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ANNALS OF THE GENERAL ASSEMBL
THE CHURCH OF SCOTLAND : FROM
OF THE RELIEF IN 1752 TO THE

A N N A L S

OF THE

G E N E R A L A S S E M B L Y

OF THE

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C H U R C H O F S C O T L A N D,

FROM THE

ORIGIN OF THE RELIEF IN 1752,

TO THE

REJECTION OF THE OVERTURE ON SCHISM IN 1766 :

WITH AN APPENDIX

OF

**BIOGRAPHICAL SKETCHES, ILLUSTRATIVE DOCUMENTS,
AND NOTES.**

EDINBURGH :
JOHN JOHNSTONE, HUNTER SQUARE.

M D C C C X L .

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PREFACE.

THE present volume of the ANNALS embraces, like the former, a period of fourteen years; viz., from the year 1752, the date of Mr Gillespie's deposition, to the year 1766, when another conflict ensued between the two parties into which the Church was divided, regarding an overture prepared by a Committee of the previous Assembly anent the causes of the "*schism*" which had been produced by the Secession and Relief—a schism which was described as "so very remarkable, and which seemed to be *on the growing hand*."

That Committee had reported, that "the abuse of Patronage had been one chief occasion of the progress of Secession," and they overtured "that the Assembly would be pleased to consider what methods might be employed to remedy so great an evil;" and submitted, "whether it might not be expedient for this purpose to appoint a committee to correspond with presbyteries and gentlemen of property and influence, and to report."

This overture, after a long and stormy discussion, was rejected, but only by a majority of 99 to 85; and the fact of such a proposal having emanated from a Committee of one Assembly, and been lost by so small a majority of the next, shows, in connection with other circumstances, that a certain temporary reaction had taken place in favour of what were called *popular* principles, and seems, therefore, to mark out the year with which the volume closes, as another remarkable epoch in the Church's history.

It is true, that in giving effect to the law of Patronage, the practice of the Assembly continued to be in accordance with the precedent set in the memorable case of Inverkeithing, in 1752. Disputed settlements, though less frequent

than in the former period, occurred from year to year. Sometimes the differences were adjusted by an amicable arrangement among the parties. Thus, in the vacancy at Biggar, Mr Haig, the unpopular presentee, agreed, after a tedious litigation, to exchange situations with Mr Johnston, chaplain of Edinburgh Castle, who was known to be acceptable to the parishioners. In the case of Jedburgh, the person first presented was Mr John Bonar, then minister of Cockpen, and afterwards at Perth, the grandson of Bonar of Torphichen, one of the "twelve Marrow-men;" but the people of Jedburgh being determined to "stand or fall together" in favour of Boston of Oxnam, a son of Boston of Etterick, Mr Bonar declined "to face so numerous an opposition." The Assembly found "that both the presentation and concurrence ought to be sustained, but that it was inexpedient to prosecute the same," reserving, however, to the crown as patron, the right to present anew any qualified person within six months, in terms of a requisition made by the Lord Advocate to that effect.* A similar compromise was entered into the following year, in the case of Abbotshall.† But, on the other hand, in every case upon record in which the patron or presentee urged the matter to a decision, the Assembly uniformly determined it in their favour.

Yet while the disposal of individual cases proceeded according to one invariable rule, there arose, as we have seen, towards the close of this period, a fresh movement towards some modification of the law of Patronage; and it seems to have been encouraged by not a few of those who had heretofore been reckoned abettors of moderate principles. The principal cause of this is doubtless to be sought for in the alarm occasioned in the minds of many, by the rapid and extensive progress of dissent, or rather separation. The Seceders had split into two bodies—Burghers‡ and Anti-

* See p. 84.

† See p. 134.

‡ The former held the lawfulness of the *Burgess Oath*, the latter denied it. The subdivision of these two bodies into four, occasioned by a difference of opinion as to the power of the civil magistrate in religious matters, took place at a subsequent period. They then branched out into the Old Light Burghers, the Old Light Antiburghers (both adhering to the *ancient principle*); the New Light Burghers, and the New Light Antiburghers, between whom, however, a union has since been effected.

burghers; but this division, if it was for a time a source of internal weakness to themselves, proved ultimately more injurious to the National Church than their continuance in one body would have been, inasmuch as every new congregation, however small, formed the *nucleus* of a new "interest," which could only be maintained by enlisting supporters from the ranks of the Establishment. In the year 1761, moreover, another denomination was originated under the name of "The Relief"—for the *relief* of Christians oppressed in their Christian privileges." It was composed of the adherents of Messrs Gillespie, Boston, &c., and was joined by Mr Baine of Paisley, Mr Cruden of Logie-Pert, and other ministers, who resigned their livings in the Church, solely on the ground of the rigorous application of the law of patronage. These were circumstances which naturally excited attention and concern among men of all parties; and accordingly, we find that the main ground upon which the overture anent schism was made to rest, was the admitted fact, that by the year 1765, there were in Scotland no fewer than 120 meeting-houses, attended by more than 100,000 individuals. †

But besides the apprehensions created by the increase of separation, "as having so threatening an aspect to the Church, the interests of religion, and the peace of the coun-

with the exception of a few of the last mentioned body, who after forming for some years a *fifth* section, ultimately connected themselves with the Old Light Antiburghers. A portion of the Old Light Burghers has lately rejoined the Established Church.

* The more immediate cause of the formation of the Relief Presbytery, was the transportation of Dr Chalmers from Elie to Kilconquhar, as described in the present volume (p. 201), where the reader will find the speech of Witherspoon. In consequence of this violent settlement, Messrs Gillespie and Boston met at Colinsburgh, a village in the parish of Kilconquhar, in October 1761; and after admitting a Mr Collyer (who had been a Dissenting minister at Ravenstone, in Northumberland), as pastor of a congregation there, proceeded to form, along with him, "the Presbytery of Relief."

† *Adam Gib*, the leader of the *Antiburghers*, maintained that the latter number was greatly overrated; but there was no dispute as to the number of meeting-houses. The population of Scotland in 1755, according to the census of Dr Webster, was 1,255,380.

try"—there was a charge brought against the dominant party, which seems to have had considerable effect in diminishing for a time their influence, or at least, in reviving more powerfully and extensively the dormant opposition of their antagonists. Their leaders were accused of "eliding processes against scandalous ministers," and of systematically combining to screen from censure all clerical delinquents. The author of "*Letters concerning the Church of Scotland*," which appeared in 1767, asserts it as a well-known fact, that "comparatively little dissatisfaction was expressed with him who took the lead in ecclesiastical affairs (Principal Robertson), till he and his friends gave their countenance and aid to clergymen whose lives were notoriously scandalous;* and that this, coupled with the arbitrary execution of the patron's right, had stirred up a body of ministers and lay-elders to attempt a change of measures, from a real concern for the interests of religion."

In the year 1765, an additional impulse was given to the movement within the Church in favour of popular rights, by the accession to office of the Rockingham administration,

* As a faithful chronicler, I simply record the accusation, leaving it to the reader to form his own judgment of its truth, from the materials collected in the present volume. The character of a party is not to be estimated by the opinions either of friends or foes. In a recent number of the *Foreign Quarterly Review*, an anonymous critic, after extolling the "Characteristics" of Witherspoon as "one of the finest pieces of Christian satire that ever was written," goes on to say, "It were an interesting problem to inquire how far the *Moderation* of the Church of Scotland, whose palmy days are now gone, was not a source of concealed rationalism, only prevented from breaking out into manifestation by the natural conservatism of the British character, and the salutary terror of the French Revolution."—(*Foreign Quarterly Review*, July 1838, p. 254, note.) A candid moderate man of the present day will admit that there is some shadow of truth in this representation; a candid popular man will acknowledge that it is truth greatly exaggerated. There may have been much heterodoxy avowed, and more concealed; but that any form of infidelity ever prevailed extensively among the clergy of Scotland, is an assertion more easily made than substantiated. The policy pursued by one party may be suspected of a tendency to latitudinarianism and indifference, and that of the other party, of a tendency to enthusiasm and intolerance; yet it does not thence follow, that the one is composed of sceptics and the other of fanatics.

—“The Friends of the People.” In the disposal of crown patronage, the Duke of Grafton (who succeeded the Earl of Halifax as Secretary for the Northern Department) professed to consult the wishes of the parishioners; and there can be no doubt that this circumstance exercised no small influence on the deliberations of Church Courts. Even the Synod of Lothian and Tweeddale, where *moderation* had always predominated, in addressing the king at their meeting in November 1765, on the death of the Duke of Cumberland, and the birth of Prince William Henry (afterwards King William IV.), introduced a clause, “expressing their sense of the happiness they enjoy under his Majesty’s mild and gentle exercise of the hard law of Patronage, exemplified in two late cases in the neighbourhood, viz., those of West Kirk and South Leith.” And the Presbytery of Edinburgh, at their meeting towards the end of the same month, “ordered a letter to be written to the Duke of Grafton, to return their hearty thanks to his Grace for his favourable attention to the applications that were made by the gentlemen of the landed interest, and others principally concerned, for the supply of the vacant charges in the two populous parishes of West Kirk and South Leith.” That Principal Robertson felt the policy of the new administration to be hostile to the views of his party, is evident from the complaint he made in the course of the debate on the overture on schism. “I see many gentlemen here, Moderator, who have always uniformly differed from me as to the expediency of public measures; these I regard and esteem as honest men, because they are consistent. But when I see men at one time promoting one set of measures, and at another espousing the opposite, *perhaps as one ministry or another prevails at Court*, I most heartily despise such dishonourable truckling.”

In contrast, however, with this charge of political subserviency, instances are not wanting, during the period embraced by this volume, of the Church venturing to assume, in her intercourse with the Government of the day, a bold and independent bearing, the very opposite of sycophantic obsequiousness. Thus, during the Seven Years’ war, when the country had sustained various reverses (before the reins of government were intrusted to the vigorous hand of the elder Pitt), the Commission of Assembly which met in November 1756, addressed the king “on the well-known

losses and disgraces suffered by the British nation—calamities which (said the address) do not seem to have been brought upon this land *by any signal efforts of the wisdom or courage of our enemies.*” Again, in the year 1760, when the Government, being afraid to put arms into the hands of the Jacobites, caused the *Scots Militia Bill* to be defeated, an extraordinary ferment was excited throughout Scotland, and the General Assembly made a pointed allusion to the circumstance in their address to the throne, complaining “that the inhabitants of this part of the island were unable to exert themselves, in repelling the king’s enemies, with such vigour as their principles of religion and loyalty would naturally have inspired.” Both this and the other address were excluded from the columns of the *London Gazette*, which was no doubt intended as an intimation that they had *not* been received “very graciously.” *

If the Appendix to the present volume is less bulky than that of the one which preceded it, it is because it was deemed advisable to incorporate various documents into the body of the work, where they will be found in their appropriate places, as indicated in the annexed table of contents.

N. M.

GREENOCK, *March* 1840.

* The tenor of the king’s letter and the Assembly’s answer, of the Commissioner’s speech and the Moderator’s reply, &c., is so uniform, that they have generally been omitted, along with other matters of routine. But in the account of the Assembly 1761 (the first held after the accession of George III.), all these documents are given at length. The closing addresses of the Moderators will be found in the Appendix.

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* Dr Oswald resigned his charge in 1783, and died at Scotstown, August 2, 1793.

ANNALS

OF THE

GENERAL ASSEMBLY.

1753.

THE decision of the Assembly, 1752, in the case of *Inverkeithing*, gave rise to much excitement and discussion throughout the Church, as is evident from the opposing overtures, in reference to it, that were transmitted to next Assembly. The large and important Synods of Glasgow and Ayr, in the west, and of Lothian and Tweeddale, in the east, were, upon this question, (as upon many similar points of Church polity,) found ranged on different sides.

The *Synod of Glasgow and Ayr* met at Glasgow, April 10, (1753.) Next day, after long reasoning, they agreed to transmit the following overtures to the ensuing General Assembly. 1. "That the authority of the Church shall not be interposed to oblige ministers, under pain of deposition, to have an active hand in carrying into execution, such settlements as they shall declare, by their votes or otherwise, appear to them to be contrary to the Word of God, the present standing rules of this Church, and her constantly avowed principles, particularly contained in the Act of Assembly, 1638, sess. 23 and 24, art. 20, and in the representation made by the Commission of the Assembly, 1711, approven, and *verbatim* inserted in the Records of the Assembly, 1712, act 18, and in act 14, Ass. 1736, at least, until these laws be repealed in a regular manner, with the consent of the majority of Presbyteries. 2. That no minister shall be deposed, without a libel first given him, making special condescension on the rules transgressed by the facts

libelled ; and these such rules, the transgression of which is already declared to infer deposition ; and that in case of such a libel, the accused have sufficient time allowed them, ten free days at least, to make their defences, except in cases referred to in the form of process. 3. That the Assembly would be pleased to take off the censures from Mr Gillespie, and the other brethren of the Presbytery of Dunfermline, upon a proper application from themselves, and in a manner that may be consistent with the authority and honour of the Church ; hoping this may contribute much to the maintaining the peace of the Church. 4. That the 7th Act of the last Assembly * be declared null and void, being made contrary to the fundamental rules of our constitution, and opening a door for more acts of the same kind ; and that the Assembly may endeavour to fall upon some other expedient to procure returns from Presbyteries, to the overtures transmitted to them.”—The two first overtures the Synod proposed should be transmitted by the Assembly to the several Presbyteries, for their opinion of them. †

On the 12th, the following paper was given in to the Synod, viz.,—“ Whereas several irregular and disorderly practices have prevailed in this Church, since the meeting of the last General Assembly, occasioned, as 'tis apprehended, by the decisions of that court on the settlement of Inverkeithing ; which practices, if not duly checked, may prove hurtful to the order and peace of the Church.—May it therefore please the Synod to resolve,—1. That whatever difference of opinion shall arise concerning the fitness and

* It related to overtures sent down to Presbyteries. See the former volume, p. 281.

† This Synod, at their meeting in October of this year, transmitted the following overture to the then ensuing Assembly :—

“ As from some late decisions of the General Assembly, and the open reasonings of many in that court, there is ground to suspect, that it is the supposition of not a few members of this Church, that ministers, by their general promise of submission to judicatures at their ordination, are bound to give active obedience to every sentence of the annual Assemblies in their judicative capacity ; the Synod humbly propose, that the Assembly should transmit to Presbyteries, an overture upon this subject, that the sense of the Church may be had, as to the meaning and extent of these our engagements.” *Witherspoon's* satire on the Moderate party, entitled “ *Ecclesiastical Characteristics*,” had appeared at Glasgow the previous month.

expediency of any decisions of Assembly, with relation to private causes, or processes which come regularly under their deliberation, that ministers entering themselves into *associations, and holding public conventions*, in order to state or strengthen an opposition to such decisions, is not a regular or becoming method for redressing any inconveniences which may be fancied to arise from them; but such measures have a tendency to alarm and infuse unwarrantable jealousies into the minds of the people,—to promote a spirit of faction amongst ministers,—and to weaken the respect which is due to the authority of the supreme judicature. 2. That ministers introducing into the *public prayers and religious service* of God's people, matters of doubtful disputation, particularly which relate to such determinations of Assembly as are above mentioned, is a manifest prostitution of divine worship, and ought to be carefully avoided by the ministers of this Church. 3. That as diversity of opinions in all matters of that nature, ought ever to be accompanied with a Christian temper and brotherly affection, ministers, who, either in their public discourses, or by their writings or private conversation, shall at any time so conduct themselves, as may have a tendency to weaken the influence, or detract from the credit of their brethren who differ from them, are highly blame-worthy on that account, and act a part very unbecoming the ministers of Christ. 4. *That all artifices and endeavours to model General Assemblies*, in a subserviency to any private views or purposes, which may be intended to be promoted by them, are manifest encroachments upon the freedom of elections to Assembly, and ought to be discouraged by all who have a just regard for the welfare and peace of the Church."

Very warm debates ensued on these overtures, which issued in substituting, in place of the resolutions proposed, the following recommendation:—"The Synod considering that some differences of sentiments amongst the ministers of this Synod, has appeared of late, arising from some proceedings of the last Assembly, concerning the propriety or expediency of some measures for maintaining and preserving the authority and peace of this Church, which has made some noise, and yet may produce some unhappy disputes. earnestly recommend to all their brethren, that in this matter they carefully maintain a spirit of meekness, and of tender mutual forbearance, judging charitably of one another;

that they follow the light and direction of their consciences, after the best information they can receive; and that in their conduct, writings, or sacred ministrations, they carefully abstain from reproaching one another, and taking any measures which have an evident tendency to lessen the regard which is justly due to the authority of this Church, to hurt the character of their brethren, or to mar and obstruct the success of the Gospel in their hands."

On the other hand, the Synod of *Lothian and Tweeddale* passed the following overture, May 10.—“Whereas the Synod of Glasgow and Ayr have sent up, by their correspondent, to this Synod, certain overtures or instructions to the next General Assembly, desiring the concurrence and approbation of the Synod of Lothian and Tweeddale; one of which is of such a nature, that it seems to limit and prescribe to the General Assembly, in matters of judgment; and others seem to reflect upon the conduct of the last Assembly; and, in our opinion, have a tendency to weaken the authority, and subvert the good order and government of this Church; and whereas we are certainly informed, that other Synods have also framed instructions and overtures of the same nature and tendency; therefore, the Synod do humbly represent to the Venerable Assembly, that, instead of giving any countenance to, they should take the most effectual methods to discourage all such overtures or instructions from inferior judicatures, as appear designed to prelimit the Assembly, and restrain their freedom in matters of judgment; and they humbly move, That, in the present circumstances, the Venerable Assembly should strictly attend to, and steadily pursue such measures, as to their wisdom shall appear necessary, for supporting the constitution, and maintaining the honour and authority of this Church.”

From this overture a dissent was entered by four members, for the following reasons:—

“*Reasons of Dissent from the judgment of the Synod of Lothian and Tweeddale, relating to the overture for supporting the authority of the Church.*”

[To the printed *Reasons* is prefixed an advertisement, bearing, That Mr Adams of Falkirk having entered the dissent, Messrs George Wishart, and Alexander Webster, of Edinburgh, and George Lindsay, of North Leith, adhered; but that the reasons had been

drawn up hastily, and could not, in the hurry of public business, have the advantage of being reviewed by Messrs Wishart and Webster, who, therefore, though joining in the *dissent*, could not yet be constructed concurring in the *reasons*.]

“ I. Because the narrative carries in it a condemnatory judgment of the resolutions of neighbouring Synods, which, were it just, we humbly conceive is extraordinary and unprecedented, and, indeed, quite contrary to the spirit of our constitution, which, as it requires correspondence betwixt neighbouring Synods, and, at the same time, admits of no pretence of jurisdiction, in one Synod over another; in all such cases as this before us, there seems to be no more competent to Synods, nor suitable to the mutual respect, and decency of behaviour, that ought to be observed betwixt coordinate courts, than, in the course of their correspondence, to impart to each other such subjects of their deliberations and resolutions as are of general concern; that so Synods to whom such communications are made, may take the same matters under their own deliberation, or not, as they see cause, without being obliged to give any reason of their resolutions in relation thereto.

“ II. Because this same judgment, condemnatory itself, were the thing competent and suitable, which, for the fore-mentioned reason, we humbly conceive it is not, appears to us, in the present case, to be without all foundation, as the grounds are laid in the overture. For,

“ 1. The application relating to Mr Gillespie, and our other brethren of the Presbytery of Dunfermline, pointed at, as tending to prelimit the judgment of the Assembly, is conceived in these terms:—‘ That the Assembly would be pleased to take off the censure from Mr Gillespie, and the other brethren of the Presbytery of Dunfermline, upon a proper application from themselves, and in a manner that may be consistent with the authority and honour of the Church;’ which, therefore, could not possibly be rejected, and a contrary course followed, upon any other supposition, but that, in the eye of the approvers of this overture, the crime is in its own nature unpardonable.

“ 2. It cannot be reckoned an unsuitable reflection upon the authority of any court which does not claim infallibility, to represent, that some of their decisions, respecting our public and common interests, appear, to a great body of the Church, to be of the most dangerous tendency, and, in the

manner of procedure, contrary to, and inconsistent with, our legal constitution, and established form of process, and, therefore, humbly to suggest to the consideration of the supreme court, what may seem necessary or useful, either in the way of explaining standing laws, so as their import may be better understood, or enacting new laws, if the General Assembly shall judge it proper.

“ 3. Representations from Synods and Presbyteries, in favour of the mild exercise of power, is, in our humble opinion, so far from tending to weaken the authority and government of the Church, as the overture insinuates, that, on the contrary, mild and gentle measures have the most evident tendency to strengthen our constitution, and procure respect to the decisions of the supreme court, not from ourselves only, but from the great body of the Church, whose edification is the very thing that gives Church authority all its weight and value.

“ III. Because the overtures from other Synods, condemned by this overture of the Synod of Lothian and Tweeddale, seem calculated to represent to the General Assembly, the necessity and fitness of showing some regard to the case of their brethren, who have not freedom to execute violent settlements, and to the peace and harmony of the Church in connection therewith, so far, at least, as not to deprive them of the privileges of our civil establishment, in a summary way, by mere arbitrary will, without a regular process, and a solemn trial, upon standing laws, concluding the pains inflicted, which we take to be the undoubted privilege of British subjects, in all cases which affect their freehold, and must be applied to the case in question, unless it shall be said, that our civil government is legal, and our ecclesiastical government arbitrary, which we are willing to hope is not the scheme of authority and government which the Rev. Synod of Lothian and Tweeddale would recommend to be strictly attended to, and steadily pursued by the Venerable Assembly. This view of the matter, we will at least be allowed to say, is not wholly to be overlooked, while supporting the authority of the last Assembly seems to be the sole point in view, in the overture from which we have found ourselves obliged to dissent. And though in this we differ from the sentiments of our Rev. fathers and brethren, who approved the overture, we have the pleasure to think, that we have most respectful countenance from the measures of

some of the wisest and best of our predecessors, whose public conduct in like cases we judge more worthy of praise and imitation, than of the censure which this overture casts upon it.

“ IV. Because overtures and representations, from Synods and Presbyteries, to the General Assembly, concerning the subjects and occasions of new laws, are so far from deserving a general check and discouragement, as the Synod of Lothian and Tweeddale’s overture proposes, that nothing can be more agreeable to the nature of our constitution, which requires the approbation of the majority of Presbyteries before any new law can be enacted. Nothing surely is more the privilege, or more the practice of the subjects of a free government, nor can any thing be more becoming the regard due to *lawful* authority, than to offer petitions and representations to the supreme courts of judicature, intrusted with our most valuable rights and privileges, when there appears great and necessary occasion for it. And we have the pleasure to observe, that these sentiments, so natural to the breasts of free subjects, must always prevail over particular prejudices; when, even the Rev. Synod, forgetting their own introduction,—‘ The Synod do humbly represent to the Venerable Assembly, that, instead of giving any countenance to, they should take the most effectual methods to discourage, all such overtures or instructions from inferior judicatures, as appear designed to prelimit the Assembly, and restrain their freedom in matters of judgment,’—do with the same breath humbly move,—‘ That, in the present circumstances, the Venerable Assembly should strictly attend to, and steadily pursue, such measures as to their wisdom shall appear necessary, for supporting the constitution, and maintaining the honour and authority of this Church.’

“ V. *Lastly*, Because the aim and tendency of the overture, to excite the ensuing General Assembly, in the present circumstances, to attend to and steadily pursue the authority-measure set on foot by the last Assembly, seems to carry an approbation even of the terms in which this sentence against Mr Gillespie was pronounced, deposing him *in the name of the Lord Jesus Christ*, upon a ground which could infer no more, even in the sense of the deposers themselves, than an incapacity to enjoy the privileges of the legal establishment. For who will take upon him to say, that an honest scruple to obey a particular order of a General As-

sembly of the Church of Scotland, is absolutely incompatible with the general character of a minister of the Gospel of Christ? Have we not a plain testimony to this in the form of the sentence itself? which concludes with a prohibition to exercise the ministerial office *within this Church*, which certainly he must retain, if he can exercise it any where. Nay, further, a motion to the General Assembly, *in the present circumstances*, that is, after a sentence of deposition has been passed, to attend to, and *steadily* pursue the measures calculated to support the authority of the Church, manifestly points at driving on in the road of discipline, even to excommunication itself; as if an honest scruple to have an active hand in executing a particular appointment of our General Assembly, was sufficient ground, not only of exclusion from the privileges of our legal establishment, but even from the privileges to which Christians are entitled by the authority of our Lord Jesus Christ himself, the sole head and lawgiver of his Church. This, we confess, carries so shocking an appearance, and opens such a view of the high authority-measures now in vogue, that we could not have taken upon us so much as to hint at a consequence so horrible, if the thing had not been fairly spoken out in the overture first above referred to,* conclud-

* An overture transmitted to the Synod by a majority of one, bearing, *inter alia*, in the narrative, "That the Assembly, 1733, declared, that a Presbytery refusing to execute the orders of Assembly, deserve the highest censures of the Church," which was appointed to be taken under consideration in the afternoon. Before the Synod proceeded on it, the dissenters entered a protest, viz.: 'It is not, in our apprehension, so agreeable as could be wished to the manner in which all our matters ought to be transacted, to introduce an overture of such great importance, and universal concern, upon a day which is almost constantly the last of the Synod, and after many members have gone away, without knowing that such an overture was to come under the Synod's consideration; and, therefore, we protest, that whatever judgment shall be given in this affair, cannot be considered as a proper evidence of the sentiments of the majority of the members of which this numerous Synod consists.' While the Synod were considering this overture, the one dissented from was offered, and carried, *Approve, 37, Not, 8*, (including the 4 dissenters,) and 3 declined to vote. There were 48 members present.

Another overture was transmitted by this Synod to the Assembly, proposing a rule for planting churches, when the right devolves upon the Presbytery, in substance thus:—That upon

ing the *highest* censures of the Church, against a Presbytery, refusing to execute the orders of Assembly."

ASSEMBLY, 1753.

THE General Assembly met on Thursday the 24th May. After sermon by Dr Cuming, the last Moderator, from Proverbs xvi. 32, Mr William Leechman, Professor of Divinity at Glasgow, and Mr Alexander Webster, one of the ministers of Edinburgh, were put on the leet for Moderator, when the latter was chosen. The Earl of Leven was his Majesty's Commissioner. *

The first business was *the election of an agent and sub-*

an application by two or more electors, or, if there is no application, so soon as is convenient, the Presbytery shall cause intimation be made from the pulpit of the vacant church, ten free days before the meeting, that a call is to be moderated, and shall appoint one or more of their number, who, after sermon, shall meet with the heritors and elders of the vacant parish, in presence of the congregation, upon a day fixed and duly intimated, and moderate in a call to one to be minister of the parish, to be elected by the heritors and elders in a conjunct body; that the person elected shall be proposed to the congregation then assembled, for their assent; that if the congregation refuse their assent, they shall offer their reasons to the Presbytery at their first ordinary meeting, who shall judge of, and sustain or reject them, as they see cause: That when a vacancy happens in a royal borough, the minister shall be called by the magistrates and town-council, and minister or ministers and elders of the kirk-session or sessions, in a joint-meeting, where no part of the parish is to landward; and by the magistrates and town-council, landward heritors, and minister or ministers and elders, where part of the parish is to landward; excepting boroughs which have the right of presentation vested in, and methods of election peculiar to, themselves: That all heritors, being Protestants, shall be admitted, by themselves or proxies, and also all the elders ordained before the vacancy, to vote at the election of a minister; excepting heritors disqualified by the Act of Assembly, 1748,—those who give separate proxies for different candidates,—singular successors who were not heritors before the vacancy,—and those whose yearly valued rent is under £30 Scots; all which heritors are to be disqualified to vote: And that in case of any difference among the electors at the election, the committee do put in writing what shall be alleged on both sides, and lay it before the Presbytery for their decision.

* On Thursday the 31st, the Assembly adjourned without doing any business, on account of the Commissioner's indisposition.

clerk, in the room of Mr Robert Mackintosh, who died on the 4th January 1753. Of this matter, we had occasion to give an ample account in the former volume (p. 332), which it is unnecessary to repeat. From the judgment then delivered, Professor Cuming and others dissented, for the following reasons :—

“ *Reasons of Dissent, entered by the Reverend Professor Cuming, and other members of the General Assembly, whose names are hereunto annexed, against the judgment of the General Assembly, on Saturday the 26th May 1753, refusing to delay till Tuesday the 29th, the consideration of the Report of the Committee appointed on Thursday the 24th, being the first diet of the Assembly, to consider the state of the offices of agent for the Church, and sub-clerk to the General Assembly, and clerk to his Majesty's royal bounty; and approving of a proposal by John Baillie, writer to the Signet, of having James Edmonston, writer in Edinburgh, joined with him in these offices.*

“ It was with the greatest concern that we thought ourselves obliged to dissent, on Saturday last, from the above mentioned proceedings of the Venerable Assembly; and that for the following among other reasons :—

“ 1. Because, in our humble opinion, it was altogether irregular, and contrary to the established consuetudinary forms of the General Assembly of this Church, to receive a motion of such importance, made in so abrupt and harsh a manner, on the first day of their meeting, when a great many members were not come to town, and when a great many of those who had been in the Assembly were gone out of the house, on a belief that no such motion would, or ought to have been made.

“ 2. Because it is now apparent, that the intendment of that motion was not calculated with a view to inquire into the validity of Mr Baillie's right to all the offices above mentioned, but was solely designed to afford an opportunity of hanging out terrors before Mr Baillie, in order to persuade him, that he had either no legal title to his offices, or that he was in danger of being turned out, by being unable to discharge the duty of them. By which unjustifiable attack upon Mr Baillie, he was induced to give in a letter to the committee, proposing to sign a demission in favour of

Mr Edmonston ; which was prescribing rules to the Assembly, and limiting them to the choice only of one person. Whereas it is well known, that if Mr Baillie's offices, or any of them, had been truly vacant, the Assembly might have had their choice of several gentlemen of knowledge and experience in business ; some of whom were better entitled to the favour of this Church, than the gentleman proposed by Mr Baillie.

“ 3. Because, in our apprehension, Mr Baillie's letter does not deliver the true sentiments of his heart, but speaks out the language of force and fear ; as it consists with the knowledge of several of us, and with the belief of us all, that Mr Baillie was determined, and had engaged himself, not to give in any demission, but to serve and officiate in his offices, by himself, and by such helps as he would procure with the Assembly's approbation, whereby several gentlemen were prevented from offering themselves in due time as candidates.

“ 4. Because we think it derogates from the honour, and is highly detrimental to the privileges of this Church, to allow their officers, whenever they think proper, to give in demissions of their offices, so as to make way for a new election of themselves, in conjunction with another, and with a survivancy to the longest liver ; for by this means, the officer himself has, in a great measure, the nomination of his successor, by studying a proper opportunity when to give in such demission ; and has it in his power, at all times, to prevent the election of any other. Whereas, in our humble opinion, unless there be a clear vacancy, by death, disqualification, or absolute demission, no Assembly has it in their power to preclude any future Assembly of their just right, in filling up such offices as may be vacant for the time.

“ 5. Because, as the motion on Thursday was altogether irregular and unprecedented, so the proceeding upon Saturday, to consider the report of the committee, and to determine finally in so important an affair as the choice of an agent and clerk to this Church, without agreeing to the motion which was made for a delay till Tuesday, when the Assembly would be full, and the members would have an opportunity to deliberate upon so material a concern of the Church, was an infringement of all rule, cannot be justified by any precedent, and is directly contrary to the proceedings

which were observed at Mr Baillie's own election, which was first moved on the Saturday, and determined on the Tuesday thereafter ; it being well known to all, and hitherto doubted of by none, that no affair of any great consequence is transacted on the first three days of the Assembly, upon the faith of which a great many members do not come to town, or do not attend upon these days, which is well known to have been the case on Saturday last. And we are afraid it may be said with too much justice, that the early attendance of a great many members who voted for proceeding on Saturday, has been calculated to prevent a full Assembly from judging in an important affair which concerns the whole Church.

“ 6. Because a motion was made on Saturday, That, as the office of principal clerk was discharged by one clergyman, so the office of depute-clerk might be performed by another ; and that several ministers in and about the town of Edinburgh were well qualified for such an office ; and although such a motion deserved the serious attention of the Assembly, and was urged as a strong motive for the delay till Tuesday, yet it was not listened to, it was not duly advised ; but the election was precipitated in the irregular manner above mentioned.

“ 7. Because we cannot approve of the cruel attempt that was made to turn out Mr Baillie, an old man, on pretence of his want of ability, before the Assembly had taken the least trial of him ; and must disapprove of their electing a very young man, before they had the least experience of his capacity.

“ 8. Because it appears to us extremely inconsistent, that the majority of this Assembly, who urged on Thursday last Mr Baillie's age and inability, as the chief reason for appointing the committee, should unite on Saturday to elect Mr Baillie and Mr Edmonston conjunct in these offices during their joint lives, and the right to the whole to be in the survivor ; so that if Mr Baillie shall hereafter be the survivor, when his age and inability will be increased, he will nevertheless become the sole agent and depute-clerk of this Church.

PATRICK CUMING, at Edinburgh.
 JOHN SQUYRE, at Forress.
 ALEX. ORR, at Hoddam.

JA. OGILVIE, at Aberdeen.
 DUNCAN MACFARLAN, at Drymen.
 ALEXANDER MURRAY, at Birnie.
 PAT. GORDON, at Bellie.
 JOHN GRANT, at Urquhart.
 HENRY MILLAR, at Neilston.
 ROBERT GARDEN, at St. Fergus.
 WILLIAM GRANT, at Kilmanivaig.
 ALEX. CRUICKSHANK, at Mearns.
 ADAM FERGUSON, at Moulin.
 JOHN LUMSDEN, at Strathdon.
 JOHN LUNDIE, at Oldhamstocks.
 PATRICK WODROW, at Tarbolton.
 AND. RICHARDSON, at Inverkeithing.
 AD. DICKSON, at Dunse.
 DUG. ALLAN, at Innerchaolan.
 ARCH. MACNEIL, at Kilchalmanel.
 HUGH CAMPBELL, at Craigneish.
 JOHN FLEMING, at Kilmacolm.
 ALEX. STEWART, at Blair, Athol.
 GEO. SHEPHERD, at Tarland.
 GEORGE CAMPBELL, at Banchoryternan.*
 PAT. GRANT, at Duthil.
 JA. LAUDER, at Dun.
 ROBERT THOMSON, at Killean.
 JAMES WEEMYSS, at Errol.
 ÆNEAS SHAW, at Pettie.
 THO. HEPBURN, at Birsay.
 RO. HALL, at Kilmarnock.
 Co. CAMPBELL, Commissioner of the Customs.
 Jo. WILSON, Merchant in Edinburgh.
 RO. DALRYMPLE, Writer to the Signet.
 THO. BOYES, Writer in Edinburgh.
 ALEX. MARTIN, of Little-Airies, M. D., Edinburgh."

The Moderator (Mr Webster), and other members, were appointed a committee, to draw up answers to these reasons; both papers to lie *in retentis*. The following is a copy of the "Answers," with the exception of the introductory and concluding paragraphs, which will be found in the former volume at p. 322:—

* Afterwards Principal of Marischal College, Aberdeen.

“ *Answers to the Reasons of Dissent entered by Professor Cuming and others, against the judgment of the late General Assembly, respecting the election of Messrs Baillie and Edmonston to be conjunct agents and sub-clerks to the Church. Drawn up by a committee of that Assembly appointed for that effect.* ”

“ It is well known to every member of the Church judicatures, that upon the death of Nicol Spence, agent for the Church, and sub-clerk to the General Assemblies and Commissions thereof, Robert Macintosh, who had been joined with him in these offices, with the survivancy, claimed the sole right to them ; but that on account of certain informalties in the act in favour of Mr Macintosh, particularly Mr Spence’s not having resigned before Mr Macintosh was elected, the Assembly 1743 was of opinion, that the one-half of the offices enjoyed by Mr Spence were vacant by his death ; and thereupon the Assembly, in consequence of Mr Macintosh’s resignation of the other half, came to the resolution of electing him, and John Baillie, writer to the Signet, conjunct in these offices, and the right of the whole to be in the survivor solely. Which accordingly was done, and the whole form thereof directed by judges of the greatest ability in the law of Scotland ; the Right Honourable Robert Dundas of Arniston, Lord President of the Court of Session, the Lord Drummorie, Mr Robert Craigie of Gledoick, advocate, &c., as a committee.

“ It is also notour, that after Mr Baillie and Mr Macintosh had held these offices for several years, Mr Macintosh died on the 4th January 1753, whereby the whole devolved upon Mr Baillie. And it is known to numbers, that as Mr Baillie found the pressure of old age and infirmities would make it impracticable for him to discharge such a trust by himself alone, he signified his resolution, humbly to apply to the General Assembly then approaching, to allow him an assistant with the survivancy,—a thing common and ordinary to be granted to ministers, professors in universities, and gentlemen in other stations of life, when, by old age or infirmities, they are rendered unfit to do the duties of their respective offices, and which therefore he had ground to believe would not be thought unreasonable to be granted to him, their faithful servant.

“ This being made known, several gentlemen applied to

Mr Baillie, signifying their willingness to assist him on the above plan. But as the success of the thing depended on the General Assembly's approbation of the person who was to be his assistant and successor, he left it to the gentlemen who had applied to him, who were all very deserving, to make their several applications to the Assembly.

“Upon this it is notour, that applications were made by several candidates, not only to the ministers and others about Edinburgh, but to such as lived in the most remote parts of Scotland, informing of their designs, and soliciting friendship. And though what concerned the clerkship was not the matter of greatest importance which came before the Assembly, yet as it was a matter of very considerable moment to the Church, and which, from the nature of it, fell to be taken under consideration at the very beginning of the Assembly, there was an uncommon number of members come to town before the Assembly sat down, on purpose to be present at the settling that affair, which, by reason of the broken state of Mr Baillie's health and voice, had now become a necessary preliminary to entering on business, so that the very first sederunt consisted of above 170 members.

“The mind of the members who came to town being soon known, and a vast plurality found to be for Mr James Edmonston, a scheme was thereupon thought of to disappoint that gentleman, which was, that as Mr Baillie's age and infirmities rendered him credulous and timorous, some person should be got of his acquaintance, to make him believe that Mr Edmonston intended to take undue advantages of him ; though, at the same time, a great body of those who were for Mr Edmonston, were Mr Baillie's sincere and best friends, to whom he owed, in a great measure, his attaining to his office at first, and joined with Mr Edmonston chiefly from the assurances given by him, of going into any reasonable terms in favour of Mr Baillie. However, these *rotten-hearted advisers* of Mr Baillie frightened him to that degree, that he scrupled to go on with the above plan, though proposed by himself, and with which he had hitherto expressed the highest satisfaction.

“But a motion having been made at the first meeting of Assembly, and agreed to, for a committee to inquire into the state of the offices of agent and sub-clerk, Mr Baillie's real friends took occasion to explain to him the imposition put upon him, so that he soon became sensible, that the

advice which he had got, not to resign, was extremely hurtful to himself and his family.

“The committee accordingly met; and though it was composed of a good number of members, whose inclinations were known to be much divided concerning the candidates, and particularly the Rev. *Professor Cuming*, the Procurator, and some others of the dissenters, were members of the committee, and attended it; yet the committee agreed unanimously to report it as their opinion, that Mr Baillie, in virtue of the act of Assembly 1743, had the right of survivancy; but that if he would signify to the Assembly his desire to have a person joined with him in office, it would bring matters to a happy issue for the service of the Church. Whereupon Mr Alexander Boswel produced a letter from Mr Baillie, directed to him, desiring the same to be communicated to the committee, and by them reported to the Assembly; the tenor whereof follows:—*Edinburgh, 24th May 1753.* Sir,—As you are a member of the committee appointed to inquire into the state of my affair, I have taken the liberty to trouble you with this letter, to be communicated to them. I am exceedingly sensible of the tenderness and affection expressed by the Venerable Assembly towards me this day, and, at the same time, sensible of the weight of years coming upon me; and therefore, to prevent any further debate upon these matters, I do humbly propose, that James Edmonston be joined with me in the offices I now enjoy, being fully satisfied, that he is ready and willing to do all justice to me and my family in my old age. And if this is approved of by the Venerable Committee and Assembly, I shall execute the resignation proper for carrying it into execution.—I do not doubt that you and the rest of the committee will be of opinion, that the office is mine for life; and I likewise hope, that you will make this, my proposal, a part of your report, which will bring matters to an issue, not only beneficial to my private interest, but tending, I hope, likewise to the peace and quiet of the Assembly. I am, Sir, your most obedient servant,

(Signed) ‘JAMES BAILLIE.’

“The committee having considered this letter, unanimously agreed to transfer the same to the Assembly, with this opinion, ‘That one should be chosen conjunct with Mr Baillie upon the plan of his letter, leaving the nomination of the person to be joined with him to the General Assem-

bly.' Which report of the committee being transmitted to the General Assembly, was taken under consideration on Saturday, when there was a very full house; and it being observed, that, according to the terms of Mr Baillie's letter, he was not obliged to resign, unless the Assembly would accept of the proposal of Mr Edmonston to be joined with him, Mr Baillie declared, as appears from the record, that as two candidates had been mentioned, viz., the foresaid Mr Edmonston, and Mr William Alston, writer to the Signet, he was willing, whichever of them the Assembly should think fit to join with him, to execute the proper resignation for making their election effectual. Which proposal the Assembly accepted of; whereupon Mr Baillie resigned all his offices into their hands; and the Assembly of new granted these offices to him and Mr Edmonston, with a right of survivancy to the longest liver; the same forms and words being followed, in what was here done, as had been used when Mr Baillie was admitted, upon the resignation of Mr Macintosh. And these proceedings were not carried on by what is called a narrow majority; for there were no fewer than 109 members who concurred in them against 64.

“ This being the case, it will surprise those who are not acquainted with the true spirit of dissenting, and the poetical licenses taken on such occasions, that the *Rev. Professor* and his adherents should have given in such reasons of dissent; and, particularly, they will be surprised when informed, that very near the same number were in the house, on the first day of their meeting, when the committee was appointed to consider the state of the clerkship, as at the election of the moderator, to find the reverend dissenters affirming, as in the FIRST reason of their protest, that the motion for that committee was *received* (by which they must mean *considered and judged of*, or they say nothing to the purpose), when a great many of those who had been in the house had gone out, on a belief that no such motion would, or ought to have been made.

“ They will also think it a little odd, that so many ministers of character, and acknowledged veracity, have not scrupled to represent, in their SECOND reason of dissent, Mr Baillie's design of having one joined with him in his offices with the survivancy, as such a dead secret, that the Assembly was thereby deprived of their choice of several gentlemen of knowledge and experience in business, who would

have offered their service on such occasion; when it is not, as before mentioned, that the fact was well known over the whole country some months before the meeting of the Assembly, and no fewer than ten candidates entered the lists. Nor is what they have further insinuated in the same reason of dissent less strange, viz., that the Assembly were limited by Mr Baillie's letter to one person only, though their record expressly bears, that he resigned in favour of Mr Alston as well as Mr Edmonston; that is, in other words, gave in an unlimited resignation, as these two were the only candidates then on the field, all the others having dropped their pretensions.

“ Their THIRD reason is indeed surprising; for now they have attained the knowledge of the heart, and tell us that Mr Baillie's letter, inserted above, though written with that plainness and freedom for which he is remarkable, and containing nothing but a few undoubted facts, does not deliver the true sentiments of his heart, but speaks out the language of force and fear. And as to what follows, where they say he had engaged himself not to give in any demission, &c., &c., they have unwarily betrayed their own secret; and nothing is wanting to unfold the whole mystery, but the name of the Rev. GENTLEMAN who asked such a promise of him, and THE ARGUMENTS used on that occasion.

“ Their FOURTH reason sets forth, how much it derogates from the honour, and how highly detrimental it is to the interests, of the Church, to allow any of their servants an assistant and successor; which is illustrated by an induction of imaginary absurdities, that strike equally against what is daily practised, and allowed by all to be highly reasonable, with respect to superannuated ministers, or gentlemen in other offices.

“ The FIFTH reason contains a history-piece of the non-attendance of members in former Assemblies, during the first three days of their meeting,—but prudently forgets to add, that the very reverse happened in the present case; and that few meetings of any Assembly can be pointed out where the members were better convened.

“ The SIXTH reason complains for not granting a delay, in consequence of a motion, which, say the dissenters, deserved the serious attention of the house, to give the sub-clerkship to a clergyman. The Assembly are obliged to

the dissenters for reviving the memory of this fact; as it is well known, that this motion was principally insisted on by some of Mr Edmonston's friends, and the question actually stated at their desire, 'Accept, or not, of Mr Baillie's resignation with respect to the agency, referring what relates to the clerkship till Tuesday?' when an honourable member (of whose friendship Mr Edmonston cannot boast) called out, with great warmth, 'No; *since he is to have one office, let him have both.*' Which, together with the speeches of some reverend members, knocked the motion on the head, and brought on the question with respect to both agency and clerkship.

"We heartily approve of the dissenters' sympathy with Mr Baillie, in their SEVENTH reason; but are entirely ignorant of the attempt to turn him out; and are sorry that so good judges should disapprove of the Assembly's electing so young a man as Mr Edmonston, and of whose abilities they had so little experience. Only, we must be allowed to ask, what trial had the Assembly of the abilities and experience of Mr David Dalrymple, their procurator, or of any clerk, (Mr Macintosh excepted, which was purely accidental,) when they were elected into their offices? Or would a delay till Tuesday, which seems to be the great burden of the dissent, have added so much to Mr Edmonston's age and experience, as to have made his election *then* proper or reasonable, which was so culpable three days before?

"They conclude with observing, EIGHTHLY, 'The extreme inconsistency of the Assembly, in electing Messrs Baillie and Edmonston conjunct in the offices during their joint lives, because of Mr Baillie's age and infirmity, and at the same time to vest the right of the whole in the survivor; so that, in case of Mr Edmonston's predeceasing, Mr Baillie will nevertheless become the sole agent and sub-clerk, when his age and inability will be increased.'—It must be allowed, that it required no small degree of acuteness to find out this inconsistency. But surely there is not one person in the least conversant in these matters, who does not know, that the survivancy in such cases is granted to secure the superannuated person, whether a minister or vested with any other office, against losing his stipend or salary, in case he should happen to be the survivor; and, in that event, the grand difficulty suggested by the dissenters

is removed, by joining another with him on the same plan. In short, stripping these eight reasons of dissent of their varnish and disguise, they resolve into the three following:—

“ 1. That in all cases it is detrimental to the interest of the Church, to condescend to give a faithful old servant an assistant and successor. Which we must be allowed to consider as not breathing forth true Christian love and charity,—and which, we are very sure, has unwarily fallen from the dissenters; the rather, that *the Rev. Professor*, and others of them, concurred in the unanimous opinion of the committee, That it was proper the Assembly should name an assistant to Mr Baillie; and that he and this assistant, and longest liver of them, should enjoy the offices.

“ 2. That it was doing a hardship to Mr Baillie, for whom the dissenters express a warm concern, and who, they say, was determined not to have resigned, but to have continued in the office alone, as is consistent with the knowledge of some of the dissenters.

“ 3. That Mr Baillie, as has been already hinted, from the failure of nature, and artful applications of persons who pretended friendship to him and his family, while they had nothing in view but to serve a particular candidate, who they found could have no chance at last Assembly, was so far imposed upon, as to make a demur about resigning, some know very well; and they also know what pains were taken to discover to him the imposition, and to baffle these sinistrous designs; which brought him to the resolution of giving the Assembly an opportunity of doing him the substantial piece of service which these dissenters, with professions of regard and tenderness for him, protest against.

“ As Mr Edmonston had not entered into any dark simoniacal paction, which could not bear the light, he did not scruple to declare, that he was willing to agree to the plan proposed by Mr Baillie and his friends,—a plan similar, *mutatis mutandis*, to what daily takes place with respect to ministers and their ordained assistants, or professors in universities who have others joined with them in their offices. It is also well known, that Mr Alston, the other candidate, had expressed his willingness to accept of the office on the same or like conditions. Such, then, were the open and declared terms which the Assembly were so cruel to Mr Baillie and his family as to countenance with their sanction, by accepting of his resignation,—and which the dis-

senters, out of pure pity to the good old man and his motherless children, opposed with such pious zeal and activity. Hard usage, indeed!—to allow an aged infirm man an assistant, who was to ease him of all the labour, and take none of his profits.”

The proceedings of this Assembly, in reference to *Mr Gillespie*, and Messrs Hunter, Daling, and Spence, have been anticipated in the preceding volume, (p. 276-278.) From the resolution then passed, “*Not to repose Mr Gillespie*,” a “dissent was entered by Messrs Robert Spears at Burntisland, James Ogilvie at Aberdeen, John Currie at Kinglassie, John Erskine at Culross, John Squire at Forres, James Innes at Merton, George Muir at Old Cumnock, William Nimmo at Roberton, Thomas Randal at Inchtute, John Dun at Auchinleck, James Scott at Auchtergaven, Sir William Moncreiff at Blackford, John Collo at Penpont, and Archibald Little at Morton, ministers, and James Murray of Ingliston, John Murkland, and Alexander Scot, ruling elders.”

The *Reasons of this dissent* were as follows:—

“1. Because the obligations to make restitution are not confined to individuals. Even civil societies, when they have done wrong, are bound to repair it; much more churches, whose power is only ministerial under the Lord Jesus Christ, our only head. We humbly conceive the last General Assembly did wrong to Mr Gillespie, by deposing him upon grounds warranted neither by Acts of Assembly, nor by the practice of the Church in cases resembling his. If a new penal law was necessary to prevent wanton disobedience, yet last General Assembly had no power to make such a law, no overture about it having been transmitted to Presbyteries; far less had they power to extend a penal law to things done or omitted before the enacting it. Besides, though there had been the most explicit laws for deposing ministers in such cases, yet Mr Gillespie was not judged according to the form of process,—had no libel given him,—no such law condescended on,—nor so much as ten free days to see and answer. Instead of this, he was called on the Thursday, arraigned on the Friday, and deposed on the Saturday. But we should not have insisted on this new and unprecedented procedure, did we not apprehend, that the censure inflicted was not deserved by

Mr Gillespie. His refusing to be active in Mr Richardson's settlement, flowed from conviction that he was restrained by divine authority from doing what only human authority commanded; and while this was his sentiment, we apprehend there was no room for hesitation what part he should act. But if it was a crime, it was a very excusable one, to refuse to do what appeared to him contrary to the standing laws of the Church, and a breach of his solemn ordination vows. We conceive every argument against last General Assembly's inflicting such a censure, is of equal force against the proceedings of this General Assembly in continuing it. Yea, the not reponing Mr Gillespie, seems equivalent to a renewed deposing him, as the General Assembly is the only competent court for taking off what was inflicted. We know, that some of our worthy brethren who voted against reponing Mr Gillespie, agree with us in thinking his deposition unjust and anti-constitutional. If so, they will forgive us in saying, that, by continuing this unjust censure, they virtually renewed and repeated it, and punished in so severe a manner what to them, as well as to us, appeared not worthy of such punishment.

“ 2. We conceive one year's deposition a punishment fully adequate to any offence Mr Gillespie is charged with. The parish of Carnock has been now for a twelvemonth deprived of the stated ordinances of divine worship dispensed by him; the Presbytery of Dunfermline, Synod of Fife, and the Church of Scotland, of a valuable member; and himself and his family, of the legal advantages of his connection with the Established Church; and all this for a conduct for which a rebuke was formerly deemed sufficient censure. We cannot see it consistent with the wisdom which is from above, which is without partiality, and full of mercy, that perpetual deposition should be his doom for no worse a crime. We apprehended the sentence of last General Assembly was chiefly intended *in terrorem*, and as a means of securing obedience to future appointments; and that his having lain under that sentence a complete year, sufficiently serves that purpose.

“ 3. That, by the constitution of Christ's kingdom, forbearing and forgiving one another in love, is particularly recommended. It is the honour of a church, to copy after the meekness, the gentleness, and condescension of Jesus; and to stoop as low as she lawfully can, in seeking that

which was lost, and bringing back that which was driven away. As Mr Gillespie's hardships flowed from the Assembly's dispensing with the standing rules of our Church, by which three are a quorum, we think it would have highly tended to the honour of this Assembly, to have relieved him from these hardships, when both law and form befriended their so doing.

"4. The many petitions from Synods and Presbyteries for reponing Mr Gillespie, are proofs of what is the sense of the Church in this matter, and the assurances given by members of the General Assembly, of his desire to be restored to the Church of Scotland, convince us, that he would have thankfully accepted that privilege.

"5. *The reponing of Mr Gillespie would, in our apprehension, have contributed to prevent the growth of the Secession, and the rise of a new schism in this Church.*"

On Saturday, May 26, the Assembly discharged Presbyteries to elect *missionary ministers* employed by the managers of the royal bounty, as their commissioners to the Assembly.*

An overture from the Synod of Angus and Mearns was before the Assembly on Wednesday, May 30, viz.,—"The Synod considering the danger which may arise to the Church, from *pactions* entered into by candidates for supplying vacancies, or the friends of candidates, and which are homologated by them after their settlement, whereby they are bound up from seeking an increase of their benefices, reparations for their manses and office-houses, and sometimes not to uplift the whole of the stipend already provided by law,—instances of all which have of late happened in Scotland,—do therefore humbly overture to the General Assembly, that they would fall upon the most effectual method to prevent these practices in time coming, and give directions to Presbyteries how to proceed in cases of that kind." A committee of fourteen ministers and eleven ruling elders were named to prepare an overture upon the above, and all members of the above Synod were desired to attend the Committee. The report was made June 2d, and approved of, being no new law, but declaratory of the law. It here follows:—

* This was occasioned by the Presbytery of Mull having sent Mr Thomas Muschat of Strontian as a commissioner to this Assembly.

“ The General Assembly taking into consideration a representation made to them by the Synod of Angus and Mearns, relating to bargains betwixt patrons or heritors in parishes, and candidates for the ministry, or the friends of such candidates, and the great danger which may thence arise to this Church, do hereby enjoin the several Presbyteries in this Church, in order to prevent such practices for future, to take all proper measures to discover if any such have happened in their bounds; and if, upon inquiry, it shall be found, that any minister or probationer hath obliged himself, or that his friends before his settlement, and in order to promote the same, have obliged themselves, upon the account of the candidate, that he shall not, during his incumbency, commence any process against the heritors for augmentation of stipend, reparation of manse or office-houses, or enlarging his glebe; or shall have become bound in any sum or sums of money, or any prestation, to the patron, or persons connected with the patron, in order to procure the presentation, or to the heritors or others concerned, in order to obtain a concurrence with the said presentation, or otherwise to procure a call to a vacant parish; or have entered into any *simoniacal paction* or *practice* for that effect; that such Presbytery lay a presentation of the said matter before the General Assembly, that the procurator for the Church may have orders to raise and carry on a process of reduction of such bargains or obligations before the Court of Session. And also, the Assembly do hereby declare it a just cause of deposition in ministers, or of taking away the license of a probationer; and ordain Presbyteries to proceed to such sentences against all such ministers and probationers as shall be hereafter found to have either entered into such bargains themselves, previous to their settlements, or who shall, after their settlements, homologate the deed of their friends, and do not, immediately when they come to the knowledge of it, intimate the same to the Presbytery of the bounds. And further, the Assembly appoint this Act to be read by all Presbyteries, to every person, before he be licensed to preach the Gospel, and to every candidate for a settlement in their bounds, before they take any steps towards his settlement. And further, the General Assembly being informed, that in the case of a certain settlement in the Presbytery of Dundee, the present incumbent's friends, before his settlement, had, without his

knowledge, entered into a bargain with the heritors, which has been very inconvenient for him ever since, they do therefore appoint their procurator to raise and carry on a process of reduction of that bargain before the Lords of Council and Session, at the public charge; and ordain the Presbytery of *Dundee* to give the procurator a distinct account of the particulars of that matter, so far as they have access to know them, for the above mentioned purpose."

The committee appointed by last Assembly, to draw up rules for regulating the *method of procedure* in causes before the Assembly, not having finished their report, the Assembly renewed their appointment of that committee, and added to their number the ministers and elders, members of this Assembly, from the Presbytery of Edinburgh, and Messrs Alexander Boswel and Robert Bruce, advocates, and appointed them to give in their report to the Commission.

A motion was made, June 1, that all the *overtures* from Synods and Presbyteries, then remaining, should be referred to the Commission, with an instruction to draw up from them one or more *overtures* to be laid before the next Assembly; and upon the question put, it carried in the affirmative by a great majority, Mr Murray of Ingliston dissenting.

A balance of £98 : 13 : 4d. sterling, still in the hands of Messrs Hog and Mansfield, of the money collected for the reformed Protestants at *Breslau*,* was ordered to be remitted to them.

On Monday, June 4, Prof. Cuming, the last Moderator, produced a letter from the Rev. Mr Chandler at London, dated the 27th of February, bearing, that he, and several other gentlemen in London, had formed themselves into a society, to act as trustees for the management of the charity for the *Protestants in Pennsylvania*; that they proposed to maintain a stated correspondence with the Church of Scotland, with that in Holland, with several in Germany, and with the emigrants in Pennsylvania, that all monies may be transmitted to them by a general agreement; that, in his judgment, all the collections made in Great Britain should centre in the hands of the trustees there, who are to settle a correspondence in Pennsylvania, for the more proper dis-

* See the former vol., p. 203.

tribution and application thereof; that six new ministers are already settled amongst the Protestants in Pennsylvania, and that six more are immediately wanted. After reading the letter, Prof. Cuming represented, that as he had no opportunity of laying it before the Commission, he had written a letter to Mr Chandler, bearing, that as the Protestants in Pennsylvania are subjects of Great Britain, it would be necessary, in order to make them more so by their learning the British language, to employ there some English school-masters for instructing their youth. And he now produced a letter from Mr Chandler, dated the 19th of May last, approving of the aforesaid proposal, which, he says, makes a principal article of a memorial presented to his Majesty; and further, expressing the intention of the said society to keep a constant correspondence with the Church of Scotland, by such persons as the Assembly should appoint. The Assembly appointed all the money collected in Scotland for the Protestants in Pennsylvania, to be remitted to the aforesaid society at London, and nominated all the ministers of the Presbytery of Edinburgh, the Earl of Dumfries, the Lord Justice Clerk, Provost Drummond, and several other gentlemen, of whom four to be a quorum, a committee to correspond with them.

There were several instructions, remonstrating against the way of passing, *i. e.*, without previously transmitting it as an *overture* to Presbyteries, the act * of last Assembly, which enacts, "That when any overture hath been twice transmitted, the Assembly will, without farther transmission, take it into consideration, and pass it into an act, or reject, as they shall see cause, although Presbyteries shall not have sent up their opinions." On the 4th of June, the Assembly remitted the aforementioned act as an overture to the several Presbyteries of the Church, and appointed them to send up their opinions of it to the next Assembly.

Of private causes, the first brought in was the settlement of *Canongate*. It came by a reference from the Synod of Lothian and Tweeddale, of an appeal by the callers of Mr James Watson, minister at Newbottle, from a sentence of the Presbytery of Edinburgh, sustaining a call to Mr John Warden, minister at Perth, and was taken under consideration on Monday, May 28. After hearing counsel

* See the former vol., p. 281.

and parties, and reasoning at great length, it was at last resolved, first to put the question, *Lay aside both candidates, or Not?* and if it should carry *Not*, then to put the question, *Reverse the sentence of the Presbytery, or Not?*—it being understood by *Reverse*, to sustain the call to Mr Watson. The first question carried *Not*; and the second, by a great majority, *Reverse*. The Assembly therefore appointed the Presbytery to proceed with all convenient despatch in a process for his transportation from Newbottle, and his admission as first minister of Canongate.

Next day came on the case of *Biggar* parish, on a petition of the patron, and heritors who concur with the presentation to Mr William Haig, craving that the report of the committee appointed by the Commission in November* might be received. The report was received; and, after hearing parties, and long reasoning, the question was put, *Appoint the settlement just now, or Delay the affair till the Commission in November*, and carried *Delay*. The Assembly appointed the Presbytery of Biggar to represent the state of the case to the parish; to deal with them further, in order to reconcile them to Mr Haig; and to report to the Commission in November, who are appointed to do therein at that time as they see cause.

The only other settlement was that of *Nigg*.—It came on upon Saturday, June 2, on a petition of the king's advocate, on behalf of his Majesty, patron, William, Master of Ross, and other heritors of that parish, concurring with the presentation in favour of Mr Patrick Grant, minister at Duthil. The Synod of Ross had given judgment, "appointing the Presbytery of Tain to deal with the people of the parish, in order to obtain their concurrence with the presentee; and recommending to them to proceed to his settlement, when they shall be satisfied that it will be consistent with the interest and edification of the parish, at any time betwixt and the meeting of next Synod; till which time they delayed the further consideration of the affair." From this judgment the petitioners appealed; and craved, that the Assembly would appoint the Presbytery of Tain to proceed to Mr Grant's settlement with all convenient despatch. Counsel, &c., being heard, the question was put, *Whether to appoint Mr Grant's transportation and settle-*

* See the former vol., p. 292.

ment at Nigg, or Not ? by *Not* being meant to affirm the Synod's sentence; and it carried *Appoint*, by a great majority.

The Assembly finding by the report of their committee for *overtures*, that a great number of Presbyteries have not yet sent up their returns to the overtures transmitted to them by the last and former Assemblies, do require such Presbyteries as are still deficient, to send up their opinions on these overtures to the next General Assembly, viz. :—

Overture about the *Psalmody*, transmitted in the year 1750.

Overture about *licensing probationers*, transmitted in the year 1749, and, with an addition, in the year 1750.

Overture anent *processes against probationers*, transmitted in the year 1748.

Overture for regulating the effect of *dissents* from judgments of inferior courts, transmitted by the Assembly 1752.

Committees are appointed to consider the *forms of commissions*, and the *crowns* paid to the *clerks of Assembly*. No report from the committee respecting the *management of the poor*.

The *formula* prescribed by the 11th act of Assembly 1694, signed by the Right Honourable the Earl of Breadalbane.

The Presbytery of *Cairston* appointed to correspond with the Presbytery of *Kirkwall*, as the Presbytery of *Kirkwall* have a right of corresponding with them, leaving it to these Presbyteries to settle between themselves who the correspondents shall be.

The choice made by the trustees for managing the *fund* for a provision to *ministers' widows*, &c., of Mr Alexander Tait, writer in Edinburgh, to be their clerk, in place of Robert Macintosh, deceased, approved of.

Reference to the Commission to take in and judge of a cause anent the settlement of the parish of *Cromarty*, at their first meeting after the Court of Session have determined in a process of declarator, depending before them, anent the right of patronage of the said parish.

A reference from the Synod of Glasgow and Ayr, of a petition given in to the Presbytery of Hamilton by the Session of *Cambuslang*, relating to a decision by the Lords of Council and Session, whereby the Session are decerned to pay out of their pockets a sum laid out by them, according

to the custom in other parishes, for purchasing utensils and other necessaries for public worship in the place.—referred to the Commission.

The year appointed to be marked at the top of each page of the *Assembly Records*.

The opinion of the committee on the public money, that Mr John Maclellan, present minister at *Contan*, pay to Mr Murdo Mackenzie, late minister there, the sum of £3 sterling, in full of his demands for a piece of grass ground adjacent to the glebe of *Contan*, (for which Mr Mackenzie had formerly got £12 out of the Church's money,) and that Mr Maclellan be entitled to repayment of the said £3 from his successors in office.

Act appointing a collection to be made at the church doors of all the parishes in Scotland, for building *the harbour of Eyemouth*; the money so collected, to be paid into the hands of Mr Coups and Company, or of Mr James Stewart, collector of the funds for ministers' widows.

Protestation admitted at the instance of the heritors and others of the parish of *Logie* and *Pert*, callers of Mr William Cruden to be their minister, against others of that parish, callers of Mr James Mackail, and against the Presbytery of Brechin, for not insisting in their appeal from a sentence of the Synod of Angus and Mearns, sustaining a call to the said Mr Cruden.

Protestation admitted at the instance of Mr William Scot, minister at *Kirkpatrickjuxta*, against John Carruthers in the parish of Drysdale, and Robert Carruthers in the parish of Mousewald, for not insisting in their appeals from sentences of the Synod of Dumfries, affirming the sentences pronounced by the Presbytery of Lochmaben in the processes of scandal against them.

The Assembly rose on Monday, June 4.

The *Commission* had two sederunts, both on Tuesday, June 5. They appointed a committee to consider the *overtures* transmitted to the last Assembly, and by them referred to the Commission; and to draw out one or more *overtures* from them, to be laid before the Commission in November. This committee consists of twenty-four ministers and ten ruling elders. Seven are to be a quorum, of whom five to be ministers.

NOVEMBER COMMISSION.

ON report of the committee appointed in June, the Commission of the Assembly, which met at Edinburgh, Nov. 21, transmitted the following overtures to the Assembly, viz. :—

“ 1. That all Presbyteries be enjoined to take care, in *licensing probationers*, strictly to observe the rules of the Word of God, and acts of the Assembly relative thereto.

“ 2. That they be also enjoined strictly to observe the rules of this Church, with respect to probationers for the ministry licensed in *England*, or in foreign parts.

“ 3. As to any minister ordained in England, or in foreign parts, that before he be considered as a minister of this Church, so as to be capable of a charge in the Establishment, he shall preach before the Presbytery in whose bounds the charge is, and be examined by them, in order to their judging if he be duly qualified. And in case any such minister shall be presented by a patron, or receive a call to any parish, previously to his undergoing the trial now mentioned, it shall be competent for the Presbytery to take trial of him, as above, in order to his settlement.*

“ 4. That care shall always be taken by Presbyteries, and other judicatures, before taking any steps toward a settlement in consequence of a *presentation*, that the patron and presentee be duly qualified, and that the presentation be in terms of law.

“ 5. That Presbyteries be further enjoined, that when one is presented to a parish, against whom there appears to be no just objection, they shall use their best endeavours to render the *presentee* acceptable to the parish.

“ 6. That as the *sentences* of the supreme court are final, and therefore should be carried into execution, it shall not be competent for any Presbytery, who have received orders from the Assembly with respect to a settlement, to state a vote, Whether such orders shall be obeyed, or Not? And if such vote shall be put, they shall be answerable for their conduct to the superior judicatures. And in case the vote should carry in the negative, it shall notwithstanding be competent for the minority, if they be a quorum, to proceed to the execution of the sentence.

* See the case of *Heron* of Terreagles, in 1752.

“ 7. That when one is ordained or admitted as minister of a parish, though by a minority of the Presbytery, he shall, in consequence of his ordination or admission, be *ipso facto* a member of the Presbytery and Synod.

“ 8. That in case a *sentence* of the General Assembly appointing a settlement shall not be carried into execution, the Presbytery shall, without any citation, be obliged to sist themselves before the next General Assembly, to lay before them the reasons of their conduct; and that the Assembly shall show all due lenity and tenderness towards them.

“ 9. That if the General Assembly shall see cause to proceed against all or any of the members of such Presbytery in order to censure, for not carrying such settlement into execution, it shall be in the way of a *libel*, specifying the rules and laws they have transgressed; it being understood, that as long time shall be given them to make their defences, as is consistent with the Assembly's coming to a final decision in that matter.*

“ 10. That if, hereafter, the judicatures shall find reason to dismiss any of their members from the ministry of this Church, upon questions relating to the national *establishment*, or as she is distinguished from other Churches of Christ in her outward constitution, they shall vary the ordinary form of the sentence of deposition, in such manner as the circumstances of the case shall require, and as may be least offensive to other Churches.

“ 11. That the *Commissions* of the General Assembly shall not henceforth be empowered to take in and judge of any causes relating to the settlement of parishes, but such as have first been brought, by reference or appeal, to the General Assembly, and are by them specially referred to their Commission, as affairs which the Assembly themselves cannot overtake.

“ 12. That as it is of consequence that causes referred

* Some Synods proposed, in the overtures which they transmitted to the last Assembly, that every person, when libelled, should be allowed at least ten free days to prepare his defences; but it was argued in the Commission, that though this might be practised with respect to processes before the inferior judicatures, it could not be turned into an invariable rule with respect to trials before the supreme court, as the General Assembly does not usually sit in all more than ten days; and therefore the overture was framed as above.

to the Commission, respecting the *settlement of parishes*, should be cognosed by them in as full a meeting as possible, they shall be enjoined to determine in all questions of this nature, at their first meeting after the rising of the Assembly, unless there be some special reason for delaying any such question,—and the reason shall be entered into their records.”

Another overture was transmitted on the 22d, viz., “The Commission, considering that the present practice of this Church, whereby the members of *inferior judicatures* are excluded from judging or voting in the superior judicatures, in case of an *appeal*, is contrary to the practice of all other courts, both of law and equity, and in some measure subversive of that exact parity which is a leading part of our constitution, as it sometimes subjects the sentence of the far greater number to that of the lesser. And farther, considering, that by this means those who a little before acted in the character of judges, are obliged to stand at the bar, on a level with the pannel, must enter into the spirit and warmth of a party, and perhaps are condemned for no other reason than giving sentence according to their best judgment, and which they would willingly have altered upon a review; and as it often, if not always, happens, when the members of inferior courts before whom the cause was first tried, and thoroughly canvassed, are removed, the affair is not sufficiently understood; particularly because those who voted among the minority are not allowed to assign any reasons of their conduct, except they have entered a complaint, which one would not choose to do, unless in a very strong case; and every one knows, that, in the course of reasoning, things frequently cast up which perplex or mislead the judges, that could easily have been obviated or cleared up if the members of the inferior courts had not been deprived of the liberty of speaking. On all these accounts, and for many other obvious reasons, the Commission propose, that the Assembly should transmit an overture to the consideration of the several Presbyteries, for allowing the members of inferior judicatures to sit, judge, and vote, in the superior courts, in cases of appeals, as they do at present in the case of a reference.”

On a motion to take into consideration the abounding *profanation of the Lord's Day*, and to think of proper methods for putting a stop to it, a committee was named to

draw up a warning for this purpose, to be read from the pulpits. A draught of this warning was presented on the 22d, and approved of, the tenor whereof follows:—

“ An Act and Warning of the Commission of the General Assembly of the Church of Scotland, against Profaneness and Immorality.

“ Edinburgh, November 22, 1753.

“ Which day, the Commission of the General Assembly of the Church of Scotland, taking into their serious consideration the declining state of religion within this Church and land,—the visible decay of the spirit of true piety and godliness,—the bold and abounding instances of growing vice and immorality, in open contempt of the glorious Gospel of the Son of God, and of many national mercies and awakening judgments with which he has been pleased to visit us of late; and observing in particular, with deep concern, the prevailing neglect of family religion, and the public worship of God; the horrid profanation of the Lord’s Day, by unnecessary visits and travelling, frequenting taverns, idleness, or people’s attending chiefly to their worldly affairs,—nay, as to some, it is feared, by gaming, and going into parties of pleasure; and all these in opposition to divine authority, and our excellent laws; all which have a manifest tendency to extinguish in the minds of men a just sense of God and his righteous government,—that great support of true religion and morality. The Commission, therefore, from a tender regard to the glory of God and the honour of our Redeemer,—from compassion to precious souls and faithfulness to the trust committed to them,—hereby obtest, in the most warm and solemn manner, persons of all ranks, to consider how highly provoking such courses are to a holy God, dishonouring and ungrateful to the blessed Redeemer, dangerous to society, and hurtful to every valuable interest of their own; and exhort them, in the bowels of Christ, to unfeigned repentance and thorough reformation,—to fly for pardon to divine mercy through the Mediator, lest he turn and do us evil, and, in the fierceness of his wrath, utterly consume us, after he has done us so much good. And the Commission earnestly recommends to all judges and magistrates, in this weighty matter to act as the ministers of God, by being a terror to such evil-doers;

and strictly enjoin Presbyteries within this Church to exert the powers with which they are invested, and to apply to those in civil authority for correcting such gross enormities: and they particularly expect from the elders of this Church, —those in a special manner of distinction and authority,— that they will employ the whole weight of their interest and example, for restraining and suppressing such scandalous licentiousness, profanity, and impiety. And, finally, the Commission, in the fear of God, enjoins all the ministers of this Church to take heed to themselves, and their respective flocks committed to them; and where any of their charge are found irreclaimable from the above mentioned pernicious ways, that, in such cases, Presbyteries shall take care that they do not bring upon themselves the heinous guilt of prostituting sacred things, by allowing such persons, of whatever name or station, the benefit of sealing ordinances. And the Commission appoints this act to be read from the pulpits of all the churches within the Synod of Lothian and Tweeddale, on the third Sabbath of January next, and from the pulpits of all the other churches in Scotland on the last Sabbath of April next, with suitable exhortations. And appoint copies hereof to be transmitted to the several Presbyteries.”

The same day an advertisement was ordered to be inserted in the Edinburgh newspapers, desiring all ministers who have not made collections for the *German Protestants* in Pennsylvania, in terms of the act 1752, to do it with all convenient speed, and to send the money which they shall collect, to Mr William Hog, merchant in Edinburgh.

Biggar settlement was also determined that day. A petition for the opposers of Mr William Haig was read; and several ministers insisting to appoint his settlement, and others moving for a delay, or for leaving the affair to the ensuing Assembly, a vote was put, *Settle*, or *Delay*? It carried *Settle*; and the court appointed the Presbytery to proceed to his trials and settlement accordingly. Mr John Buchanan at Covington, Mr William Tate at Kilbucho, and Mr John Macaul, at Symington, ministers, for themselves, and in name of the Presbytery; and James Smith, portioner of Biggar, for himself, and in name of the heritors, elders, and parishioners, opposers of Mr Haig's settlement, protested for liberty to complain of the above sentence

to the next Assembly, as in their opinion the Commission had exceeded their powers. Mr George Lindsay, minister at North Leith, entered his dissent from the above judgment; to which Messrs John Currie at Kinglassie, Robert Spears at Burntisland, John Erskine at Culross, James Stevenson in Edinburgh, John Penman at Bothkennar, John Fergusson at Port, John Ferrier at Largo, James Bayne at Killern, Thomas Randal at Inchtute, and Alexander Dun at Auchinleck, ministers, adhered. The following are the

Reasons of Complaint against the sentence of the Commission, unanimously offered to the next General Assembly by the Presbytery of Biggar:—

“ 1. It is manifest to the complainers, that this sentence is inconsistent with the rules of all courts, where subordination takes place. The want of a concurrence was the capital point we kept in view, in both our unanimous sentences, finding it inexpedient to proceed to Mr Haig’s settlement. The Assembly 1751 found, without a vote, ‘That in regard no person residing within the parish, save one, has concurred with the presentation, it is therefore inexpedient to proceed to the settlement of the presentee.’ The last Assembly viewed this cause in the same light, when they delayed the settlement, and appointed the Presbytery of Biggar ‘to use their endeavours to reconcile the minds of the people to the presentee.’ It is well known, that no superior court, when judging of the sentence of an inferior one, can legally take any circumstance into consideration, which was not before the inferior court when they passed the sentence judged of. Though the objections made to the presentee had been proved to be false, this could not have any influence on the cause as it came before the Commission; for these objections had never entered into any of the former sentences relating to it, and the single question before them was this, Is the concurrence for Mr Haig greater or not than in May 1751? If they viewed the affair in this only just light, they gave judgment contrary to fact. If they viewed it not thus, they took into their consideration circumstances entirely foreign to the question, and determined in a manner contrary to reason, and to the invariable practice of every court that resembles theirs.

“ 2. In our humble opinion, this decision is contrary to

the principles of justice, and subversive of the ends of all government. To give to every man what appears to be his right, *from what is alleged and proved*, is the very essence of just sentences. The parish of Biggar have alleged the weakness of Mr Haig's voice and constitution for their audience and charge, as the reason of [their opposition. Nothing can be plainer than the relevancy of this objection, and that it might be true, though he could have been tolerably well heard in the church of Biggar, for the ordinary time of one sermon. The Reverend Commission in November 1752, allowed, however, no longer a trial,—appointed a committee of their own number to determine as to the truth or falsehood of the allegation,—and made every member of the Presbytery of Biggar a judge. There was no meeting of Commission in March last; and it appeared by the report made to last Assembly, that the majority did not hear Mr Haig distinctly. Yet the Commission in November last thought proper to order his settlement, and acted as if the Presbytery of Biggar had not been commissioned to judge in the trial of his voice; and, as if compassion for the temporal situation of one man, were a sufficient cause for refusing to grant to the eternal interests of above nine hundred souls, what appears to be due to them from the most legal and impartial inquiry.

“ 3. This judgment appears to us to be subversive of the constitution of the Church of Scotland, in a particular manner. It is acknowledged universally, that the Commission can neither act nor exist but by a delegated power from the Assembly. Whatever reasons can possibly be alleged for the Assembly 1751 finding *the settlement* of Mr Haig at Biggar *inexpedient* then, have not been diminished, but increased since, yet the sentence complained of orders us to proceed to his settlement. We are extremely sorry that a Commission should have stated such a formal opposition against an Assembly, that we cannot possibly obey both. But we hope the ready preference we have given to the Assembly, will be approved of by every sincere and attentive friend of this Church. It is a very general opinion, that, in a case of this kind, unless some considerable alteration has happened, one Assembly cannot reverse the sentence of another, without absurdly declaring the judgment of the supreme court not final,—without making causes run an endless course, and destroying the constitution. What

an Assembly itself cannot do, without laying the whole fabric of this Church in ruins, it can never empower a Commission to do, while this plain maxim remains indisputable, *that he who has no power can give none.* On this occasion, therefore, we think we could not have been silent, and have acquitted ourselves to our own conscience, and to the constitution we have solemnly confessed ‘to be founded upon and agreeable to the Word of God.’ And it were to be wished, that some who have appeared as most strenuous advocates for the constitution at other times, had acted more consistently now.

“ 4. We cannot turn our eyes to the powers and instructions given to the Commission by the last Assembly, without being persuaded, that they have been exceeded, and opposed, in some of the most important articles, by this sentence. The last Assembly instructs the Commission ‘to advert to the interests of the Church, on every occasion, that the Church and present establishment thereof do not suffer, or sustain any prejudice, which they can prevent.’ But they appear to us not to have attended duly to the interests either of religion or the establishment. They have appointed one to be settled, as minister of the Gospel to above nine hundred souls, whose voice has been proved to be insufficient for their audience,—whose settlement would not be attended with the smallest probability of usefulness to them, as things now stand, and would be more pernicious than a vacancy, for it would make this numerous congregation leave the communion of this Church, if we can believe their own very humble remonstrances at the bar, before the sentence was given,—it would spread schism and tumult through the whole populous neighbourhood, which has been harmonious and peaceful hitherto. The Commission are required also, ‘in all their actings to proceed according to the acts and constitutions of this Church, and to do nothing contrary thereto, or to the prejudice of the same.’ But they have despised formally, and rescinded in effect, an express decision of the Assembly 1751, in the very question now in debate.

“ 5. In our apprehension, this judgment is an attempt to abrogate the invariable practice and procedure, and some of the standing resolutions and laws of this Church. Were the settlement of Mr Haig to take place, in its present situation, it would stand the single instance, in a country well

affected to both Church and State, which could be showed, without the concurrence of more than one fixed parishioner, without the concurrence of one residing heritor, or even of one unresiding heritor of above £5 Sterling per annum, against whom a legal objection has not been offered. The law allows the natural representatives of the noble family of Wigton no more power than that of annuitants, in the present state of their affairs. Instead of looking out for 'a favourable opportunity' for seeking relief, or considering patronages in the least, as 'the grievance' of this Church, agreeably to the standing resolution in the index of the unprinted Acts of Assembly 1736, and their own instructions; instead of remembering 'that it is, and has been, since the Reformation, the principle of this Church, that no minister shall be intruded into any parish, contrary to the will of the congregation,' in conformity to the 14th act, sess. *ult.* of the same Assembly, which homologates all former acts on that head, the Commission have ordered the most violent intrusion that ever was heard of in this Church; have acted as if patronages were her joy, not her grievance; and have given them their strongest sanction. If these standing resolutions and laws are wrong, let them be repealed in a regular way. While they are in force, we humbly contend, that no court of the Church of Scotland, not even the supreme one, can order such a settlement as that under consideration, without openly assaulting her constitution, and exceeding their own powers; for every member of Assembly is bound, by his very commission, always 'to vote and determine agreeably to the constitutions of this Church.'

6. This decision introduces, in effect, a new law and form of procedure into the Church of Scotland, in a most irregular manner. By express and well-known rules, no old law can be repealed, or new one made in this Church, until the design has been transmitted in overture by the Assembly, to all the Presbyteries, and the consent of at least the majority of them obtained. That patrons can relieve the Church, has been a very general maxim. Addresses have actually been presented to patrons, for relief from a distressing case, and have been attended with the desired success, as at Oxenham, Manner,* &c., where a second person was presented, without so much as even informing the

* See the former vol., p. 35.

first presentee, and settled accordingly. The latter clause of the judgment of Assembly 1751, seems to us to have these principles plainly in view, and to order an application to be made to the patrons, in the present case, by these words,—‘ and appoint the Presbytery to deal with *all concerned*, in order to bring about a comfortable settlement of that parish ;’ for it will not surely be said, that patrons are not *concerned* in the settlements of their respective parishes. Notwithstanding this, the Commission have ordered the settlement, while it has no parallel for *uncomfortableness*, and while it is impossible to conceive how any one can be more *uncomfortable*. By a new law, made in a new, summary way, they have declared, on the matter, that no patron can relieve the Church, and that she can do nothing but settle, even where there is no concurrence ; and have cut off her last resource, even in the hardest case imaginable.

“ 7. We humbly conceive, that neither the civil nor the ecclesiastical law of this land furnishes any sort of plea for this sentence. It cannot be said justly, that the law of patronage lays the Church of Scotland under any compulsory, to ordain even the most unexceptionable presentee ; neither does it appear to us, to give him any right to the benefice without ordination. If the contrary of either of these positions were the truth, our fears of having the law of patronage made stricter, would be extremely vain ; for the thing would be impossible. The term of paying stipends is usually determined by the date of the ordination, not by that of the presentation. In every civil question concerning the benefice, letters of ordination must be produced ; and in all processes arising from the Church of Scotland’s refusal to ordain a legal presentee, and ordaining another, the benefice has been found to be the property, and at the disposal of the patron, not of his unordained presentee ; particularly by the Court of Session in the cases of Auchtermuchty and Culross, and by the House of Peers in that of Lanark. Even process cannot be legally granted to him who is known to have no legal claim.

“ Whatever power a patron has by law, can be justly pleaded against the settlement in debate. The presentation granted to Mr Haig requires the Presbytery of Biggar, ‘ if any impediment shall happen, to give us (the patrons) advertisement, that we may present another qualified person

in due time.' Supposing now that no objection had been proved, or offered, against the presentee, surely it will not be said by any friend of religion and this Church, that the opposition of so considerable a parish as is Biggar, and the decision of a General Assembly, are not *any impediments* to the settlement of a particular person as minister of the Gospel there. That they are *impediments* the patrons never meant to struggle with, in the present instance, is demonstrated by every step of their conduct since this affair appeared in its true light. They are three in all. Never could one of them be prevailed upon to grant a commission for prosecuting Mr Haig's settlement, or be heard wishing it to take place, from the moment it wore so disagreeable an aspect. The letter wrote by one of these three trustee-patrons, in name of them all, to us, when applying for relief, by appointment of the Assembly 1751, is in the process. It declares their great willingness 'to present another,' and gives the highest degree of clearness and strength to this whole reasoning. The sentence we complain of, despises these most generous expressions of regard for the Church of Scotland, forbids all patrons to give her relief, and tells the world she will not accept of it, even when granted in consequence of an application by authority of the Assembly itself.

" Mr Haig, like all the other candidates for the holy ministry in this Church, has, we doubt not, promised and subscribed 'submission to the government and judicatures thereof,' as the indispensable condition of being licensed to preach the Gospel, and consequently, of being presented to a benefice; he cannot, therefore, retain his presentation legally, after the supreme court of this Church have declared it 'inexpedient to proceed to his settlement;' for the law cannot impose promises of submission, without giving a power to exact fulfilment, and to punish disobedience. In one word, we can see no law, no reason for this decision. Every law, every reason seems to us to operate most powerfully against it.

" 8. This sentence was passed by a very small majority. We are far from asserting, that the house was framed for the case of Biggar; but not a few were present at the diet appointed for it, who were absent from every other. We honour and regard the ruling elders; yet we think we may say, that they cannot so sensibly feel all the conse-

quences of such an appointment, as ministers can. Four ministers only voted for the decision complained of, and the greater part of those who voted against it, dissented from it also. Though both parties have acted on this occasion with the greatest integrity of heart, yet it seems absolutely necessary to us, that this judgment should be declared irregular, in order to check effectually a designing few, who might otherwise attempt, on some future occasion, what might be still more destructive of religion, and subversive of the constitution of this Church. For these reasons, we cannot but hope, that the ensuing General Assembly will find, that the Commission, in appointing Mr Haig's settlement, have acted an unjustifiable part, and exceeded all their powers, and that we behave as becomes the obedient and affectionate sons of the Church of Scotland."

ASSEMBLY 1754.

On Thursday, the 23d May, the General Assembly met. The Earl of Hopetoun was his Majesty's Commissioner, and "made a very splendid appearance, especially when he went to church, at the opening of the Assembly, and the two Sundays during its sitting. On these occasions, the street, from his Grace's lodgings, in the New Bank Close, to the church door, was lined by five companies of Lord Charles Hay's regiment, and the City Guard. In going to church, his Grace was supported, the first day, by the Duke of Athol on the right, and the Earl of Huntingdon, an English nobleman, on the left; and, on the Sunday following, by the Duke of Hamilton on the right, and the Earl of Drumlanrig on the left; and there was always a great number of noblemen and gentlemen of distinction. The King's seat in the church, and the throne in the Assembly House, were both fitted up anew, in a rich and elegant manner."

After sermon * by Mr Alexander Webster, one of the ministers of Edinburgh, and Moderator of the former Assembly, the Venerable Court met, and chose Mr Robert Hamilton, Professor of Divinity in the University of Edinburgh, Moderator.

* The discourse was printed with the title, "Zeal for the Religious Interests of Mankind; a Sermon from Psalm cxxxvii. 5, 6."

Mr Baillie, with whom Mr Edmonstone had been associated in office, by last Assembly, as *joint-agent* and *sub-clerk*, died on the 9th January 1754. Not long after, a paper * appeared, with the signature M. N., bearing internal evidence of having been written by the same person who drew up the "Reasons of Dissent," at p. 10, against Mr Edmonstone's election, and who was, in all probability, either *Professor Cumin*, or *Mr Duncan Macfarlan of Drymen*. The latter gentleman was "the dissenter, who, for himself, and in name of all the rest, craved that it might be marked, that as they had dissented from the resolution, accepting of Mr Baillie's proposal, they were not to concern themselves further in the matter." † The design of this paper is to open up the whole question for discussion, in the Assembly 1754; and as it throws some additional light on the points at issue, we here present it entire.

"The offices of sub-clerk to the General Assembly, and agent for the Church, are of general concern to the clergy; and as they are places of profit as well as trust, numbers, no doubt, of the laity, will interest themselves.

"In the histories of remote ages, we admire, and cannot but admire, the manner and character of those princes, and persons in power, whose care it was to fill all places of trust, honour, and profit, with men of real worth and character, who, far from taking up with the first that offered, sought out for the properest persons, and sometimes brought them even from the remotest provinces. We know, too, *the men and their communication*, who, in our own times and country, have been loud and long in their complaints, that the road to preferments and places of power, is not ordinarily merit and character, but flexibility, obsequiousness, connections, Parliamentary influence, &c. It is but natural to expect, that an Assembly of men who glory of being office-bearers in the House of God, would not be rash, hasty, and inconsiderate in the bestowal of any office in their gift. Sure it becomes them to be examples unto all, in propriety of behaviour, in *whatsoever is lovely and of good report*. To them, superior merit should always be the leading consi-

* See the Scots Magazine for 1754, p. 137.

† See the former vol., p. 332.

deration, and real worth the best recommendation, the sole prevailing argument. The factions of this world are founded upon worldly views, and conducted by worldly measures, but pity it is they should at any time mix with the Assemblies of ministers of the Gospel, and be found in the courts of Jesus Christ.

“ Many, very many, I am told, are much dissatisfied with the doings of last Assembly in this affair. Nor need this be wondered at, if the reasons they found upon are attended to. These are said to be,—

“ 1. The choice they made of agent and sub-clerk,—a young man, who had not had time or opportunity to found or form a character, who, though he had gone through an apprenticeship, had not, and, indeed, could not, yet have any experience in business.

“ 2. Their manner of conducting it,—first proposed in the close of a meeting, when numbers of members, of such as were not upon the concert, had, according to custom, left the house ; ushered in with a solemn speech, that Mr Baillie’s age and infirmities rendered him unequal to hold those offices alone, though, (which demonstrates that this was all but affected,) the same persons, and the same influence, soon after found and determined, that he was equal for, and to hold both offices alone, if he survived the new clerk they had in view ; terrors hung out to Mr Baillie, to intimidate him into a compliance with the scheme that had been devised ; when these did operate, a proper committee appointed to manufacture and ripen the affair for the Assembly ; Mr Baillie dealt with in private ; and, as was said by persons whose grounds of knowledge might be relied on, a lucrative bargain for him and family proposed and made ; to this, too, Mr Baillie, in his letter to the committee, plainly enough refers, as the inductive cause of his giving the consent they wanted. He, Mr Baillie, not the Assembly, or their committee, nominates his colleague and successor, limiting the Assembly to one of two, so as they can have no other choice ; the Assembly, by a soleian vote, accept of this proposal ; and thus make their election, and nominate their agent and sub-clerk, before Mr Baillie gives in any demission or resignation. The whole affair, in all its steps, was driven and precipitated the first days of the Assembly, while numbers of members had not come up, in the belief that no business of importance would be transacted, and

which immemorial custom had given them reason to expect; and this notwithstanding that numbers reclaimed against so hasty a procedure, and urged a delay till the Assembly would be fully convened, that all having interest might have opportunity to give their opinion.

“ 3. The Assembly exceeded their powers, and did what was incompetent and improper. It seems to be a maxim of sound reason and good policy, that no office of trust and profit be disposed of till it fairly become vacant,—that no vacancy be filled up till a vacancy take place. The General Assembly changes every year, and for one Assembly to bestow an office not yet vacant, is evidently to invade or preoccupy the just right of that Assembly that shall first meet after such office becomes vacant. If any Assembly can bestow the survivancy of an office, if they have a right and power so to do, they may, and they have a right to bestow the survivancy of that survivor, and a third, and a fourth survivancy; nor is it easy to see where they are to stop, to find out any data or principles of reason to hinder them from making a sort of entail of it for ages to come,—an absurdity so glaring, that it would be in vain to argue against it. To say that the Assembly have no right to dispose of the survivancy of any office in the open and direct way, but that they may in the indirect way, by the artificial device of conjoining one in the office, and the mediation of a sham resignation of an office, the half of which the resigner is next moment to take up for himself, and the whole, if he survives his colleague, is so thin and refined a distinction, and seems so artfully calculated to serve a resolved purpose, as to do no great honour to a cause or procedure that needs such a support.

“ To this it will be said, that General Assemblies have in fact this right, and have exercised it,—they did it in the Assemblies 1738 and 1743. But the Assemblies 1743 and 1753 reversed these bestowals, and opened them up. We have here two Assemblies against two, equally balancing one another; so that nothing can be fairly concluded from either. That Mr Spence, the then clerk and agent, did not in the year 1738 formally resign, makes no sort of odds. He petitioned the Assembly, praying Mr Macintosh might be appointed his colleague during his life, and successor after his death. Betwixt such a petition, and such a resignation as Mr Macintosh made in 1743, or Mr Baillie in

1753, there is, to a plain and honest mind, no discernible difference; though there may be to a skilful designing man, who has a turn to serve, or favourite scheme to promote by such distinction. Mr Spence could have no concern or interest, in who was to brook the whole or a part after his death; all his concern could be only, in who was to be his colleague and assistant during his life, or his being in office; to give him more, would be to give him a power to carry on the affairs of this life when in his grave. If the Assembly 1738 had any power to bestow the survivancy after his death, they, to be sure, had a power to do it independent of him, or any resignation from him. If it is admitted, that an Assembly can fix who is to be their clerk or agent after the demise of the person now in possession of these offices, it is absurd to say they cannot do so without the consent of their present servant, or a resignation from him.

“Be it that the General Assembly have a power, in some circumstances, to convey a survivancy, have they therefore a power to do so wantonly, and without the colour of a reason? In the Assembly 1753, there was no necessity alleged, no reason given. Mr Baillie was so far from asking a colleague, that he had declared to several members of Assembly who asked him, that he would not submit to take one; and it is certain he struggled it. Any pretence of reason arising from his age and infirmity, was departed from by express determination of Assembly. To say that it was to prevent disputes in the Assembly is all affected, as there was no appearance of, nor foundation for, a dispute, or even a question, but what those gentlemen would needs force, who pressed to anticipate a vacancy. Further, if there had been even some reason for an assistant-clerk and agent, there was still no necessity for disposing of the survivancy; because Mr Baillie might have called for, or the Assembly have nominated, one to him during his enjoyment of the office;—and for this there wanted not precedents upon the face of the Assembly records.

“Was it even admitted that the Assembly might, by a stretch of power, in some possible situations, bestow a survivance, was it therefore competent and proper to do it in such a manner, and by such procedure?—when numbers of members were *bona fide* absent, and numbers remonstrated against proceeding till the house was full;—to bring themselves so low as to give their old clerk and agent the nomi-

nation of the new, and tie themselves down to his nomination; first to hang out terrors to intimidate him, and then set a temptation of lucre before him, to induce him to consent to and concur in their preadjusted plan; and in end to give the Assembly's sanction to Mr Baillie's sale of these offices, and his bargain about them. In the opinion of many, this affair brings and leaves such a stain upon the Church and clergy, as can no otherwise be wiped off than by pulling up the whole from the roots. Indeed, the greatest discouragement and check that can possibly be given to jobbers, is to disappoint their designs,—to disconcert and defeat their success.

“One would think, that if the ensuing General Assembly cannot find a vacancy, it is nevertheless competent to them to make one. I apprehend that all offices of trust are, in the nature of things, during pleasure, if not given in terms *for life and good behaviour*. And if offices for life do generally carry it *in terminis*, this, I should think, confirms my opinion. There is still something stronger in the present case, viz., that the principal clerk of the General Assembly, and procurator for the Church, hold their offices only *during pleasure*; a very strong presumption, sure, that the under offices are understood to be held in the same manner; and it is observable, that these principal offices were understood to be so held before the year 1746; and that the words *during pleasure* were then added, because a doubt was then raised, whether they were *for life* or *during pleasure*. The now Lord Advocate* held the offices of principal clerk and procurator for many years; and exercised those offices, as he does the high office he now holds, with great credit, and reputation, and dignity of character; and when those offices were given him by the Church, he was to exercise them, and enjoy the emoluments of them, *as fully and freely as any of his predecessors*. The Assembly 1746 did, notwithstanding, find these offices vacant, without any mal-behaviour on his part, or resignation from him. Nor could their so doing be on account of his absence; in regard he offered a depute to officiate, and that a former Assembly had given him a power of deputation in case of necessary absence.

“Any footsteps of the office of sub-clerk upon the records

* Mr Wm. Grant, afterwards Lord Prestongrange.

of Assembly, plainly point it out to be *during pleasure*. At first he seems to have been only an assistant to the principal clerk, chosen by him, and during his pleasure. It is only first mentioned in terms *anno 1701*; and then it is evidently understood to have been *during pleasure*. Mr Spence is said to be continued sub-clerk, &c., *sicut ante*.—Indeed, to give the offices of clerks *for life and good behaviour*, would, or at least might, be attended with very bad and absurd consequences. Mistakes have been known to creep into the minutes of Assembly. The clerks have hitherto in such a case submitted to the correction of next sederunt; but if they did not, but persisted obstinately, and that in opposition to the court, that the minute bore the *res gesta*, (a case I once saw happen in an inferior court,) the consequence must be, that the business of the Assembly stop, and go no farther; or that they have a power to vacate his seat, and choose a clerk who will obey. 'Tis like that a clerk of this temper would contend he was in no fault, and threaten them with a process before the civil courts, if they affected his freehold, and turned him out of his office.

“The office of sub-clerk does not seem to be very necessary; it is of no long standing, and the business of Assembly was in former times carried on without it. I would therefore humbly move, that, in consideration of the present distressed state of the Church's funds, it be vacated, till the debts affecting these be paid; and the principal clerk to choose, or the Assembly to nominate, an assistant for him, (to be by him paid,) to do the business of the sub-clerk. And if the worthy minister * that now holds the office of principal clerk dislike this addition of trouble and diminution of revenue, and rather throw up than submit to it, there is no doubt but others will be found, very capable to exerce the office, who will not decline to accept of it even with this additional burthen.

“The office of agent is most certainly very necessary, and of great importance to the Church and clergy, when worthily discharged, and exerceed with diligence; but, to prevent any one's stealing into it by surprise,—to secure a good choice, and prevent a bad, or even an indifferent one,—and that the sense of the Church may be known in the matter, I would propose, that the ensuing Assembly vacate

* Dr George Wishart.

both offices, and fill up neither, but leave the choice and filling up to the subsequent Assembly. In which case, the generality of the clergy will, I am confident, act with honesty and spirit; look out for and fix upon a man of tried experience, and approved ability and character in his way, —the one who will do most honour to the office he exercises, that will be prevailed upon to accept. And if any of the clergy will, from *party views* and *connections*, or from a *fawning* or *creeping meanness*, be prevailed upon to betray the interests of their own order, (to please or compliment any one whosoever,) by making choice of a person who has only one degree of sufficiency, while one of ten degrees of sufficiency may be had, and in their power; such, I should think, would be had in just contempt by the present, and their names be branded with infamy in generations to come.*

At the first diet a motion was made, to consider whether it might not be proper to note in the Assembly minutes, that by the death of Mr John Baillie since last Assembly, the whole of the *offices of agent, sub-clerk, &c.*, had now devolved on Mr James Edmonston. In opposition to this, it was proposed to delay the affair till an after-diet. The question was put, *Delay till Saturday, or till Tuesday next?* and carried for *Saturday*, 130 to 85. Accordingly, on Saturday the proceedings of last Assembly, relating to this affair, were read; then a motion was made, that the Assembly should find, that the sole right to the offices aforementioned hath now, by the death of John Baillie, devolved upon James Edmonston, as being entitled, by the act of Assembly 1753, to the survivancy of all these offices, and should appoint him to exercise them accordingly. After long reasoning, it was proposed to put the question. *Approve of the motion, or Not?* The opposite side insisted, that the question should be, *Are these offices now at the disposal of this Assembly, or Not?* On this the previous question was put, *Whether the first or second should be the state of the vote?* and it carried, *The first*, 142 to 92.

