sir James Stewart - His Majesty's Advocate  
 Adam Cockburn of Ormistoun - Lord Justice Clerk  
 Sir Alexander Swinton of Nersington - College of Justice  
 Sir Colin Campbel of Aberuchil - College of Justice  
 Sir David Hume of Crossrig - College of Justice  
 Sir John Hamilton of Halcrair - College of Justice  
 Mr. Francis Montgomery of Giffen.  
 Mr. Hugh Dalrymple of Northberwick  
 Lt. Col. John Erskine of Caridden, Governor of Stirling Castle  
 Sir George Campbel of Cesnock. The Laird of Grant  
 The Laird of Laminton The Laird of Brodie  
 Sir Adam Gordon of Dalpholly Sir Colin Campbel of Arakindlays  
 The Laird of Colloden Sir John Clerk of Pennycook  
 Sir Thomas Burnet, His Majesty's Physician  
 John Alardis, Baillie in Aberdeen  
 Sir William Denhold of West-Shiels. The Laird of Meggins  
 Sir Archibald Mure of Thornton Lord Provost of Edinburgh  
 The Laird of Torwoodlie The Laird of Fullerton  
 The Laird of Eight The Laird of Humberie  
 Mr. Matthew Moncrief of Colforgie  
 Mr. James Craigie of Dumbarrie Capt. James Coult  
 Hugh Blair late Dean of Guild of Edinburgh  
 John Anderson of Dowhill

APPENDIX D

COMMISSION 1701

To be Commissioners of the General Assembly to the Effect before mentioned and aftermentioned, with full power and Commission to the saids Persons or their Quorum, which is hereby declared to be any 15 of the saids Commissioners, whereof 9 are always to be Ministers to meet and Convene within the Assembly-House at Edinburgh, the first day after the dissolution of this Assembly at Ten hours in the forenoon and afterwards to meet the first Wednesdays of June, September, December and first Tuesday of March and oftener where and when they shall think needful and convenient, with full power to the said Commission to chose their own Moderator, And suchlike the General Assembly fully empowers and authorises the said Commissioners of their Quorum to consider, Cognosce, and finally determine as they shall see cause, an everything contained in, and conform to the Instructions given them by this Assembly, as Fully and Freely as if the same were in these presents at full length insert and set down, as also to consider, cognosce and finally determine in all references, appeals and other matters particularly referred to them by any order of this Assembly, all which is holden as herein expressed, and the General Assembly doth hereby prohibit and discharge the saids Commissioners to meddle in any other matters than what is herein contained; declaring also, that in and for their actings, they shall be accountable to and censurable by the next ensuing General Assembly of this Church. And lastly, declares, that this Commission shall continue until the meeting of the next General Assembly.

Instructions by the General Assembly to their Commission

1. That this Commission, as often as they shall see cause, apply to the Government, or any magistrate, for their countenancing of, and concurring with the Judicatories of the Church, in what the law allows and for putting the laws in execution against prophaness, regulating the poor by providing maintainance and labour for them and particularly about settling vacant congregations, and redressing any grievance which may fall out.
2. That when any of the ministers who served under the late Prelacy, whose lives and doctrines may render them useful to this Church, do apply for reception into a share of the Government of the Church, The General Assembly do empower and recommend to their Commission to receive them, according to the 13 paragraph of the 16 Act of the General Assembly 1697 and that the said Commission be careful to get due information from the Presbyteries where the said person applying does, or did officiate and for the time resides.
3. That this Commission in disposal of His Majesties gifts to this Church, do particularly take care, that the encouragement granted by the General Assembly 1699 to Probationers who are to go North to preach be rendered effectual; and that they cause defray the extraordinary charges that several ministers of the North have been at, in carrying on the planting of Churches, and other public affairs of the Church there.
4. The said Commission is to cognosce, and finally determine in all references already made, or to be made to them by this Assembly, and in all references and Appeals for transporting ministers to the north, which shall be orderly brought before them, according to the Overtures made thereanent by the General Assembly, anno 1699.
5. This Commission is also to correspond with the State anent Fasts and Thanksgivings, as occasion requires, and to specify the causes thereof.

APPENDIX D

COMMISSION 1701 (Cont.)

- 6 This Commission is to give advice and assistance to any Synod or Presbytery in difficult cases, as they shall be applied to by them for that effect: As also this Commission is empowered to proceed according to the 7th Act of the General Assembly 1700. Made in Favours of the Presbyteries of Caithness, Orkney and Shetland.
- 7 This Commission is Impowered to enquire how Ministers transported by former Assemblies their Commissions, or by this General Assembly and their Commission have obeyed, or shall obey and in case of disobedience, that they suspend the disobedient persons for Three months, and in case they do not obey after these three months are elapsed, that then they be deposed simpliciter, and this particularly to be applied in the case of Mr. David Pitcairn formerly transport ed from Creich to Fowross, if he disobey.
- 8 This Commission is to give all due Encouragement and assistance to any proposals may be made to them anent endeavours for reformation of manners, and for the effectual curbing of prophanity; and that they apply in a competent manner to the Government for that end.
- 10 This Commission or their Moderator in the intervals of the Commission, are empowered to receive calls legally proceeded in, and to transmit the same to the respective Presbyteries interested, and in case of references or appeals to the said Commission, that they proceed and finally determine therein, according to the former Acts of Assemblies for expediting transportations to the North.

APPENDIX E

COMMISSION 1701

The General Assembly considering, That there are yet some Vacant Churches on the North side of Tay, As likewayes, that there are yet several weighty affairs, which this Assembly cannot overtake, Do therefore find it needful, that there be a Commission granted to some Ministers and Elders for planting these Vacant Churches, and doing what other Affairs shall be referred to them; and for that end do hereby Nominate Commissionate and Appoint