* There appeared, about the time of the Assembly (1754,) a "Vindication of the General Assembly 1753, from the Misrepresentations of the Author of a Letter in the Magazine;" and (in reply) "A Just Account of the Proceedings of the Assembly 1753, in the Settlement of the Sub-Clerkship and Agency;" but I have been unable to procure either pamphlet.

Then the question first proposed was put, *Approve of the motion*, or *Not?* and it carried *Approve*, 143 to 86. Accordingly, the General Assembly “did, and hereby do, find that the sole right to the offices of agent for the Church, sub-clerk to the General Assembly and Commissions thereof, and clerk to the committee for managing the royal bounty, hath now, by the death of John Baillie, devolved upon the said James Edmonston, as being entitled, by act of last Assembly, to the survivancy of all these offices; and he is appointed to exercise them accordingly.”

The Commission-book, on report of a committee appointed to revise it, was ordered to be attested, May 28, with a reservation as to the decision in the case of *Biggar*, against which a complaint* had been entered. On the 31st, the day appointed for taking in this complaint, it was represented by an honourable member, that there was now a pretty certain prospect of having all difficulties removed that had stood in the way of the peaceable settlement of that parish, and that the matter would be brought to such a conclusion as should be to the satisfaction of all concerned. The Assembly agreed to let the question now brought before them by the complaint, lie over till next Assembly; and in case the presentation to Mr Haig shall be taken out of the field, empowered the Presbytery of Biggar to proceed to the settlement of that parish according to the rules of the Church; and the Commission, in that event, to cognosce, and finally determine, in any future question that shall be regularly brought before them with respect to the settlement of that parish.—The result was, that Mr John Johnston, chaplain of Edinburgh Castle, was admitted minister of Biggar on the 26th September, “to the satisfaction of all concerned,”—while Mr Haig succeeded to the chaplaincy. The latter died on the 19th October 1761.

On the 30th and 31st of May, and 1st of June, the thirteen *Overtures* transmitted by the Commission in November, (see p. 30,) were taken under consideration. The Assembly agreed to the 1st, 2d, 4th, and 5th; and enjoined in terms of them, embodying them into one act. Remitted the 6th to the Commission to be reconsidered; their opinion concerning the subject-matter of it to be reported to next Assembly. Transmitted the 3d and the 13th to the Presbyteries; their

* See p. 34.

opinions concerning them to be reported to next Assembly. Rejected the 9th, without a vote; dropt the 10th, 11th, and 12th; and after reasoning, agreed, without a vote, in place of the 7th and 8th, to declare and ordain as follows, viz. :—

“The General Assembly do hereby declare, that when one is ordained or admitted as minister of a parish, he shall, by virtue of such ordination or admission, be *ipso facto* a member of the Presbytery and Synod in whose bounds the parish lies; and ordains the clerks of those judicatures forthwith to enrol him. And all clerks of Synods and Presbyteries are hereby enjoined to enrol as members, such as have at any time preceding this been ordained or admitted as ministers of parishes within their respective bounds.”

“The General Assembly finding, that by the act 12, Ass. 1736, *Presbyteries refusing to obey* the sentences of the Commission of the General Assembly, are declared to be *ipso facto* sisted before the next General Assembly, to whom they shall be accountable for their conduct, do hereby declare this act to be extended to sentences passed by the Assembly, and not obeyed by Presbyteries.”*

* The Synod of Glasgow and Ayr met at Ayr, April 16, and the same day passed the following act:—“The Synod considering the obligations which lie upon them to maintain and support the excellent constitution of this Church, and that this can only be done by a stedfast adherence to, and diligent observation of, the standing acts of the General Assemblies; as also, that the fundamental laws of any society may be neglected, or not attended to, through length of time, especially when the Church is in outward prosperity, do hereby appoint, in the most express manner, all the Presbyteries within their bounds strictly to observe all the fundamental laws and constitutions of this Church, and acts of the General Assembly, enacted with consent of Presbyteries. Particularly,—1st, Inasmuch as the *settlement of vacant parishes* is a matter of the utmost consequence,—in which the conversion of sinners and edification of saints is very nearly concerned,—they expressly appoint all the Presbyteries within their bounds to observe the standing acts of the General Assembly upon that subject, as they are enumerated in the 14th act of the Assembly 1736; which we have the greater confidence to recommend, as we have generally had the happiness in this Synod, by a steady adherence to the said laws, to be successful in getting our vacancies comfortably planted. 2d, That, in all *processes against ministers*, they be careful to observe the rules prescribed in the form of process, particularly chap. 1, par. 4; chap. 7, par. 5 and 8.” Next day the Synod recommended to the members of the Assembly, from the bounds of that Synod, to move that the

Two petitions were brought before the Assembly, May 27; one from the trustees of the *College of New Jersey*, and the other from the *Synod of New York*,—both setting forth the great advantages that must arise from the erection of a college at New Jersey, where a great many students may be educated,—the great difficulties they labour under, through the want of money to carry their design of properly endowing the said college into execution,—and therefore praying for a general collection. By a committee then named, a draught of an act, and recommendation for a general collection to be made at all the church doors in Scotland, for the behoof of the said college, was presented on the 31st, and, after some amendments, approved of. The Assembly, besides, recommended to ministers to apply to the nobility and gentry, as they may have opportunity, to give their charitable assistance in this matter.*

A report from the committee appointed by last Assembly to correspond with the society at London for receiving the monies collected for the *German Protestants in Pennsylvania*, was laid before the Assembly on the 30th, bearing, that Mr William Hogg had remitted, by their order, on the

above act be extended to the whole Church; and agreed, that it be likewise humbly proposed, to enjoin all Presbyteries, in *settling parishes*, to observe as near as possible, consistently with other standing laws, and with the proper end of the ministry, the regulations established in regard to that matter by the act of Parliament 1690, and which do not seem to the Synod to be set aside by any subsequent act of Parliament. Another overture was likewise agreed to, viz. :—“Whereas, except at the meeting of the Commission immediately after the rising of the Assembly, great inconveniences may arise from the determinations in the affair of settlements by any subsequent *Commission*, by reason that they are generally very ill attended, therefore the Synod humbly propose, that the Assembly would transmit an overture to Presbyteries, whereby all these subsequent meetings of the Commission may be discharged in time to come, except on extraordinary emergencies; and that upon such occasions they be prohibited from determining in the settlement of any vacancies.”

* The eminent *John Maclaurin* of Glasgow was present at this Assembly, where, we are told, “he had the pleasure to meet the Rev. Messrs Tennant and Davies, agents for the College of New Jersey. It gave him great pleasure to see with what readiness the Assembly granted a collection for carrying on that good design.”—*Maclaurin's Life*, prefixed to his works; or the Christian Instructor for February 1839.

23d of April last, to the Rev. Mr Samuel Chandler, secretary to the said society, £1132 ; which sum, with the exchange at three-fourths per cent., was the whole amount of the collections he had then received, making *in all*, £1140, 9s. 11d.

The committee for revising commissions remarked, that the commission from the Presbytery of Dunkeld bore, that the Presbytery do not know if the Duke of Athol, one of their ruling elders, has signed the formula. The Duke of Athol agreed to be continued a member, upon his signing the *formula* in presence of the Assembly.

A sentence of the Presbytery of Inverness, sustaining a call by the town and parish of *Inverness*, to Mr Alexander Fraser,* minister of Avoch, to be one of the ministers of Inverness, affirmed ; and the said Presbytery appointed to proceed in the necessary steps towards Mr Fraser's transportation from Avoch, and his admission as one of the ministers in the said town and parish of Inverness.

A sentence of the Synod of Lothian and Tweeddale, affirming a judgment of the Presbytery of Edinburgh, refusing to take in and judge of a libel, given into them by the heritors and elders of the parish of *Nigg*, against Mr Patrick Grant, minister at Duthil, (who, by act of last Assembly, was appointed to be admitted as minister of the said parish of *Nigg*.) affirmed ; and the said libel remitted to the Presbytery of Abernethy, and they appointed to proceed upon it with all convenient despatch, agreeably to the rules of this Church. And the Assembly recommended to the prosecutors, if they are to insist in the said libel, to bring it before the Presbytery of Abernethy *quam primum* ; and empowered the Commission to cognosce and finally determine in any reference or appeal that shall regularly be brought before them, with respect to the said process, or the settlement of the parish of *Nigg*.

A complaint by the Crown against the Presbytery of Tain, for not proceeding to the transportation of Mr Grant from Duthil, and his admission at *Nigg*, pursuant to the orders of the last General Assembly, withdrawn, till Mr Grant's innocence should appear in a proper manner.

A sentence of the Synod of Merse and Teviotdale, sustaining a call to the Rev. Mr William Trotter to be minis-

* See the former vol., pp. 182, 370.

ter of the town and parish of *Selkirk*, affirmed, and the Presbytery of Selkirk appointed to proceed to his admission as minister of the said parish, according to the rules of the Church.

The cause relating to the settlement of the parish of *Cromarty*, referred to the Commission, with power to them to cognosce and finally determine therein, at their first diet, after the appeal relating to the right of patronage is discussed.

The committee named by the last Assembly to correspond with the society at London, appointed to prepare a draft of answers to the letters produced to the said Assembly 1752, from the Synod of South Holland and Classis of Amsterdam, and lay the same before the Commission, at their meeting immediately after the rising of the Assembly; and the said committee are continued for the purpose for which they were named by the last Assembly,—of corresponding with the said society at London.

Petitions for the commissioners from the Presbyteries of Uist and Zetland, craving viaticums for their attendance on this Assembly, refused, in respect of the resolution anent viaticums entered into by the Assembly 1752.

An overture anent the *qualification of elders, members of the Assembly*, referred to the Commission, to be taken in at their first meeting after the rising of the Assembly, if they can overtake it.

Reference to the Commission, at their first meeting after the rising of the Assembly, to consider an overture, proposing that all Presbyteries be enjoined, on the day when they are to choose members of Assembly, that, before the election, they cause read the 9th act of Assembly 1722, concerning the *qualifications of elders*; and the 7th act of Assembly 1725, concerning the form of the attestation of commissions.

An overture anent the *planting of vacant churches*, referred to the Commission.

The remarks made by the visitors of the register of the committee named by last Assembly for managing the royal bounty, read. The present missionary at Strontian, *not having the Irish language*, appointed to be dismissed from that station, and one having the Irish language to be settled there.

The committee for managing the royal bounty appointed

to employ a minister at Fort-Augustus, with a salary of £30 sterling.

Reference to the Commission to consider of the proper method for having the inconveniences arising from the scarcity of students having the *Irish language* remedied.

Protestation admitted at the instance of the Synod of Lothian and Presbytery of Edinburgh, against the *Tron Kirk* Session of Edinburgh, for not insisting in the appeal taken by them, from the sentence of the said Synod and Presbytery, translating Mr John Jardine from the Lady Yester's Church to the Tron Church.

The Assembly rose June 3.

ASSEMBLY 1755.

THE General Assembly met at Edinburgh, May 22. Lord Cathcart was his Majesty's Commissioner; and Mr George Reid, minister at St Quivox, was unanimously chosen Moderator.

It was at this Assembly that the writings of *David Hume* and *Henry Home*, (*Lord Kames*,) became the subjects of discussion, as being supposed hostile to the interests of religion and morality. "Among Mr Home's opponents," says his biographer, Lord Woodhouselee,* "were some persons of so intolerant a spirit, that nothing less could satisfy their zeal than the interference of ecclesiastical authority, to repress opinions which they conceived to be contrary to the canons of the Established Church, and subversive even of the fundamental principles of religion." Of these the most prominent was *Mr George Anderson*, a preacher, who had formerly been an army-chaplain, and, in his latter years became chaplain to Watson's Hospital, Edinburgh. "He was a man of a bold spirit and irascible temperament; of considerable learning and vigour of mind, but deficient in that acuteness of talent which is fitted for metaphysical controversy." In 1733 he had acquired some notoriety by a

* *Life of Kames*, vol. i., p. 141, where, however, the proceedings of the Assembly 1755 are confounded with those of the Assembly 1756. Compare *Moncreiff's Life of Erskine*, p. 207, *et seq.*, though there are there also some mistatements of fact, which we have rectified.

sermon and various pamphlets against the stage ; and now, though little short of eighty years of age, he attacked, with great vehemence, Lord Kames' Essays on Morality and Natural Religion, in his " Estimate of the Profit and Loss of Religion, personally and publicly stated." In this work he designated his antagonist by the name of SOPHO ; and there can be little doubt that it is to its publication that the subsequent proceedings may ultimately be traced. On Friday, the 23d May, (the second day of the Assembly,) there appeared an anonymous pamphlet, with the title—" *An Analysis of the Moral and Religious Sentiments contained in the writings of Sopho and David Hume, Esq. ; addressed to the consideration of the Reverend and Honourable Members of the General Assembly of the Church of Scotland.*" It commences thus :—

" GENTLEMEN,—As it is the great design of the Christian religion, to teach men to deny all ungodliness and worldly lusts, and to live soberly, righteously, and godly in the world ; so it is the business of an Established Church to employ that power with which she is invested, in promoting purity of faith and sanctity of manners. Then, and then only, doth she act with dignity in her respective courts, when these important ends are the great objects of her attention.

" What particular business may come before you, I do not know. One thing of very general concern, I am sure, deserves your consideration ; and that is, the public attack which in this country has of late been made on the great principles and duties of natural and revealed religion, in the works of DAVID HUME, Esq. ; and in the essays of an author who has been distinguished by the name of SOPHO. It is true, one of these gentlemen has some how got the character of a fine writer, and subtle disputant ; and the latter, it is said, holds a place of great importance in this country, and even bears an office in your Church. But, as I am well assured that neither the art of the one nor the power of the other, will avail to overthrow those principles they so boldly attack, so I am persuaded, that by neither will ye be diverted from doing your duty ; and your duty unquestionably it is, to give warning of the poison contained in these volumes, and to testify to the whole Christian world your abhorrence of such principles.

" It is not my design, in this paper, to enter into the con-

futation of these opinions. This has been done already with great success, by the smart and sensible author* of the *Estimate of the Profit and Loss of Religion*, and in the modest and elegant *Delineation of Morality*.† Two other authors have distinguished themselves against particular parts of the scheme, viz., the Rev. Mr Adams, a clergyman of the Church of England, in his answer to the *Essay on Miracles*; and Dr John Stewart, in his very masterly reply to the *Essay on Motion*. To these authors I refer all that desire with candour to enter into the controversy.

“ My design only is, to analyse the works of these celebrated authors, giving their own expressions under the different heads to which they seem to belong. This method, I imagine, will not only give the clearest view of the sentiments of these gentlemen, but is such as they themselves must allow to be the most fair and candid; because, if in stating the proposition, I should happen to mistake their meaning, their own words subjoined must immediately do them justice.

“ I quote from the following editions:—

“ *Essay and Treatises on Several Subjects; by David Hume, Esq.* 4 vols., *Edinburgh*, 1753.

“ *Essays on the Principles of Morality and Natural Religion; Edinburgh*, 1751.

“ *Essays and Observations, Physical and Literary, read before a Society in Edinburgh, and published by them; Edinburgh*, 1754.

“ *The History of Great Britain, vol. 1, by David Hume, Esq.; Edinburgh*, 1754.

“ I begin with the writings of SOPHO, whose opinions I shall sum up in the following propositions:—

“ PROP. 1. *There is no necessary relation betwixt cause and effect.*

“ 2. *Matter is possessed of a power of self-motion.*

“ 3. *Nothing appears from reason that can induce us to think that the world is not eternal.*

* This was the above mentioned Mr Anderson, who also published “ A Remonstrance against Lord Viscount Bolingbroke’s Philosophical Religion, addressed to David Mallet, Esq., the publisher,” 1756.

† The “ *Delineation of Morality* ” was by Mr James Balfour of Pilrig, advocate, and Professor of Moral Philosophy in the University of Edinburgh. It was specially directed against Hume’s principles.

“ 4. *The powers of reason can give us no satisfying evidence of the being of a God.*

“ 5. *The perfections of God are either such as we cannot prove, or cannot comprehend.*

“ 6. *It is whimsical and absurd to pretend that the material world is subject to the providence of God.*

“ 7. *Every class of beings is perfect.*

“ 8. *Man is a mere machine, under an irresistible necessity in all his actions.*

“ 9. *Though man be thus necessarily determined in all his actions, yet does he believe himself free, God having implanted into his nature this deceitful feeling of liberty.*

“ 10. *This deceitful feeling is the only foundation of virtue.*

“ 11. *That, since man is thus necessarily determined in all his actions, and can have nothing more than a deceitful feeling of liberty, it follows, as a necessary consequence, that there can be no sin or moral evil in the world.*”

The writer then proceeds to show, by extracts from Lord Kames, that his sentiments are correctly exhibited in these propositions. He then passes on to Mr Hume:—

“ Having laid before you these extracts from the writings of this anonymous, though well-known author, I shall subjoin some passages no less remarkable from the works of his brother-philosopher and friend,—who has at least been more honest in this respect, that, without disguise, he has pled the cause of vice and infidelity.

“ According to this celebrated moralist,—

“ PROP. 1. *All distinction betwixt virtue and vice is merely imaginary.*

“ 2. *Justice has no foundation further than it contributes to public advantage.*

“ 3. *Adultery is very lawful, but sometimes not expedient.*

“ 4. *Religion and its ministers are prejudicial to mankind, and will always be found either to run into the heights of superstition or enthusiasm.*

“ 5. *Christianity has no evidence of its being a divine revelation.*

“ 6. *Of all the modes of Christianity, Popery is the best, and the reformation from thence was only the work of madmen and enthusiasts.*”

Having pursued the same course with Mr Hume's writ-

ings as he had done with those of Lord Kames, the author of the Analysis concludes in the following strain :—

“Thus, gentlemen, I have laid before you a few of the many passages which occur in the works of these two authors, and which at the very first view appear to strike at the foundations of all virtue and religion, both natural and revealed. That the promoters of such impious opinions deserve the very highest censures of the Church, is beyond dispute. What you shall think proper to do in this Assembly, a short time will discover; only I will venture to say, that if these things are overlooked, after the zeal you have lately shown to support the authority of your own sentences, it will in some measure verify a common observation,—That it is safer to revile the king than the ministry. Nor do I know how you will parry the blow, when every one has it in his power to tell you, You deposed a minister who disowned your authority, but enrol, as a member of your courts,* an elder who has disowned the authority of Almighty God; and that some of you at least live in the greatest intimacy with one who represents the blessed Saviour as an impostor, and his religion as a cunningly-devised fable. May your conduct be such as fully to wipe off all these reproaches; and testify to the world, that you will have no society with the workers of iniquity.”

The above paper being circulated among the members of Assembly, the subject was brought before the committee for overtures, which, on the 28th May, transmitted the following overture to the Assembly, by whom it was on the same day *unanimously* passed into an act :—

“The General Assembly being filled with the deepest concern, on account of the prevalence of *infidelity and immorality*,—the principles whereof have been, to the disgrace of our age and nation, so openly avowed in several books published of late in this country, and which are but too well known amongst us,—do therefore judge it proper

* The minister alluded to is Mr Gillespie; the elder, Lord Kames. It is right to mention, however, that though his Lordship was named a member of the Commission, (an honour it was then customary to pay to noblemen and judges,) by the Assemblies 1753 and 1754, he never sat in that court; and he was not named a member of it by the Assembly 1755.

and necessary for them, at this time, to express the utmost abhorrence of those impious and infidel principles which are subversive of all religion, natural and revealed, and have such pernicious influence on life and morals; and they do earnestly recommend it to all the ministers of this Church, to exercise the vigilance and to exert the zeal which becomes their character, to preserve those under their charge from the contagion of these abominable tenets, and to stir up in them a solicitous concern to guard against them, and against the influence of those who are infected with them."

No reply appeared to the above paper until the 6th June, four days after the Assembly had risen. There then came out, "Observations upon the Analysis," &c.; which, according to Lord Woodhouselee, was generally attributed to the celebrated *Dr Hugh Blair*, and was written "with temperate but forcible animadversion." The introductory paragraph is as follows:—

"The freedom of inquiry and debate, though it may have published some errors to the world, has undoubtedly been the source from whence many blessings have flowed upon mankind. As free inquiry alone could at first have made way for Christianity, and have borne down the opposition of synagogues, senates, and schools, it is to the same noble principle we owe the Reformation, and are enabled to set at defiance the tyrannical decisions of popes and councils;—by means of free inquiry the Church of Scotland was originally established. In this country, therefore, all attempts to infringe so valuable a privilege, in cases where the peace of society is not concerned, must ever be regarded with concern by all reasonable men. The proper objects of censure and reproof are not freedom of thought, but licentiousness of action,—not erroneous speculations, but crimes pernicious to society. Against these ought the clergy to exert their utmost efforts; and by such a conduct they will more advance the cause of religion, than by engaging in metaphysical disputes, which may perplex the understanding, but never can impair the morals of men."

The burden of Lord Kames' defence is made mainly to rest on the alleged unfairness of the quotations by the author of the Analysis:—

"To glean disunited sentences, to patch them together arbitrarily, to omit the limitations or remarks with which a proposition is delivered,—can this be styled exhibiting the

sentiments of an author? I hope I shall not be thought to deviate into any thing ludicrous, when I refer the reader to a well-known treatise of the Dean of St Patrick's, in which the inquisitorial method of interpretation, used in the Church of Rome, is, by so just and so severe raillery, rendered detestable,—*Si non totidem sententiis, ast totidem verbis; si non totidem verbis, ast totidem syllabis; si non totidem syllabis, ast totidem literis.* This is the genuine logic of persecution. From arts such as these have the unhappy divisions which so long distracted the Church been derived. At a period when mankind are fully sensible of the blessings they enjoy, and liberty, both civil and ecclesiastical, is become the dearest possession of the people, and the favourite care of the prince, what sentiments ought the revival of those insidious and Jesuitical principles to excite in every sincere friend to our present constitution, in Church and State! Most of the members of the Church of Scotland are, I dare say, animated with a fervent zeal for religion; but, knowing that the perfection of religion is the *spirit of moderation*, they prize too highly the good of the Church to give ear to the counsels of a violent and unchristian zeal, which, by adopting the arts, may justly be thought to pursue the ends, of persecution."

On the subject of liberty and necessity, the writer maintains, that the position of Lord Kames is, "That man is under a moral necessity, arising from the will of the Deity;" and he holds that the doctrine of our Church is the same,—referring also to the authority of Calvin, Beza, Turretine, Edwards, &c. As for Mr *Hume's* works he says: "Every *fair* reader must admit and regret, that there are to be found, in the writings of this elegant author, *some* principles by no means inconsistent with sound doctrine. There was therefore no necessity for ascribing to him positions which he does not advance, in order to support the charge of irreligion against him."

"The alarm being thus sounded," says Lord Woodhouselee, "a conflict of an unpleasant nature was apprehended between the moderate and the high-church party, in the supreme ecclesiastical judicature." This, however, does not seem to have ensued, for the above decision was *unanimous*. The only step taken in reference to Lord Kames, was the omission of his name from the list of the Commission, in which (out of courtesy) it had formerly been inserted.

When the subject was revived next year, the name of Hume alone appeared in the overture ; it being supposed that a motive of decorum prevented the mention of the other, from the respect due to his station as a judge.

A petition of the Synod of Merse and Teviotdale was read on the 26th, narrating the frequency and bad effects of *irregular marriages* in their bounds ; that the laws for restraining and punishing of such practices are hitherto evaded, and of no effect, by the remitting or qualifying of fines that by law ought to be enacted ; and therefore craving the Assembly's directions, how the Synod, and the several members and Kirk-Sessions of it, may proceed, in exacting the full mulcts required by law, and in reducing sentences that seem rather to screen than punish offenders. The Assembly remitted to the Synod to lay a full representation of this affair, and proper queries, in writing, before the procurator for the Church, that he may give his opinion upon it.*

On the 30th, a representation of the Presbytery of Aberbrothock was read, bearing, that at the request of Mr Aitken, who was lately settled minister of *St Vigian's*, they had stented the several heritors of the parish, according to their valuations, in a certain sum of money, for repairing the kirk of *St Vigian's*, upon which they pronounced a decret in the usual way ; but that the greatest part of the heritors refuse to pay any part of the money, in respect of a paction entered into betwixt them and some of Mr Aitken's friends before his settlement, whereby these friends obliged themselves to repair the kirk, manse, and office-houses of *St Vigian's*, in case Mr Aitken should be settled minister of that place ; for doing of which they granted an obligation to the heritors, which was produced to the Presbytery ; and therefore the Presbytery entreated the Assembly to give such orders to the agent for the Church as they

* The parishes of this Synod being near the English border, were peculiarly exposed to this evil. It was, however, extremely prevalent every where. *John Grierson*, deputy of the Savoy Chapel, London, being convicted of clandestinely marrying a couple, was sentenced (December 10) to be transported for fourteen years. It is said he had married 1400 couple in the same manner, whose marriages were, by that verdict, null, and the issue illegitimate.— See the former vol., pp. 44, 94, 219, 220, 394.

should think proper, for prosecuting this affair before the Lords of Session, to convince all concerned of the illegality of such practices, and prevent the like in time coming. The Assembly agreed to advise the Presbytery to go on in the due course of law, for recovering from the several heritors their proportions of the sum necessary for repairing the kirk of St Vigian's.

Upon report of the committee for overtures, the General Assembly transmits to the several Presbyteries, the overtures formerly transmitted to them by the last and preceding General Assemblies, and appoint that such Presbyteries as have given no opinion on these overtures, do send up their opinions to the next General Assembly; and that such Presbyteries as have given their opinions upon them formerly, do send up a new extract of the same.

The overtures above referred to, are:—

1. Overture anent *processes against probationers*, transmitted by the Assembly 1748.

2. Overture anent *licensing probationers*, transmitted by the Assembly 1749, with an amendment proposed and transmitted by the Assembly 1750.

3. Overture anent *the Psalmody*, transmitted by the Assembly 1750.

4. Overture anent the *effect of dissents*, transmitted by the Assembly 1752.

5. Overture anent Presbyteries *neglecting to send up their opinions* on the overtures transmitted to them by the Assembly;—transmitted by the Assembly 1753.

6. Overture anent ministers *ordained in England*, or in foreign parts; transmitted by the Assembly 1754.

7. Overture anent members of *inferior courts* judging in causes appealed from them to the superior courts; transmitted by the Assembly 1754.

On the 30th May, the Assembly disposed of the appeal of James Rose of Culiss, and Thomas Gair of Damm, for themselves and other heritors, and others of the parish of Nigg, (Ross-shire,) against a sentence of the Synod of Moray, approving of the conduct of the Presbytery of Abernethy and correspondents, in finding a libel, exhibited by them, against Mr Patrick Grant, minister at Duthil, (presentee to Nigg,) *not relevant*, as laid. There appeared for the appellants, Mr Charles Hamilton Gordon, advocate; and for the Synod, Messrs Alexander Chalmers, John Grant,

and other members ; and Mr Patrick Grant for himself, with Mr Hugh Dalrymple as his counsel. The charge against Mr Grant was drunkenness, alleged to have taken place in presence of the Presbytery of Edinburgh, whereupon (we quote from the original record) “ a motion was made, that, in order to bring this matter to a speedy issue, since it appeared that many of the witnesses were either members of this Assembly or ministers of Edinburgh, or the neighbourhood of it, they should now be called upon, as many as are here present in the Assembly, to declare what they know to be the truth in this matter ; and the parties being asked if they had any thing to offer with respect to this motion, the counsel for the appellants said, that, as he had a good opinion of Mr Grant, he had advised his clients not to insist in the prosecution ; but he had no instructions from them to make any answer to that motion. Mr Grant expressed his cheerful acquiescence in what had been proposed ; and said he had offered, both to the Presbytery and Synod, to be judged according to the libel as it stood, without objecting to the relevancy. The General Assembly then did unanimously agree to the motion made, and proceeded to call on such of the witnesses, members of the Assembly, and others, as were present in the house. *Dr Patrick Cumming* being called upon, declared, that the Presbytery of Edinburgh being to meet for the ordination of a young man, who was to be chaplain to a regiment then lying at Gibraltar, and it being his turn that day to have the Wednesday evening sermon, he had desired Mr Grant to preach for him, and had with some difficulty prevailed with him to undertake it, as he complained of being indisposed : That he remembered the said Mr Grant was present with the Presbytery, and afterwards dined with them at *Richard Walker's*, and that he was with them all the time, till it was about five o'clock, when the meeting dismissed, and he observed no sort of signs of drunkenness about him : That, upon the dismissing of the company, he, the said Dr Cumming, went home, where, being detained by some company, he was so late of getting to church that the sermon was then begun ; and, from the discourse itself, he found the text was, ‘ His commandments are not grievous ;’ and he heard him speak no nonsense, nor did he observe any thing in his manner of speaking but what might naturally be ascribed to his being accustomed to preach in

the Irish language: That, as to what passed at dispensing the Sacrament of Baptism, he remembered that, after Mr Grant had concluded the baptism of two children, being informed of another child to be baptized, he expressed himself in this manner to the congregation, 'I beg your patience, as there is another child to be baptized which I did not observe,'—and so he baptized that other child: That, after dismissing the congregation, he went in with him, for a little time, as is usual, into the aisle of the church: That they did not come out by the passage into the Old Church, but by the ordinary door into the Parliament Close: That they walked together the straight way to his house, through that passage that goes from the Parliament Close by the Laigh Council-House and the Tolbooth, and so went up the Lawnmarket; and that he believes his arm might be in Mr Grant's, or Mr Grant's arm in his; and that he would never have walked with him in that manner up the open street, if he had had any suspicion of his being drunk, but *would have sent him home in a chair*: That, Mr Grant being come into his house, he insisted with him to sup there, which he declined; and the said Dr Cumming having occasion to go out of the room for some time, upon his return he found Mr Grant was gone away. All which he, the said Dr Cumming, could make oath upon, if required. *Mr George Kay, Mr John Johnston, Dr Alexander Martin, and Mr George Wishart*, being severally called upon, concurred in declaring, that they remembered the said Patrick Grant dined with the Presbytery on the occasion above mentioned, and that they observed nothing of his drinking to any excess, nor any symptoms of drunkenness about him. Two of the above declarants, to wit, Messrs Kay and Wishart, having continued with the company till about four o'clock, and the other two having continued till it broke up about five o'clock, and the said Mr Wishart believed that it was near three o'clock before they sat down to dinner; all which they declared to be the truth. *Mr John Hyndman* being called upon, declared, that he remembered the said Mr Grant dined that day with the Presbytery, in Richard Walker's, and that after dinner, when the company parted, he and Mr Grant conferred some time at the head of the Advocate's Close, about some business that had been transacted that day before the Presbytery: That Mr Grant spoke like a sober and reasonable man; and that, if it was

the last words he had to utter, he could declare he saw no signs of insobriety or drunkenness about Mr Grant." Then follows a letter from *Mr Whyte* of Liberton, to the same effect; and finally, the testimony of *Mr James Stevenson*,—"That Mr Grant handled the text in much the same way as he had heard others do; that his manner, he thought, was not engaging, but *that he did not hear him speak any nonsense.*"

The Assembly, taking into consideration what is contained in the above declarations, unanimously found Mr Grant fully exculpated, and the libel to be vexatious and groundless, and therefore dismissed it; appointed the Presbytery of Tain to admit Mr Grant as minister of Nigg, betwixt and the 1st September; and ordered this sentence to be intimated from the pulpits both of Duthil and of Nigg. [See under the two former years, and the year following.]

A reference from the Presbytery of Penpont, for advice how they are to behave with respect to a slander raised against Mr Robert Grier, minister at *Durisddeer*, by one Elizabeth Cairns, indweller in Kirkcudbright, who alleges that Mr Grier had been clandestinely and irregularly married to her, read, containing Mr Grier's application to the Presbytery to have the said slanderous report inquired into, and considered by them, and his denial of the fact charged upon him; with the proceedings had by the Presbytery thereanent, and her declinature of their jurisdiction; together with letters from Mr Gartshore, minister of Kirkcudbright, to the Presbytery, bearing her being in disorder, both of body and mind; and that, in his opinion, she is not a proper subject of discipline. The said Presbytery of Penpont advised to draw up a narrative of the whole affair, to be read in the parish church of Durisddeer, and, if they see cause, in other churches in the Presbytery; which narrative shall bear, that the Presbytery find reason, upon the whole, to look upon Mr Grier as innocent, and upon the report that has been spread to his prejudice, to be groundless; and that particular notice be taken in the narrative of the circumstance contained in Mr Gartshore's letter, of the said Elizabeth Cairns being disordered.

A sentence of the Synod of Lothian and Tweeddale, reversing a judgment of the Presbytery of Edinburgh, sus-

taining a call by the majority of the collective body in use to elect or present a minister to the second minister's charge in *South Leith*, to Mr Alexander Stewart, probationer, to supply the vacancy in that charge, reversed. The foresaid judgment of the Presbytery of Edinburgh affirmed, and they appointed to proceed in the trials and settlement of the said Mr Alexander Stewart, as second minister of South Leith. This case occasioned "very long debates."

Two sentences of the Presbytery of Kirkcudbright, respecting the settlement of the parish of *Carsfairn*, the one finding that the right of settling the parish was fallen into the hands of the Presbytery; and the other granting a moderation of a call to Mr Donaldson alone,—reversed; and the said Presbytery appointed to moderate in a call to Mr William Boyd, probationer, alone, to be minister of the said parish; and to proceed to his settlement as minister there, with all convenient despatch, according to the rules of the Church.

Reference to the Commission, to consider a representation by the Presbytery of Forfar, concurred with by the Synod of Angus and Mearns, anent opposing any process that may be raised for annexing the parishes of *Inverarity* and *Kinnettles*.

Reference to the Commission to take in and settle the accounts of the procurator for the Church.*

A call to Mr Thomas Simson, who was presented by Mr Urquhart of Meldrum, to be minister of the parish of *Cromarty*, rejected, and the Presbytery of Chanonry appointed to proceed to the moderation of a call at large, to one to be minister of that parish, according to the rules of this Church.

A sentence of the Synod of Glasgow and Ayr, finding William Alexander, tenant in *Mickle-Dripps*, and one of the elders of the parish of *Carmunnock*, censurable, and ordering him to be rebuked at the bar of the Synod, and the sentence to be intimated from the pulpit of Carmunnock, reversed; the said William Alexander restored to the exercise of his office as an elder in the said parish of Carmunnock, the session of that parish appointed immediately to receive him back, and this sentence of the Assembly appointed to be intimated from the pulpit of the Church of Carmunnock

* This is rather an unusual reference, the accounts being generally submitted to the Assembly.

the first Lord's Day after it shall be put into the minister's hands.

The report of a committee named to consider the affair relating to the settlement of the New Church in *Paisley*, brought in, bearing, as their opinion, that the magistrates and council shall, by an act of council, authorise two or more of their number, in their names, to grant bond, binding them, the said magistrates and council, and their successors in office, as representing the community of the burgh, to pay to the minister to be called and admitted, and to his successors in office in all time coming, an yearly stipend of 1000 merks Scots money, with £15 sterling money in lieu of manse and glebe, at two terms in the year, Whitsunday and Martinmas, by equal portions, beginning the first term's payment at the first term of Whitsunday or Martinmas after his being legally admitted a minister of the said church: And also, to pay yearly, during a vacancy, the tax appointed by law to be paid for support of the fund for ministers' widows, &c.: That an extract of the said act of council, with the principal bond, be lodged with the Presbytery, to be by them put in the proper register, and extracts thereof given to the minister called, on his admission to the church: That the said act of council and bond shall contain a clause, providing, that in case at any time hereafter it shall become necessary and expedient to discontinue or suppress the fore-said church or churches within the said burgh, it shall not be in the power of the magistrates or town council to discontinue or suppress the same, otherwise than by the authority of the Lords Commissioners for Plantation of Kirks, &c.; and that, after such suppression of any one or more of such churches, the act of council and bond above mentioned, shall cease and become void, and the community be no longer liable in consequences thereof, further than for payment of one year's tax to the widows' fund, after the suppression: That, at the ensuing moderation, the magistrates and town council of the said burgh, the minister of the church already planted, and the elders of the kirk-session of the said church, not exceeding fifteen, together with the contributors for the building of the church, who are entitled to elect, in terms of a contract 'twixt them and the town council, shall be the only voters and electors in the ensuing moderation: That in future vacancies, when the town do not exerce their right of patronage, the moderation

shall be by such of the said contributors as shall be in life, and inhabitants of the said burgh for the time,—the magistrates and town council,—the incumbents of the other church or churches for the time,—and by the elders of the sessions of the whole churches; but so as that the number of elders entitled to vote shall not exceed fifteen: That the magistrates and town council, agreeing to the settlement of a minister in the said burgh, either in the ensuing moderation, or upon a moderation on any future vacancy, shall no ways hurt or prejudge their right of patronage: That, upon the magistrates and council making the foresaid act, and upon the foresaid bonds being granted in the terms above mentioned, and their agreeing to the said plan in the moderation, it be recommended to the Presbytery of Paisley to proceed to the said moderation. The members of the Presbytery present, with the committee, having signified that they have no doubt but the recommendation will be complied with,—the said report and opinion approved; with the addition, that the bond therein mentioned be revised and approved of by the procurator for the Church, and that, of the whole of the elders of the kirk-sessions, only the fifteen senior elders shall vote in the election of a minister; and the Commission empowered to take in, cognosce, and finally determine, in any reference or appeal that shall be regularly brought before them, relating to the settlement of the said parish.

The libel given by the Presbytery of Dingwall to Mr Colin Mackenzie, minister at *Fodderty*, dismissed, in respect it does not appear in the precognition taken by the Presbytery, that there was any evidence of the facts charged upon him, the same containing nothing but hearsays; and all the minutes of Presbytery relating to that affair ordered to be cancelled, and not entered in their records; the said sentence appointed to be intimated from the pulpit of the church of *Fodderty*. And it is recommended to the Presbytery of Dingwall, that in all processes before them, they strictly adhere to the rules laid down in the form of process.

The report of the committee named to consider the affair of Mr Matthew Moncrieff, late minister at *Bressay*, brought in; and, in respect the sentence of deposition was past by the Presbytery of Zetland against him, when necessarily absent, and in respect of the answers made by him to the several articles of charge, the said sentence declared void

and null, and he restored to the office of the ministry against the said sentence, as if the same had never been past; and intimation hereof appointed to be made from the pulpits of Bressay and Burray.

A letter from the said Mr Matthew Moneriew, containing a demission of his charge in the parishes of *Bressay* and *Burray*, given in and accepted of as his demission, and ordered to be recorded in the books of the Presbytery of Zetland.

A paper, entitled, "A Brief History of the Charitable Scheme for Instructing Poor Germans in Pennsylvania, and the Adjacent British Colonies in North America," published by order of the gentlemen appointed trustees for management of the said charitable scheme, and bearing, on the title-page, its being presented by order of the trustees to this Assembly, being given in by *Professor Cuming*, was ordered to lie on the table, for the perusal of such members as please to inspect the same. The following is a copy:—

"The Protestant ministers in *Pennsylvania* having many years ago found, that their number was too few for the work they had undertaken, applied to the churches of the United Provinces for assistance; and in 1751 the States of Holland and West Friesland granted 2000 guilders per annum for five years, for the support of such other persons as should preach the Gospel in those parts. A considerable sum was also raised by a voluntary contribution; and the assistance of the Churches of England and Scotland was solicited in person by Mr Thompson, minister of one of the English churches in Amsterdam.

"Mr Thompson found great encouragement among persons of the first rank; and, after taking such measures as were necessary here, he went to Scotland, where, representing his business to the General Assembly, which was then sitting at Edinburgh, a national collection was made, which amounted to near £1200 sterling.*

"When he returned to England, he found that his pastoral duty called him immediately back to Holland; and, at his request, a certain number of noblemen, and gentlemen of rank and fortune, undertook to manage the affair in his absence, and solicit and receive contributions.

"Having formed themselves into a society, they began

* See the former vol., pp. 280, 293.

by making a liberal subscription among themselves; they then laid the case before his Majesty, who was pleased to grant them £1000; the Princess Dowager of Wales, £100, and the proprietors of the province engaged to give a certain sum yearly.

“ The society having thus far succeeded, came to the following resolutions:—

“ 1. To assist the people in America to encourage and increase the number of their ministers.

“ 2. To establish charity schools, for the instruction of youth.

“ 3. To appoint trustees in America to execute this plan.

“ 4. That the schools be under the following directions:—
1st, To admit Protestant youths of all denominations. *2d*, To teach the boys the English and German languages; writing, arithmetic, psalmody, and the principles of Christianity; and the girls reading and needlework. *3d*, To teach them by such catechisms as their own parents approve, avoiding all compulsion and partiality with respect to particular notions, not essential to true piety and virtue. *4th*, To distribute among them Bibles, and other good books. *5th*, To appoint proper deputies, and to visit quarterly. *6th*, To examine and state the account at the end of every year, and reward such as have been remarkably diligent.”

To this account is added an earnest address to the wealthy of all denominations, professing Christianity, to concur in a work so well calculated to deliver many thousand souls from ignorance and superstition, to diffuse those blessings which they possess, and confer such gifts out of their abundance as will produce happiness beyond the grave.

Reference to the Commission to cognosce and finally determine in an appeal of John Marshal, baillie in *Auchtermuchty*, from a sentence of the Synod of Fife, appointing him to be rebuked before the congregation, upon an alleged prevarication; and a narrative of the process to be read from the pulpit of *Auchtermuchty*.

The Assembly rose June 2.*

* The proceedings of the November Commission, in the case of *Nigg*, will be found embodied in the account of next Assembly.

ASSEMBLY 1756.

THE General Assembly met at Edinburgh on Thursday, May 20. Charles Lord Cathcart was his Majesty's Commissioner; and Dr Patrick Cuning, Professor of Ecclesiastical History in the University of Edinburgh, and one of the ministers of the city, was chosen Moderator.*

On the 22d a motion was made, and unanimously agreed to, to address the King on occasion of the *declaration of war*; a committee was named to draw up the address, to show it to the Commissioner, and report it to the Assembly on Monday the 24th; and it was resolved, that, after considering and preparing the address, the remaining part of Monday's diet should be spent in prayer, for obtaining the divine blessing on his Majesty's arms.

Accordingly, on the 24th, a draught of the address was presented, unanimously approved of after some amendments made, and subscribed by the Moderator. At the Assembly's request, the Commissioner undertook to transmit it to his Majesty; and the Assembly appointed the Moderator to transmit a copy of it to the Earl of Holderness, one of the principal secretaries of state. Then a motion was made, and unanimously agreed to, that as the nation is now engaged in a just and necessary war, a day of solemn humiliation, fasting, and prayer, should be observed all over Scotland; application to be made to the king for the royal authority, and for naming the day. The remaining part of this diet was spent in prayer, pursuant to the aforementioned resolution.

Act of the General Assembly for a Fast, dated Edinburgh, May 31, 1756.

Whereas our sovereign, in defence of Great Britain and Ireland, and the dominions thereto belonging, has declared war against France, the formidable enemy of the religion and liberties of our country†; and whereas the Almighty, in former times, has done great things for these nations;—

* He had also filled the chair in 1749 and 1752.

† The declaration of war against France had reached Edinburgh on the first Saturday of the Assembly. Such was the patriotic enthusiasm of the clergy, that Mr Alexander Rose of Nairn had

has bestowed upon them inestimable privileges; and in the day of danger, when our fathers cried unto God, he heard from heaven, raised up deliverers, and saved according to his manifold mercies, and still continues to distinguish us beyond all nations, blessing us with the best religion, and best of governments:

Yet, notwithstanding all this goodness showed to these nations, just cause there is to lament, that we have not learned wisdom from our dangers, nor gratitude from our deliverances; that we have not duly prized nor improved our advantages; but as God has multiplied his favours upon us, we have multiplied our transgressions against the God of heaven; and too visible it is, that infidelity, luxury, vice, and profaneness, have widely diffused their contagion, and infected this nation.

From this aggravated guilt, we have reason to dread that God may be provoked to depart from us, to deliver us a prey into the hands of our enemies; and, by an inclement season, to blast the fruits of the earth, and break the staff of bread in our land; thus visiting us, for our iniquities, with the desolating calamities of war and famine.

The National Assembly of the Church of Scotland, in this important crisis, when we have much to fear from our enemies, and more from our own follies and heinous transgressions, do therefore most seriously call and exhort all to the duties of solemn fasting, humiliation, and prayer, upon such a day as his Majesty shall please to appoint, the Assembly having made humble application to him to name the day, and interpose his royal authority for the due observation thereof; and they do earnestly obtest persons of all ranks, as they tender the favour of Almighty God, and the welfare of these nations, to humble themselves with penitent and contrite souls, in the sight of that God who, dwelling in his high and holy place, dwelleth also with them who are of contrite and humble hearts; to confess and forsake their sins, imploring, through Jesus Christ, grace and mercy from the Father of mercies; beseeching the divine Majesty to revive among us a spirit of primitive integrity, piety, and virtue; that we may be inspired with reverence

offered a bounty of thirty shillings to every able-bodied seaman; and Mr William Blair of Ruthven had offered a guinea to every recruit who should enlist in Lord John Murray's regiment.

of the Almighty, loyalty to our sovereign, love and zeal for our constitution, civil and religious ; that there may be one mind and one heart in us all ; that every heart may be warm with the love of our country, and every hand cheerfully employed in her service : and if, in the providence of God, we shall be called to appear in the defence of the Protestant religion, and our national privileges, that, in so noble a cause, we may act a part becoming our characters, as Protestants and free Britons,—may be of good courage, and may play the men for our people, and for the cities of our God.

The Assembly further enjoins, that, in the day of public prayer, supplications be offered to the God of heaven, that he may bless our sovereign, King George, long preserve his valuable life, direct his councils, establish his throne in righteousness, and that he may continue to reign in the hearts of a free and happy people ; that God may bless their Royal Highnesses, the Prince of Wales, the Princess-Dowager of Wales, the Duke of Cumberland, the Princesses, and all the royal family ; that God may give wisdom to our counsellors, conduct to our commanders, and strength to those who turn the battle from our gates ; that our trust and confidence being placed, not in an arm of flesh, but in the Lord Jehovah, in whom there is everlasting strength, he, the righteous Governor of the universe, may favour our righteous cause,—the Lord of Hosts may go forth with our fleets and armies, protect those in the day of battle who expose their lives for our safety, and crown their arms with victory and success ; that God, who setteth bounds to the sea, stilleth the raging of its waves, and the tumults of the people, would make this expensive and dangerous war speedily to terminate in a safe and honourable peace ; that the God of nature, whom all the elements obey, would send such weather as will cherish the fruits of the earth, that our pastures may be clothed with flocks, and our valleys covered over with corn,—that our land may yield her increase, and the year at length be crowned with the divine goodness ; that we, enjoying the blessings of peace and plenty in all our borders, and being delivered by the Almighty from the hands of our enemies, may serve our God without fear, in holiness and righteousness before him, all the days of our lives ; that the beauty of the Lord our God may be upon us, and glory, the glory of civil and religious

liberty, may ever dwell in our land. And the Assembly enjoins all ministers to intimate this act from their pulpits, upon the Lord's Day immediately preceding the day that shall be appointed by his Majesty for the observation of the fast, and to excite the people to their duty by suitable exhortations.

At the court at Kensington, June 30, the king, in council, was pleased to appoint Thursday, the 22d of July, for the observation of this fast; and printed copies of the order in council were sent by his Majesty's solicitor to all sheriffs, &c., who were required to send them to all parish churches within their bounds.

It was agreed, on the 25th, to transmit two overtures to the several Presbyteries, in order to have their opinion of them reported to next Assembly, viz. :—

1. “The General Assembly having had represented to them the great loss which many of the present ministers of this Church sustain from agreements which have been made, betwixt their predecessors in office and the heritors of their respective parishes, concerning the extent of their *stipends*, whereupon decreets of modification and locality have been obtained with consent of parties, did therefore agree to the following overture, to be transmitted to Presbyteries :— That it be enacted and ordained, that in all time coming no minister shall make any *composition* with his heritors, with respect to obtaining a decret of modification and locality for his stipend, but at the sight, and with the advice and consent of, the Presbytery of the bounds.

2. “That it shall be among the questions asked by Synods at the several Presbyteries, at the privy censures, What *vacancies* there are in their bounds?—of how long continuance these have been? and the reasons why they are not supplied; and if the Synod shall find any Presbytery dilatory, after the right of planting any parish has by law fallen into their hands, the Synod shall enjoin them to proceed toward the settlement of that parish without further delay.”

On a reference from the Presbytery of Dunfermline, the presentation and call to Mr James Reid, probationer, presented by the Earl of Moray, to be minister of *Beath*, were unanimously sustained, and the Presbytery were appointed to proceed to his trials and settlement. The peaceable

temper with which the opposers of Mr Reid's settlement had conducted their opposition, gave great satisfaction to the Assembly, which was signified to them by the Moderator.

On the 27th came under consideration the case of the parish of *Nigg*. The facts are thus related, in a printed case. In 1752, Mr Patrick Grant, minister at Duthil, received the king's presentation to be minister at *Nigg*. Difficulties having arisen, and the affair having come before the Assembly 1753, Mr Grant's call was sustained, and the Presbytery of Tain were appointed to proceed to his settlement; but, a few days before Mr Grant was to have left Edinburgh, to go and take possession of his charge, a story was raised, that he had preached in a church of Edinburgh when intoxicated with liquor, and, while in that state, had committed many indecencies, inconsistent with his sacred character. On this, a prosecution was brought before the Presbytery of Edinburgh; who found that his own Presbytery were the proper judges,—and their sentence was confirmed by the Assembly 1754, by whom the cause was accordingly remitted to the Presbytery of Abernethy. This judicature found the libel too vague, and ordained a more particular condescendence to be given in. An appeal was taken against this sentence by the prosecutors; which brought the affair before the supreme judicature a third time, in 1755. The sermon libelled on was preached on a Wednesday evening; and as the Presbytery of Edinburgh had had Mr Grant at dinner with them a very short time before, had been with him the whole day, and heard him preach the sermon, the Assembly called them up, one by one, to give a recital of what had passed. They all unanimously declared, that Mr Grant drank very little at dinner, and that he was perfectly sober in the church. The Assembly unanimously found Mr Grant fully exculpated from the charge of drunkenness, and the libel to be vexatious and groundless, and therefore dismissed it; and appointed the Presbytery of Tain to proceed to his settlement as minister at *Nigg*, and that his admission should be betwixt and the 1st of September, then next; empowering the Commission to cognosce and finally determine in any reference or appeal, in case any such should be regularly brought before them relative to his settlement. Instead of obeying this sentence, the Presbytery, at a meeting, July 23, 1755, stated a vote, Whether they should obey the Assembly's sentence.

or Not? and it carried Not. The votes stood thus: Messrs John Sutherland at Tain, and Gilbert Robertson at Kincardine, and a ruling elder, *Not*; Messrs George Balfour at Tarbet, and Patrick Grant at Logie-Easter, *Obey*; three, viz., Messrs John Porteous at Kilmuir-Easter, Donald Ross at Fearn, and John Bethune at Rosskeen, did not vote, and Mr Joseph Munro at Edderton was absent.* Upon an appeal, the Commission pronounced the following sentence, November 19, 1755:—"The Commission do hereby testify their displeasure at the Presbytery of Tain, for stating such a vote as Whether they should execute the Assembly's sentence, or Not? and, in consequence of this, refusing to obey the same; and do peremptorily order the said Presbytery to proceed to the settlement of Mr Patrick Grant in the parish of Nigg, and to admit him as minister of that parish betwixt and the 1st day of February next, and to report to the Commission, at their next quarterly meeting, on the first Wednesday of March next. And the Commission do further recommend it to their Moderator to write a letter to that Presbytery, earnestly recommending it to them to give obedience to these orders of the Assembly, now renewed upon them by this Commission, and to consider the bad consequences of Presbyteries disobeying the

* Such is the account in the *Printed Case*; but, strictly speaking, the vote stated on the 23d July was, "*Proceed or Delay*;" and, when the latter was carried, a committee was appointed to confer with the parishioners. They reported, that, at a numerous meeting in the church, "they had particularly and warmly exhorted them to fall in with Mr Grant's settlement, and thereby prevent numberless inconveniences, to themselves and others; but instead of their compliance, the whole of the elders and people then present declared, they never would accede to Mr Grant's settlement; that they neither would witness his admission, nor ever afterwards hear him, *nor any that should join in his admission*; that it was *wormwood and gall* to them to hear of that proposal any further; that the elders said they would choose sufferings unto death rather than comply," &c. This report was given in on the 30th July, when the vote was stated, "*Proceed or Not*, in present circumstances, and it carried *Not*." Such was the prejudice of the people, that when, on the Sunday previous, the Moderator (Mr Patrick Grant of Logie-Easter) appeared to preach, and read and translate the act of Assembly acquitting the presentee, his namesake of Duthil, from the charge of drunkenness, "though a number of his own parishioners composed an auditory, the parishioners of Nigg totally absented."

appointments of the supreme court; putting them also in mind, that, by the act 12, Ass. 1736, and the act 6, Ass. 1754, they are, for their having already refused to obey the sentence of the last Assembly, *ipso facto* sisted before the next General Assembly, to be accountable to them for their conduct; and that now it lies upon them to prevent what they may expect must ensue upon their continuing disobedient." The Presbytery met at Tain, December 31, 1755, and, by an unanimous resolution, appointed the 28th of January for Mr Grant's admission, and wrote him a letter to attend; which he accordingly did. When the appointed day came, only four of the members attended at Nigg, viz., Messrs Balfour, Grant, Munro, and Bethune; of whom Messrs Munro and Bethune, pretending difficulties, slipt off, so that there was not a quorum to execute the sentence. An appeal to the Assembly was taken, in name of his Majesty's advocate and the heritors concurring with the royal presentation, craving redress; for whom a petition was presented, setting forth several of the facts just now related from their printed case.

The Presbytery being called, five of them appeared, viz., Messrs John Sutherland, Donald Ross, Gilbert Robertson, Joseph Munro, and John Bethune, and gave in a representation, dated at Edinburgh, May 27, and subscribed by them, setting forth, That, as soon as the sentence of the Commission in November was intimated to their Moderator, viz., on the 24th of December, the Presbytery was called to meet on the 31st; at which meeting the edict was appointed to be served, and the 28th of January was fixed for admitting Mr Grant: That accordingly four of the Presbytery met at Nigg that day, but could not find a single member of the congregation, or *any one person who had interest in the parish*, to witness or concur with Mr Grant's settlement: *That only one person appeared, who told them, that the blood of the parish of Nigg would be required of them if they should settle a man to the walls of the kirk, and then went off*: That, in these extraordinary circumstances, which could not be foreseen by the Assembly or Commission, it was proposed to adjourn to Tain, that a fuller meeting might be obtained, being still within the time limited by the Commission, before they should take upon them to act in a case so straitening and unprecedented; but this not being agreed to, a report of their proceedings was

sent up to the Commission in March ; and as, by the Commission's not meeting, the Presbytery had no opportunity of getting the advice and directions necessary, they had now, for obtaining these, come to Edinburgh, from a corner far distant, with great inconvenience to their parishes and distress to themselves : That it was with concern they found themselves obliged to lay before the Assembly these new and uncommon circumstances, which had hitherto hindered their carrying into execution the sentence of the Commission, and as they now waited to know the mind of the Assembly with respect to them, they hoped any delay for this purpose, in an affair so intricate, would not be found to imply any disrespect or disobedience to the authority of the supreme judicatures of the Church ; and praying such directions anent the premises as the Venerable Assembly in their wisdom should see meet.

After parties were fully heard, the Assembly proceeded to consider the affair, and an overture was proposed, viz., That the brethren, subscribers of the representation, should be rebuked for their disobedience, and this sentence of the Assembly ordered to be recorded in the Presbytery book of Tain ; and, with respect to the admission of Mr Grant, that the Assembly should appoint in the terms after expressed. The Assembly, after reasoning, having agreed to that part of the overture which respected the appointment to be laid upon the brethren in order to Mr Grant's settlement, but being divided in their sentiments with respect to the censure to be inflicted on them for their past disobedience, and some being for the Assembly proceeding to a higher censure than a rebuke, it was agreed to put the question, Proceed to higher censure than a rebuke, or Not ? and it carried, by a very great majority, Not. "The General Assembly, therefore, considering the conduct of the brethren, petitioners, to wit, Messrs John Sutherland, Donald Ross, Gilbert Robertson, Joseph Munro, and John Bethune, do appoint them to be rebuked for their disobedience ; and order this sentence of the Assembly to be recorded in the Presbytery book of Tain : And the General Assembly do appoint the said Presbytery to admit Mr Patrick Grant as minister of Nigg betwixt and the 1st day of August next ; that Mr John Sutherland, minister at Tain, shall preach and preside at the said admission ; and in case of his inability, that the Presbytery shall appoint another of the

above-named petitioners in his room; and all of the five petitioners are hereby ordered to be present at the admission; and if any of them should be absent, he shall give in his excuse to the Presbytery, which shall be recorded by them, and reported to the Commission of this Assembly at their meeting in November next,—before whom such of them as have been absent from the admission are hereby ordained to appear, to be accountable for their conduct; and the Assembly do empower their Commission to inflict the censure of *déposition* on such of them as shall be found to have been disobedient; but in case there shall be no quorum of the Commission, they are hereby required to sist themselves before the next General Assembly. And the Assembly do further require the Presbytery of Tain to send up to the Commission in November next, an extract of their whole proceedings in this matter.” The Moderator accordingly, by appointment of the Assembly, rebuked the said brethren.*

The same day, a petition of the elders of the lowland congregation of *Campbelton*, and of the parish of Southend, complaining of the Synod of Argyle, for certain acts passed by them relating to the number of sermons to be preached before and after the celebration of *the Lord's Supper* within their bounds, was dismissed as incompetent, and not properly brought before the Assembly, because not brought by

* A very full report of this case, in all its stages, (as extracted from the Presbytery Records) will be found in the Appendix to the Commons' Report on Patronage, 1834; pp. 109–122. The edict for Mr Grant's admission was served by Mr Hugh Rose, probationer and Presbytery-clerk, who reported, “That he found none in the church but two servants; that he did not think it either proper or decent to preach, as he could get no more hearers, but that he made intimation of this diet, and the design thereof, in presence of the said two persons, and left a copy of the edict *in the key-hole* of the most patent door of the church, and then came away.” At the Presbytery meeting (above mentioned) of the 28th January, the reason assigned in the record, by Mr Munro of Edderton, for not proceeding to the settlement, is, not that he was disinclined to obey the Assembly's order, but “because he is apprehensive the peace of the country, the usefulness of Mr Grant, and of other members willing to proceed to the settlement, will be greatly marred and impeded by the absence of Mr John Sutherland of Tain, as he cannot be tied up, by any law of the Church, or *good manners*, from encouraging any people, when they please to break off from their own minis-

any appeal from the Synod, so as to sist the Synod to answer for themselves. By the act which gives rise to this complaint, dated August 12, 1754, "The Synod appoint and ordain, that the use of sermons on the Saturday before and Monday after dispensing the Sacrament of the Lord's Supper, be discontinued in all time coming; and that there be no sermons preached on those occasions, but on the Sabbath-day, and on the Thursday immediately preceding, which is to be observed as a day of fasting and preparation." There was an affair somewhat similar to this before the Assembly 1751.*

On the 28th, were taken under consideration instructions from the Presbyteries of Skye and Uist, representing the great prejudice likely to befall religion and loyalty, through the want of a sufficient number of preachers who have the *Irish tongue*, for supplying the vacancies in those places, of which there are several already, and a near prospect of more. The instructions were remitted to the committee for overtures; and on an overture presented by that committee on the 29th, the Assembly agreed to the reviving of bursaries, to be maintained by the Church, for educating students who have the Irish language, which were discontinued by the act 7, Ass. 1737, and to appoint an annual collection in all the churches in Scotland for the same purpose. Accordingly, an act and recommendation was proposed, *for a*

ters." He then goes on to accuse Mr Sutherland of giving sealing ordinances to others than his own parishioners, of employing men who leave their own parishes, to speak and pray in his fellowship-meetings, &c.; and therefore "he (Mr Munro) does not think himself bound, either in duty to the Church, nor from *the principles of self-preservation*, to screen Mr Sutherland in his disobedience, and by this give him a large field for exercising the office of *universal bishop* in the bounds," &c. The whole minute is a curiosity of its kind. Mr Munro fully succeeded in his object, for it will be seen, that the Assembly ordered Mr Sutherland not only to be present at the admission, but to preside, which he accordingly did on the 27th July, when this painful business was brought to a close. One consequence of Mr Grant's settlement, however, was the erection of a Seceding Meeting-House, which still exists, and to which, according to the late statistical account, by Mr Lewis Rose, now of Glasgow, 120 families belong, while 160 adhere to the Establishment. Mr Grant's predecessor was Mr *John Balfour*, whose ministry appears to have been eminently acceptable and useful.

* See the former vol., p. 212.

voluntary collection, in order to the educating of students having the Irish language, (dated at Edinburgh, May 31, 1756,) viz. :—“The General Assembly of the Church of Scotland, having taken the state of religion in the Highlands and Islands into their serious consideration, and it being represented to them by the Synods and Presbyteries immediately concerned, That, unless proper precautions be taken in time, there will not be a sufficient number of persons capable of preaching the Gospel of Christ in the Irish language, in places where it is absolutely necessary to preach in that tongue : That there are already several vacant parishes in those parts,—one of which in particular, is mostly inhabited by Papists,—which there is no prospect of having soon filled up, through the want of probationers and students in divinity who are acquainted with the language of the place ; and that more parishes of the same kind will soon be in the like melancholy situation,—so that ignorance, Popery, and disaffection to the government, must in all probability prevail there, without some timely remedy, as the implacable enemies of our happy establishment, in Church and State, take care to keep up a constant succession of Popish missionaries in those places : That of those people in the Highlands and Islands who are in a condition to train up their children for the holy ministry, very few are disposed to do it ; and of those who are inclined to it, very few are able to support the expense of an university education. For these reasons, the General Assembly do hereby appoint, that a public collection be made for this purpose in all the churches in Scotland, on or before the first Sabbath of December next. The money so collected to be remitted to William Ross, clerk to the Society for Propagating Christian Knowledge ; and the same to be laid out on the education of students having the Irish language, at philosophy and divinity colleges, according to such a plan as shall be drawn out by the ensuing General Assembly. And it is hoped, that the same charity which has been so generously exercised on several occasions towards our distressed brethren in foreign countries, will be no less forward to exert itself in behalf of those of our own country, whose ignorance or progress in Christian knowledge, whose loyalty or disloyalty, must more immediately affect our present happy constitution, civil and religious. And whereas it were to be wished, that the people of this country did all

understand and speak the same language; and it being certain, that one great source of the ignorance and want of industry that prevail in many parts of the Highlands and Islands, is their unacquaintedness with the English tongue, therefore it is hereby provided and ordained, that every student who shall be trained up for the ministry in those places, upon the fund which is proposed to be raised for this purpose, shall, when he comes to be settled as a minister, preach every Lord's Day in English as well as in the Irish language. And all ministers in those parts are appointed to use their best endeavours for the spreading of the English tongue among their people till it become the universal language of the country. And the General Assembly appoints this act to be read from all the pulpits in Scotland, the Lord's Day immediately preceding that on which the collection is to be made; and recommends to all the ministers to accompany the same with suitable exhortations."

A complaint, relating to simoniacal pactions in the settlement of the parish of *St Vigian's*, was likewise taken into consideration on the 28th, and committed; and on report, next day, the following resolution was agreed to:—"The General Assembly having had represented to them certain illegal practices carried on in the settlement of the parish of *St Vigian's*, by some concerned in that parish, do hereby testify their abhorrence of such practices, and agree that a committee shall be appointed to prepare an overture for putting a stop to these, of which there is reason to believe there have been frequent instances, and to lay the same before the Commission of this Assembly, at their meeting in November next, who are hereby instructed to consider and ripen such an overture, and transmit it to the next General Assembly." A committee was named accordingly. The complainers, as well as the committee, declared themselves satisfied that Mr Aitken, the minister of *St Vigian's*, had no concern in the illegal practices complained of.

A third affair brought in on the 28th was that of *Jedburgh*. This parish became vacant on the 18th of September 1755, by the death of Mr James Winchester. In a short time after, the elders entered into a written association, viz.:—"Be it known to all to whom these presents may come, that we, the elders in the town and country parish of *Jedburgh*, do unanimously agree and resolve (through

the strength of divine grace,*) to stand and fall together in the election or voice of a minister for this parish, against all solicitations, threats, or bribes whatsoever, or from whomsoever, and against all intrusion that may be attempted on said parish by any minister whatsoever; and that we shall cleave and adhere firmly to the majority of this parish in the choice, as aforesaid; and this we do certify, and each of us for ourselves. In witness whereof," &c. This paper was subscribed by seventeen persons, and dated October 25, 1755; and the same day a numerous subscription was procured in favour of Mr Thomas Boston, minister at Oxnam, to be minister at Jedburgh. But, on the 4th of February 1756, a presentation to that benefice was granted by the king, in favour of Mr John Bonar, minister at Cockpen,† which was duly accepted and lodged; and a petition was preferred to the Presbytery, for a moderation in a call to Mr Bonar, in name of all the heritors, (except two small ones,) the provost, three of the four bailies, the dean of guild, five counsellors, and sundry heads of families. Compareance was made for the elders, and others, to oppose Mr Bonar's settlement. Of the papers given in for them, one consists of nine objections to Mr Bonar's being their minister; which turn chiefly upon Mr Bonar's accepting a presentation, notwithstanding his having always been a strenuous opposer of violent settlements,—which, they say, are contrary to Scripture, the apostolical practice, and the principles of the Church of Scotland. We give the two last objections verbatim, viz. :—" 8. It has been, and is the opinion of some at this day, that vacant churches never was better planted, but since the power was lodged in the hands of patrons; but, to pass from acts and opinions of men, we shall view the foundation-act, and that is in the 2d Psalm, long before this Church, *the ends of the earth*, Scotland and England, were gifted of the Father to his Son Christ,—and that is an old act of Parliament, decreed by our Lord, and printed 4000 years ago. Man's acts are but yet printing; the first act shall stand, let the great ones of the earth, who love Christ's room better than himself, rage as they please. 9. It is a sorry scene, to see the pillars of

* The words in the parenthesis are interlined in the original.

† He was grandson of Mr Bonar of Torphichen, and father of Mr Bonar of Cramond.

God's Church supporting and pleading so avowedly for the disturbers of Sion's peace; and, *as Joab said to David*, 2 Sam. xix. 6, 7, 'Thou hast declared this day, that thou regardest neither the welfare of the Church nor the edification of souls, the voice of the people, nor the entreaties of elders; *for this day we perceive, that if Mr John Bonar can but obtain the stipend of Jedburgh, it is no matter if we die in ignorance.*' Now, therefore, come forth, arise, and speak comfortably unto this poor afflicted congregation, now lying groaning under the heavy yoke of patronage; and if we can procure no comfort at the hands of God's ministers, we declare, roundly, soundly, faithfully, and honestly, that we will complain to God himself for a redress of our grievances."

This cause was carried from the Presbytery, first to the Synod, and then to the Assembly, by reference. It appears, that before the end of February the opposers of Mr Bonar were credibly informed, that he was determined not to go to Jedburgh in the face of so numerous an opposition; and before the meeting of the Assembly he had got a call to Perth. In the Assembly, several members having expressed an apprehension of disagreeable consequences, in the event of Mr Bonar's being transported to Jedburgh, the Lord Advocate represented, that as he was desirous to promote the peace of the Church and the quiet of the country, and as his Majesty's right to present anew any other qualified person could not be prejudiced by the not carrying Mr Bonar's settlement into execution, he, in order to remove the difficulties in this case, attended with particular circumstances, would make no opposition to any expedient that might seem proper to the wisdom of the Assembly for bringing this affair to a comfortable issue, consistent with the Crown's right of presenting anew to the vacant parish of Jedburgh. The Assembly thereupon agreed, without a vote, to the following resolution, viz.:—"Having considered the circumstances of the case, and what was represented by his Majesty's advocate, the Assembly are of opinion, that the presentation and concurrence therewith ought to be sustained; but that it is inexpedient, as matters stand, to prosecute the same, in order to the transportation of Mr Bonar to Jedburgh; and therefore the Assembly make no order or decision for that effect,—reserving and declaring, that it shall be competent to his Majesty, the patron, to present any

qualified person to be minister of Jedburgh within six months from this date; and in such case, they appoint the Presbytery of Jedburgh to receive and proceed upon the same according to the rules of the Church. And the General Assembly do hereby empower the Commission to take in, cognosce, and finally determine, in any question that shall be brought regularly before them relating to the settlement of Jedburgh; and to take into consideration the conduct of the elders of Jedburgh,—and particularly an association entered into by them,—and to judge therein as they see cause.”

On the 29th a letter was given in, dated September 24, 1755, from the trustees for the *College of New Jersey*, returning thanks to the Assembly for the collection granted to the said college; which was read, and ordered to be kept *in retentis*.

A reference from the Synod of Perth and Stirling of a cause brought before them, by an appeal taken by Mr James Smith, probationer, who is presented by the Right Honourable the Earl of Kinnoul, patron of the parish of *Ratray*, to be minister of that parish, from a sentence of the Presbytery of Dunkeld, finding, “That the six months allowed by law to the patron to present, were elapsed, and therefore refusing to admit the said presentation, or proceed thereon; and further finding, that the power of planting the parish of *Ratray* was devolved on the Presbytery,”—brought in and read, and the Presbytery of Dunkeld appointed, with all convenient speed, to moderate in a call to the said Mr James Smith alone, to be minister of the said parish of *Ratray*, and to proceed to his settlement according to the rules of this Church.

An instruction from the Presbytery of Biggar, for advice how to oblige patrons of churches to apply *vacant stipends* as directed by law, read; and the General Assembly remitted to the said Presbytery to apply to the procurator for the Church for his advice in the affair, and to follow what directions he shall give thereanent.

The procurator and agent for the Church appointed to attend to a cause advocated to the Court of Session, concerning the settling of a schoolmaster at *Newburn*, wherein the callers of one Mr Mitchel to be schoolmaster there, (whose call was rejected by the Presbytery,) had excluded the minister of the parish from a vote in the election.

The draft of an act and recommendation for a collection for carrying on the building of the *bridge at Kelso*, brought in and approved.

The Assembly rose May 31.

Debate in the Committee of Overtures.

Some members of Assembly, not satisfied with the general declaration against *infidel writings*, which had been passed the former year, (see p. 58,) proposed, in the committee of overtures, that a special censure should be directed against certain infidel *writers*. The controversy had been carried on since last Assembly; and not long before the present meeting, a pamphlet had appeared, with the title—“*Infidelity a proper object of Censure.*” Though the matter did not come into debate in the Assembly itself, yet, as the discussion in committee excited much interest at the time, we shall here insert an account of it, which appeared soon after:—

After a few general observations upon the importance of a strict and regular discipline to the purity of the Christian Church, it was moved, that the Assembly should be desired to take notice of some of the infidel writings published of late in this nation, and their authors; and, lest it should be found difficult or improper to make it too general, it was proposed to confine the inquiry at present to one, viz., David Hume, Esq., because he had publicly avowed his writings, at least some of the most offensive of them, by prefixing his name. This motion was seconded, and some paragraphs of the Confession of Faith and form of process were read, asserting the propriety, and appointing the exercise of discipline in such cases. Next day, in the committee, a written overture was given in and read, the substance of which was as follows:—“The General Assembly, judging it their duty to do all in their power to check the growth and progress of infidelity; and considering, that as infidel writings have begun of late years to be published in this nation, against which they have hitherto only testified in general, so there is one person, styling himself *David Hume, Esq.*, who hath arrived at such a degree of boldness as publicly to avow himself the author of books containing the most rude and open attacks upon the glori-

ous Gospel of Christ, and principles evidently subversive even of natural religion and the foundations of morality, if not establishing direct Atheism; therefore the Assembly appoint the following persons, ——, as a committee to inquire into the writings of this author, to call him before them, and prepare the matter for the next General Assembly.”

To this motion a strenuous opposition was made, and a variety of objections were raised.

1. It was said, many members had not read the writings in question, and so could not judge of them.

2. It was often alleged, that it could serve no good purpose,—that it was not to be imagined that prosecution or censure would convince him, or make him change his opinions, in which he seemed to be so firmly rivetted.

3. It was said by some, that it would be a long and difficult inquiry, and would lead to the discussion of many philosophical opinions; the meeting was put in mind of the many long and fierce debates that had been in the Christian Church about fate, free will, &c.; so that the affair, if entered upon, might last many years, and become in a manner the sole business of the Assembly.

4. It was alleged, that the writings of Mr Hume contained opinions that every man of common sense detested; that they were so gross, and so evidently false, that they could not do any harm; that it would be doing them too much honour to take such public notice of them.

5. It was alleged, that however wrong his opinions were, his writings were mostly of an abstract and metaphysical kind,—very little intelligible to the bulk of people; and therefore, as little danger could arise from them, so liberty of judgment ought to be allowed; and they were not proper objects of censure, which ought rather to be applied to practical errors, and things more immediately criminal.

6. It was alleged, that it would greatly please the man himself, and promote the sale of his book. Here some stories were told, how booksellers had artfully solicited the authoritative condemnation of books in order to get them off their hands; and it was represented by some as very dangerous thus to spread such writings, and bring them into the hands of common or country people, who would not otherwise have looked into them; and the consequences of this were painted very strongly.

7. It was insisted on by many, that Mr Hume could

not be said to be a Christian at all; that he had openly and publicly thrown off the profession of it, and therefore was one of those who, in Scripture language, *are without*, and so not proper objects of Christian discipline.

Some of the supporters of the overture observed, in general, that several of the arguments used against their proposal contradicted one another,—that whilst some pretend to foretell, that it would lead the Assembly into so long and intricate a debate as would be almost endless, others affirm, that the writings are so gross and evidently false that they can do little or no harm,—that some say they are so abstract and metaphysical that they can have little connection with morals,—others, that we ought to beware of exciting curiosity, and spreading a very dangerous poison,—all of which assertions could not be true, as being mutually destructive of each other.

More particularly,—to the *first* objection it was answered, That it was the weakest imaginable in this case, since no sentence was immediately craved, but an inquiry proposed; for which purpose a general *fama* of the pernicious tendency of the writings, and the information of such members as had read them, was abundantly sufficient.

To the *second*, That it was a presumptuous limitation of almighty power, to affirm, that any man was incapable of being reclaimed; and that discipline, even carried to excommunication, being one mean appointed in Scripture for this purpose, ought to be tried. Besides, that reclaiming offenders themselves was far from being the only, perhaps not even the chief, end of the exercise of discipline—which was, to preserve others from infection, and deter them from offending.

In answer to the *third*, It was denied that there could be any difficulty or intricacy in finding the pernicious tendency of principles levelled against the very foundations of morality.

To the *fourth*, which is diametrically opposite to the former, it was answered, That the grossness and wickedness of his assertions made it so much the greater scandal, that such a person should continue to wear the Christian name; and that, as human nature is exceeding corrupt, it might tempt many to think light of the Christian character, when they saw it prostituted and left open to the possession of those who were so unworthy of it.

To the *fifth*, That whatever metaphysical turn Mr Hume might have shown in some of his writings, the passages complained of were of the plainest as well as the grossest kind. That liberty of judgment in doubtful matters was very necessary, in the present state of human nature, but it was very strange, that men could not see the absurdity of supposing, that a good thing cannot be spoiled by excess, or wrong applied; that a man may say the most immoral things, and defend immorality, and if it be only called an opinion, it must not be considered as a crime. But why are visible crimes an object of censure or Church discipline? Is it not because they are a proper evidence of a wicked heart? And is not an open profession of wickedness of heart also an evidence of it? Is an act of whoredom or of theft censurable in a professed Christian?—and is it not censurable to deride chastity, and refuse its obligation; and to affirm that all justice is founded on power and conveniency? These are not metaphysical or intricate opinions, but errors having the most certain and immediate influence upon practice. Formerly it was thought sufficient to say, that forbearance is to be used in small matters, but that to overthrow the great doctrines of morality, by which society subsists, demands punishment even by the civil power,—whereas now we have lived to see the grossest immorality taught and subscribed, and then defended as freedom of inquiry. It was also observed, that if people would reflect upon the nature of Church discipline, it would appear quite absurd to consider it as any restraint upon liberty. It is not punishing men in their bodies, not even hindering them to publish their opinions, but only hindering them from injuriously possessing that to which they have no right, viz., the Christian name.

To the *sixth* objection it was answered, That it was not certain whether it would give the gentleman much pleasure, if it should issue in his excommunication, and this publicly intimated, and his gross assertions narrated as the cause of it; and that it would not spread his writings much among any but those who would be in least danger of infection.

But upon this, and indeed with respect to all the preceding objections, it was insisted by the friends of the overture, that as they could produce not only the Confession of Faith and Form of Process, but express passages of Scripture,

requiring, under strong and awful sanctions, the exercise of discipline against the maintainers of false and pernicious opinions, nothing could be more weak than to produce human conjectures against the expediency of it; and, as the meaning or application of those passages had not been debated by any who had spoke upon the point, they asked, How, as an ecclesiastical court, the Assembly could excuse themselves for a direct refusal to comply with an express command of Christ?

To this there were two or three replies made. 1st, It was said by one, with whom indeed it did not appear that any body concurred, that the exercise of discipline in a strict and vigorous manner might be a duty when the Church was pure, and offenders few; but would any man say, that when the Church was greatly corrupted, and offenders very numerous, all who deserved censure by the rules of the Gospel ought to have that censure inflicted upon them?—that if this were the case, it would reduce the Church to a very small number. Some of the supporters of the overture affirmed, that they had [followed], and would follow no other rules of censure, but the rules of the Gospel; and that however great a reduction this might cause in the number of the Church, no greater number had any title to be in it. 2d, It was said, that discipline was not of the nature of duties which were always binding, independent of their consequences, but was a duty or not, according to its apparent expediency. In opposition to this, it was denied that any such license was given in Scripture; and it was affirmed, that, on the contrary, the universal and impartial application of it was its chief excellence, and did most contribute to render it successful. But, 3d, The chief reply to this requisition was what we have mentioned above, as the *last* objection against the overture, viz., that Mr Hume really is no Christian, has not so much as the profession of it, and therefore is to be considered as one that is *without*, and so not a subject of Christian discipline.

This was the objection most insisted upon; and, with a discussion of it by mutual interrogations, the debate was closed, pretty much as follows:—The friends of the overture allowed, that one who was not in any sense a member of the visible Church, was no subject of discipline; but they observed, that whatever gross crimes Mr Hume had committed, he had neither been formally excluded by a sen-

tence, nor had excluded himself by any formal declaration ; that he had not renounced his baptism ; that he frequently in his writings ranks himself among professing Christians, saying, *our holy religion*, &c. ; and however plainly these words are used in a way of contempt and derision, it the more shows the necessity of a visible separation ; that professing Christians did ordinarily hold voluntary unnecessary communication with him, and even ministers were seen freely conversing with him, which it is presumed they would not do if he were formally excluded. It was returned, that though he had not said in express words that he was no Christian, he had said it as publicly and as strongly by other forms of expression ; that he was generally considered in this light ; and that Christians were supposed to frequent his company in order to his reformation. The supporters of the overture then said, if the court would give it as their judgment that he was no Christian, and so no subject of discipline, and make this any way public, they were satisfied. They were then asked, whether they could in reason demand that such a sentence should be past, when the person had not been before them, nor any regular inquiry into his crime ? They answered, that they did not demand it, and therefore had proposed an inquiry, but had spoke what is above as the consequence of the reasoning of their adversaries ; and retorted the question, how they could so often use in their reasoning, and apparently form their own upon, and influence the judgment of others by, an argument which they refused to assign as the ground of their sentence ? To this it was said by one, that he said it not as his own opinion, and perhaps had formed no opinion upon it, but that the overture itself represented Mr Hume as no Christian, and so ought not to be transmitted, as proceeding upon a supposition which rendered its own demand unnecessary ; for whoever is guilty of such things as are there laid to his charge, certainly is no Christian. It was then replied, that it in no other way represented him as no Christian, than by saying, he deserved to be excluded from that character,—it complains that he retains the Christian name, when he had forfeited all right to it ; that, according to this way of reasoning, no person ever could be censured or excluded by a sentence, for as soon as he has been guilty of any thing that deserves it, he is no Christian, and so must be left to himself.

The opposers of the overture moved, that the committee should come to the following resolution, viz., "That though all the members have a just abhorrence of any principles tending to infidelity, or to the prejudice of our holy religion, yet, on account of certain circumstances in this case, they drop the overture, because it would not, in their judgment, serve the purpose of edification."

The debate lasted for two days; but though characterised by Lord Woodhouselee as "very keen," the reporter says "it was carried on with abundance of decency, without any violent altercation, or personal reflections." The vote was at last put, *Transmit* the overture to the Assembly, or *Not*, and it passed in the negative; *Transmit*, 17,—*Not*, 50; and the above resolution was agreed to.

Notwithstanding of this decision, and that, from motives of decorum, the name of Lord Kames had this year been omitted in the overture, the indefatigable Mr George Anderson (see under last year, at p. 54,) soon after took the bold step of raising a complaint, before the Presbytery of Edinburgh, against the printers and publishers of his Lordship's "Essays on Morality and Natural Religion." The complaint being of a singular nature we insert it entire as follows:—

"That Mr Robert Fleming hath printed, for Messrs Alexander Kincaid and Alexander Donaldson, a book entitled, *Essays on the Principles of Morality and Natural Religion*, wherein, among other things, the author maintains, that God deceives mankind with a fallacious sense of liberty; and that because man is not really but delusively a free agent, he cannot sin against him.

"Though these tenets are inconsistent with the principles of natural religion, morality, and the Christian revelation, nevertheless, the said Alexander Kincaid and Alexander Donaldson did, and do continue to publish and vend the said book, to the great scandal and offence of all who believe that God is holy, and that the Gospel is his Word of Truth.

"The petitioner, therefore, in his own name, and in the name of all who do or shall adhere, prays, that the said printer and booksellers may be summoned to the next meeting of the Presbytery, and there and then to declare and give up the author of the said book; and

that he and they may be censured according to the law of the Gospel, and the practice of this and all other well-governed Churches."

The following are extracts from the answers for Messrs Fleming, Kincaid, and Donaldson, to Mr Anderson's complaint:—

* * * "When books are published with an intention to attack either natural or revealed religion, they justly give inquiet to all well-disposed persons; but it must be obvious to every one who looks into this book, that the sole intent and purview of it was, to improve the sentiments of natural religion and morality, and to enforce them by such motives and arguments as appeared to the author to carry the strongest conviction. It is well known that this was the author's design in the publication; and that he had it particularly in view, to refute certain sceptical opinions, which appeared to him prejudicial to the cause of natural religion and virtue. When such is the professed and only intent of a book, it deserves a fair construction. The minds of men are so formed, that in all philosophical disquisitions, especially those of the nicest kind, it will often happen, that those who have the same common end in view, will differ upon the reasonings and deductions that lead to it. To some, one argument will appear more strong and forcible; to others, another; and it will also sometimes happen, that a chain of reasoning which appears to one very strong for demonstrating the soundest principles, may appear to another to have an erroneous tendency in other respects, which is not perceived by the author, otherwise he would most heartily disclaim it.

"It must be very apparent to the Reverend Presbytery, that nothing can be more unfair, than to impute to an author, who is investigating truth by such deductions as appear to him most probable, consequences arising from his arguments which he himself entirely disclaims. If this is allowed, the liberty of reasoning, and all the valuable consequences resulting from it, are at an end;—and this is truly the only pretence or handle for the present complaint. The complainer imagines, that he has discovered certain passages in the book that represent the Creator in a disrespectful view, or deny the possibility of sin in man. Nothing can be

more manifest than that the general tendency of the book is directly opposite to these inferences. It is plain, that the anxious aim of the author, throughout the whole, is to demonstrate the existence and ever-adorable perfections of the Deity, and to inculcate the love of virtue, and regard to the authority of conscience,—the law written in our hearts, whereby all sinful and corrupt affections may be destroyed.”

[For proof that such is the author’s aim, several passages of the book are quoted.]

“The respondents will not trouble the Reverend Presbytery with entering into a detail of the several passages referred to in the paper subjoined to the complaint. There are few books written upon subjects of this kind, but it is very possible, by culling out broken sentences from the midst of paragraphs, and drawing remote inferences from them, to make the author appear to maintain opinions that never entered into his thought. Such are the arts that have been used in this case: and the respondents do not know whether even the complainer’s own writings would be able to stand an inquisition of this kind. Whatever good intention he may have had in publishing his thoughts on these matters to the world, yet it is not easy to guard every expression with so much caution that inferences may not be drawn which may be liable to objection. If this should happen to be the case, the complainer would think it hard usage, if either he himself, or his printers or book-sellers, were brought to the bar of an ecclesiastical court as criminals, upon a charge founded on no better ground than critical wire-drawn inferences from detached sentences in his writings.

“It is evident this is not a fair way of treating any author, to fix upon him, by remote inferences, opinions contrary to his declared sentiments in other parts of the book. The respondents believe, that many of the passages against which the complainer most loudly exclaims, are to be met with in the writings of the most orthodox divines, who are justly held in veneration by this and other reformed Churches. This is what will be much better known to the Reverend Presbytery than to the respondents, who do not pretend to be much versant in the many learned books that have been wrote upon those subjects; but, without entering into such disquisition, they are advised, that there is no

colour for prosecuting an author, still less a printer or bookseller, upon such pretences as are suggested in this case.

“ If it were not lawful for a bookseller to admit into his shop, or dispose of any book, until he had examined it according to the strict rules of orthodoxy, and found that there was not a sentence in it that could not be supported by the concurring sentiments of some approved author, it is plain this would be equal to an injunction to every bookseller to shut up shop. It is an inquiry he is neither in capacity nor by any means bound to make. * * *

“ It is involved in the constitution of every country that is so happy as to be possessed of its liberty, that freedom of inquiry and reasoning is allowed, and subject to no punishment when it is carried on with decency. Were such complaints as this to take place, no man could safely print or sell a book upon any religious subject, as he would be liable to stand a trial on every unguarded word that could be possibly misconstrued to an erroneous meaning. So every disquisition and inquiry into matters of this kind would be excluded, until licensed by persons authorised for that purpose. And upon the same ground, all reasonings concerning the administration of affairs that relate to the interest of the country, would also be excluded until authorised by the civil powers. So an universal restraint would be laid upon the liberty of the press, in the only points where it is of importance to be free,—than which there cannot be a surer badge of approaching slavery in any country.

“ Such restraints have not been known in this island since the time of the Revolution. The spirit of liberty which then shone forth, and still continues, absolutely excludes it. Books are published every day relating to public affairs, without censure or punishment, even where decency is not strictly observed. And in matters of speculation, it is still more necessary the freedom of inquiry should be allowed, as it is the only means for investigating truth and correcting errors. It is the means by which this island, and many other nations, were happily rescued from the tyranny that formerly predomined, and whereby even the minds of men were enslaved; and therefore, in all Protestant countries this liberty has been considered as the most valuable preservative and security against such slavery for the future. There is no reason to apprehend it will

give rise to the growth of error ; for when liberty of reasoning is allowed on all sides, it is not to be doubted that truth, by its own intrinsic energy and force, will still prevail.

“ It was upon these principles, that when a motion was made in the committee of overtures named by the General Assembly of this Church in May last, to make an inquiry into some other writings, which were thought to be exceptionable, it was rejected by a great majority ; and the most zealous members declared their opinion, that there was no place for any such inquiry as to the book in question.

“ It cannot make any difference, that the complainer has now thought fit to subscribe and give in a complaint to the Presbytery. It is not in the power of a private party, in any well-governed country, to force a prosecution on pretence of a public offence, in any case where it appears to be inexpedient and improper. In the ordinary criminal courts, this is sufficiently guarded against by the privilege of the lawyers entrusted by the crown, or the procurator-fiscals of the court, whose concurrence is requisite in all those processes, and who daily reject them, when they are attempted without sufficient cause. In ecclesiastical courts there is no such office ; but then the court itself is in that respect guardian of the quiet and tranquillity of the lieges, and entitled to prevent its being disturbed, either by the violence, malice, or other sinister view or misapprehension of any private complainer, when they see, from the circumstances of the case, that it cannot answer any good purpose, but quite the contrary. It is not doubted but the Reverend Presbytery will be of the same opinion with the committee of the Venerable Assembly upon this point, and will dismiss this groundless and unprecedented complaint.”

These answers were signed by Messrs James Ferguson and John Dalrymple, advocates. They were given in to the Presbytery in the end of November. Time was given to the complainer to reply ; which probably he would have done, but he died* before the next Presbytery meeting. At this meeting, (December 20,) the respondents' counsel, waiving any defence that might be pleaded from the want of a prosecutor, of their own accord consented that the

* Mr Anderson died on the 19th December, in his eightieth year.

Presbytery should give judgment upon the merits of the case.

On the 26th of January the Presbytery resumed the consideration of the complaint. Mr John Dalrymple, one of the counsel for the defendants, gave into court a printed pamphlet, entitled, *Objections against the Essays on Morality and Natural Religion Examined*, copies of which had been sent to the members of Presbytery some weeks before, immediately on its publication,—and desired the court to consider it as a further defence; being authorised to assure them that it was written by the author of the book libelled.* In reasoning upon the affair, the members were of different opinions. Some judged the answers to the charge sufficiently satisfactory to warrant the Presbytery's dismissing the process, and overtured that they should come to the following resolution or sentence:—"That though there are some very unguarded expressions in the book, and some passages which cannot be justified, and may have a bad tendency, which may have given offence to many sincere good people, and have been the foundation of this process; yet, as it appears that the author, in several parts of the book, has declared his regard to the principles of religion, and that in the foresaid pamphlet, which they were assured was wrote by the author, he has disavowed and disclaimed all those bad consequences which were apprehended arose from the reasonings in the book; that upon all these considerations, and to prevent their entering further into so abstruse and metaphysical a dispute, they judge, upon the whole, that it is more for the purposes of edification to dismiss this process." But others being of opinion, that the answers were not satisfactory as to several parts of the charge; particularly, that though the author says, that virtue has other foundations independent of delusive feelings, yet to them he seemed to rest VIRTUE, in so far as it implies or stands connected with *moral obligation, accountableness, merit, reward, &c.*, wholly upon these feelings,—*Essays*, pp. 199, 205, 206, &c.; and therefore they proposed, "That a committee should be appointed to compare the book libelled

* The substance of this pamphlet was afterwards engrossed by the author in the third edition of his *Essays on Morality*; and Dr Hugh Blair was supposed to have aided in its composition, as well as in the "Observations on the Analysis," &c., noticed last year.—See *Woodhouselee's Life of Kames*.

with the charge, and the aforesaid pamphlet, and bring in an overture upon the whole to the next meeting of Presbytery." A vote was then stated, *Approve of the above overture for dismissing the process, or, Appoint a committee?* It carried *Approve*; and the Presbytery accordingly dismissed the process. Two ministers dissented.*

NOVEMBER COMMISSION.

THE Commission met November 17. Next day, a motion was made to address the King on the situation of affairs since the declaration of *war against France*; which was unanimously agreed to; and the Moderator, Messrs Alexander Carlyle, John Home, Professor Hamilton, Robert Wallace, John Hyndman, William Robertson, and Alexander Maclaggan, ministers; and Lord Somerville, Lord Advocate, Mr Solicitor, Mr Wedderburn, Mr Swinton, Baillie

* We subjoin the following remarks, by *Sir Henry Moncreiff*, in his *Life of Erskine*, (p. 207,) though it will be seen that the reverend baronet was in error when he stated that Lord Kames was *himself* prosecuted before the Presbytery:—"Lord Kames, who was not more distinguished as a lawyer or a judge, than as a philosopher, had already published his *Essays 'On the Principles of Morality and Religion'*; in which he had also discussed the question relating to the liberty or necessity of human actions,—and, in terms as unqualified as those which Mr (Jonathan) Edwards employed, asserted the doctrine of necessity. By a letter to Dr Erskine, of December 11, 1755, Mr Edwards acknowledges that he had received from him a copy of Lord Kames' *Essays*; and tells him, that he had before had an opportunity of reading this book, as well as Mr Hume's *Essay* on the same subject. When Lord Kames published his *Essays*, they excited a great clamour against him in Scotland, on the supposition that he had published doctrines subversive of the fundamental principles of Christianity; and such was the impression which this assertion made on the public mind, that a preacher, of the name of Anderson, actually commenced a prosecution against him, as an elder of the Church, before the Presbytery of Edinburgh; affirming, that, in the doctrine of necessity which he maintained, there were not only heretical opinions, which, as an elder of the Church, he could not lawfully circulate, but principles subversive of all religious and moral obligation. This prosecution gave his Lordship considerable uneasiness. He was much better acquainted with the speculations of philosophers than with theological controversies; and knew better how to defend

Rothead, Sir John Stewart, and the Procurator, ruling elders,—were named a committee to draw it up. The committee presented the draft in the afternoon of the same day. Some amendments were made to it; then it was approved of and signed; and the Moderator was ordered to transmit it to the Lord Cathcart, and signify the desire of the Commission, that his Lordship would do them the honour to present it to his Majesty. The Address here follows:—

“ MOST GRACIOUS SOVEREIGN,

“ Your Majesty’s most faithful subjects, the ministers and elders of the Church of Scotland, met in the Commission of the General Assembly, deeply affected with the great and unexpected calamities of their country, think themselves called upon, by the late extraordinary events, to testify their anxious concerns for the public welfare, and to renew their ancient and most sincere professions of indis-

among philosophers a speculative dogma, than how to protect himself in the Church against a charge of heresy. Dr Wallace, the celebrated author of the dissertation ‘On the Numbers of Mankind, and the Populousness of Ancient Nations,’ informed him of what he seems not to have known before,—and he received his information with much eagerness and gratitude,—the doctrine of necessity had been maintained by the greatest and soundest divines of the Christian Church; referring him particularly to St Augustine, Calvin, Turretine, Pictet, &c. His Lordship afterwards published a pamphlet in defence of his Essays, in which he availed himself of the doctrine asserted by these divines; and, above all, of Mr Edwards’ book, which he celebrates with unreserved praise, as equally honourable to his talents and to his orthodoxy. He took some pains to distinguish between the doctrine maintained by himself, and the fate asserted by the Stoics, on the one hand, and the liberty of indifference contended for by the Arminians, on the other. The substance of this publication was afterwards printed in an appendix to the last edition of his Essays, published by the author in 1779. Dr Erskine had sent the first edition of Lord Kames’ Essays to Mr Edwards; and in return, Mr Edwards addressed a letter to him, of the 5th of July 1757, which was first printed separately, as he intended, and was afterwards subjoined to the Edinburgh edition of his book on the Freedom of the Will, in 1768, under the title of a ‘Letter from Mr Edwards to a Minister of the Church of Scotland.’ In this letter, he attempts to state what he conceived to be the difference between his own doctrine, and the principles maintained by Lord Kames; and represents it as of so much importance, as to lead to very opposite conclusions. On the other

soluble attachment to your Majesty's person, family, and government.

“ We are unwilling to enumerate the well-known losses, or to amplify the disgraces suffered by the British nation, convinced as we are, that so good a king, and so brave a prince, must be sensibly touched with events so fatal to the interest of his kingdoms, and the reputation of his people; calamities which (though justly merited by a sinful nation) *do not seem to have been brought upon this land by any signal efforts of the wisdom or courage of our enemies.*

“ From your Majesty's wisdom, and attention to the prosperity of your kingdoms, we may justly expect the application of every remedy to the present evils; and whatever measure the wisdom of this nation shall adopt for the public defence, we can venture to assure your Majesty, that the members of this Established Church, who make so great a majority of the people of Scotland, are full of loyalty and zeal, and possessed of such dispositions as entitle them to

hand, Lord Kames was as much distinguished by the fairness as by the ingenuity of his speculations. Though in philosophy he often formed his judgment hastily, and of course fell into many mistakes, he has publicly retracted a greater number of errors, into which he had been unwarily betrayed, than almost any other writer of celebrity who can be mentioned. He was apt to seize a sudden thought, and pursue it with avidity, without having sufficiently considered or examined it; and, of consequence, in many instances without having perceived a fallacy, which he found afterwards to be involved in it. It appears to have frequently happened, that the prosecution of other subjects, or his conversation with other men, assisted him to detect the errors which he had thus hastily adopted, and to appreciate the circumstances which had, in the first instance, contributed to mislead his judgment. But, what is equally to his credit, as an author and as a man, as soon as he thought he perceived that he had published a false or an incorrect opinion, he did not hesitate to say so, if an opportunity was given him. This is not a very common practice among philosophers; and, though some of his readers may think that there are articles in his original productions left untouched, which, on the same principle, might have required a revision, this cannot appear surprising to those who recollect the number and extent of his publications, and the late period of life at which he continued to write. In the Preface to the edition of his *Essays*, which was published in 1779, he has publicly retracted a great proportion of the doctrines on liberty and necessity, which had been objected to by Mr Edwards.” See a letter to Lord Kames, from Dr John Macfarlan of the Canongate, in Woodhouselee's *Life of Kames*, Appendix to Vol. i., No. 4.

your Majesty's confidence, and render them fit for the service of their country.

“ In a zeal for religion and liberty, in a grateful attachment to your Majesty's person and family, and a just indignation at the triumphs of our enemies, your Majesty's subjects of this National Church yield to none; and, conscious of such dispositions, believe that their gracious prince will honour with trust their ardent zeal, that the inhabitants of the united kingdoms may give the noblest demonstrations of loyalty to their king, and love of their country.

“ That mutual love and confidence may still subsist between your Majesty and your subjects,—that the Lord of hosts may bless your fleets and armies with success,—and that a race of kings of your royal line, lovers of religion, liberty, and their country, may always sway the sceptre of these lands, is the earnest prayer of,” &c.

Nov. 18, 1756

“ PAT. CUMING, *Modr.*”

[This address was of a very different character from those usually presented to royalty. It ascribes, without much ambiguity, the reverses the country had sustained to the mismanagement of Government; and hence, it proved so unpalatable at head quarters, that it was excluded from the London Gazette. The state of things it bewails was soon, by God's blessing, altered, through the genius of the immortal Chatham.]

The Commission appointed the Presbytery of Dumblane to proceed, without delay, to the trial and settlement of Mr John Robertson, probationer, his Majesty's presentee, as minister of *Dumblane*. They also sustained a presentation and call to Mr John Douglas, minister of Kenmure, to be minister of *Jedburgh*; appointing the Presbytery of *Jedburgh* to proceed in a process for his transportation from Kenmure and settlement at *Jedburgh*, with all convenient speed. The procurator for the opposition, protested for liberty to complain of the Commission's sentence to the ensuing Assembly.

ASSEMBLY 1757.

THE General Assembly met at Edinburgh on Thursday,

May 19. Charles Lord Cathcart was his Majesty's Commissioner; and Mr William Leechman, Professor of Divinity in the University of Glasgow, was chosen Moderator.*

On the 21st, a report by the committee for revising *commissions to members of Assembly*, was transmitted by the committee for overtures, bearing, 1st, That the commission from the city of *Glasgow* was dated the 12th of April, and so three days within the time limited by act of Assembly. 2d, That the commissions from the Presbyteries of *Earlston*, *Linlithgow*, and *Dunbar*, wanted the clause, bearing that the elders were qualified according to the act 1722.† 3d, That the commissions from the Presbyteries of *Stranraer*, *Mull*, and *Dunkeld*, bore in general, that the commissioners were every other way qualified according to the acts of Assembly, but did not bear that the elders were qualified according to the act 1722. And the committee of overtures reported their opinion, that the objection to the commission from Glasgow should be passed from, in regard its being within the forty days was owing to a mistake, as if the Assembly had been to meet on the 26th instead of the 19th; and the second and third remarks, relating to the commissions from the six Presbyteries, they transmitted *simpliciter*. After long reasoning in the Assembly, some moved to receive the commissions, notwithstanding the informalities; others opposed this. At last two questions were put, viz., 1st, Receive the first of these commissions, [that from Glasgow,] or Not? and, 2d, Receive the other commissions, or Not? Both carried in the affirmative; the first, *Receive*, 88,—*Not*, 41; and the second, *Receive*, 70,—*Not*, 55. Seven ministers dissented, and an eighth, Mr Archibald Walker, adhered on the 25th. The

* The famous *Whitefield* was present at this Assembly, and attended every diet. On Saturday the 28th, he dined, by invitation, with the Commissioner, (though not at the same table,) and said grace after dinner.

† By act 9, Ass. 1722, "The Assembly earnestly beseech, exhort, and require, elders and deacons to be faithful in the discharge of their respective offices, tender and circumspect in their walk, and punctual in their attending upon ordinances,—and strict in their observation of the Lord's Day, and in regularly keeping up the worship of God in their families: and appoint the judicatures of the Church to take good heed, that none be admitted to, or continued in, these offices, but such as are found qualified, and do behave themselves as above required."

reasons were given in by Mr Witherspoon on the 28th, and were read, and ordered to lie *in retentis*. They are as follows:—

REASONS of DISSENT from a vote of the General Assembly of the Church of Scotland, of May 21, 1757, receiving the Commissions of several Elders not attested in terms of act 9, Ass. 1722.

We are sensible, that there may be many decisions against which it would be unnecessary, nay, indecent, for a minority to dissent; but we judge the above sentence of such dangerous tendency, that we are bound to testify our disapprobation of it, in as strong and public a manner as good order, and the respect we owe to this venerable court, do permit. On this account we entered our dissent; and, in support of it, we now offer the following reasons:—

1. This sentence appears to us a manifest violation of a standing law, by which, until formally repealed, our ordination vows bind us to conduct ourselves. Our commissions from our constituents empower us, in all causes that come before us, to determine according to the constitution of the Church of Scotland; but vest us with no power of determining in a manner contrary to that constitution. It is the glory of our Church, that she hath noble and excellent laws to direct every part of her discipline; laws which, without the consent of a majority of Presbyteries, even a General Assembly hath no right to abrogate. But claims of dispensing power will as effectually invalidate laws, as even a formal repeal of them. It is the very essence and security of a free constitution, that there, not men, not judges, but laws, bear rule. When laws are suspended, dispensed with, or set aside, by the decisions of any executive court, that security ceases, and despotism prevails.

2. This vote opens the way to other and greater breaches of our constitution. No laws can be better guarded than those now set aside; and therefore we may fear, that others may, in like manner, be turned out of doors, if a majority of men, who find them unfavourable to their cause, should get into the Assembly. The distinction used on this occasion, between sustaining the commissions in question, which it was yielded could not be done, and receiving the gentle-

men who bore them as members, which actually was done, exposes rather than vindicates the sentence, as it proves it a violation of a law acknowledged to be in force. Any person, on this principle, may be introduced into the Assembly; though he has no title, the court can *receive* him!

3. The sentence dissented from, was not a strained interpretation, or temporary suspension of a statute in a private cause, but a breach of it in the constitution of that court which has the decision in the last resort of all other causes,—and a great share, too, of legislative power. No class of laws are more justly accounted barrier-acts, and ought to be more sacredly preserved from contempt or violation, than such as these. A power to dispense with law in other instances, will not infer it in this; because, if a court is limited in any respect, it must be limited by those laws which regard the admission of its members. While such laws stand in force, no person whose commission is not agreeable to them, has a right to sit in a court. The giving, therefore, a seat in this Venerable Assembly to men who have no legal title to it, appears to us as great a stretch of power, as it would be to exclude one whose title was clear and uncontested. Other laws, by distance of time, may lose some of their force; but the laws in question are annually applied, and therefore may be justly considered as annually renewed.

4. Of all the laws regarding the election and qualification of members of Assembly, few or none are more important than those now in question. They require elders to be *faithful in the discharge of their office, tender and circumspect in their walk, punctual in their attending on ordinances, strict in their observation of the Lord's Day, and regular in keeping up the worship of God in their families*. To secure the choice of men thus qualified, commissioners from royal burghs must be first attested by Kirk-Sessions, as best acquainted with them, and least capable of being imposed upon; next, they, as well as the Presbytery's own representatives, must be attested by the Presbytery itself; and, lastly, a committee of Assembly is appointed to canvass all, that so no man of doubtful character may be admitted to sit in this court. The stress laid in Scripture upon the positive religious character of Church officers, sufficiently warrants all this. In the office of deacons, an

office inferior to that of elders, the Scripture insists, that they should hold the mystery of faith in a pure conscience, and first be proved; and being found blameless, admitted to that office. Whoever are not attested in terms of act 9, Assembly 1722, for any thing legally known, may be persons of riotous and disorderly lives, despisers of divine ordinances, and unwilling, afraid, or ashamed, to worship God in their families; and shall a door be opened to admit such to bear rule in the Church? Can the interest of religion receive a severer stroke? The man who is void of true piety, is but poorly qualified to be a civil judge; but here the danger is vastly greater. Civil laws may be thoroughly understood by a wicked man; and if he is possessed of a just and sound judgment, he may see it for his interest, at least in general, to act uprightly; but the laws of our Redeemer's spiritual kingdom, his enemies, as they do not love, so they cannot understand. Such may be expected to turn the edge of discipline the wrong way,—to inflict the censures of Christ's Church, not upon those who despise his laws, but on those who obey them,—and in all struggles between the interest of religion and that of profanity, to add strength to the last. Would they not give their votes and influence for filling vacancies with useless ministers? would they not discourage all attempts for censuring immorality, and exercising discipline upon ministers or others, who live unsuitably to their profession? and would not diversions of the most ensnaring tendency, find in them assured patrons and zealous supporters? We charitably hope, that no member of the Assembly who gave his vote for receiving the unattested commissions, had this view of the matter; and no such thing may have hitherto happened,—yet, as it is evidently possible, we trust we will be forgiven for expressing our fears, lest, in any future period, some such event should take place.

5. Such a decision is peculiarly unseasonable at this time, when the decay of religion is so great and visible. Is it possible to conceal or dissemble the great progress of impiety and irreligion in Scotland these last thirty years, the remarkable desertion of the house and ordinances of God, and neglect of family religion, especially among those of higher rank? Is not the Lord's Day openly profaned, by unnecessary travelling, idle visits, and ill-timed amusements? And is this a season to make the world imagine,

from our conduct, that neglect of the worship of God is a light crime, no way inconsistent with a religious character? If Presbyteries cannot find gentlemen whose characters they can safely attest, shall the Assembly but seem to give any sanction to this depravation of manners, and thereby contribute to accelerate that corruption which is evidently ruining us, both as a Church and as a nation.

6. We apprehend, that by this vote the Assembly have acted as much against the spirit of the law, as against the form. With respect to several of the commissions received, it was not so much as pretended, that the defect was owing to mistake or forgetfulness. Why then did not the Presbyteries attest the commissions of these elders? Was it from aversion, or want of respect? Their honouring them with their choice is a demonstration of the contrary. Was it from ignorance of, or inattention to, the necessary forms? The printed form which Presbyteries have before them in attesting commissions, makes this highly improbable. Had not the Assembly, then, just ground to suspect, that they were receiving members, not only in the eye of the law, but in fact and reality, unqualified; and that the Presbyteries, however willing, did not, because they could not, attest them?

If it be said, that the gentlemen attested are good men, but restrained by modesty from worshipping God in their families,—we admit, that, in some few instances, a wise and good man may want courage to pray before others, but the elders of our Church do not seem deficient in speaking with all becoming boldness before numerous and venerable courts, where one would think modesty would operate as strongly as in their own houses. Besides, the station of some of them enables them to keep chaplains, as their fathers did. After all, truly religious and modest men should rather decline being members of Assembly at the expense of setting aside a rule so important, than, by claiming a seat in this venerable court, introduce such as want other appearances of religion as well as family worship,—for let it be observed, that family worship is not the only religious qualification which Presbyteries are straitened to attest; and therefore, the argument of modesty, however much regard we pay to it, is far from being conclusive.

7. We think we have the greater reason to complain of such a decision, as it seems to be the conclusion of a gra-

dual progress that has been made by different Assemblies in this matter. It was alleged in the reasoning, that the Church was resolved to suffer this rule to go into desuetude; and in fact we find, that though, no longer ago than Assembly 1744, all informal commissions were rejected, and a special act made to prevent the like for the future, yet since that time several have been received. In 1753 informalities were overlooked,—but it was declared it should not be a precedent; but now commissions wanting the attestation in terms of act 1722, are received without any such proviso. A period, therefore, seems to be put to all questions upon this subject, and a new phrase introduced, of not sustaining the commissions, but receiving the members that bear them. An end is put to the use of the committee for revising commissions, and a door opened for filling the Assembly with men of the most exceptionable characters.

8. This decision, in itself so contradictory to order, must naturally be productive of the greatest confusion; for as the commissions of all members bear, that they are to consult, vote, and determine according to the acts and constitutions of this Church, as they will be answerable, what if Presbyteries should call their members to account for thus voting directly in the face of a standing law? What more plausible accusation could they found upon that clause of the commission?—and yet what confusion must be occasioned, if in different processes any General Assembly should be called to determine the legality of votes in that which preceded it?

9. As our public acts and constitutions have the sanction of the civil law, and as many of the decisions of the supreme court have an effect on civil property, such a dispensing power assumed in making up the court itself, may provoke parties who suppose themselves aggrieved by the determination of any question, to protest that the court has been illegally constituted, and therefore the whole proceedings absolutely void and null. Thus they may refuse to obtemper sentences, till the civil courts shall again decide and confirm them. Many less plausible pleas have occasioned processes carried even to the Court of Parliament; and, as we have often to do with bodies of men, in the settlement of parishes, if they should learn this way of bringing on a new trial, or at least expressing their resent-

ment by protracting the execution, how troublesome and how unhappy would be the consequences!

JO. WITHERSPOON, [of Beith.]

THO. WALKER, [of Dundonald.]

ARCH. WALKER, [of Temple.]

THOMAS RANDALL, [of Inchtute.]

JOHN ERSKINE, [of Culross.]

GEO. DICKSON, [of Bedrule.]

DAV. BLAIR, [of Brechin.]

JA. WALKER, [of Leuchars.]

Another report of the committee for revising commissions was transmitted on the 26th, bearing, that the *commission* from the Presbytery of Langholm was dated the 10th day of May, and so was thirty-two days within the time limited; that the commission from the burgh of Dunbar was dated the 29th of April, and so was twenty days within the time limited; and that the commission from the burgh of Stirling was dated the 5th of March, and so was three days without the time limited. The committee for overtures gave their opinion, that these commissions should be received, notwithstanding the informalities; and they were received accordingly.

The Assembly, on the 26th, nominated Dr Cuming, Professor Hamilton, Messrs Glen, Mackie, Watson, Nasmith, Plenderleith, Hyndman, Wishart, Webster, Dick, and William Robertson, ministers,—and the Lords Bankton, Shewalton, Coalston, Justice-Clerk, Edgefield, Advocate, and Prestongrange, Mr Solicitor, and Messrs William Law and John Swinton, ruling elders, a committee to consider the laws relating to the *election and qualifications of members of Assembly*; and from those laws to frame one act, by which the *form of commissions* to members of Assembly, and of *attestations of commissions*, shall be fixed with such preciseness, and such penalties annexed to every departure from those forms, as may remove ambiguity, and prevent as much as possible, for the future, disputes upon such commissions and attestations; and to report their draft of the act to the Commission in November, that they may further prepare it for the next Assembly.

A petition of the elders, and several heads of families, communicants, of the Lowland congregation of *Campbellton*, and of the parish of Southend, complaining of two acts

of the Synod of Argyle, in August 1754 and August 1755, was taken into consideration on the 23d. By the first of these acts the Synod ordained, "That the use of sermons on the *Saturday* before, and *Monday* after, dispensing the *Sacrament of the Lord's Supper*, be discontinued in all time coming; and that there be no sermons preached on those occasions, but on the Sabbath-day, and on the Thursday immediately preceding, which is to be observed as a day of fasting and preparation." And by the second, the Synod recommended to Presbyteries, "to be at due pains to have the Sacrament of the Lord's Supper celebrated once a-year in their bounds, according to the method prescribed in the former act; and that they proceed against those who, after admonition, continue refractory, or follow divisive courses, according to the rules of the Church." The petitioners represented, that these acts gave great offence to many serious and well-disposed Christians, and appeared to them to give a deep wound to the interest of religion in those parts. The Synod, on the other hand, represented, that the Lord's Supper was treated, in many of their parishes, with a neglect hurtful in itself, and that could hardly miss to tempt the less discerning people to think, that the obligation of it did not reach all the professors of our holy religion; and that the Synod had it greatly at heart to have that sacrament more frequently administered, but two great difficulties stood in the way,—the extent and discontinuity of their parishes, and the number of sermons usual on communion occasions, of which they gave the following account:—

"The bounds of our Synod take in the shires of Argyle and Bute. In this district there are above twenty inhabited islands; of which eleven are large and populous, and most of them divided, not only from the continent, but likewise from one another, by broad and dangerous ferries; so that the assistance required, when the sacrament is given in any of them, is always ill to be got, and often very uncertain. And even on the continent, it is no easy matter to bring a sufficient number of assistants together, as most of our parishes are separated from those next them, either by rough and high moors, cut every here and there with rapid waters, or by arms of the sea, that run up far into our waste, and in many places impassable, mountains. To secure the best we could against the disappointments that attend these in-

conveniences of our situations, we were obliged to crowd our communion-work into the summer season. Though we were sensible this greatly increased the hurry of it, and straitened the brethren employed in it, by calling them often from home, and to places at a great distance, and that within the compass of two or three months; yet, with all this precaution, instances can be given of ministers brought to an untimely death, or greatly broken in their health, by their private labour in preaching, or in visiting and catechising their wide charges, previously to the communion-days, and by being disappointed then of the assistance they expected.

“The number of sermons with us on such occasions is greatly increased, from reasons peculiar to the Highlands. In many parishes there are some who do not understand the common language of the country. For the sake of such, and to give the English language the quicker progress over all our bounds, we think it our duty to carry on this service in both these languages. And then, as most of our pastoral charges have two or three stated places of worship, our principal churches are every where too small, even for the congregations that belong to them, when gathered together, and much more so for the crowds that come from neighbouring parishes on those occasions; and thus, as the service within the church, though begun on the Sabbath mornings at nine, continues often without any recess till eight or nine in the evening; so all this time, after an action-sermon at the tent without, the brethren succeed one another, to prevent as much as they can the people from wearying, or running into idle amusements. And here it may be proper to observe a circumstance that straitened us still more: the district in which we labour, though very extensive and discontiguous, is divided only into two-and-forty pastoral charges; and they never are at any one time all planted; so, what by vacancies, and what by the infirmities of elder brethren, and the occasional sickness of others, the work to which we are called, lies on the hands of thirty ministers, one year with another.” It was added, that the method prescribed by the acts complained of, is agreeable to the ancient practice and the standing laws of the Church.

Two lawyers (Messrs Williamson and Maclaurin) were heard for the petitioners, and several ministers for the Sy-

nod; and after long reasoning, the Assembly unanimously approved of discontinuing the sermons; but a question was put, Whether to affirm the clause which enforces the act by a sanction? and carried, by a majority, *Not*; “and therefore the Assembly, considering the particular circumstances of that country, do unanimously approve of the conduct of the Synod of Argyle, so far as they discontinue the sermons on Saturday and Monday, in order to have the Lord’s Supper more frequently and decently administered within their bounds; but do not affirm that part of their act, enforcing the same by a sanction: and the Assembly recommends to all concerned to study peace and harmony, and to the people in the bounds of the said Synod, to give regular attendance on ordinances dispensed by their ministers.”

A case somewhat similar came before the Assembly on the 28th, by an appeal taken by the elders and communicants in the bounds of the Presbytery of *Dornoch*, from a sentence of the Synod of Sutherland and Caithness, pronounced August 19, 1756, by which they discharge fellowship-meetings to be held upon the Fridays immediately before the celebration of the Lord’s Supper. With a view to put a stop to those Friday meetings, an attempt was made in 1750, to make Friday, in place of Thursday, the fast-day before the Sacrament; but the Assembly disapproved of this alteration.* The Synod have now absolutely discharged those Friday meetings, because it was usual for the minister to attend them, whose time, it was imagined, might be better employed. The people of *Dornoch* petitioned to be restored to the privilege of meeting with their minister as usual, on those Fridays, or at least, that the Synod would permit such ministers as pleased, to meet with their people on those occasions; but their petition was rejected. Of this they loudly complain. “It is not past memory of man,” say they, “since Presbyterians looked upon it as an intolerable grievance, to be hindered from meeting together for religious worship, or devout exercises, by such as were adversaries to our ecclesiastical constitution; but what would our fathers have thought, had it then been said, that in less than a century, some judicatures of

* See the former vol., p. 212.

our own Church would pass acts, prohibiting their members to meet, at the earnest desire of the best disposed of their people, to join with them in mutual and Christian conferences, or to assist at their devotion?" It was alleged on the other hand, that an humour of disputing was too much encouraged in those meetings; and a reverend member told the Assembly, that in some of them speeches were made as long as any of those made in that house, and *questions put which all that house could not answer*. The Assembly found that the affair was not fully laid before them, and therefore sisted further procedure in it at this time; and appointed the Synod of Sutherland and Caithness to lay an account of the whole matter before the next Assembly.

Case of Ministers attending the Theatre.—The only individual case brought up to the Assembly, was that of *Mr Alexander Carlyle of Inveresk*; but as there were other prosecutions in the inferior courts, and as the circumstances under which they were originated and carried on produced great excitement at the time, and are not without interest still, we shall enter somewhat into detail.

The Tragedy of Douglas, by *Mr John Home*, minister of *Athelstaneford*, was represented for the first time in the Edinburgh theatre, on the 14th December 1756, when the author, and several of his clerical brethren, were present from different parts of the country.

The Presbytery of Edinburgh, not long after issued the following "Admonition and Exhortation to all within their bounds," (dated Edinburgh, January 5, 1757:)—

"The Presbytery taking into their serious consideration the declining state of religion, the open profanation of the Lord's Day, the contempt of public worship, the growing luxury and levity of the present age,—in which so many seem lovers of pleasure more than lovers of God,—and being particularly affected with the *unprecedented countenance* given of late to the playhouse in this place, when the state of the nation, and the circumstances of the poor, make such hurtful entertainments still more pernicious, judged it their indispensable duty to express, in the most open and solemn manner, the deep concern they feel on this occasion.

"The opinion which the Christian Church has always

entertained of stage plays and players, as prejudicial to the interests of religion and morality, is well known; and the fatal influence which they commonly have on the far greater part of mankind, particularly the younger sort, is too obvious to be called in question.

“To enumerate how many servants, apprentices, and students in different branches of literature, in this city and suburbs, have been seduced from their proper business, by attending the stage, would be a painful, disagreeable task.

“The Presbytery, in the year 1727, when consisting of many pious, prudent, and learned ministers, whose praise is in all the Churches, being aware of these evils, did prepare a paper, which was read from the several pulpits within their bounds, warning their people against the dangerous infection of the theatre then erected here.

“In the year 1737, the legislature, in their great wisdom, did, by an act of the 10th of Geo. II., enact and declare, ‘That every person who should, for hire or reward, act, or cause to be acted, any play, or other entertainment of the stage, without the special license and authority mentioned in the said act, should be deemed a *rogue* and a *vagabond*; and for every such offence should forfeit the sum of £50 Sterling.’

“At that time a project was set on foot to obtain a licensed theatre in this city; but the masters and professors of the university, supported by the magistrates, having prepared a petition, setting forth the dangerous tendency of a playhouse here, with respect to the important interests of virtue and learning, the project was laid aside.

“The players, however, being so audacious as to continue to act in defiance of the law, the Presbytery did, at their own charge, prosecute them before the Court of Session, and prevailed in the process. The players were fined, in terms of law; and warrants being issued for apprehending them, they fled from justice. But others came in their place, who since that time have attempted to elude the law, by changing the name of the *playhouse* into that of the *concert-hall*.

“As such a slight evasion, the mere change of a name, could not make the smallest variation in the nature of the thing, the Presbytery continued to do all in their power, and in their sphere, to prevent the growing evil; and think themselves at this time loudly called upon, in *one body*, and

with *one voice*, to expostulate, in the bowels of love and compassion, with all under their care and inspection.

“ When our gracious sovereign, attentive to the voice of Providence, is calling from the throne to humiliation and prayer, how unseemly is it for his subjects to give themselves up to mirth and jollity ! When the war in which we are engaged, and many awful tokens of the divine displeasure, bespeak us, in the language of an inspired writer, *to redeem the time because the days are evil*, should that time be squandered away in running the constant round of foolish, not to say sinful amusements ? When the wants and cries of the numerous poor require extraordinary supplies, how unaccountable is it to lavish away vast sums for such vain and idle purposes ? When the wisdom of the nation has guarded the inhabitants of this city and suburbs from the infection of the stage, by a plain and express statute, is it not a high instance of folly, to break down that barrier, and open a door with their own hands for theatrical representations ?—which are in many respects no less inconsistent with good policy than unfriendly to religion ; and will be found, sooner or later, to affect their temporal as well as spiritual interests.

“ On these accounts, and for many other obvious and weighty considerations, the Presbytery, warmed with just concern for the good of souls, do, in the fear of God, warn, exhort, and obtest, all within their bounds, as they regard the glory of God, the credit of our holy religion, and their own welfare, to walk worthy of the vocation wherewith they are called, by showing a sacred regard to the Lord’s Day, and all the ordinances of divine institution ; and by discouraging, in their respective spheres, the illegal and dangerous entertainments of the stage.

“ The Presbytery would plead with all in authority, with teachers of youth, parents, and masters of families, to restrain, by every *habile* method, such as are under their influence, from frequenting these seminaries of folly and vice. They would particularly beseech the younger part of their flock, to beware, lest, by example, or from a foolish desire of appearing in the fashionable world, they be misled into such pernicious snares,—snares which must necessarily retard, if not entirely mar, that progress in the respective parts of their education, on which their future usefulness and success depend. And, lastly, they would entreat and

obtest of all ranks and conditions, that, instead of contributing to the growing licentiousness of the age, they may distinguish themselves by shining as lights in the world, being blameless and harmless, the sons of God, without rebuke, in the midst of a crooked and perverse nation; occupying, for the great purposes of the honour of God and the good of mankind, that time, that substance, and those other talents which they have received from their Lord and Master.

“ On the whole, the Presbytery do, in the most earnest manner, call upon all who have the interest of religion at heart, to plead fervently at the throne of grace, in the prevailing name of the great Mediator, *until the spirit be poured upon us from on high, and the wilderness be a fruitful field, and the fruitful field be counted for a forest: then judgment shall dwell in the wilderness, and righteousness remain in the fruitful field; and the work of righteousness shall be peace, and the effect of righteousness, quietness and assurance for ever.*

“ The Presbytery appoint this *Admonition and Exhortation* to be read from all the pulpits within their bounds, on the last Sabbath, being the 30th day, of this month, immediately after divine service before noon.”

On the 12th of January, *Mr White, minister of Liberton*, was called before the Presbytery, accused of having been in the playhouse. He owned the charge; but pleaded, by way of alleviation, that he had gone to the playhouse only once, and *endeavour'd to conceal himself in a corner*, to avoid giving offence; expressing his deep sorrow for what he had done, and firm resolution to be more circumspect for the future. Some members moved, that the Presbytery, in respect of these alleviating circumstances, should go no further than a solemn rebuke, to be given in open Presbytery; but others being of opinion, that these circumstances notwithstanding, it was necessary, for supporting the credit and promoting the usefulness of the holy ministry, and to deter others from such practices, to suspend Mr White, a vote was stated, *Rebuke or Suspend?* and carried *Suspend*, by a great majority. Mr White acquiesced; but requested that the suspension might be limited to a certain time. Agreeable to which request, the Presbytery suspended him only till the 2d of February. The sentence

was intimated from Liberton pulpit by Mr Warden, the Moderator of the Presbytery; and it was duly obtemperated.

But the Presbytery of Edinburgh, not satisfied with calling to account their own members, thought it their duty to address other Presbyteries on the subject. To the Moderators of the Presbyteries of *Haddington*, *Ayr*, *Earlston*, (now *Lauder*), *Chirnside*, *Dunse*, and *Dalkeith*, they ordered a letter to be sent, of the following tenor:—

“REV. SIR,—We need not inform your Reverend Presbytery of the opinion which the Christian Church has always entertained of stage plays and players, nor of the fatal influence these entertainments commonly have upon the far greater part of mankind, particularly the younger sort. Of this the Presbytery of Edinburgh were so sensible, that, in the year 1727, they appointed Messrs Hamilton, Smith, Craig, &c., to draw up an ‘Admonition and Exhortation,’ warning and obtesting those under their charge not to countenance the playhouse then erected in this place; which admonition was unanimously approved of, and read from the several pulpits within our bounds.

“The unhappy effects of the playhouse were more and more sensibly felt by all ranks;—servants, apprentices, and students were seduced.

“In the year 1737, the legislature did, in their great wisdom, prohibit, by an express law, the acting of plays for hire or reward within this city and suburbs, and other places, as the law more fully bears.

“The players being so audacious as to continue to act in defiance of the law, the masters and professors of the university here petitioned the Parliament to take some effectual method for enforcing the same; and the Presbytery did, at their own charge, prosecute the players before the Court of Session. In this process they prevailed, and obtained a decret against eight players, finding each of them liable in the penalty of £50 sterling. Warrants, pursuant to the above decret, for apprehending them, being issued, they dispersed. But others came in their place; and since that time they have attempted to elude the law by a vain and unworthy evasion.

“As such thin pretexts could not make the smallest variation in the nature of the thing, the ministers in our

bounds have continued to do every thing in their power and their sphere to put a stop to entertainments so hurtful and illegal. But we are sorry to inform your Reverend Presbytery, that when the state of the nation, and the distressed circumstances of the poor, make such diversions, in themselves pernicious, still more criminal, our endeavours for suppressing them have been much interrupted, and in some measure defeated, by _____ of your members,

_____, minister at _____, who, we are credibly informed, _____ present in the playhouse at the head of the Canongate, within the bounds of our Presbytery, while a tragedy called *Douglas* was acted.

“As this conduct is extremely offensive, we are persuaded your Reverend Presbytery will take this matter into their consideration, and follow out such measures as to them shall seem meet, for discountenancing such unwarrantable conduct, for vindicating the credit and promoting the usefulness of the holy ministry, and supporting the interests of religion. This, in name, presence, and by appointment, of the Presbytery of Edinburgh, is signified to you by, Rev. Sir, your most humble and most obedient servants,

“JOHN WARDEN, *Modr.*, P. T.

JA. CRAIG, *Pby-Clk.*”

“Edinburgh,
December 29, 1756.”

The Presbytery of *Haddington*, (to which *Mr Home* belonged,) took this letter into consideration January 4. Some members alleged, that this step taken by the Presbytery of Edinburgh was irregular and unprecedented, and that therefore the affair ought to be dismissed. But others were of opinion, that the Presbytery of Edinburgh, as the offence was given within their bounds, might have tried the matter themselves, and consequently had a right, *à fortiori*, to lay it before the Presbytery where *Mr Home* of Athelstaneford resided; that in so doing they had shown, not only due attention to the interests of religion, but respect to the Presbytery of *Haddington*; and therefore moved, that the charge should be entered upon their records, and the whole affair delayed till next meeting of Presbytery, in respect of *Mr Home's* absence; which was agreed to without a vote.

Mr Home not having been present at the next meeting, the Presbytery required him, by a letter, to appear before them on the 5th of April, to answer the charge brought

against him. He wrote an answer bearing, that he designed to have attended, but that several things had happened which rendered it impossible for him; and therefore begging to be indulged till the 1st of May, when he assured them he would attend. Some members were for proceeding to consider the charge, others for granting the desired delay. The latter was agreed to without a vote; with certification, that the Presbytery would judge of the affair on the first Tuesday of May, without further delay,—which they ordered to be intimated to Mr Home by a letter. [His tragedy was acted at Covent-Garden, London, on the 14th of March; and he was then at London.]

When they met on the first Tuesday of May, they received a letter from Mr Home, begging a further indulgence, and promising to attend if they would appoint a Presbytery to meet in a week after. The Presbytery referred the whole matter to the Synod, to meet at Edinburgh on the 10th; and appointed a meeting of Presbytery the same day, at Edinburgh, that Mr Home might have an opportunity of attending if he pleased. The Presbytery met accordingly, and Mr Home was present, but no minute was taken of what passed.

The Synod of Lothian and Tweeddale met at Edinburgh on the 10th May, and Mr Home's affair came before them on the 12th. They remitted it back to the Presbytery of Haddington, in regard that Presbytery had not so much as commenced the process, and that Mr Home had never been regularly before them, and was not present when the reference to the Synod was made.

All farther procedure, however, was rendered unnecessary, by Mr Home's spontaneous resignation of his charge. On Sunday, June the 5th, he preached his farewell sermon, which, we are told, "drew tears from many;" and on the 7th gave in his demission to the Presbytery of Haddington,—which appears to have been accepted *simpliciter*.

Mr Steele, minister at Stair, having been called before the Presbytery of Ayr, acknowledged that he had been in the playhouse when Douglas was acted; but pleaded, that the playhouse being at a great distance from his parish, he had no reason to apprehend that he would be known, or that his presence would have given offence; adding, however, that as he was now sensible he had in this been mis-

taken, and that his conduct had been offensive to his brethren, and others, he was extremely sorry on that account; and declared his firm resolution to abstain from such practices for the future. This acknowledgment and declaration was accepted by a majority of the Presbytery.

The Presbytery of *Earlston* wrote a very discreet answer to the Presbytery of Edinburgh, approving of their zeal for supporting the ministerial character, and the interests of religion; and assuring them, that they had taken such measures with their brother, *Mr Scot of Westruther*, as they were firmly persuaded would be most conducive to the great and good ends which the Presbytery of Edinburgh had in view.

The Presbytery of *Chirnside* rebuked *Mr Cupples* of *Swinton*, and dismissed the affair.

As for the Presbytery of *Dunse*, Messrs *Home of Polwarth*, and *Dysart* of *Eccles*, expressed their sorrow for having given offence, and were rebuked; but the Presbytery, at the same time, instructed their Moderator, *Mr Lawrie* of *Langton*, to send the following reply to the letter from the Presbytery of Edinburgh:—

“REV. SIR,—Yours of the 29th of December last was this day laid before our Presbytery. It was read with the regard, and considered with the attention, that is due to a letter from the Presbytery of Edinburgh. We now return you an answer, with that freedom which we think ourselves entitled to use; and we doubt not you will consider it with that candour which is suitable to your known characters.

“We need not inform persons so deeply skilled in the constitution of our Church as the members of your Reverend Presbytery are, that the jurisdiction of Presbyteries independent on each other, is a fundamental principle of our ecclesiastical constitution; and that they are accountable only to Synods and Assemblies, their legal superiors.

“Presbyteries know best the characters of their own members, the state of religion, and the temper of the people within their bounds. They can best judge, whether, in any particular instance, the censures of the Church might not, instead of extinguishing a scandal, contribute to increase it.

“We know not any reason why the Presbytery of Dunse should be deprived of this inherent privilege; and cannot but look upon your letter as an unconstitutional attempt of

one presbytery to anticipate the judgment, and regulate the conduct of another.

“After this remark on the general strain of your epistle, we cannot but observe, that the directions you are pleased to give us, seem repugnant to the rules and canons of this Church.

“It is enacted in the *Form of Process*, chap. i., § 4, That ‘nothing ought to be admitted by any church judicature, as the ground of a process for censure, but what hath been declared censurable by the Word of God, or some act or universal custom of this National Church agreeable thereto.’ We expected that, in compliance with this known statute, you would have mentioned some passages of Scripture, or some Acts of the General Assembly,* to which the conduct of our brethren was repugnant. But with respect to these you have thought proper to be entirely silent. However, to make up the want of such authority, you give us a detail of certain acts and proceedings of your Reverend Presbytery in the year 1727.

“Whatever regard may be due to these, we are persuaded you do not apprehend they should be considered as standards of this Church. Nor can we believe you will think a minister of the Presbytery of Dunse should be accounted criminal, because he did not pay suitable regard to the acts of your Reverend Presbytery. Such propositions seem to be assumed in your letter; how subversive they are of the privileges of other Presbyteries, we need not say.

“The encroachments on our jurisdiction we could easily pass over; but we cannot overlook the manner in which your Reverend Presbytery have treated our brethren. Our blessed Lord commands us, Matth. xviii. 15, &c. :—*Moreover, if thy brother shall trespass against thee, go, and tell him his fault between thee and him alone, &c.* Suitable to this divine and charitable precept is the statute in our

* In a pamphlet of the day, “*The Morality of Stage Plays considered*,” (ascribed to Dr Adam Ferguson,) it is affirmed, that the only law of the Church relating to the theatre is the following :—“That no comedies or tragedies, or such plays, should be made on any subject of canonical Scriptures, nor on the Sabbath-day. If any minister be the writer of such a play, he shall be deprived of his ministry. As for plays of another subject, they also should be examined before they be propounded publicly.”—*Act Ass.* 1574; *Vid. Petrie’s Church History.*

Form of Process, chap. vii., § 4 :—‘ All Christians ought to be so prudent, and wary in accusing ministers of any censurable fault, as that they ought neither to publish nor spread the same, nor accuse the minister before the Presbytery, without first acquainting the minister himself, if they can have access thereto, and then, if need be, some of the most prudent of the ministers and elders of that Presbytery, and their advice got in the affair.’

“ This method of conduct is Christian, is prudent. The precepts of our Lord, the statutes of our Church, enjoin us to follow this plan, in our endeavours of reclaiming a Christian brother who hath gone astray. Did your Reverend Presbytery observe these important rules? We are sure they did not; otherwise such an unwarrantable eagerness of accusing our brethren had not been discovered.

“ Nor can we reconcile this your extraordinary zeal with your indulgence to several church-officers within the bounds of your own Presbytery, whose countenance will have more influence in supporting these amusements, than the presence of our two brethren, so little known in town. Is there not a partiality visible in behalf of some of your own brethren, who, whilst they appeared as representatives of this Church, * did, as we have heard, give countenance to entertainments of the same kind? From whose conduct it was natural to conclude, that being witness to the representation of a tragedy which the public voice affirms to have no immoral tendency, would not be considered as criminal by your Reverend Presbytery. For we cannot allow ourselves to think, that a thing really criminal in itself, and morally evil, in Scotland, is innocent or indifferent on the other side the Tweed.

“ But to conclude. You say, zeal for vindicating the credit and promoting the usefulness of the holy ministry, and supporting the interests of religion, are the motives of your present conduct. And in charity we are bound to believe they are. You call us to co-operate with you in carrying on these ends. We gladly hearken to the call; and shall not fail to lend our assistance in every instance that is under the conduct of wisdom and discretion. You must, however, excuse us, when we say, that your intermeddling in the man-

* The allusion is to the delegates sent to London, either on the business of the Widows' Fund, in 1744, or of the Augmentation Scheme, in 1751.

ner you have done with the conduct of our brethren, who have hitherto been eminently useful in our bounds, hath a natural tendency, and will undoubtedly, unless guarded against by the utmost prudence and caution on our part, greatly mar and obstruct those valuable ends you seem to have in view.

“ This, in name and by authority of the Presbytery of Dunse, is signified to you by, rev. and dear brother, your affectionate brother and humble servant,

“ JAMES LAURIE, *Mod.*

“ *Dunse,*
March 22, 1757.”

“ ALEX. HUME, *P. Clk.*”

We now come to the case of *Mr Carlyle* of *Inveresk*, who belonged to the Presbytery of *Dalkeith*. That body met on the 1st of February, when Mr Carlyle being absent, they caused a letter to be written him, citing him to attend at next meeting. They likewise sent a letter to the Presbytery of Edinburgh, approving of their conduct, and assuring them they would follow out such measures as were necessary for supporting the interests of religion. When Mr Carlyle first appeared before them, he did not explicitly acknowledge his having been in the playhouse, nor express his concern for the offence he had given; the Presbytery, therefore, judged it necessary to give him a libel. He took a protest, requiring that the Presbytery of Edinburgh, who had given the information, should be his libellers, according to the *Form of Process*. Some members, apprehending the clause founded on, viz., *par. 3, chap. 7*, to be a little dubious, it was agreed to lay the protest before the Presbytery of Edinburgh. That Presbytery returned for answer, that the clause in the *Form of Process* evidently respected an information given by one or more private persons, but could not apply to information transmitted by one Presbytery to another; and that such interpretation as was contended for, was contrary to the universal practice of the Church, and, if countenanced, would occasion inextricable difficulties or numberless inconveniencies. The Presbytery of Dalkeith, on the 15th of March, having considered this answer, together with Mr Carlyle's protest and requisition, agreed, for obviating all doubts, to give him a libel, in virtue of their own powers, on the footing of the *fama clamosa*; and appointed a committee to prepare it against the 25th. Mr Carlyle protested,

and appealed to the Synod ; and likewise insisted, that the Presbytery had mistaken his conduct at their former meeting, for that he meant to signify, that he was willing to make proper acknowledgments when they should allow him a fit opportunity for that purpose. As this paper seemed to state what had passed at the former meeting, in a light different from what it appeared to the Presbytery, they ordered remarks to be made upon the paper, and the paper and remarks to be entered in the record.

At this meeting a petition was presented, signed by three of the elders of the parish of Inveresk, and said to be the deed of the elders ; setting forth, that Mr Carlyle, ever since his settlement among them, had been extremely zealous in promoting the interests of religion, and had so abounded in works of mercy and charity, that he had gained the esteem and entire confidence of the whole parish ; and after further setting forth, that the alleged offence, or charge, was, in the apprehension of the petitioners, of such a nature as, by the *Form of Process*, ought to be taken away without a public discussion, the petition concludes with praying, that the Presbytery would dismiss the affair in some private brotherly way. This petition was read and recorded.

On the 25th, the committee presented a draught of the libel, which was agreed to. This libel was founded on several texts of Scripture and Acts of Assembly, relating to the good behaviour and conduct of ministers ; on three Acts of Parliament in the reign of Geo. II., and the opinion of the Christian Church in all ages, relating to stage-plays and players ; and on the known bad effects of a playhouse in Edinburgh. It contained three articles of charge, viz. :—1. His associating himself, or familiarly keeping company with the players, persons who, by their profession, and in the eye of the law, are of bad fame. 2. His attending the rehearsal of the tragedy of *Douglas*, and assisting or directing the players on that occasion. 3. His appearing openly in the playhouse in the Canongate, within a few miles of his own parish, near to an university seat, and hard by the city of Edinburgh, where he was well known, having often preached and assisted at the administration of the Lord's Supper in that city. This article further charges him with having taken possession of a box in the playhouse in a disorderly way, or forcibly turning some gentlemen out of it, and there witnessing the representation of the tragedy of *Douglas* ; a

tragedy which tended to encourage the monstrous crime of suicide, and contained such dreadful oaths or expressions, and mock prayers, as were so offensive to the audience who countenance the stage, that they were struck out or varied in the future representations. All which oaths, expressions, and mock prayers, he, says the libel, knew to be contained in that tragedy, having perused it in manuscript, or witnessed the rehearsal of it. The libel then shows the bad tendency of such a practice; and concludes, that all, or any part of the charge being proved, he ought to be censured according to the demerit of the crime or offence. This libel, with a list of witnesses annexed, was put into Mr Carlyle's hand; and he was summoned, *apud acta*, to give in his defences on the 5th of April.*

Before the court was dismissed, four more of Mr Carlyle's elders declared their adherence to the petition formerly mentioned, making in all seven. But five elders gave in a counter petition, disclaiming the other, and declaring their

* Dr Carlyle believed that this libel was raised against him at the instigation of the younger *Dundas of Arniston*, then Lord Advocate, upon whom his friend Ferguson took ample revenge in the political satire, entitled, "The History of Sister Peg." It is certain that the most virulent pamphlets against the play and its supporters were written by some of the *protegés* of Dundas. It was in reply to these attacks that Carlyle published (without his name) the ironical piece, entitled, "An Argument to prove that the Tragedy of Douglas ought to be burnt by the hands of the hangman." In an article on *Home's* works in the *Quarterly Review*, (Vol. xxxvi., p. 186,) written by *Sir Walter Scott*, it is said, that Carlyle's "person and countenance, even at a very advanced age, were so lofty and commanding, as to strike every artist with his resemblance to the Jupiter Tonans of the Pantheon. It was stated in aggravation of this reverend gentleman's crime in attending the theatre, that two rude or intoxicated young men having entered the box, and behaved uncivilly to some ladies, the Doctor took the trouble of turning them out, which his great personal strength enabled him to do with little resistance or disturbance. He underwent a rebuke, which did not sit very heavy on him." At the Assembly 1760, Carlyle was named one of the preachers before the Commissioner, but Messrs Pinkerton of Markinch, and Blair of Brechin, *objected, and entered their dissent*. In 1789, he was candidate for the Principal Clerkship, along with Professor Dalziel, when, after a struggle of unprecedented keenness, the latter was, upon a scrutiny, declared to be elected, although Carlyle, having had the apparent majority, had actually taken the oaths and his seat as clerk.

readiness to lay before the Presbytery, either at their ordinary meeting, or at a parochial visitation, if appointed, the reasons why they could not concur with it. The Presbytery delayed the consideration of both petitions till next meeting.

On the 5th of April, Mr Carlyle gave in a paper, bearing, that he thought himself bound to take this first opportunity of answering to the whole charge, and not put the Presbytery to the trouble of leading a proof; and therefore acknowledges, that he had been once or twice, with some gentlemen of good reputation, and Mr Digges [manager of the theatre, and the principal actor] in a tavern; that he had heard read or repeated great part of the tragedy of *Douglas* at Mr Digges' house, where Mrs Ward and some others of the actors were present; that he had been sometimes in Mr Digges' house along with the author, and had some conversation about the tragedy, but that he had never ate or drunk with Mrs Ward, or conversed with her, further than in agreeing or disagreeing to what was said about the play; that he had been present, with several gentlemen, at one rehearsal of it; and that he was afterwards present when it was acted publicly, and the house being crowded, he was admitted to a seat with some difficulty and pressing. The paper proceeds to apologise for his conduct, from his apprehension of the good tendency of the play; and, the play being now published, submits it, how far his apprehension was just. He expresses his extreme sorrow for having given offence; and declares, that if he had thought such conduct would have been offensive, he would have taken care, as he resolved to do hereafter, to avoid it. He pleads, nevertheless, that the charge brought against him is not, according to the *Form of Process*, a proper ground for a libel and a public trial, but of that kind for correcting which privy censures were established; and therefore prays that the libel may be thrown out. The Presbytery, after reasoning, were of opinion not to drop the libel; but in regard Mr Carlyle was not prepared to make his defences, they delayed considering the relevancy till the 19th of April.

At the same meeting (that of the 5th April,) the elders who had disclaimed the petition in favour of Mr Carlyle, and had given in a counter petition to the Presbytery of Dalkeith, were desired to give their reasons for their non-concurrence with the petition; but they did not give them. One of these elders, however, on the 19th, gave in a repre-

sensation, in name of himself and of his four brethren, containing the reasons of their non-concurrence. Mr Carlyle objected, that it was now too late to assign those reasons, because they had not done it on the 5th, when desired. The representation was lodged with the clerk, and the consideration of it delayed to the 3d of May. On the other hand, two petitions were presented, April 19, one by the town-council of Musselburgh, and the other by about 120 heads of families, in favour of Mr Carlyle, declaring their satisfaction with his conduct as their minister.

At this meeting (April 19,) Mr Carlyle renewed his request, that the libel should be dropt, for the reasons formerly mentioned. But in this he was again overruled, and the Presbytery resolved to go upon the relevancy. Mr Carlyle protested, appealed to the Synod, and left the Court. Four ministers, viz., Messrs Turnbull of Borthwick, Simson of Fala, Mackie of Carington, and Murray of Heriot, dissented from the resolution to go upon the relevancy, and left the Court likewise. The Presbytery found the several articles of the libel *separatim* relevant to infer censure; and found all the articles proved by Mr Carlyle's confession, excepting the oaths and mock prayers charged to be contained in the tragedy, and Mr Carlyle's having taken possession of a box in a disorderly way. These particulars they remitted to proof; and they named a committee of their number, and gave them a commission to take the proof at Edinburgh on the 28th of April, and to report it on the 3d of May; and ordered Mr Carlyle to be cited to attend the examination. The witnesses residing within the Presbytery of Edinburgh were cited by an order from that Presbytery. Mr John Dalrymple, advocate, as counsel for Mr Carlyle, appeared before the committee, and protested against their examining the witnesses, contending that a Presbytery had no power to grant a commission to one or more of their own number to examine witnesses without their own bounds. Mr Carlyle appeared likewise, and protested for liberty to cite witnesses, in exculpation or alleviation of his alleged disorderly behaviour in the playhouse, and to examine them before examining the witnesses in support of that article. The committee, judging it not competent for them to consider those protests, referred them to the Presbytery, and examined the witnesses in support of the libel. Mr Carlyle attended the examination.

On the 3d of May, the committee laid the proof before the Presbytery. It was deposed, that a player, in the character of the shepherd, swore, *By him that died on the accursed tree*; that another, in that of Glenalvon, said, *No priest! no priest! I'll risk eternal fire!* and that a third, in that of Lady Barnard,* or Lady Randolph, kneeled down and put up some prayers. It was also deposed, that Mr Carlyle had turned or pushed one or more gentlemen out of a box, but not till after they had refused to go out at his desire. Mr Carlyle objected, that this proof ought not to be regarded, for that the committee ought not to have examined the witnesses after the above mentioned protests were taken; and craved leave to give in a list of witnesses to prove some alleviating circumstances in relation to his turning the gentlemen out of the box. The Presbytery were of opinion, that Mr Carlyle's offence deserved a higher censure than a rebuke, and that a censure inflicted by the highest authority would have greatest weight, and be followed with the most salutary effects: they therefore referred the consideration of the protests, the objection, and the whole affair, to the Synod; declaring it to be their opinion, that the censure ought to be inflicted, not by any inferior Court, but by the Assembly; and they appointed their moderator, in case the Synod should finish the process themselves, to appeal to the Assembly.

The Synod met on the 10th May, and entered on Mr Carlyle's case next day. He appeared along with Mr John Dalrymple, advocate, as his counsel. The papers were produced, and read, and parties were heard at great length. The Court sat from ten till four afternoon, and then adjourned. At six in the evening they met again. A question was moved, Whether to take up the affair on Mr Carlyle's appeals, or on the Presbytery's reference? After some reasoning, it was agreed to begin with the appeals. A long debate ensued; after which the following overture, or sentence, was proposed, viz.:—"The Synod finds, that the grounds of proceeding in this affair in the way of a libel, are not sufficiently clear and incontrovertible; and that it

* The name *Lady Barnard* was changed to *Lady Rando'ph*, when the play was acted in London. Alterations were made after the first representation at Edinburgh, so that the expressions deposed to are not in the printed play.

had been better, and more expedient for the Presbytery, to have endeavoured to bring the same to an issue, either in the way of a privy censure, or of brotherly conference, with proper admonition following thereon. And further, the Synod does, by this sentence, declare their high displeasure with Mr Carlyle, for the step he has taken in going to the theatre; and strictly enjoin him to abstain therefrom in time coming." On this a vote was put, *Approve* of the overture; or, *Remit* this affair to the Presbytery of Dalkeith, to take proof of the alleviating circumstances condescended on by Mr Carlyle, in case he insists upon it, and to give judgment in this affair before the meeting of the Assembly, as they shall see cause? It carried "*Approve*" by a narrow majority. A dissent was entered by Messrs George Lindsay, Alexander Webster, John Glen, Alexander Wardrop, John Lundie, William Aitken, James Watson in Canongate, and Andrew Williamson, correspondent. It was agreed to delay intimating the sentence till next day; and the moderator, Professor Hamilton, and Messrs James Nasmyth, John Hyndman, and Joseph Williamson, were appointed a committee to confer with the Presbytery of Dalkeith next morning in the Society Hall.

Next day, Messrs James Stevenson, Robert Walker, John Warden, John Johnston, William Orr, David Spence, and William Tait, adhered to the aforementioned dissent. Then the committee reported, that they had conversed at great length with the Presbytery of Dalkeith; but that that Presbytery seemed to think themselves obliged to appeal to the Assembly. The Presbytery sat some time after the conference, and then gave in a paper to the Synod; in which they say, "they are of opinion, that if the resolution of the Synod, which as yet is not intimated to them, shall have considered them as parties, and have condemned their conduct, in forming and carrying on a libel against Mr Carlyle, that they are, according to the forms of this Church, at liberty to appeal to the General Assembly;" and they appointed their moderator to enter an appeal accordingly, for reasons to be given in due time. Then the sentence was intimated. The Presbytery appealed. Mr Carlyle said: "He received the admonition and injunction of the Synod with respect. He was sorry for the offence he had given; and hoped he should never give the Synod, or any other judicature of the Church, occasion to call him before them again for such a

piece of conduct." Messrs Thomas Turnbull, William Mackie, Patrick Simson, John Murray, and Robert Paton, ministers in Dalkeith Presbytery, desired it might be marked that they acquiesced in the Synod's sentence. The Synod appointed the moderator, Professor Hamilton, and Messrs Robert Wallace, William Robertson, and Gilbert Hamilton, and Mr Joseph Williamson, a committee to answer the reasons of the appeal and dissent when given in; and, in conjunction with others of the Synod who are members of the ensuing Assembly, to support the sentence of the Synod before that Court.

The Assembly entered on the case on the 24th May. Several ministers of the Presbytery of Dalkeith appeared in support of the appeal; and several ministers, and Mr Joseph Williamson, advocate, members of the Synod, appeared in support of the Synod's sentence. Mr John Dalrymple, advocate, appeared in support of the Synod's sentence, and likewise as counsel for Mr Carlyle. A member of the Synod, who had dissented from the sentence, asked leave to speak; but the Assembly found, *that the dissenters had no title to be heard in support of their dissent.* After reading the petition of appeal, and the Synod's sentence and hearing parties at great length, it was proposed that the question should be put, *Affirm the sentence of the Synod, or Not?* But others insisting that the question should be, *Whether the Presbytery of Dalkeith did right in proceeding in the way of a libel, or Not?* the previous question was put, *Whether the first or second should be the state of the vote?* and carried for the *first*, 114 *against* 45. Then the first state of the question, *Affirm the sentence of the Synod, or Not?* being put, it carried *Affirm*, 117—*Not*, 39.

An overture *relating to the stage* was taken into consideration on the 27th. After reasoning on it, another overture was proposed in its place, and the first was dropt; and after reasoning on the second, some arguing against any overture on the subject, and others arguing for one, the question was put, *Overture, or Not?* and carried *Overture*, 120 *against* 54. Then the second overture was approved of without a vote, * *viz.* :—"The General Assembly, consi-

* This motion was deemed so lenient, as to be seconded by Dempster of Dunnichen, the friend of Home and Carlyle.

dering how much the success of the Gospel depends on the regular and inoffensive behaviour of the ministers of this Church, do earnestly recommend to the several Presbyteries to take such wise and effectual measures as may promote the spirit of our holy religion, and preserve the purity and decorum of the ministerial character; and that they take care that none of the ministers of this Church do, upon any occasion, attend the theatre." By the first overture, the injunction not to attend the theatre was not confined to ministers, but extended to all the members of the Church.*

* On the 2d of February, the Presbytery of Glasgow had come to the following resolution, viz. :—" The Presbytery having seen a printed paper, entitled, *An Admonition and Exhortation of the Reverend Presbytery of Edinburgh*, which, among other evils prevailing, laments the extraordinary and unprecedented countenance given of late to the playhouse in that city; and having good reason to believe, that this refers to the following *melancholy, but not our facts*,—That one who is a minister of the Church of Scotland, did himself write and compose a stage-play, entitled, *The Tragedy of Douglas*, and got it to be acted on the theatre at Edinburgh; and that he, with several other ministers of this Church, were present, and some of them oftener than once, at the acting of the said play, before a numerous audience: The Presbytery, deeply affected with *this new and strange appearance*, do think it their duty to declare, as they hereby do, that they agree with the Reverend Presbytery of Edinburgh, in the sentiments published by them, with respect to stage-plays; and particularly, that such entertainments, from what has been usually exhibited in them, and also from the dissolute lives (for most part) and infamous characters of the players, have been looked upon by the Christian Church, in all ages, and of all different communions, as extremely prejudicial to religion and morality, as well as hurtful to the other valuable interests of human society, by the wasteful expense of money and time they have occasioned; and being convinced, by long experience, a sure test of the tendency of any action or practice, how vain it is to expect such a reformation of the stage, as is consistent with the ends aforesaid, that therefore such entertainments should be discouraged and laid aside. And the Presbytery further considering, that the unprecedented countenance given the playhouse, in the instance mentioned, is greatly aggravated by a late Act of Parliament, rendering the stage (because not licensed,) unlawful in Scotland; and also from the present circumstances of the nation with regard to the war we are engaged in, the dearth of provisions, and the awful tokens of the just anger of heaven against us: They therefore hereby appoint and instruct such of their members as shall represent them in the ensuing General Assembly of this Church, to move and insist, in a regular manner, That the Venerable Assembly do declare, by a public act, their judgment,

On the 28th, the following overture was ordered to be transmitted to the several Presbyteries, that they may send their opinions upon it to the next Assembly, the overture in the meantime to have the force of an act, viz. :—"Whereas in the Act of Assembly of the 1st June 1753, against *simoniacal practices*, there is the following branch or clause, 'and do not, immediately when they come to the knowledge of it, intimate the same to the Presbytery of the bounds;' and whereas it is found necessary to explain and amend the said clause; it is therefore hereby enacted, That if any such simoniacal practices as are mentioned and described in the said Act, shall be carried on by any person or persons whatsoever, in order to the promoting or procuring any benefice or office in this Church to any minister or probationer,

and that of this National Church, against the entertainments of the theatre, as of very hurtful tendency to the interests of religion and society. Secondly, That the Assembly do strictly inquire, if the facts above mentioned, viz., that a minister of this Church has composed, and procured to be acted, on the theatre in the Canongate of Edinburgh, the tragedy called *Douglas*, and that the representation of the said tragedy was attended by him and several other ministers, have been under the consideration of the Presbyteries respectively concerned; and whether these ministers, being found guilty, have been censured as their faults deserved; and to give such directions as they in their wisdom shall find necessary, that such ministers, and all others, may be sensible, that the Church of Scotland will never protect her members in a practice so unbecoming their character, and of such pernicious tendency to the great interests of religion, industry, and virtue. And, lastly, That the Assembly would use their best endeavours to obtain such an explication and enforcement of the Act of the 17th of Geo. II., anent the play-house, as it may not be liable to the pitiful evasions by which it is now eluded."

On the 13th March, the Synod of Lothian and Tweeddale had transmitted the following overture :—"The Synod, being deeply affected with the countenance given of late to the entertainments of the stage, particularly by several ministers, which entertainments have, from long experience, been found prejudicial to the great interests of religion and virtue; and considering that it has been alleged, that there is no express law or statute of this Church which prohibits her members and ministers to witness theatrical representations, they do humbly overture to the General Assembly, that they would be pleased to take this matter under their serious consideration, and lay down such rules as shall obviate that pretext, and may effectually prevent such unwarrantable practices for the future."

though without his consent or approbation ; and if such minister or probationer shall at any time be told or informed that such practices have been or are carried on, or proposed to be carried on, for the purpose aforesaid, and shall not make discovery or intimation thereof to the Presbytery of the bounds, at their first meeting after he shall receive such information, then and in that case, he shall, if a minister, be deposed, and if a probationer, deprived of his license."

The annual report of the trustees for managing the *fund* for a provision to the *widows and children of ministers, &c.*, was given in on the 25th. To this report is subjoined the following comparison between the calculations on which the scheme proceeded, and the facts as they have come out during the first thirteen years of the scheme, viz., from March 25, 1744, O. S., to April 5, 1757, N. S. :—

“ In the calculation, it was supposed that 30 ministers and professors would die *per annum* ; so that, in the above 13 years, 390 ministers and professors might be supposed to die ; and in fact, during said 13 years, there have died 383.—*Difference*, 7.

“ It was also supposed, that the ministers and professors dying would leave 20 widows, and 6 families of children without widows, *per annum* ; *inde*, for said 13 years, 260 widows, and 78 families of children without widows,—in all, 338 ; and in fact, they have left 262 widows, and 73 families of children without widows,—in all, 335. *Difference*, 3.

“ In the calculation, it was further supposed that, at Whitsunday 1757, the number of widows on the fund, drawing full and half annuities, would be 177 ; and in fact, their number is 171.—*Difference*, 6.

“ In the calculation, it was likewise supposed that the stock, at clearing the collector's accounts for the 12th year of the fund, *anno* 1756, would amount to £43,333 : 3 : 3^qd. ; and in fact, it amounted to £42,888 : 17 : 2^qd.,—so that the real stock was only £444 : 6 : 0⁷d. less than the calculation ; which, in a fund so great, is of no consequence, as a difference of that, or greater extent, to the advantage or disadvantage of the fund, will happen, from the accidental circumstance of a greater or lesser number of children falling upon it in the preceding year.”

From the above comparison it appears, that the small

differences between the calculation and the fact, are to the advantage of the scheme, excepting as to the amount of the capital; with respect to which it is proper to observe, that the calculation brings up the interest to Whitsunday 1756, whereas the interest of the real stock is brought up only to Martinmas 1755; so that if this half-year's interest of the capital, at 4 *per cent.*, be added to the real stock, it will exceed the calculation some hundred pounds.

Double presentations had been given to the united parishes of *Stonykirk*, *Clashant*, and *Toscarton*; one by the King, in favour of Mr John Hunter, probationer; and another by Mr Macdouall of Castlempil, in favour of Mr James Macferrand, minister at Kirkmaiden. In last November, the Commission, to whom this affair had been referred by the preceding Assembly, delayed it till their meeting in March, on account of a process then commenced before the Court of Session for ascertaining the right of patronage; and there was no meeting of the Commission in March. No compearance was made for Mr Macdouall in the Assembly. The papers were read, particularly the sentence of the Lords of Session of February 9, 1757, finding, that the Crown has right to the patronages of Clashant and Toscarton, united with the parish of Stonykirk, and that Mr Macdouall has right to the patronage of the old parish of Stonykirk; that the Crown has right to present to the said united parishes for two vices, and Mr Macdouall for one vice; and as it was admitted that Mr Macdouall presented last, preferring the Crown's presentation. The Assembly, May 21, unanimously appointed the Presbytery of Stranraer to proceed to the moderation of a call to the King's presentee alone.

Upon a competition between Dorothea Lady-Dowager Forbes, and James Lord Forbes, both having presented to the parishes of *Forbes* and *Kearn*, the Assembly, on the 25th, appointed Mr James Macwilliam, probationer, my Lord's presentee, to be settled by the Presbytery of Alford; and set aside my Lady's presentation in favour of Mr William Coupland, minister. Some members moved to refer the affair to the Commission, in regard my Lady had raised a declarator of her right before the Court of Session; but

upon the question put, *Proceed* or *Delay*? it carried *Proceed* by a great majority.*

On the 26th, the Assembly took into consideration a complaint of the King's Advocate, and the concurreurs with a royal presentation in favour of Mr John Douglas, minister of Kenmure, to be minister of *Jedburgh*, against the Presbytery of Jedburgh, for not obeying the sentence of the Commission, appointing Mr Douglas's transportation and settlement; and a petition of others of the aforesaid parish, opposers of the presentee, complaining of the Commission's sentence, and craving it might be reversed. After reading the papers, and hearing parties, and reasoning, the question was put, *Dismiss* the complaint against the Commission or *Not*? and it carried *Dismiss* by a great majority. The Assembly therefore appointed the Presbytery of Jedburgh to proceed in a process towards Mr Douglas's transportation from Kenmure, and his admission at Jedburgh, with all convenient speed; and nobody insisting in the complaint against the Presbytery, it was dismissed likewise; and the Assembly empowered the Commission to determine finally in any complaint, reference, or appeal, that shall be regularly brought before them, concerning the settlement of Jedburgh.

Next day, in the case of the settlement of *Abbotshall*, the counsel for the patron and presentee, with consent of the Assembly, withdrew the presentation, without prejudice to the patron's right of presenting, within six months from that date, another qualified person. [A compromise of this kind was made last year with regard to Jedburgh.]

* The Court of Session having found for Lord Forbes, his presentee, Mr Macwilliam, was settled accordingly; but in the House of Lords the decree of the Court of Session was reversed, and the patronage declared to be in the Lady Dowager. The consequence was, that Mr Macwilliam was not found to be entitled to any of the stipend, which remained with the patroness.—See *Morrison's Decisions*, 9931. Feb. 1762. The Dean of Faculty (Hope) in his speech in the Auchterarder Case, (Report, vol. i., p. 322, comp. p. 402 and vol. ii., p. 49,) says, in reference to this affair:—"The case of Dr Dick (of Lanark) was largely commented on, and explained, on the part of the ordained minister, by Monboddoo, Pitfour, and Lord Hailes, who was then Procurator for the Church." But the learned gentleman has there confounded Lord Hailes with his namesake, David Dalrymple, afterwards Lord Westhall.—See under the year 1761.

The affair of *Mr William Brown*, late minister of the English Church at Utrecht, came likewise on upon the 27th, by an appeal on the part of Mr Brown, and by a reference of the whole cause on the part of the Presbytery of St Andrews. This affair is related as follows, in the papers for the opposite sides.

A petition for Mr Brown sets forth,—That the petitioner was, in the year 1746, settled minister of Cortachy :* That the appearance he made for the government during the late rebellion, had given such offence to those who are not friends to the present happy constitution, that no means were left unattempted to disturb his ministry ; rumours were spread to his disadvantage, and even attempts made upon his life : That this gave rise to a demission, which was accepted of by the Presbytery of Forfar in June 1748 : That some time thereafter, he was settled minister of the English congregation in Utrecht, and on the late vacancy of the Professorship of Ecclesiastical History in the New College of St Andrews, was presented to that office by his Majesty : That on the 18th of August last, he laid before the Presbytery of St Andrews his Majesty's patent, and craved liberty to sign the Confession of Faith and Formula, as law directs : That the Presbytery, declining to allow him that privilege, he took a protest of his willingness to comply with the law, and retired, in persuasion that he had done all that was requisite on his part : That during his absence, the Presbytery framed a libel, on an ancient rumour, that one Margaret Alexander had, in the year 1748, brought forth a child, and charged him with being its father ; with a copy of which, and a long list of witnesses, a committee of Presbytery served him, in presence of a notary-public, in the house to which he had retired to take a refreshment : That at the next meeting of Presbytery, upon the 29th of September, hoping to remove every scruple, he commissioned his procurator to lay before the Presbytery a number of ample certificates in his favour, and authorised him, in case of their proceeding, to enter a declinature of their jurisdiction, being at that time, in no sense of the word, a member of their Presbytery, but they overruled his declinature ; upon which his procurator appealed to the Synod of Fife, and instantly gave in his reasons : That on the 6th of October 1756, the affair coming

* See the former volume, pp. 88, 360.

before the Synod, and the question being put, Refer to the General Assembly, or Determine? it carried Determine; and then a second question being put, Dismiss the appeal, or Not? it carried dismiss; whereupon his procurator appealed to this Assembly for redress, the grounds of the libel being not only long ago prescribed, but the mean of proof aimed at incompetent and illegal; and therefore prayed, that the Assembly would take in and judge of his said appeal, and reasons thereof, reverse the sentences complained of, find the procedure had thereon void and null, and dismiss the libel.

A representation for the Presbytery of St Andrews sets forth,—That Mr Brown was settled at Cortachy in July 1746, and demitted his office in 1748: That in his letter of demission, which was dated at Edinburgh on the 14th of March, and delivered to the Presbytery of Forfar on the 1st of June 1748, he founds his demission on the odium of the disaffected, the prejudices of his people, and his life being attacked by a ruffian: That on the 29th of June, the Presbytery agreed, *nem. con.*, to accept of his demission, because, they say, most of the facts narrated in his foresaid letter are publicly known to be founded on truth, and that in his present situation his ministry was rendered almost entirely useless in that congregation: That at that time it was publicly reported, and generally believed, that the aforementioned were not the chief reasons which induced Mr Brown to demit his office, but that he had involved himself in guilt with one Margaret Alexander, his maid-servant; and though he had used the most unjustifiable means to extricate himself, and suppress the then flagrant scandal, yet, finding all his art and address ineffectual, he was obliged, either to demit his office, or subject himself to the deserved censure of deposition: That though the Presbytery accepted his demission, and assigned the above-mentioned reasons of their conduct, yet it is impossible that any member of that Presbytery could be ignorant of Mr Brown's real situation and circumstances; for that not only was the *mala fama* against him exceedingly flagrant, but a petition, subscribed by some of the elders of Cortachy, and several heads of families, was given in to the Presbytery, intimating, That Margaret Alexander was with child, and made no secret who was the father; and entreating the Presbytery either to inquire into the scandal themselves, or appoint one of

their number to meet with the elders for that effect, as their minister had left them: That the Presbytery delayed the consideration of the petition for a month or two, and in the interim two of the petitioners were, by the solicitations of Mr Brown's friends, without communicating their design to the others concerned, engaged to apply to have their petition withdrawn, which was readily agreed to; and the Presbytery, conscious that their procedure could not bear the light, ordered the whole to be erased out of their minutes: That indeed they did not all concur in these measures; for that when the petition desiring an immediate inquiry was lodged, there were eight members present, of whom three were for granting the desire of the petition, and the moderator was thought to be of the same opinion, but the question was carried in the negative by the vote of Mr Ogilvie, who is father-in-law to Mr Brown; and that though the four ordered the erasing even the reasons of dissent offered by their three brethren, yet the whole transaction would appear in a just light from the declarations of the members of the Presbytery of Forfar adduced as witnesses for proving the libel given by the Presbytery of St Andrews to Mr Brown: That it appeared, from the time of Margaret Alexander's delivery, that Mr Brown had been guilty with her not many days before his marriage: That Mr Brown, being thus rendered destitute, and finding it impossible to get bread in this country, resolved to go abroad; and that, having been instrumental in relieving some officers who were prisoners at Glanmis in 1746, he had by that means got acquainted with some officers of rank in the army, and was by them recommended to the Duke of Cumberland, who procured for him a place at Utrecht, worth upwards of £100 Sterling a-year: That though compassion moved several to whom Mr Brown and his friends applied, to recommend him to such as might be useful to him, yet none of those, so far as is known to the Presbytery of St Andrews, adventured to attest his moral character; and that the recommendation he then obtained from some members of that Presbytery, on account of his loyalty, was, on assurances given by his friends that he was to go into the army, and appear no more as a clergyman: That it is reported, and generally believed, that Mr Brown and his friends used several unjustifiable means to conceal his guilt, and obtain certificates and recommendations; and that, when he left

this country, in 1748, his character was tainted, not only with the afore-mentioned crime, but with a train of other conduct, quite inconsistent, not only with the character of a minister of the Gospel, but with that of a professor of our holy religion : yet that no fear of deserved reproach, or of rendering himself useless, could deter him from pursuing his selfish views, and returning to a place of the country where his former vicious conduct was notour ; for on the death of Dr Archibald Campbell, Professor of Divinity and Ecclesiastical History in the New College of St Andrews, he obtained a patent for succeeding him : That, so soon as this was known, the afore-mentioned scandal became very flagrant, and all who had a sincere regard for religion or the public good, were deeply affected with the obvious bad consequences of Mr Brown's obtaining so important an office, by which the education of youth designed for the Church behoved to be intrusted to him : That, as the Presbytery could not tamely connive at the instalment of one of so bad a character, they had applied to one of the principal Secretaries of State, representing Mr Brown's situation and circumstances, that if possible they might be freed from the disagreeable task of commencing a process against him, but without effect : That, on the 18th of August 1756, Mr Brown gave in his patent to the Presbytery, and asked leave to sign the Confession of Faith and Formula : That the Presbytery retired to consider of Mr Brown's demand ; and every member present, about seventeen ministers and ten or twelve elders, declared, that they had often heard of Mr Brown's scandalous conduct ; that the *mala fama* was, since his return, become more flagrant than formerly ; and that it was the duty of the Presbytery to inquire into the public scandal before they should allow him the privilege demanded, and for that end to give him a libel founded on the *mala fama* : That a committee appointed for that purpose drew a libel, which was unanimously approved of ; that Mr Brown being called, and not appearing, a committee of Presbytery delivered to him, in a house to which he had retired, the libel, with a list of witnesses, to be answered next Presbytery day ; and that the Presbytery sent notice of this to the University, and desired them not to admit Mr Brown till his character should be inquired into. . . That the libel charges Mr Brown, not only with fornication with Margaret Alexander, but that, conscious of his guilt,

he remained under the scandal, without taking the appointed course to vindicate his character, and by demitting his office, and leaving the country, deprived the Presbytery, so far as in him lay, of the opportunity of inquiring into his conduct ; and that he used several indirect means to conceal his bad character, and impose on mankind, by which he had obtained the patent. . . . That on the 29th of September, Mr Brown, by his procurator, declined the jurisdiction of the Presbytery ; and the Presbytery refusing to sustain his declination, he appealed to the Synod : That the Synod dismissed his appeal, and he appealed to the Assembly. . . . That from the whole of Mr Brown's conduct in this matter, it clearly appears, that, far from acting like a man conscious of innocence, and not afraid of bringing his character to trial, he has steadily pursued a fixed design of preventing, if possible, an impartial inquiry, and, by a train of gross falsehoods, endeavoured to make mankind believe he met with hard usage, and that those who, from a conviction of the obligation they were under, pushed an inquiry previous to his admission, have been influenced by sinister views, and combined with his enemies : That, though it is generally believed he had privately acknowledged to several members of the Presbytery of Forfar his guilt with Margaret Alexander, and that they were conscious this was the chief reason of his resigning his charge ; yet those very men did, at a *res nata* meeting called the 9th of June last, grant Mr Brown a certificate, bearing—" That during the time of his residence among them, he never was accused of any crime, but, as far as they know, behaved himself soberly, regularly, and piously, and every way as became his station and character as a clergyman ; and therefore deserves to be received and used as a clergyman wherever Providence shall order his lot." That five members granted this certificate ; and as it is believed they are best acquainted with the whole of Mr Brown's misbehaviour, when they say he was never accused of any crime, and that, so far as they know, he behaved himself as became his station and character, their meaning must be, that he never was accused judicially, and so far as they know as a Presbytery ; which the Presbytery of St Andrews look on as a subterfuge, unworthy of any man, especially ministers of the Gospel : That several members of the Presbytery of Forfar dissented from their brethren in granting this certificate ; and intimate, in their

reasons of dissent, That the meeting was not duly called and constitute ; that the design of that certificate behoved to be, to prevent an inquiry into Mr Brown's character by the Presbytery of St Andrews ; that though no process was intened in which Mr Brown was particularly mentioned, yet a process was intened, in which the brethren had good reason to believe Mr Brown was particularly concerned, and they had not forgot the way and manner in which the prosecution was discouraged and dropped ; and that, though he was not accused formally, he was accused by the voice of common fame ; that to concur, therefore, in the said testimonial, would not only, as to them, be an asserting a very doubtful fact, but greatly disingenuous, and nothing less than a conscious falsehood ; all which appears from the reasons of dissent offered by Messrs Young, Weath, and Raker. . . . That the Presbytery of St Andrews having unanimously found the libel relevant to infer censure if confessed or proved, appointed their moderator to write to the Presbyteries of Meigle, Forfar, and Brechin, in whose bounds the witnesses lived, desiring they would cause summon them in due form ; but this they refused, assigning as their chief reason, that Mr Brown had appealed to the Assembly, though of this they could have no evidence but Mr Brown's assertion. . . . That Mr Brown having thus effectually stopped the procedure of the Presbytery, summoned the members of the University to answer before the Court of Session, for their delaying to admit him ; and obtained a sentence, whereby the Lords find, That the University acted unwarrantably and illegally in delaying his admission, and as if they had wilfully intended hurt to Mr Brown, and delayed his admission without any probable ground of an innocent and honest intention, loaded them personally with the expense of process, and ordered the members of the University, or any one of them, to admit him on or before the 1st of March : That, seeing the laws, particularly the Acts 1662 and 1690, require, that no professor be admitted to any office in any college or university, but such as are of a pious, loyal, and peaceable conversation ; and that the University offered to make good the charge against Mr Brown, in such form as the Lords should prescribe ; the Presbytery would have been much more surprised at the above sentence, had not their Lordships had laid before them an information for Mr Brown, in which he not only attacks the characters of

particular members, but charges both the Presbytery and University with gross calumnies, asserting, that the *fama clamosa* was of their own raising, that they used the most malicious methods to defeat the effects of his Majesty's presentation, and that their conduct can bear no other construction but that of an unjustifiable combination to disappoint him; for that these calumnious assertions, and what Mr Solicitor seems to fix as certain maxims, behoved to give the judges a bad impression of the Presbytery: That that learned gentleman asserted, that the Presbytery have no power to deliberate whether they will allow any person presented by his Majesty to subscribe the Confession of Faith and Formula or not; that they are not to refuse this on any account; that their power is only ministerial, and that on no account can they impede his admission. . . . That, from this short narrative, the Presbytery persuade themselves the Assembly will find their conduct in this affair regular, and will order the libel to be proceeded on, according to the rules of the Church; and as the Presbyteries of Forfar, Meigle, and Brechin, have shown such reluctance to summon witnesses, they beg the Assembly effectually to interpose, that there may be no further stop to the procedure. And as Mr Brown has appealed, as not subject to the Presbytery, or other judicatures of the Church; as the Lords of Session have ordained him, though under scandal, and libelled by the Presbytery, to be admitted, though he has never attempted to vindicate himself, or, so far as the Presbytery know, even asserted his innocence; and seeing Mr Solicitor, a gentleman* eminent in his profession, has asserted, that the Presbytery have no power to deliberate concerning the character of a minister, who, as a professor of divinity, is to be a member of the Presbytery; that their power is only ministerial, and that on no account are they to refuse his demand of signing the Confession of Faith and Formula, nor can impede his admission; and as the judges, by ordaining a man in Mr Brown's circumstances to be forthwith admitted, and finding the deed of the University, delaying his admission till his character should be cleared, illegal and unwarrantable, and loading them with the expense of process, seem to be of the same mind with Mr Solicitor, the Presby-

* The Solicitor-General at this period was *Mr Andrew Pringle*, afterwards Lord *Alemaor*.

tery cannot but think it a matter of the highest importance to this Church, and worthy the most mature consideration of the Supreme Court, what is proper to be done for obtaining redress of a grievance, which may tend to the ruin, not only of the Universities, but also of the Church; for if a man presented to an office must be admitted, and cannot be called to an account though of the worst character, the consequences are so obvious, that the Presbytery need not mention them.

[Besides these two papers, there was a printed *Case* for Mr Brown, regularly signed by his lawyers, Messrs Joseph Williamson and Patrick Murray; and for the other side, there appeared a pamphlet, entitled, *A Letter to a Member of Assembly*; which was first sold for 6d. and then for 3d., but was at last given gratis, like the cases.]

In the *Case* it is said, that the Cortachy petitioners were desired to give in a more formal and particular petition against next Presbytery day; but that the petitioners, instead of such a petition, sent a letter to the Presbytery, declaring, that, “upon mature deliberation, they found reason for disowning and retracting what they had done, and professing their sorrow for the trouble they had given the Presbytery, and entreating that every thing might be erased from out their books concerning that affair.” In the *Letter* it is said, that Mr Brown’s friends entered into a sort of treaty with some managers for the people, whose great view was to get rid of Mr Brown as their minister; and therefore, upon assurances given that Mr Brown would demit his charge, they agreed to drop their prosecution.

In the *Case* insinuations are made, as if it was the disappointed hopes of some members of the University, or their friends, that gave rise to the violent attack upon Mr Brown’s character, and made them represent him in the most odious colours to those great personages at London, who, as they were most able, had been very willing to assist him; it is said, that Principal Murison’s ingenuity, in saying the recommendation he gave Mr Brown at his leaving Scotland, “was not to be used for obtaining any office as a clergyman,” is submitted, upon perusing his letter to Mr Brown’s father-in-law, five years after his being appointed minister at Utrecht: “I rejoice that your son-in-law is in so good a way, and reflect with pleasure on my contributing what I could, at your desire, for his welfare.” And then it is asked,

If it truly appeared to the University, that Mr Brown's settlement amongst them would be hurtful to the interest of religion and learning, but that, as they express themselves in one of their papers, he might have been useful elsewhere, where his story was not known; would it not have been equally becoming, as well as more humane, to have addressed him privately, and left it to his choice to have remained quiet in Holland, or stand the brunt of their opposition, which, after such public remonstrances, it is obvious he behoved either to defeat, or see himself, his family, and usefulness in life, both here and in Holland, for ever ruined? Dr Campbell died April 24, 1756; Mr Brown's patent bears date May 10; Mr Gregory had accounts of it on the 18th or 20th, and soon communicated them to Messrs Murison and Schaw, and other members of the University, and an University meeting was called upon the affair on the 15th of June. In the *Letter* it is said, that the Principal, when the afore-recited passage was read by Mr Brown's lawyer in the Synod, desired to see the letter, and that the whole of it might be read, but neither were granted; that he complained of such an abuse of private letters, because it tended to destroy the mutual confidence upon which this friendly intercourse is founded; and told, that a gentleman happening to tell him, just when he was about to write a friendly letter to Mr Ogilvy of Mr Brown's having got a good place, and of his behaving well, he was thereby led to make mention of Mr Brown, and perhaps to express himself in terms he would not upon any other occasion have chosen; adding, that his words implied no approbation of Mr Brown's conduct while in Scotland, for his plain meaning was, that he was glad that Mr Brown, who had formerly been in such dismal circumstances, was now in a comfortable way of living, and behaving with so much decency as to procure a good degree of esteem and regard from persons of all ranks in that country.

At the afore-mentioned meeting of the University, called June 15, 1756, at which all the members were present, except Principal Tullideph, and another, who was confined by age and infirmity, it was agreed, without a contradicting voice, except Mr Gregory's, (upon a representation by Principal Murison, that a few years ago a report had prevailed, and was generally believed, that Mr Brown was guilty of an immorality, which, if it had been confessed, or proved

upon him, was punishable by deprivation, and that thereupon he had demitted his charge, and left the country,) “That they should represent to the Duke of Cumberland, their chancellor, the report, universally credited, which affected Mr Brown’s character, and was the true cause of his demitting his charge, and the bad consequences that would follow the putting him into the office of Professor of Church History and Divinity, and crave the interposition of his Royal Highness to prevent it.” This representation was sent up under cover to Sir Everard Fawkener, the Duke’s secretary; and this gentleman returned the University an answer, dated July 13, 1756, in which he acquaints them, (as is recited in the *Case*,) “That Mr Brown was no otherwise known to his Royal Highness, than by the unquestioned testimonials he had received of many very eminent services performed by him to His Majesty and his country during the late rebellion: That Mr Brown having come to the head-quarters in Flanders, represented, that the calumnies and menaces, and other vexations brought upon him by the Jacobites, had made him determine to quit his church, and seek his bread where he could get it in quiet; which declaration he supported by full testimonials of his moral character, and by his demission, proceeding upon the calumnies and menaces with which he was harassed, which demission the Presbytery accepted, upon this averment, that most of the facts therein set forth were known to be true: That his Royal Highness was strongly induced to believe there must be some misunderstanding in this affair, from the different manner in which Mr Brown’s withdrawing from Scotland has been represented, from what the testimonials plainly set forth: That his Royal Highness could not but feel a great uneasiness, to find himself pressed to give up a worthy man to infamy and ruin, upon an imputation of immorality which is not named, and which there is great reason to think is a calumny.”—Sir Everard adds, “Is calumny new in the world? have not the best men in all ages been exposed to it? and is it not very natural to believe, that those who set off with the most violent prejudices to him, who tried all ways to make him uneasy, and who even attempted upon his life, would not scruple to raise a calumny to hurt him? Consider how hard must his case be, if all the reward of his public services must be, to be given up to the revenge of his enemies, who were so for

those very services, and to be exposed to greater punishment than the law inflicts for many sorts of felony, and this for a bare imputation, raised in a place where he had avowedly so many and so deadly enemies.”—Sir Everard is also pleased to condescend on a number of very ample testimonials in his favour, which are subjoined to his *Case*, and with his usual goodness of heart subjoins.—“It is impossible not to take notice, that these testimonials agree in the accounts they give of the sweet, friendly, and engaging temper and deportment of Mr Brown. This happy disposition is a main source of charity, which covers a multitude of faults, and is of more use to society in general, and towards propagating true religion, and all moral virtues, in a society set apart more immediately for the culture of them, than all the human learning that any man was ever possessed of.—I doubt not but this affair will be considered with that candour which may be expected from such a place.” It is added, that the University, not satisfied with this warm representation in favour of Mr Brown, wrote a second letter to Sir Everard, to which, it is believed, they did not obtain the honour of an answer; neither did the Presbytery receive any answer to the letter they wrote to the Earl of Holderness. In the *Letter* we are told, that Sir Everard, after transcribing the deed of the Presbytery of Forfar accepting Mr Brown’s demission, goes on:—“Is there the least reason to suppose that there is any concealed meaning in so plain a declaration on so solemn an occasion? If any one can entertain a suspicion of any such disguise, he lays to the charge of the Reverend Presbytery a greater immorality, and of more scandal to religion and the ministry, than any thing, be it what it may, laid to Mr Brown’s charge.”

The *Letter writer* would depreciate the loyalty of Mr Brown. “As in the course of my narrative,” says he, “frequent mention has been made of the loyalty of Mr Brown, and his signal services to the government, I doubt not but you, who know the attachment of the clergy of Scotland to our happy establishment, and with what affection and zeal ministers and preachers appeared on that side in the time of the unnatural rebellion, will be desirous to know how Mr Brown could signalize himself so remarkably where all were zealous, and merit such particular distinction from men in power. Though I have no inclination to detract from Mr Brown’s loyalty, it is proper you should know the

truth of this matter. Some officers of the army, who had been taken prisoners by the rebels at Preston, were confined by them to the village of Glamis in Angus, and some places in that neighbourhood. Upon the precipitate retreat of the rebels before his Royal Highness, it was feared they would carry these officers along with them, and might treat them barbarously and inhumanely. To prevent this, a party of people, of low rank, but zealous for the government, formed a project of rescuing them. Being met upon this design at Dundee, it occurred, that it would contribute to facilitate and secure the success of their design, to send a person before them well acquainted in that neighbourhood, to assemble the officers into one house, that they might carry them off instantly and without noise. Mr Brown, who happened accidentally to be in Dundee, was pitched upon as a proper person for this service, which he performed, and got himself considered as a sort of leader or commander among those well-meaning people, and had the honour to present and deliver the rescued officers to the commander-in-chief of his Majesty's forces at Edinburgh. This, Sir, so far as I can learn, was the first exertion of Mr Brown's loyalty; and from this, I think, he has been dubbed with the title of *General Brown*. . . . No doubt Mr Brown was loyal and zealous in his heart during the whole of that unnatural rebellion; but this zeal was tempered with great prudence and caution until the rebels began to fly,—as an evidence of which, we are informed, by good authority, that before this happy turn of affairs, when he was requested by Mr Thomson, minister at Airly, to preach for him, he excused himself by a letter, because the country was divided into two parties, and he did not incline, by appearing in public, to disoblige either. But when the rebels began to fly, and were afterwards defeated, Mr Brown's zeal, we find, flamed out the more fiercely, perhaps because it was pent up before; for he became very instrumental and active in distressing those unhappy people, carrying off their effects, as appears from a process before the Court of Session against his father and him, for Ogilvy of Peel's books and effects; which was at last submitted, and the books decreed to be restored to the owner. . . . It is not surprising that Mr Brown, by such feats of loyalty as these, should incur the resentment of the Jacobites. But this could be no reason for resigning his charge; for the rebellion was extinguished, and the

country reduced to order, long before March 1748, so that no man needed then be afraid of that party. . . . Davidson, who made an attempt upon his life, made a like attempt upon other ministers, and actually robbed some of them ; but as this fellow was hanged the year before * at Aberdeen, it could not be for fear of him that Mr Brown demitted his office."

In the *Case*, prescription is pleaded upon this clause in the Form of Process:—"If a scandal shall happen not to be noticed in order to censure for the space of five years, it should not be revived again, so as to enter in a process thereanent, unless it be of an heinous nature, or become again flagrant ; but the consciences of such persons ought to be seriously dealt with in private, to bring them to a sense of their sin and duty." With respect to the two exceptions, it is contended, that the first, *unless the scandal be of an heinous nature*, surely points out guilt of so deep a dye, that no penitence, or length of time, without some public animadversion, can be deemed sufficient to quiet the minds of men ; and that, as to the second, *or become again flagrant*, the exception, as it is understood by some, is as broad as the rule, and so the wise regulation of our ancestors is exposed to ridicule ; for what could be more trifling, than to lay down a rule which might be baffled by the breath of envy, or the folly of the meanest changeling ? and that,

* This is contrary to fact, for I find that the execution of Davidson did not take place till the 1st of July 1748, when he was hanged between Aberdeen and the Bridge of Dee, and his body hung in chains. This man was long the terror of the "How of the Mearns," and districts adjoining. He had been once a soldier, but having deserted to the French at the battle of Fontenoy, he came to Scotland during the rebellion in Drummond's regiment. After the rebellion was suppressed, he headed a band of *broken men*, and seems to have singled out for attack the houses of the Presbyterian clergy and schoolmasters. In addition to the outrages mentioned in the former volume (p. 95,) he robbed, during the month of February 1747, the manses of Messrs Morison of Kinnel, Ferguson of Farnwell, Knox of Kinnaird, and Dow of Fettercairn. The last mentioned gentleman defended himself, and took Davidson prisoner, but the gang rescued him. He was at length apprehended by two of Mr Brown's parishioners at Cortachy, after he had committed two robberies there. Mr Brown's demission of his charge may have preceded Davidson's apprehension, but its acceptance by the Presbytery, in June 1748, was certainly subsequent to that event.

therefore, the exception can have no other sensible meaning but this, that after five years, a scandal or offence cannot be again revived, in order to a process, unless the conduct of the person against whom it is charged has, by a similarity of offence or unbecoming behaviour, justly given rise for the reviving the memory of the former real or supposed guilt.

Parties having been fully heard, the cause was taken up on the footing of the appeal ; and after reasoning, the Assembly, without a vote, reversed the sentence of the Synod, and found, that the process ought, in the present circumstances, to proceed no further ; and therefore assoilzied Mr Brown.

The General Assembly having heard the report of the trustees for managing the fund for a provision to ministers' widows, &c., concerning the manner of *keeping the separate registers*, do appoint, that, for the future, the separate registers shall be divided into as many parts as the respective Presbyteries consist of parishes ; and that the facts respecting the ministers and vacancies of every parish, shall be stated under its own proper head or division, marked with the name of the parish : And further, as an abstract is to be prepared of the two acts relative to the fund, and of what other papers are necessary for the direction of Presbyteries and Universities respecting the said fund, the General Assembly appoint, that, as soon as this abstract shall be transmitted, every Presbytery and University shall cause it to be bound up with a quire of clean paper, in order that, whatever after-regulations shall be found necessary with respect to the fund, these may be copied over into the said book ; by which means the whole of the rules concerning the fund will be always at hand.

The overture anent ministers making *agreements with their heritors* concerning the extent of their stipends, and that anent the more speedily *supplying of vacancies*, transmitted to such Presbyteries as have not sent up their opinions thereon.

An appeal of *Mr Æneas Sage*, minister at Lochcarron, from a judgment of the Synod of Glenelg, delaying to give judgment in a complaint given in against him to the Presbytery of Gairloch by *Mr Æneas M'Aulay*, minister at Applecross, and referred by the Presbytery to the Synod, re-

mitted back to the said Synod; and the Commission, at their meeting in November, empowered to take in, cognosce, and finally determine in any reference or appeal that shall be made to them relative thereto.

A petition for Mr James Richardson, minister at Aberfoyle, craving some allowance for the expense and trouble he is put to in officiating at the barracks of *Glendow*, remitted to the committee for managing the royal bounty.

A petition for Mr Henry Gordon, minister at Ardersier, setting forth the smallness of his stipend, the great expense and trouble he is exposed to by the building of *Fort George* within his parish, and craving some addition to his living out of the royal bounty, read, and remitted to the managers of the said bounty.

The Assembly rose on Monday the 30th.

On the 31st, the Commission took up the affair of *Mr Robert Grier*, minister of *Durisddeer*, accused of fornication and other immoralities. In the forenoon sederunt, the court found the libel relevant; and in the afternoon went upon the proof. After prayer to God for direction in this weighty affair, the Commission, considering the whole evidence adduced for proof of the libel, did unanimously find the libel proven, so far as to infer deposition: "And therefore, the Commission did, and hereby do, in the name of the Lord Jesus Christ, the sole King and Head of the Church, and by virtue of the power and authority committed by Him to them, actually depose the said Mr Robert Grier from the office of the holy ministry, hereby prohibiting and discharging him to exercise the same, or any part thereof, in all time coming; and the Commission do hereby declare the said church and parish of Durisddeer vacant from the date hereof." Mr Grier being called upon, the above sentence of deposition was solemnly pronounced upon him by the moderator. His procurator protested for liberty to complain of the sentence to the next Assembly.

NOVEMBER COMMISSION.

The Commission met Nov. 16.—Upon an overture from the Synod of Lothian and Tweeddale, That in regard the

late *tax on windows* bears hard upon many ministers of this Church, the Commission would take this matter into consideration, and take such steps as to them should seem most proper, in order to obtain relief; a committee of twenty-six ministers and three ruling elders were named, to take the most prudent measures, and make such applications as may be most proper and expedient, in order, by an explanation of the law, to obtain the relief desired; provided that no expense in making such application be laid upon the public funds of the Church, without the authority of a subsequent meeting of the Commission, or of the General Assembly.*

Next day, upon a motion from the same Synod, the Commission unanimously agreed, that, in respect of the present situation of affairs in this nation, a day of solemn fasting, humiliation, and prayer, should be observed in all the Churches in Scotland, upon such day as the king shall be pleased to appoint; and remitted to the moderator to write to the Secretary of State and Lord Cathcart, that they may represent to his Majesty the Commission's humble and earnest desire of having the royal authority interposed, for the observance of any day his Majesty shall think fit to name. [By a royal proclamation, dated December 6, Thursday the 16th of February 1758, was observed in Scotland, and Friday, the 17th, in England and Ireland, as a fast.]

The same day, Nov. 17, upon a complaint by the callers

* The ministers in the county of Clackmannan having been charged, by the surveyor of the windows, with the window-tax for their manses, appealed to the commissioners, alleging, That, by sundry Acts of Parliament, the benefices provided to them, in place of the teinds, which had formerly belonged to them, are declared to be free from all taxations and impositions whatsoever. The commissioners, on the 14th of January 1757, found, That by the Act Jas. VI., Parl. 13, cap. 162, minister's stipends are declared in all time coming free from all taxations and impositions whatsoever; and that by the Acts Jas. VI., Parl. 3, cap. 48, and Parl. 22, Act 3, and Car. I., Parl. 1, Act 8, their legal stipends consist of a manse, a glebe, and 800 merks at least; and that these statutes are not repealed by any clause in the three Acts 20, 21, and 26, Geo. II., laying the duties on windows; therefore, they sustained the appeals, and found the ministers not liable in the duties. But the case was stated by the commissioners, at the desire of the surveyor, and laid before the Lords of Session; and their Lordships found, July 29, that ministers' manses are not exeeemed from the window-tax.

of Mr John Douglas at Kenmore, to be minister of *Jedburgh*, against the Presbytery of Jedburgh, for not executing the sentence of the last Assembly, parties were heard, and a representation from that Presbytery, containing their reasons for not executing the sentence, was read, the tenor whereof follows:—"The Commission have ordered the Presbytery to proceed in the transportation of Mr Douglas, according to the rules of the Church, when all the rules of the Church forbid it. They must transmit the presentation, and the few subscriptions for the presentee, under the name of a call from the parish; when the whole parish, excepting five, are openly declaring against him. They cannot make out a process of transportation, without reasons to support it; when they cannot find one for it, and all the reason in the world against it. When he comes to be admitted, he must make a solemn declaration of his stedfast adherence, not only to the doctrine and worship, but the whole discipline of the Church of Scotland, as founded on, and agreeable to, the Word of God; when it is evident he could never come there but by the breach or neglect of some of the most important articles of it: That zeal for the glory of God, love to Jesus Christ, and a desire of saving souls, are his chief motives and inducements, and not worldly designs and interests; when, to say the thing in the softest terms, nobody will believe him: And that he has had no undue hand, either by himself or others, in procuring his transportation; when all the world sees that it is owing allenarly to his absolute acceptance of, and resolute adherence to, his presentation. He must, after all this, be gravely asked, Whether he closes with this call, and is willing to take the pastoral charge of that people? and they must be asked, Whether they receive and submit to him as their minister? and if they will permit, it must be taken for granted they do; when all present know they do not. But this is not all: This must all be done in the name of our Lord Jesus Christ; solemn addresses must be made for his blessing on his own ordinance, and his blessing on him whom he has *thus* set over that congregation, and he solemnly admonished to feed the flock of God, over which the Holy Ghost hath made him overseer. What will profane scoffers say, and what will serious Christians think of such proceedings?" After reasoning, the Commission, without a vote, concurred with the call to Mr Douglas, and authorised the callers to

prosecute the call in the Commission's name, as well as their own, before the Presbytery of Dunkeld, and other judicatures competent. The members from the Presbytery of Jedburgh protested for liberty to complain of this sentence to the ensuing Assembly.

ASSEMBLY 1758.

THE Assembly met on the 25th May.—Lord Cathcart was Commissioner. After sermon * by Professor Leechman, the former Moderator, Messrs Thomas Turnbull of Borthwick, and David Duncan of Stow, were put on the leet for Moderator, when the former was chosen.

On the 29th, the settlement of *Jedburgh* was taken into consideration. In pursuance of the sentence of the Commission, the Presbytery of Dunkeld, February 7, 1758, transported Mr Douglas from Kenmore to Jedburgh, leaving it to the Presbytery of Jedburgh to admit him minister of Jedburgh with all convenient speed. This sentence was laid before the Presbytery of Jedburgh; and they were requested, by petition, to proceed to the settlement. But as they had protested for liberty to complain of the Commission's sentence to the then ensuing Assembly, they delayed giving any sentence on this petition till after the meeting of the Assembly. Against this delay an appeal was taken to the Synod, who, April 26, on the vote put, Appoint Mr Douglas to be admitted minister of Jedburgh; or, Refer the whole cause to the next Assembly? it carried, by the Moderator's casting vote, Refer. The parties in this cause were, the callers of Mr Douglas, the Presbytery of Jedburgh, and the Commission.

A case for the Crown, patron, and the callers of the presentee, was printed; in which the judicial proceedings are briefly recited, and objections to the settlement are answered: such as—“*Obj.* 1. The concurrence of the elders, and of the magistrates and town-council, is necessary to the call.—*Ans.* The elders disqualified themselves by the unlawful

* The sermon was published, with the title, “The Wisdom of God in the Gospel Revelation,”—(the text being in 1 Cor. i. 21.)—and will be found in the first volume of his collected sermons, p. 263.

combination into which they entered. But further, they are now no more: they have formally renounced their office, and have departed from the Church.* The conduct of the magistrates is attended with circumstances which only, in this age of liberty, could have occurred, and which scarcely, in this age of liberty, can pass unobserved and uncensured."—Something to this purpose was let drop likewise in a speech made in the Assembly by the Lord Advocate.—“*Obj.* 2. By the standing rules of the Church, no minister is to be put into a charge without the consent of the congregation, which, in the present case, has not been obtained.—*Ans.* By *congregation* must be understood they of the parish who adhere to the Church of Scotland; a great majority of this parish have seceded, and the rest make no objection to Mr Douglas, and must therefore be understood to acquiesce in his call. But, *2dly*, The consent of the congregation is only required when the congregation is willing that a minister be settled. Now, it cannot be affirmed that this congregation, even supposing all to be members of it who were once so, are willing that a minister be settled. They had conceived prejudices against Mr Bonar, stronger prejudices against Mr Douglas, and the same prejudices must prevail against every man who is presented by the king, and called by the heritors. Their prejudices are of two sorts: *1st*, in favour of one teacher; *2dly*, against the legal method of presenting ministers. The objections are not against Mr Bonar, or Mr Douglas, or any other minister of the Church, but against every one whatever, one darling pastor excepted. On him they had centred their affections; him they have seduced from that Church in which he might have been so useful, and so distinguished; in his favour they would even dare to obey the laws of their country, and submit to patronage.”