Mr. Robert Elio Minister at Kinglassie  
Mr. Edward Jamison at Monymead  
Mr. John Anderson Principal of the Leonardine College of St. Andrews  
Mr. William Mitchell at Dundee  
Mr. Thomas Thomson at Oldmachar  
Mr. Hugh Anderson at Cromarty  
Mr. Gilbert Rule Principal of the Colledge of Edinburgh  
Mr. George Campbell Professor of Divinity at Edinburgh  
Mr. William Crichton at Edinburgh  
Mr. John Law at Edinburgh  
Mr. George Hamilton there  
Mr. George Mildrum there  
Mr. David Williamson at West Kirk  
Mr. John Vetch at Westruther  
Mr. John Hardy at Gordon  
Mr. John Bell at Smellum  
Mr. William Calderwood at Legertwood  
Mr. Gabriel Semple at Jedburgh  
Mr. Thomas Shields at Sanguhair  
Mr. Thomas Vexnor at Balmaclelland  
Mr. Hugh Campbell at Muirkirk of Kyle  
Mr. Patrick Simpson at Renfrew  
Mr. James Hutchison at Killlallen  
Mr. Duncan Campbell at Rosneath  
Mr. Robert Rule at Stirling  
Mr. Thomas Lewis at Henderlithen  
Mr. Allan Logan at Torriburn  
Mr. Andrew Thomson at Orwall  
Mr. Archibald Riddel at Kirkcaldie  
Mr. Andrew Wardroper at Kirkcaldie  
Mr. James Pitcerne at Kettle  
Mr. George Anderson at \_\_\_\_\_  
Mr. Thomas Forrester Principal of the New College of St. Andrews  
Mr. James Hadow Professor of Divinity at St. Andrews  
Mr. John Anderson Junior at St. Andrews  
Mr. Samuel Johnston at Dundee  
Mr. John Ferguson at Aberbrothick  
Mr. James Ramsay at Bendochie  
Mr. Francis Melville at Arburthnet  
Mr. James Osburne Professor of Theology at Aberdeen  
Mr. Thomas Blackwall at Aberdeen  
Mr. Andrew Guthrie at Peterhead  
Mr. Alexander Forbes at Dyck  
Mr. James Thomson at Elgin  
Mr. John Urquhart at Urquhart  
Mr. Hugh Monroe at Tarbat  
Mr. Walter Denoon at Goldpie

APPENDIX E

COMMISSION 1701

Mr. William Innes at Thurso  
Mr. James Graham at Holm  
Mr. William Binning at Tingwall  
Mr. Thomas Willkie at Cannongate  
Mr. David Blair at Edinburgh  
Mr. George Andrews at Edinburgh  
Mr. James Hart at Rattho  
Mr. George Barclay at Uphall  
Mr. Thomas Miller at Kirklistoun  
Mr. William Burnet at Falkirk  
Mr. James Thomson at Peebles  
Mr. Robert Livingstone at Biggar  
Mr. John Sandilands at Dolphintoun  
Mr. Patrick Cimings at Ormiston  
Mr. William Traill at Borthwick  
Mr. Matthew Selkrig at Crichton  
Mr. David Walker at Temple  
Mr. James Clerk at Dirletoun  
Mr. Matthew Reid at North Berwick  
Mr. Andrew Brown at Spot  
Mr. George Turnbull at Tynlithame  
Mr. Archibald Borthwick at Greenlaw  
Mr. James Ramsay at Eyemouth  
Mr. John Row at Lennel  
Mr. John Goudy at Sprowstoun  
Mr. John Glen at Stichel  
Mr. George Johnston at Eskleton  
Mr. Alexander Colden at Oxnam  
Mr. Robert Wilson at Melrose  
Mr. Hugh Craig at Gallasheils  
Mr. William Vetch at Drumfrees  
Mr. Alexander Robertson at Tinnel  
Mr. James Elder at Kier  
Mr. Patrick Home at Kirkmichael  
Mr. George Mullikine at Moffat  
Mr. James Armstrong at Cannabee  
Mr. Robert Rowan at Pennyghame  
Mr. Andrew Cameron at Kirkcudbright  
Mr. Alexander Telfer at Rerrick  
Mr. Robert Colwil at Glenluce  
Mr. Andrew Rodger at Galstoun  
Mr. Henry Osburn at Torbolton  
Mr. James Gilchrist at Kirkmichael  
Mr. Matthew Baird at Monkton  
Mr. Patrick Vernor at Irvine  
Mr. John Glasgow at Kelbirney  
Mr. Robert Wyllie at Hamiltoun  
Mr. John Ore at Bothwel  
Mr. Thomas Linning at Lesmahago  
Mr. John Scot at Carluke  
Mr. James Hay at Kilsyth  
Mr. John Pittigrew at Govan

APPENDIX III

COMMISSION 1701

Mr. John Stirline at Greenock  
Mr. John Ritchy at Old-Kilpatrick  
Mr. Daniel Campbell at Kilmichael of Glassery  
Mr. Daniel Mckay at Inverary  
Mr. Daniel McLaurie at Kilfinnen  
Mr. John Darroch at Craigneish  
Mr. Dougal Campbell at Southend  
Mr. John Morison at Glenalg  
Mr. Samuel Nairn at Errol  
Mr. John Tullidelph at Dumbarnie  
Mr. Alexander Glass at Kinclaven  
Mr. William Spence at Fossoway  
Mr. William Chalmers at Monzy  
Mr. John Forrester at Stirling  
Mr. Hugh White at Larbert Mr. Alexander Douglas at Logy  
Mr. Michael Potter at Dunblane  
George Earl of Melville, Lord President of the Council  
George Earl of Sutherland  
John Earl of Tullibardine  
John Earl of Ruthenzlen  
William Lord Forbes  
Robert Lord Burleigh  
James Master of Carmichael  
Sir Hugh Dalrymple of Northberwick, Lord President of the Session  
Sir James Stewart of Goodtrees, His Majesties Advocat  
Adam Cockburn of Ormiston, Lord Treasurer Deputy  
Sir Coline Campbell of Aberuchel, Senator of the College of Justice  
Sir John Hamiltoun of Halcraig, Senarot of the College of Justice  
Sir David Home of Crossrig, Senarot of the College of Justice  
Mr. John Campbell, Brother to the Earl of Argyle  
Mr. Francis Montgomery of Giffane, Brother to the Earl of Eglintoun  
Lt. Col. John Ershine, Governour of Dumbarton Castle  
Sir John Swintoun of that Ilk  
Sir John Clerk of Pennycook  
Sir William Baird of Newbaith  
Sir Andrew Kennedy of Cloburn  
Sir David Stewart of Kirkfield  
Sir William Denholm of Westshields  
William Baillie of Lamingtoun  
James Brody of that Ilk  
George Dundas of that Ilk  
Adam Drummond of Meggins  
Duncan Forbes of Colloden  
William Fullertoun of that Ilk  
James Fringle of Buckholme  
Mr. James Bosewal of Auchinleck, Advocat  
Capt. John Ershine  
Sir Patrick Johnstoun, Lord Provost of Edinburgh  
John Scrimzeour of Kirkton, Provost of Dundee  
John Allardice, Provost of Aberdeen  
John Anderson of Dowhil, Provost of Glasgow  
Robert Arbuthnes, late Provost of Montrose  
Sir James McLung, Dean of Gild of Edinburgh  
Gideon Elio, Deacon Conveener of Edinburgh  
Mr. Robert Cook, Advocat

APPENDIX F

The General Assembly considering, That there are yet some vacant Churches on the North side of Tay, and in the Highlands; as Likeways several weighty affairs which this Assembly cannot overtake, Do therefore find it needful, that there be a Commission granted to some Ministers and Elders for planting these vacant Churches, and doing what shall be referred to them, concerning the Highlands and Islands, and other matters, And for that end do hereby Nominate, Commissionate, and Appoint:

Thomas Thomson	Old Machir	Robert Livingston	Biggar
Hugh Anderson	Cromarty	John Buchanan	Covington
William Crichton	Edinburgh	James Thomson	Peebles
John Law	Edinburgh	Archibald Torrie	Newlands
George Hamilton	Edinburgh	William Trail	Borthwick
George Meldrum	Edinburgh	Patrick Cuming	Ornestoun
David Williamson	Westkirk	David Walker	Temple
John Hardie	Gordon	Mathew Reid	Northberwick
William Calderwood	Litgerwood	Robert Horseburgh	Prestonpans
Gabrial Semple	Jedburgh	George Turnbull	Tynninghame
Thomas Shields	Sanguhar	Andrew Brown	Spott
Thomas Warner	Ballmaolellan	Archibald Borthwick	Greenlaw
Patrick Simson	Renfrew	James Ramsay	Eyemouth
Duncan Campbell	Roseneath	John Dysart	Coldinghame
Robert Rule	Stirling	James Douglas	Stow
Robert Eliot	Kinglassie	Robert Wilson	Melrose
Edward Jamieson	Monymail	Hugh Craig	Gallasheilds
John Anderson	Principal of the Leonardine College, St. Andrews	Robert Golden	Oxnam
	Dundee	James Borland	Bedrule
William Mitchell	Echt	John Simson	Marbotle
Thomas Kinneir	Glenmuick	William Vetch	Dumfries
James Robertson	Professor of Divinity at Aberdeen	James Guthrie	Irongray
James Osburn	Aberdeen	John Somervail	Carlaverock
	Kemney	George Mulliken	Moffat
Thomas Blackwell	Oyn	William Steil	Lockmaben
William Lesly	Foveran	John Dunlop	Mouswal
William Mair	Peterhead	James Elder	Keir
David Anderson	Aberdour	John Lawrie	Wauchop
Andrew Guthrie	Auchterless	Robert Darling	Ewes
James Brown	Mortleigh	Andrew Cameron	Kirkcudbright
William Johnston	Belly	Alexander Telfer	Rerick
Hugh Innes	Keith	William Boyd	Dalry
Charles Primrose	Elgin	Thomas Campbell	Monygaff
John Gilchrist	Elgin	Thomas Castlelaw	Leswell
Alexander King	Dyck	Robert Rowan	Pennynghame
James Thomson	Inverness	Thomas Kennedy	Ballentrae
Alexander Forbes	Kiltearn	John Lawrie	Auchinleck
Robert Baillie	Rosmarkney	Andrew Rodger	Galston
William Stewart	Golspie	Henry Osburn	Torbolton
George Gordon	Thurso	John Hunter	Air
Walter Dennon	South-ronaldshay in Orkney	John Glasgow	Kilbirny
William Innes	Wales in Shetland	John King Dalrly	Dalrly
Alexander Grant	Edinburgh	Thomas Clark	Ardrossen
	Canongate	Robert Wylie	Hamilton
Thomas Blackie	Edinburgh	Robert Muir	Kilbryde
George Duncan	Edinburgh	Thomas Linning	Lesmahago
Archibald Riddel	Uphall	John Maclaran	Carstairs
Thomas Wilkie	Kirkliston	James Brown	Glasgow
David Blair	East Calder	David Brown	Glasgow
John Moncrief		James Clark	Glasgow
George Barclay		John Stirling	Principal of the College of Glasgow
Thomas Millar Kirk		Andrew Turner	Erskine
John Kinnaird		James Brisbane	Kilmalcolm

APPENDIX G

COMMISSION 1703

to be Commissioners of this General Assembly, to the effect before, and aftermentioned: With full power to the saids persons, or their Quorum, which is hereby declared to be any Twenty one of the saids Commissioners, whereof 14 are always to be Ministers; to meet and Conveen within the Assembly House at Edinburgh, the first day after the dissolution of this Assembly, at Ten hours in the forenoon; and afterwards to meet the first Wednesdays of June, September, December and March and oftener when and where they shall think needful and convenient; with power to the said Commission to chose their own Moderator. And such like the General Assembly fully Impowers and Authorises their said Commissioners, or their Quorum, to cognosce, and finally determine, as they shall see cause, in every affair referred, or to be referred to them, and to do every thing contained in, and conform to the Instructions given to them by this General Assembly. And Finally, with power to the said Commission to advert unto the Interest of the Church on every occasion, and that the Church do not suffer or sustain any prejudice, which belongs to them to prevent, as they will be answerable to the next General Assembly; And they are hereby strictly prohibit and discharged, to meddle in any other matters, than what are herein committed to them; Declaring also, That in, and for all their Actings they shall be countable to, and Censurable by the next ensuing General Assembly of this Church. And lastly, declares that this Commission shall continue until the next meeting of the General Assembly.

INSTRUCTIONS TO THE COMMISSION BY THE GENERAL ASSEMBLY

That this Commission as oft as they shall see cause, apply to the Government, or any Magistrate, for their countenancing of, and concurring with the Judicatories of the Church, in what the Law allows; and for putting in Execution the laws against Popery and Frophaness and seeking redress of Grievances, particularly the contempt of the censures of the Church inflicted upon scandalous persons, and for setling vacant congregations, and regulating the poor by providing maintainance, and labour for them, and to meet when the Parliament sits.

2. That when any of the Ministers, who served under the late Prelacy, whose lives and Doctrines may render them useful to this Church, do apply for reception into a share of the government of the Church; The General Assembly do empower and recommend to their Commission to receive them, according to the 13th paragraph of the 16 Act of the General Assembly Anno 1697: And that the said Commission be careful to get due information from the Presbyteries where the said Person applying does, or did officiat, and for the time resides.

3. That this Commission, in disposing of her Majesties gift to this Church, do particularly take care, that the encouragement, granted by the General Assembly Anno 1699 to Probationers, who are to go North to preach, be rendered effectual; and that they cause defray the extraordinary charges and expences that several ministers of the North have been at, in carrying on the planting of Churches, and other Public Affairs of the Church there.