Several papers were read in the Assembly; then parties were heard on the question between the Presbytery and the Commission, Whether the Commission had exceeded their powers? and, after reasoning, a vote was put upon it, and carried Not, by a great majority. So the complaint against the Commission was dismissed. Then, after reasoning, the Assembly agreed, without a vote, that the sentence of the Presbytery of Dunkeld, transporting Mr Douglas from Ken-

* See the next case.

more to Jedburgh, should be carried into execution ; and, after further reasoning on the manner of executing it, the following judgment was given :—“ The General Assembly did, without a vote, and hereby do, appoint the Presbytery of Jedburgh to admit Mr Douglas as minister of the town and parish of Jedburgh, with the usual solemnities, betwixt and the end of July next, so as to be in condition to report their having done so to the Commission in August, or, failing of a quorum of the Commission in August, to the Commission in November next : And the Assembly ordains every member of the Presbytery to be present at the said admission, and such of them as shall be then absent, are hereby declared to be *ipso facto* sisted before the Commission in August or November, as above, to account to them for their absence ; and the Commission are hereby empowered to judge of the relevancy of their excuse, and in case they find it not relevant, to inflict such censure as they shall think proper : And the General Assembly do further empower the Commission to be named by them, to take in and judge of any complaint, reference, or appeal, that shall be made to them relative to the settlement of Mr Douglas as minister of Jedburgh.”

[Mr Douglas was admitted July 28, when all the ministers of the Presbytery were present.]

Out of this disputed settlement of Jedburgh, arose the case of *Mr Thomas Boston*. He was son of Boston of Eterick, and had been minister of Oxnam, near Jedburgh. When the parish of Jedburgh became vacant, in September 1755, the elders entered into an association to “ stand or fall by one another ” in the election of a minister, (see p. 83,) and there was a numerous subscription got up by them in favour of Mr Boston. When the Assembly of 1757 gave sentence in support of the presentation of Mr Douglas, the town-council of Jedburgh offered to bear the Presbytery’s expense in obtaining a declarator of the *jus devolutum* from the Court of Session, which, however, the Presbytery declined. Mr Boston’s friends then built a spacious meeting-house, which they called the *New Church*, and gave him a call, which he accepted. On Wednesday, the 7th December 1757, he gave in to the Presbytery his demission of the charge of Oxnam, (on which occasion “ there was such a concourse of people in the church of Jedburgh as broke

down most of the pews ;”) and on Friday, the 9th, he was admitted in the New Church by Mr Roderick Mackenzie,* a dissenting minister from England. The Presbytery, after accepting Mr Boston’s demission of Oxnam, referred his case to the Synod of Merse and Teviotdale. The Synod found, that Mr Boston’s conduct deserved severe censure ; but that, in order to give weight to any censure that might be inflicted, the authority of the Assembly should be interposed, and therefore, they appointed the Presbytery to transmit to the Assembly extracts from their records of the demission given in to them by Mr Boston, and of their deliverance on it, and to cause Mr Boston be summoned to appear before the Assembly, in order to their giving a final judgment in the affair ; which was accordingly done by the Presbytery.

* He was a probationer of the Scotch Church, and had been settled minister of Lochbroom, in opposition to the patron, but the settlement was reversed by the Assembly 1743.—(See the former volume, p. 41, 357.) Mr Boston’s call was signed by the town-council, the session, and all the heads of families, except *five*. On the day of his admission, “ the bells were rung, the magistrates and council, in all their formalities, and the people, amounting to at least 2000, repaired to the New Church, where Mr Mackenzie preached from Rom. x. 1,—‘ Brethren, my heart’s desire and prayer to God for Israel is, that they might be saved.’ A Presbytery was constituted *ad hunc effectum*, and the questions usually put to ministers at their admission were put to Mr Boston on this occasion, with a small variation in one or two of them, arising from the peculiarity of this case, which was so supplied as to bind him to hold communion with, and be subject to his brethren in the Lord, if an opportunity shall be afforded him ; and he was moreover taken bound against Episcopacy and the supremacy on the one hand, and *Sectarianism on the other*, and to maintain the succession to the crown of these realms in the illustrious house of Hanover. Mr Boston having answered all these questions agreeable to the ecclesiastic constitution of the Church of Scotland, the town-council, the session, and the whole body of the people, were desired to declare their adherence to the same principles, and to Mr Boston as their minister, which all of them did, by the stretching out of their right hands ; and then they joined in humble and fervent prayer for God’s blessing on him who was thus set over them as their minister. In fine, the day was religiously observed, in fasting, prayer, and sermons adapted to the occasion, and the whole performed with as much solemnity and decency as hath been known in these parts on like occasions.”

On the Sabbath following, Dec. 11, Mr Mackenzie preached in the New Church before noon, to the magistrates, elders and people, on these words, Isaiah xxvi. 4,—“ Trust ye in the Lord for ever ;

The demission was as follows :—“ *The demission of me, Mr Thomas Boston, minister at Oxnam.—Humbly sheweth,* Albeit there are several things in the National Church which have been all along disagreeable to me, yet the present method of settling vacant churches by the mere force of presentations, which has been so long persisted in, and is almost every year prosecute more vigorously, is so diametrically opposite to all the laws of Jesus Christ about that matter, has such a manifest tendency to fill the Church with naughty members, to mar the edification of the body of Christ, and, in fine, utterly to destroy the dying remains of religion in the nation, that I can no longer sit a member of the present judicatures of this Church, but must leave my place there, that I may take part with the oppressed heritage of God. When I entered on my ministry in the National Church, more than twenty years ago, even then with concern I beheld violent settlements authorised by the General Assemblies thereof. But in those days there was a very considerable number of members who opposed such violences, and they were, by their number and influence, a pretty good balance against

for in the Lord Jehovah is everlasting strength.” Mr Boston preached in the afternoon, on these words, Ephes. vi. 18, 19,—“ Praying always, that utterance may be given unto me, that I may open my mouth boldly, to make known the mystery of the Gospel ;” and, in the application, said, among other things, that as he had never entertained his hearers with reflections on any set of men, those who expected such things would be disappointed.

The audience was so numerous, that many of them sat without, opposite to the windows, which were opened ; and about fifty, who could not hear, went to the Old Church, where Mr Rogers, minister of Hownam, was preaching by appointment of the Presbytery ; whose whole auditory, it is said, did not exceed eighty.

It was said that sixty persons entered into a bond, bearing to be for *love and favour*, binding themselves, and their heirs, to pay Mr Boston annually, as long as he lived, £2 each, making in all £120 Sterling. The stipend of Oxnam, converting the victual at the usual rate in the sale of lands, including the value of the glebe, and the sum allowed for communion elements, was between £80 and £90. Mr Boston remained unconnected with any body of Christians till the year 1761, when the *Presbytery of Relief* was formed by him, in conjunction with Messrs Gillespie and Collyer. In consequence of the violent settlement of Mr Grant at Nigg, in Ross-shire, (see p. 80,) a meeting-house was there erected, of which the above mentioned Mr Mackenzie became the first minister. It fell into the hands of the Secession.

those who favoured them. Hence, when the General Assembly, or their Commission, had authorised a violent settlement, the next Assembly was readily composed of such members as were inclined to check and control those tyrannical measures. But alas! the times are visibly altered to the worse! The bulk of those worthy men who opposed the encroachments complained of, are, it is likely, retired to their rest and reward. The evidence hereof is, that, for a course of years past, we find one Assembly after another changing their members, but never changing their tyrannical measures in settling vacant churches. Those who adhere to the ancient principles and practice of the Church of Scotland in this matter, are now reduced to such a small and inconsiderable handful, that they are quite run down by the numerous opponents, and have it not in their power to reform those crying abuses, nor to do justice to the oppressed, while they continue in the communion of the Church. Upon these, and other considerations, which afterwards may be made manifest, I judge it my duty to give up the place which I hold as a minister of the National Church, and at the same time to continue in the full exercise of that ministry which I have received of the Lord Jesus, as God in his providence shall give me opportunity. Therefore, wit ye me, the said Mr Thomas Boston, to have demitted and laid down, likeas I hereby *simpliciter* demit and lay down, my pastoral charge of the parish of Oxnam, and deliver over the said parish into the hands of the Reverend Presbytery of Jedburgh, within whose bounds it lies; craving that the said Reverend Presbytery may, upon this my demission being lodged in their clerk's hands, and read in their presence, find the said parish vacant, and cause the same be declared in due form, and proceed to the settlement of a Gospel minister therein with all convenient speed. Upon all which I take instruments, and crave extracts.—T. BOSTON." After the demission was read, Mr Boston read a paper,* which he had prepared, to explain and illustrate it. The Presbytery reasoned

* In that paper, while he declared his dissent from the present Church judicatures, and at the same time his willingness to hold ministerial and Christian communion with all who faithfully avouch the Gospel system, and aim at a sincere discharge of its duties, he professed his utmost aversion at dividing the congregations of his brethren bearing that worthy character; and justified this his partial secession, by the almost universal conduct of the present judicatures, in intruding pastors upon reclaiming congregations, contrary

long with Mr Boston, both in public and private, and were all, except the elder of Jedburgh, of opinion, that he should continue in his charge, enjoined him to continue in it at least till their next meeting, and kept the affair open till then. But he would not comply. Therefore, at their next meeting, January 4, the Presbytery found, that “ Mr Boston had, by his demission, renounced and given up all ministerial communion in the present Established Church of Scotland, and left the parish of Oxnam vacant in their hands ; and that the church of Oxnam was vacant from the date of his demission.”

An execution of the summons against Mr Boston was given in to the Assembly, and he was called, but did not

to Scripture, to our ecclesiastic laws, and to sound reason ; at the hazard of alienating the people from our happy constitution in Church and State, and setting up their own corrupt practices, as of equal or greater authority than the old standing unrepealed laudable laws ;—he further urged the indispensable necessity laid upon ministers, of endeavouring to keep up and perpetuate a faithful Gospel ministry, and of relieving the Lord’s oppressed heritage, who, without following such a course, would be left in a great measure destitute of the food of their souls ; and anticipated an answer to several objections made without doors to the part he was now acting. One objection was this : As Mr Boston was allowed to testify his dislike of the conduct of our judicatures as freely as he pleased, was connected with a Presbytery whose opposition to the courses complained of was notorious, and was not forced out of the Church by deposition, as some others were ; how came he to demit his charge in the Establishment for one out of it ? To this his answer was, in effect, That the town of Jedburgh (who allege that the right of presentation, when Mr Douglas got it from the crown, was *jure devoluto* in the Presbytery,) having offered to bear the Presbytery’s expense in obtaining a declarator of the Court of Session, and, if frustrated, to give security to their contentment, for a stipend to a minister whom they choosed, the Presbytery would do nothing in the matter ; — that were he, Mr Boston, to testify in judicatures to his life’s end, this could not, as the times go, afford any relief to the oppressed congregation of Jedburgh ; and he submitted, whether he who voluntarily gives up a certain living in the Establishment, for a precarious subsistence out of it, and undertakes *the relief of the oppressed*, purely for the sake of *relieving* them ; or he who stirs not to their relief till he is forced to it, and is reduced to the same situation with themselves, acts the most worthy part ? The one he compared to a man who, being informed that his neighbour is drowning, runs out of his warm house, in the midst of a storm, and, by throwing him a rope, becomes his deliverer ; and the other, only to a plank of wood floating on the waters, at which the drowning passenger grasps for preservation.

appear. Questions were moved concerning some alleged informalities* in the method of proceeding against him; but, after reasoning, the Assembly came unanimously to the following resolution:—"The General Assembly, in respect of the particular circumstances attending this cause, did agree to take Mr Boston's demission under their consideration, together with the proceedings of the Presbytery of Jedburgh relating to him, whereby they find, that he has declared himself to be no minister of this Church, and that he will not hold communion with her judicatures; and did, therefore, without a vote, declare, that he is incapable of receiving or accepting a presentation or call to any parish in this Church, without the special allowance of some future General Assembly; and the General Assembly do hereby prohibit all the ministers of this Church from employing him to preach or perform any ministerial offices for them, or from being employed by him, unless some future Assembly shall see cause to take off this prohibition." And Mr Boston being again called, and not appearing, the above sentence was publicly read.

The affair brought in next was a petition for *Mr William Brown*, bearing,—That by virtue of his Majesty's patent, he was admitted, on the 28th of February 1757, regius professor of divinity and church history in the University of St Andrews; that being advised, that ministers admitted professors of divinity in any of the universities in Scotland, have always been, and are entitled by the constitution to be admitted members of the church judicatures in whose bounds the universities lie, he applied to the Presbytery of St Andrews to be enrolled a member, agreeable to their own practice in like cases; and that, on the 10th of May current, the Presbytery gave judgment, delaying the consideration of the affair till their next ordinary meeting, in regard it appeared to them to be a matter of great importance, which may be attended with consequences that may much affect the interest of religion in that corner. Against this sentence

* The only question which the MS. Record mentions as having been raised was, "How far it was proper for the Synod to have taken up this affair, and to have brought it immediately before the Assembly?" instead of proceeding, by way of libel, to the sentence of deposition, as enjoined by the act of 1739, respecting future seceders from the Church.—See the former volume, pp. 9, 10.

Professor Brown appealed to the Assembly. Parties appeared, and were heard; Professor Brown himself, and Mr Joseph Williamson, as his counsel; and for the Presbytery, Professor Shaw, and Mr James Gillespie. The Assembly, without a vote, appointed the Presbytery to receive and enrol Professor Brown as a member at their first meeting.

On the 31st, the court took up a cause concerning the settlement of an assistant and successor to Mr James Stewart, minister of *Kilmory*, in Arran, in the Presbytery of Kintyre. In February last, three ministers and their elders, who then made a majority of the Presbytery, sustained a presentation to this charge in favour of Mr James Stewart of Kilwhinlick, late minister in Bute.* From this sentence Messrs John Macalpin and Archibald Macneil appealed to the Synod of Argyle. Mr Stewart, the incumbent, was not present at this meeting of Presbytery, but as soon as he was apprised of the sentence, he appealed to the Assembly. On the 23d of March, the Presbytery divided; the aforementioned Messrs Macalpin and Macneil, and Mr Gershom Stewart, who was moderator, and is son of Mr Stewart, the incumbent, on one side; and Messrs John Hamilton at Skipness, Charles Stewart at Campbelton, and Robert Thomson at Killean, on the other side. Notwithstanding the appeals, the three ministers last mentioned admitted Kilwhinlick in the church-yard, April 26, the other side having taken possession of the church. The Assembly unanimously declared the settlement to be void; and found, that the three ministers who had separated from the Presbytery, and admitted Mr Stewart, had acted so irregularly as to deserve high censure; and in regard Mr Hamilton at Skipness presided at that irregular meeting, suspended him from the exercise of his ministry for three months from May 31, the date of the sentence—empowering, however, the Synod of Argyle, at their first meeting, to take off the suspension for

* He had been minister of Kingarth, and his memory is still preserved in the traditions of Bute under the name of Master *Shemus*, (James.) He forfeited his living by the following extraordinary act. He had gone to give a woman, one of the tenants or cottars on his estate of Kilwhinlick, (now called Stewarthall,) notice to quit possession, and being a man of violent passions, he threatened to set the house on fire unless she removed. She immediately brought him a piece of burning peat, and told him he had better do it then. He without hesitation set fire to the thatch, and the house was burnt to the ground.

the remainder of the time, if they see cause; and appointed the Synod of Argyle to call Messrs Robert Thomson at Killean, and Charles Stewart at Campbelton, before them, at their first meeting, and in the Assembly's name to rebuke them for their irregular conduct, and to send up an extract of their minute, bearing their having done so, to the next General Assembly; and appointed the sentence to be intimated from all the pulpits within the bounds of the Presbytery of Kintyre, betwixt and the last day of July next.

On the 1st of June, there came on a cause concerning the settlement of the *New** and *College Churches* of Edinburgh. After the death of Mr Logan, in 1755, Mr Blair was translated from Lady Yester's to the College Church, but was to continue to serve in Lady Yester's Church till that parish should be provided in a minister. By a subsequent appointment of the Presbytery, March 2, 1757, before Mr Blair's translation to the College Church had taken place, he was translated to the New Church, but was still to serve in Lady Yester's Church till the parish should be provided. On the 26th of April 1758, † the Presbytery settled the other vacancies in Edinburgh thus:—Mr Macqueen in the Old Church, with Mr Cumming; Messrs Dick and Lundie in the College Church; Mr Robertson in Lady Yester's, and Mr Erskine to succeed Mr Dick in the New Greyfriars. But the Synod, on the 17th of May, appointed Mr Blair to be settled in the College Church, and Mr Lundie in the

* Now called the High Church.

† So far back as the 15th August 1756, Messrs Daniel Macqueen of Stirling, John Erskine of Culross, Henry Lundie of Abercorn, and William Robertson of Gladsmuir, had been elected to supply the vacant charges in Edinburgh, occasioned by the death of Messrs George Logan, Robert Kinloch, James Bannatyne, and James Nisbet.—(See the former vol., pp. 297, 298, 316.) But on the 30th March 1757, the Presbytery resolved not to proceed towards their settlement till Whitsunday 1758, in regard it was necessary to repair several of the churches, and particularly to take off the roofs of the Old and New Greyfriars' Churches, which would not only occasion an expense that the town-revenue could not bear, but superseded the necessity of bringing in any new ministers, as the ministers whose churches were repairing would, with very small assistance from the Presbytery, be sufficient for supplying the vacancies. A motion was made in the Synod to review this deed of the Presbytery; but the four gentlemen chosen to supply the vacancies having declared, personally or by their friends, their acquiescence in what the Presbytery had done, the motion was dropt.

New. This judgment, which was carried by a majority of only two votes, was appealed from to the Assembly. The parties before the Assembly were, the town-council of Edinburgh, and Dr Hugh Blair, appellants; and the Synod of Lothian and Tweeddale, respondents. On a motion made to that effect, a committee was appointed to take this affair into consideration, in order to accommodate differences. This committee having met, a proposal was made by one of their number, That the New Church should be made an auditory, in which all the ministers of Edinburgh should preach by turns; and that the Lady Yester's and New Greyfriars, the only uncollegiated churches in the city, should be collegiated. This proposal was transmitted to the town-council, the ministers of the city, and other parties interested. The town-council was forthwith assembled, and passed an act, bearing, That they were unanimously of opinion, that the proposal was attended with many difficulties, and might prove highly prejudicial to the interest of the city. An extract of this act was laid before the Assembly Committee, as was likewise another paper of the following tenor:—
“ We, the ministers of Edinburgh subscribing, having considered the remit of the Committee of Assembly, are of opinion, that the turning of the New Church into an auditory, and collegiating the other churches, might be attended with very good consequences; and do agree, that the same shall be immediately carried into execution, provided Mr Dick and Mr Lundie be appointed ministers in the New Greyfriars' Church, Mr Walker and Mr Erskine in the College Church, Mr Blair and Mr Robertson in the Lady Yester's Church; * without which destination we cannot consent to an auditory at present, because we apprehend it will not answer the good intended by the committee. And we are further of opinion, that the scheme of an auditory cannot at present take place with advantage, unless the other parties interested give their consent. And Mr Walker, the present minister of the New Church, signs this paper with his brethren, in confidence that they are the proper judges who these parties are. (Signed) *John Glen, Patrick Cuming, George Wishart, Robert Wallace, Ja. Steven-*

* The object of this provision evidently was, to place together as colleagues, men of kindred sentiments in religion and Church policy.

son, *Alex. Webster, Jo. Jardine, Hugh Blair, Robert Dick, Geo. Kay, R. Walker.*" The committee reported both papers to the Assembly next day. The project of making the New Church an auditory could not take effect, because parties would not consent; the Assembly therefore went upon the merits of the cause. After long reasoning, the question was put, *Reverse* the sentence of the Synod, or *Not?* and carried *Reverse*, 64 against 54. So that Dr Blair is to be minister of the New Church, and Mr Lundie of the College Church.*

On this day also, the Assembly disjoined *Moneidie* parish from the Presbytery of Dunkeld, and annexed it to that of Perth.

A petition for *Mr Thomas Nairn*, sometime minister at *Abbotshall*, but who, on account of his secession from the Church, was deposed by the Assembly 1740, was read, (June 5,) bearing, That the petitioner was admitted to all Church privileges by an act of the Presbytery of Kirkaldy, dated May 2, 1751; and containing an acknowledgment of his error in seceding from this Church, his promise and engagement (by the strength of God) to walk orderly for the future, and subject himself to the judicatures of this Church; and his earnest desire that the Assembly would take off the sentence of deposition under which he had so long groaned, and restore him to the exercise of his office and duty. Mr Nairn having been heard on the subject-matter of his petition, the Assembly, without a vote, agreed to grant the desire of it, and accordingly took off the sentence of deposition pronounced against him, and reponed him to the office of the holy ministry in this Church; which, in the Assembly's name, was intimated to him by the moderator from the chair, with suitable exhortations. In return, Mr Nairn made the following speech:—"Moderator, I rejoice, bless God, and thank the Venerable Assembly, that I am now eased of a heavy burden, and heartily welcome the exhortation that has been tendered to me from the chair; and considering the goodness of God, and the lenity and kindness that has

* Mr Dick had taken an appeal against being placed in the College Church, but he fell from it. The four new ministers, viz., Messrs Macqueen, Erskine, Lundie, and Robertson, were settled according to the Presbytery's sentence thus affirmed, on the 15th June following.

been showed me from first to last, I cannot but lament that I not only separated from all communion with the said judicatures, but also associated with others in a distinct and opposite body, gathering a church out of a church or churches, which, in the opinion of the best casuists, is schism by way of eminence, which, though I formerly made light of, I am now convinced is a grievous sin, as being contrary to charity, my own edification, the honour of Christ, and what leads in even to heresy, and every evil work; and therefore I sincerely purpose, and shall endeavour, in the strength of the Lord God, to walk orderly in time coming, in opposition to all schism, division, and defection whatsoever; and I hope all that I have offended will endeavour the duty of brotherly forgiveness."

There was transmitted to the General Assembly, from the Committee for Overtures, a representation by the *Society in Scotland for Propagating Christian Knowledge*, setting forth, "That by divers laws and acts of Parliament, particularly the 17th act of the Parliament 1646, and 26th act of the Parliament 1696, it is statute and ordained, that there be a *school* settled, and a schoolmaster appointed in every *parish*; and for that effect, that a commodious house be provided for a school, and a salary modified for the schoolmaster, not under 100 merks, nor above 200 merks, to be paid by the heritors and liferenters, according to their valuations, and to be laid on and uplifted in manner mentioned in the foresaid acts: And particularly by the said acts it is provided, That if the heritors of the parish shall not convene and agree amongst themselves anent the premises, that the commissioners of supply, or any five of them, upon application from the Presbytery, shall have power to settle a school, and modify a salary to the schoolmaster, as aforesaid. That, notwithstanding of the above quoted, and other acts of Parliament, as well as several acts of the Privy Council of Scotland, to the same purpose, the Society in Scotland for Propagating Christian Knowledge, are sorry to find, that in no less than 175 parishes, within the bounds of 39 Presbyteries, where the society's schools are erected, *parochial schools* are not yet erected, and of these parishes the society have given in a list, founded on the information of the Presbyteries in which the parishes lie. The society are extremely sensible, that it would be improper for them to point out to the Assembly the fatal

consequences of this neglect; these must occur to every person who considers of how much consequence it is to train up the youth of this, or of any country, in learning and Christian knowledge. The society are also unwilling to suggest to the Assembly, to what causes, at least in some places, this neglect may be owing. They are sorry to say, that those for whose benefit this salutary regulation was principally designed, are not always so ready and willing as they ought to be, to carry it into execution, although the burden it lays upon them is so extremely small, as to bear no proportion to the benefit derived from it. The society have done every thing in their power to have this neglect remedied; so far as their influence has reached, they have excited all concerned to comply with so reasonable a demand; they have done more, they have threatened to withdraw their charity schools from those parishes who neglect or refuse to provide parochial ones; they have passed an act to that purpose, and have notified the same to every Presbytery where their schools lie. *It was never surely the intention of the donors, nor of the Society for Propagating Christian Knowledge, to substitute their charity schools in place of parochial schools, which are by law appointed to be established through the whole country.* It will easily occur to the Assembly, that there is work enough for both. As it is but too certain, that in many places the heritors are backward in raising and establishing parochial schools; and as by the acts already quoted in every case when that happens, the remedy is by an application from the Presbytery to the commissioners of supply, the Society in Scotland for Propagating Christian Knowledge thought it their duty to apply to the Assembly, that, by their authority, it may be recommended to every Presbytery through Scotland to inquire, whether or not a parochial school is established in every parish within their bounds; and in every instance where that shall not be found to be the case, that an immediate application be made by the Presbytery to the commissioners of supply, to have a parochial school forthwith established in that parish: And as they conceive this affair to be of the last consequence to the interests of learning, religion, and virtue, and to the peace and prosperity of the country, the society beg leave further to suggest, that the result of the above inquiry and requisition be forthwith notified to the procurator and agent for the Church, that under their direction a process may, in name

of the particular Presbytery, and of the procurator, be, in case of necessity, immediately commenced, for having a school erected in that parish, and that the expense of these processes, which cannot be considerable, as the law is clear, and as one summons will do for all the parishes within the same Presbytery, may be defrayed out of the Church's funds." The General Assembly having heard the said representation read, with the opinion of the committee for overtures thereupon, do hereby appoint the several Presbyteries of this Church to inquire whether or not a *parochial school* is established in every parish in their bounds, and, where such schools are wanting, the Presbyteries concerned are hereby appointed to make application to the commissioners of supply for having parochial schools, with legal salaries, erected in every parish, as the law directs. *And the General Assembly appoint the procurator and agent for the Church, at the public charge, to commence and carry on all processes necessary for having the laws respecting parochial schools put in execution.*

The General Assembly, in respect few Presbyteries have sent up answers to the *overtures* transmitted by last Assembly, agreed again to transmit the said overtures to such Presbyteries as have neglected to send their opinions thereon, to the end they may send up the same to the next General Assembly.

The overtures are:—

1st, Overture anent ministers making agreements with their heritors concerning the extent of their stipends.

2d, Overture anent the more speedily supplying of vacancies.

3d, Act and overture anent simoniacal practices.

The report of the committee for revising commissions brought in, representing that the commission from the Presbytery of Kintyre, bears, that that Presbytery, on the 3d of March, elected Mr John Hamilton, minister at Saddil, as one of their commissioners to this Assembly, but at an after-meeting, elected Mr Gershom Stewart, minister at Kilbride, in regard Mr Hamilton had, since his election, laid himself open to censure. The opinion of the committee for overtures on the above report,* that the said commission lie upon the table until a cause that comes from that Presbytery to the Assembly be judged in, approved; and agreed that

* See p. 160.

neither Mr Stewart nor Mr Hamilton stand on the roll till that cause be determined.

The remark made on the commission from the Presbytery of Kintyre, as mentioned in the minutes of last meeting, concerning the election of Mr John Hamilton and Mr Gershom Stewart considered. Mr Hamilton found to be the member duly elected; and that it was not competent for the Presbytery, at an after-meeting, to alter that election; but, in respect of his suspension, that he is deprived of his privilege as a member.

The commencement of the six months allowed to the patron for presenting a qualified person to be minister of the parish of *Oxnam*, declared to be from the 14th day of May current.

A sentence of the Synod of Glasgow and Ayr, authorising the erecting of a second and separate *session* in the town of *Paisley*, reversed; and the erecting of a new or separate session for the High Church of Paisley, till that part of the town shall be legally disjoined, and formed into a separate parish, prohibited.

The report of a committee named by the Commission in November last, to take proper measures for having the ministers of this Church relieved of the *tax upon window lights*, brought in and read, bearing their having made application, for the purpose above mentioned, to persons of power and interest, both here, by waiting on them, and at London, by letters, and put into their hands, or transmitted to them, a memorial upon that subject; but though they have reason to believe that these applications have met with a very favourable reception, what the issue may be, cannot as yet be determined. This affair remitted to a committee, who are authorised to take the most prudent measures, and make such applications, as may be most proper and expedient for obtaining an explanation of the law upon this subject, in order to the relief of the ministers from the said tax, provided that no expense in making such application be laid upon the public funds of the Church, without the authority of the Commission.

The report of the committee appointed by the last General Assembly, for considering the laws respecting *the election and qualifications of members of Assembly*, and fixing the forms of commissions, and attestations thereof, given in, and a committee named to receive what has been prepared by the committee of last Assembly, hear and consider

what they have further to lay before them on this subject, ripen the whole affair, and report to the Commission.

An excuse for the *Procurator*, why he could not attend this Assembly, as being necessarily detained by business at London, offered and sustained, and the Commission empowered to receive and pass his accounts.

A complaint for *Mr Æneas Sage*, minister at *Lochcaron*, against the committee for bills, for not transmitting an appeal taken by him from a judgment of the Synod of Glenelg, pronounced in a cause depending before them, betwixt the complainer and *Mr Æneas Macaulay*, minister at *Applecross*, relating to a sermon preached by Mr Macaulay, against which the complainer had exceptions, referred to the Commission at their meeting in November next, and the clerk to the Synod of Glenelg strictly enjoined, betwixt and that time, to transmit all the proper extracts relative to that process.

The report of the committee for *overtures*, respecting the overtures transmitted by the Assembly 1756, and preceding Assemblies, classed by the clerks by appointment of last Assembly, brought in and approven, and all these overtures superseded, excepting the one which relates to Presbyteries neglecting to send up their opinion concerning overtures transmitted to them, which is retransmitted.

A letter from the Prince of *Saarbruck*, recommending an application by the reformed congregation at *Saarbruck*, for a collection to be made in this Church for the relief of the said congregation, to enable them to pay the debt they had contracted for building a church, with the opinion of the committee for overtures thereon, read and ordered to lie on the table till next Assembly, and the moderator appointed to write a return to the said letter from the Prince of *Saarbruck*.

A sentence of the Presbytery of Dunse, appointing a day for the moderation of a call to Mr William Hume, minister at Polwarth, his Majesty's presentee, to be minister of *Fogo*, affirmed, and the Presbytery appointed to proceed to the transportation of the said Mr William Hume from the parish of Polwarth, and his settlement as minister of the parish of *Fogo*.

A presentation and call in favour of Mr David MacLellan, probationer, to be minister of the parish of *Beith*, sustained, and the Presbytery of Irvine appointed to proceed to his trials and settlement as minister of that parish.

An appeal by Dorothea Lady Dowager of Forbes, from a judgment of the Synod of Aberdeen, dismissing an appeal taken by her, from a sentence of the Presbytery of Alford, admitting Mr James Macwilliam as minister of the parish of *Forbes*, heard; the sentence of last Assembly, appointing the said Presbytery to proceed to Mr Macwilliam's settlement, as minister of that parish, read, and the said settlement affirmed.

The report of the committee for revising the proceedings of the committee named by last Assembly, for managing the *Royal Bounty*, bearing, as their opinion, that Mr Blair, minister at Kingussie, should be struck off the scheme; and a proposal for applying part of the royal bounty for educating of students, having the Irish language, in the Synod of Glenelg, brought in and read. What concerns Mr William Blair remitted to the committee to be named by this Assembly for managing the Royal Bounty; and the said proposal remitted also to the foresaid committee, and they enjoined to take care not to employ any part of the Royal Bounty, otherwise than in terms of the royal grant.

The Commission empowered, in the event of a question presently depending in the Court of Session, anent the patronage of *Hutton* being determined, to take in, cognosce, and finally determine in any reference or appeal that shall regularly be brought before them, relative to that settlement.

Protestation admitted, at the instance of the Presbytery of Abertarff, against his Grace the Duke of Gordon, and his tutors, and Mr Alexander Murray, preacher of the Gospel, for not insisting in an appeal taken by them, from a sentence of the said Presbytery, rejecting a presentation by his Grace the Duke of Gordon in favour of the said Mr Murray, to be minister of the parish of *Laggan*.

The Assembly rose June 5th.

The Commission met on Tuesday, June 6, when they took under consideration an appeal taken by the elders and communicants in the bounds of the Presbytery of Dornoch, from a sentence of the Synod of Sutherland and Caithness, which discharged fellowship-meetings of the ministers and people, that had been usually held in that corner on the Fridays before the celebration of the Lord's Supper. After hearing parties, and reasoning, the Commission agreed, with-

out a vote, to set aside the acts of Synod which prohibited those meetings; to allow every minister to attend them or not, as he shall see cause; and to recommend to all of them to take such measures as may prevent any inconveniencies, and to follow such methods as may best promote the great ends of peace and edification.

NOVEMBER COMMISSION.

The Commission, “highly sensible of the many causes we in this nation have at this time for solemn thanksgiving and fervent prayer to Almighty God, recommended to the several Presbyteries, to set apart such a day for those religious acts as they should respectively judge most convenient.” *

* Accordingly, Thursday, Dec. 28, was observed in Edinburgh, in pursuance of an act of Presbytery, dated Dec. 20; the preamble of which recites the grounds of thanksgiving and prayer thus:—

“It is but lately that a threatened famine gave us the justest alarm; and the melancholy effects of scarcity were felt by many, and known to all. But, in our extremity, the Lord prevented us with his mercies. By his blessing, our land has yielded increase: he has opened his liberal hand; he has relieved the poor, and made the widow and the orphan sing for joy.

“For some years past, we have been engaged in a just and necessary war with France. That *mighty* and *fraudulent* power had prevailed in several attempts against us; but, amidst our anxieties and fears, a gracious Providence interposed, and was pleased lately to crown his Majesty’s arms with remarkable success at Louisburg, St John, Fort Frontenac, Senegal, and Cherburg, besides many advantages obtained at sea.

“And, on this occasion, we cannot fail to reflect on the state of affairs in Germany. There our most illustrious ally, the *King of Prussia*, and in him the *Reformed religion*, and the liberties of Europe, have been attacked by a most unnatural combination of the greatest powers on the continent. But the Lord has been his helper. He has honoured him with many signal victories; and has made his enemies, even in their greatest pride of heart, to turn back as ashamed.

“Nor can we forbear to remind all around us of the peculiar goodness of God to these lands; in that, amidst the tumults and devastations of war, severely felt by our friends in America, Germany, and other places abroad, we have enjoyed the precious blessings of liberty and peace.

“But the danger is not yet over. By several checks and dis-

ASSEMBLY 1759.

THE General Assembly met on the 24th of May. Charles Lord Cathcart was his Majesty's Commissioner; and Dr George Kay, one of the ministers of Edinburgh, was chosen Moderator.

The only settlement before them was that of *Logie*, in the Presbytery of Dumblane. Mr Patrick Duchall, the last incumbent, died on the 5th of May 1758. Both the Earl of Dunmore, and Mr John Erskine of Carnock, advocate, pretended to be patrons of the parish. A presentation from each, in favour of *Mr James Frame*, preacher at Alloa, with Mr Frame's letters of acceptance, was given in to the Presbytery, Sept. 19. That from the Earl, signed by George Ross, Esq., his acting trustee, was dated Aug. 3, and that from Mr Erskine was dated Sept. 15. One elder, for himself and his brethren, protested against both presentations. Mr Frame having afterwards got an offer of a presentation to another parish, where he expected to be more serviceable to religion, and to enjoy more peace and comfort, a renunciation of both his presentations to *Logie* was given in to the Presbytery, Dec. 26. Next Presbytery, Feb. 13, 1759, a petition was presented, signed by several heritors, and all the elders, craving a moderation of a call to *Mr William Cruden*,* minister of *Logie* and *Pert*, in Angus, the right having devolved on the Presbytery, as was alleged, by the lapse of more than nine months from the death of Mr Duchall. But the Presbytery being told, that there was good reason to believe Lord Dunmore would present another person so soon as he heard of Mr Frame's renunciation, delayed giving any deliverance on the petition till next meeting. From this resolution three ministers dissented. Next Presbytery, March 27, two presentations were given in; one by Captain Robert Haldane of Plean, (to whom Mr Erskine had disposed his right,) in favour of the aforementioned Mr Cruden, dated Feb. 10, accepted Feb. 27, and

appointments, Providence forbids us to boast; and calls us to apply ourselves to him, who is the Lord of hosts, great in might, and strong in battle.

“ On all these accounts,” &c.

* Mr Cruden resigned his living some years after, and became minister of a Relief Chapel in Glasgow.

intimated to the moderator of the Presbytery, March 10 ; and the other, by Mr Ross, for the Earl of Dunmore, in favour of *Mr James Wright*, probationer, dated March 15. The Presbytery referred the affair to the Synod of Perth and Stirling, who, April 19, found, without a vote, that the time allowed by law to patrons to present to vacant parishes was expired before either of the presentations was offered to the Presbytery, and that the power of settling the parish was fallen into the hands of the Presbytery, *jure devoluto*.—Against this sentence Lord Dunmore appealed to the Assembly. For his Lordship (for whom Messrs Joseph Williamson and John Maclaurin were counsel,) it was pleaded, That by the act 10 *Anne*, the patron's right devolves on the Presbytery, only in case he neglect to present a qualified person for six months after the vacancy happens ; that the act 5 *Geo. I.*, upon a narrative, “ That great obstructions had been made to the planting of vacant churches,” further provides, “ That if any patron shall present any person to a vacant church who shall not be qualified, &c., or who shall not accept, &c., within the said time, such presentation shall not be accounted any *interruption* of the course of time allowed to the patron for presenting, but the *jus devolutum* shall take place as if no such presentation had been offered ;” that from these statutes it is clear, that a presentation to a qualified person, and his acceptance, *interrupts* the course of time allowed for presenting ; and that therefore, as it is the effect of every *interruption* to make the course of prescription begin anew, a patron has six months to present after the death, renunciation, or refusal of his presentee by the church, as well as after the death, demission, or translation of a settled minister. It was pleaded on the other side, for whom Mr David Rae was counsel, That patronages are not the objects of favour, though established by law, and therefore the laws relative to them are to be strictly interpreted ; that the act 7 *Ja. VI.*, 1567, provides, “ That in case the patron presents ane person qualified to his understanding, and, failing of ane, another, within the said six months, and the said superintendant or commissioner of the kirk refuses to receive and admit the person presented, it shall be leisome to the patron to appeal,” &c., which clearly supposes, that not only the first presentation, but any subsequent ones, should be given within the six months ; that the clause of the act 5 *Geo. I.*, above recited,

shows, that the six months should not be interrupted in the cases mentioned, but it is not to be from thence positively concluded, that where a presentee accepts, and afterwards renounces, a legal interruption is made, as it is evidently the sense of the Legislature to limit the exercise of patronages within the strictest bounds; that, in the present case, even supposing the time between the lodging of Mr Frame's presentation and his renouncing it, *i. e.*, from Sept. 19 to Dec. 26, should be deduced, there would be seven months and fifteen days from Mr Duchall's death, May 5, to March 27, when Mr Wright's presentation was offered; that Lord Bankton, in his late *Institute*, vol. ii., p. 25, expresses himself thus:—"The rule is, that if the patron present one legally qualified, who duly accepts the presentation within the six months, he saves his privilege; and if the person presented shall be refused by the Church judicatures, he has the residue of the six months that remained at the time of his first presentation to present another;" and that if six months was to be allowed from the time of a presentee's renunciation, a parish might be kept vacant for ever by a patron, with the connivance of successive presentees. The arguments urged by either party from expediency, it is unnecessary to mention. There were long pleadings on the affair on the 28th; and next day, after long reasoning, the question was put, Affirm, or, Reverse the aforementioned sentence of the Synod? and carried Reverse, 59 to 48. The Assembly, therefore, remitted to the Presbytery to proceed to the settlement of the parish according to the rules of the Church; and empowered the Commission to determine finally in any appeal that shall be regularly brought before them relative to that settlement.

On an overture from the Synod of Perth and Stirling, That the Assembly should class the *missions* and *catechists* on the *royal bounty* into three divisions, and appoint two ministers for visiting each, who should sign an attestation on the place, how far the missionaries or catechists act up to their instructions, or are proper to fulfil them, a committee was appointed, May 30, to consider that overture, and propose any scheme that would answer in the most effectual manner the ends of the royal bounty, who next day reported, That they saw no necessity at present for appointing such visitors; but overtured, That so long as his Majesty should

be pleased to continue his royal bounty, the purpose of it might be more effectually answered, if it were applied partly for making new erections; and that the Assembly should appoint a committee to prepare a memorial to this purpose to be laid before the next Assembly, and apply to the Commissioner for his good offices, in order to obtain an alteration in the terms of his Majesty's grant, so far as to extend the application of it to the making new erections of parishes, as well as employing itinerant preachers and catechists, as shall appear to the Assembly most proper for answering the pious end of his Majesty's grant. A committee was accordingly appointed; and the moderator having applied to the Commissioner, his Grace was pleased to undertake to use his good offices, for which he received the thanks of the Assembly.

Two overtures transmitted to Presbyteries by the Assembly 1756, and one by the Assembly 1757, were passed into acts, May 30. The first enacts, That no minister shall make any *composition with his heritors*, with respect to obtaining a decret of modification and locality for his stipend, but at the sight, and with the advice and consent of his Presbytery. The second, That Presbyteries shall be asked, by Synods, at the privy censures, What *vacancies* are in their bounds? of how long continuance they have respectively been? and the reasons why they are not supplied; and the Synod, if they find any Presbytery dilatory after the right of planting a parish has by law fallen into their hands, shall enjoin them to proceed to the settlement without further delay. And the third, That the act 1753, against *simoniacal practices*, and the explanation of that act overtured by the Assembly 1757, be printed together among the acts of this Assembly. On the 1st of June, an overture of an addition to the first of these three acts, was agreed to be transmitted to Presbyteries for their opinion, against next Assembly. The act, with the addition, is as follows:—"That, in all time coming, no minister shall make any composition or agreement with his heritors, or any others, with respect to obtaining a decret of modification and locality for his stipend, or with respect to his glebe, grass, or any other emoluments to which a minister has or may have right, but at the sight, and with the advice and consent of the Presbytery of the bounds, under the pain of such censure as the Presbytery of the bounds

shall think proper to inflict ; and that no minister shall enter into any agreement, or accept of any payment of his stipend inconsistent with the decret of modification and locality, or use and wont of payment, without an acknowledgment in writing obtained from the heritor or heritors, produced to the Presbytery, and such acknowledgment inserted in the Presbytery records.”

A committee appointed by the Assemblies 1757 and 1758, to consider the laws relating to the election and qualifications of members of Assembly, gave in (May 31,) an

Overture of an Act and Rules concerning the Election and Qualifications of Members of Assembly.

The General Assembly, considering that the acts respecting the election and qualifications of members of Assembly are very much scattered, having been made on different occasions, and therefore are not sufficiently attended to, and that difficulties and disputes have often arisen in the application of them ; do therefore, in place of all former acts concerning the election and qualifications of members, and forms of commissions to them, and attestations thereof, which are hereby declared to be repealed, enact and ordain as follows :—

That the representation of the several Presbyteries of this National Church in its General Assemblies, shall hold proportion to the number of parishes within each Presbytery, in manner following : That is to say, Presbyteries consisting of twelve parishes, or under that number, shall send two ministers and one ruling elder ; Presbyteries of above twelve and not exceeding eighteen, shall send three ministers and one ruling elder ; Presbyteries of above eighteen, and not exceeding twenty-four, shall send four ministers and two ruling elders ; Presbyteries of above twenty-four, and not exceeding thirty, shall send five ministers and two ruling elders ; and Presbyteries of above thirty, shall send six ministers and three ruling elders : And it is hereby declared, that collegiated churches, where there are in use to be two or more ministers, are, so far as concerns the design of this act, understood to be so many distinct parishes.

That it shall not be lawful for any Presbytery, university, or borough, the Presbyteries in the western and northern

isles excepted, to choose their commissioners sooner than seventy days preceding the first day of the meeting of the Assembly; and all Presbyteries, universities, and boroughs, without exception, shall make their election at least forty days before the first day of the meeting of the Assembly, and shall appoint the day of election by an order to be entered into their minutes at a lawful meeting, at least ten free days before such election, and shall make their respective elections betwixt the hours of twelve and four afternoon.

That Presbyteries shall elect no missionary minister, nor any minister who is not a constituent member of the Presbytery; and no elder shall be chosen by any Presbytery but one who either does usually reside, or is an heritor on the cess-roll, or has formerly resided, and officiated as an elder, within their bounds: That universities shall choose such only to be their representatives as are members of that university by whom they are chosen: That no minister or elder shall be chosen by any borough but one who either at present officiates, or hath formerly officiated, as a minister or elder in that borough, or in the bounds of the Presbytery where the borough lies, or is a residenter or heritor in that borough, or an heritor on the cess-roll in the bounds of that Presbytery.

That all commissions from Presbyteries, universities, and boroughs, shall bear, that the elders have signed the formula prescribed by the 11th act of Assembly 1694; and instead of a general clause, "That they are every way qualified according to the acts of Assembly," the commission shall contain the particular qualifications of elders as follows:— "That they are mindful of the duties of their office, are circumspect in their walk, religiously observe the Lord's Day, regularly attend on divine ordinances, and duly regard the public and private worship of God." Provided always, that in case the commission does not mention that the elders have subscribed the formula, act 11, Ass. 1694, they shall be allowed to supply this defect, by subscribing it in presence of the Assembly, or of a committee appointed by them, or by instructing to the Assembly that they have already subscribed to it.*

* By act 11, Ass. 1694, a commission of fifty ministers and twenty-five ruling elders were appointed to take under consider-

That all commissions from Presbyteries, after they are written out and extracted, and before they are put into the hands of the commissioners, shall be read in presence of the Presbytery, and revised by them; and it shall be attested by the moderator or clerk that this was done.

That no commissions from royal boroughs to their representatives in the Assembly shall be sustained, but such as shall be attested by the ministry and kirk-sessions of the borough, and also by the Presbytery of the bounds within which the borough lies: And every commission from an university, in order to its being sustained, shall carry along with it an attestation from the Presbytery of the bounds within which the university lies; which attestations of commissions from boroughs and universities shall be in the form after mentioned. But it is hereby provided, that if a kirk-session or presbytery shall refuse their attestation to a commission from a borough or university, they shall assign the reasons of their refusal, to be laid before the Assembly, and judged of by them; and if either they assign no reasons, or these be judged insufficient by the Assembly, the commission shall be sustained, as if it had been duly attested.

Agreeably to the foregoing rules, the General Assembly do hereby appoint and ordain the following forms of commissions and attestations * to be punctually observed by

ation such affairs as the Assembly should commit to them; and were empowered to receive into ministerial communion such of the late conform ministers as, having qualified themselves according to law, should apply personally to them, one by one, duly and orderly, and should 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 former General Assemblies of this Church, and ratified 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 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."

* These forms of commissions and attestations have been superseded by others of more recent date.

presbyteries, kirk-sessions, universities and boroughs respectively, in all time coming ; with certification, that every commission not agreeable to the above rules, and attested exactly and in express words according to these forms, shall be rejected, and the persons therein named shall not be admitted members of the Assembly.

The preceding paper having been read, some members proposed to transmit it to Presbyteries, and others that it should lie on the table till next Assembly. After long reasoning, the question was agreed to be put, Whether it should lie upon the table till next Assembly, or if the Assembly should consider it now ? and the vote being stated, Proceed or Delay ? it carried Proceed ; and the Assembly agreed to enter upon it next day.

Next day, the Assembly approved of this committee's diligence, and thanked them for the care and labour they had taken. In reasoning on the affair, members were divided in their opinion, concerning that part of the overture which allows *royal boroughs to choose either ministers or ruling elders as their commissioners to the Assembly*,* whether this clause should be transmitted to Presbyteries with the rest of the overture, or if it should be set aside, or referred to the Commission to be considered by them, or otherwise be reserved as the subject of further deliberation. At last, it was unanimously agreed to transmit the overture in all the other parts of it ; and concerning this part of it, to put the question, Whether to transmit it or Not ? it being understood, that if it carried Not, the Assembly would then consider what other resolution they should come to concerning it. The question being stated, Transmit or Not ? it carried Transmit, 52 to 50. Accordingly, the whole overture was transmitted to Presbyteries, in order to their sending their opinions of it to next Assembly, whether or not it should be passed into an act.

A memorial from the Synod of Glasgow and Ayr was

* This clause excited great jealousy among the laity of the Church. Soon after the rising of the Assembly, a letter appeared in opposition to the proposal, addressed to the Convention of Royal Boroughs, and calling upon them to make an act, discharging boroughs to elect ministers as their representatives to the Assembly. The Convention accordingly passed an act to that effect on the 11th July.

presented to the Convention of the Royal Boroughs which met at Edinburgh in the end of April, to consider of the alteration proposed to be made *in the course of the post*; bearing, *inter alia*, that the Synod had been informed, that by the alteration proposed, the post would come into and return out of Glasgow, Hamilton, Paisley, and several other trading towns in Scotland, on the Lord's Day: That the Synod could not, without the deepest concern, reflect upon the blow which would by such a scheme be given to religion, not only in all those populous places, but also (through the natural contagion of every bad custom,) in other parts of the nation: That in a little time many of our trading people would get into a habit of absenting from public worship, some part, if not the whole, of the day: That if they read their letters before going to church, their minds would be distracted with worldly thoughts, and if after coming home from church, what good impressions could be supposed to remain of what they had been about? and what room for the more private exercise of religion in the family and the closet? and that, besides, many indecencies would ensue, such as hurrying to and fro upon the streets, servants and porters carrying messages, people standing together in the streets in crowds, or meeting in coffee-houses or taverns, avowedly on business, and in a little time (the infection spreading) the lower people filling the streets and places of public resort, so that all decency, with respect to the observance of the Lord's Day, would be at an end: * The Synod therefore beseech, in the most earnest manner, every person and society in the nation to endeavour to prevent so pernicious a design. A copy of this memorial was laid before the committee for overtures; and the members from the Synod were instructed to move, that the affair might be represented to the Assembly. The members from the Synods of Perth and Stirling, and Angus and Mearns, concurred in the motion for representing this matter, as affecting also the towns of Perth, Stirling, and Dundee. On report of the committee, the Assembly, June 1, appointed a committee to take the memorial into consideration, and to do all in their power

* The religious public of Edinburgh were greatly scandalised this year by the Gazette Extraordinary, containing an account of the battle of Minden, being printed and sold publicly on the streets on Sunday, the 12th August.

to prevent any hurt that might arise to the interests of religion should the proposed alteration take place; this committee to meet in the Assembly House immediately after the rising of the first diet of the Commission, and to advertise in the Edinburgh newspapers the times and places of their after meetings.

On the 4th of June, a petition of *Mr Christian Lewis Finne*, chaplain to the King of Prussia, and minister of the Reformed Church at Crossen, in Silesia, formerly at Breslau,* setting forth the misery and distress the citizens of Custrin, and the inhabitants of the New March of Brandenburg, are reduced to by the hostilities of invading Russians, who burnt their churches, plundered their habitations, and consumed their substance, and praying for such method of relief as the Assembly's goodness and humanity should suggest, was ordered to lie upon the table till next Assembly.

The report of the *window-tax committee* was read, bearing, That they had applied to several noblemen and gentlemen, members of both Houses of Parliament, who declared their readiness to promote any habile method for easing the ministers of that burden, but thought it improper to apply at this time for a Parliamentary relief; and that the committee hoped such measures might be thought of as would in the interim have the same happy effect. The Assembly thanked the committee for their care, and renewed the former powers granted to them.

There was transmitted to the General Assembly from their committee for bills, a representation and petition by the Provincial *Synod of Ross*, setting forth, That the said Synod consists only of three Presbyteries, which are made up of twenty-five parishes: That the bounds, however, are very spacious, and interjected by branches of the sea, where the crossing of ferries, especially about the time of the Synod's meetings, which happen to be about the seasons of the equinoctial storms, makes the attendance of members both dangerous and precarious: That there have been instances more than once, and one at the very last meeting of Synod, when all the members of a Presbytery have been stopt at ferries, and their design of attending disappointed, whereby it frequently happened that in some cases the sentence and

* See the former volume, p. 343.

decree of the Synod was only the deed of one Presbytery, the other being removed as parties, and the third almost or altogether absent : That of late years business has not been throng, so that two Synodical meetings yearly have been held more for form's sake, and in obedience to the Assembly's act, than for real necessity. For which causes, and several others too tedious to be enumerated, the said Synod have for a long time had under deliberation, and at length at the last meeting which held in April, determined and appointed, that an application should be made to this Assembly for an act repealing the former act, which appointed the Synod to meet twice annually, viz., once in September, and again in April ; and instead thereof, that the annual meeting of the Synod of Ross should be appointed to hold yearly upon the second Tuesday of the month of May, which the Synod are encouraged to insist for, and hope, not only for the onerous causes above mentioned, but because also the same is the case with the two adjacent Synods of Caithness and Glenelg, the correspondents of which Synods might, with great propriety and conveniency, attend the Synod of Ross, in their way to the General Assembly, their annual meeting holding only in the month of July. And therefore praying the Assembly would take the premises under their consideration, and appoint the said Synod to hold but one meeting annually, and that upon the second Tuesday of May : Which petition being read, with the opinion of the committee for bills thereupon, the General Assembly did, in terms thereof, and hereby do, repeal the act of Assembly appointing the Synod of Ross to meet twice in the year, viz., in the months of April and September ; and the General Assembly do appoint, that in time coming the said Synod meet once in the year, and that on the second Tuesday of May yearly.

There was transmitted to the General Assembly from the committee for bills, a petition by the Synod of Lothian and Tweeddale, bearing, that it was found very inconvenient to have their meetings in May, sometimes on the second Tuesday, and at other times on the third Tuesday of that month, therefore praying that their meetings after this might be fixed on the first Tuesday of May : Which petition being read, with the opinion of the committee for bills thereon, the General Assembly unanimously agreed to grant the desire thereof, and accordingly do appoint, that in the month of

May the Synod of Lothian and Tweeddale shall meet in time coming on the first Tuesday of that month.

A representation by Mr David Thomson, minister at Gargunnoch, bearing his having waited on the reverend the deputies of the *Provincial Synods of South and North Holland*, before leaving that country : That they enjoined him, in a very particular manner, to offer their most affectionate compliments to the General Assembly of this Church, and to represent to them how agreeable it was to the Belgic Churches, their having so generously concurred with them by a general collection, to promote and advance an undertaking wherein the interests of the Protestant religion, as well as that of the British nation, were so deeply concerned ; that they were affected for the success and prosperity of this interest in America, where they had been using their best endeavours, for eight years running, to have ministers settled, and schoolmasters erected in these parts ; that at that time they had accounts of a Presbytery being regularly constituted, consisting of fourteen ministers, and six or seven schools. This representation being read, the zeal and conduct of the said deputies in planting of ministers, and erecting of schools, was approved of.

Reference to the Commission to cognosce and finally determine in an appeal by James Earl of Balcarras, patron of the parish of *Kilconquhar*, and by the heritors of that parish, concurrers with his presentation in favours of Dr John Chalmers, minister at Ely, to be minister of the parish of *Kilconquhar*, from a judgment of the Presbytery of St Andrews, delaying the consideration of the affair till their meeting on the 4th of July next.

Reference to the Commission to take up an appeal by *Mr Aeneas Sage*, minister at *Lochcarron*, from a sentence of the Synod of Glenelg, finding, that a sermon preached by *Mr Aeneas Macaulay*, minister at *Applecross*, did not contain any heterodox opinions, but testifying their dissatisfaction with Mr Macaulay for some indecent and some obscure expressions contained in that sermon, and recommending to him not to preach above the capacity of his hearers, and agreeing to reprove Mr Sage for his conduct in the affair, and to enjoin him *not to be over-ready to fish out heresies*, without very good and justifiable reasons.

The sum of £10 Sterling agreed to be paid yearly to Archibald Govan, clerk to the cashier of the *royal bounty*, for

his trouble in the distribution thereof, commencing from the term of Whitsunday 1759.

Two overtures, the one respecting the right and power of ordained *assistants* and *successors* advising, voting, and determining in causes coming before Presbyteries and Synods, even where right and property takes place ; and the other, that the act 13th May 1732, should be so far altered as to make it lawful for Presbyteries not only to take trials and serve the edict, but to proceed to the *ordination* and *admission*, notwithstanding of any appeal to the contrary, in such cases only where the opposition is small, read and referred to the Commission, that they may take them under consideration, and, if they see cause, prepare an overture thereupon to the next General Assembly.

A committee named, to take under consideration what shall be the requisite *qualifications of students*, particularly in respect of the time of their having studied philosophy and divinity, in order to their being received upon trials by Presbyteries, prepare an overture thereupon, to be laid before the Commission, to be further ripened by them for the next Assembly ; or, in case there should not be an opportunity of having such overture considered by the Commission, that the committee shall themselves report to the Assembly ; and to correspond by letters with such professors of divinity as cannot attend their meetings, that they may assist with their sentiments on this subject.

The report of the committee for revising the commission book again read, and the following affairs depending before the last Commission, and not determined by them, referred to the Commission of this Assembly, viz. :—An overture anent the *execution of sentences* of the supreme courts ; to draw rules, stating the *method of procedure* in causes before the Assembly ; to consider the power of kirk-sessions in the management of the *poors' money* ; to consider a reference from the Synod of Glasgow and Ayr, anent the *session of Cambuslang*.

The appeals of Michael Bell, David Johnston, John Mac-taggart, and his spouse, John Ferrier, Quintin Dick, and David Macmurtrie, dismissed, in respect they have been depending before the Commission for a number of years, without being insisted in.

The overture anent *planting of vacant parishes* read, and delayed till next Assembly.

The application to last Assembly by the congregation at *Saarbruck*, praying a collection might be made in this Church for their relief, delayed till next Assembly.

An extract of a minute of the Synod of Argyle, dated the 4th of August last, reciting the sentence of last Assembly pronounced on the 31st of May, in the affair relating to the settlement of the parish of *Kilmorie*, in Arran, whereby *Mr John Hamilton*, minister at *Skipness*, was suspended from the exercise of his office for three months from the date of the sentence, with power to the Synod of Argyle, at their first meeting, if they saw cause, to take off the suspension for remainder of the time; and appointing the Synod to call before them, at their first meeting, *Mr Robert Thompson*, minister at *Killean*, and *Mr Charles Stewart*, minister at *Campbelltown*, and in the Assembly's name to rebuke them for their irregular conduct in the settlement of the foresaid parish of *Kilmorie*; and bearing, that *Mr Robert Thompson* compeared, and was rebuked in name of the Assembly, but that *Mr Charles Stewart* being detained from the Synod by indisposition, they had appointed the Assembly's sentence should be intimated to him by a letter: That the brethren from the Presbytery of *Kintyre* having applied to the Synod to take off the sentence of suspension upon *Mr Hamilton* for the remainder of the time, because of his extensive parish, and the many vacancies in their bounds, the Synod saw no cause of complying with their request, as *Mr Hamilton* did not attend that meeting of the Synod, or instruct any other to apply for it, read, and the Synod's conduct in that matter approved of.

The Assembly rose June 4th.*

ASSEMBLY 1760.

THE Assembly met on the 15th of May.—*Charles Lord Cathcart* was his Majesty's Commissioner; and *Dr Robert Hamilton*, Professor of Divinity in the College of *Edinburgh*, was chosen Moderator. He had filled the chair in the year 1754.

* The Commission which met in November, presented an address to the King on the taking of *Quebec*, which may be seen in the *Scots Magazine* for 1759, p. 599.

On the 17th, the Assembly referred to the committee for overtures, a representation of the ministers and elders of Glasgow, met in the General Session, May 7, 1760, to the Presbytery of Glasgow, concerning *the Sunday Posts*, and a recommendation of it by that Presbytery to the Assembly, and also petitions for the commissioners from Dundee Presbytery, and the inhabitants of Borrowstounness, and whatever other papers might be given in on the same subject. This representation sets the matter in so clear and strong a light, that we insert it *verbatim*, viz. :—

“ That by a late alteration * in the course of the *Post*, whereby he arrives in this place on Sabbath morning, and returns the same night, there is great reason to apprehend, that the sanctification of the Sabbath, so solemnly enjoined, and on which the very being of religion so much depends, will be neglected, and that holy day, in whole or in part, turned into a day of worldly business by many. Upon this account, it has given great alarm to all well-disposed persons, nay to the generality of the inhabitants, who are anxiously concerned to have this grievance redressed.

“ It is well known that the city of Glasgow carries on an extensive trade, and a trade so much transacted by receiving and answering of letters in course of post, that a scheme of this kind must, in the nature of the thing, be attended with unspeakably worse consequences here, than in other places where the circumstances are different. This consideration has indeed procured a provision in the scheme, of a courier to set out from Glasgow every Monday morning at eleven o'clock. But, from what has already appeared, this provision, however well intended, is likely to prove but a poor insufficient remedy. The courier can only assist our merchants in their correspondence with England, and perhaps a very little with Edinburgh; but with respect to all the posts that go to our port, and other places to the westward of us, the courier is wholly insignificant, and they must either lose the Sabbath's post entirely, or absent themselves from public worship in the forenoon, and prepare their letters for going off with the posts that set out against two o'clock. And how strong a temptation this will prove to many to neglect the sacred exercises of the Lord's Day, needs little illustration. But besides, notwithstanding the foresaid provision, a number of the most considerable merchants, at a meeting with the magistrates, declared, that their business would not permit them to want their letters on Sabbath longer than five or six in the evening.

* This alteration had taken place about the end of April. The Edinburgh mail for London (despatched three times a-week,) had hitherto reached Newcastle after the post had left that town for the south, and was consequently detained at Newcastle nearly two days. By a new arrangement this time was saved; but one of the consequences was, that the Edinburgh mails for the west and north now set out at nine o'clock P. M. on Saturday, so as to enter Glasgow and other places on Sabbath morning.

“ The postmaster has given notice to all the traders, that if they incline to have their letters on Sabbath, care shall be taken to send them to their houses; and not a few have already called for them between sermons. Nay, we are assured, there is an express statute subjecting postmasters to a penalty of £20 Sterling, if they do not deliver out letters, when insisted for, within an hour after the arrival of the post.

“ These facts, we apprehend, will satisfy the Rev. Presbytery, that our fears with respect to the observation of the Sabbath are not chimerical, but too well-founded. And although some decency may be observed at the beginning, (and indeed one who knows this place would have been apt to expect more decency than has already appeared,) yet by and by, through the natural tendency of evil practices, the habit of reading and answering letters, and talking of business on the Lord’s Day, will so prevail, that we shall see divine ordinances neglected, our streets, taverns and coffee-houses crowded, servants and porters going messages, and all the while the infection spreading among the lower classes of people, who are so ready to follow the example of their superiors in rank and substance.

“ Our youth will be early corrupted by attending to secular business on the Lord’s Day, and so lose the benefit of that excellent instrument of religion; and if once an opinion shall prevail, that there is no harm in reading and answering letters of business on that holy day, the next generation may be easily induced to think there is as little harm in transacting other worldly affairs; and so this unhappy innovation may in time make way for a total disregard to Sabbath sanctification,—a consideration which no lover of religion can think of without horror. And that these are not the suggestions of fancy, is evident from the example of some towns in England, where we are assured that all evils of this kind take place.

“ May it therefore please the Reverend Presbytery to take this weighty affair into their most serious consideration, and transmit this petition to the ensuing General Assembly; and further, to instruct their commissioners to insist, in the most earnest manner, that the Assembly take such further measures as to their wisdom shall seem proper, for procuring us, and the other towns concerned in this alteration of the course of the post, deliverance from so great a calamity.”

The affair was subcommitted, and a report was made to the Assembly on the 24th, bearing, That a plan had happily been fallen upon, so far as concerns Glasgow and Paisley, which gives satisfaction to the gentlemen from those places, and their constituents, and which, it is believed, will in a great measure remedy the evil complained of. The Assembly appointed a committee of twenty-two ministers and fif-

teen ruling elders, seven of them a quorum, of whom four to be ministers, to consider how far relief can be given to other towns that complain of the same grievance, and to take all proper measures for procuring it ; this committee to meet in the Assembly House immediately after the last diet of Assembly, and themselves to name, and previously advertise in both the Edinburgh newspapers, the times and places of their subsequent meetings.

The alterations proposed by the new plan are as follows. The post from Edinburgh, which now arrives at Glasgow about nine o'clock on Sunday morning, and sets out thence westward at two afternoon, is not to come into Glasgow till about eight in the evening, and, without making any stay there, except to drop the mail for Glasgow, and to take up the one from that city, is to proceed immediately westward ; and the post from the west for Edinburgh, which now arrives at Glasgow at five afternoon, and sets out thence eastward at eight, is not to come into Glasgow till about seven, and, without making any stay there, except to drop the mail for Glasgow, and to take up the one from that city, is to proceed immediately eastward. The post-office at Glasgow is not to be opened till after the departure of both these posts, at which time, and no sooner, such persons as choose to send for their letters, may have them ; but none are to be distributed by the letter-carriers till seven on Monday morning. Letters from Glasgow to go by either of these mails, must be put into the post-office before twelve on Saturday night, and the bags are then to be sealed : so that no letters are to be received into the post-office at Glasgow on Sunday.

The proposers of this plan observe, that all the towns to the west of Glasgow, who have an opportunity of writing by the return of the post that now sets out thence at two o'clock afternoon, will have the opportunity of doing so when he shall not set out till nine ; and with respect to Glasgow, that returns to the letters brought from England and Edinburgh by the post on Sunday evening, may be sent by the express mail, which sets out on Monday at eleven, so as to reach Edinburgh before the departure of the posts thence on Monday night for England, and for the north and west of Scotland. So that the only loss to be sustained is, that the people of Glasgow will be deprived of an opportunity of writing by the mail westward, between ten before noon and

two after noon of the Lord's Day, the very time of public worship, in consequence of such advices as may be brought them by the mail, which arrives that day from Edinburgh. This loss must be inconsiderable ; because, as the merchants may have their letters on Sunday evening at eight or nine o'clock, if they should, at a particular time, receive intelligence which would oblige them to write to their correspondents in the west before the next post, they can do it by express for a trifle. But though the inconveniency were greater, those gentlemen would cheerfully submit to it, rather than give the least handle for turning that sacred day into a day of worldly business.

In further prosecution of their scheme, the General Session of Glasgow proposed to the Presbytery, that they should make it a part of their application to the Assembly, that that supreme court should appoint a *national fast*, on account of the great increase of vice and immorality, owing, in no small degree, to the growing *profanation of the holy Sabbath* ; and in pursuance of this proposal, and of similar instructions to members from other places, a motion was made, on the 24th, after the affair relating to the post was finished, to emit a warning against the profanation of the Lord's Day, and other immoralities. In the course of reasoning, all the members expressed the highest regard for the sanctification of the Sabbath, and were sensible that in too many instances it was not observed in such a religious manner as they sincerely wished ; but it was remarked, that as the aforementioned instructions were founded chiefly on the present course of the post, the cause which gave rise to them was in a great degree removed by the proposed alteration with respect to Glasgow, and other towns to the westward, and the measures now in agitation for the relief of other considerable towns ; that the gentlemen employed in regulating the course of the post, were using their utmost endeavours to give all the redress possible, in a consistency with the police of the country ; that the proposed warning, at such a juncture, might weaken their hands, might inflame the minds of the populace, might possibly occasion outrages and violences, and unhappily delay, if not altogether obstruct, the desired redress ; and that such a warning, if necessary, may be hereafter emitted, with better effect, and without any hazard of bad consequences. These arguments had such weight, that the question being put, Whether it

was expedient to *emit* such a warning at this time, or *Not*? it carried, by a majority, *Not*.

A motion was made on the 20th, and unanimously approved of, to *address the King* upon the many signal *successes of his Majesty's arms* since last Assembly. A committee named to draw up the address, presented it next day. It was approved of, and signed; and the Commissioner, at the Assembly's request, undertook to transmit it to his Majesty.

The strain of such addresses being usually the same, we have, in general, thought it unnecessary to record them; but there were circumstances connected with this address, which induce us to present it entire.

“ *May it please your Majesty,*

“ We, your Majesty's most dutiful and loyal subjects, the ministers and elders of the Church of Scotland, met in a National Assembly, take this first opportunity of approaching your sacred person, with our most humble and sincere congratulations upon the signal and uninterrupted success with which, since our last meeting, it hath pleased Almighty God to bless your arms. All the efforts of your Majesty's enemies have been disconcerted or defeated; while every battle fought by your fleets and armies hath led to victory, every armament hath accomplished its intention; and as the operations of war have been more extensive, they have likewise been more prosperous than those any former age can boast of. These great events we have observed with the utmost gratitude to your Majesty, under whose prudent and vigorous administration we enjoy such distinguished blessings; nor have we ceased continually to offer up our devout acknowledgments to the Lord of hosts, from whom alone strength and wisdom are derived, and who hath enabled us both to fight and to overcome.

“ But amidst our rejoicings for victories obtained in every part of the world, it was with the utmost concern that we beheld the approach of domestic calamity, and were witnesses of the alarm and terror which the invasion, threatened and attempted by the French King, spread among the inhabitants of this part of the island; sensible, at that juncture, both of the danger to which they were exposed, and of *their inability to exert themselves in repelling your Majesty's enemies with such vigour as their principles of religion and loyalty would naturally have inspired.*

“ We have always reckoned it an important part of our duty, to animate the people committed to our care with zeal for the Protestant religion, with veneration for our happy constitution, and with attachment to your Majesty's person and family; nor have our unwearied endeavours been unaccompanied with success; and it is

with great pleasure we can assure your Majesty, that the wisdom, justice, and lenity of your Majesty's administration, your paternal attention to the welfare of this part of Great Britain, and your magnanimity in reposing confidence even in those who, from their former conduct, could not hope for such marks of your royal favour, have operated with a most powerful and happy influence, and have gone far towards overcoming ancient and unreasonable prejudices. Our constant intercourse with the people under our charge, gives us the best access to be acquainted with their principles and inclinations; and we think ourselves called upon, by our duty to your Majesty, as well as in justice to them, to assure your Majesty, that the members of this National Church (of whom the great body of the people is composed) have discovered such sentiments as become British subjects, upon every appearance of danger with which your Majesty's kingdoms and government were threatened; *that they would embrace, with joy, every opportunity of exerting themselves in defence of both*; and would act with such spirit and loyalty as would render Great Britain still more formidable to its enemies, and add to its internal strength and security.

“ That Almighty God may long preserve your Majesty's important life; that he may bless your royal family; that he may continue to go forth with your fleets and armies; and that, after blessing your Majesty with success in war, he may enable you to put a period to the desolation and calamities of Europe by a lasting peace, are the daily and fervent prayers of, may it please your Majesty, your Majesty's most faithful, most dutiful, and most loyal subjects, the Ministers and Elders met in this National Assembly of the Church of Scotland.

“ Signed in our name, in our presence, and at our appointment, by

“ ROBERT HAMILTON, *Moderator*.

“ *Edinburgh, May 21, 1760.*”

This address never appeared in the Gazette; and with regard even to the Assembly's usual answer to the King's letter, though insertion was given to it, nothing was said of the person by whom it was presented, nor of its being *graciously* received. The cause of offence was this: There had been very great excitement throughout Scotland in favour of a *national militia*, similar to that of England; but the Government being afraid of arming a people among whom there were still many disaffected Jacobites, had caused the Scots Militia Bill to be thrown out, (April 15.) The allusions in the above address, to the consequent national disappointment, were, of course, not very acceptable to persons in office, though it is somewhat remarkable, that an address

of a similar tenor had been presented by the Synod of Moray, and was inserted in the Gazette of the 13th May.*

With respect to two overtures transmitted by last Assembly, the committee for overtures reported, on the 20th, That twenty-five Presbyteries had sent up their opinions on the overture relating to the *qualifications of members of Assembly*; that of these, seven approved of the overture as it stood; that nine proposed amendments, of whom all were for permitting boroughs to choose ministers as their representatives, but some were for confining them to ministers of the Presbyteries within which the boroughs respectively lie; that eight were against the overture; and that one proposed that it should be retransmitted. That twenty-one Presbyteries had sent up their opinions on the overture relating to *agreements by ministers with their heritors*; of whom twenty approved of it as it stood, and one proposed an addition to be made to it;—and, That the committee were of opinion that both overtures should be retransmitted to the Presbyteries; and that in the one last mentioned, *manse*s should be specified, as one of the things about which agreements should not be made, but at the sight, and with the advice and consent of the Presbytery of the bounds. The Assembly unanimously approved of the committee's opinion; and ordered the two overtures to be transmitted, with the above mentioned addition to the second, that Presbyteries may send up their opinions on them to next Assembly.

On a motion made on the 22d, the Assembly resolved, That in time coming, applications for a share of the *public money* for carrying on processes, shall be referred to the procurator, with some other gentlemen of the law, and some ministers, to consider them, and report their opinion; and that along with their report there be laid before the Assembly a state of the public funds.

The same day, a petition from the ministers and kirk-session of *Dundee*, was referred to a committee. This petition sets forth various complaints in the following terms:—

* It was the rejection of the Scots Militia Bill that gave rise to the famous *Poker Club*, and prompted Adam Ferguson to write a continuation of Arbuthnott's Satirical History of John Bull, under the title of "The History of Margaret, otherwise called Sister Peg."—See *Mackenzie's Life of John Home*.

“ That for some considerable time past, your petitioners have been opposed and distressed by the present provost of Dundee, and a party of his in the council, in a very uncommon manner. . . . Delinquents have been forbid to appear before us, and the disobedient have been screened. . . . The charity collected at the church-doors has, by the provost’s order, been taken from the elders, and applied by him at his pleasure. . . . The penalties for fornication and other crimes, which before were paid in to the church poor, and by law belong to them, the provost has either intercepted, or else endeavoured to elude our demand of them. . . . The place for baptism in our principal church was taken down, and we were told there was to be no baptism there. . . . An act of council was passed, to refuse us the communion elements in their usual manner and frequency. . . . We have been denied access to the established places for worship, which, by express decret of the Lords of Session, had been secured to our predecessors. . . . Our own servants have been discharged to obey us, even in the most common and necessary cases, without first obtaining the permission of the magistrates. . . . Offices which have always been, and from their own nature must be in our gift, have, in repeated instances, been filled up by those gentlemen, without ever acquainting or acknowledging us. . . . Proclamation for marriage has sometimes been forbid by the provost, and sometimes ordered by him in an illegal and irregular manner. . . . Our session registers of baptisms and marriages have been demanded, and attempted to be wrested from us, as belonging to the town. . . . *Our moderator has been fined* for alleged contumacy in not appearing before the provost, after he had pled indisposition, and *ordered to be apprehended by the town-officers and imprisoned* ; and all this on a pretended libel framed by the provost himself, in name of the fiscal, who was absent, and of the session-clerk, who remonstrated against it, but for fear of imprisonment was forced to subscribe it, as his declaration more fully shows.”

On the 23d, the following report was given in :—“ The committee having heard the case at great length, and maturely considered the same, are unanimously of opinion, that according as the facts are therein represented, it is a case of *a very extraordinary nature*, deserves the particular attention of the General Assembly, and is of universal concern to the Church ; and as the ministers and kirk-session of that

parish have been reduced to the necessity of commencing processes before the Court of Session, in support of their rights, for reparation of the injuries done to them, and for the interest of the poor, the committee overture to the General Assembly, that the procurator and agent for the Church be appointed to appear for the interest of the Church in these processes ; and that the said ministers and session should be assisted to carry them on out of the public fund of the Church, in case, on their after-application, that shall be found needful. But as the grounds of this report cannot fully appear to the General Assembly, unless they hear the memorial which was read before the committee, they therefore overture that the said memorial should be read in open Assembly." And Mr Gershom Carmichael, one of the ministers of Dundee, having read the memorial at the bar, the Assembly unanimously approved of the opinion of the committee, and appointed accordingly.

The inconveniencies arising to ministers from a defect or ambiguity in the *style act*, and from the consequent contradictory decisions of the Court of Session on the question, Whether the payment of ministers' stipends is to be regulated by the old style or the new? appeared in so strong a light to the Synod of Lothian and Tweeddale in November last, that they framed a petition to the Assembly, that proper measures might be taken to get that matter ascertained, and such lawsuits as had formerly occurred prevented for the future. On report of the committee for overtures, the Assembly, on the 23d, remitted this petition to the Synod from whom it had come, with this instruction, That if a case of this kind should occur, none having been specified in the petition as presently existing, notice should immediately be given of it to the procurator and agent for the Church, whom the Assembly appointed to carry on the proper process, upon the public funds ; " that a matter of so great consequence to the ministers of this Church may receive a decision of the Lords of Session, and that point be fixed and ascertained in all time coming." *

* The following question had been decided by the Court of Session on the 24th of June 1757, viz., Whether the determination of a minister's stipend, who had been settled previous to the commencement of the new style, is to be governed by the old style or by the new?

On the 24th, the *window-tax committee* reported, that a plan had been under their consideration, which they hoped would go far towards answering the end of their nomination; and proposed that the Assembly should renew the appointment of the committee, which the Assembly accordingly did.

A representation from the *committee for managing the royal bounty* was given in, importing, That few of the members can have any personal knowledge of the places where most of the missionaries and catechists are employed, and therefore the committee must rely wholly upon the informa-

The case was this:—Mr George Hume, who had been upwards of fifty years minister of Chirnside, died on the 5th of October 1755, *i.e.*, before the old but after the new Michaelmas; and Mr Walter Anderson was ordained minister of that parish on the 13th of May 1756. This gave rise to a competition between Mr Hume's executors and Mr Anderson; the former claiming the whole stipend 1755, as belonging to Mr Hume *proprio jure*, because he survived Michaelmas, and the half of the stipend 1756, as the ann; and the latter claiming the whole stipend 1756, because he was admitted before Whitsunday. Both parties admitted, that by the act 1672, cap. 13, which is confessedly the rule, a minister has right to half the year's stipend if he survive Whitsunday, and to the whole if he survive Michaelmas. For the executors it was pleaded, That in the cases of heirs and executors, of terce, courtesy, and adjudication, the new style is undoubtedly the rule; and that the new style must be the rule in all cases after it has taken place, otherwise there appears to be no reason why it should be the rule in any case happening in a future period, contrary to the plain intention of the statute: That the new style fixes the term at which *dies cedit*, or the right is vested; and that this has no connection with the conventional term, at which *dies venit*, or payment may be exacted; and, That the term of Whitsunday, which of old was the same with the moveable feast, was, by the act 1693, cap. 24, fixed to the 15th of May; but that though all the ministers then in Scotland had entered to their benefices and stipends, either by the moveable feast of Whitsunday, or by Michaelmas, it never entered into one's thoughts to doubt, that the right of their executors was to be determined according to their survivance of the fixed term established by the statute, in place of the moveable one repealed. It was, on the other hand, pleaded for Mr Anderson, That the principal intention of the style act was, to put our computation of time upon the same footing with that of other nations, and to settle the festivals of the Church of England; and that, though the legal terms are to be governed by the new computation in matters where no loss or advantage would happen to private persons by the change,

tion they receive from Presbyteries, ministers and gentlemen, who reside in those places ; that these informations are in many cases so different, and sometimes so contradictory, that the committee are often utterly at a loss how to judge or determine, and have not the satisfaction to be assured that their sentences have been just and well-founded, however pure their intentions may have been ; that the committee would, however, by no means insinuate that those Presbyteries, gentlemen, or ministers, were guilty of giving false information, being persuaded, that the seeming opposition of those informations, flows from *each one's feeling his own distress more sensibly than he can possibly feel that of others* ; that it is the unanimous opinion of the committee,

yet it is expressly provided, “ That the act shall not accelerate or anticipate the time of payment of any rents, annuities, or sums of money, which shall become payable by any custom, writing, or agreement now subsisting, or which shall be entered into before the 14th of September 1752, or which shall become payable by virtue of any act now in force, or which shall be made before the said 14th of September, or the time of doing any thing directed by such act :” That accordingly, as by the act 17th Geo. II., for establishing a fund for ministers' widows and children, &c., the terms of paying the rates, &c., are settled, no alteration was intended or understood to be made by the style act upon the regulations established by that act 17th Geo. II., by accelerating the term of payment of the rates, or the *terminus a quo*, the commencement of these rates was established by the former law ; but the payment and division of the rates between the stipend and the ann continue to be regulated by the old style, of which several instances have occurred since the new took place : That if the executors' doctrine should hold true, it would be singularly severe on Mr Anderson ; for as Mr Hume had not acceded to the widows' scheme, his children would sweep away the full half of the stipend 1756, and Mr Anderson, as he was ordained before Whitsunday, would pay the rate for that whole year, though he would draw only the half of the stipend : and, That the executors' doctrine, that the new style might regulate the right, but the old the payment, is in no wise authorised by the statute ; for that, how soon the obligation takes place, performance may be compelled, *dies et cedit et venit*.—The Lords found, That Mr Hume having died before Michaelmas 1755, according to the old computation, had no right to the last half-year's stipend for that year, but that the same does belong to his nearest of kin, as ann ; and that Mr Anderson having entered before Whitsunday 1756, according to the same computation, has right to the first half-year's stipend payable for crop 1756.—See the former volume, p. 282, *Note*.

that the only remedy for so enormous an evil is, the appointing a visitation of the counties and places where the missionaries and catechists are employed, that so, from ocular inspection of the country, and personal conversation with Presbyteries, ministers, itinerants, &c., the visitors may be able to give full and clear information, and the committee may in time to come have more sure ground to proceed upon than they have hitherto had ; that, however laborious and difficult the task, and therefore not to be desired, the visitors should be some of the constant members of the committee, who will be always at hand to give such information in particular cases as may be wanted ; and that to two such visitors it will be necessary to add a minister who understands the Highland language, and has some knowledge of those places of the country, but in whose parish or bounds no itinerant or catechist is employed. The Assembly, on the 26th, appointed *Mr John Hyndman* of *Westkirk*, and *Dr Robert Dick* of *Edinburgh*, ministers, as their commissioners for the purposes in this representation mentioned, leaving it to them to choose one or two ministers well acquainted with the Highlands to go along with them, such choice to be approved of by the royal bounty committee ; and that committee is empowered, on failure of any of these two ministers, through indisposition or other necessary cause, to appoint one in his place, and also to draw up instructions to be observed by the commissioners in their visitation. A sum not exceeding £200 of the Church's money is to be paid the commissioners to defray the expense of this visitation.

The *Society for Propagating Christian Knowledge* have, from similar motives, ordered a visitation of the schools established by them ; particularly, to take trials of the qualifications of the schoolmasters for instructing children in the principles of the Christian religion, and for teaching them reading, writing, arithmetic, and church music ; and to inquire into their diligence in the discharge of their trust, and *whether they are at due pains to cause the children under their care to understand the English language.* The society have recommended to the afore-mentioned commissioners of the Assembly to visit their schools in the islands and in the western and northern parts of Scotland, through which they are to pass, and which lie at the greatest distance from Edinburgh, and have remitted to a committee to

name proper persons for visiting the other schools in the interior parts of the country; the expense of this visitation not to exceed £100.

A committee was appointed by the Assembly 1759, to prepare a memorial relating to the application of a part of the *Royal Bounty* for erecting new parishes. [The fund to which this name has been given, is an annual donation to the General Assembly, to be applied for the reformation of the Highlands and Islands of Scotland. This royal donation was begun by King Geo. I., in 1725, and it has been continued annually ever since. The grant is of the following tenor:—"Whereas it hath been represented unto us by the General Assembly of the Church of Scotland, that Popery and ignorance do increase and prevail in the Highlands and Islands there, and that one of the principal causes thereof is the large extent of the parishes in those parts, whereby the ministers of those parishes find themselves unable to visit their parishioners in their several bounds as they ought, and give such instructions as are absolutely necessary to enlighten them, and arm them against the practices of Romish priests that resort thither in order to pervert and seduce them from the profession and principles of the Reformed religion: Now, *as the evil thereof may be of dangerous consequence to our government*, and we are sensible, that nothing can more effectually stop the growth and increase of it, than giving encouragement to itinerant preachers and catechists to go into those parts, and to be assisting to the ministers established there; we are graciously inclined, for the promoting so good and pious a design, to contribute yearly the sum of £1000.*—Our will is," &c.]—The management of this fund is by the Assembly referred to a committee; and, in terms of the grant, it has been hitherto distributed to itinerant preachers and catechists appointed to officiate in certain districts, under the inspection of the ministers, Presbyteries, &c., within whose bounds their districts respectively lie. But an alteration is now proposed. The committee appointed by the Assembly 1759, in their report, which was called for, and produced, on the 26th, (immediately after the appointment of the visitation afore-mentioned,) proposed, that proper measures

* This sum was increased by Geo. IV. to £2000 per annum.

should be taken for having the royal grant conceived so as to authorise the application of the money towards erecting and endowing *new parishes*, or *building and endowing chapels of ease* in large and extensive parishes, as well as giving encouragement to itinerant preachers to go into those parts. The Assembly unanimously approved of the proposal; and the Commissioner, at the Assembly's request, undertook to use his endeavours for furthering the design.

By the alteration proposed, the grant, after the words—"nothing can more effectually stop the growth and increase of it," will run thus—"than by erecting and endowing new parishes, or by building and endowing chapels of ease in large and extensive parishes, or by giving encouragement to itinerant preachers to go into those parts, and to be assisting to the ministers established there; we are graciously inclined," &c. The grounds and reasons for this alteration are thus expressed in a paper given in by the committee:—

"The Highlands of Scotland, *the seat of Popery and disaffection*, are of much greater extent than is generally imagined. Some parishes are so very large, being thirty-five computed miles Scotch in length, and twenty-five in breadth, that it is impossible for the ministers to give that attention to them which is necessary, for instructing them in the principles of our true religion and loyalty. Hence ignorance, superstition, and disaffection prevail amongst them. To keep up this spirit, many Popish priests are sent, who fix their residence in places where they can most successfully propagate their pernicious principles; and to whom those of the Popish religion, and some Protestants, who cannot have access to their own ministers because of the great distance of their manses, repair, in order to be married, or to have children baptized. By this means the Papists are confirmed in their superstition, and many Protestants are in the greatest danger of being perverted. To remedy these evils, his most gracious Majesty makes a donation of £1000 yearly for itinerant preachers and catechists.

"The General Assembly have found by experience, that the method of employing itinerants and catechists, has not answered the ends of his Majesty's pious intention. For, besides the great extent of country, difficulty of access, by high mountains, rapid rivers, and arms of the sea, the smallness of their salaries, their being obliged to go from place to place, without any fixed residence; besides all this, their not having authority to marry and to baptize, as not being ordained, makes their labours less successful. It would be therefore necessary that preachers should be ordained, that they might administrate marriage, baptism, and the Lord's Supper. *But it is not agreeable to the constitution of the Church of Scotland, to ordain any but those who have a fixed and legal benefice.*

“ It is therefore humbly proposed, that whilst his Majesty shall be pleased to continue this bounty, it may be applied for the erecting and endowing new parishes, or for the building and endowing of chapels of ease, to which well qualified persons might be presented by his Majesty from time to time, as the fund would allow, and thus have a fixed residence or manse, to which the people might at all times have access. This would be a permanent good, and in a course of years, if the gift should be continued, defeat all the attempts of the Popish priests to pervert the minds of the people: for it is very observable, *that there are few or no Papists in the neighbourhood of manses*, where the ministers reside. By this method of employing the royal bounty, it may reasonably be expected, that the people who reside in those remote parts of the nation, the habitation of ignorance, superstition, Popery, and rebellion, shall be instructed, reformed, and civilized, made useful members of society, and loyal subjects.

“ It is proposed, that the royal grant should contain an alternative to erect and endow either new parishes or chapels of ease, that in case difficulties should cast up in the erecting new parishes, the other may be carried into execution in the meantime. But the applying the bounty towards new erections would be far more advantageous.

“ 1. Because such parishes being once erected, will be a lasting benefit to the country, and *the ministers of the parochial churches will have more weight and authority than those who officiate only in chapels of ease*, and consequently will have greater influence in defeating the designs of trafficking priests.

“ 2. This will establish so many *new sessions*, consisting of elders, who, in their separate districts, may be of considerable use in counteracting the artifices of the priests, and promoting the interests of religion and loyalty; and it will likewise secure the regular celebration of the Lord's Supper in the remotest parts of the Highlands and Islands, which may have a very happy effect upon the minds of the people.

“ 3. It also merits attention, that if chapels of ease shall be erected, ministers may remain there twenty or thirty years, *without paying one farthing for support of the widows' fund*; and upon their after obtaining a settlement, their families would be entitled to draw very large sums out of the fund, though they paid but a few years' tax for support of it; whereas in the case of new erections, the incumbents must pay from the beginning, and their annual rates will bear proportion to the sums to which their families will become entitled.

“ *The patronage of all the new erected churches must be secured to the Crown; and the Assembly, in concurrence with the officers of the Crown, must determine, from time to time, where such erections shall be made, and in what order.*”

The annual report of the trustees for managing *the wi-*

dows' fund,* was given in on the 26th. It was observed in the report 1757, that the facts respecting the fund, and the whole scheme, corresponded very nearly to the suppositions on which the calculations for establishing the fund proceeded; and by the present report, this correspondence appears to be still nearer—nay, in one particular it is exact. The calculation supposed 30 ministers and professors to die annually, at a medium, and consequently, that from the commencement of the scheme, March 25, 1744, to Nov. 11, 1759, (*i. e.*, 15 years 7 months and 17 days,) 468 would die; which has turned out to be the precise fact, *not one more or less having died in that period*. And in the stock the correspondence is very near in 1759, the calculation supposing it to be £49,261 : 11 : 10⁴d., and the real stock coming out in fact to be precisely £49,128 : 7 : 10¹d.; so that the difference is only £133 : 3 : 11⁵d.

Kilconquhar, *Stirling*, and *Logie*, were the only settlements determined by this Assembly. With regard to the first, the Earl of Balcarras, the patron, had given a presentation to Dr John Chalmers, minister of Elie, to be minister of *Kilconquhar*. This case having come before the Commission in November last, that reverend court sustained the call to Dr Chalmers, and appointed the Presbytery of St Andrews to proceed to his transportation and settlement. The Presbytery did not obey this sentence; and thereupon a petition and complaint for the patron, and the heritors and elders, callers of Dr Chalmers, against the Presbytery, was given in to the Assembly. The opposers of the settle-

* The contributors to the fund were at this period divided into four classes, and paid yearly £2 : 12 : 6d., £3 : 18 : 9d., £5, 5s., or £6 : 11 : 3d. Every marriage of a minister, except when the wife was an annuitant on the fund, was taxed in a sum equal to his annual tax; and a minister, if married when admitted to a benefice, paid a like sum on account of his marriage. Out of vacant stipends £2, 10s. was paid annually to the fund. On the other hand, widows of contributors received an annuity corresponding to what their husbands had paid, *viz.*, £10, £15, £20, or £25; and the children of ministers who left no widow, received a sum equal to ten years of the annuity the widow would have been entitled to. But if a minister died before having paid in to the fund a sum equal to three years of the annuity to which his widow would be entitled, the deficiency was deducted out of the widow's annuity or children's stock.

ment pleaded, That the Commission had exceeded their powers; and the question having been put, Whether they had or Not? it carried *Not*, by a great majority. This question, by which the judgment of the Commission, sustaining the call, was found to be final, was determined on the 19th. Next day, the remaining part of the cause was taken into consideration. A question was stirred, Whether the Presbytery of St Andrews, and the Synod of Fife, were parties? The court, after hearing the sentence of the Commission read, and the Presbytery's reference to the Assembly, and after reasoning upon the case, agreed, that the Presbytery and Synod were not parties, and that the parties were, the patron, and the callers of Dr Chalmers, on the one part, and the parish of Elie on the other. Counsel were heard for the transportation, but none appeared for the parish of Elie. After long reasoning on the expediency of the transportation, the question was put, Whether to *transport* Dr Chalmers from Elie to Kilconquhar, or *Not*? it being understood, that if it carried *Not*, the patron should have six months from that date to present another qualified person. It carried *Transport*; and the Assembly appointed the Presbytery of St Andrews to admit Dr Chalmers as minister of Kilconquhar betwixt and the 1st of August next. From this sentence Messrs John Witherspoon of Paisley, George Blair of Brechin, Alexander Dick of Dalry, John Gillies of Glasgow, James Ballingal of Dundee, and George Lyon of Longforgan, ministers, entered their dissent.

The following was *Dr Witherspoon's* speech on this occasion, as given in his *Essays*: *—"MODERATOR, As it is usual for people to differ almost upon every subject, I am not surprised that there should be some in this Assembly who are for appointing that this transportation shall take place; but I apprehend it is really ground of surprise to see the way in which they urge their opinion. They do not speak as if they were weighing and deliberating upon the cause, that they might be able to give a just determination; they do not speak as if clearly satisfied themselves, or as if they

* *Essays*, Vol. iii. p. 283.—In the decision of transportation cases, it had been the Assembly's uniform practice to engage in prayer; but the MS. Record says nothing of it on the present occasion.

desired to convince others, and bring them over to their own opinions; but they speak in an overbearing manner, and press the conclusion with a visible displeasure at the time spent upon it, and impatience that any body should differ from or contradict them. But as positiveness is seldom any strong presumption of a good cause, so I think it is very much misplaced here; and as the quiet and comfort of a large parish immediately, and the whole country-side more remotely, depends upon our decision, I hope the Assembly will not give it till after mature deliberation, and with real impartiality.

“The first thing, no doubt, to be considered is, whether the Commission have exceeded their power, that we may see whether we have room at all for the other question about the expediency of this transportation; and after reading the words of the Assembly’s remit, I cannot help being of opinion, with the great majority of the members of Presbytery, that the Commission had no power to determine this cause. Is it not plain that this is not the cause which was before the last Assembly? and is it not confessed on all hands, that the Commission had no title to take in any causes but such as were remitted to them? Is it not plain, that the words in any after-question relating to this settlement, are not to be found in it? It is also proper to observe, from the almost constant use of these words in the remits of the Assembly, that they do not suppose that a question relating to the same settlement with another makes it the same cause. The answer made to this is, that it was a mistake or omission in the clerk of the Assembly. Admitting, Sir, that this had been the case, it would be extremely wrong and dangerous to approve the Commission in paying no regard to that legal defect, but taking in the cause. For the Assembly itself to make free with, and despise established forms of procedure, is of the very worst consequence. I have heard some honourable members, eminently skilled in the law, affirm, that for a court to despise even its own forms, is to make way for the admission of many instances of great and real injustice. But for the Commission, which is a delegated court, so far to come over form as to take in a cause not remitted to them, is a bold transgression with a witness; and, if allowed, must be attended with consequences which it is impossible to foresee, but can scarce be imagined worse than they really will be in effect.

“ But, Sir, why should any say this was either an omission in the clerks, or an oversight in the last Assembly? I am sure, for my part, I think they would have done wrong had they done it in any other way. What is the reason of this clause (or any after-question,) when it is inserted? It is after the part of the cause is decided, to prevent contentious people to protract a settlement by foolish and frivolous appeals upon every little interlocutor or resolution of a Presbytery in carrying it into execution. But in this case, neither all the parties, nor the principal part of the cause itself, was before the Assembly at all; and I dare say, we may all remember to have heard it given as the opinion of the most judicious members of this Church, that it is a very wrong measure to refer any cause of moment to the Commission, that hath not been in a good measure heard and understood by the Assembly itself. Moderator, I beg leave further to say, that I hope this Assembly will not authorise the Commission in making a long arm, to take in causes without sufficient powers, because the Commission is certainly the most unhappily constituted court of any in this Church. I say this without intending, and I hope without giving offence to any body; for, supposing human nature in us to be just what it is in other people, the members of the Commission being so numerous, and spread over all Scotland, few of them attend voluntarily, and it is the easiest thing in the world for interested persons to bring up a number of a particular way of thinking, and they may carry any cause whatever.

“ Thus, Sir, it appears, that the sentence of the Commission has plainly exceeded their powers in some measure, even by the confession of the friends of this transportation. Let us consider it a little in itself, and see if it is like to be so great a benefit, or so great an honour to this Church, as that we should either forgive the Commission the encroachment they have been guilty of, or should now do ourselves what they have formerly done in a precipitate and irregular manner. Upon this branch of the subject I am very much at a loss, not what to say, if every thing were to be brought out that might be urged against it, but to bring the argument within some compass, and chiefly indeed to discover some hope of success, by reasoning from some common principles on which we shall generally agree.

“ Moderator, I take this opportunity of declaring before

this Assembly, that I have always had the deepest sense of the dishonour and loss of authority which this Church has suffered, and what indeed is infinitely more, the injury which the souls of men have suffered, by many settlements in which we have ordained a pastor without a people ; at the same time, I am sensible that many worthy men and faithful ministers look upon themselves as under a necessity in some such cases from the law of patronage ; and I am afraid many, from a habit of doing this where there is necessity, are unwilling to come out of the same tract, and continue to do it when there is no necessity at all.

“ Moderator, I desire it may be observed, that I do not believe, and I know nobody so foolish as to believe what is commonly imputed to us, that any Christian, as such, has a right to call a minister on an establishment. We know that nobody has any right to call a minister on an establishment excepting those to whom the law has given it ; neither would I contend that every man ought to have a right, though we had it in our power to make laws upon that subject, since this seeming equality would be a vile inequality. But, Sir, I would choose to form my judgment upon a few principles, in which, I should think, hardly any in this Assembly would disagree. Has not every man a natural right, well secured to him in this happy island, to judge for himself in matters of religion, and in fact to adhere to any minister he pleases ? Is not the legal stipend intended to provide a sufficient and useful pastor to the people within the bounds of a certain parish ? Can he be of much service to them, if he be upon ill terms with them ? or can he do them any at all if they will not hear him ? Does any body desire to compel them by penal or ecclesiastical laws to hear him ? or would such forced religion be of any worth ? Is not, then, the legal encouragement unhappily lost and misapplied by somebody’s fault, when a minister is settled to whom nobody will adhere ? Now, Sir, the inference that I would draw from these principles is no more than this, that decency, and our indispensable duty as a Church Court, requires us to make no such settlements but with regret, and never without a real necessity ; and the cause we have now before us is one in which no such necessity exists. It is a transportation, Sir, the expediency of which we are to judge of, and the person concerned is not only bound in duty, but can be easily compelled by law, to submit to our decision. The great argu-

ment that always has been used against this or the like reasoning, has been brought out in this cause, that the people were unreasonable and prejudiced, and have been stirred up by evil-minded persons. This argument, Sir, is so old and stale, that I am surprised people are not ashamed of it, and that the ingenuity of the lawyers has not been able to invent another that shall have the advantage of being new. How often have we heard from this bar, this parish would have been agreeably and peaceably settled, but very early a combination was formed—this is all in all, the rest follows of course. I am persuaded, Sir, from the certain knowledge of many particular instances in which this was alleged, that in nine cases of ten the allegation is false. One person in a parish or country side may be active, and it may be said with plausibility, that he is the mainspring of the opposition. Sir, it is very easy to lead a people according to their own inclinations; but it is not so easy as many seem to suppose, to change their inclinations and direct their choice. In the meantime, it is always forgotten that the argument is founded, not upon the cause or occasion, but upon the reality of the aversion of the people to the minister.

“Moderator, an argument that is made use of to persuade us to order this transportation is, that if it should be refused, it would encourage the people to resist in other cases. I am afraid, Sir, that the tame submission which indeed is fast approaching, and which many seem so ardently to desire, can never take place, till there is a total indifference about religion among all the members of the Established Church; take our neighbour country of England as an example of that desirable peace. But if this argument be laid as it ought to be, that people should not be headstrong and unreasonable, it operates plainly the contrary way; for there is nothing whatever that would give us so much weight and influence with the people, as that we show a proper tenderness to them, as we have opportunity. If we do not oppress them when we have it in our power to relieve them, we may expect to have some influence over them, when we are straitened and distressed ourselves.