4. The said Commission is to cognosce, and finally determine, in all references already made, or to be made to them by this Assembly, and references and appeals for transporting ministers to the North, and the Highlands and Islands, which shall be brought before them, according to the overtures made thereanent anno 1699, and that Transportations to any parish in these places, whether priviledged by former Acts of Assemblies or not, be carried on, and that in the most expedite way.

5. This Commission is also to correspond with the State, about Fasts and thanksgivings, as occasion requires, and to specific the causes thereof.

APPENDIX G

COMMISSION 1703

6. This Commission is to give advice and assistance, to any Synod or Presbytery in difficult cases, as they shall be applyed unto by them for that effect; As also this Commission is empowered to proceed according to the 7th Act of the General Assembly 1700, made in favours of the Presbytery of Caithness, Orkney and Shetland.

7. This Commission is impowered, to enquire how ministers transported, or to be transported by the General Assembly, or their Commissions have obeyed, or shall obey; and in case of disobedience, That they suspend the disobedient persons for three months, and in case they do not obey after these three months are elapsed, That then they be simpliciter deposed.

8. This Commission is to give all due encouragement and assistance, to any proposals, may be made to them anent endeavours for Reformation of Manners, and for the effectual curbing of profanity.

9. That the said Commission shall see to the effectuating, whatever shall be by this Assembly committed to them, concerning the Highlands and Islands, and Vacant Churches in the North, for erecting schools and what else may tend to the encouragement of Religion and Advancing of reformation in these places.

APPENDIX H

COMMISSION 1703

James Brisbane	Kilmalcolm
David Fleckfield	Balfrone
Robert Wallace	Badernock
Daniel MacLauren	Kilfinnan
Daniel Mackay	Inverary
James Boes	Campbelton
Neil McVicar	Fort William
Daniel Maccaulley	Millmuir
Samuel Nairn	Errol
John Tullidolph	Dumbartian
Thomas Black	Perth
John Colquhoun	Drone
Alexander Glass	Kincleven
George Frier	Lethendy
William Spence	Fossoway
John Drummond	Creiff
Hugh White	Lerbert
Alexander Hamilton	Airth
Alexander Douglas	Logie
Thomas Buchanan	Tulliallan
John Anderson Jr.	St. Andrews
William Hardy	St. Andrews
Robert Clelland	Kilrenny
James Hadow	Professor of Divinity at St. Andrews
William Dick	Cowpar
James Pitcairn	Kettle
Thomas Halyburton	Cizes
James Grierson	Weems
Joseph Drew	Markinch
John Shaw	Lesly
Hugh Kemp	Dumfermline
Andrew Thomson	Orwal
Samuel Johnston	Dundee
William Millar	Meogle
James Ramsay	Bendochie
George Weems	Ferne
James Robertson	Menmuire
Francis Melvil	Arbuthnot
John Thomson	Marykirk
John Ferguson	Aberbrothwick

Ruling Elders

James Earl of Seafield - Lord High Chancellor  
 John Earl of Tullibardine - Lord Privy Seal  
 George Earl of Melvil  
 John Earl of Thurglen  
 Patrick Earl of Marchmont  
 John Earl of Hyndfoord  
 Charles Lord Yester  
 James Lord Carmichael  
 David Lord Boyle - Treasurer Deputy  
 William Lord Forbes  
 William Lord Ross  
 Robert Lord Burleigh  
 John Lord Bielhaven

APPENDIX H

COMMISSION 1703

Sir Hugh Dalrymple of North Berwick - Lord Pres. of the Session  
Sir James Stewart of Goodtrees - Her Majesties Advocat  
Sir Colin Campbell of Aberuchill - Senator of the College of Justice  
Sir John Hamilton of Halcraig - Senator of the College of Justice  
Sir David Home of Crossrig - Senator of the College of Justice  
Sir William Anstruther of that Ilk - Senator of the College of Justice  
Mr. John Campbell - Brother to the Duke of Argyle  
Mr. Francis Montgomery of Giffan  
Lt. Vol. John Erskine - Governour of Dumbarton Castle  
Adam Cockburn of Ormiston  
Ludovick Grant Elder of that Ilk  
Sir Walter Riddel of that Ilk  
William Baillie of Lamington  
Sir John Home of Blackader  
Sir John Pringle of Stritchell  
Sir John Swinton of that Ilk  
Sir Walter Riddel of that Ilk  
Archibald Douglas of Cavers - Sheriff of Teviotdale  
George Baillie of Jarviswood  
James Pringle of Buckholm  
Kilpatrick Younger of Coloseburn  
Sir Charles Hay of Park  
Sir James Agnew of Lockmaw - Sheriff of Galloway  
Sir William Cuninghame of Cuninghamehead  
Sir James Campbell of Auchinbreck  
James Campbell Younger of Ardkinlesse  
John Alexander of Blackhouse  
William Muire of Glanderstone  
Sir William Baird of Newbeith  
Sir John Clerk of Pennycook  
Sir Robert Stewart of Allanbank  
Alexander Duff of Bracco  
James Brodie of that Ilk  
Hugh Ross of Kilravock  
Duncan Forbes of Colloden  
Sir Thomas Burnet of Leyes  
Sir Alexander Ogilvy of Forglen  
Sir William Dunbar of Hemprigs  
Sir William Craige of Gairsay  
Lt. Col. John Erskine - Governor of the Castle of Stirling  
Adam Drummond of Meggins  
John Udney of that Ilk  
Arthur Forbes of Eight  
David Ross of Balnagowen  
Munro of Fowlis  
Hugh Cuninghame - Lord Provost of Edinburgh  
Sir Robert Cheisly  
Sir Patrick Johnston - late Lord Provosts in Edinburgh  
John Scrimzeour of Kirkton - late Provost of Dundee  
John Allardes late provost of Aberdeen  
Walter Stewart of Pardiwan  
Hugh Montgomery of Busbie - Provost of Glasgow  
Robert Inglis (Goldsmith) - late Deacon Conveener of Edinburgh  
William Livingston present Deacon Conveener there

APPENDIX I

COMMISSION 1705

To be Commissioners of this General Assembly, to the Effect beforeand aftermentioned, with full power to the saids persons, or their Quorum, which is hereby declared to be any 21 of the said Commissioners whereof 15 are always to be ministers, to meet and convene within the Assembly-House at Edinburgh, the first day after the dissolution of this Assembly at ten hours in the Forenoon, and afterwards to meet the first Wednesday of June, second Wednesday of November and last Wednesday of March next, and oftener, when and where they shall then needful and convenient, with power to the said Commission to choose their own Moderator: And suchlike the General Assembly fully impowers and to cognosce and finally determine, as they shall see cause, in every matter referred, or that shall be referred to them, by an Act or Order of this Assembly, and likewise in all affairs referred to the Commission of the late Assembly, not as yet discussed. And finally, with power to the said Commission, to advert unto the Interest of the Church on every occasion, and that the Church and present Establishment thereof do not suffer or sustain any prejudice, which belongs to them to prevent, as they will be answerable; And they are hereby strictly prohibit and discharged to meddle in any other matters, than what are committed to them, and in all their Actings, they are to proceed according to the Acts and Constitutions of this Church, and do nothing contrary thereto, or to the Prejudice of the same; declaring that in, and for all their Actings, they shall be comparable to, and censurable by the next General Assembly, as they shall see cause. And lastly, this Commission is to continue and endure to the next General Assembly.