“Besides, Sir, on this subject of the prejudices of the people, this pretence is carried a most unreasonable and extravagant length, and nothing but the prejudice in themselves could make men speak in such a style. Many will needs have it to be prejudice, and groundless prejudice in a people,

if they do not fall in with a man to be their minister, against whose life and doctrine they cannot bring any legal objection. Alas, Sir, all such things are matters of election and choice, and not of legal proof. In illustration of the people's case, there is a very good example given, that a man would have just cause of complaint, if you should force a physician upon him of whose skill he had no opinion, though he could not prove him insufficient before the faculty.

“But, Sir, as it would be wrong to attribute opposition to a minister's settlement in all cases to groundless prejudice, I am sorry to say it, but I am obliged in justice to say it, we have very little reason to do so in the present case. Even in the case of a probationer, when he absolutely adheres to a presentation, notwithstanding the greatest opposition from the people, it is but a sorry mark of love to souls, and of that self-denial which every Christian should continually maintain. Many things, however, may be said in favour of a probationer; yet, Sir, for a settled minister not only to act this part, but to excel all that ever were before him, in a bold and insolent contempt of the people, as plainly appears to be Dr Chalmers' case, is such a conduct, that I shall have a worse opinion of this Assembly than I have at present, if they do not openly express their indignation at such indecency of behaviour. In the history of the Church we find no character more odious, or more unclerical, if I may speak so, than ambition and open solicitation of ecclesiastical preferment. Little changes in forms, Sir, do often produce at last great changes in manners and characters. In former times, in our Church, the probationer or minister himself was never considered as a party, but was considered as the subject concerning which that process was carried on by the callers or referees; but now they have been for some time past considered as parties—they begin to allow the cause to appear at the bar—to urge their claim—to consider the people who are to be their charge as their adversaries, and to treat them with contempt and disdain.

“I confess, Sir, I am not able to imagine what are the views of a minister who acts in this manner. It is not, I fear, easy to answer, that he resolves to change his situation and take upon him that office, from sincere regard to the glory of God and love to souls, which he must profess at his admission. But as we must be tender and cautious in judging of the inward motives of others, I shall leave that to Him

who judgeth the secrets of all hearts ; but in the meantime, every one in this house is now called to judge, whether it would be for the glory of God and the good of mankind, to suffer him to execute his intention. Let it be considered with seriousness. Moderator, it is not only the people of the parish, or those of lower rank, but many of all stations whom we shall offend, in the proper sense of the word, if we order this settlement. They are led by such things to treat, and they often do treat with derision, a minister's concern for his usefulness, and affirm that it is no more than a desire of a comfortable benefice and salary for life. I shall be sorry to see the day, when, by resembling them in their practice, we shall learn from England to leave the people and the work altogether out of the act, and so call our charges no more *parishes* but *livings* !”

In the case of *Stirling*, the Presbytery had sustained a call to Mr David Plenderleath, minister of Dalkeith, to be second minister of Stirling ; the Synod of Perth and Stirling reversed this sentence, and sustained a call to Mr John Muschet, probationer, to that charge ; and the Assembly, on the 21st, without a vote, affirmed the sentence of the Synod, and empowered the Commission to determine finally in any question that may be regularly brought before them in relation to Mr Muschet's settlement.

The Presbytery of Dumblane, notwithstanding the sentence of the Assembly 1759, found, that the validity of the presentation by George Ross, Esq., acting trustee for the Earl of Dunmore, patron, in favour of Mr James Wright, probationer, to be minister of *Logie*, was not sufficiently instructed, as it appeared to them ; and therefore that they were at liberty to proceed to the settlement of the parish according to the rules of the Church. By the will of John Earl of Dunmore, (who died on the 18th April 1752,) the Duke of Athol, the Viscount Stormont, the now Lord Mansfield, and the afore-mentioned Mr Ross, were appointed trustees for certain purposes ; this presentation was signed only by Mr Ross ; and the want of the subscription of the other trustees was by the Presbytery thought a nullity. It was, however, observed for the Earl of Dunmore, and the callers of Mr Wright, that Mr Ross was the only acting trustee, none of the other three having ever accepted or acted ; and that he singly has transacted the whole business

of the family, as to which he had the best advice that either kingdom could afford. The Assembly, on the 22d, without a vote, reversed the before recited sentence of the Presbytery, sustained the presentation in favour of Mr Wright, and appointed the Presbytery of Dumblane to proceed to the moderation of a call to him alone, empowering the Commission finally to determine in any question to be regularly brought before them relating to that settlement.

On the 23d, two collections were appointed to be made in all the churches of Scotland; one, on a petition for the magistrates of *Crail*, for repairing the harbour of that town; and the other, on a petition of the corporation for the relief of poor and distressed Presbyterian ministers, their widows and orphans, in *Pennsylvania*, Newcastle, Kent, and Sussex upon *Delaware*, for support and relief of such ministers as are, or may hereafter be, called to preach the Gospel among the benighted Indians, or to such congregations as cannot afford them a sufficient maintenance. The collection for Crail harbour was granted, on condition that the magistrates should report to the Assembly 1763 what money they had received, and how it was expended. The person who presented the Pennsylvania memorial was *Mr Charles Beatty*, minister of Newshaminy, in that country. He requested the Assembly, in case a collection should be granted, to specify whether it was to be for the support of ministers, or for their widows and orphans. The Assembly fixed on the former object.

Petition for Mr Harry Gordon, minister at Ardersier, setting forth the smallness of his stipend, being only, at the common conversion, 500 merks, which exhausts the free teinds of the parish, by reason of the building of *Fort George*, which has taken up more than one-third of the lands, and therefore praying the Assembly's recommendation to the managers of the Royal Bounty for an addition to his living, read, and remitted to the committee for managing the Royal Bounty, with an instruction that they give him £25 Sterling for this year.

The preceptors in Dundee enjoined to observe the 5th act of the Assembly 1699, anent the *proclamation of banns* for marriage.

Report of the visitors of the registers of the committee for managing the Royal Bounty brought in, the committee's con-

duct approven of, the students of divinity employed on the Royal Bounty appointed to produce certificates from the Presbytery of the bounds wherein they officiate, as well as from the minister of the parish, and the register ordered to be attested.

Protestation admitted at the instance of the Synod of Angus and Mearns, against John Willock, one of the elders of the parish of *Laurencekirk*, for not insisting in an appeal taken by him from a sentence of the said Synod, sustaining a call to Mr David Forbes to be minister of *Laurencekirk*.

The several Presbyteries desired in time coming to be more careful in sending up their commissions, with a list of probationers on the back, as directed by the acts of Assembly, and letters appointed to be sent to them for that purpose.

The Assembly rose on the 26th.

NOVEMBER COMMISSION.

George II. died on Saturday, the 25th October 1760. The intelligence reached Edinburgh on Tuesday, the 28th, and his grandson, George III., was proclaimed the day following.*

In the London Gazette of Sunday, the 26th October, there appeared the following declaration :—

“ *At the Court at Carleton House, Oct. 25, 1760.*

Present—The KING’s Most Excellent Majesty.

His Royal Highness the Duke of Cumberland.	Viscount Falmouth.
Archbishop of Canterbury.	Viscount Barrington.
Duke of Leeds.	Viscount Ligonier.
Duke of Newcastle.	Lord Anson.
Earl of Holderness.	Lord Mansfield.
Earl of Cholmondeley.	Mr Vice-Chamberlain.
Earl Waldegrave.	Mr Secretary Pitt.
Earl Gower.	Henry Fox, Esq.
	Sir Thomas Robinson.

* During the previous night, a detachment of dragoons “ patrolled the streets two and two, with *drawn swords*; but there was not the smallest disturbance.”

“ His Majesty, at his first coming into the council, was this day pleased to declare, That understanding that the law requires he should, at his accession to the crown, take and subscribe the oath relating to the *security of the Church of Scotland*, he was now ready to do it this first opportunity : which his Majesty was graciously pleased to do according to the forms used by the law of Scotland, and subscribed two instruments thereof in the presence of the Lords of the Council, who witnessed the same ; and his Majesty was pleased to order, that one of the said instruments be transmitted to the Court of Session, to be recorded in the books of sederunt, and afterwards to be forthwith lodged in the public register of Scotland ; and that the other of them remain among the records of the council, and be entered in the council-book.”

When the Court of Session met on the 12th November, the judges, clerks, advocates, writers to the signet, and agents, took the oaths of office to the new King ; and the Lord President gave in to the Court the instrument of his Majesty’s oath, relating to the security of *the Church of Scotland*, usually taken at the accession of a king, which was ordered to be recorded in the sederunt-book, and then lodged in the general register ; a copy of which here follows, viz. :—

“ I, George the Third, King of Great Britain, France, and Ireland, Defender of the Faith, &c., do faithfully promise and swear, That I shall inviolably maintain and preserve the settlement of the true Protestant religion, with the government, worship, discipline, rights, and privileges of the Church of Scotland, as established by the laws made there in prosecution of the claim of right, and particularly by an act, entitled, An act for securing the Protestant religion and Presbyterian Church government, and by the acts passed in the Parliaments of both kingdoms for union of the two kingdoms.—So help me God.”

“ GEORGE R.”

[Witnessed and subscribed by all the Lords of the Privy Council present.]

On Sunday, November 16, the royal proclamation for the encouragement of virtue and the punishment of vice, was read from the pulpits of all the churches in Edinburgh. In the New [or High] Church, Mr Walker preached from

Psalm vii. 9, and introduced the proclamation in the close of his sermon. The Magistrates, the Lords of Session, the Barons of Exchequer, and all the congregation, rose up respectfully at the beginning, and stood all the time of the reading of it.

The Commission of the General Assembly met on the 19th of November. The moderator (Dr Hamilton,) reported, that he had received a letter, dated Oct. 27, from the secretary to the Privy Council, relating to the prayers for the royal family,* which, by the advice of sundry ministers, he had notified to the several Presbyteries; which was approved of. It was then resolved to address the King on his accession to the throne. Having agreed on the form of the address, it was resolved to send some ministers as their commissioners to present it. The question was put, Whether to send *three* or *five*? both these numbers having been proposed, and it carried for *five* by a great majority. Then it was unanimously resolved, That the moderator, Dr Robert Hamilton, Professor of Divinity in the University of Edinburgh, should be one of the five, and that the other four should be chosen by a vote. The vote carried in favour of Dr George Wishart, Mr Alexander Webster, Dr George Kay, and Dr John Jardine, all ministers of Edinburgh. To these five ministers the Commission unanimously joined Mr Gilbert Elliot, advocate, appointing them their commissioners to wait on his Majesty with their address. It was likewise resolved to address the Princess-Dowager of Wales, (the King's mother.)

The following is an abstract of the report given in by the deputation to next Assembly:—"On our arrival at London, we waited on his Majesty's secretaries of state, and others of his ministers, being joined by Gilbert Elliot, Esq., one of the Lords of the Treasury, who was named in commission with us, and to whose assistance we were greatly

* By the order in Council, (of date 27th October,) his Majesty declared his royal will and pleasure, that in all prayers for the royal family, instead of the words, "Their Royal Highnesses George Prince of Wales, the Princess-Dowager of Wales, the Duke, the Princesses, and all the Royal Family," be inserted, "Her Royal Highness the Princess-Dowager of Wales, and all the Royal Family."

indebted in the proper discharge of the trust committed to us.

“As commissioners from the Church of Scotland, we thought it our duty to represent, That if the precedents and established forms in cases of this kind could admit of it, we hoped to have the honour of presenting the address to his Majesty on the throne. But upon inquiry it appeared, that such audiences were only given to whole bodies or societies of men, and never to their commissioners or delegates, however numerous, not even to deputations from both Houses of Parliament.* At the same time we had the pleasure to be assured, that his Majesty would receive our address with particular marks of his royal regard.

“Accordingly, when we were introduced to his Majesty by the Right Hon. the Earl of Holderness, then one of the principal secretaries of state, and had the honour to present the address, his Majesty was pleased to receive it in the most gracious manner; and after each of us had the honour likewise to kiss his hand, we received, as a distinguishing mark of his royal favour, an answer in writing, which his Majesty seldom gives, except when he receives addresses on the throne.”

[Here are inserted the King's and the Princess of Wales' answers to the addresses, as given below, and an account of the commissioners' gracious reception by her Royal Highness.]

“We have only to add, that we had the pleasure to receive from all his Majesty's ministers warm and repeated assurances of their regard for the Church of Scotland, and their hearty concern for its welfare and prosperity; and that the noble person who now represents his Majesty in this Assembly [Lord Cathcart,] and all the other noblemen and gentlemen of Scotland, members of parliament, and others then at London, whom we had the honour to see, behaved towards us on that occasion in such a friendly manner, as gave us most agreeable impressions of their affectionate regard to this Church.”

The following is the account which appeared in the London Gazette :—

* This point of etiquette has since been departed from, both in the case of the Church of Scotland and of Dissenting bodies.

“ *St James’s, Dec. 20.*—The following address of the Commission of the General Assembly of the Church of Scotland, has been presented to his Majesty, by Dr Robert Hamilton, Professor of Divinity in the University of Edinburgh, their moderator ; Dr George Wishart, Dr * Alexander Webster, Dr George Kay, Dr John Jardine, ministers of Edinburgh, and Gilbert Elliot, Esq., one of the Lords of the Admiralty, and an elder of that Church. They were introduced by the Right Hon. the Earl of Holderness, one of his Majesty’s principal secretaries of state.

“ *May it please your Majesty,*

“ We, your Majesty’s most dutiful and loyal subjects, the ministers and elders met in the Commission of the General Assembly of the Church of Scotland, humbly beg leave to take this first opportunity of presenting to your Majesty our sincere expressions of condolence for the loss which your Majesty and the nation have sustained, by the death of our late most gracious sovereign.

“ When we reflect on the many eminent virtues which adorned his character, and the prosperity we enjoyed under his long and happy reign, we cannot but be affected with the deepest concern for the loss of a life so valuable and important.

“ At the same time, we do most thankfully acknowledge the goodness of God, who raised up a successor in that royal family, which hath been so remarkably the blessing and glory of these kingdoms.

“ Permit us, Sir, in all humility, to approach your sacred person with our most hearty congratulations upon your Majesty’s happy accession to the crown of your ancestors. The early discoveries you have given of that greatness of mind and goodness of heart which form true majesty, and insure the happiness of a free people ; your gracious declaration, expressing your tenderest affection for this your native country, and your resolution to preserve and strengthen the constitution both in Church and State, are to us the surest pledges of the continued prosperity and glory of Great Britain ; and make us reflect, with gratitude to Almighty God, upon that happy period when our religion and liberties were

* He received the degree of doctor in divinity before he set out for London.

secured by the settlement of the succession to the crown in the illustrious house of Hanover.

“ Rejoicing with our fellow-subjects in the security of all our important interests under your Majesty’s government, we have a peculiar satisfaction, and an entire confidence, in the solemn assurance your Majesty has given us, that you will inviolably maintain and preserve the rights and privileges of the Church of Scotland as by law established.

“ Bound as we are to your Majesty by every tie of duty and interest, we beg you to be assured of our unshaken fidelity and inviolable attachment to your Majesty’s person and government.

“ Impressed with these sentiments, we shall not fail to inculcate upon the minds of a loyal people the principles of duty and obedience to your Majesty, and to use our utmost endeavours to promote the pious design of your royal proclamation against profaneness and immorality.

“ That the God of all grace may abundantly bless you with all spiritual and temporal blessings ; that your reign may be long and glorious ; that your throne may be established in righteousness, and in the affections of your people ; that the Lord of hosts may continue to bless your arms, and those of your allies, with signal success ; that the calamities of this just and necessary war may speedily terminate in an honourable and lasting peace ; and that, when your Majesty has acted your part with honour and renown, as a faithful servant of God upon earth, you may shine with the highest glory in the heavenly kingdom, are the sincere and fervent prayers of,” &c.

“ ROBERT HAMILTON, *Moderator*.

“ *Edinburgh, Nov. 19, 1760.*”

To which address his Majesty was pleased to return the following most gracious answer :—

“ The zeal and fidelity the Church of Scotland express for my person and government, in this dutiful and loyal address, are very agreeable to me ; and I thank them for it. They may depend upon my constant support and protection.”

The address to the Princess of Wales did not appear in the Gazette, but it was published in the London Chronicle of December 20, as follows :—

“ To her Royal Highness the Princess-Dowager of Wales, the humble Address of the Commission of the General Assembly of the Church of Scotland.

“ *May it please your Royal Highness,*

“ We, the ministers and elders of the Commission of the General Assembly of the Church of Scotland, beg leave to approach your Royal Highness with the most profound respect.

“ Whilst we condole with your Royal Highness on the death of our late most gracious sovereign, permit us to express our congratulations on the accession of the King, your son, to the imperial crown of these realms.

“ His Majesty's distinguished regard to the interests of religion and virtue, we consider, with gratitude to your Royal Highness, as the happy fruit of your pious attention to his education, and as a sure pledge of the future glory of his Majesty's reign, and the happiness of his subjects.

“ That your Royal Highness may be long preserved a blessing to the royal family, beloved and honoured by the British nation, and crowned at last with glory, and honour and immortality, are the most ardent prayers of,” &c.

“ ROBERT HAMILTON, *Moderator.*

“ *Edinburgh, Nov. 20, 1760.*”

To which address her Royal Highness was pleased to return the following most gracious answer :—

“ I return you my hearty thanks for this mark of your attention to me, and of your duty to the King, my son ; and you may always depend on my good wishes.”

ASSEMBLY 1761.

THE General Assembly met at Edinburgh on Thursday, May 21.

After sermon by Dr Robert Hamilton, moderator of the Assembly 1760, from Psalm cxxvi. 3, the members met in the Assembly House, and chose Dr John Hyndman, one of the ministers of West Kirk, moderator.

Then the Lord Advocate informed the Assembly, that a commission from the King had come down, appointing a

Noble Lord then in Edinburgh to be his Majesty's Commissioner in this Assembly; but the commission being addressed in the usual style, *To the Lord Keeper of the Great Seal*, and that office being now vacant [by the death of the late Duke of Argyle,*] and the late deputy-keeper not thinking himself authorised to append the seal to any writ or commission, without a special warrant for that purpose; by these accidents it had happened, that his Majesty's gracious intention of being present by his Commissioner in this first Assembly of the Church of Scotland since his happy accession to the throne, could not take place in this first day of their meeting; but as an express had been despatched to London, in order to obviate this stop to the expeding his Majesty's commission, there was no room to doubt but that, upon the return of that express, his Majesty's Commissioner would be enabled to meet with this Assembly; which, till the commission was certified under the great seal, he was not authorised to do. The Assembly thereupon appointed their usual committees. †

On the 23d, the Assembly called for the report of the ministers appointed by the Assembly 1760 to visit the *Highlands and Islands*; which being produced and read, a committee was appointed to prepare an overture from it, for carrying the design of the visitation into execution. Then the moderator, (Professor Hamilton in the chair, Dr Hyndman, the moderator of this Assembly, having himself been one of the visitors,) at the Assembly's desire, returned their thanks to the visitors for their care and diligence in executing the commission given them. And the visitors having represented the civilities shown and assistance given them by the ministers in the Highlands and the north; the favour conferred on them by the commissioners of the customs, by ordering them the use of one of the King's wherries as they had occasion for it; and also the civilities shown them by the officers of the army, in consequence of a letter received from Lord George Beauclerc, commander-in-chief; the moderator, at the Assembly's desire, and in their name, returned their thanks to such of the ministers from the High-

* Archibald, Duke of Argyle, died on the 15th of April, in his 80th year.

† The proceedings of the Assembly 1746, on a like occasion, were somewhat different.—See the former vol., p. 83.

lands and north as were present, for their kindness and assistance to the visitors in the course of their visitation; and the Assembly named Dr Cuming and Mr Nasmith, ministers, and Mr Alexander Murray, ruling elder, as a committee to wait on the commissioners of the customs and on Lord George Beauclerc, and return them the Assembly's most hearty thanks for the favours and assistance given by them to the visitors.

The report of the committee was received May 30, importing, That the committee had made out an abstract of the visitors report, showing the substance of it at one view, and that they had also added to that report such information as had been given in by members of the Assembly relative to places in the Highlands and Islands which the visitors were not instructed to visit, but which seemed to require the same attention from the Assembly with the places visited; and upon the whole, the committee overtured, that from the report it appears necessary,—

1. That there should be about forty new erections, at the places or in the parishes specified in the report, and abstract of it, with a competent stipend, and a proper church, manse, and glebe, to each.

2. That there should be a parochial school at each of the places of new erection, with a legal salary to each school-master.

3. That besides these parochial schools, there ought to be erected five schools of a higher kind, for teaching the dead languages, together with arithmetic, writing, and other branches of literature, with a legal salary; and that these schools should be erected at the following places, viz., one at Arros in Mull, in Argyleshire; one at North Uist, one in the Isle of Skye, and one at Fort Augustus, (these three in Inverness-shire,) and one at Tarbet, in Argyleshire.

4. That a copy of the report and abstract should be put into the hands of the Commissioner; and that the Assembly should desire of his Grace to lay them before the King, for his royal consideration.

5. That in the meantime, the Assembly should appoint a general collection through Scotland for the maintenance of students having the Irish language.

The Assembly approved of this report, appointed a collection to be made as mentioned in the last article, and made the request to the Commissioner proposed in the 4th. In

answer to which his Grace was pleased to undertake to lay the report of the visitors, and the abstract of it, before the King.

On a representation by the Presbytery of Garioch, in relation to a *simoniacal paction* betwixt Mr Urquhart of Meldrum, patron, and Mr Likly, minister of the parish of *Meldrum*, (who, before he was settled as assistant and successor to his father in that parish, had granted an obligatory letter for £50 Sterling to the patron, payable two years after his father's death, which sum the patron is now claiming payment of,) the Assembly, on Monday, May 25, unanimously appointed the procurator and agent of the Church, at the public charge, to appear in defence of Mr Likly, in case the patron shall pursue him for payment of the £50.

As this case created much interest throughout the Church, and especially in the north, we present the following papers in illustration of it.

Mr Likly, conceiving that the act of Assembly 1759 against simony, rendered it imperative on him to communicate the transaction to the Presbytery, laid the circumstances before them in November 1760. They instructed their moderator to address Mr Urquhart, the patron, who sent in reply the following letter:—

Aberdeen, Dec. 5, 1760.

REV. SIR,—I am favoured with the Presbytery's letter of the 26th ult., subscribed by you as their moderator, concerning the case laid before them by Mr John Likly at their last meeting; and I give you the trouble of my answer, which you will be pleased to communicate to your brethren.

I reckon myself obliged to the Reverend Presbytery for the justice they do me, in allowing me an opportunity of vindicating myself before they come to any resolution; and I shall therefore give them a full and genuine account of the whole affair.

What favours I have done Mr Likly and his family are known to himself; I do not choose to mention them particularly; I shall only say in general, that when it was in my power to show him any marks of friendship, or do him real service, I never missed an occasion.

In the year 1741, Mr Henry Likly, minister at Meldrum, finding himself (through age and infirmity,) unable to discharge all the duties of his office, inclined to have an assistant; and his eldest son being then a preacher, it was natural to employ him rather than a stranger, which being intimate to me, I not only approved of it, but proposed that the son should be settled as successor to the father, and have the survivance; and for this end wrote a letter to

the Presbytery, ceding my right of presentation for that vice, and consenting to the moderation of a call, which was accordingly appointed; and I procured an unanimous call to Mr John Likly, who was soon after ordained and settled in consequence of it.

But previous to this, I had represented to Mr John Likly, that I, as patron, would have right to the disposal of any vacant stipends that would become due after his father's death, for pious uses within the parish, in case no interim settlement were made; and it would be unreasonable that the parish should lose that benefit, and I the application of the money, or that my kindness and good-will for him should prejudice any right to which I, as patron, was entitled by law; and therefore I gave him the scroll of a letter, which I desired he might write over with his own hand, narrating what is above mentioned, and therefore discharging any right to the first year's stipend after his father's death, and the payment of the ann to his executors. And he having advised with some of his friends, and those he put trust in, told me, that though he was sensible that what was proposed was highly reasonable, yet he was afraid his granting a letter in these terms might be misconstrued, and expose him to the censure of the Presbytery, if it should happen to come to their knowledge; and therefore he offered me a holograph letter, obliging himself to pay to me £50 Sterling, (being one year's stipend, reckoning the victual at the conversion,) at the end of one year and a half or two years after his father's death; and so cautious was he, that he gives no date to the letter, that it might not appear to be granted at the time of his admission and settlement. Although I did not think Mr Likly's scruples well-founded, or that there was any thing unlawful in what I myself had proposed, yet, to satisfy him, I departed from it, and accepted of the letter he made offer of.

Some time after, although I was uncertain when this money would become due and payable to me, I applied £50 and upwards out of my own pocket, for building a steeple to the town-house of Old Meldrum, and purchasing a clock and bell for it, which I had no doubt was a *pious* use within the meaning of the law, as well as building bridges, which is expressly named in the act of parliament; and as this bell is the only one that has been used these several years for convening the parishioners to the church, it seems to be both a *public* and a *pious* use.

In the year 1755, when the minister's manse was to be repaired, Mr John Forbes, my factor, told me, that if I would give up the letter above mentioned, Mr John Likly would pay the expense of the reparations out of his own pocket; and although I cannot be positive that Mr Forbes said he had authority from Mr Likly for making this offer, yet it is not to be supposed he would have done it without his knowledge and approbation. . . . But I would not hearken to this proposal, because I reckoned this money belonged to myself alone, as being formerly laid out for a pious use; and I was only bound to pay the half of the expense of the reparations. And soon after this time, Mr John Likly and I happening to talk on this subject, he said he remembered the letter very well, and

did not speak of it as a thing he thought wrong, or repented of; so that I never doubted of its being paid when it should fall due.

In July last old Mr Likly died; and then I sent to Mr John Likly, and proposed he might retire his letter, and give a bill for the monee, payable at the time it becomes due. But this he refused, and said he had done the thing rashly, and for his own safety he was obliged to communicate the whole affair to the Presbytery, who probably would forbid his making payment of it; and if they should proceed to depose him, he did not doubt that Bethelnie, to whom the right of patronage now belongs, would give him a new presentation, by which he apprehended Meldrum would be deprived of any pretence for asking payment of this money. After this I did not intend to say any more about it, until the term of payment fixed in the letter should elapse; but about the beginning of last month, I received a letter from Mr Likly, acquainting me that he was to lay the affair before the Presbytery at their first meeting, and asking a copy of the letter for that purpose. In answer to which I desired Mr Forbes, my factor, to acquaint him, that he might do whatever he thought best, and would conduce most for his interest; but that I saw no occasion for sending a copy of the letter, as he no doubt remembered the contents of it. However, for the Presbytery's satisfaction, an exact copy of it is subjoined.

Thus I have given an ample and fair detail of the whole transaction, which I affirm, upon the word of a gentleman and a Christian, to be strictly true; and as the truth of all the particulars are consistent with Mr Likly's own knowledge, I dare say he will not refuse or contradict any one of them.

I hope therefore the Reverend Presbytery will see, that nothing unfair was intended upon my part; and will not countenance or encourage one of their members in refusing payment of a just debt, which I humbly think is well founded both in law and equity. But if they shall be of a different opinion, and resolve to support him in it, I must be excused to defend myself, and endeavour to maintain my right in the best manner I can.—I am, Rev. Sir, yours and the Presbytery's most obedient humble servant, W. URQUHART.

*To the Rev. Mr James Chalmers, Minister of the }
Gospel at Daviot,—to be communicate. }*

—————
Copy of Mr John Likly's Letter.

HONOURED SIR,—At the end of one year and a half, or two years, after my father's death, I hereby oblige myself to pay to you, at your own house of Meldrum, the sum of fifty pounds Sterling monee. And I beg you'll accept of this my holograph letter, as sufficient security for the same, which I hereby declare to be obligatory, although I may have mistaken in the form. The many obligations you have already laid me under, in the frankest and most obliging manner, encourages me to expect this other favour.—I am, with the greatest sincerity, and highest regard, honoured Sir, your most obliged and most humble servant,
JOHN LIKLY.

The Presbytery, after privately rebuking Mr Likly, addressed to the Assembly the following representation :—

Unto the Very Reverend the Moderator and remanent Members of the Venerable Assembly of the Church of Scotland, the Representation of the Presbytery of Garioch ;

Humbly Sheweth,—That whereas, by act 8. Ass. 1759, the Presbyteries of this Church are ordained to lay a representation before the General Assembly, of any simoniacal paction or practice within their bounds, that the procurator for the Church may have orders to raise and carry on a process of reduction of such bargains or obligations before the Court of Session ; and whereas Mr John Likly, minister of Old Meldrum, from an apprehension of the duty incumbent on him, in consequence of the said act, did represent to the said Presbytery of Garioch, in November last, a transaction of his with Mr Urquhart of Meldrum, patron of the said parish, in which, by his holograph letter, in the year 1741, he obliges himself to pay the sum of fifty pounds Sterling to the said patron, in a year and an half or two years after the death of the deceased Mr Henry Likly, his father, at that time minister at Old Meldrum, and to whom his son, the said Mr John Likly, was at that time settled assistant and successor ; and whereas the said Mr Henry Likly died only in July last, and the said deed is not yet implemented ; and whereas the Presbytery did acquaint the said Mr Urquhart of Meldrum of the said representation to them, that he might have an opportunity to acquaint the Presbytery of any thing that he might judge to be material relative to that affair ; and he having accordingly wrote to the Presbytery, acquainting them of all he judged necessary on that subject ; and whereas, on comparing Mr Likly's representation and the said letter together, the Presbytery did find the following facts to be acknowledged on both sides :—

1. That the letter is in the following terms.—(See preceding page.)
2. That though the letter bears no date, nevertheless it was granted much about the time of Mr Likly's ordination as colleague and successor to his father.
3. That though no onerous cause is mentioned, yet that the said obligation was granted and demanded as a compensation to the said patron or parish, for the loss of vacant stipend which he or they might sustain through that manner of settlement.
4. That the sum of fifty pounds Sterling money, which Mr Likly has bound himself to pay to the patron, is equal to the amount of one whole year's stipend of the said parish, including the communion element money, and without any deduction of the taxation for the widows' fund, to which vacant stipends are subjected.

And whereas the Presbytery, having fully and maturely considered the said affair, and being of opinion, that the design of the law in appointing stipends was for the maintenance of the ministry, in order to the regular administration of Gospel ordinances in parishes ; so that, when circumstances permit a settlement to be made

in a parish, without giving time for vacant stipend, this must, in the eye of the law, as well as reason, appear to be a benefit and not a loss to that parish; and the Presbytery being also of opinion, that the patron has no right to the vacant stipend as his property, and that he has only a trust, to dispose of them to pious uses, when there happens to be any vacant, which is also merely casual; so that, in justice, he can allege no loss to himself by the want of vacant stipend, and consequently, that this supposed loss can be no sufficient onerous cause for an incumbent to oblige himself to pay any sum of money to a patron: Therefore, the Presbytery unanimously found, that the letter granted by Mr Likly, by which he obliges himself to pay fifty pounds Sterling to the patron, being acknowledged on both sides to have been granted in consequence of the consent given by the patron to his settlement, and in order to make up the supposed loss of vacant stipend, appeared to them to be a simoniacal deed, and that it is their duty to lay this case before the General Assembly, in terms of act 8. Ass. 1759, that the Assembly may give such orders to their procurator thereanent as they shall see cause: And further, the Presbytery were of opinion, that Mr Likly cannot homologate the said deed, by commuting the security, or any other way implementing the same, till the mind of the General Assembly be known thereanent, or he be otherwise compelled in due course of law, without manifestly exposing himself to the highest censure: Therefore, in obedience to the said act of Assembly 1759, they appointed this representation of the said affair to be laid before the next General Assembly, that they may do therein as to them in their great wisdom shall seem meet. And this representation is, in name, presence, and by appointment of the said Presbytery, signed by

JAMES CHALMERS, *Moderator.*

Follows, a Copy of the Letter from the Rev. the Presbytery of Garioch to the Moderator of the General Assembly, which accompanied the above Representation.

VERY REV. SIR,—The Presbytery of Garioch have transmitted to the General Assembly a case of simony which has happened within their bounds, and they beg leave to entreat of the Assembly to take that affair under their most serious consideration, as they are humbly of opinion, that it makes some further explication necessary of the acts of Assembly on that subject.

Though the Presbytery were of opinion, that the transaction, however veiled, was truly simoniacal, and have censured Mr Likly according as the circumstances of his case seemed to require, yet they were informed that some eminent lawyers were of opinion that the transaction was valid in law, on account of a supposed onerous cause, viz., a compensation for the want of vacant stipend, on which it is acknowledged to have been founded. This circumstance, in-

stead of deterring the Presbytery from troubling the Venerable Assembly with this transaction, rather determined them so to do, that they might thus put in the Assembly's view a method which, if authorised or disregarded, might introduce a train of simoniacal deeds, under the guise of legal transactions, and that the Assembly might take such proper steps for giving a check to such pernicious practices, as to them may seem meet. Though cases circumstanced in all respects as the present cannot oft occur, because settlements of colleagues and successors are but rare, yet if a compensation for loss of vacant stipend be in general admitted as a legal onerous cause, as the duration of vacancies is quite indefinite, a patron can never want a legal pretence for a simoniacal deed in any settlement, by alleging that he ought to have had more vacant stipend, and that this loss must be compensated. How far these deeds might be found good in civil courts, the Presbytery are far from pretending to judge, but hope they will be excused for representing a matter to the Assembly, the consequences of which appear to them so alarming.

As avidity sets ingenuity constantly to work to find out disguises for these simoniacal transactions, the Presbytery beg leave humbly to submit to the wisdom of the Venerable Assembly, whether or not, besides giving the orders directed by the Assembly 1759, if so they shall think proper, and explaining that act, so as specially to comprehend all transactions founded on a compensation for loss of vacant stipend, under the denomination of simoniacal deeds, they will not also see fit in general to declare, that all lucrative deeds done in consequence of a patron or heritor's giving consent to a settlement for an onerous cause, not legally binding on the candidate before the said deeds were granted, however they may be binding in law after they are granted, shall be deemed simoniacal. The Presbytery did not think it expedient to trouble the Assembly with a tedious extract of papers, but rather chose simply to represent the material facts which they found acknowledged on both sides, as they were all on which the Presbytery could found their judgment. But lest the Assembly should incline to see the representation and letters to the Presbytery, they have also appointed attested copies of them to be in readiness to be produced when called for. This, in name, presence, and by appointment of the Presbytery, is subscribed by

JAMES CHALMERS, *Moderator*. *

Chapel of Garioch,
Aug. 1, 1761.

* A letter from Mr Urquhart, attacking the Assembly's decision, may be seen in a short-lived periodical, called the *Aberdeen Magazine* (conducted by Francis Douglas,) for the year 1761, p. 385. He complains, that though Mr Likly was full twenty-five years of age when he signed the obligation, he took no qualm of conscience about it till after his father's death, (twenty years after,) when the term of payment became fixed. Mr Likly's reply is in the same Magazine, at p. 474. He grounds his defence on the act of Assembly 1759. For a discussion of the points of *casuistry* involved in the case, the reader may consult the *Scots Magazine* for 1761, pp. 467, 622, and the *Aberdeen Magazine*, p. 539.

The same day, the following overture for preventing the *dilapidation of stipends*, was transmitted from the committee for overtures, viz. :—“The General Assembly enjoin the several Presbyteries of this Church to take an exact account, on the place, of the extent of the stipend, glebe, grass, and other emoluments, belonging to every minister within their bounds, and record the same with accuracy in the Presbytery books, so that every succeeding incumbent may see at once what he is entitled to, and Presbyteries may be the better able to give a check to any dilapidations which may be attempted.” Which overture being read, the Assembly agreed to transmit it to the consideration of the Presbyteries, with this addition,—“That where a minister is possessed of more glebes than one, and has been in use of letting the glebe or glebes most remote from his manse, that such glebe or glebes shall, in all time coming, after the boundaries and limits thereof are ascertained as above directed, be let only by tack, in which the extent and marches thereof shall be particularly set forth, and the same lodged with the Presbytery clerk.”

In return to the express sent to London, one of the King’s messengers arrived at Edinburgh on Monday the 25th, with his Majesty’s warrant to the late deputy-keeper of the Great Seal, to append the seal to the commission. Next day, (Tuesday, the 26th,) Lord Cathcart assumed the dignity of Commissioner; and “being accompanied by a great number of noblemen and gentlemen, and attended by a splendid retinue, his Grace walked in procession from his lodgings to the High Church aisle, the street being lined by the city guard, and several companies of General Holmes’ regiment.” After the usual formalities, he produced the King’s commission, duly sealed, constituting him his Majesty’s High Commissioner and representative in this Assembly; which was read, and ordered to be recorded. His Grace then presented the King’s letter to the Assembly, which was likewise read, and ordered to be recorded. It is as follows :—

To the Right Reverend and Well-beloved the Moderator, Ministers, and Elders of the General Assembly of the Church of Scotland.

GEORGE R.

Right reverend and well-beloved, we greet you well. Having

the most perfect confidence, as well in your loyalty and affection to our person and government, as in your zeal for the encouragement of virtue and piety, we take this first opportunity of assuring you of our fixed purpose and resolution to support the Presbyterian Church of Scotland in the full enjoyment of its rights and privileges, as by law established.

At the same time, as we have no doubt of your coming together in the best intentions to promote the happiness of our reign, and the true interest of the Church whereof you are members, we have a particular satisfaction in countenancing your present meeting with our royal authority.

The many and repeated proofs which your former Assemblies have given of their wisdom, prudence, and temper, are an earnest to us of the moderation which we may expect from you, in avoiding all unnecessary debates and contentions amongst yourselves, and giving your whole attention to the means of advancing true religion, and the service of Almighty God.

The preventing as much as possible the growth of Popery, and suppressing of vice and immorality to the utmost of your power, are objects of so great consequence, that you may be fully assured of our ready concurrence with you in whatever may tend to the attainment of this desirable end.

And as you cannot but be affected with the most sensible pleasure in reflecting upon the present undisturbed tranquillity and freedom which you enjoy, in common with the rest of our good subjects of Scotland, we are persuaded you will think it of the highest moment, to infuse into the minds of the people under your charge, such principles and such a spirit as may be best adapted to the security of our happy constitution, and their own most valuable interest.

We have appointed our right trusty and well-beloved Charles, Lord Cathcart, to represent our royal person in this Assembly, being well satisfied with his loyalty, integrity, and zeal for our service. You have before had experience of his abilities for the discharge of this important trust which we now confer upon him, and of his particular affection to the Church of Scotland, and concern for its prosperity; so that we have the greatest reason to believe, that our choice of him, upon this occasion, will be most agreeable to you.

There is nothing more remaining, but to acquaint you with our hopes, that the charity, brotherly love, and unanimity of your proceedings in the business before you, will bring this your meeting to as happy a conclusion as that of any former Assembly. And so we bid you heartily farewell.

Given at our Court at St James's, the 6th day of May 1761,
in the first year of our reign.

By his Majesty's command.

BUTE.

Then the Commissioner made the following speech to the Assembly :—

Right Rev. and Right Hon.,

You were informed by a very honourable and worthy servant of the Crown, that his Majesty's not being present amongst you by a Commissioner, as usual, on the first day of your meeting, was owing to a very particular incident, and not to any want of regard, or even of attention, in his Majesty towards you. I hope this information gave you the satisfaction it was meant it should; and I am very glad it is now in my power to do myself the honour and pleasure to confirm it to you.

I had his Majesty's orders to take the earliest opportunity of assuring you of his entire satisfaction in your conduct in former Assemblies, and of enforcing to you the sense his Majesty is pleased to entertain of your affection for his person, and zeal for his service and government. I was likewise commanded to repeat to you, in his Majesty's name, those assurances which he has been pleased to give you in his most gracious letter, of his resolution to maintain Presbyterian government in this part of his united kingdom, and to support the Church of Scotland, as established by law, in the possession and enjoyment of all her rights and privileges.

His Majesty, greatly sensible of the advantages which have arisen both to religion and to government, from the application you have made in the Highlands and Islands of Scotland, of the annual donations which his royal immediate predecessors have given for the propagation of Christian knowledge, and of the principles of the Reformed religion, in those remote parts of this kingdom, has been pleased to grant the sum of £1000 for his donation for this year, to be applied by you to the same purposes; and has commanded me to give you a warrant on his exchequer for that sum, which I have the honour to deliver to you.

Right Rev. and Right Hon.,

Since I had last the honour of meeting you here, it has pleased Almighty God to put a period to the life and reign of our late most excellent sovereign. I need not, I am sure, remind this Assembly of the many and great advantages the nation uninterruptedly enjoyed under the long and most mild administration of his late Majesty, nor of the particular share which this National Church always possessed of his honour, of his approbation, and of his royal munificence; the continuance of which I had the honour, in your last meeting, to give you the strongest assurances of, by his Majesty's express command. I am convinced this unexpected and most awful stroke of Providence must have made upon your hearts, at the time it happened, those impressions which were natural and proper upon an occasion so affecting; and if I now endeavour to renew them for a moment in your breasts, it is because in the place where I have the honour to stand, this place where formerly I have so often stood as a servant of his late Majesty, I feel myself called upon to do so, by

the voice of duty and of gratitude, with an impulse not to be resisted.

But having paid to the honoured memory of my late royal master this small tribute of praise, of affection, and of concern, there remains a more animating part of my office; it remains that I should congratulate my happy country, which I do from the bottom of my heart, that a prince, British by his birth, British by his education, and British by every virtue, every thought, wish, and inclination, now fills the British throne. It is not now the time, nor the place, to commemorate the many gracious acts, public and private, by which this most auspicious reign has been opened, and which serve demonstrably to prove the firmness of the King's character, as well as the gentleness of his nature, his affection for his people, his regard for the constitution, his deep sense of religion, and his zeal to promote in others, both by the weight of his authority, and by his own example, the love and practice of virtue and of true piety; but were it possible to conceive there could be a man in this Assembly, who had passed his time so remote from all intelligence, that the fame of these joyful truths had never reached him, to him I would recommend to form his judgment upon them from the contents of the gracious letter from his Majesty, which I have just had the honour to deliver to you. From that letter, all the King's subjects in Scotland will easily see what they may hope and expect from his Majesty; and from that letter this Assembly may very clearly perceive what his Majesty wishes, and does expect from them. That being the case, I have nothing to add, but the assurances of my own great desire to be useful and assisting to you, by every opportunity of serving you, which the high trust his Majesty is at present pleased to repose in me, may furnish me with; and I will rest assured, from former experience, that your conduct will be such in this Assembly as will enable me, at the close of it, to make that report of your proceedings to the King which will be most agreeable to his Majesty, and most for the advantage and for the honour of the Church of Scotland.

To this speech the moderator, in name of the Assembly, made the following return:—

May it please your Grace,

The account which the Lord Advocate, by your direction, was pleased to give us of the reasons which hindered your Grace from honouring the first meeting of this Assembly with your presence, gave most entire satisfaction to all its members; and we are now extremely happy to behold his Majesty's person represented by your Grace, and the Assembly fully countenanced with the royal authority and favour.

Since the last General Assembly of this Church was holden in this place, it hath pleased Almighty God to call out of this world our late most gracious king; an event most sincerely lamented by

all his faithful subjects, and by none more than by the members of the Church of Scotland.

It was with reverence, and the deepest affliction of spirit, that we contemplated this awful dispensation of Divine Providence, in removing out of this mortal life a sovereign, whose justice, integrity, and magnanimity; whose love to his people, whose inviolable regard to the constitution and laws of this realm, had long enthroned him in our hearts, and had rendered him the most beloved of princes. At the same time that we had the highest reason to bless the Almighty, who had so long preserved to us the precious life of a great monarch, under whose mild and happy government this nation, and this Church, had so remarkably flourished, we considered the death of our good King as a loud call from heaven to humble ourselves before God, and to acknowledge that we had been the unworthy receivers of so many great and distinguished blessings. With the most lasting affection we will record in our hearts the memory of this excellent prince, who reigned beloved, who died lamented by all, who died full of days and full of honour, and whom posterity will always rank in the number of the greatest and the best of kings.

But these clouds of melancholy and distress which oppressed our hearts, were (thanks to the King of heaven,) soon and happily dispelled, by the accession of one of our late sovereign's royal race to the throne of these realms. With the most devout and grateful hearts, we adore the providence of God, who hath raised up a prince, not far advanced in years, but mature in wisdom and in virtue, a native of these realms, and who glories in the name of Briton, to reign over a free, loyal, united, and happy people.

It is with the highest pleasure that we join the general voice of his subjects, in extolling the piety, and the many princely virtues which adorn our illustrious King. Secure and happy we esteem ourselves in the possession of all our religious and civil blessings, under the government of a sovereign, whose love to religion, and to the liberties of Great Britain, is of the most distinguished kind.

May it please your Grace,

The declarations of his Majesty's favour and protection to the Church of Scotland, which he hath been pleased to communicate in his most gracious letter, and of which your Grace hath so fully assured us, give us the most sincere pleasure, as they do us the greatest honour. In a prince whose life is an example of piety and virtue to his subjects, "who is a terror to evil-doers, and a praise to them that do well," the members of the Church of Scotland rest assured they shall always find a friend, a protector, and a father.

His Majesty's royal donation of £1000 for the reformation of the Highlands and Islands, we accept with all thankfulness. We consider it as one of the many proofs he hath already given of his paternal regard to his people, and of the tender respect he hath for their spiritual and most important concerns; and we will endeavour so to apply this donation, as that, by the blessing of God, it may answer the pious and generous purposes for which it is bestowed.

May it please your Grace,

It is with very great truth and pleasure I assure you, that nothing could be more acceptable to us, and to the whole Church of Scotland, than the choice his Majesty has made of your Grace to represent his royal person in this Assembly. The long experience we have had of your Grace's great abilities to discharge the duties of this high station, your steady attention to, and warm zeal for, the true interests of the Church of Scotland; and, above all, my Lord, the virtues which adorn your life, and your well-known regard for the doctrines and institutions of the Gospel, mark out your Grace as the proper representative of such a prince, and as eminently well qualified to preside in a National Assembly, where the interests of piety and loyalty are to be consulted. I hope your Grace may be assured, that the proceedings of this Assembly will be such as shall give pleasure to our sovereign, to your Grace, and to every good man; and that they will testify, that we are the faithful servants of the King of kings, and at the same time most dutiful and loyal subjects to the best of princes.

A committee was then appointed to draw an answer to his Majesty's letter. After which a motion was made, and unanimously approved of, that the Assembly should address his Majesty on his accession to the throne; and a committee was named to draw it up. Draughts of these were next day presented, read, and approved of; and the moderator was appointed to transmit them to the Earl of Bute, one of the principal secretaries of state. The Commissioner undertook to transmit them.

The Answer of the General Assembly to the King's Letter, transmitted to and presented by the Earl of Bute.

May it please your Majesty,

Your Majesty's most gracious letter to this first General Assembly of the Church of Scotland which hath had the happiness to meet since the beginning of your Majesty's most auspicious reign, we received with the greatest joy, and do acknowledge with the utmost gratitude.

Your Majesty's being pleased, in so gracious a manner, to take this first opportunity of assuring us of your fixed purpose and resolution to support the Church of Scotland in the full enjoyment of all its rights and privileges, as by law established, is a most endearing testimony of your royal favour to us, which we humbly accept of with the greatest thankfulness, and rely upon with the firmest confidence, as esteeming your Majesty's royal protection to be, under God, our greatest security. Your Majesty does us the greatest honour, when you are pleased to express the most perfect confidence in our loyalty and affection to your person and govern-

ment, and in our zeal for the encouragement of virtue and piety; and it shall be our constant care, through divine assistance, so to acquit ourselves upon every occasion, as that your Majesty may never have reason to entertain a less favourable opinion of this Church. These sentiments are deeply rooted in our hearts, and we shall most cheerfully embrace every opportunity of expressing them.

Your Majesty's countenancing our present meeting with your royal authority, we take as a great blessing from God, and a most engaging evidence of your Majesty's royal goodness. To promote the happiness of your Majesty's reign, and the true interests of this Church, are great and desirable ends, which we are bound always to have in view; and we should be most unworthy of your Majesty's favour, and of the character we bear, if we had not the best disposition to contribute to them all in our power.

The mention your Majesty is pleased to make of the many and repeated proofs which our former General Assemblies have given of their wisdom, prudence, and temper, shows us your Majesty's kind inclination to approve what hath been done by others before us according to their duty, and is a great incitement to us to follow the good example of those with whom your Majesty hath the goodness to express yourself so well satisfied. We are sensible how much disputes and contentions among ourselves would give advantage to those who are enemies to the peace and prosperity of your Majesty's government, upon which our own welfare, under God, does depend; and we humbly acknowledge your Majesty's fatherly tenderness for us, in being pleased to caution us against them, and in recommending to us the giving our whole attention to the means of advancing true religion, and the service of Almighty God. We pray and hope, that the good Spirit of God, who is the Spirit of love and peace, will assist us to despatch all our business with that unanimity, brotherly love, and charity, which becomes the servants of the Prince of peace, and which is so necessary to the bringing of our meeting, at this time, to a happy conclusion.

We cannot but thankfully acknowledge your Majesty's royal wisdom and watchful care, in calling upon us to prevent, as much as possible, the growth of Popery, and the suppressing of vice and immorality to the utmost of our power; and the assurance your Majesty gives us of your ready concurrence in whatever may tend to the attainment of so desirable ends, is at once the greatest encouragement and obligation for us to exert ourselves in the most vigorous manner for accomplishing them.

The present undisturbed tranquillity and freedom we enjoy in common with the rest of your Majesty's good subjects, excite in us the most sensible pleasure; and it shall always be our principal care to make the people under our charge deeply sensible of the many great and invaluable blessings they now enjoy under your Majesty's wise government and administration; and to infuse into them those principles of piety and loyalty, on which the security of their own most invaluable interests entirely depend.

To this we are greatly animated by your royal proclamation in the beginning of your reign, and in a special manner by your princely donation to this General Assembly, for promoting the knowledge and practice of religion in the Highlands and Islands, and places where Popery and ignorance prevails. For this we beg leave to return your Majesty our most humble and grateful acknowledgments, and earnestly pray that God may abundantly reward you for so great a charity; and we shall take the most effectual care faithfully to apply it to the pious purposes for which it is granted by your Majesty.

Lord Cathcart hath given such eminent proofs of his loyalty, integrity, and zeal for your Majesty's service, and of his abilities, on many former occasions, for the discharge of this important trust, which your Majesty has reposed in him, and of his most affectionate concern for the prosperity and happiness of this Church, as render your Majesty's choice of him to represent your royal person in this Assembly, most acceptable and obliging to us; and we humbly acknowledge it as a particular evidence of your Majesty's goodness.

That the God and Father of our Lord Jesus Christ may long preserve your Majesty to be a blessing to these lands, the guardian of our liberties, civil and sacred, and the support of the Protestant interest; that he may bless your Majesty's arms in the just and necessary war in which you are now engaged, for vindicating the honour of your crown, and redressing the injuries done to your subjects; and that he may prosper all your Majesty's endeavours for restoring the peace, and preserving the liberties of Europe; that he may bless the Princess-Dowager of Wales, and all the branches of your royal family; that there may never be wanting one of your most illustrious house to fill the throne of these kingdoms to latest ages; and that, after a long and happy reign, over a free and dutiful people, you may exchange an earthly for a heavenly crown, are and shall be, the sincere and hearty prayers of, may it please your Majesty, your Majesty's most faithful, most obedient, and most loyal subjects, the Ministers and Elders met in this National Assembly of the Church of Scotland.

Signed in our name, in our presence, and at our appointment,

by

JOHN HYNDMAN, *Moderator.*

Edinburgh, May 27, 1761.

The Assembly's Address on the King's Accession, likewise transmitted to and presented by the Earl of Bute.

May it please your Majesty,

We, your Majesty's most dutiful and loyal subjects, the ministers and elders of the Church of Scotland, as we heartily approve the conduct of the Commission of the late Assembly, in congratulating your Majesty's auspicious accession to the throne of your ancestors, so we embrace with pleasure this first opportunity which our meeting together in a National Assembly affords us, of expressing our own joy on account of an event so happy for Great Britain.

The many blessings which we had enjoyed, during so long a tract of time, under the mild and paternal government of your royal grandfather, gave us the highest reason to join in that deep and universal sorrow which filled the nation on his death. The memory of so just and gracious a sovereign, whose counsels and arms were so remarkably blessed by the Almighty, as it must long remain engraved on our hearts, cannot fail to endear to us the more every descendant of his illustrious family.

With most lively gratitude to heaven, we now behold your Majesty raised, in the prime of life, to the throne of these realms; and under your happy administration, we have the greatest reason to promise ourselves the continuance and increase of all public felicity. Trained up from your earliest youth to every princely virtue; conspicuous for a steadiness and greatness of mind superior to the snares of royalty; endowed with a heart and affections truly British, and formed to know, and to love, that constitution of which you are the guardian; distinguished, in particular, for that sincere regard to religion, which adds so much lustre to your exalted character; your Majesty became, from the moment of your accession to the crown, the object of the highest hopes to all your subjects. Every step of your administration, since that time, has confirmed and enlarged these hopes.

Nor can we omit to join in the general admiration and applause due to that virtue, which disposed your Majesty to relinquish power and revenues, which, though most safely lodged in hands so pure as yours, might have been employed, in some future period, to the prejudice of that liberty which you love and cherish. With hearts full of affection, we repose an entire confidence in your Majesty, as the great defender of our faith and liberties, and in particular, as the protector of the rights and privileges of the Church of Scotland, which you have given us the most gracious assurances of your intention to maintain.

Permit us to assure your Majesty, that amongst all your subjects, none are more distinguished for their fidelity and loyalty to your person and government, than the members of the Church of Scotland. A Church, which dates the era of its secure establishment from that happy period of the Revolution which introduced your royal house to the throne of Great Britain, must have the strongest motive to a most sincere and faithful attachment to your Majesty. Animated, as we are, with the deepest sense of the inestimable happiness we derive from our sacred and civil constitution, it ever has been, it ever shall be, our zealous endeavour, to inspire with like sentiments all who are within our influence, or under our care. The blessings of a wise and merciful government, now so universally felt in every part of your dominions, give us the best reason to hope, that your Majesty will reign in the hearts, and may command the united strength of all your people.

That the great God of heaven, by whom kings reign, may crown all your undertakings with success; that he may inspire you with the spirit both of counsel and of might; that he may scatter all

your foes; and that, after having long made you the instrument of blessing a free and happy people, he may raise you to an high place in his glory above, are the sincere and fervent prayers of, &c.

(Signed in the same manner as the preceding, and of the same date.)

On the 26th, the Assembly took into consideration a petition for the established *schoolmasters in Scotland*, praying for a general collection to enable them to make application to the Legislature for establishing a fund for a small provision to their widows. The Assembly appointed the petitioners first to lay their plan before members learned in the law, and also before those concerned in the management of the ministers' widows' fund, that they might report their opinion thereon to the Assembly. No report having been made relating to this petition, the Assembly, June 1, remitted it to the Commission, that they may prepare an opinion upon it, to be laid before the next Assembly.*

The moderator acquainted the Assembly, when met on the 27th, that the Commissioner was indisposed, and could not be present that day, but that his Grace expected the Assembly would proceed on the business before them in the same manner as if he were present, which they accordingly did.

The following overture was agreed to be transmitted to the several Presbyteries, that they may send their opinion thereon to the next Assembly; with certification, that if they fail therein, that Assembly may take up the overture, and pass it into a law, as they see cause, viz. :—"That considering how dilatory Presbyteries are in sending up their opinions on overtures transmitted by the Assembly, which shows, that all preceding regulations to enforce a due return have been ineffectual; in order, therefore, to remedy this in time coming, that it should be enacted, That, in all time coming, no commissions from any Presbytery to their repre-

* There had been a meeting of schoolmasters in reference to this matter, on the 17th of September 1760. They ordered the design to be notified to all their brethren by a circular letter, and appointed a committee of twelve of their number to meet on the second Monday of November, the second Wednesday of March, and the first Monday of May. It was proposed to have three classes of annuities, viz., £10, £8, and £6, per annum, and that every schoolmaster who acceded to the scheme should pay yearly 12 per cent., according to the class he might choose.

sentatives in Assembly shall be sustained, unless it bears the following clause, viz. :—*The Presbytery of —— having considered the overtures transmitted by last Assembly, their answer to which is hereto subjoined, proceeded to the election, &c.* Or, in case there be no overtures transmitted, then the form to be,—*There being no overtures transmitted by last Assembly, the Presbytery of —— proceeded,*” &c.

The Commissioner was present on the 28th and subsequent days. The 28th, on report of the visitors of the *Commission-book*, containing their objections to the Commission's giving £300 to the *commissioners* sent to London with the address to his Majesty, £200 to *Dr Dick*, to indemnify him for the expense he was put to, both before the Court of Session and the House of Peers, in defending his right to the stipend of Lanark, and £30 to *Mr James Macwilliam*, minister of Forbes, for defraying the charge of a process with the Lady-Dowager Forbes, who refused payment of his stipend ; * parties being heard, and papers and precedents read. after long reasoning, two motions were made, viz. :—1. “ That the Assembly should find that the Commission have exceeded their powers, in disposing of the several sums ordered by them out of the public funds of the Church, and that no money should be issued in virtue of these orders ; leaving it to the commissioners sent to London, and others concerned, to apply to the Assembly in common form.”—2. “ That the Assembly, taking into consideration the report of their committee upon the *Commission-book*, were of opinion, that the purposes for which the Commission appointed money to be applied were just and reasonable ; but whereas the Commission's assuming the power of applying the public money of the Church at their pleasure, may be attended with dangerous consequences, the Assembly do enjoin for the future, that no Commission shall have power to issue out orders to the procurator for payment of any sums of money, even for

* On the last vacancy in this parish, Lord Forbes presented this gentleman, and the Lady-Dowager presented another ; and the Assembly 1757 preferred his Lordship's presentee, Mr Macwilliam. A declarator of the right of patronage, raised by Lady Forbes, was then in dependence before the Court of Session. That Court decided the question in favour of Lord Forbes ; but upon an appeal, the House of Peers found the right to be in Lady Forbes, and in virtue of that judgment, her Ladyship claimed right to the stipend.—See p. 134.

reasonable purposes, without leaving it to the determination of the following General Assembly." After long reasoning on these two motions, it was agreed to put the question,—Whether to approve of the first or second motion? and it carried, by a great majority, to approve of the first. So the Assembly found, that the Commission had exceeded their powers in disposing of the several sums ordered by them out of the public funds of the Church, and appointed that no money be issued in virtue of these orders; leaving it to the commissioners sent to London, and others concerned, to apply to the Assembly in common form.

Petitions for these gentlemen, and for several others, were next day remitted to the committee on the public accounts; on report of whom, on the 30th, the Assembly agreed, that £300 be paid to the commissioners sent to London, with interest from the time of their setting about the execution of their commission, (and the commissioners received the thanks of the Assembly from the chair, for their care in executing the said commission;) that £200 be paid to Dr Dick, with interest from the date of the decree of the House of Peers in his cause; and that £35 be paid to Mr Macwilliam for defraying the expense of his process with Lady Forbes.

In consequence of a subsequent report of the *committee on the public accounts*, the Assembly resolved, June 1, that for the future all *collections* appointed by the Assembly shall be burdened with the expense attending those collections; and that all the expenses attending the management of the Royal Bounty, such as the cashier and his clerk's salaries, amounting to £35 Sterling, shall be paid out of the Royal Bounty itself, and not out of the funds of the Church.

A motion was made, May 29, and agreed to, that the acts of the Assembly 1712 and 1714, respecting *the public money*, be reprinted with the acts of this Assembly; and that the instructions to the Commission shall contain a particular appointment on them to observe these acts.

A vacancy having occurred in the collegiate church of the *Old Greyfriars, Edinburgh*, by the death of Mr James Stevenson, the Presbytery translated thither Dr William Robertson, with a proviso, that he should continue in Lady Yester's Church, his present charge, till a minister should be called to supply the vacancy in the city. The session of the Old Greyfriars craved, that Mr Erskine should be translated from the New Greyfriars to their church; and they

appealed from the sentence of the Presbytery, first to the Synod, and next to the Assembly. The session appeared by counsel, the Presbytery and Synod appeared by some of their own members and by counsel, and Dr Robertson appeared for his own interest.* The Assembly, May 26, without a debate, unanimously affirmed the sentence of the Presbytery and Synod.

Case of the Parish and Borough of Kirkcudbright.—To this benefice a presentation was obtained from the Crown, on the recommendation of the Earl of Selkirk, in favour of *Mr Thomas Blacklock*, probationer, the celebrated poet, who was licensed to preach by the Presbytery of Dumfries in 1758. This gentleman had the misfortune to be totally deprived of sight soon after his birth, which happened in 1721. Upon account of his blindness solely, (for upon inquiry, they found sufficient reason to esteem his moral character, as is candidly acknowledged in their *Case*,) the town-council, and a considerable number of the elders, heritors, &c., resolved to oppose his settlement. With this view, they wrote him a letter, June 18, 1760, expressive of all due respect to himself, and sympathy for his unfortunate situation, but intimating that they could not think him a fit person to undertake the pastoral charge of their town and parish. This letter they sent by a deputation of their number; and they received the following answer, dated June 24:—

“GENTLEMEN,—Your information that I am the person proposed as a successor to the late Rev. Mr Gartshore in the parish of Kirkcudbright, is true; and permit me to add, that before the arrival of yours, a presentation from the Crown to that charge has

* The moderator being a party, the chair was taken by Principal Tullidolph. The compearance at the bar (in addition to Dr Robertson) was:—For the session, Messrs David Rae and John M'Laurin, advocates; for the Presbytery and Synod, Drs Hyndman and Carlyle, and Mr Walker of Glencorse, with Mr Joseph Williamson, advocate.—“The appellants having, in their pleadings, insisted on an old contract betwixt the Presbytery of Edinburgh and the town-council, by which it was pled, that the session had a right of choosing their own minister,—to which it was answered by the respondents, that that contract had been reduced by a decret of the Court of Session, an extract of which was now in their hands; and the grand decerniture in the said decret being read from the bar, reducing the said contract,” &c.—(Then follows the Assembly's judgment.)

been formally accepted by me. Had the dissuasives contained in your letter, or the arguments used by the gentlemen whom you deputed, appeared solid and conclusive, they might have found a different reception, and produced different effects; but, as far as a man can be thought to judge disinterestedly where he himself is concerned, these objections neither appeared of any weight against my assuming the pastoral character in general, nor against accepting of the parish of Kirkcudbright in particular. I am extremely sensible of that sympathy and regret which you express, for an infirmity, not inflicted on me for the crimes of my ancestors, not the result of any bad conduct in myself, but my misfortune, and mine alone. How far that incapacitates or leaves me qualified for the pastoral office, if the considerations which common sense and humanity suggest are not heard, time and experience can alone determine; meanwhile, if I would be useful to mankind in general, if I would endeavour to exert my being and its advantages to the glory of that God who gave them, every principle of honour, duty, and conscience, appear to dictate the sentiments and measures which I have embraced in accepting the presentation; and, from principles like these, it may be expected, that every man of resolution will act determinately. I heartily pray the people who form this opposition, if they are to oppose, may be conducted and animated by such motives as will support them in that day when all our principles, and all our behaviour, will obtain their true character and real estimate. From the genteel and moderate deportment of the gentlemen of your deputation, it is fairly and naturally presumed you will act a part becoming men and Christians. With the most cordial wishes to your welfare in this world, and your salvation in the next, I am," &c.

(Signed) "THOMAS BLACKLOCK."

The Presbytery of Kirkcudbright, before whom this affair was brought in August last, "referred the objection taken from Mr Blacklock's blindness, as the thing seemed quite new and unprecedented, to the Synod of Galloway;" and the Synod, in October, referred it to the Assembly.

From the *Cases* we give the following extracts, distinguishing the parties who were *Objectors* and *Respondents*, by the abbreviations *Obj.* and *Resp.*

Obj.—By the law of Moses, no man labouring under the want of sight, or even less bodily defects, could be a priest. *The Lord spake unto Moses, saying, Speak unto Aaron, saying, Whatsoever he be of thy seed in their generations, that hath any blemish, let him not approach to offer the bread of his God; for whatsoever man he be that hath a blemish, he shall not approach; a BLIND man, or a lame, &c.*—Lev. xxi. 16, &c. In the earliest ages of Christianity,

blindness was held to disqualify a person from being admitted to an ecclesiastical office, *ne ecclesiastica impediatur*, although the loss of sight, after admission to such office, did not infer deprivation of it. . . . That this is the first parish in Scotland, and Kirkeudbright the first royal borough, to whom a person totally blind from his infancy has been presented for a minister, will not be denied. Such a minister never was before ordained, it is believed, in this or in any other Church. The Church of England, according to information, never confer the priesthood on a blind man; and it is believed other Reformed Churches have adopted the same principle; at least, no instance can be pointed out of their conferring orders, and a *cura animarum*, on one blind at the time, much less on one blind from his birth or infancy.

Resp.—The Jewish law was adapted by their Divine legislator to the particular genius of that people. By it, a lame man, or one who had a flat nose, a maimed foot or hand, one who was crookbacked, or a dwarf, that had a blemish in his eye, or the scurvy, or any thing whatsoever superfluous, was debarred, as well as the blind man; but it would be absurd to maintain, that such could not be ministers of the Church of Scotland. . . . The Canon law, in its original purity, appears to have put no prohibition on a blind man from being a bishop. In the oldest canons, commonly called, *The Canons of the Holy Apostles*, as collected by Clement, ordained by St Peter first bishop of Rome, § 76 and 77, are these words:—*Si quis oculo defectus aut obtuso crure existat, et dignus sit, episcopus efficitur; non enim mutilatio corporis ipsum polluit, sed inquinatio animæ; qui vero mutus surdusve et cæcus est, episcopus non efficitur; non quia oblæso corpore est, sed ne ecclesiastica impediatur munia.* From this it appears, that blindness alone did not disqualify; but that if any one was deaf and blind, or both dumb and blind, he was disqualified, as being incapable to execute the duty of the office. . . . What constitutions were afterwards introduced by corruption into the see of Rome, will have no weight. So many *hocus-pocus* tricks were introduced to be executed by the priests, that it became necessary for them to have both their eyes to be able with proper dexterity to perform them; and so it was enacted, that none who were blind of one eye should be admitted into the priesthood. But this cannot have the least

weight with us, where the Gospel institutions are performed in their original simplicity.

Obj.—However extraordinary Mr Blacklock's genius and application may be, all his knowledge, even in the sacred Scriptures, must be had by second-hand, and the justness of it depends on the fidelity and judgment of those who read or speak to him. Supposing him in this way to be sufficiently qualified as a preacher, still there are many branches of the ministerial duty, which he either cannot perform, or may be misled in. Lecturing on portions of Scripture is required of every minister: a blind man cannot read a single word that he is to explain; and the employing a reader for him is at least a novelty. The holy sacraments are to be given by the minister, and they cannot be administered with the requisite decency by one who sees not the objects before him. What indecencies may not be committed in his presence, even on the most solemn occasions, without his being sensible of the offence? If he is to be directed and informed by his reader, then all must depend on him, and he, rather than the minister, may be said to govern the spiritual concerns of the parish.

Resp.—The question comes shortly to this, Can Mr Blacklock, notwithstanding his blindness, execute the several duties of the ministerial function, as established in the Church of Scotland? That he is qualified to preach the Gospel, with equal piety and ability, is not denied, and is well known in this metropolis; and that he can administrate the sacraments of baptism and the Lord's Supper, by the smallest assistance directing his hand, or even without such direction, experience evinces, by the example of those who continued to perform these, as well as the other duties of a minister, long after they were afflicted with the same misfortunes. Mr Brown, minister of Kilmarnock, Mr Millar at Paisley, Mr Macfarlane at Buchanan, and Mr Jamison, Professor of Church History in the University of Glasgow, continued to officiate with universal satisfaction after they became blind.

Obj.—To deprive a worthy pastor, upon a casual misfortune happening through no fault of his, is an act unworthy of a Christian Church. Ministers afflicted with such bodily distress after their settlement, must still have greatly the

superiority of one blind from his infancy. While blessed with sight, they must have had the benefit of reading, and perfecting themselves in every necessary branch of knowledge. Their acquaintance too with their parishioners, may already have been thoroughly established; and consequently, with little assistance, they might, after the loss of sight, be enabled to discharge their important duties. Even supposing such ministers were rendered altogether incapable of officiating by becoming blind, as others often are by age and infirmities, their parishes, as customary, would be supplied by their brethren, or by assistants. Other Reformed Churches, who make antecedent blindness a cause for debarring from the ministry, do not, when happening subsequent to admission, unjustly add weight to misfortune, by deprivation. It is believed, however, no instance can be given, where a minister of this Church, after the loss of sight, was translated, or admitted to a new charge.

Resp.—Presbyteries are the proper courts for licensing probationers: the licensing of Mr Blacklock stands unchallenged; by it he was virtually declared capable of being a minister, notwithstanding his blindness, and thereby a *jus quæsitum* was established to him, of which he cannot now be deprived.

Obj.—The duties of a preacher of the Gospel, or probationer, are, in their number and importance, far short of those of an ordained minister to a parish. Hence it is, that by the rules of the Church, when a probationer is called or presented to a parish, he must pass new trials before the Presbytery of the bounds, that they may be fully satisfied of his qualifications for that higher trust, notwithstanding his former trials and license as a preacher.

Resp.—As Mr Blacklock has all along been obliged to employ a person skilled in the languages to read to him, he is now determined to employ an ordained assistant, who consequently can assist him in executing the ministerial functions. This step, which Mr Blacklock is fully determined upon, takes its rise from his own goodness of heart, and anxiety for the faithful execution of the pastoral office; but is altogether unnecessary, as, through the Divine assistance, he is fully able to perform every duty himself.

The *Cases* having been previously distributed to the mem-

bers, and parties heard in court, May 29, after long reasoning, it was moved to appoint the Presbytery to moderate in a call to the presentee, and to proceed to his trials and settlement. But some members opposing the motion, the question was put upon it. It carried, by a great majority, in the affirmative; and the Assembly empowered the Commission to determine in any reference, appeal, or complaint, that shall be regularly brought before them relating to this settlement.*

Upon reading the minutes of the day preceding, it was proposed by a member, May 30, that before any Presbytery or Synod agree to take upon trials a *blind man*, they shall first consult the General Assembly. This motion was agreed to, and the Assembly appointed accordingly.

Another settlement was that of *Monkton*, similar in some respects to that of Logie. The patron presented within the six months; his presentee accepted, but afterwards renounced the presentation; the patron presented anew; and the Presbytery contended that the right had fallen into their hands by the lapse of the six months. The case seemed to resolve itself into these questions: 1. Whether, when a presentee accepts, and afterwards renounces, the law allows the patron six months after such renunciation to present another; or, if it allows him only as much time as remained unexpired when his first presentation was given in to the Presbytery? 2. Whether, in cases of translation, the six months begin to run from the date of the act of Presbytery translating the incumbent, or only from the date of his admission into his new charge? On the latter question, it was observed for the patron, that the four ministers last admitted into Edinburgh were translated from their former parishes on the 20th and 27th of April, and 2d and 4th of May 1758 respectively, and yet drew the stipends of these parishes falling due at Whitsunday 1758, though after the date of the acts translating them, because it was before their admission to their new benefices, which was upon the 15th of June there-

* The compearance in this case was:—For the patron and presentee, Messrs Charles Hamilton Gordon and John M'Laurin, advocates; for the objectors, Messrs Joseph Williamson and David Rae. Notwithstanding the decision of the Assembly in Blacklock's favour, he did not remain long at Kirkcudbright, but resigning the living for a moderate annuity, removed to Edinburgh in 1764. He died on the 7th July 1791.

after ; * whereas, had the vacancies commenced at the date of the acts of translation, these stipends would have belonged to the patrons. The parties were, the Earl of Dundonald, patron, and the Presbytery of Ayr ; Mr John Cunningham was the presentee. After hearing parties, the Assembly came unanimously to the following resolution :— “ The General Assembly, considering the importance of this cause, and the influence it may have upon the future deliberations of Assemblies in the settlement of parishes, do authorise and appoint the procurator for the Church to raise a declarator against the patron, to have it found and declared that the right of presentation, *hac vice*, has fallen into the hands of the Presbytery *jure devoluto* ; and do ordain the agent to issue the necessary expense for this purpose. And the General Assembly do hereby refer the cause to their Commission, with power to them, after a decision is given in the process of declarator by the Court of Session, to cognosce and finally determine in the said cause, and also to judge and finally determine in any future references and appeals that shall be regularly brought before them thereanent.”

On the 1st of June, the Assembly appointed the commissioners sent to London to give in their report to the Commission, to be kept *in retentis*. †

Upon the motion of a member from the *Synod of Ross*, the Assembly appoints that Synod to have their meetings henceforth upon the third Tuesday of April.

An appeal by Mr John Witherspoon, minister at *Paisley*, from a sentence of the Synod of Glasgow and Ayr, of the 15th October 1760, disapproving of a plan agreed to by the magistrates and kirk-session, for uniting the offices of English schoolmaster and session-clerk in the town and parish of Paisley ; with an appeal by William Aidie, who, on the 12th of August last, had been elected by the kirk-session of Paisley to be their clerk in the interim, from a sentence of the said session passed on the 15th current, refusing to admit him to his said office, notwithstanding of the Synod's recommendation to them, of the 14th of April last, and his several applications for that purpose, heard ; the decret of erection of this parish, vesting the right of choosing the session-clerk in the magistrates, produced at the bar, the

* See p. 163.

† See p. 211.

decerniture thereon read ; and, in respect of the said decret of erection, the Assembly find, that they cannot disapprove of the conduct of the session in approving the plan of accommodation given in by the town-council, and that there is nothing in it injurious to the rights of the kirk-session ; and therefore the sentence of the Synod, in October last, reversed, the election of Mr Aidie as interim-clerk sustained, and the session of Paisley ordained to admit him accordingly.

An appeal by the United College of St Salvator and St Leonard, in St Andrews, patrons of the parish of *Kilmeny*, and who granted their presentation to Mr William Gib, probationer, to be minister of that parish, from a sentence of the Presbytery of Cupar, finding that there was no such call to Mr Gib from the parish of *Kilmeny* as the laws of the Church do require, and that it was not competent to them, as an inferior judicatory, to do what was contrary to the rules of the Church, and therefore referring the whole cause to this Assembly, heard ; the presentation to Mr William Gib to be minister of the parish of *Kilmeny* sustained and concurred with ; and the Presbytery of Cupar appointed to proceed to his trials and settlement as minister of that parish.

The report of the trustees of the widows' fund, bearing their having made choice of Mr Alexander Stevenson to be their clerk, in place of Mr Alexander Tait, who, being named as one of the principal Clerks of Session, had resigned his office as clerk to the trustees, heard ; and their choice of Mr Stevenson to be their clerk approved of.

Two overtures, transmitted from the committee for overtures, respecting the offices of agent and sub-clerk, read and dismissed.

Recommendation to all such ministers as judge, from the circumstances and inclinations of their people, that it will be agreeable to them to have an opportunity of contributing for the relief and support of the Reformed Church in *Saarbruck*, to make a collection for that purpose : the ministers within the bounds of the Synod of Lothian and Tweeddale, to make the collection on the fourth Sabbath of this month of June, and those in other places of Scotland on or before the first Sabbath of August next, and the money collected to be paid in to Messrs William Hogg and Son, merchants in Edinburgh.—A committee named to call for an account of what the collection shall amount to, out of which they shall cause to be paid to Mr John James Mansa, minister

in Saarbruck, or any having his order, what they shall judge to be a proper allowance for his expense in travelling to this place, and returning home, together with £100 Sterling for the use of the said church; and after further allowing for the incidental charges in making the collection, the committee shall report the overplus to the next General Assembly, to be disposed of by them as they shall think proper.

Protestation admitted at the instance of the Presbytery of Mull, against the parishioners of the parish of *Harris*, for not insisting in an appeal taken by them from a sentence of the Presbytery of Uist, transporting Mr Kenneth Macaulay from the parish of Harris, in the Presbytery of Uist, to the parish of Ardnamurchan, in the Presbytery of Mull.

When the business of the Assembly was finished, on Monday, June 1, the moderator addressed the court in the following terms:—

Right Rev. and Right Hon.,

It is now time that this Assembly should come to a conclusion. You have decided in a great many of the causes that were brought before you, and others you have referred to your Commission.

I should be lost to all sense of gratitude, did I omit this opportunity of returning my most sincere and hearty thanks to the members of this General Assembly, for the great honour they did me in unanimously choosing me for their moderator. I have studied so to conduct myself in the chair, as to give just cause of offence to none. If I have unwarily given any, I most humbly ask pardon; and let this serve for an apology, that you yourselves were pleased to choose a younger man, and a younger minister, for your moderator, than, I believe, ever filled this chair. I view this distinguished honour, I confess, in a light which extremely flatters me, as an evidence that the Church believes me to be a sincere well-wisher to its interests, and to the interests of all its members. I hope you have not been mistaken. If my own heart does not deceive me, no man can love the Church of Scotland more than I do, no man can with greater warmth and earnestness wish to promote its real welfare. The heat of youth, inexperience, and rashness, may have led me, in some parts of my former public conduct, to engage in measures which a wiser, which a cooler man than I, would have guarded against. Yet, even then, I think I can appeal to my own conscience, and to Him who is greater than conscience, my intentions were pure, and though I judged ill, I meant well.*

* On the supposition that *Dr Hyndman* was the author of the pamphlet entitled, "A Just View of the Constitution of the Church of Scotland," (which called forth *Witherspoon's* "Ecclesiastical Characteristics,") I presume he is apologising here for the active partizanship he had displayed in opposition to Gillespie and the popular party, in the case of Inverkeithing.—See the former vol. p. 242.

My very rev. fathers and brethren,—You will now soon return to your several parishes, and resume the care of those souls which God hath committed to your charge ; will you permit me, then, to remind you of the zeal and diligence with which you ought to discharge your ministerial work. To instruct the ignorant, to awaken the secure, to soften the hard-hearted, to reclaim the sinner, to comfort the mourner, to succour the tempted, and to build up the just in our most holy faith,—is not this a noble and a divine employment ? Was not this the employment of all those great and holy men whom God was pleased, in different ages, to send into this world as public blessings to mankind ? Is not this the employment of angels, of beings far exalted above us ? Are they not ministering spirits, sent forth to minister unto them who shall be heirs of salvation ? Was not this the work of Jesus, the great high-priest of our profession ? He “ continually went about doing good.” Nay, is not this the unwearied exercise of God himself, the great source and standard of all perfection and goodness ? With ardour and zeal, then, let us employ ourselves in this noble service ; let us “ preach the word, and be instant in season and out of season ; ” and, above all, let our own lives be shining examples of all those precepts which we recommend unto others.

The General Assembly, I hope, will forgive me for making this one observation with respect to our public discourses,—That, for the most part, we ought to be very particular in explaining the duties of the Christian life, and in enforcing all the virtues of piety, of charity, of purity, of meekness, of temperance, and mercy. I own I think our discourses run too much, and too often, upon general topics, concerning the advantages and the excellence of religion ; and though this is, upon many occasions, highly proper, yet, if we would really instruct our people, we must study to point out to them what are their particular duties in every circumstance of life. We must guard them against those vices which we are sensible are most predominant amongst them, and point out the guilt and fatal consequences of them. In short, we must be frequent in reminding them, what those duties are which we owe unto God and to one another, what those duties which are incumbent upon a Christian as a father, as a husband, as a son, as a neighbour, as a friend, as a member of society, and as a partaker of the human nature. To explain these minutely, and to enforce them from the great doctrines and motives of the Gospel, is surely taking the most effectual way to enlighten and instruct our hearers ; it is surely preaching the Gospel ; for it is preaching in the same manner in which Jesus preached.

In order the more effectually to recommend our instructions and ourselves to our people, let us by all means cultivate a spirit of brotherly love and forbearance towards one another. An intemperate zeal to promote opinions, or to establish forms in their own nature doubtful, or of small importance, has cost the world, I am sure, a great deal more than they were worth ; as it has led men to trample upon the great laws of charity, of forbearance, and mercy,

and to break those bonds of union which ought always to subsist amongst all Christians, and particularly amongst the ministers of the Gospel. I shall make no difficulty of affirming, that our continuing in some errors as to the external forms of religion and modes of worship, nay, even in errors as to some speculative truths and opinions, must be less culpable in the sight of God, than our endeavouring to correct them by rage and violence, by traducing the characters of our brethren, and laying aside “the ornaments of a meek and quiet spirit, which in the sight of God is of great price.” Let us never forget it, that “the wrath of man worketh not the righteousness of God;” that “the fruits of the Spirit are love, joy, peace, long-suffering;” that “the wisdom which cometh from above is pure and peaceable, gentle, and easy to be entreated.” We are all, my brethren, in a state of great moral imperfection: our understandings are cloudy, our views narrow and confined; “we see but as through a glass darkly;” let us then mutually take compassion on the infirmities of each other; let us persecute with nothing but argument: for force and violence may oblige men to dissemble or conceal their opinions, but can never enlighten or convince the judgment.

There is one act passed by this General Assembly, which I must consider myself as called upon in a particular manner to recommend to your observation and care, namely, the act enjoining a public collection to be made for students having the Gaelic language. The situation of many parts of the Highlands, with respect to the ordinances of religion, is truly deplorable. You yourselves must be fully sensible of this, from the report of the visitors. The evil is indeed so great, that if a timely remedy is not applied, they are threatened with the utter deprivation of that inestimable blessing. Can we, as Christians, as ministers of the Gospel, as Scotsmen, hear this, without feeling the utmost pain and sorrow of heart; without deeply mourning for the unhappy situation of a brave, a generous, and a kind-hearted people; without earnestly calling upon all our hearers, as they fear their God, as they regard the advancement of the kingdom of Jesus, to stretch forth their friendly hands to assist their countrymen; to assist the friends of those who, during this war, have, in defence of our kingdom and rights, drawn the sword with so much ardour and success; who so bravely fought, and many of whom so gloriously fell, in supporting the honour, the interest, and safety, of the British nation? The further prosecution of the plan for effectually providing the Highlands with the benefits of divine ordinances and religious instruction, is now wisely committed to one, whose great wisdom and prudence will fully dictate to him the most effectual means of prosecuting it. It is put into the hands of one whose generous heart always warmly feels for every distress of his fellow-mortals; whose zeal for religion, whose loyalty to his prince, whose love to his country, will determine him to do whatever can be done to insure success to a scheme the most important, I think, I ever saw under the deliberation of a General Assembly.

Right Rev. and Right Hon.,—Since the meeting of the last General Assembly, it hath pleased the Almighty to afflict these nations by the death of our late good and excellent king; but it hath also mercifully pleased him to revive us by the accession of a prince, whose many and distinguished virtues are the subject of admiration and joy to all his people. When, therefore, you return to your several homes, impress upon the minds of all his people, a just sense of the blessings they already enjoy, and may further hope for, under the government of a prince who loves them, who loves their constitution and laws, who will defend their faith, who will protect them in their religious and civil rights; a prince who, by his own example, will point out to them that path wherein they ought to walk, that they may attain the favour of God and everlasting felicity.

Right Hon.,—What I have just now said demands your particular attention, and I hope will have its due influence. God hath raised you above many of your fellow-citizens, and by this hath put into your hands the means of doing much good or much evil. It is common with you to comply with, and to imitate the manners and fashions of those who are yet superior to you; let me then persuade you to turn your eyes to that great prince who now wears the British crown, and learn from him, that piety and virtue, a steady regard to, and regular attendance upon, the service of Almighty God, and a faithful discharge of all the duties of the Christian life, are the noblest ornament of every station, and the highest glory of a man.

Right Rev. and Right Hon.,—As we met in the name of our Lord Jesus Christ, the great King and Head of his Church, so, in the same sacred name, let us dissolve; and as, by the good laws of this kingdom, of which his Majesty is the faithful guardian, it is provided that a General Assembly of the Church of Scotland shall meet once in the year, I suppose it will be agreeable to you, that the next General Assembly shall meet in this place on the third Thursday, being the 20th day of May 1762.

Brethren,—We must now part. How long God may preserve us in this world, how long we shall sojourn in this wilderness of life, through what new scenes we may yet pass, what new temptations may yet assault us, what unthought of afflictions may yet overtake us, we know not: it is our comfort that “the Lord liveth; blessed be our rock: The God of Jacob he is our refuge, and he that keepeth Israel never slumbereth nor sleepeth.” Fain would I cherish the joyful hope, that we who met together in this Assembly shall, by the grace and mercy of God, meet in a happier world, and shall at last sit down in the general assembly and church of the first-born.

I presume it will be your pleasure, that in your name, I address myself to his Majesty's High Commissioner, with sincere and thankful acknowledgments of his friendship to this Church, and of his indulgence and favour to this General Assembly.

Then turning to the Commissioner, he spoke thus:—

May it please your Grace,

It is with very great pleasure that I execute the commands of the Assembly, in returning to your Grace their united and most hearty thanks for the favour and countenance you have showed them, and for your patient attendance upon so many of their meetings. But when we consider your known principles, disposition and conduct; when we call to mind the steady and distinguished zeal of your noble ancestors for the support of the Presbyterian government, we confess we were led to hope for all that favour and indulgence which this and former Assemblies have experienced from your Grace.

Your Grace has been witness to many of our proceedings and decisions; and though, in a court where there is so great a number of judges, the debates that arise, and the opinions that are given, may sometimes be improperly enforced, which it were to be wished could be avoided; yet, upon the whole, I hope our conduct has been such as may enable your Grace to give a favourable representation of us to his Majesty; for, next to the approbation of Almighty God, we would wish to recommend ourselves to the favour and countenance of our most gracious king.

I must particularly consider myself as bound to return the thanks of the Assembly to your Grace, for your condescending to assure them that you will, to the utmost of your power, promote and give success to a plan for more effectually accommodating the Highlands and Islands with the benefit of divine ordinances. Your Grace is perfectly acquainted with their distressed situation in this respect, and I know you feel deeply for it. Your Grace has considered this scheme with that acuteness and precision, with that concern and warmth, which becomes a great and a good man; and we firmly rely upon your taking every step that shall appear proper to forward and execute so pious and so laudable a purpose.

This General Assembly, and all the Church of Scotland, have been highly honoured by the testimony his Majesty hath been pleased to give of the favourable opinion he has of our loyalty and good affection to his person and government. It is true, and your Grace knows it, that in a steady and firm attachment to his Majesty, and to our happy constitution, we are excelled by none of his subjects. We feel the blessings of his most righteous administration; we daily offer up our thanks to Almighty God for them; we pray for long life and a happy reign to our most gracious king; and we study to animate the hearts of all those who are under our care with the same devout and loyal sentiments.

It is our sincere and hearty prayer to the Almighty, that he may take your Grace into his kind and holy protection; that you may be long preserved, an eminent example of virtue, a faithful friend to your country, and to every good man; that the Divine providence may watch over and prosper your noble family; that you may always continue happy in the favour of your sovereign, honoured in your public stations, and blessed in all manner of domestic comfort; and that, at last, when you are called from this mortal life, you may be united with the spirits of just men made perfect.

Then the Commissioner made a speech ; in the end of which his Grace dissolved the Assembly in the King's name, and concurred with the moderator in appointing the next Assembly to meet on the 20th of May 1762. The session concluded with prayer and singing of psalms, as usual.

ASSEMBLY 1762.

THE Assembly met on the 20th of May.—Charles Lord Cathcart was the King's Commissioner, and Dr Robert Traill, Professor of Divinity in the University of Glasgow, was chosen Moderator.

After the King's letter had been read, and ordered to be recorded, the Commissioner made a speech to the Assembly, and gave in the following extract from it in writing, viz. :—

“ I am to inform this venerable meeting, That in consequence of the last Assembly's request, I had the honour to lay before the King the papers committed to my care for that purpose, containing the report of Dr Hyndman and others, appointed by the General Assembly of 1760 to visit the *Highlands and Islands*, and the places where itinerants and catechists are employed ; as also the report of the committee appointed thereupon by the last General Assembly, together with the resolution of the said Assembly upon the said report : and I have it particularly in command to acquaint you, That his Majesty entirely approves of the zeal you have shown, on this occasion, for the better observance of religious duties in those parts of his dominions where proper opportunities have hitherto been wanting for that purpose ; that his Majesty, animated by sentiments of the same true religion and piety, will not fail to show the greatest attention to this object, and that you will in due time be informed of such resolutions as his Majesty may think proper to come to upon it. In the meanwhile, as it appears that some of the principal defects complained of by the report of the visitors may be remedied by yourselves, by virtue of that authority which the law has placed in you, it is his Majesty's royal pleasure, that I recommend to you the proper discharge of your own duties in these respects ; and particularly, that you will make use of the powers you have by the statute law of Scotland, to oblige heritors, in such parishes where kirks and manses are fallen down, or out of

repair, to contribute, by an equal assessment, according to the situation of their lands, to rebuild and repair them ; and in such parishes where schools are not properly established or kept up, to assess themselves, according to law, to supply such defects : And this I accordingly do most seriously recommend to the immediate consideration of this General Assembly."

To this speech, the moderator, in the name of the Assembly, made a proper return.

At this first sederunt, three committees were appointed ; one, to draw up an answer to the King's letter ; another, to draw up addresses to the King and Queen on their marriage, (which were this day moved for and unanimously agreed to ; as was, next day, an address to the Princess-Dowager of Wales, on the marriage of the King her son, to be drawn up by the same committee ;) and a third, to consider of that part of the Commissioner's speech which related to the building and repairing of kirks and manses, and to the establishing of schools in parishes where they are wanting. The answer to the King's letter was given in on the 22d, as were the addresses on the 26th ; all were approved of.

A petition was presented to the Assembly for the established *schoolmasters* in Scotland, setting forth, That a scheme had been prepared by the Rev. Dr Webster, for establishing a fund for a small provision for their widows, (similar to the establishment made nearly twenty years ago, for the widows and children of ministers in the Church, and professors in the universities,) founded on an annual tax to be paid by schoolmasters out of their salaries, of 15s., or 30s., or 45s. ; their widows to draw corresponding annuities, of £3, or £6, or £9 : That they could not spare so much out of their small incomes as would be necessary to procure an act of parliament ; and therefore prayed the Assembly to appoint a general collection to be made for that purpose through all the parishes of Scotland ; to which it was not doubted many persons in the country would be ready to contribute, if an opportunity were afforded them. After reasoning on this petition, the Assembly, May 24, remitted it to the committee on kirks and manses, recommending to the committee to consider if any other method could be fallen upon, more effectually to relieve the petitioners, than that proposed in their petition.

This committee reported, on the 25th, as their opinion, That the Assembly ought to enjoin the several Presbyteries forthwith to carry into execution the acts of parliament for building and repairing *kirk*s and *manses*, and settling *schools*, in the several parishes within their bounds; that a committee of the Assembly should be appointed, to whom Presbyteries might apply for directions, as occasion should require; that the Presbyteries should report their proceedings to the next Assembly; and that the procurator and agent for the Church should be appointed to carry on such processes as should be necessary for the above purposes, at the public charge.

With respect to the *schoolmasters' petition*, the committee reported, That they had good reason to believe that above one-third of the schoolmasters do not enjoy, including their salaries and emoluments, £12 Sterling per annum; and that therefore, as the scheme prepared by Dr Webster, at the desire of the Commission of the last Assembly, proceeds upon an annual tax to be paid out of the schoolmasters' salaries, the committee were unanimously of opinion, that the carrying the scheme into immediate execution, would bring a burden upon future schoolmasters greater than their circumstances could bear; but the committee, being fully sensible of the importance of that order of men, and deeply affected with their present situation, humbly moved to the Venerable Assembly, that they would represent, in their answer to that part of the Commissioner's speech which relates to the erecting of schools, that the present salary of 100 merks is too small,* submitting it to his Majesty what relief he, in his royal wisdom, shall think proper to grant. The Assembly approved of the first part of the report; but delayed the enacting part of it, the naming the committee proposed, and likewise the consideration of the latter part of the report, and recommended to the committee to prepare the proper form of a return to that part of the Commissioner's speech.

On overtures from the Synods of Galloway and Angus and Mearns, and the Presbyteries of Haddington and Dalkeith, relative to the *window-tax*, which were transmitted to the Assembly by the committee for overtures on the 26th,

* The *minimum* was 100 merks; the *maximum* 200,—the former being equal to £5 : 11 : 1¼d. Sterling, and the latter to £11 : 2 : 2¾d. The fee for English, &c., in many parishes, not more than 13¼d.; for Latin, from 1s. 8d. to 5s.

with their opinion, "That they deserved the immediate and serious attention of the Assembly, being a matter of the greatest importance," the Assembly appointed a committee to consider them, and to report their opinion next day. This report was accordingly given in on the 27th, bearing, That the Assembly should appoint a committee, with full powers, to apply to parliament, in name of the Assembly, for an exemption from the window-tax, if they shall see cause; to take all such preparatory steps as shall be prudent or necessary in order to carry that application into execution; and to report their diligence to the next Assembly. The Assembly unanimously approved of this report, and appointed the committee proposed, consisting of twenty-four ministers and twenty-eight ruling elders, of whom three ministers and two ruling elders to be a quorum.

The report of the committee on *kirks, manses, and schools*, was given in on the 29th. It was unanimously approved of; and agreeably to the opinion of the committee, the Assembly referred to the window-tax committee to correspond with and give directions to Presbyteries, as occasion may require, in executing the acts of parliament for building and repairing kirks and manses, and settling schools in the several parishes. Then the moderator, turning to the Commissioner, addressed his Grace, in the Assembly's name, as follows:—*

May it please your Grace,

I am appointed by this Venerable Assembly to return your Grace their humble and sincere thanks, for laying before his Majesty the inquiries and resolutions of the Assemblies 1760 and 1761, with regard to the state of religion in the *Highlands and Islands*, and for representing these to his Majesty in that favourable manner which your well-known zeal for the important objects those Assemblies had in view naturally suggested.

His Majesty's goodness, in approving the proceedings of former Assemblies respecting this matter, gives this Assembly the highest satisfaction. They entertain the most grateful sense of his gracious declaration, that he would take it under his royal consideration, and communicate to them in

* The substance of this address had been prepared by the committee, in pursuance of the instructions given them.

due time his resolutions upon it. And they beg leave to assure your Grace, that they rest with full confidence in the signification of his Majesty's intentions, which they trust will issue soon in effects corresponding to the piety of his disposition, and his paternal care for the welfare of his subjects.

The Assembly acknowledge, with the utmost respect, his Majesty's goodness, in recommending to them the discharge of their duty, by enforcing the laws for establishing of schools in the several parishes where they are wanting, and for repairing kirks and manses ; and have, in humble obedience to his Majesty's recommendation, enjoined, by an act of this date, the several Presbyteries of this Church forthwith to carry into execution the acts of parliament respecting these matters. They have likewise appointed a committee of their number, with whom Presbyteries are to correspond, and from whom they are to receive directions, as occasion may require. They have further ordered the several Presbyteries to report their proceedings to the next General Assembly, and the procurator and agent for the Church to carry on such processes as may be necessary for the above purposes, at the public charge, as the said committee shall direct.

The Assembly embrace this opportunity of acquainting your Grace of the sense they have of the importance of the parochial schoolmasters in Scotland, with respect to the interest both of Church and State, by training up those committed to their charge in the knowledge of religion and virtue, and are deeply affected with their present distressed situation, arising from their small livings, as they have good reason to believe that more than one-third of them do not enjoy, including their salary and whole emoluments, £12 per annum. The Assembly therefore humbly hope, that if it shall be found necessary to apply to parliament for increasing their present legal salary, which amounts to no more than £5 : 11 : 1d. and one-third, his Majesty will be graciously pleased to give such countenance to that application as to his royal wisdom shall seem proper.

To this representation his Grace was pleased to make a return, and he promised to report it to the King.

Upon report of the committee for overtures, May 28, an act was passed to prevent *dilapidation of stipends*, to which an addition next day was proposed to be made, and agreed to ; so that the act is as follows :—“The General Assembly

enjoin the several Presbyteries of this Church to take an exact account, on the place, of the extent of the stipend, glebe, grass, and other emoluments, belonging to every minister within their bounds, and record the same with accuracy in the Presbytery books, so that every succeeding incumbent may see at once what he is entitled to, and Presbyteries may be better able to give check to any dilapidations which may be attempted : And the Assembly appoint, that the respective incumbents, in case any persons liable in payment of stipends refuse or withhold any part thereof, shall report the same to the next Presbytery after such refusal ; who are to give such directions for recovery of the same as the nature of the case may require ; and that where a minister is possessed of more glebes than one, and has been in use of setting the glebe or glebes most remote from his manse, that such glebe or glebes shall, in all time coming, after the boundaries or limits thereof are ascertained as above directed, be let only by tacks, in which the extent and marches thereof shall be particularly set forth, and the same lodged with the Presbytery clerk."

On a motion made on the 28th, That the Assembly should appoint a committee to inquire into the extent of the sum collected in virtue of an act of last Assembly, for the education of students having the *Gaelic language*, and to draw proper regulations for the disposal of that money, the Assembly referred to the committee for overtures to prepare an overture on this subject. This overture was given in on the 31st, importing :—

“ That the money collected within the Synods of Glasgow and Ayr, and Argyle, be lodged in the hands of a collector to be named at Glasgow, to be laid out by him at interest, till called for ; and the collector at Edinburgh to receive the remainder, to be laid out by him in like manner.

“ That two committees be named, the one to meet at Glasgow, the other at Edinburgh, to whom reports are to be made from Synods and Presbyteries, and who are to issue precepts upon the collectors for the payment of the sums allowed to students, and give such further directions as may be found necessary.

“ That six students be named and recommended in manner following, viz., three from the Synod of Glenelg, two from the Synod of Argyle, and one from the Synod of Perth and Stirling ; the said students to continue four years at the study of divinity, with £15 Sterling yearly to each of them.

“ That the Synod of Glenelg recommend, in the first instance, one from the Presbytery of Gairloch, one from the Presbytery of Skye, and one from the Presbyteries of Uist and Lewis; and, in the second instance, that the Presbytery of Abertarff be preferred, and next, Lewis and Uist.

“ That the Synod of Argyle recommend always one from the Presbytery of Mull, and one from the Presbyteries of Lorn and Inverary, beginning with Lorn.

“ That the said sum of £15 Sterling be paid to the students, upon production of the recommendation of the respective Synods, and certificates from the professors of divinity of their attendance for four months in the session to the said committees, who are to issue precepts upon the collectors respectively, in common form.