Instructions the same as the year before with minor changes

ACT CONCERNING THE REGULATION OF THE COMMISSIONS OF THE GENERAL ASSEMBLIES, AND THE ATTENDANCE OF MEMBERS THEREON

The General Assembly having heard and considered the opinions of the several Presbyteries, in Relation to the regulating of the Commission of the General Assemblies, returned to them in obedience to the 16th Act of the last Assembly, did, in pursuance thereof, after full reasoning and mature deliberations, agree as follows viz. The General Assembly considering how much it concerns the God of the Church, that any Commissions which may be found needful to be granted by this, and subsequent General Assemblies, be duly regulate; Do therefore appoint and ordain, that in time coming, the whole Presbyteries of this National Church be equally represented in Commissions, and that their Representation be proportional to the Numbers of Ministers that are in each Presbytery; The old Ministers who were ordained before the Year 1662, being always supernumerary; And suchlike, that two or three of the Members of the General Assembly in each Synod, be appointed as a Committee to name the members of the Commission, and that the whole Representatives of Presbyteries in the several Synods at the Assembly, do meet by themselves, and name their respective Members of the said Committee; And it is hereby declared, That it shall be free to any Member of the Assembly to attend the said Committee, if they think fit. And the General Assembly does appoint the expenses of the saids Commissioners to be born, and defrayed by the several Presbyteries which they represent, according to the number of the Days of their Attendance, and that their Presbyteries take care to supply their charges with Preaching during their absence upon the Account foresaid, and that such as shall be absent, from the saids Commissions, or diets of the same, without a reasonable excuse, represented to, and admitted by the Commission, be censured by their respective Synods; And that the Clerk of the Commission send lists of these absents to the several Synods for that End, according to the 6th Act of the General Assembly held in the year 1703.

APPENDIX J

COMMISSION 1705

The General Assembly taking to their consideration; that there are yet some vacant Churches on the North side of Tay, and in the Highlands and Islands, as likewise several weighty affairs which this Assembly cannot overtake; do therefore find it needful, that there be a Commission granted to some ministers and ruling elders for planting these vacant Churches and doing what other affairs may be referred to them and for that end, do hereby nominate, commissionate and appoint their Reverend Brethren:

William Crichton	Edinburgh
John Law	Edinburgh
George Hamilton	Edinburgh
David Williamson	Edinburgh
George Meldrum	Professor of divinity in the college of Edinburgh
John Hardie	Gordon
William Calderwood	Litgerwood
Gabriel Semple	Jedburgh
Thomas Sheilds	Sanquhar
Thomas Warner	Balmaclellan
Hugh Campbell	Muirkirk
James Hutcheson	Kilallan
Patrick Simson	Renfrew
Duncan Campbell	Rosneath
Duncan Campbel	Knapdale
John Anderson	Principal of the Leonardine College of St.Andrews
William Mitchel	Dundee
Hector Fraser	Kincardine in Ross
William Stewart	Kiltearn
William Innes	Thurso in Caithness
Edward Irving	Orphire in Orkney
Robert Gray	Nesting in Shetland
William Carstares	Principal of the College in Edinburgh
Thomas Wilkie	Cannongate
David Blair	Edinburgh
Robert Sandilands	Edinburgh
William Hamilton	Cramond
Alexander Dalgleish	Linlithgow
Thomas Miller	Kirkliston
William Burnet	Falkirk
Robert Livingston	Bigger
John Sandilands	Dolphington
Archibald Foxie	Newlands
James Robertson	Atholston
Matthew Selkirk	Crichton
John Williamson	Cranston
Patrick Cumming	Ormiston
John Currie	Haddington
John Bell	Gladsmuir
Matthew Reid	Northberwick
Thomas Finlay	Preston-Kirk
George Turnbull	Tyingham
Archibald Borthwick	Greenlaw
Laurence Johnston	Dunse
Gilbert Lowry	Hutton
James Ramsay	Eyemouth

APPENDIX J

COMMISSION 1705

James Douglas	Stow
Henry Hume	Channel-Kirk
Ninian Hume	Sproustoun
Walter Douglas	Lintoun
Alexander Colden	Oxnam
James Borlands	Bedrule
Charles Gordon	Askirk
William Mackghie	Selkirk
Patrick Hume	Kirkmichael
John Dunlop	Mouseewell
James Black	Gratney
Robert Darling	Ews
William Vetch	Dumfries
Robert Blair	Hollywood
James Guthrie	Trongray
James Elder	Keir
Thomas Tod	Derisdeer
Andrew Cameron	Kirkcudbright
Samuel Spalding	Parton
James Monteith	Borgue
Thomas Campbel	Monygaff
Robert Seton	Glastertoun
Robert Colvil	Glenluce
Robert Fergusson	Kilmunel
James Gilchrist	Kirkmichael in the Presbytery of Air
Andrew Rodger	Galstoun
John Hunter	Air
Mungo Lindsey	Dalgean
John Glasgow	Kilbirney
William Wright	Kilmarnock
William Fleeming at Innerkip	
Thomas Brown	Paisley
Robert Wylie	Hamilton
Archibald Hamilton	Cambuslang
James Garshore	Carmichael
John Bannatyne	Lanerk
Thomas Linning	Lesmahago
James Brown	Glasgow
John Stirling	Principal of the College of Glasgow
James Hay	Kilsyth
John Anderson	Drymen
John Richie	Old-Kilpatrick
John Campbel	Kilmoden
Daniel Mackay	Inverary
Alexander Campbel	Glenverary
James Boes	Campbelton
Neil Mackviccar	Fort William
Alexander Douglass	Logie
Thomas Buchannan	Tulliallan
John Logan	St. Ninians
James Brisbane	Stirling
John Tullideph	Dumbarry
John Colquhoun	Drone

APPENDIX J

COMMISSION 1705

William Moncrieff	Methvin
James Gray	Kinloch
Alexander Chapman	Monodie
John Drummond	Grief
James Mitchel	Auchterarder
Samuel Chartres	Inverkeithing
James Hog	Carnock
John Shaw	Lesly
John Wilson	Kirkcaldy
James Pitcairn	Kettle
William Pitcairn	Colessie
George Gillespie	Stramiglo
James Haddow	Professor of Divinity at St. Andrews
John Anderson Jr.	St. Andrews
William Moncreiff	Largo
Joseph Pitcairn	Kingsbarns
Samuel Johnston	Dundee
Walter Ainsly	Lundy and Foulis
William Miller	Meegle
George Clephan	Newtyld
George Wemyss	Ferne
James Robertson	Menmuir
John Ferguson	Aberbrothwick
Arthur Shepherd	Laurence-Kirk
Martine Shanks	Upper-Banchry
James Douglass	Aboyn and Glentaner
Thomas Blackwell	Aberdeen
John Angus	Kinneller
William Mair	Oyne
Alexander Shand	Glenbuchet
John Mulliken	Methlick
Andrew Guthrie	Peterhead
Peter Darling	Boyndie
John Gilchrist	Keith
James Thomson	Elgin
Alexander Forbes	Dyke
Robert Baillie	Inverness

Ruling Elders

The Right Honourable James Earl of Seafield - Lord High Chancellor  
John Earl of Rothes - Lord Privy Seal  
John Duke of Athole  
William Marquess of Lothian  
George Earl of Melvil  
John Earl of Ruglen  
Patrick Earl of Marchmont  
John Earl of Hyndfoord  
David Earl of Glasgow  
Charles Lord Yester  
Patrick Lord Polworth  
William Lord Forbes  
William Lord Ross

APPENDIX J

COMMISSION 1705

Robert Lord Burleigh  
John Lord Belhaven  
Sir Hugh Dalrymple North-Berwick - Lord President of the Session  
Sir James Stewart of Goodtrees - Lord Advocate  
George Baillie of Jerviswood - Lord Treasurer Deputy  
Adam Cockburn of Ormistoun - Lord Justice Clerk  
Sir John Hamilton of Halcraig - Senator of the College of Justice  
Sir David Hume of Crosrig - senator of the college of Justice  
Sir William Anstruther of that ilk - Senator of the college of Justice  
Sir John Maxwell of Pollock - Senator of the College of Justice  
Sir Robert Stewart of Tillicultry - Senator of the College of Justice  
Mr. John Campbell - Brother to the late Duke of Argyll  
Mr. Francis Montgomery of Giffan  
Lt. Col. John Erskine of Carnock  
Sir John Hume of Blackader  
Ludovick Grant of that ilk  
Alexander Grant of that ilk younger  
James Brodie of that ilk  
Hugh Ross of Kilravock  
David Ross of Balnagowan  
Sir Robert Monro of Fowls  
Sir William Dumbar of Hemprigs  
Sir William Craigie of Gairsey  
William Baillie of Lamington  
Sir John Clark of Pennycook  
Sir John Pringle of Stitchill  
Sir Robert Stewart of Allanbank  
James Pringle of Buckholm  
Thomas Kilpatrick younger of Glosburn  
Lt. Col. William Maxwell of Cardross  
Patrick Murdoch of Cumloden  
Sir James Agnew of Lochnaw  
Mr. James Boswell of Alect younger  
John Alexander of Blackhouse  
Hugh Montgomery of Busby  
Sir David Stewart of Kirkfield  
Mr. Thomas Aikman of Bromelton  
Sir Andrew Kennedy of Globurn  
Sir James Campbell of Auchinbreck  
Sir Colin Campbell of Ardkinlass  
James Campbell of Ardkinlass younger  
Sir James Campbell of Aberuchill  
Cragie of Dumbarny  
Sir Patrick Johnston - Lord Provost of Edinburgh  
David Carnegie of Pittarow  
Sir Alexander Ogilvy of Forglan  
John Scrimgeour of Kirton late Provost of Dundee  
John Alardice late Provost of Aberdeen Lt. Col. John Erskine - Gov. of Stirling  
Castle

Walter Stewart of Pardiven - Provost of Linlithgow  
John Anderson of Downhill - Provost of Glasgow  
Mr. Thomas Rome of Clouston - Provost of Dumfries  
Sir Walter Pringle Advocate  
Mr. William Brodie - one of the Commissars of Edinburgh  
Mr. James Gellie - Advocate  
George Clark - late Baillie in Edinburgh  
Mr. Robert Cleland of Hill-house  
William Wardrop - Deacon Conveener in Edinburgh  
Mr. John Simpson in Renfrew

Appendix

Chapter IV

## APPENDIX A

COMMISSION 1706

The General Assembly, taking to consideration, that there are several weighty Affairs which they cannot overtake; Do therefor Nominate Commissionate and Appoint their Reverend Brethern,

William Crichton	Edinburgh
John Law	"
George Meldrum	"
George Hamilton	"
David Williamson	West Kirk
John Hardie	Gordon
William Calderwood	Ligerwood
Gabriel Semple	Jedburgh
Thomas Shields	Sanquhar
Thomas Verner	Balmaclellan
Hugh Campbel	Huirkirk
Patrick Simson	Renfrew
Duncan Campbel	Roseneth
Duncan Campbel Knapc	Knapdale
John Anderson	Principal of St. Leonards College
William Mitchel	Dundee
William Innes	Thurso
Hector Monro	Watten
James Sands	Birsay in Orkney
Andrew Ker	Kirkwall
James Miln	Lerwick in Zetland
James Buchan	Northmaving in Zetland
William Carstairs	Principal of the College of Edinburgh
Thomas Wilkie	Cannongate
David Blair	Edinburgh
John Moncreif	"
William Wisheart	South Leath
John Brand	Borrowstouness
John Kinnaird	East-Calder
John Brown	Abercorn
John Buchanan	Covington
Simon Kellie	Walston
James Robertson	Ecclestoun
John Wallace	Drumelzier
Patrick Cumming	Ormlstoun
David Walker	Temple
John Flint	Leswed
Matthew Reid	North-Berwick
John Currie	Haddington
Robert Horseburgh	Saltpreston
George Turnbull	Tynningham
Andrew Brown	Spot
Archibald Borthwick	Greenlaw
Laurence Johnstoun	Dunse
James Ramsay	Eymouth
Robert Park	Foulden
James Douglass	Stow
John Goudie	Ersltoun
Robert Colvill	Yetholm
William Baxtex	Edrom
Robert Bell	Cavers
Mungo Gibson	Bedrule
Hugh Craig	Gallasheilds