“ That the several students so recommended, before receiving payment of any part of their allowance, do find sufficient security for the repayment of the sums of money that shall be by them received, in case of their applying themselves to any other business in life than that of the church, or in case of their accepting a settlement in the Low country in preference to a Highland parish.

“ That a list of the students so educated upon the above fund, be annually reported to the General Assembly: That the Assembly renew their appointment, that parishes who have not as yet collected for the above purpose, do it within a limited time, and enjoin Synods and Presbyteries to see the same duly executed; and that the several parishes who have already collected, transmit the same to the respective collectors without loss of time.

“ That the committee at Glasgow be the ministers of the town of Glasgow, and Mr Hill of the Barony, with Principal Leechman, Professors Traill, Muirhead, and Williamson, Bailies Ingram and Baird, and Mr Duncan Macfarlane: That the Assembly recommend to Bailie Ingram to take the trouble of receiving the collections at Glasgow, and lay out the same upon interest in the most proper manner.

“ That the committee at Edinburgh be, Drs Hyndman, Dick, Webster, Robertson, and Cuming, Professors Matthew Stewart and Ferguson, the Lord Provost of Edinburgh, the Procurator, and Messrs Swinton and Campbell of Stonefield, advocates.—Three of each committee to be a quorum.”

This overture was approved of. The money collected within the Synods of Glasgow and Argyle, to be transmitted to Bailie Archibald Ingram, merchant in Glasgow, and the rest to Mr William Ross, writer in Edinburgh. And the Assembly appointed, that the act of the Assembly 1761, for the aforementioned collection, be transmitted to the Presbyteries, and that such ministers as have not yet made the collection, do make it betwixt and the 1st of March next.

An overture from the Presbytery of Perth, That the As-

sembly should address the King, that his Majesty would be graciously pleased to order, that such regiments as are levied in North Britain may have *Presbyterian chaplains*, was remitted, on the 28th, to the committee on kirks, manses, &c. ; and next day the committee gave in their report, bearing, as their opinion, that it is improper to address the King on this subject, but that other means may be thought of to attain the end in view ; which opinion was unanimously approved of.

A petition for Messrs John Macalpin, minister of the Lowland congregation of Campbelton, and David Campbell, minister of Southend, was taken under consideration on the 26th. The petitioners represented, That they had directly complied with the act of the Synod of Argyle, which enjoined the discontinuing the *sermons* on the Saturday before and Monday after *the Sacrament*, and did every thing in their power to persuade their people to comply with it ; but the breach between their people and them became every day wider and wider, till at length their ministry became in a great measure useless. “ For three successive years,” these are the words of the petition, “ the sacrament was dispensed in your petitioner Mr Macalpin’s parish, at least offered to his people, agreeable to the regulations of the act of Synod ; but very few, not above seventeen persons, would communicate, and his elders would not officiate ; and it became at last necessary for him to make the compromise with his people, of giving them a preparation-sermon upon the Saturday, in order thereby to restore and preserve his usefulness as minister of the parish ; and since the preparation-sermon on the Saturday was given, his people did communicate with the same decency and harmony as before the act of Synod commenced ; and there were no less than seven hundred communicants. . . . In justice to our people,” say both the petitioners, “ we must say, that they are religious, regular, and well disposed ; in so much, that there are few or none within our parishes that do not regularly keep up the worship of God in their families, and take great care to have their children educated in the principles of our holy reformed religion.” For this deviation from the injunction of the act above mentioned, the aforementioned two ministers were brought before the Synod ; and sentence was pronounced, Aug. 6, 1761, by which the Synod, waiving at that time the consideration of Messrs Macalpin and Campbell’s past behaviour,

unanimously resolved to adhere to the acts of Synod 1754 and 1755, whereby the sermons upon the Saturday before and Monday after the sacrament are appointed to be discontinued, and appointed these gentlemen to conduct themselves accordingly in time coming. From this sentence they appealed to the Assembly. Parties being heard, this supreme court, after long reasoning, granted the desire of the appellants' petition, and allowed them to have sermon on the Saturday before the sacrament, as they shall see it for the interest of religion and the ends of edification.

On the 29th, the Assembly took into consideration,—a petition and representation of the Presbytery of *Strathbogie*, giving an account that there was a great number of Papists and other disaffected people within their bounds; complaining that, this notwithstanding, the committee for managing the royal bounty had withdrawn the itinerancy, not only from the Enzie, but also from Ruthven; and praying, that both these itinerancies might be restored;—a representation by the minister and kirk-session of Belly to the aforementioned Presbytery, recommended by the Presbytery to the Synod of Moray, and by that Synod to the Assembly, complaining of the withdrawing of the itinerancy from the Enzie, and praying it might be restored;—and two petitions from the Presbytery of Fordyce, complaining that the royal bounty committee had disallowed a salary for the missionary in the Enzie this year, and withdrawn the itinerancy from Portsoy, and praying the Assembly might recommend to that committee, to continue an itinerant to preach at Portsoy and to catechise in the Enzie. After all these papers were read, and the parties concerned heard, the Assembly had a good deal of reasoning on them; in the course of which it was remarked, that the royal bounty committee had, in consequence of an appointment of the last Assembly, erected five schools, with large salaries, for teaching the dead languages. A motion was then made, and seconded, to put the question, Could the last Assembly, agreeably to the terms of his Majesty's royal grant, withdraw the salaries from the itinerants and catechists, and erect schools for teaching the dead languages, or *Not*? But several members opposing the putting of this question, a second was proposed, and seconded, viz., *Grant* the desire of the petitions, or *Not*? This occasioned the putting of the previous question, Whether to put the *first* or *second*? and it carried for the *second*. Then the

question was put, *Grant* the desire of the petitions, or *Not*? and it carried, by a great majority, *Not*. Therefore the Assembly refused the desire of the petitions.

A motion was made by Dr Webster on the 31st. This rev. gentleman observed, That the King had not yet signified his pleasure concerning the plan laid before his Majesty by the Commissioner, at the desire of the last Assembly, for the more effectual reformation of the *Highlands* and *Islands*, by erecting new parishes and parochial schools, endowed with proper stipends and salaries, and, besides these, five other schools of a higher nature, for teaching the dead languages, with legal salaries; as, therefore, his Majesty had not yet signified his pleasure concerning this plan, but had again issued his royal warrant for payment of £1000, in the precise terms of former grants, the Doctor moved, That no part of his Majesty's pious donation for this year should be applied to the purposes intended by that plan, but wholly employed, agreeable to the former grant, for maintaining itinerant preachers and catechists. The Assembly, after reasoning on this motion, agreed to appoint the royal bounty committee to continue the five persons who were employed last year as schoolmasters, to be catechists in their respective stations; recommending to them to employ the time they can spare from their business as catechists, in teaching such parts of literature as may be useful to prepare persons for the university who have a view to be students of divinity.

Upon a motion made on the 26th, the Assembly appointed that the act of parliament against *murdering of children*,* be read from the pulpit of each parish in the Church at least twice every year; that the Presbyteries, at their privy censures, make inquiry whether this has been done; and that the several ministers cause engross the act into their session records respectively, that it may be always at hand, and not lost.

As to settlements.—On an appeal for the Duke of Hamilton, patron of the parish of *Bothwell*, the Assembly, on the 24th, remitted to the Presbytery of Hamilton to proceed to the translation of his Grace's presentee, Mr James Baillie, minister of Shotts, to be minister of Bothwell; and em-

* See the former volume, p. 219.

powered the Commission to determine finally in any question that shall be regularly brought before them relative to this settlement.

On an appeal by Lieutenant-Colonel George Moncreiff of Reidie, patron of the parish of *Auchtermuchty*, from a sentence of the Synod of Fife, affirming a judgment of the Presbytery of Cupar, refusing to sustain and concur with a presentation and call in favour of Mr Thomas Mutter, minister at Lesswalt, to be minister of *Auchtermuchty*, the question was put, on the 25th, *Reverse* the sentence complained of, or *Not ?* and it carried, by a great majority, *Reverse*. The Assembly therefore reversed the sentence; and sustained the call to the presentee to be minister of *Auchtermuchty*; remitted to the Presbytery to proceed in the necessary steps towards his transportation from Lesswalt and his admission in *Auchtermuchty*, with all convenient speed; and empowered the Commission to determine finally in any complaint, reference, or appeal, that shall regularly be brought before them relative to this settlement.

There were long pleadings and reasoning, May 27 and 28, on a petition for Mr Robert Dalrymple, minister at *Dallas*, tabling an appeal taken by him from a sentence of the Synod of Moray, affirming a sentence of the Presbytery of Forres, whereby, on a libel, charging him with being guilty of fornication with Margaret Lee, his maid-servant, they deposed him from the office of the holy ministry, appointed the parish of *Dallas* to be declared vacant, and Mr Dalrymple to appear on a Lord's Day before the congregation of *Dallas*, to make public profession of his repentance. Mr Dalrymple, in his petition, complains of the Presbytery for precipitation, and other irregularities, in conducting the process against him; particularly, in proceeding sometimes in his absence, and without timely notice given him; and in refusing him an exculpatory proof. On this case, the judgment was in these words:—"The General Assembly did, and hereby do, without a vote, reverse the sentences of the Presbytery of Forres and Synod of Moray, deposing the said Mr Robert Dalrymple from the office of the holy ministry; and leave it to the Presbytery to proceed of new, by way of libel, against the appellant, as they shall see cause; and if they shall proceed in a new process, that they allow him a full proof of all facts and circumstances that may tend either to exculpate or alleviate."

On report of the committee for overtures, May 31, the following *overtures* were agreed to be transmitted to the several Presbyteries of the Church, that they may send up their opinions upon them to the next Assembly, viz. :—

1. “ The General Assembly, considering that, by *Form of Process*, ch. ii., § 13, the judicatures of this Church are enjoined to consider and sustain the relevancy of the exculpation offered by the defender, before they give warrant to cite witnesses for the proof thereof; and considering likewise, that a practice more equitable obtains in the supreme civil and criminal courts of this part of the united kingdom, viz., that the defender is always allowed to prove all facts and circumstances which he may apprehend to have any tendency, either to his entire exculpation, or to the alleviation of the crime charged in the libel against him, and that before the court proceed to consider the relevancy of the grounds of exculpation offered by the defender : Therefore, the General Assembly did, and hereby do, repeal the article in the *Form of Process* above referred to; and enact, and appoint all judicatures in this Church, to grant warrant to cite such witnesses as the defender or his procurator shall name, for proving all facts and circumstances which the said defender or his procurator may judge to be of use for exculpating the defender from the crime or crimes libelled, or for alleviating the same, without giving any previous judgment on the relevancy of the grounds or articles of exculpation. And further, they appoint the said judicatures, before pronouncing final sentence, to weigh deliberately, not only the relevancy and proof of the libel, but likewise the relevancy of the said exculpation, and the proof thereof.”

2. The overture transmitted by the Assembly 1754, concerning members of inferior courts judging in causes appealed from to superior courts,—to be again transmitted.

3. The overture of last Assembly, relating to Presbyteries sending their opinions on overtures transmitted to them,—to be also again transmitted.

4. And the Assembly remitted to the window-tax committee to review the *Form of Process* as it presently stands, and prepare an overture for altering such parts of it as may be thought necessary,—to be laid before the Commission in November, who are empowered to transmit it to the Presbyteries.

According to the report of the trustees for managing the *widows' fund*, the facts continue to correspond, to a surprising degree of exactness, with the suppositions on which the calculations for establishing the fund were founded, as appears by a comparison of the calculations previously made, with the facts as they have come out since the commencement of the establishment, being eighteen years, as follows:—The *first* column contains the suppositions and the calculations, previously made; the *second*, the facts as they have come out; and the *third*, the differences between these:—

SUPPOSITIONS AND CALCULATIONS.	FACTS.	DIFF.
It was supposed,		
That 30 ministers and professors would die annually; <i>inde</i> , for 18 years - 540	— 537 —	— 3 —
That they would leave 29 widows annually; <i>inde</i> , for 18 years - 360	— 358 —	— 2 —
That 6 families of children without a widow would be left annually; <i>inde</i> , for 18 years - 108	— 107 —	— 1 —
That 4 ministers and professors would die annually, without leaving either widows or children; <i>inde</i> , for 18 years - 72	— 72 —	— 0 —
That the number of annuitants drawing full and half annuities, at Whitsunday 1762, would amount to within a small fraction of - 229	— 224 —	— 5 —
That the medium of their annuities would be - L20 0 0	* L19 17 3 10	L0 2 8 2
That the medium of the annual rates would be - 5 5 0	5 1 6 9	0 3 5 3
That the free stock, at clearing accounts with the collector, in the 1761, would amount to - 52,660 4 4	52,122 0 9 3	538 3 6 9

* The 4th denomination in these sums is 12ths of a penny.

The Rev. *Dr George Wishart*, principal clerk to the Assembly, was excused from not attending this Assembly on account of an accident he met with, which confined him to the house, and the Rev. Mr James Hogg, minister at Linlithgow, was authorised to act for him as clerk.

A reference from the Presbytery of Paisley, of a case brought before them anent the transportation of *Mr John Witherspoon* * from *Paisley* to *Dundee*, with an appeal by the magistrates, town-council, town-session, and incorporations of Paisley, opposers of the transportation, from the

* The previous transportation of Witherspoon from Beith to Paisley never came before the Assembly. But it had been opposed by the Paisley Presbytery, (chiefly on the ground of his being the reputed author of the “*Characteristics*;”) and his defence before the Synod may be seen in his “*Essays*,” vol. iii.

foresaid reference of the Presbytery, heard ; the said Mr John Witherspoon continued at Paisley, and his transportation from thence to Dundee refused.

A petition for the Synod of Merse and Teviotdale, for advice in a cause before them, anent repairing the kirk of Kelso ; in which cause, the Synod appointed the Presbytery of Kelso to proceed to a regular visitation of the kirk, betwixt and the 1st of July next ; against which the Presbytery entered an appeal, but afterwards dropt it ; and the heritors obtained an advocation of the cause to the Court of Session, given in and read ; the procurator and agent for the Church appointed, *quam primum*, to call for the advocation, and get the reasons thereof discussed.—*The power of the Synod to enjoin Presbyteries to do their duty with respect to visitation of churches according to law, asserted.*

Act and recommendation for a general collection in the several churches in Scotland to the Society in Scotland for *Propagating Christian Knowledge* among the North American Indians.—The collection to be made in the bounds of the Presbytery of Edinburgh, on the first Sabbath of February next, leaving it to the other Presbyteries to name a day that they shall judge most proper to answer the purpose.—The money collected appointed to be transmitted to John Davidson, writer to the signet, treasurer to the said society ; and the several Presbyteries appointed to report their diligence to their respective Synods.

The report of the committee named to inquire into the extent of the sum collected for the Protestant congregation at *Saarbruck*, given in, bearing, that the collectors named to receive that collection, received collections only from nineteen parish churches, amounting to £39 : 2 : 4d. Sterling, out of which they paid £7, 4s., as the expense of printing and transmitting the said recommendation.—The said report read, and the recommendation of last Assembly for this collection ordered to be reprinted and transmitted to the several Presbyteries, to the end that such ministers as have not collected may yet have an opportunity of collecting.

A motion for renewing the act and recommendation of the Assembly 1760, for a collection for repairing the *harbour of Craill*, in respect of the smallness of the sum collected, being only £58 : 4 : 5½d. Sterling, refused.

The printed *Acts of Assembly* appointed to be sent yearly to the several Universities, as well as to Presbyteries.

Protestation admitted at the instance of the Presbytery of Paisley, and *John Snodgrass* and others, against Mr John Witherspoon, minister at Paisley, and the kirk-session of Paisley, for not insisting in an appeal taken by them from a sentence of the Presbytery of Paisley, pronounced in a process of scandal depending before them against the said John Snodgrass and others.

The Assembly rose May 31.

ASSEMBLY 1763.

THE General Assembly met on the 26th of May. Lord Cathcart was the King's Commissioner, and Dr William Robertson, Principal of the University of Edinburgh, was chosen moderator.

A motion was made, the first sederunt, That an humble address should be presented to the King, to congratulate his Majesty on the *birth* of the *Prince of Wales*, and upon the happy conclusion of the war, by a safe, honourable, and, to all appearance, a lasting peace. Which motion being seconded, was unanimously agreed to, and a committee was appointed to draw it up. The draught was presented on the 28th, and approved of. An address to the Queen was then moved for, agreed to, and a draught of it presented and approved of.

Mr Robert Dalrymple, minister of *Dallas*, who had been deposed by the Presbytery of Forres for the crime of fornication, was restored to his office by the Assembly 1762, but the Presbytery raised a new libel against him; and having allowed him a proof of all facts and circumstances that might tend to his exculpation, and taken the proof on both sides, they referred the case to the Synod of Moray. The Synod deposed him. Mr Dalrymple appealed. Parties were heard at great length before the Assembly, May 31; and on the 1st of June, after long reasoning, the question was put, Affirm, or Reverse, the sentence of the Synod? and it carried, by a great majority, *Affirm* the sentence of the Synod of Moray, deposing Mr Robert Dalrymple from the office of the holy ministry. Next day, on a motion made on reading the minute of this affair, the Assembly declared the church and parish of Dallas to have become vacant from and after the 1st of June, from which day the sentence of

deposition was declared to take effect, and the right of Mr Dalrymple to the stipend to determine.

The Assembly ordered, That all applications for a share of the *public money* in time coming, shall be transmitted to the agent for the Church, with the grounds of the claims, on or before the 1st of May yearly, that the same may be laid before the procurator, who is hereby appointed to give a short state of the case, and report the same, with his opinion thereon, to the General Assembly at their third sederunt; with certification, that all petitions or applications for money, not lodged in terms of this overture, shall not be received by that Assembly, but left in the agent's hands, to be considered and reported to the Assembly in the year thereafter. And the General Assembly recommended to all Presbyteries to pay the greatest attention to the 8th act of Assembly 1719, which was ordered to be reprinted, and inserted with the public acts of this Assembly.

Upon report from the committee for *overtures*, transmitted by the last and preceding Assemblies, the General Assembly agreed, that all these be again transmitted, and appoint, that such Presbyteries as have not yet sent up their opinions concerning them, do send up the same to the next General Assembly. The overtures are these:—*1mo*, Anent sending up opinions on overtures transmitted by the Assembly. *2do*, For repealing that part of the Form of Process anent exculpations. *3tio*, Anent members of inferior courts judging in causes appealed from them. And that the report concerning them be brought in to an earlier diet of the Assembly.

An appeal of the magistrates and town-council of the burgh of *Dundee*, and ministers and kirk-session of the town and parish of Dundee, from a sentence of the Synod of Merse and Teviotdale, whereby they affirmed a sentence of the Presbytery of Jedburgh, refusing to transport Mr Alexander Ferrier, minister at *Oxnam*, to be minister of the town and parish of Dundee, heard; the General Assembly reversed the above sentence, and translated the said Mr Alexander Ferrier from the parish of Oxnam to the town and parish of Dundee, and appointed the Presbytery of Dundee to proceed to his settlement as minister there, according to the rules of the Church, with all convenient despatch.

A petition for the Synod of Merse and Teviotdale, anent the insufficiency of the church of *Kelso*, and that they had recommended the visitation thereof to the Presbytery of *Kelso*, which they had not done; that an advocacy had been brought by some of the heritors of the Synod's sentence, and that they had applied to last General Assembly for advice, and the Assembly appointed the procurator and agent for the Church to give in answers to the bill of advocacy, if not passed, and if it was passed, to get the reasons discussed; and the Assembly did assert the power of Synods to enjoin Presbyteries to do their duty with respect to the visitation of churches; that the Lord Ordinary had assoilzied the heritors; against which interlocutor a representation had been given in by the procurator, which was appointed to be answered, and craving further advice and direction, and to grant what further aid of the procurator and agent, or other counsel, and assistance of the public money, as should be found necessary in carrying on and completing so important an affair.—A committee was named to consider the above petition, and to report their opinion thereon to the Assembly.

A letter from his Grace the Lord High Commissioner to the moderator, informing the Assembly of his Grace's indisposition, and that the Assembly might proceed to business in his absence, if they thought proper.

The report of the committee named to consider the appeal of *Dr David Dickson*, minister at Newlands, from a sentence of the Presbytery of Peebles, to the Synod of Lothian and Tweeddale, deposing him from the office of the holy ministry, and by the Synod referred to the Assembly, called for and given in; bearing, as their opinion, that the Assembly should, in respect of the whole circumstances of the case, agree to take off the sentence of deposition, and suspend *Dr Dickson* from the exercise of his ministry, until the said Presbytery shall see cause to take off this sentence.—The said report and opinion read, and unanimously approven of, and the General Assembly do pass sentence accordingly.

A petition of the Presbytery of Chirnside, craving a disjunction of the parish of *Bunkle* from the Presbytery of *Dunse*, and an annexation thereof to the Presbytery of Chirnside, given in and read.—The General Assembly agreed, as the parish of *Bunkle* is vacant, to delay the determination of this question till that parish is supplied.

An appeal of the Right Hon. William Earl of Glencairn, from a sentence of the Synod of Glasgow and Ayr, whereby they affirmed a sentence of the Presbytery of Irvine, refusing to sustain a call for *Mr William Lindsay*, minister of the parish of *Cumbry*, and to transport him from said parish to the second minister's charge of *Kilmarnock*, heard.—The General Assembly reversed the above sentences, and sustained the presentation and call to Mr William Lindsay, and appointed the Presbytery to proceed without delay to judge in the question of his transportation according to the rules of the Church.

The report of the committee concerning the church of *Kelso*, called for and read, bearing, That they had read a state of all the facts, and were of opinion, as the cause is now depending before the civil court, it would be improper for the Assembly to interpose any further, than to appoint the procurator and agent to get the reasons of advocacy discussed, and to advert to the interest of the Church in this matter.—This was unanimously agreed to by the Assembly.

A petition for the Presbytery of Dunse, bearing, that the united parishes of *Preston* and *Bunkle* being vacant, two presentations were laid before them, one by his Majesty, the other by the curators of Archibald Douglas of Douglas, Esq. ; that Archibald Douglas had obtained a decret of declarator in his favour against the Crown, but that an appeal was intended, and craving the Assembly's advice.—The General Assembly, upon consent of Mr Douglas's curators, agreed to delay proceeding to the settlement till the right of patronage be determined, and recommended to the Presbytery accordingly.

Overture from the Synod of Perth and Stirling, concerning *plurality of benefices*, dismissed, by a great majority.

Upon a petition of *Mr John Abell*, minister of Rothiemay, the Assembly recommends to him, to bring an action for recovering any *dilapidation of his stipend*, or obtaining an augmentation ; appoints their procurator and agent to attend to the same, with power to Mr Abell to apply for such allowance of expense, at the issue of the cause, as the Assembly, from the circumstances of the case, shall think him entitled to ; and the Assembly testifies their approbation of the Presbytery of Strathbogie, for their attention to what is enjoined by the 8th act of the last Assembly, concerning the taking an account of the extent of stipends and glebes.

Appointment of the same committee concerning the *window-tax*, with the addition of some members, with the same powers and instructions as were given by last Assembly, and with power to them to call for aid out of the public fund of the Church, for carrying on an application to Parliament for relief from the said tax, if such application shall be found expedient.

The Assembly rose June 6.*

ASSEMBLY 1764.

THE General Assembly met on the 24th of May.—Dr Alexander Gerard, Professor of Divinity in the Marischal College, Aberdeen, was unanimously chosen moderator.—John, Earl of Glasgow, was his Majesty's Commissioner.

A motion was made, May 28, That Mr John Walker, minister at Moffat, had been employed by the trustees on the *annexed estates*, to visit the *Western Highlands and Islands*, in order to report to them concerning the natural productions, and the state of agriculture, manufactures, and commerce, in those countries; that in performing this, he would have occasion to be in several places which could not be visited by the commissioners appointed to visit those countries by the Assembly 1760; that he was desirous of procuring the Church the most perfect information concerning the state of religion in those countries; and therefore it was proposed, that the Assembly should instruct and empower him to visit those parts, with the same instructions as

* Among other applications made to this Assembly for aid out of the public money, was one from *Mr John Lumsden*, Professor of Divinity, King's College, Aberdeen, setting forth,—“That the four members of said college had raised a process of reduction and declarator, with a view to exclude him from being a member, and from sharing in the public increased revenue of the college; that the Synod of Aberdeen are the original mortifiers of the professor's revenue; that they are properly patrons of the office, and electors of the professor of divinity, they having sixteen votes of nineteen in the nomination; and that the office, as it is of general utility, so is the only one of that kind which is at the disposal of a church judicatory,” &c. The Synod recommended the case, which was also supported by the procurator; and the Assembly agreed to grant the aid desired.

were given to the commissioners by the royal bounty committee in 1760; and that he would report to the ensuing General Assembly, and that without bringing any burden on the funds of the Church. The Assembly instructed and empowered him accordingly, and appointed the Presbytery of Lochmaben to supply his church during his absence.

Tuesday and Wednesday, May 29 and 30, were taken up by the *Edinburgh settlement*, of which the following is an account:—

Dr John Hyndman, minister of *Lady Yester's Church*, Edinburgh, died on the 10th August 1762. Soon after the vacancy, six different persons were talked of for supplying it, two of whom were supposed to have some friends in the town-council; but a letter was afterwards said to have come from London to the Lord Provost, recommending three ministers; Mr John Drysdale, minister of Kirkliston, who was one of them, to have the preference. Be this as it may, a presentation was granted by the town-council to this gentleman, Dec. 1, 1762, and sent him by express; which, with his acceptance, dated also Dec. 1, was delivered to the moderator of the Presbytery on the 3d. Great opposition was, however, made to his settlement, by three different orders of men, viz., the minority of the town-council, the merchant company, and almost all the incorporations, and the general sessions.*

Many papers were published on this subject; the chief of which were:—“*Reasons of Protest* by Messrs John Walker, a present bailie, and James Stuart, a late bailie, and present councillor, adhered to by Messrs Thomas Hog, old bailie, William Gibson, merchant-councillor, and Charles Cuninghame, baker, and William Thomson, weaver, deacons extraordinary, dated Dec. 8, 1762;” with “*Answers* by the magistrates and council, dated Dec. 23,” and “*Replies* by the protesters, dated Dec. 29.”—“*Minutes of the General*

* In the city there were then nine parishes; seven of which had two ministers each, the other two but one each; and for each parish there were six elders and six deacons: so the general sessions consisted of sixteen ministers, fifty-four elders, and fifty-four deacons; in all, 124, when full. The Provost of Edinburgh in 1762-4, was the famous George Drummond; but in September 1764 he was succeeded by Mr Stuart, one of the leaders of the opposition in the present contest.

Sessions of Edinburgh, containing an act, dated Dec. 3, 1762.—“*Answers* by the Lord Provost, Magistrates, and Council, to the resolutions contained in this act, dated Dec. 15; and *Replies* by the General Sessions to these answers, dated Dec. 23.”—“*Faction detected*,” published about the end of January 1763, on the side of the council; and, “*The True State of the Case*,” dated March 7, 1763, on the side of the opposition. From these, and other papers, we shall give extracts; prefixing an *O* to what was said for the opposition, and a *C* to what was said for the council.

O.—It has long been the practice of the Lord Provost of Edinburgh, to convene at his own house his brethren of the magistracy, the convener of the trades, and frequently the merchant-councillors, on the day preceding the stated meeting of council, as a select committee, to plan the operations of the following day; and it has always been understood, that nothing of a public nature was to be moved in council without the previous knowledge of that committee. At this meeting, Nov. 30, 1762, not a word was spoken concerning the supply of the vacant charge. The consequence was, that they who were best qualified to give sound advice, were altogether unprepared; and as a report had gone abroad from one of the clerks, that there was to be no council held that day, some members of no mean character were absent.

C.—This objection, That it had been industriously spread that no business of consequence was to be done on the 1st of December, appeared in various shapes. First, the Lord Provost made it to be believed there was to be no council that day: A gentleman heard him say so; but upon *mature recollection*, it was some other person said so at his Lordship's desire; at least somebody had given out that the Lord Provost was not to be there. In short, this story took a new form every day, and in every form gained credit with some. But nothing can better demonstrate how much the good citizens are imposed upon by a spirit of faction. This was a regular stated meeting of council, held in the ordinary place, and on Wednesday, the ordinary day of meeting throughout the year. If it is foreseen that there is to be no meeting on this stated day, billets are regularly sent, some time before, to warn every individual member not to attend; but in the present case, no such billets were sent. The council met as usual; and this meeting was more numerous than any that

had been for some weeks before. Of thirty-three members, only four were absent; one of whom was confined to his bed by indisposition; and we have not heard that any of the other three ventured to say their absence was occasioned by their having heard the above mentioned report. But what is remarkable, the persons who have been most industrious in publishing this report, were actually present in council. Every artifice of this kind seems to have been altogether unnecessary; for, of twenty-nine members present, twenty-three voted, *Present Mr Drysdale*; five voted against it, and one was *non liquet*.

O.—Mr Hog declares, that he was led to believe there would not be a meeting of council on the 1st of December, and therefore did not come to the council-chamber. His friend, Mr Stuart, entertained the same belief; but having some business with one of the clerks, and calling upon him, he found the council met, and Bailie Walker engaged in debate upon the subject of a presentation. This gentleman had been some time indisposed, and that was the first day of his going abroad. Had not he been in council, and taken up a good deal of time in reasoning, the affair would have been over before Mr Stuart's arrival. . . . Exceedingly surprised at what he then heard, Mr Stuart affirmed in open council, that the provost had said to him some days before, that he would not be in town that day; from which Mr Stuart concluded, either that there would be no meeting of council, or that there would be no business of consequence before them. He affirmed further, that Mr Lindsay, the clerk, had told him, in the Provost's name, that his Lordship would not be in council that day; and Mr Lindsay being urged to declare whether he had not said so, acknowledged his having said to Mr Stuart that the Provost had told him, "he believed he would not be in council that day."

C.—Immediately after, or rather before the death of Dr Hyndman, warm solicitations were begun, and carried on in such a manner, in order to influence the kirk-sessions, and secure their votes for a particular person, as plainly indicated that no regard was to be paid to the sentiments of the magistrates and town-council, though undoubted patrons of all the churches in the city. Frequent experience had formerly proved the pernicious tendency of such solicitations; and the magistrates and council had good cause to be alarmed at

such a notorious abuse of their lenity and indulgence. . . . The convener represented, in council, Dec. 1, 1762, That having had a meeting that morning with his brethren, (as usual every council day,) he was desired by them to request the council to take such measures as appeared to them most proper, for allaying the heats and animosities that were already begun, and were daily increasing, about the choice of a minister. Upon this motion, the Lord Provost desired, that the resolution of council, dated June 6, 1750, should be read; by which it was agreed, "That no motion relative to the calling and settling of ministers in Edinburgh, should be taken into consideration by the council till three weeks after it was entered into the record;" and represented, that if the council judged it an advisable measure at this time to present a minister, it would be proper to rescind that act of council; which, after some reasoning, and protests taken, was accordingly rescinded. After this, the council resolved, by a vote, to proceed immediately to present a minister to supply the vacancy; and the question being put, Whom they should present? twenty-three members named Mr Drysdale. The presentation, which had been previously prepared, was then called for, and signed.

O.—The rescinding the act of council 1750 was unjust, and incompetent to be done by the council. The design of that act was, to guard against designing men taking advantage of their brethren by surprise.

C.—A resolution hastily formed the first moment it is brought into the council, cannot, it seems, be afterwards rescinded, however inconvenient, till five weeks after the motion for so doing is made; for it is two weeks after a motion is made before it can enter the record—a most cumbersome restraint upon the freedom of the council. But every society have a right to set aside the fetters intended to be imposed upon them by their predecessors; for it is not in the power of the administrators of any community, to bind up themselves or successors from acting with that freedom which is inherent in the nature of the constitution, and disentangling themselves from all embarrassments that may retard the administration of the trust reposed in them. Agreeable to this doctrine was the determination of the Court of Session; for though, in 1720, the then magistrates and council entered into articles of agreement with the Presbytery, the sum of which was, that the kirk-sessions, consisting of the ministers,

elders, and deacons of each parish, and where the deacons vote along with the other members, were to give in each session a leet of three candidates for every vacancy ; and on a day to be appointed by the Presbytery, the magistrates and town-council, together with the ministers, and the elders of the several sessions, were to meet, and elect out of those leets a person to fill the vacant charge ; yet, upon a reduction brought of these articles, the Court of Session, Feb. 13, 1739, “ reduced and declared these articles, and hail acts approving thereof, to have been from the beginning, to be now, and in all time coming, null and of none avail ; and found and declared the Lord Provost, Magistrates, and Council of Edinburgh, to have the only right of presenting ministers to all the vacant churches built or to be built within the city.”* And sure, a resolution respecting themselves only, could far less be any bar in the way of the magistrates and council, to remove any obstruction that could be supposed to prevent the exercise of a right fully vested in them by law.

O.—We have no where disputed the power which every society has to alter their bye-laws, when found hurtful ; but such alteration ought to be made in an orderly, fair, and discreet manner, the whole society made acquainted with the intended alteration some reasonable time before it is made, that they may have it in their power to weigh it deliberately. No society can, consistently with honour, alter a law that has been maturely considered before it was enacted, without great and necessary causes. We think laws and forms necessary for supporting common justice and equity ; we cannot look upon them as fetters cumbersome to liberty, but of the highest utility in preventing jobs, injustice, and surprise. These were the reasons for which the act 1750 was made ; the want of such a law having been severely felt by the unjustifiable jobbings that had frequently happened before it was made. Nor was it hastily formed, as is insinuated, but enacted after having been under consideration for several weeks. In these circumstances, no society could abruptly repeal such a beneficial regulation on

* The decision of the Court was unanimous. The action had been brought by the town-council in consequence of the opposition given to the settlement of Principal Wishart.—See the former vol., p. 310.

an instantaneous motion, (when several that had a right to be consulted, were not only absent, but had never heard of the design,) without breaking through every bond of society and public faith.

C.—The act 1750 had no reference to any other method of settling ministers but that established by the agreement 1720; and therefore could not be pleaded against a presentation, which was not in the view of the framers of that act, nor is comprehended in the words of it. Besides, that act was itself proposed and made in one hour, without any previous deliberation, and disregarded the very next vacancy that happened.

O.—This act has been constantly in observance, and the invariable rule of procedure, with respect to the settlement of ministers, ever since its date. . . . *C.*—The fact stands quite otherwise. This act, probably made with a particular view, was never strictly observed but at the time it was made, being, on other occasions, sometimes very little regarded, and sometimes not at all. . . . *O.*—We agree that this act was made with a particular view, the view to guard against trick and artifice, which are too frequent in some societies; and it has been regularly observed ever since it was made, excepting in some instances [which were specified,] when the present Lord Provost was in the chair, or in council.

O.—We apprehend it is not in the power of the council to present a minister; in regard that, by the invariable custom, as well as in consequence of the aforementioned agreement 1720, the method of calling and settling of ministers has been by the town-council and general kirk-sessions in a collective body; and no instance can be given where the magistrates and council have taken upon them to grant presentations since the Revolution. And with regard to the decree of the Court of Session in 1739, as the Lord Provost refused a week's delay, though urged for, that it might be considered deliberately, it must probably have been in absence, or void and null; because the right alleged to be thereby established has never been exercised, but the ancient method of settling ministers has been constantly observed since its date.

C.—The decree 1739 was *in foro*; all parties having interest were called, compearance was made for the defenders by a number of eminent lawyers, and the decree was pronounced after a long debate and printed informations. It

must therefore follow, according to what is pleaded on the other side, that the right vested in the magistrates and council ought to be exercised, that the decree in their favour may be no longer considered as in absence, or void and null, and that the plea of prescription may be cut off.

O.—The right of patronage in a private patron may be considered as a part of his property ; but the magistrates and council of Edinburgh, who are chosen annually, can be considered only as trustees and guardians for their fellow-citizens and the public ; they take an oath of fidelity when they enter upon their office ; and whenever they depart from the liberties and privileges of their fellow-citizens, much more when they infringe and impair them, as we apprehend is done remarkably in this case, they are guilty of a breach of the trust committed to them by the community whom they represent.

C.—What can be meant by insisting upon the council's being trustees for their fellow-citizens ? Do the gentlemen thence infer, that the inhabitants must be consulted and have a vote in every part of the administration ? What endless confusion would this introduce ! Who then are to be the judges, in what respects, and how far the council should depart from or surrender any right vested in them as representing the community ? (whose rights, by the way, cannot be maintained but by the exercise of them by the magistrates and council.) After all, should the right of patronage be found not to belong to the magistrates and council, it would in that case belong to the Crown ; and what would the gentlemen in the opposition gain by this ? Can the community be safer in other hands, than in that respectable body chosen according to the constitution, for the government of the city, and maintaining its rights and privileges ?

O.—We have no occasion to enter into the general question, Whether administrators or governors ought in all cases rigorously to exercise the rights vested in them by strict law ? Thus much we know, that the spirit and maxims of this nation repudiate such rigour. The Legislature itself has, in many cases, listened to the voice of the people ; nay, the magistrates and council of this borough have, on several occasions, paid great deference to the voice of the inhabitants. It is not long since the council took upon them, without consulting or acquainting the inhabitants, to apply to par-

liament for a severe additional tax upon their property,* as well as other steps of a very extraordinary nature; which, as soon as their fellow-citizens were apprised of them, appearing either unconstitutional or improper, were quickly abandoned by those who made them.

O.—If the method of settling ministers in this city by presentations be followed, we apprehend it must have the most fatal tendency, in alienating the minds of the people from attending on the regular stated ministry in the churches, already too much neglected, and to the erecting of different and separate places of worship in this populous city. How hurtful this will be to the morals of the people, already greatly corrupted, must be apparent to all disinterested persons, who are not determined to carry their own arbitrary measures into execution, whatever be the consequence; and how destructive it must be to the revenue of the poors'-house, which is mostly maintained by the collections of those who frequent the churches, and cannot be maintained otherwise, must likewise be apparent; the proper revenue of the town being already so much impaired, that all that can be spared from it is £200 per annum; whereas the voluntary collections at the church-doors amount, at an average, to about £1200 yearly.

C.—Sure no well-disposed mind will be induced to neglect their duty, though their inclination or fancy be not gratified on every occasion. It is hoped the council will always make such a choice of ministers as will be most conducive to the interests of true religion and sound morals; and it were to be wished the gentlemen had avoided the hard name of *arbitrary measures*, which can serve no purpose but to inflame weak minds: at the same time, the council have so good an opinion of the inhabitants of this city, as not to be in the least apprehensive that they will either desert the ordinances of the Gospel, or make any abatement of their charity to the poor.

O.—We must be permitted to call a measure *arbitrary*, which was altogether unprecedented, which stripped several respectable bodies of the privileges of which they had been possessed for time immemorial, without once calling or hearing them, and could be attended with no earthly advantage to the community; on the contrary, must have the most disagreeable consequences, as it is notoriously contrary

* This refers to an attempt made in 1760, to impose a tax for supplying the city with water.

to the practice approved of by the experience of ages, and the bulk of the sober and intelligent persons in the city.

O.—When the minutes of Dec. 1 were read on the 8th, concluding with an appointment on the Lord Provost to transmit the presentation to Mr Drysdale for his acceptance, Messrs Walker and Stuart asserted, that no such appointment had been given or proposed; adding, that they had seen the minutes in the afternoon of the 3d, and that no such appointment was then engrossed.

C.—This appointment was not taken down in writing in the scroll-book on the 1st of December, but was added on the Friday evening following, in the council-chamber, by Mr Williamson, who acted as clerk, on his having the omission pointed out to him by a deputy-clerk, and his recollecting that such appointment had actually been made. Artifice would have been much misapplied in this case, because the signing the presentation implied an authority for every other step necessary to carry it into execution; and the council would certainly have approved of the Lord Provost's conduct in transmitting it to the presentee, although an appointment had neither been made, nor mentioned in the minute, in the same manner as they would have approved of his transmitting a bond, or any other deed, that had been signed in the usual form.

O.—The general sessions think it their duty to testify their disapprobation, in the strongest manner, of a measure [that of presenting a minister,] so new and precipitate, so unreasonable in itself, and injurious to them; which overturns the method of election that has been uniformly followed for a long course of years, and which may be accompanied with the most deplorable effects with regard to the interests of religion in the city; and they would fain hope the magistrates and council will reconsider the matter. They appoint an extract of this their unanimous resolution to be transmitted to the council. A motion was then made, that extracts of the resolution should also be transmitted to the merchant company, and the several incorporations of the city; which, upon the question put, Agree or Not? carried Agree, by a great majority. From which appointment Drs Wishart, Jardine, Blair, and Robertson, ministers, and the Rev. Dr Matthew Stewart, the Rev. Mr Adam Ferguson, Mr Joseph Williamson, and Mr John Campbell, elders, entered a dissent.

C.—The council are undoubted patrons. They have, it is true, for many years past, allowed the ministers and elders to vote along with them in calling and electing ministers; and while that indulgence was used with moderation, it did not occur that any bad consequence could follow upon it; but being informed, that on Dr Hyndman's death, parties were forming, in order to disappoint the council of the choice of his successor, which might have been productive of unusual heats and animosities, they could not avoid concluding, that the exercise of the right of patronage was not only proper in itself, but highly expedient at this time.

O.—As the right of patronage hath not been brought into dispute, the general sessions are surprised to find the preservation of that right alleged by the council as the reason of their late act of presentation, while they do not pretend that they were in danger of losing their right, or that they could not secure it by a less offensive method. . . . The general sessions, who are unacquainted with any means, either unlawful or unusual, employed towards forming parties on Dr Hyndman's death, admit, that the fear of disappointment in the election of a minister, was the chief motive that induced the council to exercise the right of patronage, but are at a loss to discover what public interest, either civil or religious, would have been endangered by this disappointment. As little can they comprehend what peculiar title the present council enjoy, beyond all their predecessors since the Revolution, to have their pleasure submitted to in the election of a minister. Is the right of patronage more valid in their hands, than it hath been in the hands of their predecessors for fifty years past? Are the present magistrates and councillors who adopted the measure complained of, so much distinguished by superior abilities and virtues from all who have held the same station before them, as to render a difference of opinion from them in the choice of a minister inexcusable and contemptible? Although the public should be disposed to pay them this compliment, the sessions are persuaded that the modesty of the council would decline accepting it. The present council had a good example of moderation set them in the conduct of their predecessors, who, in the election of a minister, chose to act upon a level with the members of the general sessions, claiming no other pre-eminence than what arose from the respect and confidence of their fellow-citizens, nor calling to their aid the

rigour of a grievous law, and the heavy hand of power, in order to conceal the low state of their own influence, and to supply the want of that natural authority which is the usual attendant of wisdom and integrity. The reason of expediency alleged for presenting a minister, “in order to prevent unusual heats and animosities!” would have occurred to no body of men within the city but the council. Any other society, who had published their opinion upon this subject with candour, would have foretold a presentation to be a fruitful source of the most violent animosities; such a practice being universally odious to the inhabitants, and contrary to their ancient and most respectable usages.

C.—The act of the general sessions is conceived in terms, importing, that the indulgence formerly shown is not now claimed as a favour, but demanded in point of right. At the very time they voted their application to the council, they agreed, without waiting to see in what manner it would be received, or what effect it would produce, to transmit minutes of their proceedings to the merchant company and the several incorporations; thereby plainly indicating, that they meant to extort a compliance with their request by irregular means, rather than to obtain it by way of favour.

O.—Had the ministers and elders been asserting a right, they would have acted as a party-litigant against the council; instead of a request, would have sent them a summons; but their application has been by remonstrance and entreaty. If the sessions have not relied so much upon the equity and impartiality of the council, as to neglect all other means of relief, the council cannot be unacquainted with the grounds of this diffidence. The irregular steps by which the act of presentation was completed, the dark machinations and unseemly circumstances which, according to our information, accompanied this whole transaction, had diminished that confidence which the council might otherwise have thought themselves entitled to from the sessions. For this reason, they communicated their sentiments, in the most regular and decent manner, to the societies whose representatives make a great part of the council, that the application of the sessions to the council might be aided by the more powerful interposition of these societies.

C.—The publication * and transmission of this resolution

* The act of the general sessions was published immediately after it was passed.

seems to have been contrived with an intention to alienate the minds of the inhabitants from those who have the administration of the city.

O.—An insinuation of this kind against such a body as the general sessions, is not likely to gain credit at any period, unless when it shall generally be believed, that the council have, by a violent, oppressive, and interested conduct, forfeited the esteem, and merited the resentment of their fellow-citizens; a supposition which the sessions are not disposed to apply to the present council, and which, no doubt, they would think highly injurious.

C.—Were matters entire, this act of the general sessions, so framed and published, would have laid the council under a necessity of exercising the right of patronage vested in them by law; and as the presentation, and letter of acceptance, are lodged in the hands of the moderator of the Presbytery, a *jus quæsitum* is thereby acquired to the presentee, which puts it out of the power of the council to recall what is past; and therefore, they would fain hope the ministers and elders will, upon cool recollection, do every thing in their power to promote peace and harmony in the city, by cordially concurring with the choice made by the magistrates and council.

O.—If this *jus quæsitum* means a right to the vacant benefice, it is not easy to conceive how this right can be acquired by a presentee who hath a pastoral charge, and possesseth a benefice in the church, till he be removed from his present charge, and admitted a minister of this city. If the *jus quæsitum* imports the right of a presentee to insist before the ecclesiastical courts, independent of his patron, in a process for obtaining a translation, the sessions freely admit, that the exercise of it would make a becoming counterpart to the act of presentation by the present council, as neither the one nor the other of these odious practices will find a parallel in the history of our Church, since the glorious era when we were blessed by Providence with the complete establishment of our civil and religious liberties. The sessions, in their present capacity, cannot with propriety either concur with or oppose the choice made, as they are neither judges nor parties in this affair; but will most cordially comply with the view of the magistrates and council for promoting peace and harmony in the city, and will moreover use their best endeavours to advance (what they hope

the council have equally at heart) a regard to justice, fidelity and truth, without which no solid peace and harmony can subsist in any society. The general sessions beg leave to entreat the magistrates and council to consider seriously the unhappy consequences that may be apprehended, if they should persist in the measure they have lately adopted, and to proceed no farther in a design which may long prove fatal to the peace of the city; and they are persuaded the council may yet find a remedy for what is past, if they employ their own prudence to search for it. If these entreaties should prove ineffectual, nothing remains for the general sessions but ardently to wish, that this unhappy contention may be brought to a speedy and good issue; and their firm resolution is, that in whatever capacity they may be obliged to act in the progress of this affair, their conduct shall be entirely regulated by a regard to the interests of our holy religion, to the laws of our country, to the rules of the Church, and to the real welfare of the city of Edinburgh. . . . The replies for the general sessions were, upon the question put, approved of by a great majority; but the six rev. gentlemen who formerly dissented, entered a second dissent now.

The validity of this presentation, and the right of the council to present ministers, were challenged, both in a suspension and in a reduction and declarator, (the summons dated Dec. 22, 1762,) brought before the Court of Session, at the instance of the six protesters before mentioned, and James Somerville, deacon of the bonnetmakers, against the other twenty-six members of council, concluding to have the presentation, with the acts and minutes of council relative to it, of the 1st, 8th, and 15th of Dec. 1762, reduced, on the following allegations:—1. That the council have only a joint right with the ministers and elders to call and settle ministers in the city. 2. That the said acts of council were irregular and illegal; and concluding also to have it found and declared, that the right of calling and settling ministers is in the council, ministers and elders, jointly. The result of these processes was, that the Court of Session found, Feb. 18, 1763, “That the magistrates and town-council of Edinburgh have the sole privilege, exclusive of, and without consulting the ministers and kirk-sessions, of presenting ministers to all the vacant churches within the city, and therefore repelled the reasons of reduction and suspension, and assoilzied

the defenders in the reduction with respect to that point ;” and with respect to the rest of the cause, the Court, July 15, 1763, “ repelled the reasons of suspension and reduction of the presentation granted to Mr Drysdale ; found the letters orderly proceeded, and assoilzied the defenders from the reduction and declarator, and declared them quit thereof and free therefrom in all time coming.” On an appeal, these judgments were affirmed by the House of Lords, March 13, 1764.

Resolutions to oppose the settlement were early entered into, and published in the newspapers, by the merchant company, and by all the incorporations, two excepted, the surgeons and waulkers ; and the prosecution of it was delayed by the church courts during the dependence of the civil actions. After the appeal was dismissed, a new objection was made to the presentation, that the city's seal was not affixed to it ; on which a new reduction having been raised, a protest was entered in the Presbytery, March 28, 1764, in the name of Mr Lindsay, present convener of the trades, on this new objection ; which was adhered to by other three members of the present council, and by the merchant company and the incorporations. It became a question, Whether such of the merchant company or incorporations, or of Lady Yester's kirk-session, who had given in a petition in favour of the presentee, as were members of Presbytery, should be deemed parties ? They all, however, voted under protests. Upon the question put, Appoint a limited moderation to Mr Drysdale ? or, Refer the cause *simpliciter* to the Synod ? it carried Refer, by the moderator's casting vote. An appeal was entered by the council from this sentence.

The Synod, which met May 1, found, by a narrow majority, that the members of the merchant company and incorporations were parties, by which three members in the opposition were excluded ; they found also, that the elder from Lady Yester's kirk-session, who was a friend of the presentee, was a party. The determination of the Synod was, That the Presbytery should be appointed to meet on the 17th with the magistrates and town-council, the ministers and elders, being the usual callers of ministers to the city ; then to moderate in a call to Mr Drysdale alone, and to supervise the signing of it by the magistrates and council,

ministers and elders, or such of them as should signify their concurrence ; the sentence to be communicated to the council by the Lord Provost, and to the general sessions by the oldest minister of the city. Against which an appeal was entered for the gentlemen in the opposition.

Dr George Wishart, who was the oldest minister in the city, instead of convening the general sessions, to make the aforementioned communication to them, sent a copy of the Synod's sentence to each of the ministers and elders, (the only persons who claim a vote along with the council in the moderation of calls to ministers,) subjoining to it, in the way of a letter, that the above sentence of the Synod was, in obedience to their order, intimated to them by him ; but he sent no intimation to the deacons, who are indeed members of the general sessions, but have no vote in the moderation of calls. When the Presbytery met on the 17th, Mr John Forrest, merchant, one of the elders, gave in a representation against Mr Drysdale's settlement by a presentation, and protested against the Presbytery's moderating in a call to him alone ; to which protest several elders and ten members of council adhered. Another representation was given in, signed by thirty-two session deacons, complaining that the Synod's sentence had not been intimated to them. The first question put in the Presbytery was, Whether the ministers of Edinburgh, and their elders, members of Presbytery, particularly four elders whom the Synod had declared parties, should be judges in the affair ? The persons whose right was the subject of the question, were themselves allowed to vote, (as they had done in the Synod,) and it carried here by their own votes that they were not parties. It was then moved to find, That the Synod's order had not been obeyed, (because Dr Wishart had not communicated the sentence to the general sessions,) or to put the question, *Obedied*, or *Not ?* Others moved, that the question should be, Whether the intimation of the sentence of the Synod by Dr Wishart to the ministers and elders of Edinburgh, in the manner above represented, was a sufficient intimation of the sentence to them, or *Not ?* On this the previous question was put, and carried for the first state of the vote. Then the Presbytery found, without a vote, a division not having been insisted upon, that the Synod's sentence had not been obeyed. This led to the final question, viz., *Proceed* to the moderation of a call to the presentee alone ; or, *Delay* till the

several appeals taken from the sentences of the Synod shall be discussed by the Assembly? Dr Robertson protested, that the putting this question was incompetent, and an act of disobedience to the Synod's sentence; but it was put, and it carried, by a single vote, *Delay*. Against which protests were taken, and appeals entered. Provost Drummond protested, That as the Presbytery had refused to supervise the subscribing of the call, it should be lawful to subscribe it in presence of two notaries, before witnesses, as is usually done in cases of this kind. Accordingly the call was so signed by twenty-three of the magistracy and council, twenty elders, and seven ministers of the city, making in all three of a majority of the ordinary callers, whose full number (there being now two minister's charges vacant,) was 101, of whom four being members of the council and also elders, the number of callers was thereby reduced to 97. In this shape the affair came before the Assembly.

It employed that venerable court two days (May 29 and 30,) and both long sederunts. The points chiefly insisted on in the *Cases* were:—1. The exclusion of three members by the Synod. 2. The not affixing the city's seal to the presentation; and, 3. The not communicating the Synod's sentence to the general sessions. The Assembly went first on the appeal from the sentence of the Synod; and it being moved to put the question, Whether the dissenters from that sentence should be heard, or Not? the consideration of it was reserved till the parties should be heard; and parties having been fully heard, as the Assembly were about to resume the question, one of the dissenters, in name of the rest, declined speaking as dissenters; but craved, as members of the Presbytery of Edinburgh, that the Assembly, before giving judgment on the Synod's conduct, would hear parties concerned in a question relating to the conduct of the Presbytery of Edinburgh, in consequence of that of the Synod, as the one, they believed, would throw some light on the other. After reasoning, the Assembly agreed to put the question, *Proceed* to give judgment on the conduct of the Synod of Lothian and Tweeddale, before they hear parties on the conduct of the Presbytery of Edinburgh, or *Not*? and it was agreed, that if it carried *Not*, it should be understood, that because of the connection between the sentence of the Synod and that of the Presbytery, the Assembly should hear

parties in the appeal from the Presbytery before giving judgment in the appeal from the Synod. It carried, by a great majority, *Proceed*. So the Assembly resolved to give judgment on the conduct of the Synod before entering on the other part of the cause; and then adjourned.

Next day, after reasoning, the question was put, *Affirm* the sentences of the Synod in all points, or *Not?* and carried *Affirm*, by a great majority. The points affirmed were, The Synod's finding, that certain members of the merchant company and incorporations, who were also members of the Synod, ought not to judge in the cause, but were to be deemed parties; and their appointing a moderation of a call to Mr John Drysdale, the presentee, alone, in the manner expressed in their sentence.

Then the Assembly took into consideration the appeal from the sentences of the Presbytery, by the patrons and the callers of Mr Drysdale. Papers being read, and parties heard, there was produced the aforementioned call to Mr Drysdale, by a majority of the conjunct body of the usual callers, viz., the provost, magistrates, town-council, ministers, and elders of Edinburgh, signed by them in presence of two notaries-public, attesting their subscriptions; which was read, and one of the callers heard. Then a motion was made, that the Assembly should come to the following resolutions, viz., "The General Assembly find, that the ministers of Edinburgh, and the elders chosen by the respective sessions there to represent them in Presbytery, being part of the usual body of callers of ministers to the city, and having been summoned by order of the Synod to attend the meeting of Presbytery on the 17th of May in that capacity, ought not to have been admitted by the Presbytery to judge, and to vote, in any of the questions relative to the moderation of a call, in which they were to act as parties, and therefore reverse the sentence of the Presbytery with regard to them; and appoint, that they shall not judge in any subsequent question in the Presbytery concerning this cause: *Find*, That sufficient intimation of the sentence of the Synod of Lothian and Tweeddale, appointing a moderation to the presentee alone on the 17th of May, had been made to all parties who had any interest in the moderation, or who had any right to appear and to vote there; and that therefore, it was incompetent and irregular in the Presbytery to state a vote, *Whether they should proceed or not to obey the appointment of their*

superiors? Find, That the call to Mr Drysdale produced in the General Assembly, is sufficient evidence of the concurrence of a majority of the usual callers to his settlement; and the General Assembly did, and hereby do, sustain the same; and appoint the Presbytery of Edinburgh to meet in the Old Church aisle on Friday next, at ten o'clock in the forenoon, and then and there to appoint commissioners, who, in their name, shall lay the said presentation and call before the Presbytery of Linlithgow at their first meeting; and they further appoint the Presbytery of Edinburgh to report, on the said day, being Friday next, their obedience to the General Assembly, in nominating commissioners, as aforesaid, and that these commissioners shall prosecute the translation of Mr Drysdale from Kirkliston to Edinburgh; and upon a sentence of translation being passed by the Presbytery of Linlithgow, appoint the Presbytery of Edinburgh to proceed to the admission of Mr Drysdale to Edinburgh with all convenient speed, according to the rules of the Church; and further, appoint the said Presbytery to report their diligence herein to the Commission of this Assembly, at their meeting in August next; and empower the said Commission, at that or any of its subsequent diets, to receive any reference or appeal that may be made to them concerning this cause, and to judge and finally determine therein." After hearing the above motion, the question was put, *Agree to the same in all its parts, or Not?* and the rolls being called, and votes marked, it carried, by a great majority, *Agree*; and therefore, the General Assembly did find and ordain accordingly.*

* In obedience to this order, the Presbytery of Edinburgh met on the 1st of June, and appointed Dr Gilbert Hamilton, and Messrs Warden, Craig, Stewart, and James Robertson, ministers, and Mr John Robertson, elder, as their commissioners, or any one of them, to prosecute the call before the Presbytery of Linlithgow, or any other church judicature; and reported their having done so to the Assembly.

It may be observed on this contest, that the exercise of the right of patronage was disapproved of by the general sessions *unanimously*; that no exception, however, ever was made to the presentee; that, on the contrary, a petition was presented to the Presbytery in his behalf by the session of the parish of which he was to be the pastor, (in which they declared that he was extremely agreeable to them, and they were persuaded he would be very acceptable to the congregation;) that his call was unexceptionable, even supposing the

On the 31st, the Assembly took into consideration an appeal taken by five of the kirk-sessions of *Glasgow*, from a sentence of the Synod of Glasgow and Ayr, concerning a presentation granted by the magistrates and council of that

presentation not to be in the field, he having a majority of three for him of those who were admitted by the gentlemen in the opposition to be the usual callers. The ministers of Edinburgh were equally divided on the question,—Drs Wishart, Cuming, Wallace, Jardine, Kay, Blair, and Robertson, being for the settlement; and Doctors and Messrs Webster, Glen, Walker, Dick, Macqueen, Lundie, and Erskine, against it. The next vacancy which occurred in Edinburgh was occasioned by the death of *Dr George Kay* of the Old Greyfriars' Church, on the 10th April 1766. But the town-council, with a view to effect a harmonious settlement, prudently waived their prerogative. The following address of the merchant company to the Lord Provost, Magistrates and Council, was agreed to on the 20th, and presented on the 22d of October 1766, viz. :—

“ We beg leave to testify, in the most respectful manner, the just sense we have of the wisdom and moderation of the honourable council, in permitting the legal term to elapse for presenting a minister to one of the vacant churches in this city.

“ When the exercise of the right of patronage, which, from the happy era of British liberty, had been suffered to lie dormant, was for the first time reassumed by a former council, our duty to the public, as a corporate society, then moved us to remonstrate against an act of administration which had no precedent but in the worst of times, and which, in our apprehension, would be attended with many disagreeable consequences.

“ It now gives us the greatest pleasure to express our gratitude to the present and immediately preceding council, for returning to those milder and more approved measures of government, which, by securing the confidence of their fellow-citizens, lay the firmest foundation for that cordial respect, upon which the true dignity of the governors, and the peace and good order of the governed, do so necessarily depend.

“ Permit us therefore to assure you, that this early and obliging discovery of your intention to give place to the ancient and most agreeable mode of electing ministers to this city, is greatly relished by the true friends of our happy constitution, and leaves no room to doubt, that the whole of your future administration will be equally honourable to yourselves, and beneficial to the community over which you preside.”

An address of thanks from the incorporation of goldsmiths likewise was presented to the town-council on this occasion.

For supplying the vacancy, leets were laid before the Presbytery from the several kirk-sessions of the city, on the 26th of November. The Presbytery appointed Friday the 28th for the moderation in a call; and they ordered the thanks of the Presbytery to be given to

city to Mr George Bannatyne, minister of *Craigie*, to be one of the ministers of *Glasgow*, and of the Wynd Church there; by which sentence the Synod had reversed a sentence of the Presbytery of Glasgow, and sustained the presenta-

the town-council for the tender regard they had shown for a peaceable and harmonious settlement. Accordingly, on the 28th, the magistrates, town-council, ministers, and elders, met, and unanimously made choice of Mr James Brown, minister of Melross, to be one of the ministers of the city.

On the 2d of December, the general sessions unanimously agreed that the following address should be presented:—

“ Unto the Right Hon. the Lord Provost, Magistrates, and Council of the City of Edinburgh;

“ We, the ministers, elders, and deacons of the city of Edinburgh, presently assembled in a general meeting of sessions, think it our duty to express, with becoming gratitude, the just sense we have of your mild and prudent administration with regard to the ecclesiastical concerns of the community.

“ The free election of a minister for supplying one of the churches under your patronage, from lists made up by the several sessions, according to the ancient usage, which issued in a call voted and signed with perfect unanimity upon Friday last, and your allowing the legal term to expire for presenting to the other vacant charge, are events that cannot fail to give us the sincerest joy.

“ We are fully persuaded, that such indulgent attention to the general voice of your fellow-citizens, in a matter with which their spiritual interests are so intimately connected, will naturally be productive of peace and good order, and cherish that cordial esteem of your wisdom and equity, and that entire confidence in the kindness and purity of your intentions, which are the most effectual principles of dutiful respect on their part, as well as the most permanent foundation of that authority and influence which belong to the office of magistracy.

“ We reckon ourselves peculiarly honoured by the obliging proof you have given of your regard to us, in restoring thus far an important privilege, which we and our predecessors have uniformly enjoyed, from the full establishment of our civil and religious liberties at the glorious Revolution, downwards to the year 1762; and it shall be our constant care, both as office-bearers and citizens, to conduct ourselves by the same wisdom and moderation which we so justly applaud in you: the happy effects whereof are sensibly felt, and gratefully relished, by the great body of inhabitants, to whom, as members of the Established Church, we, in our respective stations, are more immediately related.

“ By appointment of the general sessions, in their presence and name, by

“ DANIEL MACQUEEN, *Moderator.*”

tion. After reading papers, hearing parties, and long reasoning, it was moved, That the question should be put, *Affirm* or *Reverse* the sentence of the Synod? But another motion being made, That the determining of this affair should be delayed till the validity of the presentation should be ascertained in a civil court; and that the state of the question should be, *Proceed* or *Delay*? it was agreed to put the previous question, *First* or *Second* state of the vote? and it carried, by a great majority, the *First*. Then the Assembly, without a vote, affirmed the sentence of the Synod, and sustained the presentation. To which judgment, on report of a committee, June 1, there was added as follows:—"In respect of the particular circumstances of this case, find, That the presentation given by the magistrates and town-council of Glasgow, joined with the petition of those who had rented seats in the Wynd Church, are sufficient to found a process of translation before the Presbytery of Ayr, in order to have Mr Bannatyne removed from his present charge to the said Wynd Church; and therefore, the Assembly appoint the Presbytery of Glasgow to meet on Wednesday, the 20th of June current, and at that meeting, without further delay, to name commissioners to prosecute Mr Bannatyne's translation, in order to his being settled minister of said Wynd Church, with all convenient speed: And in case any question shall arise with regard to the said translation, they empower the Commission to receive any reference or appeal thereanent, and to judge and finally determine therein: And they further appoint the Presbytery of Glasgow to report their obedience to this injunction to the Commission in August next."

A letter was given in to the Assembly, June 1, from the corporation in the city of Philadelphia for the relief of poor and distressed Presbyterian ministers, and of their widows and children, in *Pennsylvania*, &c., dated at Philadelphia, Feb. 10, 1763, thanking the Assembly for the charitable donation of £1284 : 4 : 11d. Sterling, transmitted to them at sundry times for the above purpose, in consequence of the application made to the Assembly 1760. Which letter was read, and ordered to be recorded.

A minister who lived at a distance from Edinburgh, and had but a small stipend, having been appointed to succeed Mr Haig as minister of the *Castle* of Edinburgh, divine ser-

vice was not now performed there regularly. This moved the Presbytery of Haddington to overture, concerning that ministerial charge, "That the Assembly should make a representation to his Majesty's secretary of state for the northern department, of the circumstances of the inhabitants of the said garrison, as totally destitute of the benefits of public worship in the church there, by reason of the want of a fixed minister of the Gospel residing in the Castle, a privilege they have enjoyed ever since the happy Revolution." The opinion of the committee of overtures on this was, "That whereas the said alleged ministerial charge appears to be constituted merely by a commission in common form, from the secretary at war's office, to one to be chaplain to a company of foot in the said Castle, and who is consequently subject, as such, not to the judicatures of this Church, but to the war department; and finding also, that the last General Assembly thought meet to dismiss a similar overture [concerning a *plurality of benefices*,] that came before them from the Synod of Perth and Stirling; therefore, the present General Assembly should dismiss the said overture from the Presbytery of Haddington, withal declaring, that they judge the proposal therein contained to be altogether improper and inexpedient, to be followed out and carried into execution by the judicatures of this Church." After reasoning, the question was put in the Assembly, *Approve* of the opinion of the committee, or *Not?* and carried *Approve*, by a great majority; therefore the Assembly dismissed the overture.

An appeal of the Right Hon. William, Earl of Glencairn, patron of the parish of *Kilmarnock*, and certain heritors, elders, and heads of families, from a sentence of the Presbytery of Irvine, to the Synod of Glasgow and Ayr, refusing to transport Mr William Lindsay, minister of the parish of Cumbray, from said parish, to the second minister's charge of Kilmarnock, and the said Synod of Glasgow and Ayr's reference to this Assembly, heard.—The General Assembly reversed the sentence of the Presbytery of Irvine, sustained the reasons for the transportation of Mr Lindsay from Cumbray to the parish of Kilmarnock; and accordingly transported the said Mr Lindsay from Cumbray to Kilmarnock, and appointed the Presbytery of Irvine to admit Mr Lindsay minister of Kilmarnock betwixt and the 17th day of July, and to report their having done so to the Commission,

who are empowered finally to determine any question relating to this settlement.*

Upon an overture from the Synod of Perth and Stirling, concerning the proper *reparation of churches*, and rendering them more commodious, a committee was appointed to consider and prepare an overture thereanent; as also to take under their consideration a plan for manses, churches, and schoolhouses, and to report to the Commission, or the next Assembly.

A petition of the *Society for Propagating Christian Knowledge*, craving a collection to be made in such parishes as had been hitherto deficient, granted.

An appeal of Alexander Earl of Galloway, and the other tutors of his Grace George James Duke of Hamilton and Brandon, patron of the parish of *Shotts*, against a sentence of the Presbytery of Hamilton, refusing to proceed to the settlement of Mr Laurence Wells, presentee, and referring the cause to the Synod, and from a reference of the same by the Synod to this Assembly, being heard, the General Assembly sustained the presentation and call to Mr Laurence Wells, and appointed the Presbytery of Hamilton to proceed to his trials and settlement, as minister of the parish of *Shotts*, with all convenient speed, according to the rules of the Church.†

An overture from the Presbytery of Glasgow, concerning the practice of admitting students as students of divinity, while attending the study of philosophy, having been con-

* Mr Lindsay was ultimately settled, but not without violent opposition. At the Ayr Circuit Court in October of this year, Alexander Thomson, William Wylie, James Crawford, John Hill, Adam White, David Dunlop, William Nimmo, William Davies or Davidson, Hugh Thomson alias Bulloch, and Robert Creelman, tradesmen and journeymen in Kilmarnock, were tried for raising a tumult in and about the church of Kilmarnock, at the settlement of Mr Lindsay as minister of that parish. The jury acquitted the last seven, but found the first three guilty; who were thereupon sentenced to be imprisoned a month, then to be whipped through the streets of Ayr, and to find caution for their good behaviour for a twelvemonth.

† In a pamphlet, entitled, "*Considerations on the Right of Patronage*," which appeared in 1766, it is asserted, that "the strong decisions in favour of patrons by the Assembly 1764, (in the cases of Glasgow and *Shotts*,) were carried through by a majority of ministers against the ruling elders." The case of *Shotts* will appear again in discussion.

sidered by the committee for overtures, they found the affair of greater weight, and more involved in circumstances, than to admit of their bringing in at present a proper overture upon the subject, but that the professors in the universities had agreed to correspond on this matter, and endeavour to prepare an overture to be laid before next Assembly; the same was accordingly delayed.

The committee appointed for considering the overture concerning the reparation of churches, &c., appointed to consider a proposal for applying his Majesty's bounty to the purpose of *new erections* of parishes, and to report to the next General Assembly.

All future applications for a share of the *Royal Bounty*, appointed to lie on the table for the space of two months.

The case of the second charge of *Kirkaldy* referred to a committee, to report to next Assembly.

The procurator and agent for the Church authorised to prosecute the executors of the deceased William Ross, for recovery of the money collected for the education of the *students* having the *Gaelic language*, or to transact that matter with the said William Ross's executors, by the advice and direction of a committee named for that purpose; and they are appointed to correspond with the committees at Edinburgh and Glasgow, appointed by former Assemblies for the management and application of the money collected for the purpose above mentioned.—A recommendation to the parishes that have not made the above collection, to do it without delay, and the several Synods appointed to report to the next Assembly such parishes as shall still be deficient.

Upon a petition from Mr Kenneth Morison, student of divinity, having the *Gaelic language*, craving payment of £30 Sterling money, as two years' fees allotted him as *bursar* for the Presbytery of Lewis, to enable him to prosecute his studies, the General Assembly ordered payment to the said Mr Kenneth Morison out of the public fund of the Church, and also others in the like situation to have what is due to them of their bursary, paid out of the said fund, upon his and their granting to the procurator, assignments of their claim upon the fund raised by the collections for the educating of students having the Gaelic language.

The committee on the *window-tax* renewed, with the same powers as formerly; and in case any minister should find

himself distressed, the moderator of the committee is empowered, upon notice given him, to call a meeting of the committee to give him advice.

The Assembly rose June 4.

The Commission sat the 5th and 6th of June. The first cause brought before them was a reference from the Synod of Glasgow and Ayr, respecting *Mr Alexander Simson*. This gentleman wrote a letter to the Presbytery of Paisley in August last, in which he declared his resolution of accepting a call from the parish of Bothwell, that parish not being able to reconcile their minds to the minister lately settled among them by a presentation, having resolved to call a minister on their own charges, with the assistance and countenance of the Presbytery generally known by the name of *The Presbytery of Relief*; and craving an extract of his license, and certificates of his moral character. Instead of complying with Mr Simson's request, the Presbytery framed a libel, accusing him of schismatical and disorderly courses, in having, on the 27th of October 1763, received ordination from Mr Thomas Gillespie, late minister of Carnock, now under sentence of deposition, and others, assuming to themselves the name of *Ministers of the Presbytery of Relief*; in having thereafter entered on the exercise of the ministry, and continuing it, in the parish of Bothwell, without consent of the incumbent; and in having since administered the sacrament of baptism in the High Church of Paisley, and the sacrament of the Lord's Supper in the College Church of Glasgow. The libel was read to Mr Simson in Presbytery Jan. 18, 1764; he was heard in his own defence; and on the question put, it carried, that he should be served with it. This being intimated to him, he said, that he desired no time to make answers, nor would he give the Presbytery any trouble in proving it, acknowledging his having been ordained by the Presbytery of Relief, and all the other facts charged; but alleged, that neither he, nor the Presbytery of Relief, taught any separating principles; that he was affording a temporary relief to a part of the parish of Bothwell, who were still desirous to continue on the Establishment, and that he apprehended he was doing a service to the Establishment; he consented that the Presbytery should proceed immediately to give a decision, adding, that he very much desired to continue on the Establishment, and that he

did not think he had done any thing to prevent it. At the next meeting of Presbytery, March 28, Mr Simson having been asked if he had any thing further to say, declared he had not. Then, upon the question put, Whether to *proceed* to a decision, or *Refer* to the Synod? it carried *Refer*. Upon another question, it carried, to adject to the reference, as the opinion of the Presbytery, that the judgment of the Assembly should be had on the affair; and upon a third question, it carried, that in case the Synod should neglect to take in the affair, or should not refer it to the Assembly, the Presbytery should appeal.

Mr Simson appeared before the Commission. The aforementioned proceedings were read; and he was heard in his own defence. He objected to the Presbytery of Paisley being judges in the cause, particularly on account of the clause adjected to their reference, and their directing an appeal if it should not be complied with. The Commission repelled this objection, and sustained the Presbytery of Paisley as judges. After long reasoning, the Commission came to the following resolution, without a vote:—"The Commission having considered the libel exhibited against Mr Alexander Simson by the Presbytery of Paisley, and his acknowledgment of the facts therein charged against him, viz., his having received ordination from Mr Thomas Gillespie and others, who take to themselves the name of *The Presbytery of Relief*; and his exercising the office of the ministry within the parish of Bothwell, and dispensing sealing ordinances in other places, upon the said ordination; find his conduct to be such as to be a sufficient ground of declaring, and accordingly the Commission did, and hereby do, declare, the said Mr Alexander Simson incapable of receiving a presentation or call, as a licentiate of this Church, to any of the parishes within the same."

They next took into consideration an appeal by *Mr Robert Carson*, minister at *Anwoth*, from a sentence of the Synod of Galloway, deposing him for alleged fornication with *Grisel Macmaster*, his servant-maid. Parties and counsel were heard; and after reasoning, a motion was made, "To reverse the sentence of the Synod of Galloway; and in respect of some things appearing in Mr Carson's conduct which have given offence to the country wherein he lives, that he be admonished at the bar, and exhorted to behave for the future with more circumspection." But

others being for affirming the sentence, the question was put, *Affirm* or *Reverse*? it being understood, that if it should carry *Reverse*, he should be admonished and exhorted as above. It carried *Reverse*, 47 to 30; and he was accordingly admonished and exhorted by the moderator.*

An appeal by *Mr Thomas Lyell*, minister of *Sanday*, from a sentence of the Synod of Orkney, was next taken into consideration. After hearing parties, and reasoning, the Commission, without a vote, found the procedure of the Synod void and null, in respect of the irregularities of their proceedings, and reversed a sentence of suspension for alleged fornication, passed upon *Mr Lyell* by the Presbytery of North Isles, and a committee of correspondents from the Synod; reserving to that Presbytery to proceed, in what concerns the conduct of *Mr Lyell*, as they shall see cause, according to the Form of Process, and standing rules of the Church.

* The decision in this case gave great and just offence.—(See p. 299.) In the “*Letters concerning the Church of Scotland*,” which appeared in the year 1767, we meet with the following passage:—“Let those who charge the promoters of the late overture (concerning the settling of parishes,) with sinister and ambitious views, please to consider, that they never expressed any dissatisfaction with him who took the lead in ecclesiastical affairs, till he and his friends gave their countenance and aid to an old minister convicted of fornication, and of other most illicit and inhuman practices. Nor did they exert themselves till the whole party employed all their powers in subtle reasonings on terms of law unknown to ecclesiastical judges, with a view to set aside the fullest proof by which another minister was convicted of fornication, attended with circumstances of the most barbarous cruelty, in the judgment of almost every one of the judges, and actually got the notorious delinquent assoilzied. Let the arbitrary execution of the patron’s right be connected with the arts of eluding processes against scandalous ministers, and any one may judge of the condition to which the Church of Scotland must be reduced, if a speedy check is not given to these measures. Take into consideration the little progress that is made in convicting scandalous ministers in different parts, and the unheard-of licentiousness that prevails in some corners of the Church, through the countenance given to every art of evasion, on the one hand, and the little encouragement given the honest zeal of judicatories on the other, and every one will determine for himself, whether it is at all improbable, that a body of ministers and lay elders should attempt a change of measures, from a real concern for the interests of religion.

“I remember it was always a maxim in our church courts, That

ASSEMBLY 1765.

THE General Assembly met on the 23d of May.—Mr James Oswald, minister of Methven, Perthshire, was unanimously chosen moderator, and John, Earl of Glasgow, was his Majesty's Commissioner.

It was resolved, on the 25th, to call, on Monday the 27th, for the report of Mr John Walker, minister of Moffat, who was appointed by the preceding Assembly to visit some parts of the Western Highlands and Islands which had not been visited by the commissioners appointed by the Assembly

we ought to proceed *secundum allegata et probata*; that is, not by suspicious conjectures, or even by the most certain information we might have in private, but by that evidence which lay in the process, subjected to the judgment of the court, and to the review of superior judicatories, where that was competent; or to the whole world, where it was not. If the cause of a certain delinquent had been tried by these rules, he must have been condemned by a great majority. It was pleaded before the Commission full seven hours, and the sentence adjourned till next day; at the rising of the Commission, after hearing the cause, and at sitting down next day, after thinking upon it, I was persuaded, as many others were, that it was impossible for him to escape. But, to my great surprise, long, learned, and laboured speeches were made, not only by the gentlemen of the law, but by divines, founded on the nature of evidence, of legal evidence, which had a tendency—nay, seemed contrived—to weaken, and indeed to set aside the whole proof. A clergyman of great eminence and perspicacity, who had made the nature of evidence his study, stood up and said, that he was no civilian, therefore would not take upon him to fix the idea of legal evidence; but affirmed, and to the satisfaction of all present demonstrated, that we had before us the strongest of all evidence, that, viz., which duly attended to, must convey conviction to every judge of common understanding. This had effect, but not that which in reason and justice might have been expected. Things do not make the same impression at a distance as on the spot; and therefore you cannot form a just idea of the alarm given to the friends of religion and virtue, by witnessing the absolution of a minister who had been deposed by his Presbytery and Synod, and convicted of fornication in the judgment (I take upon me to say) of almost every member of the Commission; and all by the flimsy artifice, that though there was a proof, there was a want of legal evidence—that is, of the evidence which would be deemed legal by civilians, but of which clergymen, and I presume country gentlemen, were either ignorant, or had not that knowledge which is necessary to found a sentence of absolution or condemnation."

1760.—[The University of Glasgow had conferred the honorary degree of Doctor in Medicine on this rev. gentleman on the 28th of February.] Dr Walker's report was accordingly produced on the 27th, and read; a committee was appointed to consider it, and the report of the former commissioners, and to prepare proper overtures upon them; and the Doctor received the thanks of the Assembly for his faithful and diligent execution of the commission given him. . . . This committee gave in to the Assembly, on the 1st of June,—

Report of the Committee appointed by the Assembly to take under their consideration Dr Walker's report, and the former report, together with the overture respecting new erections in the Highlands.

The committee having considered the report, with the various steps already taken for reforming and civilizing that country, particularly the act of parliament vesting certain estates in the Crown, and appointing, among other purposes, that the rents of these estates be applied towards civilizing the inhabitants of the Highlands and Islands, promoting among them the Protestant religion, good government, and the principles of duty and loyalty to the king, do report as follows:—

That his Majesty's Commissioner, at the desire of the General Assembly 1762, laid before his Majesty a copy of the report of the visitors of the Highlands, specifying the number of new erections necessary, and the places where they ought to be made; and humbly submitting it to his Majesty to make such alterations in the terms of the royal grant of £1000 yearly, as might authorise the Assembly to apply that fund for the purpose of new erections.

That the report was graciously received, and his Majesty's Commissioner to the General Assembly 1761 was particularly directed by his Majesty to acquaint the Assembly, "That his Majesty entirely approved of the zeal the Assembly had shown upon that occasion, for the better observance of religious duties in those parts of his dominions where proper opportunities have hitherto been wanting for that purpose; and that his Majesty, animated by sentiments of the same true religion and piety, would not fail to show the greatest attention to this object, and that the Assembly would

in due time be informed of such resolutions as his Majesty might think proper to come to upon it."

The committee, therefore, humbly give it as their opinion to the General Assembly, That missionaries are of advantage for civilizing and reforming the inhabitants of the Highlands and Islands, and that the erection of new parishes will also be attended with the most salutary effects; but that the sum of £1000 allowed annually by his Majesty's bounty, is insufficient to answer these ends.

For these reasons, they are of opinion, that an address should be presented to his Majesty, praying, that he would be graciously pleased to order such assistance out of the rents and produce of the annexed estates as he in his great wisdom may think proper, for accomplishing these valuable purposes; that, along with their address, a copy of Dr Walker's report ought to be transmitted to his Majesty, and that a committee should be appointed to correspond with the commissioners of the annexed estates, in order to obtain their concurrence.

This report was unanimously approved of by the Assembly. A committee was accordingly appointed to draw up an address to the King, and the same committee was appointed to correspond with the commissioners of the annexed estates.

The address here follows:—

May it please your Majesty,

We, your Majesty's most dutiful and loyal subjects, the ministers and elders met in the National Assembly of the Church of Scotland, humbly beg leave to approach your throne in behalf of our fellow-subjects residing in the more remote corners of this part of the united kingdom. With the deepest concern, we behold many of them labouring under gross ignorance, or deluded by dangerous errors, which render them insensible to those blessings, religious and civil, which the inhabitants of the other parts of your Majesty's extensive dominions enjoy under your auspicious reign.

To communicate to the inhabitants of the Highlands and Islands a more perfect knowledge of true religion, and to inspire them with just sentiments concerning our happy constitution, we have always considered as objects worthy of our most serious attention; and we are confident, that every measure calculated for attaining such important ends, will

not only merit your Majesty's approbation, but receive such countenance from your royal authority, as may be necessary towards carrying it into execution. Animated by these hopes, the General Assembly of this Church held in the year 1761, thought it their duty to lay before your Majesty the report of commissioners who had been appointed by the preceding General Assembly to visit the Highlands and Islands, and to inquire into the state of religion in those parts; and at the same time they humbly suggested to your Majesty, that if you should be pleased to continue the royal donation which you have annually made to this Church, for reformation of the Highlands and Islands, such alteration might be made in the terms of the grant, as to permit a part of it to be applied towards the erection of new parishes, with fixed pastors in different parts of those countries, as the most effectual method for instructing and reforming the people.

The gracious reception which your Majesty was pleased to give to that application, hath encouraged us to lay before you the report of a reverend minister, who, in obedience to the appointment of last General Assembly, visited several parts of the Highlands and Islands, the state of which the former commissioners had no access to inspect. Although we are fully satisfied, that the labours of the missionaries and catechists, which your Majesty's royal bounty enables us to employ in the Highlands and Islands, are attended with good effects, we are persuaded, that the erecting of new parishes in different parts of those countries would be productive of more certain and permanent advantages; but as the sum granted annually to the Church does not enable us to carry on both these plans in that vigorous manner with which we would wish to prosecute your Majesty's pious intentions, and promote the happiness of our fellow-subjects, we, with all humility, suggest to your royal wisdom, that some part of the rents and produce of those estates, which, by a statute made in the 25th year of his late Majesty, were annexed unalienably to the Crown, may be applied towards erecting parishes in those places of the Highlands and Islands where to your Majesty they shall appear to be most wanted. By that statute, the rents and produce of these estates are declared to be applicable to the purposes mentioned in it, or "in such manner as his Majesty, his heirs or successors, should, from time to time, by warrants under his or their sign-manual, be pleased to direct, to the purposes of civil-

izing the inhabitants of said estates, and other parts of the Highlands and Islands of Scotland, the promoting amongst them the Protestant religion, good government, industry, manufactures, and the principles of duty and loyalty to his Majesty, his heirs and successors, and to no other use or purpose whatsoever."

From our certain knowledge of the state of the Highlands and Islands, we beg leave to assure your Majesty, that the application of some parts of the rents and produce of these estates in the manner we have humbly proposed, will greatly conduce to promote the salutary purposes which the Legislature had in view; and we have such confidence in your Majesty's paternal tenderness towards all your people, that we are persuaded it will appear to you an object highly worthy of your royal consideration.

That it may please Almighty God long to continue the blessing of your Majesty's reign, and that the principles of true religion and virtue, with a firm attachment to our invaluable constitution, may, under your gracious government, be diffused into every part of your extensive dominions, is the earnest prayer of, &c.

JOHN OSWALD, *Moderator.*

On a reference from the Synod of Dumfries, the Assembly, May 25, unanimously sustained a presentation and call in favour of Mr Matthew Cleghorn, minister of St Andrews in Orkney, to be minister of *Drysdale*; and appointed the Presbytery of Lochmaben to proceed in his transportation with all convenient speed.

Petitions were presented to the Assembly from the Synod of Galloway, and from the parish of Anwoth, relating to *Mr Robert Carson*, minister of *Anwoth*, who was deposed by the aforementioned Synod for alleged fornication with his servant-maid, but restored to his office by the Commission in June 1764. It was alleged in the petition for the parish, that three letters produced for Mr Carson before the Commission, and on which the sentence of that court was founded, were forgeries; and therefore it was prayed, that the Assembly would appoint the Synod of Galloway, or the Presbytery of Kirkcudbright, to serve Mr Carson with a libel, on the above and other grounds of complaint against him, and in the meantime indulge the petitioners with the benefit of sealing ordinances without any application to Mr

Carson for that end. The Assembly, May 28, found that the petition from the Synod contained expressions indecent and unbecoming, and was incompetent, and that the prayer of the petition of the parish was incompetent in both parts, and therefore they rejected both petitions.

On the 29th, the Assembly took into consideration a petition of *Mr Robert Park*, minister of *Old Monkland*, tabling an appeal from a sentence of the Presbytery of Hamilton.

The following detail is taken from the appellant's *Case*. Mr Park married Mrs Margaret Robertson, a gentlewoman of considerable fortune, and in every respect a suitable match for him. He made his addresses to her in 1750, but some of her connections used all their influence to his prejudice, which, though unable to prevent, had the effect of retarding the marriage. However, on the 7th of October 1752, they entered into solemn matrimonial vows, and took one another for husband and wife; by which he and she then both understood, and he is now advised, that a marriage, irregular indeed by reason of its privacy, but of unquestionable legal validity, took place. He would have willingly soon declared it, but Mrs Park was extremely desirous to have their marriage publicly solemnized, and he yielded to her anxiety, though it was delayed from time to time, for various reasons. These facts are vouched by, and what happened afterwards is related in, the following declaration, signed some short time before Mrs Park's death, which happened in April 1758:—

“ We, Robert Park, minister at Old Monkland, and Margaret Robertson, spouses, for divers causes moving us hereunto, and particularly to enable the survivor of us to do justice to Andrew Park, our son, have agreed to make the following declaration, viz. :

“ That upon the 7th day of October 1752, we made solemn vows of marriage, and accepted each other as husband and wife, intending the public solemnization of our marriage soon. This Mr Park pressed earnestly every time we met; and one day, as he was soliciting and urging it by several considerations, and expressing doubts of the sincerity of my intentions, I admitted him to the privilege of a husband, and promised to marry openly without delay. But, alas!

being too much influenced by some about me, I had not power to do it till the 3d day of December 1753, being at that time convinced I was with child, and far advanced. We have suffered much for one single irregular step; God alone knows the degrees of guilt. We have mourned for it before him, and hope have obtained his pardon. We have lived together in perfect love and harmony; and when the world was censuring us, particularly Mr Park for harshness to his wife, a fault which he has ever been at the greatest distance from, we were mutually supporting and comforting each other, and through the divine indulgence have lived very comfortably.

“To prevent giving offence as much as we could, we set out from home the first Tuesday of January 1754, and travelled in post chaises to Aiton in Yorkshire. Mr Park, at the earnest request of his wife, for reasons we had in view, returned home; recommending her to the protection of Divine Providence, and to the care of Mr James Simson, minister of the Gospel at Aiton, and Mr John Jolly, farmer in Newton, near Aiton, in whose house she brought forth a son, on the 31st day of January 1754, Mrs Muir, midwife in Stocksly, assisting. Mr Park returned a few days after, and Mr James Simson baptized our son *Andrew*, in the presence of John Jolly, his servants, William Thomas and his wife, and some other neighbours, whose names I cannot recollect. Elizabeth Robertson in Newton undertook to nurse the child, where we, while we staid there, Mr Simson, Mr Jolly, and his servant Katie, might see him every day. In the end of February, Mrs Park thought she might venture to travel; and having concerted measures concerning the child, we set out, with Messrs Simson and Jolly, and that night came to Sagefield. Mr Simson and Mr Jolly returned home, and we came the next night to Newcastle, the next to Belford, the next to Haddington, the next to Whitburn, and the next day home before dinner, the 5th of March.

“To all whom it may concern, we solemnly declare, that the above is a true narrative of facts; and, in testimony hereof, we have subscribed the same, written by Mr Park, on this and the preceding page, at Old Monkland, 7th day of February 1758 years.” (Signed) “ROBERT PARK, MARGARET ROBERTSON.”

Mr Park brought his son from England, first to Edin-

burgh, and then to Glasgow, and acquainted the gentleman under whose care he placed him with his story ; but, at the same time, recommended to him not to *propale* it, as he had not then fixed upon the time and manner of making it public ; which, however, he was, and had all along been, firmly resolved to do.

The boy had not been long in Glasgow before the affair took air, of which Mr Park was no sooner informed, than he thought it his duty forthwith to disclose the whole truth, which he accordingly did to his session, Feb. 3, 1765, and on the Sabbath following, after sermon, to a very crowded audience of his people, with which, on their return from church, they expressed great satisfaction ; and next Sabbath, and ever since, Mr Park had a good congregation.

Seven of his elders, however, gave in a petition to the Presbytery, setting forth, That a scandal of antenuptial fornication had arisen against their minister, of which, by his own account of the matter, he appeared to them to be guilty, and therefore praying the Presbytery to take such steps as they should judge most proper for the honour of religion, and the welfare of the parish. The Presbytery appointed the elders to turn their petition into a libel. They answered, That they did not mean to become libellers of their minister, but only to inform the Presbytery of the scandal that was spread against him. Being then asked, If they desired that the affair should be inquired into? they answered in the affirmative ; in which Mr Park concurred, earnestly begging it might be done as soon as possible. The Presbytery agreed to take the advice of the Synod in what manner the affair should be conducted. The Synod remitted it to the Presbytery, appointing them to proceed with all expedition, that if practicable, the affair might be finished before the next Assembly.

Other facts than those mentioned in Mr Park's narrative having been alleged to be in the *fama clamosa*, they were intimated to Mr Park ; which, with his answers, follow.

1. You called your son your nephew? *Ans.* September, 1758, when I brought my son to Edinburgh, the gentleman to whom I applied, asked, Is this your son? I answered, Yes. When I brought him to Glasgow, I told Mr Barr that the boy was my son. I was never asked by any other person what the boy was. I own that Mr Barr's family,

and others, have spoke of my son as my nephew, and of me as being his uncle ; and I did not contradict this.

2. Why did not you enter his name into the separate register ? [of the widows' fund.] *Ans.* For reasons obvious ; and particularly, because I never intended he should reap any benefit from that fund.

3. You entered your daughters heirs to their mother, to the prejudice of your son ? *Ans.* Mrs Park died April 1758, and the child died on the 20th of that month. I was in deep distress, when a gentleman who was at the child's burial proposed, that my children should be entered heirs to their mother. I said to him, You know the situation of my affairs ; I shall be obliged to you, if you will take the trouble of doing every thing necessary, for at present I cannot think of any thing of that kind. I apprehended, that this was necessary to vest my daughters in that part of their mother's fortune which had not been made over to me (*i.e.*, in marriage articles,) and which, I hope, is less than will justly fall to their share. Of the manner and form of a service I was entirely ignorant ; all I did in entering my daughters heirs was, to sign a commission to Messrs John Campbell, Coats, and Robert Barclay, writer, to act for me.

4. You vindicated to the congregation from the pulpit what you had done, and alleged there was no moral turpitude in it ? *Ans.* February 10, Sabbath.—I said to the congregation, that when I considered the honourable views and intentions which I had all along in the affair, I was conscious of no great guilt ; and was confirmed in this my judgment, by the concurring opinion of a worthy minister (I named nobody) whom I had seen the Friday before, who said, I see no moral turpitude in what you have done, but there is a breach of a good rule. Yet I acknowledged wrong steps, and professed sorrow for them, though I had been led into them, not from any depravity of heart, or bad design.

Mr Park gave in also two letters, one from Mr Simson, minister at Eastwood, to the Presbytery, dated April 29, 1765 ; and the other from Mr James Barr, rector of the grammar school at Glasgow, to Mr Park, dated April 17, 1765,—in which

Mr Simson writes :—“ Mrs Park oftener than once to me, with deep concern, declared, that she was only to blame in the affair ; that he urged the public marriage over and over

from the beginning of their mutual regard, but that some circumstances in her situation then made her to put it off from time to time; that they regarded themselves as married persons from the time that they had given their hearts and their hands to one another; she regretted the great trouble and anxiety she had given to Mr Park, and that he might thereafter be put to, on account of her delay."

Mr Barr writes:—"You desire me to inform you what I remember you said to me concerning your son, when you first put him under my care. After the terms were agreed upon, you told me he was your son; that, for certain reasons, it had been kept a secret from every body, except a few; but that it would be made known soon. Upon my being harassed with people's idle curiosity, inquiring, whether he was a relation of yours? I thought proper to make you a visit, when I asked what account I should give of him? You answered, Say he is a boy I have committed to your care. I write this in haste, that it may go with the bearer. I am," &c.

The Presbytery, after long reasoning, whether to proceed by libel or not, put the question, *Libel* or *Not*? and it carried *Libel*, by three votes. Against which sentence four ministers dissented, and Mr Park protested, and appealed to the Assembly.

After hearing parties, and reasoning, the Assembly came to the following resolution:—"In regard there is no private party offering to insist in a prosecution by way of libel against Mr Park, and in respect of the whole circumstances of this case, the General Assembly finds, that there is no necessity for giving Mr Park a libel, as his conduct has been imprudent and irregular rather than criminal; therefore, they appoint the moderator to rebuke Mr Park for his irregular and incautious behaviour, and so do dismiss this process." Mr Park was rebuked accordingly, and exhorted to be more circumspect in his behaviour for the future.

A petition for the Duke of Hamilton, and *Mr Laurence Wells*, preacher of the Gospel, his Grace's presentee to the parish of *Shotts*, tabling appeals from two sentences of the Presbytery of Hamilton, was likewise taken into consideration on the 29th. The Assembly 1764 sustained Mr Wells' presentation and call to this parish, and appointed the Presbytery to proceed to his trials and settlement. After his

trials were finished, the Presbytery passed the following sentence upon them, April 2, 1765:—" Upon mature deliberation, though the Presbytery will not take upon them to say that Mr Wells is *wholly deficient* in point of knowledge, yet they are of opinion, that his knowledge, particularly of divinity, is very *low* and *mean*, and far short of that degree of understanding which is necessary in one who takes upon him to be a teacher of others, and in such a situation too, where the greatest abilities are required to overcome the universal rooted prejudices which the parish of Shotts has against him. They judge him also to be very much unacquainted with the rules of composition, and greatly wanting in the talents necessary for communicating knowledge, and making a suitable impression upon the minds of common and ordinary hearers, to excite them to a sense of their duty, and persuade them to the practice of it; and that he does not come up to the character which the apostle gives of a minister of the Gospel, that he is *apt to teach*. And therefore, they hereby do find him not qualified to be a minister of that numerous and extensive parish of Shotts." The Assembly, on the 29th and 30th, remitted to the Presbytery to set aside Mr Wells' former trials, and to proceed of new to take trial of his qualifications, and appointed them to take down their questions and his answers in writing; and in case they shall proceed to a sentence from which an appeal shall be taken, that the said questions and answers, together with all the discourses he shall have delivered as parts of his trials, with the Presbytery's remarks, which shall also be taken down in writing, shall be transmitted to the superior courts.

The following overture was transmitted to the Assembly by the committee of overtures, on the 31st:—" As the progress of the *schism* * in this Church is so very remarkable,

* This overture was by no means palatable to the Seceders, as appears from the following extracts from a letter soon after published by the famous *Adam Gib* of Edinburgh, the leader of the *Antiburghers*:—" All Papists in this country,—and all Episcopalians in it, non-jurors as well as jurors,—(who cannot be understood as among the persons ' who were formerly of our communion, but have now separated themselves from the Church of Scotland,') are plainly abstracted from by this overture; so that it takes no notice of their case as an ' alarming evil,' of any ' threatening aspect to

and seems to be on the growing hand. as it is credibly affirmed that there are now one hundred and twenty meeting-houses erected, to which more than a hundred thousand persons resort, who were formerly of our communion, but have now separated themselves from the Church of Scotland, and that the effects of this schism begin to appear, and are likely to take root, in the greatest and most populous towns ; it is humbly overtured, That the Venerable Assembly would take under their mature consideration this alarming evil, which hath so threatening an aspect to this Church,

this Church, to the interests of religion, and to the peace of the country ;' but the overture seems plainly restricted to the *Secession*, under the character of *the schism*. Accordingly, as I am informed by some who were present, the debate on the overture was properly concerning the *Seceders* ; and I suppose it might be chiefly with an eye to that body of *Seceders* which I am in communion with, as they are known to be more numerous, and to stand at a greater distance from communion with the Established Church, than others of that denomination.

“ I shall not meddle particularly with the account which the overture gives of the number of meeting-houses which the *Seceders* have erected, and of persons who resort to these meeting-houses, as I have never sought the knowledge of these matters ; only, so far as I can judge, the number of persons is greatly exaggerated. But, however far the number of those *Seceders* whom I am connected with may yet be short of what would fall to their proportion, according to the overture, they have ground of thankfulness to the Lord, that he has raised up so many to appear on the side of the Reformation testimony, at a time when the interests of the Reformation, and of religion in general, are at so very low a pass in this country.

“ They appear upon no private or sectarian footing. Their whole profession lies in a genuine adherence to the Reformation principles, and established standards of the Church of Scotland ; and if they must be charged with *schism*, because they will not concur with the grievous defection from these principles and standards which is now the prevailing fashion, they will patiently bear the groundless imputation. Their testimony has no sort of threatening aspect on the Established Church in any of her interests as a Christian Church : nor has it any sort of threatening aspect, but all the contrary, in what were once a-day reckoned the interests of religion in all the Reformed Churches. Neither do I know any *effects* of their pretended *schism* that now ‘ begin to appear, and are likely to take root, in the greatest and most populous towns,’ more than took place above twenty years ago.

“ What sort of *remedies* for this pretended schism the authors of the overture might have an eye to, I shall not offer to guess : but

to the interests of religion, and to the peace of the country ; and that they would provide such remedies against this schism as in their great wisdom they shall judge most proper." After this overture was read, and reasoned upon, two motions were made, viz. :—1. That the overture should be transmitted to the several Presbyteries, and they appointed to inquire after the number of meeting-houses erected by those who have seceded from this Church, and the state of the congregations thereto belonging ; as also to inquire concerning the rise, progress, and causes of such secessions, and

I may venture to affirm, that the only remedies which consist with Christianity, and with the rights of human nature, must lie in setting about reformation ; and let the Seceders whom I am speaking of be once satisfied about proper entertainment being given to Christianity in the Established Church, they will then most humbly crave to be entertained in her communion. If the overture should have respect to any other sort of remedies, I shall leave others to judge how far it is out of character among Presbyterians ; but I may say, that, to the great mercy of these lands, it is near seventy-seven years out of time.