Archibald Deans	Bouden
John Mein	Wester Kirk
James Currie	Hodam
John Taylor	Wamfray
James Short	Drysdale
Andrew Reid	Kirkben
James Guthrie	Irongray
Alexander Robertson	Tinwald
Thomas Tod	Dorisdeer
John Pollock	Glencairn
Andrew Cameron	Kircudbright
William Falconer	Kelton
Patrick Johnstoun	Girthon
William Cowpar	Mochrum
Robert Rowan	Penningham
Robert Colvil	Oldluce
Robert Ferguson	Calumel
William Lindsay	Dundonald
Andrew Rodger	Galston
Alexander Orr	St. Quivox
Ebenezer Vetch	Ayr
George Chalmers	Kilwinning
Hugh Falsyde	Loudoun
John Paisly	Lochennoch
Robert Widrow	East-wood
Robert Wylie	Hamilton
John Muirhead	Cambusnethan
John Bennatyne	Lanark
Thomas Lining	Lesmahago
John Govan	Campsy
John Stewart	Eglesham
John Stirling	Principal of the College of Glasgow
George Park	Killearn
Robert Wallace	Badermock
Walter Campbell	Dunoon
John Campbell	Killmoden
Daniel Mackay	Inverary
Daniel Campbell	Kilmichael
Dougal Campbell	Southend
John Campbell	Killarow in Isla
Neil Mcviccar	Fort William
Daniel Makaulay	Skye
Robert Gourlay	Tillicultry
Matthew Wallace	Kincardine
John Logan	Allos
Alexander Hamilton	Airth
Archibald Moncreif	Blackford
John Drummond	Greif
William Moncreif	Methven
George Jamison	St. Martins
Andrew Darline	Kinoul
George Frier	Lothandy
Archibald Campbell	Weem
William Hardie	St. Andrews
Robert Glelland	Kilrenny
Robert Fairweather	Crail
James Hadow	Professor of Divinity in College of St. Andrews
John Sythrum	Newburgh
William Thomson	Flisk
Joseph Drew	Merkinsh

James Grierson	Woems
Allan Logan	Toziburn
George Maik	Culross
William Lyon	Airly
William Millar	Meagle
Samuel Johnstoun	Dundee
James Haxr	Murrays
Patrick Johnstoun	Auchterhouse
Thomas Watson	St. Vigeance
William Arrot	Montrose
John Willison	Breechen
David Ramsay	Fettercairn
Alexander Toasch	Tarland
Martin Shanks	Upper-Banchry
Thomas Blackwell	Aberdeen
Alexander Mitchel	Belhalvie
William Lesly	Kemnay
David Anderson	Foveran
Thomas Udney	Streechen
Peter Darlin	Boyndie
William Chalmers	Kenedward
John Gilchrist	Keith
Charles Primrose	Belly
Alexander King	Elgin
James Thomson	"
Joseph Sanderson	Alvis
Robert Baillie	Inverness
Alexander Fraser	Gray
Daniel McGilligin	Killinuir easter
Hugh Munro	Tain

RULING ELDERS

James Earl of Seafield -- Lord High Chancellour  
 John Duke of Athol  
 William Marquess of Lothian  
 John Earl of Rothes  
 George Earl of Melvill  
 John Earl of Ruglen  
 Patrick Earl of Marchmont  
 John Earl of Hyndfoord  
 David Earl of Glasgow  
 Charles Lord Yester  
 Patrick Lord Polwarth  
 James Lord Carmichael  
 William Lord Forbes  
 William Lord Ross  
 Robert Lord Bunsleigh  
 John Lord Belhaven  
 Sir Hugh Dalrymple of North Berwick -- Lord President of the Session  
 Sir James Stewart of Goodtrees -- Lord Advocat  
 Adam Cockburn of Ormistoun -- Lord Justice-Clerk  
 Sir David Home of Crossrig -- Senator of the College of Justice  
 Sir William Anstruther of that ilk -- Senator of the College of Justice  
 Sir John Maxwell of Pollock -- Senator of the College of Justice  
 Sir Robert Stewart of Tillicultry -- Senator of the College of Justice  
 Sir Gilbert Eliot of Minto -- Senator of the College of Justice  
 Sir Alexander Ogilvy of Torglen  
 Mr. John Campbell -- Brother to the late Duke of Argyll  
 Mr. Francis Montgomery of Giffan -- Brother to the deceased Earl of Eglinton

Lt. Col. John Erskine of Carmock -- Son of the deceased Lord Cardross  
 Sir William Dunbar of Hemprigs  
 Sir William Craigie of Gairsay  
 Sir Patrick Johnstoun -- Lord Provost of Edinburgh  
 George Warrander of Bruntsfield  
 Sir Walter Fringle Advocate  
 Sir Alexander Hope of Kerse  
 Walter Steuaty of Pardovan  
 William Baillie of Lamington  
 Doctor Brown of Dolphington  
 Archibald Sheilds, Provost of Peebles  
 Sir John Clark of Pennicook  
 James Hamilton of Pencaitland  
 Sir William Baird of Newbyth  
 George Baillie of Jerviswood  
 Sir John Pringel of Stitchell  
 Mr. John Murray of Bowhill  
 James Pringle of Buckholm  
 Mr. James Gellie, Advocate  
 Robert Baillie of Dumfries  
 Lt. Col. William Maxwell of Cardoness  
 Patrick Murdo of Cumlodan  
 Sir James Agnew of Lochnaw -- Heritable Sheriff Principal of Galloway  
 Mr. James Boswell of Auchinleck, Advocate  
 Sir David Steuart of Cultness  
 John Alexander of Blackhouse  
 Hugh Montgomerie of Busby  
 John Aird -- Provost of Glasgow  
 Sir Robert Pollock of that Ilk  
 Mr. Walter Stewart, Advocate  
 Mr. John Cunninghame of Ballindalloch  
 James Campbel of Ardkinglas  
 Sir Archibald Campbel of Cluness  
 Sir James Campbel of Auchinbreck  
 John Campbel -- Brother to Skipnish  
 Lt. Col. John Erskine -- Deputy Governor of Stirling Castle  
 Mr. Alexander Abercromby of Tillibodie -- Advocate  
 Sir James Campbel of Aberuchill  
 Thomas Whitson -- Portioner of Tattray  
 John Gardner of Gew  
 Capt. Robert Nairn  
 George Moncrief of Reddie  
 John Scrimzeour of Kirkton  
 William Dick, Apothecary in Alyth  
 Arthur Forbes of Echt  
 John Allardice late Provost of Aberdeen  
 James Brodie of that Ilk  
 Sir Henry Innes of that Ilk  
 Mr. William Brodie of Whitewrac -- Advocate one of the Commissars of Edinburgh  
 Hugh Rose of Kilravock  
 Sir Robert Monro of Foulis  
 David Ross of Balmagowan