" There is one thing in the overture which I beg leave to take particular notice of ; as it affirms, that their pretended schism ' hath so threatening an aspect—to the peace of the country ! ' I shall abstain from any strong language about the injuriousness of this allegiance,—with any remarks about the spirit and tendency of it ; as I am confident that their character is well enough known, for being every way proof against any such imputation in this country. Yet they ought to entertain a grateful sense of the justice which I am informed was done to them on this head, during the debate in the General Assembly, by some honourable members of that court ; particularly by one gentleman of distinction, who strongly affirmed their loyalty to the present government—from this consideration, that none of them took up arms against it in the year 1745."

He then dwells on the exertions the Seceders had made during the rebellion, and thus concludes :—

" After all, I must observe, with satisfaction, that according to my information, the overture was far from being relished in the General Assembly by the majority of either the reverend or honourable members of the court ; and that their putting it into the hands of a committee was no act of favour to it, but was carried in opposition to a transmitting of it to the several Presbyteries, which the friends of that overture insisted for. However, even supposing the worst, the Seceders have ground of confidence,—that a suppressing of the testimony among their hands, whatever might be done with their persons, would prove too hard work for all the people of the earth."

to transmit what informations they receive to the next Assembly. 2. That a committee should be appointed to consider the overture, and report their opinion thereupon to the next General Assembly. After long reasoning, the question was put, *Transmit or Appoint?* and it carried, by a great majority, *Appoint*. A committee was appointed accordingly, of twenty-three ministers and sixteen ruling elders.

On the 1st of June, the Assembly again transmitted the following overtures to Presbyteries:—1. Anent *sending up opinions* on overtures transmitted by the Assembly. 2. Anent repealing a part of the *Form of Process* relating to exculpations. 3. Anent members of *inferior courts* judging in causes *appealed* from them to superior courts.

The same day, on a report from the committee of overtures, That three ministers in the Presbytery of Dunfermline, viz., Messrs *David Hunter* at Saline, *Alexander Daling* at Cleish, and *John Spence* at Orwell, who, for twelve years past, have lain under a suspension from sitting in a judicative capacity in Presbyteries, Synods, or General Assemblies,* have, since falling under that sentence, behaved with all due submission, and lived in good correspondence with their brethren, and that the Presbytery of Dunfermline must sustain a loss through the want of their assistance,—the Assembly took off the sentence of suspension, and reponed these brethren to their former judicative capacity.

Then the Assembly took up an appeal by *Mr John Anderson*, minister of the Gospel at *Glendovan*, from a sentence of the Synod of Perth and Stirling, deposing him from the office of the holy ministry. The crimes laid to his charge were,—brawling, and immoderate anger; drunkenness; indecent speech and behaviour at a sacrament; tolerating gross disorders in his family, particularly in the time of worship; foolish speaking and jestings, which are not convenient.—Counsel were heard on the 1st of June; and on the 3d, after very long debates, the question was put, *Affirm* the sentence of the Synod; or, *Suspend* Mr Anderson until next Synod? and it carried, by a majority of one voice, *Affirm*.

According to the report of the trustees for managing the *widows' fund*, the facts continue to correspond, to a surpris-

* See the former volume, p. 274.

ing degree of exactness, with the calculations made previous to the establishment of the fund, as appears from the sub-joined table,—in which the *first* column contains the calculations previously made, and the suppositions on which they were founded; the *second*, the facts as they have come out; and the *third*, the difference between these:—

SUPPOSITIONS.	CALCULAT.	FACTS.	DIFF.
	<i>Number.</i>	<i>Number.</i>	<i>Number.</i>
It was supposed, That 33 ministers and professors would die annually; <i>inde</i> , for 21 years - - - - -	630	— 615 —	— 15 * —
That they would leave 20 widows annually; <i>ind</i> . for 21 years	420	— 411 —	— 9 —
That 6 families of children with- out a widow would be left an- nually; <i>inde</i> , for 21 years -	126	— 122 —	— 4 —
That 4 ministers and professors would die annually, without leaving either widows or chil- dren; <i>inde</i> , for 21 years -	84	— 82 —	— 2 —
That the number of annuitants drawing full and half annuities, at Whitsunday 1762, would amount to - - - - -	253	— 241 —	— 12 —
That the medium of their annui- ties would be - - - - -	* L20 0 0	L20 1 2 6	L0 1 2 6
That the medium of the annual rates would be - - - - -	5 5 0	5 1 11 6	0 3 0 6
That the free stock, at clearing accounts with the collector, 1765, would amount to - - - - -	57,049 8 19	57,468 18 6 6	19 10 4 9

* The 4th denomination in these sums is 12ths of a penny.

* As the period during which the above facts have happened, commences with the scheme upon the 25th March 1744, and concludes upon the 22d November 1764, being about four months short of twenty-one years, if 10 (the number of deaths supposed to happen, according to the calculations, in four months,) were added to the above number of 615, the difference betwixt the calculation and fact would be only 5. The same observation may be applied to some others of the above particulars.

An overture from the Synod of Lothian and Tweeddale, together with the overtures from the Synod of Perth and Stirling, and Presbytery of Langholm, anent the General Assembly's judging in all causes of importance themselves, and not to refer the same to their *Commissions*; particularly, processes respecting the moral character of ministers of this Church, called for and read; and, after some debate, were ordered to lie on the table.

An overture anent the *inclosing of glebes* referred to the Commission, that they might digest and ripen the same for the next Assembly.

An appeal of the Right Hon. John Earl of Hopeton, and the whole other heritors, elders, and parishioners of the pa-

rish of *Kirkliston*, against a sentence of the Presbytery of Lochmaben, refusing to transport the Rev. Mr James Lindsay from the parish of Lochmaben to the parish of Kirkliston, being heard, the General Assembly unanimously reversed the sentence of the Presbytery of Lochmaben, and transported Mr Lindsay from the parish of Lochmaben to the parish of Kirkliston, and appointed the Presbytery of Linlithgow to proceed to the settlement of Mr Lindsay, as minister of the parish of Kirkliston, with all convenient speed.

Mr John Chiesly, minister at *St Monance*, appeared at the bar, and signified, that he now withdrew an appeal which he had taken from a sentence of the Presbytery of St Andrews. The General Assembly declared the said appeal fallen from.

A petition for Mr John Chiesly, minister at *St Monance*, craving a share of the public money, to enable him to carry on his defence against a process he was concerned in before the commissary of St Andrews, for an alleged freedom upon a person's character, *when delivering his opinion as a judge in an ecclesiastic court*; which petition being read, the General Assembly ordered him £5 Sterling to enable him to carry on the defence in the said process, and recommended him to the procurator and agent of the Church.

A committee named to take under their consideration the *Form of Process*, and what additions or alterations may be made thereupon, or whether a new Form of Process is necessary, and to bring an overture on that subject to the next General Assembly.

The committee appointed to consider the petitions of the Presbytery of Peebles and parish of *Newlands*, respecting Dr David Dickson, gave in their report; which was read, and approved of by the Assembly.*

The committee appointed to consider the petition of Messrs James Lesly, &c., anent Mr Thomas Lyell, minister at *Sandy*, gave in their report; which was read, and approved of by the Assembly.†

* Dickson had bound himself by missive letters, to make provision for a regular assistant, but now refused to implement his agreement. The committee recommended the Assembly to instruct the procurator to assist the Presbytery in any civil action that might be necessary.

† The committee in this case reported, that as there were great informalities in the procedure against Mr Lyell, the Presbytery should be appointed to give him a new libel in proper form.

A letter from the Presbytery of Abertarff, craving that the General Assembly would order the *missionary ministers* employed among them to attend their meetings, and be associated members, on account of the smallness of their number in said Presbytery.—Which letter was read, and the desire thereof refused.

Upon a motion, the Assembly ordered, that all future applications to the committee of the *Royal Bounty*, should, instead of two months, lie only one month upon the table.

A report by the Presbytery of Jedburgh, anent the schoolmaster's salary at *Crailing*, given in, read, and ordered to be recorded.

The Assembly rose on the 3d June.

Committee on Schism.—On the 19th of November, the committee appointed by last Assembly to consider *the overture relating to the schism* in the Church, met at Edinburgh, and agreed to the following report:—"In respect of the dangerous consequences that are to be apprehended from the increase of Secession from the legal establishment of this Church, and as it is reported that no fewer than *one hundred and twenty meeting-houses* are already erected,—although it never was, nor is intended, that any sort of severity should be used against any of those persons, it is overtured, that it may be recommended to Presbyteries to inquire into the truth of this fact: And further, as the *abuse of the right of patronage* has been one chief occasion of the progress of Secession, it is also overtured, that the General Assembly would be pleased to consider what methods may be employed to remedy so great an evil; and it is humbly submitted, whether it may not be expedient for this purpose to appoint a committee to correspond with Presbyteries, and gentlemen of property and influence, and to report."

ASSEMBLY 1766.

THE Assembly met at Edinburgh on Thursday, May 22. John, Earl of Glasgow, was his Majesty's Commissioner.—Mr John Hamilton, one of the ministers of Glasgow, and Principal Murison at St Andrews, were put upon the lect for moderator; and it carried for the former, 83 to 78.

On the 24th, the Assembly took into consideration the *commission* of the Presbytery of Paisley to their representatives in this Assembly, in number four ministers and two elders. This Presbytery had refused to admit two elders as members, against which Dr John Witherspoon, minister of Paisley, protested. A debate having arisen, Whether Dr Witherspoon's protest, and the matter in it contained, was properly before the Assembly? it was agreed to put the question, Whether it was competent to take in the affair or not? and it carried in the affirmative, 76 to 70. And it having been represented, that a judgment of the Presbytery, refusing to admit the two elders aforementioned, had been reversed by the Synod of Glasgow and Ayr, from which sentence the Presbytery had taken an appeal, the Assembly appointed the committee for bills to receive all papers relating to the matter, that the Assembly might have the whole before them next sederunt. On Monday the 26th, there was transmitted to the Assembly from the committee for bills, a petition of the said Presbytery, tabling an appeal taken by them from two sentences of the Synod; one finding a cause (*i.e.*, that the affair was properly before them,) in the case of William Turner, who had been elected elder from the session of *Greenock*, and was refused to be put on the roll by the Presbytery; and the other, ordaining him to be put on the roll, together with the reasons of appeal; also a petition of Dr Witherspoon, craving that the committee would transmit to the Assembly two extracts of the procedure of the Synod anent the affair of William Turner.— After reading the papers, hearing the parties, and long reasoning, the question was put, *Affirm* the sentence of the Synod, finding a cause; or, *Reverse* the same? and carried *Affirm*, 107 to 33. Then the Assembly, without a vote, affirmed the second judgment of the Synod, reversing the sentence of the Presbytery, whereby William Turner was rejected, and they ordained him to be put on the roll of the Presbytery of Paisley, as an elder duly elected by the kirk-session of *Greenock*. The court then proceeded to consider what effect this decision should have upon the election of members to represent the Presbytery in the present Assembly; and whether or not, in consequence of their excluding a constituent member from voting, their election should be found void. After reasoning, the court, without a vote, found and declared the commission from the Presbytery of

Paisley to their representatives in this Assembly void and null, and ordained the members' names to be scored out of the roll of Assembly. On intimating this sentence to the parties, instruments were taken in name of the Synod, and also by Dr Witherspoon. This affair took up two days, during which several points of form were reasoned upon with great accuracy; and it occasioned the new act relating to the form of commissions.

On the 27th, the Assembly entered upon the affair of *Mr James Baine*, late minister of the High Church of *Paisley*, now settled minister of the Church of Relief at Edinburgh.* A letter written by this gentleman, dated Paisley, Feb. 10, 1766, was laid before the Presbytery of Paisley on the 26th of March by their moderator, Mr Alexander Cruickshanks, minister of Mearns, viz. :—

“REV. DEAR SIR,—It would have given me great pleasure to have met with my brethren of the Presbytery of Paisley, as it would have given me an opportunity of acquainting them with what I now inform you of, as their moderator, to be laid before them, viz., That I entirely give up my charge of the High Church in this town, and the care of the flock belonging to it, into the Presbytery's hands. They know not how far I am advanced in life, who see not, that a house for worship, so very large as the High Church, and commonly so crowded too, must be very unequal to my strength; and this burden was made more heavy, by denying me a session † to assist me in the common concerns of the parish, which I certainly had a title to; nor am I singular in thinking so, as I have the opinion of the first judge of the kingdom that it was peevish to refuse it. But the load became quite intolerable, when, by a late unhappy process, the just and natural right of the common session was wrested from us, which drave away from sitting in it twelve men of excellent character; so that I have not one elder for five hundred examinable persons in my proportion. Nor does it alleviate the burden, that this right of the session was so tamely given up (some perhaps will say betrayed) by those who ought to have defended it; for in any society where candour is thought to be gone, confidence must die. I would earnestly beg of my very rev. brethren to think, that this change of my condition, and the charge I have now accepted, *makes no change in my former creed and Christian belief, none in my principles of Chris-*

* The compearance was:—Messrs Warner, Davidson, and Kennedy, for the Presbytery; Messrs Dun, Fairbairn and Colin Campbell, for the Synod; and Joseph Williamson, Esq., for the town of Paisley.

† See p. 167.

tion and ministerial communion—nay, none in my cordial regard to the constitution and interest of the Church of Scotland, which I have solemnly engaged to support some more than thirty years ago, and hope to do so while I live. At the same time, I abhor persecution in every form, and that abuse of church power of late, which to me appears inconsistent with humanity, with the civil interests of the nation, and destructive of the ends of our office as ministers of Christ. I would only add, and assure my brethren, that I go away with a grateful sense of their civilities to me while among them; as a small recompense, it is my heart's desire to God, that they and their flocks may prosper, and they may be directed to promote a speedy and comfortable settlement of a pastor over that very numerous and affectionate people who are now my charge no more. With esteem, I am, Rev. dear Sir, your affectionate brother, and most humble servant,

JAMES BAINE."

After this letter was read, the town-council of Paisley craved, that the Presbytery would immediately declare Mr Baine's church vacant. But the Presbytery resolved to write to Mr Baine to attend a meeting of Presbytery to be held on the 23d of April, that he might be heard before the final sentence was passed, and delayed the further consideration of the affair till that day. The town-council appealed to the Synod of Glasgow and Ayr, which put a stop to the Presbytery's writing to Mr Baine. The Synod sustained the appeal, accepted of Mr Baine's demission, declared his church vacant, and appointed the Presbytery to meet on the 23d of April, in order to receive any application that might be made for supplying the vacancy. The Presbytery appealed to the Assembly. The town-council had prepared a petition to be given in to the Presbytery on the 23d of April, praying, that they would proceed to moderate in a call to Mr George Muir, minister of Old Cumnock, to be minister of the High Church of Paisley. But the Presbytery did not meet that day; therefore the town-council protested against them for non-attendance, and petitioned the Assembly to order the moderation.

All the before mentioned papers and proceedings having been read in the Assembly on the 27th, and parties heard, the court, after reasoning, ordained Mr Baine to be summoned to appear at the Assembly bar on Thursday, the 29th, to answer for his conduct in giving up his charge at Paisley. Mr Baine appeared on the 29th, and having been heard, and his letter of demission read, the Assembly, after some debate, came to the following resolution:—"Find,

that the Presbytery of Paisley did nothing improper in their delay of the 26th of March last, and that therefore the appeal from them was unnecessary; but in regard that Mr Baine's letter to that Presbytery, dated Feb. 10, is now before the Assembly, the Assembly do declare the church of Paisley to have been vacant from the 26th of March last, the time the said letter was given in to the Presbytery: reserving to themselves the full consideration of any irregularity in Mr Baine's conduct, or in the expressions of his letter." This sentence was intimated to the parties. Then the court took under consideration Mr Baine's conduct; and he being again called, was further heard. After a very long debate, a motion was made by a member to the following purport:—1. That the Assembly should declare Mr Baine to be no minister of this Church, and that he is incapable of receiving or accepting of a presentation or call to any parish in this Church, without the special allowance of some future General Assembly; and, 2. That the Assembly should prohibit all the ministers of this Church from employing him to preach or perform any ministerial offices for them, or from being employed by him, unless some future Assembly shall see cause to take off this prohibition. After deliberating on this motion, the Assembly agreed to the first part of it without a vote; but members being divided with regard to the second part of it, a vote was put, *Agree* to the last part of the motion, or *Not?* and it carried, 107 to 56, *Agree*. Therefore the Assembly found and declared accordingly; and the sentence was intimated to Mr Baine.

Not long after the rising of the Assembly, Mr Baine published his "*Memoirs of Modern Church Reformation; or, The History of the General Assembly 1766,*"—from which we present the following extract in relation to his own case:—

"Your corner * was not the only one of this land, high in hope, that the late Assembly would prove a reforming one; and there are not a few who tell us, that it has been eminently so, sweeping away some old offensive parts of our constitution, supporting the rest of it by various deeds and decrees firm as brass. In the opinion of others, the raised expectation of multitudes, like a gilded vapour, has discharged itself in smoke and stench.

"In two of the first diets of Assembly, a controverted election

* The work is in the form of Six Letters, addressed to a brother clergyman, whose name is not given.

of their members from the Presbytery of Paisley, was subject of debate, when the Assembly found the election null and void, as one constituent member of Presbytery, who had an undoubted right to vote in the election, had been unjustly denied that right. This, Sir, you see, was annihilating the Presbytery on that day as a court, and in effect finding that they were none. Upon this principle, all the other deeds of Presbytery on that day were null too; how then could any cause, decision, or sentence, of such an illegal meeting, be received, and regularly reviewed, by the Assembly? Upon Thursday, however, they grasped at a cause from that nominal judicatory; and as they had begun, went on, and quickly discussed it, in defiance of fundamental rules and form."

After observing, that "the good people of Dunbar have a just title to pity, and are harshly treated, some think, for what may be their infirmity, but cannot be their crime, viz., that their organ of hearing is not so nicely constructed, or of such an immoderate length, as some more delicate venerable ears in that country," and that "the number of callers to the candidate for Eaglesham amounted to one," he adds: "As our Assembly has on some occasions assumed a dispensing power, a power to innovate, alter, and change, I would humbly move, that at their next meeting they interpose their authority, without loss of time, and that instead of the present form, 'Do you accept of the call from this congregation, and take the charge of their souls, promising,' &c., the address to the candidate should be, 'Having used every habile genteel method to obtain this presentation, do you accept of it as giving you full right to the manse, glebe, and established living of this parish; and further, as authorising you to enter into the church of said parish and pulpit on the Sabbath, when convenient? And do you promise, with the help of these emoluments, to instruct your people, and give them an example of hospitality, husbandry, and other good-humoured social virtues?' &c. &c. &c. This, Sir, or something like this, some people think, would suit our circumstances, and the dispositions of many in our age, much better than those solemnities which our fathers appointed, and bore their part in most devoutly, when ordaining any man a minister of the everlasting Gospel. . . .

"If any such report has reached you, as that of personal invective, or indiscreet usage, I should have met with in the course of the trial, you may believe it is ill founded. I must absolve the General Assembly from every thing of that kind, save in one instance, and from a very unexpected quarter, the indelicacy and rudeness of which the house did not applaud. It was on Tuesday that this affair appeared first before the Assembly; the Presbytery of Paisley having brought it there by an appeal from a sentence of the Synod of Glasgow and Ayr, which had received my letter as a demission, and found the High Church of Paisley vacant.

"This letter being read on Tuesday, and reasoned upon, the Assembly ordered that I should be summoned to compear before them on Thursday, to answer for my conduct in giving up my ministerial charge at Paisley. This, Sir, was making a long arm, and

grasping at a cause which was not, nor indeed could be before them, as it had been before no court on earth. In the Presbytery of Paisley, and Synod of Glasgow, there was not the shadow of complaint against me; but, whether they should receive my letter as a demission, and find the High Church vacant, or not? However, I compared, rather out of deference to the Assembly, than that I thought myself strictly bound to do so, or to give any sanction to proceedings so summary and irregular. But finding that, from penury of articles and evidence, they were to make me my own accuser, and evidence against myself, I said, that instead of a Protestant Assembly, I began to breathe, I thought, in the air of an inquisition, and if such was their form of process, they would forgive me to insist upon the chief and most natural privilege of every man, and every British subject in particular, viz., to give me a libel in form, and time to make my defence; that as yet I saw nothing faulty alleged, if it was not in that expression in the summons, 'to answer for giving up my ministerial charge,' in which, I presumed, they could find nothing criminal; for often had ministers resigned their charge upon different accounts, and justifiable; nay, some have given it up for *the more entertaining and elegant employ of the stage*,* who were not called in question, or found delinquents. This natural and most just requisition, however, could not be granted. Nay, to make matters as easy as possible, I declared myself willing to have the cause tried before the Presbytery of Edinburgh, (and at some one Presbytery or another every such process ought to commence.) But this was as warmly opposed by some reverend doctors, and *their young auxiliaries of the long robe*. How hard is the man's fate, who is dragged into a bar, where, without libel, witnesses, or proof, he stands a trial, the issue of which may deeply affect his character, fortune, family, and usefulness in the world! where libel and proof must be furnished by himself, else there is none! and, tortured by queries, is reduced to the dilemma of being charged as a prevaricator if silent, or by his answers founds his own condemnation! Infamy and inquisition, in all its forms, be for ever wedded; when that inhuman illiberal engine sinks under the weight of disgrace in Portugal and Spain, may it never set up its head in our happy isle. At the same time it is but candid to confess, that some members, most eminent in knowledge of the law, justice, and our constitution, did not forward these arbitrary measures; and by withdrawing, gave no countenance to the sentence and issue.

"We had, from a rev. member, a kind of prediction what the issue of the affair would be, some time before the sentence was pronounced; and upon the back of that public intimation or prophecy, I was called once and again to speak, or (as I understood it) to give my opinion of the sentence to be; so that of a pannel, I was quickly and complaisantly enough metamorphosed into a member of the house, and a judge. Accordingly I said, that if the Assembly had had proper evidence that I was now a member of the

* See p. 118.

Presbytery of Relief, in that case I had no objection to the first part of the sentence, viz., to be incapable of a presentation or call to a charge upon the Establishment. But the misfortune is, Sir, this sentence in every branch has no legs to support it. I say it again, there was no proper evidence in court that I was a member of the Presbytery of Relief, unless you go into the very singular opinion of a learned civilian, that notoriety was in place of proof, *i.e.*, the common talk without doors is sufficient to condemn. What must the impartial world think, when they are told, that a mistake in some punctilios of form, has overturned sentences of Presbyteries and Synods against the scandalous and immoral; that such a defect has been their protection, at least for a season; whilst the essential rules of justice, and forms of all courts, are in a hurry leaped over, to stigmatize others, not said to be immoral, and to cut them off from ministerial communion with a whole church?

“ This, Sir, was the other part of the sentence, discharging ministerial communion, to employ, or be employed by me, till some future Assembly think proper to take it off. Against this judgment I could not but remonstrate with concern, as alike impolitical and unchristian. And I am still of opinion, that though all that was alleged had been properly verified, such a sentence is greatly disproportioned to the fault, and cannot be reconciled to the spirit and laws of the New Testament. There the terms of Christian and ministerial communion are unchangeably fixed, and by the highest authority, viz., oneness in the uncorrupted faith and worship of Christ, in hope and holy practice. Where his ministers and disciples are united in these, they are indispensably bound to love, and to public fellowship with one another, in acts of worship and spiritual privileges; and no posterior human establishments can destroy that sacred bond, or make it a rope of sand. But it will be said, There is here a breach of order; a stepping aside from rank and regularity; a setting up altar against altar, and what not. After all this noise and clamour, Sir, (supposing no such necessity for breach of parish order as the times plead for,) may one be allowed to ask, What are the mischiefs of this irregularity? what, or whom does it hurt? Not the interests of vital Christianity in our land, nor the civil interest and privileges of established clergy. It does not poison our people with principles of bigotry and separation, but rather keeps them from that snare, and preserves them in as full communion with the worthy ministers of the Church of Scotland as ever. Is it candid then, or political, first to cast such men out of her communion, which they and their people earnestly desire, and yet to cast on them the most injurious calumny of sectaries and schismatics? Whatever may be said of others, slander itself will almost blush to say, that the Presbytery of Relief have any separating principles. They dare not decline communion with any who have the knowledge, the visible uncorrupted profession of real Christianity: the laws of Jesus Christ ordain to receive such; by what authority, then, are they intercommuned?

“ Had you been in the Assembly, Sir, you would have got a

short answer to this from a principal doctor, viz., That without such censure the very being of our Establishment could not be preserved. If he meant, that otherwise there was no preserving the influence which merit and ministerial qualities had promoted him to, influence pregnant with prudence and clemency in the exertions of it, perhaps he was right. Men of truly moderate principles, and the steady advocates of liberty, and the rights of mankind, have ever been the scourge and terror of tyrants. It was a pity that no one asked the rev. gentleman, what he understood by the Establishment? The things that can properly be called so, are the faith, the judicatories, the livings established by law. The Presbytery of Relief, I hope, do no hurt to the first of these; nor make they any pretensions to the other two. What then can give such an alarm? Is it that that Presbytery preaches the faith, which others too have subscribed, and are bound to maintain? Or is it, that the Presbytery of Relief stand up for our ancient Established Church constitution, so shamefully changed from the limited into the arbitrary; from a truly Christian, British model, into a despotic, French mould? This, Sir, some people tell you, is the secret; and therefore the old scarecrow must be raised from the dead, to affright the weak, as if the whole fabric were coming down on them, and to keep the crafty in countenance. ‘The Church! the Church is in danger!’ was the cry in the infamous day when many who joined in the cry were notorious for corruption and cruelty; and the engine, it is well known, was played off against a set of men who preferred Christian knowledge, faith, holiness, communion of saints, to uniformity in merely human impositions; against men who detested dissimulation and servility, in order to preferment and bread, whose consciences dictated strongly the humane office of peacefully preaching the Gospel in corners where it was not, or from which it had been greatly banished by ignorant, erroneous, or scandalous ministers. To conclude, Sir, it astonishes thinking people, to see with what unrelenting severity a certain class of men are excluded the communion of their brethren, whilst great zeal and talents are displayed to preserve in the bosom of the Church, a Dal——le, an And——n, a Car——n,* and the like, whose history pollutes our ecclesiastic records.

“While attending the Assembly on Thursday, the only diet where I was present, nothing struck me with such surprise as a remark of a principal doctor, who, in the course of his laboured declamation, observed it to be a great aggravation of my offence, that I was admitted to my charge by a man whom a former General Assembly had deposed from the ministry in the name of our Lord Jesus Christ. Some men are very bold, but the boldest (there is some hope) may be brought, one time or other, to blush. What greater dissipation of thought and reason could there

* Mr Baine here alludes to the cases of Dalrymple of Dallas, Anderson of Glendovan, and Carson of Anwoth; but he ought in candour to have added that the two former were deposed.

be, than unnecessarily, (for there was no evidence to the court of the truth of his assertion,) unnecessarily, I say, to take up the noisome ashes of an affair, about which, if prudence had been consulted, she would have said, Let it lie for ever in the bottom of oblivion and contempt? Though that harsh unconstitutional sentence was pronounced in the ever-blessed name of our exalted Lord, does the rev. doctor, when on his knees, really think that it is bound in heaven? With me, it was a very agreeable circumstance to be admitted by the Rev. Mr Gillespie; it gave me an opportunity of exemplifying, in a public manner, a favourite maxim in my letter to the Presbytery of Paisley, viz., That I abhor persecution in every form, and Mr Gillespie's deposition was of that kind. The principles which led to it, will justify all the severities with which our dissenting brethren were treated under reigns stained with oppression and blood. And in very deed, Sir, the lofty language in those times, and in our later days, of high kirk usurpation, and implicit obedience, were very like. I shall never forget it; the frequent style of some rigid rulers in our Assembly about fourteen years ago, was this:—'We'll enlighten these scrupulous understandings with their wives and children:' *i. e.*, We will compel them to promise and execute against their conscience and duty, or starve or beg; for dig they cannot. And what followed? Why, Sir, if your sons of reason promised not to smile, I would tell you, that that mighty menacing tone in some mouths, soon sunk down into the childish, or nigh to the changeling; whilst the much-injured deposed minister, with understanding, and all his heart, with honour and success, is still serving God in the Gospel of his Son. But does the conduct of Divine Providence, in these and such like instances, merit any notice? I had been in use hitherto to think that verily it does; when God 'pours contempt upon princes, and sets the poor on high from affliction,' then 'whoso is wise, and will observe these things, even they shall understand the loving-kindness of the Lord.' According to some principal lights of our land, all this is no other than a superstitious whim: a Providence in general some will admit of, but its agency in what they call every minute thing, or that moral instruction is intended by every event, they cannot so readily allow. Can the creature then, a second cause or agent, in any one moment of time, be independent of the first cause? It is a contradiction in terms. A sparrow falls not to the ground without the will of God; and without the same will, can there be a fall from first-rate accomplishments, into a stupor and lethargy; a fall from active life, into immediate silence and death? * Have such occurrences no sound in reason's ear? and are they not calculated to convey what is salutary to the mind? Reject this, and I do not see but we list under Epicurus' banner, whose favourite maxim, and that of his whole herd, is well known,—

Non vacat exiguis rebus adesse Jori.

* Can this be an unfeeling allusion to the sudden death of Dr Jardine of the Tron Church, Edinburgh, who dropt down dead in this Assembly during the debate on the overture upon schism?

“ Here, Sir, I should have stopped, if you had not told me, that there is something which you greatly desiderate still. You candidly admit, that the proceedings of the Assembly on Thursday appear to be summary and irregular; that they leaped over fundamental rules to bring in the cause; and that having found it before them, I had a right to see my accusation, and witnesses to be led against me, prior to any sentence; a sentence founded on no relevancy, and no better proof than town-talk, and what was said without doors. But what is all this to the public, supposing I was in the right, before an Assembly not to give way to the inquisitorial method, yet the most part of this country know the change of my condition. Have they no claim to be satisfied, or to know the motives of such conduct? I confess, Sir, I think they have. Is not my letter to the Presbytery of Paisley now public; and may not that satisfy? Was I to sink under an intolerable burden, of which my superiors were bound to ease me, and that ease was regularly sought before all the judicatories of the Church, but denied me? Contrary to my real and declared persuasion, as Presbyterian, was I to be member of a kirk-session, where no man can sit quietly but upon Erastian principles? for the nature of that court in Paisley is fundamentally changed and overthrown. And is not the constitution of the Church fundamentally changed and overthrown too? Have not our Assemblies assumed a legislative and dispensing power? Do they not, in the face of her declared principles and unrevoked laws, exercise much of an imposing spirit by their decisions, when under no necessity from law, thrusting ministers into parishes, and with such determined rigour, that insufficiency, error, or scandal, in such ministers, are scarcely sufficient some times to stop the career of it? Are not reclaiming parishes frowned upon? and is not the man in danger of being ruined who would formally table and follow out any such complaint? What then are the many thousands of our people in Scotland to do? the people who are the strength and ornament of a nation, who, of all other, do most esteem the Gospel, and the institutions of it? are they to want these wholly, or go and receive them against their conviction? Your chapels of ease are an expedient, which I suppose few ministers or people will be fond of; it is so unconstitutional and unscriptural likewise, that in all the New Testament I find not a teaching preacher, fixed and stably ministering to a flock, who is not a governing one too; but in your chapels of ease, you see one ordained to preach, with power to dispense the sacraments, but without jurisdiction or kirk-session of his own; without authority to judge of the character of his people, or scandals that may arise among them. It is true, he is admitted to his office by the laying on the hands of the Presbytery; yet is no member of it, and in the most important affairs relating to his people, has not the privilege to judge and determine. He may come, I believe, to the Presbytery's bar in the case of scandals, and stand as an accuser. The question then recurs, What are hundreds of congregations in Scotland to do? Are they to lie at home on Sabbath, and behave worse than

the heathen, till they become of one mind with our more enlightened rulers, or more submissive to their ecclesiastic decrees? If therefore such people have a title to the means of salvation, they must have a right to ministers stately to dispense these among them; an undoubted right to ministers, by whose doctrine and gifts they find from experience their souls may be bettered. If our kirk governors are so harsh and severe, or fettered some how, that they either cannot, or will not, give any such redress, are others therefore to be deaf to the cry of these people in their extremity? I think not.

“Advantages no doubt there are from an Establishment and parish order; but these are little to be regarded when they come in competition with the salvation of souls and the great ends of Christianity. And are not these ebbing away with a quick pace from our once happy land? Is there not a remarkable decay of Christian knowledge and practice of late? a melancholy swell of infidelity and profaneness, threatening a deluge universal? What an increase and frequency of crimes unnatural, rare, or unheard of by our fathers? and even amongst our ownselves, how have scandals multiplied of late? Would to God they could have been concealed! but they are open and flagrant; more in number, I suspect, in these ten or twelve years past, than in sixty preceding ones. And if the most probable source of all this mischief be, the abuse of the law of patronage, the violent stretch and severity of church power, and Assembly decisions to enforce it, are they the enemies of God, their king, or country, who dislike and oppose such measures, or would prevent the wretched havoc made by them of every valuable interest in our land? I hope not, Sir; nor do I see any such effectual expedient and preventive under heaven, as the plan of the Presbytery of Relief. Upon this view of the whole matter, I am perfectly satisfied with my conduct, and wonder greatly that some worthy ministers of the Establishment have not taken the same course. Their principles, if I mistake not, lead them to it; they see, with great concern, the fatal growth of ignorance, gross errors, profanity overflowing the land; they see multitudes of poor and needy earnestly seeking for water and there is none, and their tongue faileth for thirst, (the Lord hear them!) for such worthy ministers cannot help these congregations and corners in their extremity, while on the Establishment, as when off of it. And from some late proceedings it is obvious enough, that no manner of redress is to be expected from the chief administrators in it.

“You are asked, it seems, by some people in your corner, what is this Presbytery of Relief? what are their principles and constitution? Look, Sir, what the Church of Scotland was sixty or seventy years ago; find out this from her own creeds and confessions, her canons, public acts, and authentic records, and, excepting some privileges purely civil, and derived from law alone, you have the full portrait of that Presbytery; in doctrinal articles, ordinances of divine worship, in principles of government, and Christian comprehensive communion, the same. They must go to other pulpits,

than those of that Presbytery, who would be entertained and edified by Arian or Pelagian tenets; who would hear the bold unscriptural assertions and criticisms of Dr Taylor * maintained, the doctrine of original sin treated as original jargon, the present purity and powers of human nature extolled to the skies, and the wonders it can work in its own salvation, whilst the Redeemer, and his most Holy Spirit, are allowed a very small share of the honour.

“ And now, Sir, I submit it, if there is much of the spirit or wisdom of Christianity in treating those men with the severities the world has been witness to. Is it candid to deny them society; to drive them from that communion they earnestly desire, and in which they labour to keep their people; and after all, to calumniate them as separatists? There is not any one thing of which the narrow ruffled mind can be more liberal, than that of bad names. It is easy for a little angry member to stand up in the Assembly, and tell the house, that he must call that Presbytery a sect, and schismatics; a sufficient demonstration that he knew not the men, or understands not his Bible. Upon studying the New Testament more accurately, I suppose he will find the Scripture notion of schism to be, not so much diversity of opinion in religious matters, nor different places, or even modes of worship, as the imposing, censorious, uncharitable spirit, of which the Presbytery of Relief have discovered nothing, but the reverse of it, by any doctrine or deed of theirs. And I admire the prudence of our high authority measures as little as the Christian spirit of them. If the dissenting interest in Scotland were united as they ought, and may hereafter be, they are a much more respectable body than some sorry politicians dream, or are willing to have it believed to be. Supposing that they are but one hundred thousand who join, and stately attend Presbyterian meeting-houses just now, I may affirm, that there is twice that number of the very same principles, and as jealous of their liberty as they. And is it political, or friendly to the government, to fret such a body? Can it be expected that they will tamely submit to rigid ecclesiastic taskmasters, when under the civil administration they are so happy and free? when the laws of the land, as it were, point out the remedy, and declare that tolerable which churchmen will scarcely tolerate? If our General Assemblies go on, by mere authority, to cram down upon people ministers whom they look upon as the nuisance of the country, and their sorest enemy, is there no such thing to be feared as that these people may fall into hands weak or designing, who may mislead them, both in their principles of religion and loyalty? In such a disturbed state of the Church, is there no danger from the most artful, restless spirit of a society, now annihilated in France, but no doubt at work in our land, and particularly the great cities of it? Whilst our country is in this distracted situation, and measures steadily going on which manifestly inflame it more and more, is the Presbytery of

* The reference is to Dr John Taylor of Norwich, and specially to his works on the Epistle to the Romans and Original Sin.

Relief so highly criminal, to send forth pastors who will be received with open arms, from whose ministry their people may imbibe a sound belief, and sober morals, love to our excellent civil constitution, and cordial loyalty to the most illustrious head of it? The impartial world, I trust, will think more favourably of them, and cease from reproach, till they find that in the spirit and way of the Presbytery which may justly denominate them sectaries in religion, or the incendiaries of their native country.”*

In reply to this “History of the Assembly 1766,” there appeared at Glasgow, “*Observations on the Letters published by the Rev. Mr Baine,*” in three letters to him, (of date Jan. 28, 1767.) The signature is *Philaethes*, a designation sometimes assumed, in his anonymous productions, by *Mr Thomas Walker*, then minister of *Dundonald*; but whether it be referable to him in the present case we have no means of ascertaining. The following is an extract from the first letter:—

“Your reasons for demitting your charge are three:—1. ‘They do not know how far I am advanced in life, who see not that a house for worship so very large as the High Church, and commonly so crowded, must be very unequal to my strength.’

“Now, Sir, how did prudence dictate this? or how can charity itself construe it? You afterwards tell the Presbytery you had accepted another charge; and they, and all mankind, were soon to see you ministering in a place of worship, if not fully equal, yet certainly of great extent, where old age and decayed strength may still complain, and the rather, that in the place you left under these infirmities, your affectionate congregation had provided you a stated helper, besides the access you had from your situation to occasional assistance; advantages, you well know, you have not now under your growing infirmities. I must therefore think you extremely unfortunate in this your first reason for giving up your charge at Paisley, and fear that impartial men will hardly be brought to say, it is *only weak*.”

“Neither can I admit your second to be a better ground for the step you have taken. In it you complain of ‘the heaviness of your burden, by being denied a session to assist in the common concerns of the parish; that this became intolerable, when, by the unhappy issue of a process, your right to it was taken away, and twelve members of session were drove away.’ All this is afterwards enlarged upon, where you expostulate, ‘Was I to sink under the intolerable burden, of which my superiors were bound to ease me,

* Mr Baine became minister of the Relief Chapel in Nicolson’s Park, in the suburbs of Edinburgh. It was opened on the 12th January 1766, and he was admitted on the 13th February. He was succeeded in the High Church of Paisley by Mr George Muir of Old Cumnock, of whom there is a notice in the Christian Instructor for April 1838.

and which I sought before all the judicatories of the Church, and was refused?' Admitting the truth of all you have said on this point, what, I pray you, has it to do as a reason for demitting your charge at all? far less, as you now set it forth, as a part of your apology to the world for leaving the Church of Scotland, and going into a separate society for the exercise of your ministry? Let us consider:—You were denied a session to assist in the common affairs of the parish; but is this precisely fact? Was there not indeed a constituted session, where the common concerns of your parish had the advantage of being duly attended to? Was there, in reality, any point of order or discipline with you, that stuck merely at this, that there was no session to direct and rule in it? A stranger (and the world in general is so) to the particular affairs of Paisley, would imagine this was your hard situation there. But it was not so. There was a session, you must own. 'But it was not *my own* session, *i. e.*, where *I presided*, the particular session of my congregation: it was that of the town, where others interfered.' And is this all? Alas, Sir, was not this the situation of all the great towns in Scotland at the Reformation, called in Edinburgh and Glasgow *the general sessions* to this day, and to this very hour the constitution of many very considerable places, where the churches and ministers are more numerous than in the town of Paisley? That this is the preferable way might be argued from the acknowledged principle of safety being in the multitude of counsellors. But however that may be, I dare say you are the first man who ever thought its not being so, a good reason for demitting a charge.

"But 'their right (in choosing a clerk) was taken away.' To avoid unnecessary dispute, admit this to be contrary to the original right of any society, and in a Christian one, Erastianism; yet, if you consent not, but oppose the encroachment to the utmost, the crime can never be imputed to you, and the whole world will acquit you. But it is a grievance. Allow it: it is properly so in the election only: for if the officer so chosen failed in his duty, it was still as entire to you to have recourse against him for his misconduct, as it would have been if he had been chosen ever so regularly. The great ends of the office were secured.

"But it was intolerable, as twelve elders upon this gave up their charge, and you had a very small proportion of these officers for your numerous congregation. Without charging you with infusing or raising the spirit which drove them to that step, it is asked, Were there no other proper persons in the parish to have supplied their places? or will the minister who succeeds you find none to undertake the office? I doubt you will not hazard the question upon that foot; and yet, if it so falls out, what becomes of this ground of demission?

"It was 'an additional weight in this burden, that the session's right was given up, some will say betrayed, by others who ought to have defended it; for, in any society where candour is thought to be gone, confidence must die.' Still, taking things here in the very worst construction, will all this bear the weight of a demission?

Must Christians, must the ministers of Christ, have all things to their wish in the stations where providence has placed them, or otherwise desert? Do you find this in the New Testament, or in the practice of the most faithful followers of Jesus Christ? Does he not warn the apostles themselves, that he was to send them forth as sheep among wolves? And, in like manner, did not the apostle Paul say to the elders of Ephesus, ‘I know that after my departure grievous wolves shall enter in among you; and of yourselves shall men arise speaking perverse things?’ And does he not say of himself, that he was ‘in perils from false brethren?’ But, on such occasions, did he run away, or encourage others to do the like? Quite the contrary; and you know it is under heavy threatenings from Jesus Christ if they do. The more false those that troubled you were, and the greater danger there was of your affectionate people’s being torn in pieces by a new unhappy settlement, (though, without thanks to you, this may have been prevented by a kind providence,) the more you have offended by exposing them. In this point of view, the heavier their burden was, the more forcible were the reasons for your staying with them, bearing with patience, and, for the sake of the Lord and his people, labouring and not fainting, as the faithful servants of old did,—even when men calling themselves apostles were tried, and found to be liars. And you was still the more bound to do so, that in your situation there were many alleviations;—you had a church to yourself, and an affectionate people, and no man interfered with you in doctrine or in ordinances. *You did run well, who did hinder you?*

“I acknowledge you point at one thing, in illustrating this reason, that goes deep: ‘Contrary to my real and declared persuasion as a Presbyterian, was I to be a member of a kirk-session where no man can sit quietly but upon Erastian principles?’ From the connection, I take *quietly* to belong to conscience; for the question was now decided before the highest courts, and before them you showed yourself free of all tendency to culpable quietness. But you could not, with a good conscience, be a member of the session of Paisley. Now, I desire to be very tender of conscience, and by no means to judge that of another. He may be weakly, very weakly, persuaded; yet, if he be truly so, let him, for me, act accordingly, knowing if he acts otherwise, it is sin. If, therefore, it was a matter of conscience with you, as against your real and declared persuasion, to sit in a court so constituted as the kirk-session of Paisley is, how came you to sit in it for years? This is no longer to be called a grievance, but is indeed your sin: you ought never to have set your foot in that court after the unrighteous decision, excepting once for all, in order to have declined being any longer a member; for, in a matter where conscience was concerned, you ought to have done your duty, and taken the consequences.

“The last reason of demission is set forth in these terms:— ‘The late abuse of church power, inconsistent with humanity, and with the civil and religious interests of the nation, &c., the church constitution fundamentally overthrown, Assemblies assuming a legis-

lative and dispensing power, exercising an imposing spirit, without necessity, and with great rigour, in settlements,' &c. ; and therefore you demit your charge at Paisley, and accept another.

“ I do not judge it necessary to enter into a discussion of the precise truth of these your averments, thinking the argument with you ought to be taken up on quite another foot ; for I can conceive a minister having very disadvantageous ideas of our late church management, and yet the question remaining with him perfectly entire and distinct,—Whether, upon that account, it is his duty, *of himself*, to demit his charge, and forsake the Establishment altogether ?

“ However oppressed congregations may be at liberty to seek relief out of the church to which they belonged, when all hopes of finding it in her bosom are at an end ; yet you were still bound, by your ordination engagements, to have kept your place, when neither from your congregation you had received any offence, nor by the judicatories of the Church you had been called to act in any inconsistency with your vows, or the idea you had originally formed of her constitution ; nay, when oppression was so far from touching you, that nobody ever heard of your zeal's being hampered, in reasoning openly, opposing or protesting publicly, against whatever acts in her courts to you seemed to be wrong.

“ In two cases alone would I admit separation to be lawful : First, when in conscientious searching the Scripture, it appears to a minister that the constitution of the church he once thought well of is not agreeable, or contrary to this infallible standard ; and that, on this account, he, with a good conscience, can no longer remain a member of it, but desires peaceably to depart. Before God and man, such minister is surely to be absolved for following the fair light that now shines within him. Accordingly, had you been of the sentiments of some, and as I hear, of the most considerable of your present congregation, who are truly of the Independent persuasion, and who, on that very account, have declined the office of eldership with you, and who, very consistently with their principles, have long been desirous of a meeting separate altogether from the Establishment, I should not have blamed you. But your sentiments are different, as you every where declare that you consider your vows binding to support the Church of Scotland, and still love her. And while you retain these, you must be condemned in so publicly and ardently endeavouring to influence both ministers and people to come into the way of Relief, wondering that other worthy ministers follow not your steps ; for surely this is not the way to fulfil vows, and to support the Church : on the contrary, is it not the way to ruin her, by draining away that strength by which it can only be hoped she can ever be revived to her former beauty and usefulness ? Is not this calculated to weaken the things that remain, and that are ready to die ? The sooner to die, that you would so much drain her vitals ? Some secessions, I own, have had other tendencies. The one at Rome, in her 259th year, had great effects. But then the whole Plebeians were in it to a man, without whom the State could not exist. And you indeed seem to have an eye upon this

so desperate remedy, when, in the end of your letters, not without, as I think, a little of the air of fleshly wisdom, you pompously set forth the numbers of all dissenters, in hopes of their formidable union against the Church. But alas, Sir, your policy here is quite mistaken: there are still enough, I am afraid, unalarmed at all dangers, remaining, to answer the name and purposes of an Establishment, and who still make the body of the people, however unworthily or unconcernedly they sit still under their grievances, and are greatly fitted, by their tame spirit, to the purposes of designing men.

“ On the other hand, you ought to observe, that partial secessions, though they may please at the time, be the causes of them what they will, better or worse, like weak rebellions, ever establish more strongly the prevailing party. Thus the secession in the parliament 1641, effectually made those who remained at London to triumph. As you seem not averse to policy, this very consideration, were there no other (and there are many besides,) might make you cease to wonder that other ministers in the Church, whom you seem to hint at, follow not your steps. Who these may be I know not, nor the situation of their minds in the present state of things. But it requires no deep discerning of spirits to guess, if a man follows reason, that however dissatisfied he may be with many measures lately taken, he will see it still to be wise to abide in the post providence hath assigned him, do his duty, and be ever ready for what occasions God may offer for serving his country and his church according to its good old constitution,—supported, in the meantime, by this consideration, That the Lord hath often, by few and inconsiderable instruments, caused Zion to arise when she hath been low, and that when the time to favour her is come, it is most likely those shall be so honourably employed who are found in the way. But however that may be, they would not desert their stations, unless some unlawful act is required by their superiors, turning the question to this, Whether it is right to obey God or man?

“ In this situation, if indeed they change places, their doing so is not so properly their own act as that of their oppressors, who by their severities cast them out. And this pen had never drawn a stroke against you, had such been the ground of your leaving the church and the congregation you was united to. So far from condemning, I should have judged your conduct very laudable, and that in the measures you have taken, you fell to be acquitted at the hands of God and man, yourself having reason of thankfulness that it was given to you, not only to believe, but to suffer for the name of Jesus.

“ With respect to yourself, I still charitably desire to believe you have done what you thought was right, though, by what I have said, you see, I cannot think you justifiable in it. But in this poor world, it is to be expected men will see things in different lights; and this is our comfort, that God overrules all for the best. Only, in your future conduct, take it not in ill part that I counsel you—to lay aside all bitterness, wrath, guile, envy, and evil-speaking. You are

a man of like passions with others. Your situation is that of temptation to anxiety, to partial representations of persons and things; and we all ought to be on our guard, not being ignorant of the deceitfulness of our own hearts, nor of Satan's devices. Study things that make for peace, and that edify. Exaggerate not offences, but as love dictates, (though I say not you should, or can be blind,) put the best construction truth can bear on the conduct of others. It is the way to sweet peace, and it will be ever true, that *in recto decus*.—I am," &c. "PHILALETHES."

The report of the committee appointed by the last Assembly to consider of the overture relating to the causes and growth of *schism*,* was taken into consideration on Friday the 30th. That day's sederunt was a very long one, the court having met at ten o'clock, and having sat till about nine at night. After a very long and deliberate debate, the Assembly agreed, without a vote, to pass from that part of the committee's report respecting the remit to Presbyteries to inquire into the number of meeting-houses; and as to the remaining part of the overture, respecting the abuse of the right of patronage, and the appointing a committee to correspond with Presbyteries, and gentlemen of property, for remedying so great an evil, a vote was put, *Approve*, or *Reject*? and it carried *Reject*, 99 to 85. Therefore, the Assembly rejected the overture and opinion.

For the following account of the debate we are indebted to a correspondent of the Scots Magazine (Vol. xxviii., p. 337.)

"It is common, on setting out in an undertaking of this kind, to begin by professions of impartiality. These I wholly omit, as well knowing how little credit is commonly given to them, and sensible how very ridiculous they must appear, if, after all, the writer appears to have taken a side. One thing only I must premise further, that having heard a great deal on the subject in private companies, as well as in the house, it is impossible, at this distance, to be certain that a sentiment or expression may not be inserted that was not thrown out in the debate, but has been gleaned up in conversation. The reader, however, may rest assured, that the whole of the following account is repeated, and not invented; the reasoning on each side being taken from the members of

* See pp. 305, 311, 320, *note*.

Assembly either in or out of doors, and as little as possible of the last kind.

“The overture itself consists of a short narrative as to the increase of secession, and these propositions:—1. *That the Assembly should appoint an inquiry into the fact.* 2. *That as the abuse of patronage has been one great cause of schism, they would consider what methods may be employed to remedy so great an evil.* 3. *That they would appoint a committee to correspond with Presbyteries and gentlemen of property and influence, and to report.*

“The debate was opened by the moderator of the preceding Assembly,* who spoke, as he always does, with great strength and propriety, and with very much dignity. He stated the fact as to the numbers who had separated from the Church of Scotland of different denominations—the proportion they bore to the whole—the continuance and increase of separation every year—the unhappy consequences of it both in a spiritual and temporal view—the obligation upon the General Assembly to endeavour at least in some degree to remedy it. He then took notice of the abuse of the law of patronage; showed how it might be, and had been, abused by patrons; but particularly insisted, that he did not understand the abuse of patronage meant in the overture to be confined to patrons, but that it had been abused by the church courts in many respects; and that if they desired reformation, they ought to begin at home, and do every thing within their own sphere in a legal and constitutional manner to promote it. He complained of the unjust and slanderous representations which had been made without doors of the designs of the friends of the overture, as if they were mad unreasonable men, of furious tempers, and enthusiastic principles, who intended to bring every thing into confusion both in Church and State; he declared, that he knew none but who desired to be determined in their judgment by cool and rational principles, to conduct their designs according to law and good order, and to attempt nothing towards an alteration of the statutes now in force immediately, nor at all, unless they could convince gentlemen of rank and property, that it was their own interest, and that of their country. He then concluded in favour of the overture in all its parts.

“The question being thus stated, were I to attempt giving

* Dr Oswald of Methven.

an account of the speeches on each side alternately in the order of time, and the reference in the manner of expression to what had been most recently thrown out by others, the summary given of every particular speech would appear very defective, and yet the argument in general would be by far too diffuse; and therefore it seems most proper to collect and digest the chief topics which were insisted on against the overture, and then the substance of the answers made to them, and the arguments used in its support.

“ An attempt was made, near the beginning of the debate, to persuade the Assembly, that it was not public spirit, but private and factious designs, that had given birth to the overture. This was done by an eminent member,* reputed to be the head of the majority. He told the Assembly, That there were two ways of coming to the knowledge of what was intended by any measure proposed; one was, from the arguments openly used in court to support it; and the other, from reports of out-of-doors conversation: That the last of these was often more to be depended upon than the first: That by this surer channel of information he was given to understand, that the spring of this attempt was envy and resentment against him in particular, and the measures he had supported. He was then pleased to make a very handsome encomium on himself, and his conduct in the management of public affairs; not without some reflections against a certain class of those who opposed him. This last was done very nearly in the following words:—‘ I see many gentlemen here, moderator, who have always uniformly differed from me as to the expediency of public measures: these I regard and esteem as honest men, because they are consistent. But when I see men at one time promoting one set of measures, and at another espousing the opposite, perhaps as one ministry or another prevails at Court, I must heartily despise such dishonourable truckling.’ The remaining part of his reasoning will afterwards come in under the different heads of argument used on this side of the question.

“ 1. One of the first of these arguments was, That the overture was *funditus* absurd, and ought to be rejected in the lump, because the evil complained of in it was not *an evil*, but, on the contrary, a great *beauty* and advantage: That as in the works of nature, for example in a bed of flowers,

* Principal Robertson.

great part of the beauty arises from the variety in shape, size, and colour; so, in the moral world, the differences of opinion in religion, the various sects, and opposite modes of worship, constituted a remarkable beauty in the system upon the whole.

“ 2. It was alleged by one who did not seem to differ much in opinion from the author of the last argument, That if schism was an evil, it was a necessary evil, and absolutely incurable: That there always had been, and always would be, divisions in the Church: That the minds of men were of so different makes, their education, and the train of ideas to which they were accustomed so different, that it was impossible to prevent contests and animosities on the subject of religion: That the means used to cure this disorder in all ages, had generally increased it; and therefore that nothing of that kind ought at any time to be attempted.

“ 3. It was again and again insinuated, That the overture had a tendency to persecution: That though it pretended to disclaim any thing of this kind in words, yet, if it succeeded, it would certainly in the end have this effect: That the overture proposed an inquiry into the number of separating meeting-houses, and their situation; which very much resembled the orders of Government issued in some tyrannical reigns, to take up exact lists of conventicles and separating societies, in order to their being subjected to the rigour of penal statute. This seemed to be dwelt upon with some pleasure; and many things were said in praise of the Seceders, as honest and peaceable men, and in particular of the most unsuspected loyalty to the present Government, which they had supported in the year 1745 with uncommon zeal.

“ 4. It was strongly urged, That to appoint Presbyteries to make an inquiry into the truth of the facts presumed in the overture to have taken place, would be attended with the worst of consequences. It could not be supposed that members of Presbyteries would be unanimous, either in their obedience to such order, or in the manner of carrying it into execution. This would make their meetings scenes of contention, and occasion the greatest uncertainty in their report: That perhaps the account sent of the progress of schism, and its causes, from one corner of the Church, would be directly opposite to that sent from another. At the same time it was observed, that making the result of this inquiry public, and pointing out the places where, and the times when, the se-

veral meeting-houses were erected, would be extremely invidious and disagreeable, for the most obvious reasons.

“ 5. It was observed, That there was only one cause of schism mentioned in the overture, viz., the abuse of the patronage act; but that it was no way certain that this was either the only or the chief cause of it. One great cause of it was mentioned, and laid to the charge of the opposite party, viz., instilling into the minds of the people that they had a divine right, purchased to them by Christ, to choose their own pastors; which imaginary right had taken such possession of them as had made them quite untractable; so that they refused submission to the pastors settled among them in an orderly manner. Here occasion was taken to inveigh severely against the unreasonable prejudices and obstinacy of the common people. Instances were mentioned of their opposition to persons of the greatest ability, and most unexceptionable character, merely because they had accepted of presentations. To this also it was alleged they were generally stirred up by the conduct of Presbyteries, or by the artful insinuations of particular ministers.*

“ 6. There were some who scrupled not to give it as their opinion, That patronage was the best way of settling churches: That the nobility and gentry, in whom the right of presenting was usually vested, must be presumed the best judges of the qualifications of ministers, and were naturally entitled to that distinction by the eminence of their station: That if the election were in the common people, they would be easily carried away by men of superficial rather than solid talents; one candidate would be set up against another, and the animosity of the contending parties would occasion infinite tu-

* The Reporter says:—“ I have purposely omitted, in the above narrative, such causes of schism as were evidently ludicrous, and received ludicrous answers; and shall here only mention one as a specimen. One gentleman said, That by what information he could get, many people went to seceding meeting-houses for no better reason than because the seats were cheaper there than in the church. To which it was answered, That the fact was directly otherwise, the seats in meetings being commonly dearer than in churches; and further, that it might be demonstrated that it was not to save money people seceded, for the Seceders would often build a house from the foundation, and settle a minister, in a poor country, on the side of a hill, before the heritors of a parish could be prevailed on to mend a broken pane in a church window.”

mult and confusion. On the contrary, it was observed, that the law of patronage, when supported by uniformity in the decisions of the Church, always produced peace and good order, as in our neighbour Church, where nobody thinks of making any opposition to the person presented.

“ This being indeed the hinge of the cause, was most laboured by the speakers on both sides. The eminent doctor formerly hinted at, favoured us with a sketch of the history of patronage in the Church of Scotland, with a particular view to show its happy influence on the characters of ministers. He told us, That at the Revolution, and for a considerable time after it, the ministers of the Church of Scotland were sober and pious men, but of mean abilities, and little acquaintance with the world : That about the end of Queen Anne’s reign, patronage was re-established in a manner well enough known ; and after that, young gentlemen intended for the ministry endeavoured to accomplish themselves by a more free and liberal education, and such qualifications as might render them acceptable to the politer part of mankind : That if, in attempting this, some of them had fallen into a few faults on the side of levity, it was natural, and very pardonable ! That in his opinion, nothing of this kind had ever happened worth mentioning, or being laid in the balance with the opposite conduct of others : That no character whatever was more contemptible in a minister, than a mean and low desire of popularity among the vulgar ; and upon the whole, That the Church of Scotland never was in higher reputation for the characters of her ministers than at present ; which ought in justice to be imputed to the way in which public measures had been carried on for some time past.

“ 7. It was very much insisted on, That patronage was now established by law in this country, and made a part of our happy constitution : That therefore all opposition to it was flying in the face of the law, and the present attempt must necessarily have the effect of encouraging people in their resistance, instead of teaching them that obedience and submission which becomes good subjects : That were there even a greater hardship in it than there is, it is now so fixed by the late decisions in the House of Peers, that it is impossible to evade its force ; nor is there the least prospect of success in attempting to procure a repeal of it.

“ 8. In support of this argument another was added, That

if at any time unworthy or improper men were settled in parishes, it could not be attributed to patrons, but to the church courts themselves: That the patron was obliged by law to present a qualified person,—that is to say, either a probationer or licentiate of the Church, or a minister already settled in it. Great use was made of this argument in the house, as indeed it is repeated in conversation. Gentlemen, said they, why all this complaint? You have nobody to blame but yourselves. The matter is wholly in your own hands. In the first place, take care whom you license; then after they are licensed, keep a watchful eye over their behaviour. If this is done, it will be impossible for patrons to make a wrong choice. And as for the opposition of the people, arising from mere whim and caprice, or from groundless prejudice, no regard ought to be paid to it at all; or rather, it is your duty to discourage and suppress it.

“ 9. There is one part of the overture of which I have not yet said any thing, viz., *applying to gentlemen of property and influence*. I confess I was not well able to comprehend the reasoning on this part of the subject. I think the enemies of the overture would have done well to have taken no particular notice of this clause of it at all, because it leans entirely upon the two former. Supposing they had shown it to be improper to do any thing at this time for lessening the growth of schism, it followed of course, that there was no occasion for applying to the gentlemen for their assistance. But it is probable that orators think themselves obliged to show their ingenuity and invention, by offering arguments against every circumstance, as well as the substance of what they have undertaken to oppose. Therefore, we had a good many declamations, showing it to be a piece of great indiscretion to gentlemen of rank to make any such application to them. It was said to be an implied affront, as if the landed interest did not understand their own interest or duty unless it was pointed out to them by the clergy. But of this I shall give no further account, because, indeed, I look upon all that was said upon it to have been thrown out merely to fill up room, and to make every gentleman's discourse in opposition to the overture complete and round.

“ I now proceed to give some account of the reasoning in support of the overture.

“ To the insinuations made by the learned doctor, That the overture was intended against him, and his reflections

upon individuals of his opposers, answers were made by different speakers, with some disdain and indignation : That they had other and higher things in view, than to point at any particular person, who might have, or suppose himself to have, the chief influence in public affairs : That it was but a poor refuge in any question of general moment, instead of resting on the merits of the cause, to presume and impute sinister motives to those of the opposite side : That this gentleman had distinguished himself in every diet of the Assembly by personal attacks on the characters of members, which looked much more like chagrin and resentment than cool deliberation : That as to the charge of inconsistency, now for the third or fourth time brought out since the Assembly sat down, it was neither relevant nor true. It was said, with a great deal of seeming justice, If experience has shown that any measures have been wrong, and are likely to be attended with hurtful consequences, it is the part of a candid and honest man to be open to conviction, and to stop in time. To do otherwise is not consistency, but obstinacy. Besides, it was alleged that there was a great difference in the degrees of the same thing ; and that the members intended to be wounded by the above reflection, never had carried measures to the same height they had been carried of late. One in particular, who was so often and so plainly pointed at, that he was at last obliged to make some reply even to what was personal, declared, That though he could not deny that he had a hand in procuring several presentations from the Crown, not one of them had ever been the subject of a process in the church courts.

“ 1. As to the argument, That schism was no evil, but a beauty, it was affirmed to be one of the poorest deceptions in reasoning that ever was produced. If truth in opinion, and unity in affection, be desirable, contradictory principles, and all the contention that flows naturally from such a source, must be an evil. The liberty, indeed, which gives an opportunity for different sentiments to show themselves is a great and invaluable blessing ; but for any one to say that schism or division, though the consequence of liberty, is not in itself an evil, or that no remedy should be applied to it, is the grossest absurdity. Many good things, perhaps every good thing, has some accidental consequences which are evil ; but would it not be madness to say, that because they spring in part from a cause that is good, nothing should

be done to remove or alleviate the hurtful effects? Deep and broken roads are a certain consequence of the populousness and commerce of a country; but what pretty reasoning would it be to say, that deep roads, on this account, are a great beauty, and therefore nothing ought to be done to repair them.

“ 2. Much of the same strain was the second argument. That if schism was an evil, it was a necessary evil, and absolutely incurable. Which is just as if a man should say, There will always be diseases, therefore there ought to be no physicians. The above two arguments, it was often said, deserved no answer; and yet they received a great many, there being scarce a speaker in favour of the overture who did not introduce himself with an expression of contempt or displeasure at such ridiculous propositions. The truth is, I greatly suspect, that these things were not said from a conviction of their truth, or from any hope of being able to persuade by their evidence, but thrown out in the beginning as a sort of forlorn hope, to keep the enemy in play and exercise, or tire him a little, before they should come to a closer engagement. In this view, I believe, they answered their end; and, though they brought no credit to the speakers, were of some little benefit to the cause.

“ 3. As to the charge of persecuting the Seceders, the friends of the overture complained of it as injurious to repeat this allegation so often. They could hardly think their opponents sincere in producing such an argument, as it was well known that none of them had ever shown a disposition of this sort: That, on the contrary, they had uniformly and openly supported the right of private judgment, and opposed every attempt to bear hard upon the consciences of others in the exercise of church power: That they had the greatest tenderness and regard for the Seceders, and showed it in every part of their conduct;—at the same time, that they could not help lamenting the separation, which did in their case, as in others of the like kind, frequently introduce narrow and bigoted sentiments in religion, as well as fierce and uncharitable debates upon matters of little moment: That the Seceders now brought up for the ministry must have but a very confined and defective education, and therefore it could not be desirable to commit the care and inspection of the people to ignorant and insufficient men.* But above

* “ I am informed that some persons have given out of the mem-

all, that there was a peculiar injustice in the charge of persecution in the present instance ; for it appeared, *ex facie* of the overture, and every body knew, the design of it was, if possible, to take away the cause of secession, by remedying in ourselves those very things of which the Seceders complain.

“ 4. That part of the overture which proposed that Presbyteries should be appointed to inquire into the number of separating meeting-houses, seemed, after some time, to be fallen from by consent. The fact, it was said, was abundantly notorious, and every member of the Church of Scotland must have so much general knowledge of it as was sufficient to induce him to agree to the substance of what was intended.

“ 5. It was agreed by the friends of the overture, That there might be other causes of schism besides what is mainly pointed at ; and that accordingly they had not called this the *only*, but one *great cause* of the disorders that had happened. They mentioned particularly relaxation of discipline, as what might be justly complained of, and what they hoped the Assembly would take into their serious consideration, and set an example to future Assemblies by the vigorous exercise of it in some cases that were to come before them ; but that as they could not help thinking that the relaxation itself was in a good measure owing to what they had pointed out, so it was a thing manifest, and beyond all question, that

ber who reasoned in this manner, that he said the Seceders brought up their people in ignorance and vice. I am not able to recollect that he said any more than what is inserted above ; and thus much he might be allowed to say, without the least degree of malevolence to the Seceders, or contempt of the principles of the Secession. I have heard some of themselves candidly own, that they are at a great loss in the education of their students ; and it is impossible it can be otherwise. Excluded in a great measure from the universities, and either not having, or not choosing to have, the opportunity of general converse with men of letters, and never hearing any preachers but their own sect, it is of necessity that their education must be defective. It is the case with all others in their circumstances ; and is very justly brought as an argument against such measures as render secession either necessary or eligible. Let the Seceders also remember, that the argument was general, and did not reflect upon particulars. It is probable the member who used it is persuaded, there are among them men of piety, ability, and learning, notwithstanding all their disadvantages.”

patronage, in the manner in which it had been exercised, was the chief and immediate cause of the erection of all or most part of the meeting-houses that had been built in Scotland: That this was not a matter of conjecture, but the reason openly professed for the building of such houses, by those who were concerned in them. And who has not seen many examples of whole parishes going off at once upon a disagreeable settlement taking place?

“ It was denied that any minister now alive could be justly charged with instilling false principles into the minds of the people as to their right in calling their pastors: That the meaning of this phrase deserved well to be a little attended to, for it was capable of two senses: That it might seem to relate to the natural right which every man has to choose or judge for himself in religion, and every thing belonging to it; and therefore, in particular—to choose his own pastor, to whom he was to commit the care of his soul, and on whom he was to depend for daily instruction and comfort: Or, 2. It might relate to the question, Who had a right in fact, or who ought in justice to have the right, of calling a parochial minister upon an Establishment? That in the first sense it belongs to every individual, no consistent Protestant will perhaps be hardy enough to deny. And in the second, perhaps it will be as difficult to find any body who ever asserted it. Who has the power at present among us, being a matter of fact, and not of right, depends upon the statutes now in force. Nay, though a new law were to be made upon the subject, probably nobody would plead for every adult inhabitant having an equal share, because such a seeming equality would be a real inequality. But at the same time it is certain, that where any power of judging is left to us, such regard ought to be had to the general principle, as to promote the end of settling a Gospel ministry; which undoubtedly is, the edification of the people within a certain district. When this end is not answered, men may say or think of it what they please, but it is just so much of the public money entirely thrown away.

“ As to the prejudices of the people, it was said, that though neither they nor their betters are without prejudices of different kinds, yet the time was long passed in which they excepted against any man merely for his getting a presentation. When a man is presented with whose doctrine and life they are well satisfied, the presentation giving him

a right to the benefice is never quarrelled. How many instances might be given, and those very recent, of whole parishes uniting to supplicate their patron for a presentation in favour of a minister of whom they had an high esteem? So that, if ever there were any such childish prejudice as to be offended at the very name, it is plain that it has not at this time any existence.

“ As to the stale complaint, of opposition being raised or fomented by Presbyteries or ministers, nothing could be more easily refuted by experience. Many instances might be given of the most uncomfortable settlements, where all possible pains had been taken by the Presbyteries of the bounds to reconcile the people, and where every body knew it was both their interest and inclination to do it effectually, if it had been in their power. But however innocent they were in this matter, it was said they despaired of being free from the false accusation; for it was abundantly sufficient in the eye of many, to accuse a minister of fomenting an opposition, unless he would fairly give up all his own professed principles and openly embrace theirs.

“ 6. As to the expediency of settling churches by presentations, it was said, That both the reason of the thing, and daily experience, showed the unhappy consequences of enforcing them in the rigorous and tyrannical manner they had been of late: That it was natural for patrons to look upon the right as merely a piece of civil property, and accordingly to dispose of them so as they might best promote their private interest: In former periods, indeed, considerable regard was paid to the inclinations of gentlemen of rank and influence in the parish, but now this was entirely laid aside: That there had been discovered some very scandalous ways of obtaining presentations, and many more were strongly suspected: And if things went on in the present channel, the same practices would prevail to a degree still more open, more offensive, and more hurtful.

“ Could it be denied, that when a presentation absolutely secured a man's settlement, whatever was his character among the people, it would make students and probationers much less watchful and circumspect in their behaviour? This was the more to be regarded in our Church, which, wanting the splendour of dignities and revenues, could only obtain or preserve respect by the purity and regularity of the clergy: That there were too many instances of our falling short of

our fathers in these particulars ; and as the effect was manifest, the cause was not hard to discover.

“ That we need but open our eyes to see the bad effects of the present measures : Whole parishes scattered, the ministers hated or despised, and rendered utterly useless either in a civil or religious capacity. What instruction can a minister give to those who will not hear him ? What authority can he have over those who despise him ? What comfort among those that hate him, unless he become wholly indifferent about his work, and warming himself with the fleece, give up all care of, or attention to, the flock ? How far this is the case with too many already, the world is at liberty to judge.

“ As to what was alleged, That enforcing presentations would produce peace and good order ; it was only such peace as was to be seen in tyrannical and arbitrary governments : That wherever there is liberty, there is greater apparent disorder in public proceedings than where tyranny prevails, but at the same time much more comfort and happiness : That any tumult or confusion in elections, where the parish has been consulted, was only occasional and temporary ; and, when one agreeable to the plurality was settled, did always speedily subside, and good order, properly so called, did immediately succeed.

“ On the other hand, what is the consequence of enforcing presentations with rigour ? People despair indeed of making resistance, and so do not follow the cause from one church court to another ; but at the same time they refuse submission to the presentee, whom they leave to preach to empty walls, and wander about from parish to parish, or build a meeting-house, and call a minister from any of the parties that have separated from the Church which they think proper. So that truly the peace or good order boasted of under the influence of presentations is well described by an ancient writer, who complains of the rulers of his own times in the following words,—*Solitudinem faciunt, et pacem vocant.*

“ As mention had been made of the neighbour Church of England, it was observed, this was no way favourable to the cause of presentations. There, whoever is presented, be he of ever so immoral a character, is indeed ordained without opposition, but the consequence is, that the parishes are shamefully neglected ; and the common people in England of the

Church persuasion, are perhaps more ignorant and profane than the members of any Protestant Church in the world. Can any man desire to reduce us to a similarity with them in this particular? Surely not; and yet patronage continuing on its present footing, is the high road to lead us to it. It is in vain to hope to make men indifferent about their ministers till they are indifferent about religion itself. The last may be sometimes without the first, but the first never was, nor ever will be, without the last.

“It was also much insisted on, That as the present method of planting churches is contrary to the interest of religion, so it is also contrary to the civil interest of the country, and the revenue of the gentlemen of property. No fewer than 120 meeting-houses are already erected in this small country, and new ones building every season. Experience shows, that where men are in earnest about religion, they will spare no cost to obtain the means of it. This will exhaust the lower class of people, and render them less able to pay their rents, or to advance them higher; so that every new establishment of that kind is ultimately a tax upon land. Take it which way we please, it must be a great injury to the public. If, on the one hand, the people fall into indifference about religion, they will be brought up in ignorance and vice; than which nothing is more immediately destructive of industry in every branch, whether of agriculture or manufactures. Men of higher rank may so far supply the want of religion by a sense of honour, or other worldly principles, as to serve their country and themselves; but the common people, when they are irreligious, are almost constantly idle, and poor at the same time. On the other hand, if they retain their religion, and are obliged by their treatment in the Establishment, to set up separating meetings, it is unnecessarily saddling the country with an immense charge; while the Established ministers are buckled to the stipends, without any work, and appear in the contemptible light of so many wens or excrescences on the body-politic, eating its nourishment, and hurting its peace.

“I must not omit an observation made, That violent settlements prove the greatest injury to the poors’ funds in the parishes where they are made. This, said they, is a circumstance to which the landed interest ought to pay the greatest regard. At present, the poor in Scotland are maintained by the voluntary contributions of the people, managed at no

expense, and with very little, if any, suspicion of fraud. But if the evil spread, and the greatest part of the congregations through the country, are driven away from the Established Church, the poor must starve, or the heritors must maintain them by a voluntary taxation. This in a little time would probably be so ill executed, that it would issue in an act of parliament for a poors'-rate, similar to that in England; and we all know that there they complain as heavily of the expense of the poors'-rate as of any imposition under which they labour.

“ The history given of patronage, and its effects, did not pass unnoticed. It was observed, That from the Reformation downwards, the friends of the Presbyterian Establishment always considered patronage as unfavourable to, or rather inconsistent with, that form of government. As there was a constant struggle before the Revolution between Presbytery and Episcopacy, so it might be said, almost without any exception, that when Presbytery prevailed, patronage was either wholly abolished, or greatly restrained. At the Revolution, in particular, it was taken away by the act of parliament 1690; and the restitution of it in 1712, is well known to have been brought about by the inveterate enemies of our constitution, and to have been intended as a thrust at its very vitals, though it did not come to have much influence in the settlement of parishes till many years after, and that by slow degrees.

“ The preference in point of character given by the learned Doctor to the ministers of the present, in comparison with those of former generations, was not only doubted, but denied. For though just at the Revolution, from the penury of ministers, some of but indifferent abilities might find admission, yet it was well known, that in the following years there appeared in the Church of Scotland a set of men who, for learning, piety, usefulness, and every truly ministerial qualification, have been equalled by few, and exceeded by none, of the present boasted period. It was also thought, that magnifying the reputation of the present ministers of the Church of Scotland savoured a little of vanity, as being supposed to contain a tacit reference to some late successful publications, which, whatever evidence they might be of the ability of the particular authors, must be a very slender proof, if any at all, of the clerical merit of the whole body.

“ 7. To the expression frequently thrown out, That the

present attempt was a flying in the face of the law, it was answered, That though we ought to give submission to every law which is in force, and so far as it is in force, nothing can be more suitable to the spirit of the British constitution than to point out the inconveniencies attending any law, and consider of the most effectual method of getting it altered or repealed. Is it not strange, said they, that any minister of the Church of Scotland should use such an argument, when he knows, or ought to know, the language of the General Assembly in the annual instructions given to the Commission. They are authorised and appointed to embrace every favourable opportunity of obtaining a redress of the *grievance* of patronages. Nor have there been wanting many persons of the greatest ability, both among the clergy and laity, who have maintained, that the act restoring patronages was an infringement of the articles of the Union; and therefore, though passed by the Legislature *per incuriam*, a fair representation of the matter ought to be laid before them.

“ But what they principally complained of was, That the law, as it stood, had been made a great deal harder by ecclesiastical decisions, than the plain meaning of the statute would authorise: That the act of parliament 1712 makes no other alteration in that of 1690, than putting the patrons in the place of the heritors and elders: That their power was, to nominate a person, who was to be laid before the congregation; who, if they had any objections, might offer them, and they were to be judged by the Presbytery.* It is also well known, that no patron can put a man in possession of the benefice without the permission of the Church, who have the exclusive and final determination of every such cause committed to them by law. Now it is certain, that many just and competent objections may be made by a congregation against a minister’s settlement, although they

* The words of the act 1690 are as follows:—“ That for supplying with a minister any particular church that shall become vacant, the heritors of the parish, being Protestants, and the elders, are to name and propose the person to the whole congregation, to be either approved or disapproved by them; and if they disapprove, that the disapprovers give in their reasons, to the effect that the affair may be cognosed by the Presbytery; at whose judgment, and by whose determination, the calling and entering of a particular minister is to be ordered and concluded.”

do not undertake to prove him unsound in his doctrine, or immoral in his life. His voice may be so weak as to make it impossible for him to be heard in a large congregation: He may be lame or blind, and unfit to undergo the fatigues of an extensive country parish; or he may be so poor in abilities as to be quite unequal to the importance of a city charge. All these disqualifications have been pleaded, and others of the same nature, and yet no regard paid to them at all.

“It was also observed, That as the Church hath undoubtedly a power of decision, even as to the settlement of a probationer, much more hath it a power of ordering or forbidding the translation of a minister already settled. This appears from the very reason of the thing; for his presentation to the benefice he already possesses is just as legal as to the other to which he desires to remove; and in which of the two he shall serve the cure, ought to be determined by reasons of general expediency. But further, this is supported by the plain grammatical meaning of the act of parliament 1719, intended for our relief, but of which we never received the benefit, from the corruption of our own courts. In that act a presentation to a minister already settled, is declared to be void and null; and yet some of the most troublesome and offensive settlements appointed by General Assemblies have been on presentations of this kind.*

* The words of the act 1719 are:—“That if any patron shall present any person to a vacant church from and after the 1st day of June 1719, who shall not be qualified by taking and subscribing the said oath (of abjuration) in manner aforesaid, or shall present a person to any vacancy who is then, or shall be, pastor or minister of any other church or parish, or any person who shall not accept, or declare his willingness to accept, of the presentation and charge to which he is presented, within the said time, such presentation shall not,” &c. There are some, indeed, who, instead of considering these three clauses as distinct and separate disqualifications, would interpret the two last as connected together, and suppose that the acceptance is like an alternative to the preceding, and takes away its effect. But this does not seem the proper meaning of the act, for two reasons:—1. If it were, the third clause would be sufficient of itself, and there would be no necessity for the second at all. 2. The words will not bear this construction, unless you suppose that the acceptance would also atone for the presentee’s not being qualified to the Government, which it certainly would not.—*Note by the Reporter.*

“ One thing on this subject, it was observed, gave the greatest ground of complaint, That while so much pains was taken to force a reluctant people to comply with a presentee, not once in a hundred times could the church courts be prevailed upon to try their influence with the patrons by a discreet representation: That this was the more inexcusable, as in the very few cases in which it had been tried, it had hardly ever failed of success.

“ As to the decisions of the Supreme Court of Judicature in favour of patrons, they have confirmed the power of the church courts as to appointing the legal pastor of the parish, though they have allowed the patron to retain the stipend. Now, as this affords the fairest opportunity for treating with patrons to use their right with moderation, so it points out a remedy in the Church’s own power for the most difficult cases. If they were to settle a man agreeable to the congregation, it would be easier for the people to find a maintenance for him, to continue during his incumbency, than to build a meeting, and endow it, and keep it up perhaps for a century to come.

“ It hath been indeed commonly pretended, That it is indecent to take any legal advantage against a presentation, and also dangerous, as it may provoke the Legislature to bind it harder upon us. But the danger is nothing; for it is impossible to make us worse by any law than we every day make ourselves; and for the indecency, it can appear in this light only to persons of slavish and dependent principles, for in this free country, nothing is more common in civil causes than to plead every legal exception, and even every point of form, against the claims of the Crown itself.

“ 8. As to the remedy proposed, by taking care of licensing probationers, it was observed, that it had been, and would be, altogether ineffectual; for it proceeded upon a supposition, which the present state of human nature plainly shows to be impossible, viz., That the majority of not one Presbytery in Scotland should ever be deceived, or unfaithful, in granting a license to a young man. Besides, even this itself would not do; for by constant practice we have sustained presentations to probationers and ministers from among the Protestant Dissenters, both in England and Ireland.

“ 9. As to the last particular, viz., the application to gentlemen of property and influence, it was said to be a plain

evidence that those who proposed the overture had no intention of doing any thing precipitately, or any thing that was wild or extravagant in itself. They could not help being of opinion, that it was one of the highest marks of respect they could put upon the landed interest, as it flowed from a persuasion that no effectual relief could be obtained from the present grievances but by their assistance.

“I shall subjoin no observation to the above account but one: That I cannot help thinking all the arguments against the overture were far-fetched, excepting those which attempted to evince that patronage is indeed the best way of settling churches. If this is not true, then surely to think at least of some remedy, was exceeding proper. But if it is true, undoubtedly the overture was justly rejected by the Assembly. I have therefore been the larger on this point in both accounts; and on the strength or weakness of the arguments on each side, depends the righteousness and expediency of the above decision.”

On the 28th, the Assembly appointed Mr George Bruce, minister of *Minto*, presented by the Duke of Roxburgh, to be settled minister of *Dunbar*. There was a pretty numerous opposition; but the weakness of Mr Bruce's voice was the only objection, his opponents professing their esteem for him as a man of piety, learning, and experience.*

On the 31st, the Assembly took into consideration the affair of *Mr Thomas Lyell*. This gentleman was ordained minister of Lady Parish, in the Presbytery of North Isles, in 1754. Some time after, he was accused by common fame of indecencies and immoralities. In 1756 his maid-servant was said to be pregnant by him, to have been sent to Edinburgh, and there to have brought forth a child, supported at his expense. In 1762, another servant-maid of his became pregnant, and though he was informed by one of his elders that it was the general opinion he was the father, he kept her in his service till she was delivered in his house. Upon her recovery, having so ordered matters that the child was ascribed to his brother, who then lived in family with him, the parties were absolved by him, before two or three

* The Synod had refused to proceed to his settlement, referring the case to the Assembly. Against that judgment an appeal was taken by the patron, town-council, and other callers.

elders convened for that purpose. In 1763, the Synod of Orkney found the conduct of this Presbytery to have been remiss, censured them on that account, and appointed a committee; which, joined with the Presbytery, held a visitation of Mr Lyell's parish. His parishioners having accused him of various enormities, the committee suspended him. These proceedings having been laid before the Synod, were referred to the Assembly 1764, and by them to the Commission, who reversed the sentence of suspension, on account of irregularities in the proceedings, and remitted to the Presbytery to prosecute Mr Lyell by a libel in common form. After this sentence, the three youngest ministers of the Presbytery (in which there are only six,) seemed to favour Mr Lyell. In August 1764, the two other ministers applied to the Synod to appoint some members of Synod to sit in Presbytery with them, and to dispense with their meeting within the bounds of their own Presbytery, on account of the age and infirmities of some of the corresponding members. This request having been granted, the Presbytery met at Kirkwall, where a libel, in name of the Presbytery, was brought in against Mr Lyell, and he was cited to make his defence against a subsequent diet. The Presbytery met again accordingly, but split; and a Synod having been called *pro re nata*, reversed the aforesaid appointment. On this the party of the Presbytery who were against Mr Lyell met again in Presbytery at Kirkwall, and again referred the affair to the Assembly; and the other party having met in the ordinary place, assoilzied Mr Lyell *simpliciter*.

Meanwhile, Mr William Nisbet, minister at Firth and Stenness, in the neighbouring Presbytery, that of Cairston, was reported to have kept as his concubine a married woman; the clamour against whom had by this time greatly increased. His Presbytery, and likewise the Synod, had enjoined him to dismiss this woman from his house. These injunctions were not, however, properly complied with, and it was suspected that a party in his own Presbytery inclined to protect him, and that this party were uniting themselves with the party formed to protect Mr Lyell, so as to make a majority in the Synod. Thus matters stood when the Assembly 1765 again reversed all the proceedings in Mr Lyell's affair, on account of irregularity; and appointed the Presbytery of North Isles "to begin his trial *de novo*, upon a libel in proper form, and without delay."

“In the Synod of Orkney, met in August thereafter (1765,) some of the members intended to have moved the Synod to inquire why no obedience had been given to this last appointment of the General Assembly in relation to Mr Lyell. But a motion having been first made, to inquire what had been done by the Presbytery of Cairston, in consequence of an appointment of last Synod, enjoining that Presbytery to proceed against the brother charged with adultery, the moderator of the Presbytery of Cairston asserted,—‘That the Synod’s appointment had been obeyed;’ and being contradicted by three of his brethren, who appealed for the falsity of this averment to the minutes of Presbytery then in their hands, a vote was stated, Whether the moderator of a Presbytery was the *mouth and voice* of the Presbytery in the Synod? It was carried, by a majority, that he was, and therefore could not be contradicted, or his assertions any way disproved by his co-presbyters.”*—*Mem. for Messrs Trail and Scollay, p. 6.*

Matters standing thus, Mr George Trail of Hobister, minister of Dunnet, in the Presbytery of Caithness, and the principal heritor in Mr Lyell’s parish, thought himself bound to become his prosecutor. When Mr Trail’s resolution became known in the country, which was not till about six months after the Assembly 1765, the Presbytery of North Isles was, by their moderator, summoned to meet on the 3d of December, “to take under consideration the appointment of the Assembly in relation to Mr Lyell.” Mr Trail’s letter was presented at this meeting of Presbytery, signifying his intention to prosecute Mr Lyell, and assigning his reasons. At their next meeting, Jan. 21, the Presbytery resolved to libel Mr Lyell themselves, though a libel against him, at Mr Trail’s instance, was presented to them by a procurator, upon which he required them to proceed to trial. Then Mr Lyell produced a libel against Mr Jerom Dennison of Noltland, who claimed to sit as a ruling elder, and another libel against Mr John Scollay, minister of Crosskirk, charging them with malice against him; on which both were excluded. They refused to admit Mr Balfour, Mr Trail’s procurator, to act before them, on pretence that he had not taken the oaths,

* In a paper in one of the causes referred to the Commission, which shall be taken notice of when we give the proceedings of that court, this allegation is denied, and the Synod minutes appealed to for disproving it.

in terms of the act 1747 ; * on which he appealed to the Assembly. The Presbytery, however, framed a libel against Mr Lyell, and cited him to answer it against the 4th of March.

The above is taken from a memorial for Messrs Trail at Dunnet and Scollay at Crosskirk. In a memorial for Mr Lyell, we have an extract from the minute of the Synod of Orkney, of Aug. 12, 1763, which was drawn up by Mr John Scollay, moderator, and Messrs Tyrie and Mouat, senior, bearing,—“ That Mr James Tyrie, minister of Stromness and Sandwick, in the Presbytery of Cairston, represented to the Synod, That it was reported all over the country of Orkney, and elsewhere, that Mr Thomas Lyell — had entertained, and does continue to entertain, one Margaret Scot as his housekeeper, who, since last meeting of Synod, had brought forth a child in his house, which is nursed in a house by the side-wall of his garden : That a packed meeting of two elders and himself, with the clerk, being assembled in Mr Lyell’s own house, and said Margaret Scot being called, and compearing, named for the father of the child she was then pregnant with, David Lyell, a young lad, brother to Mr Lyell the minister ; and she being simply rebuked, was dismissed ; and that the foresaid David Lyell being called, compeared, and being asked if he was the father of the housekeeper’s child, made a reverential bow, was spoke to, and immediately dismissed ;—which unprecedented behaviour had revived the story of Mr Lyell the minister’s former housekeeper, Elspeth Smith, her being sent in a clandestine manner out of the country, when it was well known to the whole parish she was big with child : That the said Elspeth Smith, after having been secreted for several nights in a private house in the village of Stromness, was shipt on board a vessel bound for Leith, where she brought forth a child, or somewhere thereabout ; and that the child is still in life, and maintained at the expense of Mr Lyell, minister : That the Presbytery of North Isles had neglected to take notice of such unprecedented procedure in the minister and session of Lady Kirk, both as to the elopement of the first housekeeper, Elspeth Smith, which fact was well known to

* This refers to a *proviso* in the Act abolishing Heritable Jurisdictions, (20 Geo. II.,) but there is no mention of procurators in church courts.

the Presbytery of North Isles, and as to the second housekeeper, Margaret Scot, her having brought forth a child, and being still continued in her former station of housekeeper, while David Lyell remained one of the family, notwithstanding the great indecency of such conduct, and its giving universal offence and discontent to all well-thinking people." And it is observed, that the Synod, *de plano*, without so much as calling on Mr Lyell, did think proper, as their minutes bear, "to take both the first and last alleged instances of Mr Lyell and his scandalous housekeepers under their immediate consideration;" that they unanimously agreed to appoint the visitation of Lady Parish, formerly mentioned, by the Presbytery of North Isles, and two ministers and one elder from each of the Presbyteries of Kirkwall and Cairston, of whom Mr Tyrie, above mentioned, was one; that attendance at this visitation was enjoined with uncommon anxiety; which did not seem necessary, Mr Tyrie, who tabled the complaint at this meeting, having, with uncommon warmth, expressed himself in the following words,—“The hare is started; run her down! run her down! kill her!” for which *keenness of expression*, as the committee of visitation term it, they apologise, as proceeding from his zeal that irregularities should not pass with impunity; that notwithstanding what is above inserted from the Synod minute as to Elspeth Smith, not a single person could be found that had any such suspicion concerning her before she left the country, or that could condescend upon a single circumstance of Mr Lyell's indecent behaviour with her, or any other woman, or his having the least correspondence with her, after her leaving Orkney in the 1756; that the meeting of the Presbytery of North Isles, held Dec. 3, to give Mr Lyell a new libel, was summoned by the moderator's letter of Oct. 21, whereas Mr Trail's letter was dated Nov. 26, which disproves the alleged neglect of the Presbytery to obey the order of the Assembly 1765, till Mr Trail signified his resolution of becoming Mr Lyell's prosecutor; and that at the Presbytery held March 4, 1766, a list of the witnesses annexed to Mr Trail's libel against Mr Lyell was produced, to which was subjoined a paper, dated March 4, 1766, and signed by Mr Balfour, complaining, That the Presbytery had assumed a power to model itself, by excluding radical members, in order to screen Mr Lyell, and contrived a libel for that purpose, and notwithstanding an appeal, were going to

proceed to his trial, concluding with these words :—“ And protest, That if you, or any other person or persons pretending to be, or assuming the judicative capacity of the Presbytery, shall cite before you, and examine any person contained in the list annexed hereunto, you, and all others acting, aiding, and assisting, in such illegal practices, shall be liable in the pains of law for subornation, and misleading and practising upon witnesses ;” than which, it is said, a greater insult was never offered to any court. . . . As an instance of Mr Scollay’s warmth, a part of a letter wrote by him, Jan. 7, 1765, when the Presbytery was divided, in answer to one he had received from the moderator, dated Jan. 1, calling a meeting of Presbytery to be held on the third Tuesday of that month, viz. :—“ Reverend Sir, I have just now received your legerdemain letter, *coram testibus*, garnished over with glaring falsehood.” Addressed—*To the Reverend Mr Lesly, mock moderator,—to be communicate.*

This affair came before the Assembly by a petition for Mr Trail, and another for Messrs Scollay and Dennison, aforementioned, and also by a petition and representation of the Synod of Caithness and Sutherland, representing, that the reports concerning both Mr Lyell and Mr Nisbet were generally believed all over that country, and were attended with consequences very hurtful to religion.

The papers having been read, and parties heard, the Assembly, after reasoning, found, without a vote, the libel given in by the Presbytery of North Isles *ex facie* irrelevant and improper, and therefore dismissed it, and found the whole proceedings thereon void and null, and dismissed these proceedings, in respect of the great irregularity of the proceedings, and of the conduct of the Presbytery in this affair ; and that as Mr Trail had now appeared, and offered to insist in a libel against Mr Lyell, the Assembly agreed to receive that libel, and appointed it to be served on Mr Lyell *quam primum*, and him to give in answers against the day to be appointed for the meeting of the Commission in August ; and empowered that or any subsequent meeting of the Commission to judge of the relevancy of that libel, and every other question that may occur concerning that affair ; and authorised them to grant commissions for taking a proof, and to cognosce and finally determine, or to refer this cause to the next Assembly, as they should see cause ; and further, ap-

pointed the Commission to inquire why the appointment of the last Assembly with respect to the libelling Mr Lyell was not punctually obeyed, and to cite the Presbytery, or any particular member thereof, to the bar of the Assembly, if they should see cause; and empowered the Commission to give Mr Trail what money might be necessary for carrying on the cause out of the public fund of the Church. The Assembly likewise referred the libel against Mr Scollay, and whole procedure had thereon, to the Commission, empowering them to judge and finally determine therein.

On the 2d of June, the Assembly appointed the following ministers, viz., Principal Robertson, Professor Hamilton, Drs Macqueen, Dick, Wishart, Blair, and Webster, and Messrs John Glen and John Erskine, a committee to consider of two overtures:—One concerning the *licensing of probationers*, which was some years ago transmitted to Presbyteries, on which they are to prepare a new overture, and to give it in to the Commission, to be by them ripened for the next Assembly; the other, an overture respecting the method of *settling parishes*,* in cases where the right falls to the Presbytery, to be reported likewise to the Commission.

The report of the committee on the *window-tax* was given in, importing, That there was no prospect of procuring an exemption to the clergy from payment of that tax other than by an application to parliament; but that there was great reason to believe the arrears unpaid may be got free of: That the committee saw no proper opportunity for applying to parliament, with any hopes of success, since last Assembly, not even when the bill for making an alteration in that tax was brought in, the committee judging it might probably have passed before any application from them could have reached London, and their petition run a great risk of being all at once rejected, which they thought of dangerous consequence, it being so late in the session; all which determined them to leave the affair to the consideration of the Assembly. The report concluded with observing, that the want of a fixed agent at London to give timeous information

* This overture called forth “ Letters concerning the present state of the Church of Scotland, and the consequent danger to religion and learning from the arbitrary and unconstitutional exercise of the Law of Patronage.” 1767.

when acts were proposed in parliament which might affect the Church or its members, was a great disadvantage ; and therefore overturning that such an agent should be appointed. The Assembly approved of this report, and appointed William Gordon, LL.D., to be their agent, empowering him to correspond with this committee, and with the procurator, on all affairs which concern the Church ; and the committee were appointed to cause Mr Gordon inquire after an *original copy of the acts of Assembly in Zion College Library*, and endeavour to recover the original, or an authentic copy of it, leaving it to next Assembly to settle Mr Gordon's salary.

Then the report of a committee appointed to consider the *form of commissions* to members of Assembly, was given in and read. After reasoning on it, the question was put, Approve of the report, or Not ? and it carried Approve, 99 to 18. The Assembly, therefore, enacted as follows :—

“ The General Assembly having had laid before them the report of a committee appointed to revise the forms of commissions to members of the General Assembly, and considering that it is of the greatest importance for the honour and interest of religion, that the office-bearers of the Church should behave and conduct themselves in all respects becoming their character, do, in terms of the act of Assembly 22d May 1722, earnestly beseech, exhort, and require all ministers to take heed to themselves, and to their doctrine, and to be exemplary to their people in sobriety, righteousness, and holiness, abstaining from all appearance of evil : And in like manner, the General Assembly do earnestly beseech, exhort, and require the elders and deacons to be faithful in the discharge of their respective offices, tender and circumspect in their walk, punctual in their attending upon ordinances, strict in their observation of the Lord's Day, and regular in keeping up the worship of God in their families. The Assembly do further enjoin and require, for the more regular election of members to the Assembly in time coming, Presbyteries, burghs, and universities, strictly to observe the acts of former Assemblies, appointing that the election shall be made at least forty days before the meeting of Assembly, and within a month preceding the first of the said forty days, except those lying in the Northern and Western Isles, and shall appoint the day of election at a meeting to

be entered in their minutes, at least ten free days before such election; and that on the day of election, they shall make their elections betwixt the hours of one and eight o'clock in the evening.

“ The General Assembly, considering also that some acts regulating the manner and time of electing members to the Assembly are posterior to the act 17th May 1725, establishing the present form of their commissions, and that these forms refer in general to acts of Assembly that contain some particulars, of which Presbyteries, universities, and burghs, cannot have any certain evidence, and are thereby reduced to the necessity either of attesting what does not come properly under their own knowledge, or of omitting clauses in the established form, whereby their commissions have been rendered void and null, the Assembly did, on all these accounts, and hereby do, appoint and ordain the forms of commissions and attestations, hereunto subjoined, to be observed by Presbyteries, sessions, universities, and burghs; and enact and ordain, that all such commissions and attestations as are not conceived and attested in these very words of the form now prescribed shall be rejected.

“ The General Assembly do further declare and enact, That when a kirk-session or Presbytery refuse their concurrence or attestation to a commission by a burgh or university, without assigning the reasons of their refusal, that commission shall be sustained, as if duly attested, in case the matter shall be brought before the Assembly by protest or appeal. And they appoint the agent for the Church to cause print this act, together with the following forms of commissions, and transmit the same to the several Presbyteries, universities, and burghs.”

Form of Commissions by Presbyteries.

At _____, *the* _____ *day of* _____ *years.*—The which day the Presbytery of _____ being convened betwixt the hours of one and eight o'clock in the evening, in order to elect their representatives to the ensuing Assembly, pursuant to a resolution entered into their minutes on the _____ day of _____, did, and hereby do, nominate and appoint Mr _____, minister at _____, and Mr _____, minister at _____, and _____ and _____ ruling elders, their commissioners to the next General Assembly of this Church, indicted to meet at _____, the _____ day of _____ next to come, or when and where it shall happen to sit, willing them to repair thereto, and to attend all the diets of the same, and

there to consult, vote, and determine in all matters that come before them, to the glory of God and the good of his Church, according to the Word of God, the Confession of Faith, and agreeable to the constitutions of this Church, as they will be answerable; and that they report their diligence therein at their return therefrom. And the said Presbytery does hereby testify and declare, That all the ministers above named have signed the Formula, enjoined by the 10th act of the Assembly anno 1711, and the ruling elders above written have signed the Formula prescribed by the 11th act of the Assembly 1694. And further, that the said elders are of unblemished characters, circumspect in their walk, regular in giving attendance on the ordinances of Divine institution, and behave in other respects agreeable to their office; all which the Presbytery have hereby attested on proper information.

Attestation.

At _____, the _____ day of _____ years.—The which day the Presbytery of _____ having had the above extract of their commission to their representatives in the ensuing Assembly laid before them, they caused it to be read, and having revised and considered the same, they did approve thereof. Attested by

A. B., *Moderator.*

Or,

Us.

Form of Commissions from Universities.

At _____, the _____ day of _____ years.—The which day the principal, professors, masters, and other members of the University of _____, having right to elect, being convened betwixt the hours of one and eight o'clock in the evening, in order to elect their representative to the ensuing Assembly, pursuant to a resolution entered into their minutes on the _____ day of _____, did, and hereby do, nominate and appoint _____ their commissioner to the next General Assembly of this Church, indicted to meet at _____, the _____ day of _____ next to come, or when and where it shall happen to sit, willing him to repair thereto, and to attend all the diets of the same, and there to consult, vote, and determine in all matters that come before them, to the glory of God, and the good of his Church, according to the Word of God, the Confession of Faith, and agreeable to the constitution of this Church, as he will be answerable; and that he report his diligence therein at his return therefrom. And it is hereby testified and declared, that the said _____ is a minister, or (an elder) of this Church, lawfully ordained, and hath signed the Formula enjoined by the 10th act of the Assembly anno 1711; or, (if an elder) hath signed the Formula prescribed by the 11th act of the Assembly 1694. And further, that the said commissioner is every other way qualified to be a member of the Assembly, according to the acts of the Assembly; and (if an elder, it must be said) and in particular,

he is of an unblemished character, circumspect in his walk, regular in giving attendance on the ordinances of Divine institution, and behaves in other respects agreeable to his office; all which the university have hereby attested on proper information. Extracted by
C. D.