To be Commissioners of this General Assembly, to the effect aftermentioned,  
 with full power to the saids person, or their Quorum, which is hereby  
 declared to be any 21 of the saids Commissioners, whereof 15 are always to

APPENDIX A

Commission 1706 contd.

be Ministers, to meet and convene within the Assembly house, at Edinburgh the 1st day after the dissolution of this Assembly at 10 hours in the forenoon, and afterwards to meet the 1st Wednesday of August, and penult Wednesday of March next, and oftner when and where they shall think needful and convenient, with power to the said commission to chose their own Moderator: and such like, The General Assembly fully empowers and Authorises their saids Commissioners or their Quorum, to cognosece and finally determine, as they shall see cause in every matter referred, or that shall be referred to them by any Act or order to this Assembly, and to do every thing contained in, and conform to the Instructions given by the late Assembly to their Commission, which are held as herein expressed, and to stand for instructions to this Commission: And finally, with power to the said Commission to advert unto the interest of the Church on every occasion that the Church and present Establishment thereof, do not suffer or sustain any prejudice which belongs to them to prevent, as they will be answerable, and they are hereby strictly prohibited and discharged to meddle in any other matters than what are committed to or referred to them as above mentioned, and in all their actings they are to proceed according to the Acts and Constitutions of this Church, and do nothing contrary thereto, or to the prejudice of the same, declaring, that in and for all their Actings, they shall be countable to, and censurable by the next General Assembly, as they shall see cause, and this Commission is to continue and endure till the next General Assembly. And the members of the Commission are required punctually to attend the diets thereof, as is appointed by the 6th and 15th acts of the late General Assembly, and the clerks are appointed not only to mark the absents, but also to send lists of these absents to the several Synods, in order to censure, according to former acts thereanent; and also the Commission is ordered to present to the next General Assembly a list of the names of such of their members as shall be absent, without a relevant excuse sustained by them, that the same may be read in the Assembly, who may take what farther course they think fit in the matter.

Act concerning the Libraries,  
and containing some additional instructions to the Commission

The General Assembly empowers their Commission to receive any delations, or References that shall be made to them by the respective judicatories of this Church, in matters of Schism and disorder, and not only to assist Judicatories by their advice in such cases, but also to pass sentence, and finally determine therein, as they shall see cause.

And the Commission are appointed to take care, that the Precepts already drawn by the preceding Moderators of the Assembly or Commission thereof, for payment of any sums out of the money gifted by her Majesty, for defraying the

APPENDIX A

Commission 1706 contd.

public Charges of the Church, by payed, and that in the first place, before others that may be granted afterwards.

The President of Edinburgh, Linlithgow and Dalkeith are appointed to supply one diet of preaching before the Parliament, and the Commission to supply the other diet, by naming and appointing Ministers out of other Presbyteries, and the Synod of Lothian and Tweeddale are to adjust the diets of the three Presbyteries abovementioned in their bounds.

The Commission is to require a full and clear account from the Committee, to whom the disposal and distribution of the Libraries was recommended anno 1705, how they have distribute the same, and from the agent, how he hath obeyed the orders of that Committee about the sending of these Libraries, and Irish Bibles to the respective places appointed.

And to call for an account from the respective presbyteries of their receipt of their proportion of these Bibles and Libraries, and how they have disposed of them according to the Order of the General Assembly 1705, and their said Committee, and appoints the saids Presbyteries, to send these accounts to the Commission or Committee to be appointed by them for this Affair, and that these Accounts be sent in writing subscribed by the Moderator and Clerk of the Presbytery; And ordains the Commission to take care, that the Account of all these be recorded in a particular register for that purpose: And the General Assembly hereby recommends it to their Commission, or their said Committee, which they are hereby empowered to appoint for that effect, to distribute the 11 boxes of books lately sent down from England, and any Libraries of books that shall be sent down betwixt and the next General Assembly, to such places of this Church and Nation as have most need, and may best answer the design of the donors.

The General Assembly hereby recommends it to their Commission, to enquire into the state of the Highlands and Islands, how they are planted with ministers, and of the remaining paganish customs among them, and of the increase of Popery, and how they are provided of Schools, what places most need help in these matters; and what encouragement these may expect, who encline to enter into a Society, for Erecting and maintaining Charity Schools, for educating poor and indigent Children.

And the General Assembly appoints all the Synods and Presbyteries concerned in the Highlands and Islands, to send in accounts thereof to the Commission, who are hereby ordained, to prepare Overtures thereanent, and give in the same to the next Assembly, to whom the Said Commission and others concerned are to be countable for their Diligence and management in the premisses.

Appendix  
Chapter VI

APPENDIX A

Stirling Letters, (Ms.), Volume II, Letter number 7, Sir David Dalrymple to John Stirling, dated November 24, 1715.

I am sorry and much surprised to understand that the scruples against the taking the oaths are renewed by many of your brethren in your parts. Nothing in human probability can endanger your happy settlement so much. What, would you have it thought that the Presbyterian clergy of Scotland are obstinately resolved to take no oaths to lawful authority. Is it intended to leave their affection to the government to be doubted, and interpreted by their friends as well as their enemies to their prejudice?... I cannot without regret put you in mind that these scruples did in their infancy go near to ruin the Church of Scotland. It did not only divide her, but gave shelter to her bitter implacable enemies. Had her ministers taken oaths without difficulty, after the address of the Commission of the Church to the late Queen had been graciously received by her Majesty and was approved in the Assembly, explaining an advantage to the Jacobite clergy, but some great men of the Church, some of her nice men delicate to sickness, and some good men had scruples, they communicated these thoughts to the poor people, and they were caught; then it became a popular thing to find fault with the taking of the oaths, at least the abjuration oath, and the itch of popularity engaged not a few more..."

The chief cause of dispute arose from some words in the abjuration oath, which offended some good men. There were by the goodness of the last Parliament and the King's favour changed, and everybody that wished well to our Church concluded that if men continued to scruple on, the former scruples must be understood to have been only covers to a real disaffection..."