Attestation.

At _____, *the* _____ *day of* _____ *years.*—The which day the Presbytery of _____ having had before them a commission given by the University of _____ to _____ to represent the said university in the ensuing General Assembly of this National Church, do, in terms of the 4th act of Assembly 1720, the 7th act of Assembly 1723, and 4th act of Assembly 1724, testify and declare, that the said _____ is a minister or (an elder) lawfully ordained; that he has signed the Formula enjoined by the 10th act of Assembly 1711; or (if an elder) hath signed the Formula prescribed by the 11th act of Assembly 1694; and that he is a master of the said university, or _____. And further, that the said commissioner is every other way qualified to be a member of the Assembly, according to the acts of Assembly. This signed by
A. B., *Moderator.*

Form of Commissions from Burghs.

At _____, *the* _____ *day of* _____ *years.*—The which day the magistrates and town-council of _____ being convened in council, betwixt the hours of one and eight o'clock in the evening, in order to elect their representative to the ensuing Assembly, pursuant to a resolution entered into their minutes on the _____ day of _____, did, and hereby do, nominate and appoint their commissioner to the next General Assembly of this Church, indicted to meet at _____, the _____ day of _____ next to come, or when and where it shall happen them to sit, willing him to repair thereto, and to attend all the diets of the same; and there to consult, vote, and determine in all matters that come before them, to the glory of God, and the good of his Church, according to the Word of God, the Confession of Faith, and agreeable to the constitution of this Church, as he will be answerable; and that he report his diligence therein at his return therefrom. And it is hereby testified and declared, that the said _____ is an elder of this Church, lawfully ordained, and hath signed the Formula enjoined by the 11th act of Assembly 1694, and is every other way qualified to be a member of Assembly, and likewise that he is (a residenter in the said burgh,) or (an heritor in the said burgh,) or (an heritor in the bounds of the Presbytery of _____, within which the said burgh lies,) or (has formerly resided and officiated as an elder in the said burgh,) or (Presbytery of _____, within which the said burgh doth lie,) according to the acts of Assembly; and in particular, that he is of an unblemished character, circumspect in his walk, regular in giving attendance on the ordinances of Divine in-

stitution, and behaves in other respects agreeable to his office. All which the magistrates and town-council have attested on proper information. Extracted by C. D., *Cls.*

Attestation by the Kirk-Session.

At _____, *the* _____ *day of* _____ *years.*—The which day the kirk-session of _____ having had laid before them a commission given by the magistrates and town-council of _____ to _____ to represent the said burgh in the ensuing General Assembly of this National Church, do, in terms of the 4th act of Assembly 1720, testify and declare, that the said _____ is an elder lawfully ordained, and that he has signed the Formula prescribed by the 11th act of the General Assembly 1694. Extracted by A. B., *Moderator.*
C. D., *Cls.*

Attestation by the Presbytery.

At _____, *the* _____ *day of* _____ *years.*—The which day the Presbytery of _____ having had produced before them a commission given by the magistrates and town-council of _____ to _____ to represent the said burgh in the ensuing General Assembly of this National Church, with an attestation of the kirk-session of the said burgh, conform to the directions of the act 9th of Assembly 1718, act 4th Assembly 1720, and act 4th Assembly 1724, do, in the terms of the foresaid acts, likewise testify and declare, that the said _____ is an elder lawfully ordained, and that he has signed the Formula prescribed by the 11th act of Assembly 1694; and likewise, that he is (a resider in the burgh,) or (an heritor in the said burgh,) or (an heritor in the bounds of the Presbytery of _____, within which the said burgh lies,) or (has formerly resided and officiated as an elder in the said burgh,) or (Presbytery of _____, within which the said burgh does lie;) and further, that the said commissioner is every other way qualified to be a member of the Assembly, according to the acts of Assembly. This signed by A. B., *Moderator.*

Upon report from the committee for overtures, transmitted by the last and preceding Assemblies, the Assembly agreed, that all these be again transmitted, and do hereby appoint, that such Presbyteries as have not yet sent up their opinions concerning them, do send up the same to the next General Assembly. The overtures are these:—*1mo*, Anent sending up opinions on overtures transmitted by the Assembly. *2do*, For repealing that part of the Form of Process anent exculpations. *3tio*, Anent members of inferior courts judging in causes appealed from them; and that the report concerning them be brought into a earlier diet of the Assembly.

The commission from the burgh of Montrose rejected, it being found that the person chosen had not that relation to the burgh or Presbytery which the acts of Assembly require.

The moderator produced a letter from General Murray, Governor of Canada, directed to him, relating to the great fire that happened at *Montreal* in May last; together with an attested account of the loss sustained by that fire, under the hands of the proper officer, and seal of the island appended, craving a collection through the churches of Scotland. The Assembly having considered said application, rejected the same, and appointed the moderator to write a respectful letter to General Murray.

There was produced a memorial from the Presbyterian Church at *New York*, praying the interest of this Assembly at the Court of London, for a royal mandate to his Majesty's Governor and Council there, to grant the congregation a charter of incorporation for the uses specified in the copy of said charter lying before the Assembly. The Assembly appointed a committee to consider the said memorial, and to report.

Upon a letter from *Dr George Wishart*, principal clerk of Assembly, his absence this day (May 31,) is excused, and Mr Archibald Stevenson, minister in *St Madoes*, appointed to officiate in his place.

The moderator of the *committee of bills* moved for a meeting of that committee, at the desire of *Dr David Dickson*; which desire the Assembly refused, in regard *Dr Dickson* had not applied within the time limited by the acts of Assembly.

The report of the committee appointed to consider the representation from the Presbytery of *Meigle*, produced and approved of, and the opinion and overture of the committee agreed to, viz., That the suppressing of the small parish of *Ruthven*, and annexing it to contiguous parishes, and that the dismembering of parts of the five parishes of *Alyth*, *Bendochie*, *Blairgowrie*, *Ratray*, and *Caputh*, and getting them united, and erected into a distinct and separate parish, would be for the interest of religion in these bounds: And therefore it is recommended to the Presbytery of *Meigle* to settle and adjust, with all parties having interest, the scheme proposed; to procure from the cess-books a certificate of the total valuation of each parish, and the proportion thereof belonging to the several consenters; and to ascertain other facts

contained in the memorial : And they are required to transmit these materials to the agent for the Church, to be laid before the procurator, who is appointed to draw out the proper summons, and carry on the process at the public expense: But if opposition is likely to happen, or the expense of process shall exceed the sum of £30 Sterling, he is to lay the matter before the Commission, or the next General Assembly.

The report of the committee appointed to consider the petition of the heritors, elders, and whole heads of families within the perambulated bounds of *Norriestown*, given in, and their opinion agreed to ; and accordingly it is appointed, that the allowance to a schoolmaster there be withdrawn, and a preacher be settled there, and ordained, and he be under the direction of the Presbytery of Dumblane. And it is remitted to the committee to consider the state of the funds, and to report upon Monday next.

The report of the committee appointed to consider the application from the Presbyterian Church at *New York*, given in ; the desire of the said church is granted, and the ministers of Edinburgh, Solicitor Dundas, Mr Crosbie, Mr Wight, advocates, named as commissioners, with full powers of executing the purposes of the said application.

A reference from the Presbytery of Glasgow anent a new session read. The General Assembly appointed the Presbytery of Glasgow to authorise *Mr Ballantyne*, with his brethren the ministers of the city of Glasgow, the principal, the professor of divinity, and Mr Lawrence Hill, minister, as a committee of Presbytery, to agree upon a nomination of proper persons to be members of session for the new erected church of Glasgow, called *The Wynd Church* : And when that nomination is agreed on by the said committee, that Mr Ballantyne shall serve their edict from his pulpit in the said Wynd Church ; and thereafter, Mr Ballantyne, with the committee, or any two of them, shall ordain the persons nominated to be members of session in the Wynd Church, and to have the oversight of that parish.

The report of the committee appointed to consider the *Norryston* accompts given in, and approven of, and the preacher allowed 700 merks at present ; but the Commission empowered, upon their finding the fund to amount to 1200 merks, to allow the preacher £50 of salary.

An appeal by the Right Hon. the Earl of Eglinton, patron * of the parish of *Eaglesham*, from a sentence of the Synod of Glasgow and Ayr, for delaying to proceed to the trials and settlement of *Mr Thomas Clark*, as minister of the parish of *Eaglesham*, heard, and the Presbytery of Glasgow appointed to proceed to the trial and settlement of Mr Clark, as minister of the parish of *Eaglesham*, with all convenient speed, according to the rules of the Church.

The Assembly rose June 2.

Commission Meeting.—The Commission met, as usual, the day after the Assembly rose, and sat for two days, June 3 and 4. The most remarkable of their determinations were these three, viz. :—

1. The case of *Mr Lawrence Wells*, the Duke of Hamilton's presentee to the parish of *Shotts*. This gentleman was found unqualified by the Presbytery of Hamilton, and the Assembly 1765 remitted to the Presbytery to take his trials of new.† After taking his trials, in obedience to this order, the Presbytery, April 29, 1766, "found no sufficient reason for changing their former opinion of his qualifications; yet as the Assembly, by remitting to them to take the whole of his trials *de novo*, had in effect declared, that the sentences of Presbyteries, with regard to the trials of intrants, are not final, and as they had ground to believe that this affair would, in some shape or another, be carried before their superiors, therefore they referred the whole cause to the Assembly." From this judgment the patron and the presentee appealed to the Assembly. Parties having been heard before the Commission on this appeal, June 3, the court proceeded to hear Mr Wells' discourses; and he being asked, if he himself would read any of them, he agreed, and read his Exercise and Addition on Phil. iii. 9. After hearing the Presbytery, the Commission, without a vote, approved of this discourse. The Presbytery did not insist that his popular sermon should be read, but insisting that his Exegesis should, he read it himself; and the Presbytery having been heard on their objections to it, the Commission approved likewise of this part of the trials. The court then caused

* Though the Earl of Eglinton was proprietor of 39-40 of the parish, Mr Clark's call was signed by only one individual. The final disposal of this case, as well as that of *Shotts*, belongs to a subsequent year.

† See p. 305.

them read the questions put to him on his extemporary trials, and his answers; and having heard the Presbytery's remarks on them, this part of the trials was likewise approved of; and therefore, upon the whole, the Commission unanimously found Mr Wells qualified. Several members expressed great satisfaction with Mr Wells' trials, especially with his answers to the questions on his extemporary trials, which by some were thought severe.

2. A petition and complaint of *Mr Edward Irvin*, minister at *Walls* and *Flota*, dated May 28, 1766. This petition sets forth, That in 1763, a general report prevailed, that *Mr William Nisbet*, minister of *Firth* and *Stenness*, lived in an indecent familiarity with a married woman: That in June that year he took this woman into his manse, and lived with her there, and persisted, notwithstanding the expostulations of friends, and of Mr Tyrie, his co-presbyter: That at the meeting of the Synod of Orkney, the members found it absolutely necessary to take notice of this scandal, in consequence of which Mr Nisbet was admonished by his Presbytery (that of Cairston,) to dismiss the woman; to which admonition he paid no regard: That thereupon the Presbytery, Nov. 2, appointed him to separate from her by the 20th then current, with certification: That Mr Nisbet paid a sham obedience to this appointment; he removed the woman out of his manse, to one of the offices, not twenty yards distant, fitted up in the interim for her reception: That he soon thereafter married; an event which, it was expected, would have put an end to the affair; but so far otherwise, his marriage seems to have been intended as a cloak; for immediately after it he took back the woman to his family, and not only continued his familiarity with her, but even countenanced her in the most insolent usage to his wife: That the Presbytery, on the 18th of January 1764, finding their orders disregarded, referred the affair to the Synod, which was to meet in March 1764: *That the Synod appointed Mr Nisbet to remove the woman in four months*,—a pretty odd determination, considering that Mr Nisbet had, in open defiance of the Presbytery's sentence, taken her into his house after his marriage, and by his indecent familiarity, and her rude behaviour, had obliged his wife to leave him in four months after the marriage; declaring, however, her willingness to return, if he would se-

parate from the woman, which it was expected the Synod would appoint him instantly to do ; and in which expectation being disappointed, his wife resolved to separate from him altogether : That Mr Nisbet kept the woman in his manse till the very last day of the four months, and then removed her to a lodging provided for her at less than half a mile's distance, where the same intercourse as formerly was kept up between them without disguise : That thereupon the Synod, in August 1764, instructed the Presbytery peremptorily to enjoin him to separate from her company and conversation in five days, under pain of suspension : That the steps hitherto taken in this affair seemed to have proceeded unanimously, but that from this time some of his co-presbyters seemed resolved to screen Mr Nisbet : That the Presbytery having met, Aug. 10, 1764, fixed a meeting for the 5th of September following, to inquire into Mr Nisbet's conduct : That at this meeting, Mr Nisbet alleged that he had obeyed the order of the Synod, and entirely separated from the woman ; and as there was not a quorum, the Presbytery adjourned to the 4th of October : That to this meeting of Oct. 4, Mr Nisbet sent a letter of excuse for not appearing, which, though objected to by several members as trivial, was sustained ; but the Presbytery enjoined him to separate from the woman in five days : That having met again on the 15th of November, they came to a resolution to desire a meeting of Synod to be called for advice and instructions ; against which resolution Mr Hepburn, the moderator, protested, alleging that Mr Nisbet's affair was not yet ripened : That the Presbytery having again met on the 28th, Messrs Irvin and Reid intended to have served Mr Nisbet with a libel ; but Mr Hepburn appeared as Mr Nisbet's procurator, and in his name protested against the proceedings of the Presbytery of Aug. 10, " as unjust, illegal, and inquisitorial, in the highest degree," and appealed to the Synod, which was to meet at Lammas 1765 : That on this Mr Tyrie, finding his endeavours to bring Mr Nisbet to justice of no effect, and being anxious not to appear as conniving at his conduct, declined acting as a member of Presbytery ; which declinature was afterwards made use of to favour Mr Nisbet : That Messrs Irvin and Reid, however, being determined to proceed against him, got another meeting of Presbytery appointed ; but as this Presbytery consists but of six ministers, of whom Mr Tyrie had declined acting,

Mr Nisbet was a party, and Messrs Hepburn and Sands absented themselves, they could not proceed for want of a quorum, so were obliged to wait with patience the meeting of the Synod : That in the interim, Messrs Hepburn, Nisbet, and Sands, held a Presbytery at Mr Hepburn's manse at Birsay, and there, notwithstanding Mr Nisbet's situation, chose him one of their members to the then ensuing Assembly : That the Synod met in August 1765 ; and a motion having been made, that the Presbytery of Cairston should show what obedience they had paid to the instructions of the Synod respecting Mr Nisbet, Mr Hepburn, moderator of that Presbytery, asserted that these instructions had been fully obeyed : That Messrs Irvin, Tyrie, and Reid, heard this assertion with astonishment, knowing that the instructions had been in no shape obeyed, except by ordering Mr Nisbet to separate from the woman ; and that, notwithstanding, he still continued his intercourse with her, and it was now publicly known she was big with child by him ; they therefore immediately contradicted Mr Hepburn, affirmed that the instructions had not been obeyed, and appealed to the minutes of Presbytery, then in their hands, in support of their assertion : That hereupon a formal debate ensued, [it is not here said, as elsewhere,* that a vote was stated,] the result of which was to find, that Mr Hepburn, the moderator, was the mouth of the Presbytery in the Synod, and could not be contradicted either by the members or the minutes : That it can hardly be conceived with what indignation all ranks of people expressed themselves against this behaviour of the clergy ; they saw vice and immorality, if not publicly allowed, at least tacitly permitted by them ; they saw a clergyman suffered to go on in a continued commission of the grossest crimes, without being censured by any ecclesiastical court ; till at last they came to such a height that the civil magistrate found it necessary to interpose : That for these reasons, Messrs Irvin, Tyrie, and Reid, resolved to give Mr Nisbet a libel against next meeting of Presbytery, which was held Oct. 2, 1765 ; and that they might secure a quorum, brought each a ruling elder along with them : That Mr Hepburn, as moderator, having all along refused to admit Mr Tyrie, on account of his declinature, though it had been formally recalled, Mr Tyrie now

* See p. 349.

gave in a written recall of it, and protested to be admitted ; but Mr Hepburn not only refused to allow him to sit, but loaded him with virulent reproaches, for which Mr Tyrie was laid under a necessity of commencing a process against him for defamation : That two ruling elders, having produced commissions from their sessions, and claimed to be admitted as members of the Presbytery, Mr Hepburn, without assigning any reason, rejected them both, and threw their commissions over the table ; though, having thus secured to himself and his adherents the sole direction of the Presbytery, he afterwards alleged, as a reason for rejecting the elders, that they had not taken the oaths to the Government ; an allegation which, if made when the elders were rejected, could have been easily disproved, as the elders had formerly sat as members of the Synod : That Messrs Irvin, Tyrie, and Reid, seeing that all church discipline was at an end so long as Mr Hepburn and his adherents had the ascendant in the Presbytery, constituted apart ; but upon advice of counsel, departed from their resolution of acting separately, and resolved to adhere to their Presbytery : That accordingly they required Mr Hepburn to call a Presbytery, which he refused to do, adhering to an adjournment made last meeting, by which the Presbytery were appointed to meet on the 19th of March 1766, not at the usual place, but at Cursetor, Mr Nisbet's manse, in order to choose their members to the Assembly : That Messrs Irvin, Tyrie, and Reid, could not agree to meet at this adjournment ; because, 1. the King's Advocate, in consequence of an application made to his Lordship by Mr Nisbet's parishioners, had by this time caused a precognition be taken ; and as the persons precognosed made no secret of what they had declared, Mr Nisbet was looked upon in the country as in a manner convicted, which rendered it highly improper to hold a church court in his house ; and, 2. because Mr Hepburn's illegally rejecting Mr Tyrie and the ruling elders, rendered null all subsequent proceedings, till matters were restored to the order prescribed by law : That for these reasons, Messrs Irvin, Tyrie, and Reid, refused to attend that meeting ; but that the public business might not be neglected, the petitioner (Mr Irvin) again required Mr Hepburn, and that under form of instrument, to call a Presbytery to meet at the usual place ; and upon his refusal, and persisting in his resolution to meet at Mr Nisbet's manse, followed the method pointed out by law

in such a case, and required Mr Tyrie, the preceding moderator, to call a legal meeting of Presbytery, which Mr Tyrie accordingly did ; and a Presbytery was held, at which a day was fixed for choosing commissioners to the Assembly : That though this meeting was notified to all the members, only Messrs Tyrie, Irvin, and Reid, with the elders, appeared ; these, however, proceeded to business, and chose the Presbytery members to the Assembly : That, on the other hand, Messrs Hepburn, Sands, and Nisbet, met and constituted a Presbytery in Mr Nisbet's manse ; where, having first chosen members for the Assembly, Messrs Hepburn and Sands, in conjunction with Mr Nisbet, taking the petitioner's conduct into consideration, and interpreting his not appearance at that meeting as schismatical, and tending to introduce and foment divisions in the Church, they therefore, without libel or citation, suspended the petitioner from acting in a judicative capacity in the Presbytery of Cairston till the meeting of the Synod in August next : That as the Assembly might be at a loss to account for Mr Hepburn's motive in this last step, it was proper to inform them, that it was in prosecution of a plan he had formed to protect Mr Nisbet ; for as Mr Hepburn had been made choice of to go as member to the Assembly, he was afraid lest, in his absence, any steps might be taken as a Presbytery against Mr Nisbet ; he therefore, in order to prevent all possibility of this, passed that sentence, which, by suspending the petitioner, as Mr Tyrie had never been admitted to sit in Presbytery since his declinature, did not leave a quorum of ministers to form a Presbytery till he should return.—The petitioner, therefore, prayed the Assembly to find, That the sentence passed by Messrs Hepburn, Nisbet, and Sands, was not only null in itself, but likewise contrary to law and justice ; and in respect to Mr Hepburn's conduct through the whole of this affair, to proceed in such manner as the interest of virtue and religion required.

The Presbytery of Cairston, in short answers, dated May 31, say—That from beginning to end of the complaint, there is nothing to be found but gross misrepresentations : That the Presbytery oppone the Synod's minutes, and do aver, that no such thing will be found there as is affirmed in the complaint ; and no such thing ever happened in the Synod : That it is surprising the complainer should accuse the Presbytery for admitting trivial excuses for Mr Nisbet's absence,

when the excuse offered was sickness, attended with convulsive fits; and that when he is pleased to call Mr Hepburn Mr Nisbet's procurator, this poor unhappy man was confined in prison for debt: That when the complainer avails himself of the Synod's appointment to dismiss the woman in four months, it would have been candid to have told at the same time, that Mr Hepburn was the only member of Synod who opposed this appointment, and insisted for an immediate dismissal; and that the complainer, and Mr Reid of Orpher, were most active and zealous in bringing about this strange appointment: That far from being backward, Mr Hepburn was the keenest member of the Presbytery to libel Mr Nisbet, till Mr Reid of Orpher informed him that a gentleman (who has since been active in bringing about the prosecution against Mr Nisbet before the Circuit Court,) would advance the Presbytery £150 Sterling to defray the expense of the process, *provided it issued in a sentence of deposition*; a circumstance which Mr Hepburn frankly acknowledges shocked him not a little.—They conclude with hoping, that the Assembly would dismiss Mr Irvin's complaint as false and groundless, and inflict such censure on him, for his disregard to truth, as they should see cause.

The cause came before the Commission June 3, upon an appeal taken by Mr Irvin from a sentence of the Presbytery of Cairston. Parties having been heard, the Commission, without a vote, found the proceedings of the Presbytery, in suspending Mr Irvin, and excluding the two elders, to have been irregular; and therefore declared the sentence against Mr Irvin void and null, and also the sentence against the two elders, and ordered them to be enrolled as members of the Presbytery.

Next day, at another calling of this cause, the Commission appointed the Presbytery of Cairston to fill up their book *quam primum* to the 1st of May last, and lay the same before the Synod of Orkney at their first meeting, which the Commission ordained to be held at Kirkwall; appointed the Synod to lay the same before the Commission in November, and to receive in any complaint that shall be regularly brought before them concerning the conduct of that Presbytery, and to transmit the same in like manner to the Commission in November; and ordained the correspondents from the Synod of Sutherland and Caithness to attend that meeting of the Synod of Orkney; this order to be signified by

the clerk of Assembly to the moderators of the several Presbyteries within the Synod of Orkney.—In respect of the singularity of Mr Irvin's case, the Commission ordered him £20 Sterling out of the Church's funds as a *viaticum*.

3. The only other remarkable case was the following.—On the 4th of June, the Commission took into consideration two representations, one from the Synod of Sutherland and Caithness, the other from the Presbytery of Kirkwall, and a petition of Mr Edward Irvin, minister of Walls and Flota, all respecting the aforementioned *Mr William Nisbet*, minister of Firth and Stenness, in the Presbytery of Cairston. The Presbytery of Cairston were called, and Mr Thomas Hepburn, minister at Birsay, appeared in their name, and was heard. The before mentioned papers, a narrative of the proceedings of the Presbytery of Cairston, and the minutes of Presbytery, were read; from which it clearly appeared, that a *fama clamosa* had for some time past prevailed in that country against Mr Nisbet; that he had been guilty of the sin of notour adultery with one Mrs Agnew; and the Commission, *finding that he had been tried before the Circuit Court at Inverness for that crime, and sentenced to be banished to the Plantations for life*,* therefore the Commission, considering that Mr Nisbet still remained a minister of the Church of Scotland, notwithstanding the sentence passed upon him by the Lords of Justiciary, appointed the Presbytery of Inverness, in whose bounds Mr Nisbet then was, (being in the prison of Inverness,) to bring him to a trial concerning the aforesaid crime as soon as possible, by giving him a libel, and examining witnesses, and to pass sentence thereon as they should see cause; and ordered the expense of the trial to be forthwith paid out of the public fund of the Church. The Commission appointed the Lord Conservator and Principal Robertson to apply to the commissioners of the customs, for an order to one of the king's cutters to bring over from Orkney what witnesses might be needed in the course of the trial.

* He was indicted for adultery with a married woman both before and after his own marriage, and by a unanimous verdict was found guilty *after* his marriage. He was sentenced to imprisonment for two months, and to be fed on bread and water only, and thereafter to be transported to the Plantations, and banished for life.—See the former volume, p. 221, *note*.

AUGUST COMMISSION.

Wednesday, August 13, was the day appointed for the quarterly meeting of the Commission of the Assembly.—Some members met on the forenoon of that day; but not being a quorum, they adjourned, first to the afternoon, then to Thursday, then to Saturday the 16th, (on which day, by some mistake in the summons, Mr Lyell had been summoned to appear,) and then to Tuesday the 19th; when, at last, there was a quorum, letters having been written to several ministers requiring their attendance.—Mr Lyell having been called on the Saturday, his agent appeared (the attendance of his advocate being hindered by family distress,) and protested against the adjournment, because there was not a quorum. Mr Lyell was again called on Tuesday, and his agent protested again; but the court proceeded. The libel was read, and a petition for Mr Lyell was presented, craving, That before litigation, the court should cause Mr Trail undertake to make out the whole of his libel, under the pain of being censured as a slanderer, and should administer to him the oath of calumny. The court found, that the first of these requests had been already complied with, Mr Trail having signed the complaint, and undertaken to make out the libel; and the second request the court refused, in regard the Assembly had received the libel. A third protest was taken on this for Mr Lyell. Defences for him, which had been given in to the clerk, were then read; and the court having heard parties, and considered the libel and defences, found the libel relevant, and that the defences were not sufficient wholly to exculpate from it; repelled the objection of prescription against receiving certain articles, as going back beyond the space of five years, in respect of the heinous nature of the crimes libelled, and the continued flagrancy of the scandal; and therefore allowed the pursuer a proof of his libel, and the defender a proof of such facts and circumstances as may tend to alleviate; excepting, however, from the allowance granted to the pursuer, certain articles of the libel concerning which the defender pleaded *alibi*, which plea the court sustained, and allowed the defender a proof of it, directing this proof to be taken before any evidence be admitted for proving those parts of the libel; and if the proof of *alibi* be sufficiently proved, all proof of

such article or articles of the libel shall sist. A commission for taking the proof was given to seven ministers, and Mr Græme of Græmeshall, a ruling elder, sheriff-depute of Orkney, or any of his substitutes, any three of whom to be a quorum, the proof to be reported to the Commission on the third Wednesday of November. A protest was taken for Mr Lyell against allowing the proof.

NOVEMBER COMMISSION.

On Wednesday, Nov. 19, the Commission of the General Assembly met at Edinburgh; but there not being a quorum, adjourned. Next day, there being a quorum, the affair of Mr Lyell, minister of *Sanday*, in Orkney, was taken under consideration. As the proof was not completed, the Commission adjourned the cause till their meeting in March.— Meantime they desired the procurator for the Church to apply to the Lords of Session for their authority to summon witnesses that may be called to give evidence in the cause; and appointed some of their members to examine such witnesses as were then in Edinburgh.*

* The case ended in Mr Lyell's deposition by the Assembly 1768, after a tedious process.

APPENDIX.

I.—NOTICES OF THE LORDS HIGH COMMISSIONERS.

1. *The Earl of Leven and Melville.* From 1741 to 1753, (both years inclusive,) the Commissioner was Alexander, the fifth Earl of Leven, and fourth Earl of Melville, of whom a notice was given in the former volume, (p. 296,) where the reader will also find his pointed allusions to the case of Gillespie in his opening speech in the Assembly, 1752, (p. 260.) These allusions became still more direct in his address to the Assembly, 1753: “The preservation, the welfare, and the honour of our happy constitution is, I know, so dear to you all, that I cannot but expect, that in the management of the important affairs which are to come under your consideration at this time, you will carefully observe, as you have hitherto done, a just medium betwixt an undue remission of your authority on the one hand, and unnecessary severities on the other. As all acts of severity are disagreeable, even when absolutely requisite for the good of society,—by such a due mixture of justice and mercy, you will act a consistent part, worthy of yourselves, disappoint the hopes of your enemies, and give satisfaction to all your friends. How much soever you may have differed in your sentiments from one another, as to the expediency of interposing the authority of the Church in a certain case, in this all ought to agree, that since that authority has been interposed, it must, in consistency with the established rules of society, be supported; for whatever is fixed by a majority, becomes the common concern of each member to support, (although against his own private opinion,) as it is upon this foundation alone that society can subsist. But I shall sincerely rejoice if the acknowledgment and submission of that offending brother can pave the way for his being again received, consistently with your honour, into the bosom of the Church.”

The Moderator, (Dr Webster,) must have felt some awkwardness in replying, inasmuch as he had taken the most active part in promoting an opposite line of policy. His rejoinder we shall give the more readily, as no record has been preserved of his address at the close. “May it please your Grace! when now assembled, in the name of our Lord Jesus Christ, under the countenance and protection of lawful authority, it becomes us to remember, with humble thankfulness, the many instances of Divine goodness towards this Church since the glorious Revolution, and to consider the happy accession of the present Royal Family to the crown of these realms, as the great mean, under God, of the multiplied blessings we this day enjoy. We should be of all men the most ungrateful,

if the distinguished proofs, and renewed assurances which we have received of his Majesty's paternal care and concern, did not warm our hearts with every loyal and every dutiful sentiment. We feel, but want words to express, what gratitude and thankfulness becomes the subjects of such a Sovereign. The good opinion which your Grace is pleased to entertain of the members of this house, gives us the most sensible pleasure; and we trust, *by a steady adherence to the Laws of the Great King and Head of this Church*, and a due attention *to the nature of our happy constitution*, to manage the important affairs which may come before us, in such a manner as shall satisfy your Grace, and convince the world that no society, no assembly, can have the true honour, the real interest and welfare of this Church more at heart. We hope to make it appear, enemies themselves being judges, that we may justly claim the character of those who pray for the peace, and wish well to the prosperity of Zion.

“ His Majesty's liberal donation for maintaining itinerant preachers and catechists in the Highlands and Islands of Scotland, we accept with all thankfulness, and shall endeavour to employ the same in the best manner for instructing the ignorant, reclaiming the vicious, and bringing the disaffected to a just sense of their great happiness under his Majesty's auspicious reign. What your Grace has been pleased to recommend on this occasion, deserves the highest regard; and we should indeed be greatly wanting to ourselves, as well as undutiful to the best of kings, if not solicitous to suppress the first risings of sedition and rebellion. The dreadful ruin which of late threatened every thing dear to us as men and Christians, the enemies which still lurk in our bosom, and the restless endeavours of surrounding foes, are arguments more than sufficient to awaken attention, and animate the zeal of this house. Your Grace's well known regard for the interests of religion, your hearty concern for this Church, and firm attachment to his Majesty's person and Government, supersede the necessity of my assuring you, that the high character you now sustain as representing his Majesty's royal person in this Assembly, is most agreeable to them, and your Grace will permit me to say, in a peculiar manner, acceptable to me. It only remains to hope and pray, that this Assembly may be so influenced by the wisdom which is from above, as that all their decisions may tend to the divine honour and the good of this Church, which we know will most effectually recommend us to the continuance of his Majesty's royal favour and protection.”

This nobleman married Mary, daughter of Colonel Erskine of Carnock, an aunt of Dr Erskine. He died on the 2d September, 1754.

2. *The Earl of Hopetoun.* The Assembly of 1754 had for its Commissioner, John, second Earl of Hopetoun, who, according to the chroniclers of the day, made on that occasion “ a very splendid appearance, especially when he went to church,” (see p. 41.) He was born in 1704, and succeeded his father in 1742. He

was thrice married; and dying on the 12th February, 1781, in his 77th year, was succeeded, first by his son James, and then (in 1816,) by James' half-brother, John, long known during the previous war as the gallant "Sir John Hope." Professor Hamilton, the Moderator of the Assembly, 1754, in addressing Lord Hopetoun, said, that by his appointment as Commissioner, the Assembly was greatly honoured, and he added, "the world about us will think so likewise." In his address at the close he mentions, that more "noble peers, and persons of high rank and distinction," had been present then than at any former Assembly. Of his Lordship's speeches there is no record, as he gave in none of them in writing. He was a man much esteemed both for his public and private virtues.

3. *Lord Cathcart.* In *nine* successive Assemblies, (1755 to 1763,) and again in 1773, 1774, 1775, 1776, the royal person was represented by Charles, the ninth Baron of Cathcart, the son of that Lord Cathcart, who being appointed commander of the land forces in Vernon's expedition against Carthage, died at Dominica* on the 20th December, 1740. His son became Lieutenant-General in the army; one of the sixteen peers for Scotland, First Lord Commissioner of Police there, a Lord of the Bedchamber, K. G., &c. During the war between Russia and the Porte, he was sent as Ambassador Extraordinary to St Petersburg, where, (in 1771,) he lost his wife, Jane, daughter of Lord Archibald Hamilton, whom he had married in 1753.

Mr Reid of St Quivox, Moderator of the Assembly 1755, (the first where Lord Cathcart appeared as Commissioner,) alluded, in his reply to his Lordship's speech, to his conduct in former capacities, in which he had acted a part "becoming the character of a brave and honourable man. . . . The great ornamental and useful qualities which your Grace possesses in an eminent degree, and which have been formed and improved by the great examples of your ancestors, who were distinguished and honoured in life upon account of their loyalty and bravery in the service of their prince, and in supporting and maintaining the religion and liberty of their country, and whose memory is, and ever will be blessed,—give us the fullest assurance that the important trust committed to your Grace will be managed and discharged with attention, fidelity, and honour, and with proper dignity and lustre."†

He died on the 14th August 1776, after a tedious illness, and was described in the obituaries of the day, as "a nobleman no less distinguished for the virtues which adorn private life, than he was eminent for all those which exalt a public character. In the capacity of father, husband, and friend, his Lordship had few equals, and he was exceeded by none in discharging with dignity and abi-

* In the "Peerage of Scotland," (Edin. 1834,) it is said that he was slain at St Christopher's; but this is a mistake; he was cut off by dysentery in the Island of Dominica, where the fleet had gone to water.

† See also the addresses of Cuming in 1756, and of Leechman in 1757, which are given below.

lity, the duties of the high stations in which he had been placed by his Sovereign." He was succeeded by his son the present venerable Earl of Cathcart, by whom the name has been rendered still more illustrious.

4. *The Earl of Glasgow.* The High Commissioner from 1764 to 1772, (inclusive,) was John, third Earl of Glasgow, and father of the present Earl. He had succeeded his father in 1740; married Elizabeth, sister and sole heiress of the last Lord Ross; and died at Kelburn, on the 7th March 1775.

Dr Gerard, Moderator of the Assembly 1764, thus alluded to Lord Glasgow's appointment in his reply to his Grace's speech:—"Permit me to assure your Grace, in the name of the Assembly of this whole Church, that his Majesty's nomination of your Grace to this high commission, is the object of universal approbation and joy. The Church of Scotland has not become unmindful, and I hope never will become unmindful, of the zeal with which your Grace's illustrious ancestors have promoted its interests of civil liberty, ever since the happy Reformation inseparably connected with them, and that in the days when both were most in danger. It is with pleasure we look back, my Lord, to your noble grandfather having for several years filled the high office now committed to your Grace, with the great approbation of the Assemblies of our Church." He then refers to his Lordship's early attachment to the Presbyterian constitution, his having defended the country in the field of battle, with the most intrepid bravery, &c.

II.—LEETS FOR THE MODERATORSHIP.*

1753. Alexander Webster, Edinburgh, (*by a majority*;) Professor Leechman, Glasgow.
1754. Professor Hamilton, Edinburgh, (*unanimously*;) Andrew Glog, West Calder.
1755. George Reid, St Quivox, (*unanimously*;) Robert Malcolm, Ewes.
1756. Professor Cuming, Edinburgh, (*by a great majority*;) John Lookup, Mid-Calder.
1757. Professor Leechman, Glasgow, (*by a great majority*;) John Richardson, Aberfoyle. †
1758. Thomas Turnbull, Borthwick, (*by a majority*;) David Duncan, Stow.
1759. Dr George Kay, Edinburgh, (*by a majority*;) John Gowdie, Ersiltoun. ‡
1760. Professor Hamilton, Edinburgh, (*by a majority*;) Joseph M'Cormick, Kilmeny.

* The person first named was elected.

† Father of Professor Richardson of Glasgow.

‡ Probably a relative of Professor Gowdie, who had once been minister of Earlston. See the former volume, p. 320, *note*.

1761. Dr John Hyndman, West Kirk, Edinburgh, (*unanimously*;) Donald M'Leod, Glenelg.
1762. Professor Traill, Glasgow, (*by a majority*;) Joseph Fergusson, Tundergarth.
1763. Principal Robertson, Edinburgh, (*by a majority*;) James Laing, Glasserton.
1764. Professor Gerard, Aberdeen, (*by a majority*;) George William Algernon Gordon, Tullynessle.
1765. James Oswald, Methven, (*by a majority*;) David Moncrieff, Rogerton, (Redgorton.)
1766. John Hamilton, Glasgow, (83 to 78); Principal Murison, St Andrews.

III.—NOTICES OF THE MODERATORS,* WITH THEIR ADDRESSES.

1753. *Dr Alexander Webster, Edinburgh.* The following sketch of this eminent man, appeared in the Scots Magazine for 1802, and was probably drawn up by Dr John Leyden, or his friend Alexander Murray, the former being at that period editor of the Magazine, and the other a frequent contributor:—

Dr Alexander Webster was the son of the Reverend James Webster, minister of the Tolbooth Church in Edinburgh, and born in that city about the year 1707. His father was descended of an ancient family in Fife, and educated in the University of St Andrews. His bright natural abilities, and rapid progress in the literature of those days, were not more conspicuous than a fervent early piety, and warm zeal for the Presbyterian Church Government and forms of worship. St Andrews was then the first seminary of learning in Scotland, and the seat of an Archbishop. But the generality of the nation, and, particularly, those who had any correct notions of civil and religious liberty, detested the perfidy of the man, who had sold the interests of his native Church for the splendour of a mitre. James Webster incurred the resentment of Archbishop Sharp, and was obliged to fly from college, in his *magistrand* year, without a degree. He associated himself with that party which had all along refused to abjure the covenant, accept the Episcopal establishment, or acknowledge, as their sovereign, the king who had imposed it on the nation. Consequently he underwent the persecution of the nonjurant clergy. He was apprehended and imprisoned for eighteen months in Dundee, in a place obviously intended for condemned malefactors, by which his constitution was broken, and his health rendered infirm and precarious.

He was soon after licensed to preach by the wandering votaries of Presbytery; and again confined in a dungeon in Dumfries, whence he was probably liberated by King James's Act of Toleration.

The designs of Government were at last clearly understood. The voice of reason, of freedom, and religion, expelled the ancient

* The other Office-Bearers during the period have been noticed in the former volume, p. 326.

family of Stuart from a throne which, for many ages, it had possessed under the shadow of divine right. Presbytery was instantly re-established in Scotland, according to the wishes of the nation. James Webster was ordained minister, first at Liberton, near Edinburgh, then at Whitekirk, and, lastly, about the year 1693, in the Tolbooth Church in the city, where he remained nearly twenty-seven years, and died on the 17th day of May 1720. His funeral was attended by a vast concourse of people, and many of the members of the General Assembly of the Church, then sitting. As he was extremely popular, he was generally and deeply lamented. Many elegies* were composed in honour of his memory, which show, at the same time, the rude state of Scottish taste in the beginning of the 18th century.

His son, Alexander, was only thirteen years of age at the death of his father; and consequently, could derive little from parental instruction or example. It was expected, however, that he would resemble him in piety, abilities, and zeal for religion; and the people were not deceived. He studied at the University of Edinburgh, the several branches of college learning, with great approbation, particularly those connected with the mathematics, for which he showed an early predilection. He afterwards attended the lectures of the professor of divinity in that university; but it is not certain whether he was licensed to preach by the Presbytery of Edinburgh. A Minute appears in the Records of the Presbytery, in the year 1732, mentioning a certificate and testimonial, granted in the usual form to Alexander Webster, *student* in divinity.

In the year 1733, Mr Webster was ordained minister of the Gospel in the parish of Culross, in the Presbytery of Dunfermline. His first appearance, as a preacher, was uncommonly flattering. His eloquence was noble and manly; his piety conspicuous; his discharge of all the duties of the pastoral office, faithful and laborious. To these essential qualities of a clergyman, he added an ardent, but enlightened zeal for the external interests of the Church, a jealousy of corruption, a hatred of false politics and tyrannical measures, which sometimes exposed him to calumny from the guilty, but secured him the unbounded esteem of all who could value independence of soul and integrity of heart.

A double portion of the popularity of the father now rested on the son. The congregation of the Tolbooth Church beheld, with delight, the hopes of former times completely realized, and, by an

* "A curious pamphlet, containing three of these, and a kind of historical character in prose, printed in the year of his death, has partly furnished this account. Mr Webster's manner of preaching may be gathered from his select sermons on particular texts, printed after his death, in 1723. It was plain and homely to excess; his style was fitted to the capacity of his hearers, to such a degree, that most of his sermons are now almost ridiculous. Yet it is easy to discover, through the rude dress of the times, the true evangelical preacher, the heart that leads to heaven. He who is disposed to laugh at the preacher, who descends from his learning to instruct the ignorant, forgets that Infinite Wisdom employed the *parable*." Various notices of Mr James Webster will be found in *Fraser's* Memoir of Ebenezer Erskine, (p. 207, 258, 312, 320,) whose second wife was his daughter. He took an active part in the prosecution of Professor Simson.

unanimous call elected Mr Webster their minister, in the place of the Reverend John Taylor, deceased. Mr Webster was accordingly ordained 2d June, 1737. Mr Robert Wallace of the Tron Church, who had been brought into the city in the same year with the father of the celebrated Dr William Robertson, (August 29, 1733,) preached the ordination sermon from Daniel, chap. iii. verse 3.

The prosperity of fortune which placed Mr Webster in his father's church, and restored him to the literary and polished society of his native city, was not confined to these favours. Eleven days after his settlement in Edinburgh, he obtained the hand of Mary Erskine, a young lady of considerable fortune, and nearly related to the noble family of Dundonald. As Mr Webster was minister at Culross, and the lady resided at Valleyfield in Fifeshire, it is probable that the marriage was arranged before his preferment. He is said to have been at first employed by a gentleman of his acquaintance to gain Miss Erskine for an absent lover. The suit of that lover he urged with uncommon eloquence, and received a complete refusal, to which the lady *naïvely* added, "Had you spoken as well for yourself, perhaps you might have succeeded better." The hint was too obvious to be mistaken. Few could have resisted an invitation which was evidently prompted by the contempt of a man, who could entertain the frigid idea of making love by proxy. The marriage was hastily celebrated, and some verses of great beauty and feeling, are said to have been produced on the occasion.*

The genius of Mr Webster now began to unfold itself. Family connections extended his acquaintance with the nobility. Edinburgh, at that period, possessed a number of men, both in civil and ecclesiastical stations, who had served or adorned their country. With these, he was soon to co-operate in defending the Protestant interests, both civil and religious, from the arms and artifices of rebellion.

In the year 1733, five or six ministers seceded from the National Church, on real or pretended grounds of corruption in that establishment. Anxious to draw away as many people as possible from the communion which they had renounced, they, in the year 1741, invited down to Scotland, Mr George Whitefield, a young English preacher of great piety, and extraordinary pulpit abilities. Mr Whitefield, on his journey to Dunfermline, one of the principal abodes of the Secession, was met, and entertained at Edinburgh, by Mr Webster, and some of his brethren. From them he learned the state of church prejudices and parties in Scotland, and though he kept his promise of preaching first in Fife, he openly refused to connect himself with any particular sect. The astonishing effects of Mr Whitefield's preaching were accordingly ascribed by the Seceders to a very different cause from what was generally supposed. Mr Webster had an opportunity of viewing these effects in their amplest extent at Cambuslang, near Glasgow, about the middle of

* "Several patriotic songs have likewise been attributed to the same hand. The song, "For lack of gold she left me," has been ascribed to Dr Webster.

February 1742; and convinced, not more by the extraordinary impressions which that celebrated Gospel orator made on his audience, than by the future lives of many that were present, he wrote a small pamphlet, ascribing the cause of their conversion to the influence of the Holy Spirit. This account of the matter was strangely contrasted with that of the Secession, who imputed the whole to sorcery and the devil, excluded from the communion table those who maintained the contrary, and held a solemn fast for the unspeakable wickedness going on in the land.

During these exertions in the cause of practical religion, Mr Webster was not forgetful of works of benevolence and mercy. His natural abilities, as a profound calculator, he had now improved by a diligent attention to the mathematical chances of human life, as founded on the best printed accounts of population, the history of annuities, and careful observation of the state of particular parishes. This information he resolved to apply to a benevolent purpose, in the execution of which, perseverance was not less requisite than intellect.

The Scottish clergy, at the Reformation, obtained for the support of themselves and the new establishment, a very scanty portion of the revenues of the ancient church. The rapacity of the nobles and crown seized on the rest, and promoted the interests of religion and liberty, from motives that scarcely acknowledge the shadow of virtue. The clergy were, however, content with their conduct; many of that body being as austere and simple in their lives, as the most recluse *religieux*. As they were mostly of plebeian origin, and ignorant of the luxury of the better sort, they easily submitted to a poverty, which was not to them privation. The consequence of this was, that while Scotland remained without trade, and without improvement, they experienced no difficulty; when the kingdom began to advance in both the forementioned respects, the nominal value of money changed, and the ministers of the several parishes were reduced to indigence. What they received from the Exchequer or tiend-lands, was not sufficient to support their families, much less provide for these after their death. Their widows and children were commonly left destitute of every resource,—a situation the more distressful, as it was often novel to the sufferers.

Mr Webster matured his scheme of a perpetual fund to relieve these contingencies, soon after his settlement in Edinburgh. From an accurate list of the ministers of the church, and the members of the three Southern Universities, compared with the ordinary ratio of births, marriages, and deaths, in this and other kingdoms, he was enabled to fix on a series of rates to be paid annually by the members of these two departments, the amount of which rates was to supply a specific annuity to every widow, whose husband should be a contributor, and a proportional sum for the children of the same. To forward this scheme, he opened a correspondence with the different Presbyteries in the kingdom; and, in the year 1742, received for it the sanction of the General Assembly of the Church,

which, after suitable examination, approved of the whole plan, with the exception of a few immaterial particulars. Accordingly, the several presbyteries and universities concurred with the Assembly in petitioning Parliament for the act, enabling them to raise and establish the fund, and obliging the ministers of the Church, with the heads, principals, and masters of St Andrew's, Glasgow, and Edinburgh, to pay annually, each according to his option, one of the following rates, viz., L.2:12:6d.; L.3:18:9d.; L.5:5s., or L.6:11:3d.; to be repaid in proportional annuities of 10, 15, 20, or L.25, to their widows, or in similar provisions of 100, 150, 200, or L.250, to their children. The act was obtained in terms of the petition, (17, Geo. II.) with liberty to employ the surplus of the annual payments and expenses in loans of L.30 a-piece among the contributors, and put out the remainder at interest, on proper security. A second act, amending the former, was procured on the 22d year of the same reign (1748), regulating the several parts of the management, and granting liberty to raise the capital to L.80,000, including the sums lent to contributors.* The commencement of the fund is reckoned from the 25th of March 1744. In the year 1770, a new Act of Parliament, procured by advice of Dr Webster, prescribed the full form, in which the fund is at present conducted. The loans granted to contributors were discontinued, as prejudicial to the parties concerned; liberty was granted to extend the capital to L.100,000; the methods of recovering payments, the nomination and duties of trustees; the salaries of the collector and clerk; in short, the whole economy of the institution, were fixed and determined. A tax on the marriage of each contributor, amounting to one year's annual rate of his particular option; and, if he were 40 years of age at his accession to his benefice, and had children, the sum of two years and a-half of his rate, besides his ordinary dues and marriage, were added to the revenues. Further, a sum of half his particular rate was declared due to the fund, out of the *ann.*; or, in case of its not falling, out of his real or personal estate, on the death of a minister; and patrons were assessed in the sum of L.3:2s. for every half-year's vacancy.

A report of the state of the fund was ordered to be made annually to the General Assembly by the trustees, and this afterwards to be printed.

Dr Webster, in the year 1748, had finished a series of calculations, in which he not only ascertained the probable number of ministers that would die annually, of widows and children that would be left, of annuitants drawing whole or half annuities, and the medium of the annuities and annual rates, but also the different annual states of the fund, in its progress to completing the capital stock. These calculations have approached the fact with astonishing precision.† On the 22d of November 1799, in the 56th year of the fund and the year which completed the capital stock fixed by

* "By this act, the University of Aberdeen was included on request."

† In proof of this the reader may consult the present volume, p. 261, 309.

Act of Parliament, Dr Webster's calculations, after having approached the truth for a long series of years with surprising accuracy, stood in the following manner: The stock and surplus for that year were L.105,504 : 2 : 11d. 3-12ths, and the calculated stock was L.86,448 : 12 : 10d. 8-12ths; consequently, the difference was L.19,055 : 10s. 7-12ths.

Such was the progress of the most benevolent institution which Scotland has ever established. The infant scheme had scarcely commenced, when Mr Webster was called upon to take an interest in an event which, had it succeeded according to the wishes of one of the parties concerned, would probably have again banished Presbytery to the mountains. This was the attempt of the house of Stuart in 1745, to recover its ancient kingdoms. Mr Webster was remarkable for his hatred and open censure of vice in all parties. In the year 1740, he preached a sermon at the election of the city magistrates, on the character and fate of Haman, in which a great and very corrupt Minister of the State (Sir Robert Walpole) was so clearly alluded to, and the corruption of his politics so strongly exposed, that it has even been reprinted, to serve the purpose of perpetual censure.

In the year 1745, Mr Webster remained in the city when it was taken by the rebels, and employed his universal popularity and vigorous eloquence in retaining the minds of the people in the interests of the house of Hanover. His exertions in this particular were not overlooked by the spirited gentlemen who acted in quelling the rebellion. He became an intimate friend of Duncan Forbes of Culloden, Lord Milton, Preston of Valleyfield, the Dundasses of Arniston; and, in short, of every patriotic name, about or within the city.

On the 23d of June 1746, the day appointed by the General Assembly for a thanksgiving for the victory of Culloden, he preached the longest of all his printed sermons. The passage of Scripture, was Esther viii. 17, which, with his usual facility of adaptation, he applied to the general professions of loyalty *then* made by the Tory party throughout the kingdom. He compared the new-born zeal of this party to that of the heathens in the Persian Empire; who, awed by the influence of the Jews at Court, made an external profession of Judaism. This discourse is entirely a history of the successive events of the rebellion, delivered in strong, animated, and impressive language, with appropriate comments on the cruelty of the rebel chiefs, and dark masterly sketches of the effects of Popery. The parallel between the heathens and tories, the Jews and the loyal party, is generally kept in view, by occasional recurrence to the context; yet, the author thought proper to desert the subject for a considerable time, to pronounce, with all the ardour of patriotism, an eulogium of the King, the Duke of Cumberland, the Earl of Leven, the Duke of Argyle, President Forbes, and several others of the loyalists.

Mr Webster now was equally caressed by the people, the government, and the nobility. His great talents, as a deviser of new

schemes and improvements* in the city of Edinburgh and the kingdom at large, joined to the unerring accuracy of his calculations, soon rendered him a necessary attendant at all meetings, where public or private good was to be projected. He entered with enthusiasm into the plan of civilizing and propagating the Gospel in the Highlands. Most of the measures were either concerted or amended by himself. He was the intimate friend of Provost George Drummond, to whom Edinburgh is indebted for a new city, and the poor and destitute for an asylum. In the year 1755, he drew up, at the desire of President Dundas, for the information and service of Government, an account of the number of people in Scotland. This he was enabled to do, by a general correspondence which he had opened in 1743, both with clergy and laity, for the purposes of the fund. "Dr Webster's well-known character for accuracy," says the honourable and patriotic baronet who drew up the Statistical Account of Scotland, "and the success with which his calculations have been uniformly attended, ought to satisfy every one that the report he drew up may be safely relied upon." In the year 1754, he published a sermon, preached at the opening of the General Assembly in that year, entitled, "Zeal for the civil and religious interests of Mankind recommended." In this discourse, he mentions with great warmth and eloquence, the royal exertions for the improvement of the north, and points out the various branches of a duty which, during his whole life, was ever nearest his heart.

Our limits will not allow us, nor our information suffice to enumerate, all the charitable institutions or projects of public welfare, temporary or lasting, in which Dr Webster was engaged. As he lived to an advanced age, he had the pleasure of seeing many of them arrive at their maturity of usefulness; and, of receiving the blessings of the widow and orphan,—the noblest reward of living merit. He persevered, to the latest period of his course, in that activity both of mind and body, which distinguished him in the prime of life; and ripe, like the sheaf in autumn, obtained his frequent wish and prayer, an easy and peaceful death, after a very short indisposition, on Sunday the 25th of January 1784, aged seventy-six. In a few days after, his remains were deposited in the Greyfriars' Churchyard, in that common mass, where the ashes of Buchanan, Robertson, and Black, with those of many other illustrious dead, are lost among vulgar dust, without a monument or a name. His grave was, for some time, inclosed with wood; and a project of a monument to his memory, was moved in the General Assembly, which, not much to the honour of the country, has not been executed.

Mary Erskine, Dr Webster's only wife, died on the 28th day of November 1766. By her he had seven children alive in the year 1759, the year in which their names and dates of birth were en-

* "He is reported to have given the first plan of the New Town, and even of the public places of amusement."

tered in the register of the Presbytery, kept for the widow's fund, and attested by himself. Of six sons, only the eldest, Major Webster, is now alive, (1802.) One of them, Colonel Webster, fell gallantly fighting in the service of his country, in the contest with America. His only daughter Anne, was married to a Captain Min-go, and is now dead also.

To give a complete character of Dr Webster, is almost beyond the power of writing. Nature had endowed him at his birth, with strong and gigantic faculties, which a very considerable share of learning had matured and improved. For extent of comprehension, depth of thinking, and accuracy in the profoundest researches, he stood unrivalled. In the knowledge of the world, and of human nature, he was a master. It was not wonderful, that the best societies in the kingdom were perpetually anxious to possess a man who knew how to soften the rancour of public theological contest, with the liberality and manners of a gentleman. His address was engaging; his wit strong as his mind; his convivial powers, as they are called, enchanting.

As a minister of the everlasting Gospel, his character was popular in the extreme. His voice was harmonious, his figure noble; the dignity of his look, the rapture of his eye, conveyed an electric impression of the fervent devotion which engrossed his soul. In prayer, and in sacramental addresses, his manner was particularly noble and august. The style of his preaching was deeply evangelical; his language strong and animated, rather than polished, and somewhat lowered to the capacity of his hearers, to whose situation in life he always was attentive. His church was crowded by the common people, who ran in multitudes to hear a minister, who preached the great doctrines of religion without corruption, as they are found in the Word of God.

To the poor, Dr Webster was a father and a friend. To mention his name, is to mention charity itself. He was a liberal patron of poor theological students; the spark of genius, and the bud of piety he cherished, wherever he found them, without vanity or ostentation. As a husband, father, and head of a family, his heart was naturally too good, his feelings too strong, and his sense of religion too great, to be in any respect habitually deficient.

His political sentiments, both civil and ecclesiastical, were those of a Whig, firm, independent, manly, and constitutional. He was jealous of corruption and error, and expressed his unqualified censure of both, with equal spirit and abhorrence. Popular in the extreme himself, he highly disapproved of the conduct of those ministers, who, when forced upon a congregation, neglect to cultivate the acquaintance of its members; and, by either preaching not evangelically, or above the capacity of the audience, scatter it up and down among the different sectaries. His particular share in the Government of the Church, was accordingly managed for the interests of the people.

In his person, Dr Webster was tall, of a thin and meagre habit. The several features of his face were strongly marked; the confor-

mation of the whole indicated genius and independence.* The dignity of his eye, and the natural grandeur of his look, were never employed to intimidate the poor or the humble. He was affable to all, liberal both of his money and of his interest; accessible to the voice of distress, under whatever form. Towards the end of his life, he stooped much, under the pressure of age. During the long period of seventy-six years, he maintained a uniform reputation as a man, a patriot, and a minister; and the effects of his genius and benevolence will record his memory in the breast of the widow and the orphan, as long, (to use the animated language of his funeral eulogium,) as an university shall flourish, or the vestige of a church shall be seen in his native land."

On the Sabbath after Dr Webster's death, a funeral sermon was preached by his colleague, Dr Gloag, from John xi. 11, "Our friend Lazarus sleepeth." The peroration was as follows:—

"You, my friends of this congregation, have no doubt anticipated me already, in the further prosecution of this subject, and prevented me in the application I intend to make of it to the character of your late most valuable and worthy pastor, whose death you are now lamenting. I sincerely pity and feel for you on this melancholy occasion; I could even mingle my tears with yours, as I have but too great reason to join with you in your grief, when I consider the many endearing obligations I received, from his peculiar attention and regard to myself. He was the first who introduced me to public life; and from that period till the day of his death, he honoured me with a steady, invariable, and most affectionate friendship. His memory will therefore be always dear to me; gratitude calls on me to speak in his praise, while at the same time I must acknowledge with regret, how unequal I am to the painful task which has fallen to my lot this day. They who best knew his eminent distinguished worth, will not hesitate to confess, that to do full justice to his character, would require a genius as great, a mind as comprehensive, and a tongue as eloquent as his own. The sincerity, however, of my affection to him, and the purity of my intention, will compensate, I hope, in some measure, for the imperfections of the present attempt to do honour to his memory. Where, then, shall I begin? or in what point of light shall I endeavour to represent his most instructive and useful character?

"Shall I desire you first to behold him in the dear relation of a kind and indulgent father, loving, and beloved, by his children? Alas! the very mention of the name may perhaps irritate those feelings which, I fear, are but too painful already by the sudden and unexpected shock they have received.

"Consider him next, if you please, as a minister of the Gospel of the Son of God, leading the public devotions of his people, and admonishing, instructing, and comforting them from his Holy Word.

* There is a portrait of Dr Webster in the Trustees' Hall.

Think on the humility, the earnestness, and the fervour of his prayers, when he poured out his very soul to God on our behalf, from the place where I now stand ; think on the solemnity with which he delivered the message of his great Master, and the concern of spirit with which he besought sinners to be reconciled to God ; think on the tender, affectionate, and most encouraging manner in which he addressed the desponding mind, and the sorrowful heart ; and then say, if he did not ‘ watch for your souls, like one that must give an account ? ’

“ Follow him next to a communion table, holding in his hands the sacramental pledges of the broken body and shed blood of the Redeemer, and, by prayer and supplication, with thanksgiving, setting them apart from a common to a sacred use—Say, for you know it well, did he ever appear in so grand and august an attitude as on that solemn occasion ? Did not his manner, his voice, his countenance, his every feature, show the intense devotion of his heart ? Difficult it was to tell, whether admiration, or gratitude, or love, or joy, or humility and contrition of spirit, did then most prevail ; or if his soul felt the happy influence of all these gracious affections acting in concert and harmony together. One would have thought, that on such a solemn occasion his faith was elevated to an uncommon degree, and permitted to take a view of the glory of the great Immanuel himself within the veil.

“ The heart, you may believe, that was so full of devotion to God, could not be destitute of love and charity to men. Consider him, then, as an advocate in the cause of liberty, as a friend to the sacred rights of conscience, and the exercise of private judgment in matters of religion. Here he made a noble and most amiable figure, displaying at once the quickness of his apprehension, the solidity and strength of his understanding, and the extensive candour and benevolence of his heart. He allowed, with great propriety, to others the same privilege he claimed and exercised in his own conduct, the privilege of thinking and judging for themselves, in the discussion of every question wherein God and religion were concerned. No haughty forbidding airs of superiority did he assume ; his sentiments he delivered with an easy freedom, great temper and moderation of spirit, paying a becoming deference to those who held opinions different from his own ; and when the debate was closed, he treated even his keenest antagonists with all the complaisance and agreeable manners of the polite and accomplished gentleman.

“ If you imagine, that the man who was so well qualified to shine in public, was inattentive to the concerns of private life, you must be strangers indeed to his character. He was a friend to the poor. He heard their complaints with the affection of a man, and relieved their wants with the generosity of a prince. Well did they know, for they knew it from experience, that his hand was as ready to give as his heart was to devise liberal things.

“ From this beautiful part of his character, let me lead your attention to another, in which he appeared in a truly amiable and conspicuous light. You will easily perceive, that I now refer to

the most ingenious, useful, and justly admired scheme, which the God of all wisdom and grace enabled him to contrive and accomplish, for the support of the widows and children of all the ministers of the Church, and for the support also of the widows and children of all the principals and professors of the four learned universities of Scotland. This is a scheme of such invention, labour, excellence, and real utility, as surpasseth all praise, and will transmit the name of your late worthy pastor, with distinguished honour and respect, to the latest posterity. Suffice it only to say of it in general, that it is founded on the best principles of calculation, and a thorough knowledge of human life; and during the time that it pleased the Sovereign Disposer of all events to allow its most ingenious author to remain with us, to superintend and direct its progress, it was put to such a full and satisfactory proof, that, under the care and providence of God, it will continue to be a sure and lasting fund of relief to the widow and the fatherless, so long as an university shall flourish, or the vestige of a church shall be seen in our native land. Many a time hath your late pastor, by means of this most benevolent scheme, ‘delivered the poor that cried, and the fatherless, and him that had none to help him. The blessing of him that was ready to perish came upon him; and he caused the widow’s heart to sing for joy.’ Numbers already gone have praised the Lord on his account; and thousands yet unborn will rise up, and bless the great Father of the fatherless, and the Husband of the widow, for giving them such a kind and tried friend,—such a humane, generous, and unwearied benefactor, as they found in the great and good man whose death we are this day lamenting. Thus you see how he lived; he lived to his God, and to his country, with much honour and credit to himself, and great benefit to society; and at last, according to his own *wish* and *prayer*, (if my information be good, and I have reason to believe it to be good,) he was blessed with an *easy* and a *peaceful death*, and carried to the end of his journey through life, in a good old age, ‘like as a shock of corn cometh in in his season.’ On the morning of the last Sabbath, while we were assembling for the worship of God in his courts below, his precious spirit was called to the temple above, to keep an endless Sabbath with his God and Father in heaven; and his body was left to rest in the grave, in hope of a joyful resurrection to eternal life.”

Dr Webster received the degree of Doctor in Divinity in the year 1760, when about to proceed to London as one of the deputation sent to address George III. on his accession. (See p. 213.) In 1772 he succeeded Mr James Stewart as collector of the Widow’s Fund, a situation to which he was well entitled.

The following are the titles of his printed sermons:—(1.) “The Wicked Life, and Fatal but Deserved Death of Haman, Ahasuerus’ Prime Minister,” 1740. (2.) “Supernatural Revelation the only sure hope of Sinners,” (preached before the Society for Propagating Christian Knowledge,) 1741. (3.) “Heathens professing Judaism when the fear of the Jews fell upon them.” Two sermons from Esther, viii. 17, preached on the thanksgiving for the late victory,

(Culloden,) 1746. (4.) "Zeal for the civil and religious interests of mankind recommended," (preached at the opening of the Assembly,) 1754.

It had been the practice of both the Commissioners and Moderators to give in their speeches in writing, that they might be engrossed in the Record; but Webster set the example, (which was soon generally followed,) of withholding a copy of his concluding address. We have embodied, however, in the notice of Lord Leven, his reply to that nobleman at the opening of the Assembly.

1754. *Professor Robert Hamilton, Edinburgh.* "Upon Principal Wishart's death in 1754, he was succeeded by Dr John Goldie, professor of divinity; and Mr Robert Hamilton, one of the ministers in Edinburgh, was elected to the theological chair. It was this gentleman's father who held the same office for so many years, and was afterwards advanced to be Principal.*

"Mr Hamilton was born within the walls of the college; was initiated into the knowledge of the Latin language at the High School; and, in due time, was entered a member of the university. He had been early destined for the Church; and having performed the requisite exercises with approbation, he was licensed to preach the Gospel by the Presbytery of Edinburgh. Some time afterwards, he was presented to the church of *Cramond*, in the vicinity of Edinburgh. He then removed to Edinburgh, and was successively minister of *Lady Yester's*, and of the *Old Greyfriars' Church*.

"The patrons adhered, in his case, to the resolution which they had formerly made, that, upon being elected professor of divinity, he should demit his office as one of the ministers of the city.

"Dr Hamilton was a man of abilities. He was particularly well skilled in controversial theology; and took great pains to give an accurate view of those systems of divinity which had been most celebrated in the world. In doing this, he discovered great address, as well as candour; for he took no undue advantage, though he was careful to state his objections to the opinions which they defended, whenever he considered it necessary. He was also remarkably candid in his critical remarks upon the discourses which the students delivered in the divinity hall; and acquitted himself in that delicate department of his office, so as to gain the esteem even of those upon whose errors in doctrine, defects in composition, or mode of delivery, he had used the liberty to animadvert. He never took

* "Dr William Hamilton was a man much esteemed for the wisdom and good temper with which he conducted the debates of the General Assembly, and no less esteemed for his learning, judgment, and candour as a teacher. I have heard Dr Leechman say that he was under great obligations to Professor Hamilton; that he learned much from him in many points, about which the Professor spoke his mind openly; and that, young as he was, he learned something also in other points, about which the Professor said nothing. The silence of such a man struck him, it should seem, and led him to investigate the causes of it." *Memoir of Leechman*, (prefixed to his Sermons,) by Dr James Wodrow of Stevenston, vol. i., p. 4. The reader will find allusions to his father in Professor Robert Hamilton's address to the Assembly, 1754, given below.

a very active part in the public management of the politics of the General Assembly, though party spirit never ran higher during any period of the history of the Church of Scotland than it did in his time. Such was the respectability of his character, however, that he was twice raised to the dignity of being Moderator of that venerable court, viz., in 1754 and 1760.

“When he began to feel that the general state of his health prevented him from performing the duties of his class, as he wished, and had been accustomed to do, he was desirous to have an assistant and successor. The patrons, therefore, elected Dr Andrew Hunter, as conjunct professor of divinity, upon the 10th September 1779.

“Dr Hamilton on that occasion retired from public business; and he died on the 3d April 1787.” Bower’s History of the University of Edinburgh, vol. ii., p. 366. In the Assembly 1748, Hamilton acted as clerk, in the room of George Wishart, who was Moderator. He was put on the leet for Moderator in 1752, when Cunjng was chosen. Being Moderator at the time of the death of George II. in 1760, he headed the deputation sent to congratulate George III. on his accession.

The following was his address at the close of the Assembly 1754:—“Right Reverend and Right Honourable,—As this National Assembly is now drawing to an issue, custom and precedents, and your expectation founded upon these, will authorise my addressing you from the chair, in which it was your pleasure to place me. For the honour thereby done me, an honour greatly heightened by your unanimity in conferring it, I return my most sincere and respectful thanks to you all. I am deeply conscious that on the footing of personal merit I had no pretensions to such a distinguishing mark of your favour, nor could ever have expected to receive it; and well might this consciousness have sufficed of itself to check and bear down all risings of vanity; but I have another safeguard, another most effectual preservative against all such weakness; it is the firm persuasion which I have, and which I shall cherish, and must ever retain, that the true source of the honour done me on this occasion, and your great judgment to unite in bestowing it, is a kind remembrance of the merit and affectionate services of a late eminent member of this Church, whose assiduous cares and labours are well known to have been devoted, while he lived, to her interests and honour. Pardon this digression, if you judge it to be one; a fulness of heart, the genuine effect of my just gratitude to you, Right Reverend and Right Honourable, mingling with the workings of filial reverence and affection, have constrained me to make it. It will, I flatter myself, be unnecessary, after the true sense I have been expressing of your favour, to take up much of your time in declaring, that from the moment of my entering this place of honour, which you were pleased to assign me, it has been my incessant and sincere desire to behave with all dutiful respect to every reverend and honourable member of your Assembly. I hope I have given offence to none. If, unhappily and unawares, I

have done so in the smallest degree, I desire and hope to be forgiven. Nothing ought to have been, nothing indeed was or could be further from my intention. In this Assembly, Right Reverend and Right Honourable, you have beheld, and if I may presume to judge of your feelings by my own, you have with pleasure beheld many of our noble peers, and persons of high rank and distinction witnessing your conduct—more, I am persuaded, than ever were present in any former Assembly of your Church; and may we not conclude, from the honourable and just applause which, both in early and in latter diets, was openly given you by some of them who favoured us with their presence and assistance as members, and who are not more distinguished in their noble birth and high rank in the world, than by their great abilities,—may it not, I say, be concluded, that you have gained universal esteem and approbation,—such an acquisition is a most valuable treasure; let us study to preserve it entire, and to improve it for the best of purposes. My reverend brethren in the ministry know well how much the favour and esteem of persons, whose power and influence is so considerable, may contribute, by the Divine blessing, to the success of their faithful labours to the revival, credit, and progress of religion; and may we not hope that a kind and gracious Providence has been at this time sowing the seeds of future benefit to this National Church. When I am thus recollecting with delight, and reminding you of those honourable testimonies in your favour, it would be the height of ignorance and presumption in me to add or attempt any thing on that head. I bless God on my own behalf, for the order and decency with which all your deliberations and proceedings have been conducted. These have rendered my task easy and comfortable, and prevented from appearing to public view those weaknesses and that incapacity for the station assigned me, which (had matters been otherwise) could not in all probability have been concealed. To conclude: may I not, my reverend and dear brethren in the holy ministry, without being thought too assuming, recommend to you with all earnestness—now that you are to separate and to resume the exercise of your ordinary ministrations in the several congregations committed to your care—to exert your best endeavours in the services and for the honour of your great Lord and Master. Feed his flock which he hath redeemed by his own blood. Let your whole conduct discover that you have taken the oversight thereof, not for filthily lucre, but of a ready mind. Watch for the conversion and salvation of precious and immortal souls. Express that reverence and love towards the Lord Jesus which you inculcate upon others, by doing what in you lieth for promoting the great and glorious end of his redeeming mercy, by warning every man, and teaching every man in all wisdom. By setting patterns of all holy conversation and godliness, aspire after the inestimable honour of presenting many perfect in Christ Jesus,—after that crown of glory which fadeth not away, which the chief Shepherd, on his return, will bestow on every good and faithful servant of his. Oppose, by every method becoming the Gospel, becoming your sta-

tions in the Church of God, and the spirit of our Great Master, the growth and process of infidelity, impiety, and profaneness. Let us cherish that loyalty to our most gracious Sovereign, for which we have all along been conspicuous. The repeated assurances we have been honoured with throughout the whole course of his auspicious reign, of his royal favour and protection, his sacred and inviolable regard to these must render us inexcusable if we do not distinguish ourselves as patterns of loyalty and affection to his person and government. Let nothing in our power be wanting to promote, diffuse, and strengthen the principles of an unshaken loyalty in the hearts of all his other subjects to whom our influence or example can be extended. No tribute can be more just, nor any method more effectual for their own safety and true interest, than to keep them steadily in their affection to a prince who has ever been a most faithful guardian of the privileges and rights of his subjects."

His address at the close of the Assembly, 1760. will be found below.

1755. *Mr George Reid, St Quivox.* He was born in the year 1692; was settled at St Quivox (or St Evox, as it is often found written) about the year 1723; and died at Ayr on the 21st March 1763, in his 71st year.

The following was his concluding address:—"Very Reverend and Honourable, I am to make my humble and thankful acknowledgments to you for the undeserved honour you conferred upon me when you gave me this seat. My want of proper qualifications required your direction and assistance, which was kindly afforded me; and I would gladly hope, that making favourable allowances, my endeavours to perform my duty, however imperfectly, have been accepted by you. If I have erred in any thing through ignorance, mistake, or inadvertency, I hope you have forgiven me. If I have injured or offended any person, I crave and expect forgiveness from them. The business which by the help of God you have despatched, hath been various. There were several things relating to the general interests of the Church and religion; others to particular circumstances of some of the ministers of it. You have endeavoured to make provision for removing the difficulties and easing the grievances of such who had ground. You have, I hope, justly restored the characters of others* who had been defamed by very foul and injurious imputations, and by this means have given a proper proof of the inviolable regard that is due to the laws of our constitution, and the still more important laws of charity. Your decisions in these cases, it may be hoped, will be a perpetual check and discouragement to the effects of malice and partial designs in evil-minded men. At the same time we ought all to receive instructions from such instances, that as we see any trivial incidents, any the most slender circumstances laid hold on by malice or prejudice,

* This refers to the cases of Grant, Grier and others. See p. 65.

magnified by forced and artificial constructions, mixed scandalous colours, and sent abroad into the world in a most deformed shape and appearance, cannot but attract the notice of all, and will receive the worst construction from the peevish and unamiable, which is, I fear, the greater part of mankind, who are ever ready to interpret the most distant appearances to be certain proofs of guilt. That upon these accounts, and that our character is of a very delicate nature, the utmost caution is to be used, lest in our conduct we should give occasion to those who seek occasion, to vilify and defame our ministry. You have shown a just and laudable zeal and concern for the interests and credit of true religion; the very being of which, so to speak, has been exposed in some late books produced or dispersed in this country. The measure you have taken to impress the minds of men with a proper abhorrence of the impiety of these attacks made upon religion, and to warn and caution those under your care, lest they should be led away by the errors of the vain or the wicked, it is to be hoped will have a good effect. It may be expected that your authority in determining some vacant parishes, should allay animosities among those concerned, and unite them in a cheerful compliance with your just decisions,—the rather, as these contentions have been at all times the unhappy sources of great divisions among ourselves, and of distractions among the people; which have produced Christian alienation of affection among brethren, and proved to be an effectual bar to edification. It would be a great consolation to us had we ground to hope that these sources of disorder were a drying up, and a stop putting to the poisonous streams issuing from them. Some things you have referred in your Commission, which, I doubt not, will receive a righteous determination. And now the affairs which came under your consideration being (I hope I may say) happily ended, as we did assemble in the name and by the authority of Jesus Christ, our Great Lord and Master, the Head of the Christian Church, so in like manner we do dissolve and separate accordingly.” After the usual form of dissolving this Assembly and indicting the next, he goes on: “ And now, my Reverend Fathers and Brethren, we are to return to the particular parishes where our pastoral labours are to be employed. The great object of our care and attention,—the great, the proper views and aims of all our sacred ministrations, is true religion, which consists in sound faith and holy conversation, duty likewise, and loyalty to our most gracious Sovereign, and an affectionate regard and concern for the constitution, peace, and order of our country. These valuable and important ends we can never sufficiently promote by other means than sound doctrine, and the powerful example of quiet and peaceable lives in all godliness and honesty. It might be justly constructed as an instance of arrogance and presumption in me to assume the office of an instructor, exhorter, or monitor to you. Let me only beg leave to observe, that the best method we can take, that our preaching and our life may, by the blessing of God, happily conduce to the influence and power of true religion among all

ranks, is to keep strictly to the Law and to the Testimony,—in this way holding forth the pure word of life. The apostle has summed up a minister's duty, and his encouragement in performing it, in an exhortation full of divine force and energy : ' Take heed,' says he to his disciple Timothy, ' Take heed to thyself and to the doctrine, for in so doing thou shalt both save thyself and them that hear thee.' May I take the liberty to make an observation more,—that factions among ministers, which will ever be destructive of that which is the great bond of unity, I mean charity, must necessarily counteract the efforts, and mar the influence and efficacy of their sacred ministrations, while each party will zealously endeavour to disaffect the people from the other, especially as these animosities and contentions are often vented in public debates, in their courts of judicature, or in more private conversations, and sometimes sent abroad into the world in private libels and pamphlets—*of which very blameable practice, I am sorry to say it, there are not wanting instances at this time.* But, my dear fathers and brethren, let us endeavour to maintain the unity of the spirit in the bond of peace; and may the God of peace, who brought again from the dead our Lord Jesus Christ, the great Shepherd of the flock, through the blood of the everlasting covenant, make us perfect in every good work to do his will, working in us that which is well pleasing in his sight, through Jesus Christ our Lord, to whom be glory for ever. Amen."

1756. *Professor Cuming of Edinburgh.* Of this gentleman, who took the lead on the Moderate side, until supplanted by Robertson, some notice will be found in the former volume, at p. 319. He was Moderator three times, viz., in 1749, 1752, and 1756.

His concluding address to the Assembly 1756, has not been preserved; but his speech to the Commissioner (Lord Cathcart) was as follows:—" May it please your Grace, when we meet in a General Assembly of this Church, we cannot but with the greatest gratitude and thankfulness to God, commemorate the invaluable blessing he conferred upon it by the Revolution, under King William, *of glorious and immortal memory*, who restored it to its ancient privileges, and who, by settling the succession upon the illustrious house of Hanover, which hath given us our most gracious Sovereign, did all that he could to perpetuate these blessings to latest posterity. His Majesty's constant regard for the rights of his people, his steady attachment to the interest of the nation, both at home and abroad, particularly in this critical juncture,* hath endeared his character to all his subjects, makes his life precious, and will embalm his memory. The protection he hath given this Church, his zeal for propagating true religion in the Highlands and Islands, his countenancing this Assembly by his royal authority, his appointing your Grace to be his High Commissioner, cannot but excite our warmest affection to his sacred person, and prompt us

* See p. 71.

to pay the most cheerful obedience to his wise Government. I can with great assurance affirm, in the name of this venerable Assembly, that no choice could be more acceptable to us than that of your Grace to represent his royal person. Every body must be persuaded of this, who knows any thing of your most ancient and noble family, in which honesty and honour, courage and clemency, a zeal for the reformed religion, and a love of true liberty, have been hereditary. In this glorious cause, not a few of your noble ancestors have sacrificed their lives. We remember with what consternation all ranks of men were struck, upon the accounts of the death of the late Lord Cathcart,* your father, when one might view his character in the eyes of a whole nation. What joy must it give to see his son so early distinguished in the camp and in the court, in the senate and in the country, adding every day new lustre to a family already illustrious. We can only, by our ardent wishes and sincere prayers to God for the prosperity of your noble house, and by using all our endeavours to make your high station as easy as possible, express the honour we have for you, and earnestly desirous to merit your Grace's approbation, that you may be able to give (and we are sure you will with the greatest pleasure give) a favourable report of us to our most gracious Sovereign."

1757. *Professor Leechman of Glasgow.*—William Leechman was the son of a farmer in the parish of Dolphington, Lanarkshire, where he was born in the year 1706. He was educated at the parish school of Dolphington, and afterwards at the University of Edinburgh, not without some assistance from the family of Baillie of Jerviswood, who took an interest in him from the circumstance of his father having had the courage to take down from the Tolbooth of Lanark one of the quarters of their unfortunate ancestor, (executed in 1684,) and give it a decent burial. Having distinguished himself at college, Leechman was recommended as tutor to the son of Geddes of Kirkurd, in Peeblesshire. He began his theological studies about the year 1724, under Professor William Hamilton.† In 1727, having become tutor to young Mure of Caldwell, he thenceforth attended the College of Glasgow, where he attracted the notice, and enjoyed the friendship, of the celebrated Hutcheson, and of Dunlop, Professor of Greek. Some of his more intimate companions were Messrs Clerk, Craig, Fleming, and Warner, afterwards ministers respectively in Neilston, Glasgow, Kilmalcolm, and Kilbarchan. In the month of October 1731, he was licensed to preach by the Presbytery of Paisley; and in the same month of the year 1736, he received and accepted a unanimous call from the parish of Beith, the Countess of Eglinton having waived her right of patronage, and recommended him to the Presbytery of Irvine. Here he remained for seven years, residing for the most part at Caldwell House, which lies within the parish. Being chosen moderator of the Synod in 1740, he opened the next meeting with a sermon "on

* See p. 373.

† See p. 386, *Note.*

the temper, character, and duty of a minister of the Gospel," which was published, as was likewise his famous sermon *on prayer*, in 1743. In July of that year he married Miss Bridget Balfour of Pilrig, and was soon after invited to be pastor of a church in Belfast, which, however, he declined. In the month of November, the chair of divinity at Glasgow became vacant by the death of Mr Michael Potter, formerly minister of Kippen. Two candidates were brought forward, the famous John Maclaurin and Leechman, when the latter carried it by the casting vote of the Rector, George Bogle, Esq. of Daldowie. The minority made an unsuccessful attempt before the Presbytery of Irvine to prevent his transportation; but when he appeared before the Glasgow Presbytery, that body refused to enrol him as a member, and at last, at the instigation of Mr Robe of Kilsyth, raised against him a process of heresy, (grounded on his sermon on prayer,) of which a full account has been given in the former volume of the Annals, (pp. 46, 386,) and which ended in his acquittal. Leechman followed the example that had been set by Hutcheson, in writing his lectures in English instead of Latin. His text-book in Systematic Theology was *Pictet*, afterwards changed to *Osterwald*. A copious abstract of all his prelections has been given by Dr Wodrow, in his Memoir of Leechman prefixed to his "Sermons." In 1748 he edited the posthumous essay of his first pupil, Geddes, "on the Composition of the Ancients;" and in 1755, (about which time he received the title of D. D. from his own college,) he prefixed an account of the life of his friend Hutcheson to his "Moral Philosophy," which was then published by the author's son. He was put on the leet for moderator of the Assembly in 1753, when Webster was elected; he himself was chosen moderator in the year 1757, and opened the Assembly 1758 with a sermon (afterwards printed) on the "Wisdom of God in the Christian Revelation." On the death of Principal Neil Campbell, in 1761, Leechman was raised to that office through the influence of his old pupil, Mure of Caldwell, then one of the Barons of the Exchequer. In this capacity he gave a lecture for some time, once a-week, to the students of divinity, as *Primarius* Professor; and also weekly lectures on Sunday evening to the whole university. In 1767 he preached the anniversary sermon before the Society for Propagating Christian Knowledge, which was published, with the title, "The excellence of the spirit or genius of Christianity, as a spirit of fortitude, of love, and of a sound mind." Dr Leechman, after a series of paralytic shocks, died on the 3d December 1785, in his 79th year. He left his library to his nephew, the Rev. William Pairman of Ely, except a large present of books and pamphlets, which he bequeathed to the library belonging to the divinity students. A selection from his sermons, in 2 vols. 8vo., appeared in 1789, with a sketch of his life, by the *Rev. Dr James Wodrow*, (a son of the historian,) minister of Stevenston,—to which the reader is referred for a full delineation of his simple, but dignified and amiable character. As to his literary merits, Lord Woodhouselee says:—"The style and composition of Leechman, with equal purity, had more elegance than Hutche-

son's, and contributed greatly to form the taste of his pupils in theology, and improve the eloquence of the pulpit in Scotland. He was himself a most celebrated preacher; and it was generally regretted that his appointment to the professorship of divinity, which has no pastoral charge annexed to it, made his appearances in the pulpit from that time rare, and only occasional. But this disappointment was in the main for the benefit of the Church, as his theological lectures, which were extremely popular, were the fruit of great knowledge of his subject, a sufficiency of learning, a sound judgment, a good taste; and, above all, of a liberal and candid spirit, which had a sensible influence on the characters and the opinions of his pupils. As Principal of the University, he conducted himself with becoming dignity, and with the esteem and veneration of the whole body over which he presided." "He had (says Dr Carlyle) the appearance of an ascetic monk, reduced by fasting and prayer nearly to the figure of a skeleton; but in aid of fine composition and excellent matter, he delivered his sermons with such a pathetic voice, and earnest persuasiveness of manner, that he captivated every audience."—*Dr Carlyle's MS. Memoirs*.* To this we may add the testimony of Sir Henry Moncreiff,† who speaks of him as "a man of primitive and apostolic manners, equally distinguished by his love of literature and his liberal opinions."

Leechman's address to the Assembly 1757 is not recorded; it was probably of the same tenor as the conclusion of the above mentioned sermon at the opening of the Assembly 1758, which may be seen in the first volume of his printed sermons, p. 263.

The following was his reply to the Commissioner, (Lord Cathcart:) "May it please your Grace,—It always becomes us, when we meet in a General Assembly, to acknowledge, with the most lively gratitude to Divine Providence, the many invaluable blessings we have long enjoyed, and do still enjoy, under his Majesty's most gracious and auspicious reign. His Majesty's constant regard for the rights of his people, his watchful care over all the interests of the nation, both at home and abroad, particularly in the present critical situation of public affairs, must endear his character to all true Britons, and confirm them in the most inviolable attachment to his royal person, his gracious government, and illustrious house. His Majesty's continual protection of the Church of Scotland, his countenancing this Assembly with his royal authority, his zeal for propagating true religion in the Highlands and Islands,—those parts of our country which still remain in a great measure ignorant and uncivilized,—and the continuance of the royal bounty for that important end, fill our hearts with the warmest affection to his sacred person, make us rejoice in our happy privileges, and excite us to the faithful and cheerful discharge of all the duties of loyal and happy subjects. May it please your Grace, I hope I may be allowed to say, in the name of this Venerable Assembly, and with their full, hearty, and unanimous consent, that the choice his Ma-

* Supplement to Kames' Life, p. 14.

† Life of Erskine, p. 85.

jesty has been pleased to make of your Grace to represent his sacred person in this Assembly is highly acceptable. The particular reasons for our most entire satisfaction with the choice of your Grace, arising from your character and behaviour in public and private life, we choose rather to tell of you than to you. Permit us only to say, that we have the firmest persuasion of your Grace's zealous attachment to the service and honour of your prince, and the prosperity and happiness of your country, and that you will discharge the important trust of High Commissioner committed to you with attention and fidelity, and with honour and dignity. The assurances your Grace is pleased to give us of your regard for the religion and constitution of this National Church, and of your zeal to promote its interest and prosperity, we rely upon with the most entire confidence. We can only express the honour we have for your Grace, by ardent wishes and prayers to God for the prosperity of your Grace and your noble family, and by using all our endeavours to make your high station as easy as possible. Allow us to add, that we hope we shall conduct all our deliberations and debates in this Assembly in such a manner as to justify the good opinion your Grace is pleased to express of us, and to enable you to give (and we are sure your Grace is always willing to give) a favourable report of us to our most gracious sovereign; and if any causes should come before us in which a just zeal may be shown to maintain and secure the purity and decency of the ministerial character, we hope that, at the same time, we shall preserve that good temper and moderation which becomes the disciples of Jesus, and the ministers of the Church of Scotland."*

1758. *Mr Thomas Turnbull of Borthwick.*—Of this gentleman I am unable to furnish any information, beyond the circumstance that he had long taken a prominent part in the business of the Assembly, and was, if I mistake not, rather a keen partizan of the *Moderate* interest. None of his official addresses have been preserved.

1759. *Dr George Kay of Edinburgh.*—I take this to have been the same person who was minister of Colessie, in Fife, previous to the settlement of Mr Hugh Blair there, in 1741. From thence he seems to have gone to Kirkaldy, and then to the West Kirk, Edinburgh; and in 1752 (July 30) he was called to the New Greyfriars' Church, in room of Mr Frederick Carmichael. He was afterwards translated to the Old Greyfriars', and died on the 10th April 1766, being succeeded (as a minister of Edinburgh) by Mr James Brown of Melrose.—See p. 286.

The following was his closing address:—"The business of this Assembly is now, by the favour of Divine Providence, brought to a happy conclusion. Such matters as were most proper for your

* There is a striking similarity in the phraseology of this address to that of Professor Cuming's the previous year. The references at the close are to the cases of Carlyle of Inveresk, and Brown of St Andrews.

own cognizance, you have determined yourselves; the rest you have referred to your Commission, with full power to give a final judgment. Questions that relate to vacant churches have too often been the occasion of warm debate, and sometimes of much heat and animosity. You have had but two cases of this kind before you. In the one, [Logie,] you have determined a preliminary point, which may be a means of preventing disputes on that head for the future. The other, [Kilconquhar,] you have thought proper, for particular reasons, to refer to the Commission. Both of them fall of course to be remitted to the several Presbyteries, and both, I hope, will terminate in the peaceable and happy settlement of the respective parishes. You have had under your consideration other matters that concern the more general interests of religion and the Church. Such of them as were thought ripe for decision you have happily concluded with great unanimity, and so as to merit the approbation of wise and good men. One question of this nature, touching the representation from the royal boroughs, you have transmitted to all the Presbyteries, that they may consider of it, and report their opinion to the next General Assembly. As this is allowed to be a matter of great importance and delicacy, it is to be wished that any future laws concerning it may be the fruit of the most cool and mature deliberation. I cannot but observe, with great pleasure, that no process of heresy or scandal hath been brought into this Assembly against any minister or member of this Church; an evidence, as I humbly think, that purity of doctrine and manners is still the respectable characteristic of the Church of Scotland. You will give me leave to take notice of another circumstance, which, according to my present view of things, is a considerable advantage to the Church, and that is, the Assembly hath not been overloaded with business. You have been able, during the usual time of your sitting, to despatch the greatest part of your affairs, without being under the necessity of leaving too much to the Commission, the meetings of which court have of late years been more uncertain and less frequent than formerly. It was not to be expected that so great a body of men, in reasoning on such a variety of subjects, should all express the same sentiments. There has been some small difference of opinions with regard to the means, but you have all agreed in the same end, viz., to promote the honour of God, and the good of his Church.

It must be a pleasure to reflect, that in the course of your debates, you have discovered nothing of a fierce uncharitable spirit, but have conducted yourselves with that good temper, with that moderation and charity which may be expected from the followers of Christ, and the ministers of the Gospel to Peace. It may be presumed that we are firmly established in loyalty and duty to the best of Sovereigns, that we have the highest value for our happy constitution in Church and State, and that we will exert ourselves in our several stations to support his Majesty's Government, and promote the peace and good order of the country. It would be far

more agreeable for me to receive instruction from you, my very reverend fathers and brethren, than to be obliged, as I am, by an established custom, to offer something by way of advice to this venerable Assembly. As this is not a proper time or place for expatiating upon the duties of the ministerial office, which I would gladly hope are well understood, and faithfully performed by the reverend pastors of this Church, I shall only take the liberty to mention two things suggested to me from the proceedings of this Assembly, which, in my humble opinion, are of too great importance to be overlooked upon this occasion. *The law of patronage has always been reckoned a hardship by the Church of Scotland, but while it doth not interfere with the rights of conscience, we are bound by the law of Christ to submit to the law of our country.* The right which this law gives to patrons to present ministers to vacant parishes *is now exercised in almost every instance*; and for this reason, we ought to give a more particular and strict attention to the character and qualifications of those whom we license to preach the Gospel, that they may be men of good knowledge and learning, sound in the faith, of a sober, virtuous, and godly conversation, men of discretion and good sense, of whom it may be justly expected that, by the blessing of God, they will support the dignity of the ministerial character, and do the duties of the sacred function with real advantage to religion and with credit to themselves. It is impossible for me to express how much dishonour will be done to the name of Christ, and how hurtful it will prove to the interests of truth and virtue, if, through a careless neglect and inattention, or through a false and ill-judged compassion, we shall allow weak or worthless men to creep in amongst us. On the other hand, if we stand like faithful watchmen at the gates of Zion, and suffer none to enter but the wise and worthy, those who are truly fit to minister in holy things, may we not justly hope that the pastoral office will still be venerable, that the kingdom of our Redeemer will flourish and prosper, and our Jerusalem become a beautiful habitation, the joy of all the earth.

“Another thing that I recommend to your serious attention, is the *religious observance of the Lord’s day.* It must be confessed that in this respect we are sadly fallen off from the purity and sanctity of more ancient times; for though I cannot allow the justness of that reflection which has been cast upon our forefathers, as if they had carried this matter too far, even to a degree of superstition, yet it must be acknowledged by all, that we, their degenerate sons, have run into the opposite extreme by an irreverent neglect, or superficial performance of the duties and devotions of that holy day. It is high time for us, my brethren, to use the most prudent and effectual methods for restoring in the minds of men a just veneration of this divine and merciful institution. Let us endeavour, by sound and solid reasoning, to convince them of the guilt and danger of profaning or mispending that portion of our time which God hath consecrated to himself. Let us endeavour, by the most powerful and winning motives, by fervent and pathetic exhortations, and by

the constraining influence of our own example, to prevail with and engage them to yield obedience to the high command of the Great God and our Saviour—‘Remember the Sabbath-day to keep it holy.’

“In one word, let us endeavour, through the grace of God, to perform all the duties of our holy function, with zeal and faithfulness, with prudence and moderation, and with the temper and spirit of our Lord and Master. In so doing we may expect to meet with reproach and injuries from worldly and wicked men; but let not our spirits be damped, or our hearts dismayed with the prospect of these things. Let us maintain a holy boldness and fortitude, adopting that noble sentiment of the Apostle—‘None of these things move me, neither count I my life dear to me, so that I may finish my course with joy, and the ministry which I have received of the Lord Jesus.’ May the God of all grace and consolation strengthen us with all might, by his Spirit in the inward and outward man, that we may be faithful pastors in the Church of God, taking heed to ourselves and the whole flock, over which the Holy Ghost hath made us overseers; and when the Chief Shepherd shall appear, we shall receive the crown of glory that fadeth not away. Right Reverend and Right Honourable, *this being the birth-day of his Royal Highness the Prince of Wales,** when that illustrious Prince, the joyful hope of three great kingdoms, enters upon the twenty-second year of his age, we cannot forbear to express on this occasion our great thankfulness to God, who hath mercifully preserved him to that period of life when men are supposed to be capable of managing the weighty affairs of Government, as well as the business of private life. While we heartily pray that God may bless his Royal Highness with long life and many happy days, let us be no less earnest in our prayers to the Almighty that our present most gracious Sovereign, under whose mighty and good Government we enjoy so many signal blessings, may live long, and sway the sceptre over a free and happy people.’

“Before I leave this chair, very Reverend and Honourable, you will be pleased to accept of my humble acknowledgments for the undeserved honour you have done me, in assigning to me such an important part in the conducting of your affairs. I hope you are disposed to forgive my failures, as I am conscious to myself that I have endeavoured to do the duties of this station, with an honest mind, and according to my best ability. If I have given offence to any reverend or honourable member of this house, I ask your pardon, and beg you will impute it, not to design, but to mistake or inadvertency. And now, Right Reverend and Right Honourable, I presume it is your pleasure, that I should return the thanks of this Assembly to his Majesty’s High Commissioner, [Lord Cathcart]:

“May it please your Grace, it is with the greatest pleasure that I obey the command of this venerable Assembly, to offer in their

* Afterwards George III.

name to your Grace, their most humble and hearty thanks, for all the favours you have been pleased to show to us, on this and former occasions, for your regular and patient attendance on all our meetings, and for the close attention you have given to all our proceedings.

“It would be the highest satisfaction to us to see your Grace often standing in the place where you now are; acquitting yourself, as you always have done, with so great fidelity to your Sovereign, with such an amiable mixture of dignity and mildness, and with such favourable regards to the Church of Scotland. We humbly hope that no part of our conduct hath given your Grace occasion to be offended with us. We doubt not your Grace will approve of our honest zeal for the interests of true religion, and of our inviolable attachment to his Majesty’s person and Government, as well as of our hearty concern for the Rights of the Church, and the liberty of our country. We rely with entire confidence on your Grace’s candour and goodness, and that you will be pleased to make a favourable representation of our conduct to our most gracious Sovereign. May I be permitted to assure your Grace, in the name of this Assembly, that we have the highest honour for your worthy character, the most sincere affection for your person, and the warmest good wishes for the prosperity of your family. It is our fervent prayer to God, that he may graciously reward all the good services you have done to your king, to your country, and to the Church of God, and that you may have more and more experience of that high enjoyment which results from honouring God, and doing good to mankind; that God may abundantly bless your noble family, and make them truly great, and good, and happy; and that after a long time honourably and usefully employed here on earth, you and they may be advanced to a state of pure and perfect happiness in the world to come.”

1760. *Professor Robert Hamilton of Edinburgh.*—(See above, under the year 1754.) At the close of the Assembly, 1760, he addressed the Court as follows:—

“By the good hand of God upon us, the business about which we met together in this General Assembly is mostly despatched. Some matters which seemed to require more mature deliberation in order to ripen them, and others of less general concern, are referred to your Commission, to whom you have given proper instructions and powers necessary in such cases. Your decisions relating to the settlements of parishes have been all such as will, it is to be hoped, approve themselves to the candid and dispassionate; concerning the two last, [Stirling and Logie,] your judgments were unanimous; the first, [Kilconquhar,] by reason of some peculiar circumstances attending the case, did indeed occasion some warm debates, but may we not reasonably hope, that upon cool recollection of the solidity of those grounds upon which your sentence turned—general expediency for the safety and benefit of the whole

Church,—many who were, or it may be, are still dissatisfied, will change their opinion, and that the prudent and dutiful conduct of the reverend judicatory, to whom the execution of the sentence is remitted, not to mention the acknowledged merit of our brother [Dr Chalmers,] who is personally the object of it, will in part prevent and in the end get the better of these disagreeable consequences of which some appeared to be apprehensive. It must yield you, Right Reverend and Right Honourable, a very high degree of satisfaction, to reflect that your endeavouring to obtain such an arrangement of the course of the Post as might prevent the profanation of the Lord's Day, and ward off temptations to turn that day into a day of secular business, have been in a good measure successful. With respect to a great and flourishing city, the second in this part of the kingdom, and many other places considerable for their commerce or manufactures, the end has been attained to the general satisfaction of all concerned, and you have received assurances from persons the best qualified to give them, that matters may, without much difficulty, be soon accommodated so as no trading place may be left under any hardship, or exposed to any danger from that quarter. I gladly embrace the opportunity that naturally here presents itself of declaring, that the gentlemen for whose assistance your committee found necessary to call, gave it with cheerfulness and assiduity, and with very acceptable tokens of zeal for the honour and sanctification of the Lord's Day. *I will not dissemble, Right Reverend and Right Honourable, that in my private thoughts I have been a good deal straitened, whether I should be altogether silent concerning the undue heats and personal animosities which, I say with heavy regret, have been but too visible and frequent since we came together.** This is a very tender point, and to touch it rightly, would require a far more masterly hand than mine. But as the place where, by your authority, I stand, will plead for my using more freedom than might otherwise be becoming in me to assume, or allowed by you, I shall only say these few words. Would to God no occasion of this kind had been given to grieve our friends, or to please such as wait for our halting. Such things always do, and must detract in some measure, from the respect and authority of our Courts. I have no intention, God is my witness, to disparage or cast reproach upon any. Allow me, then, in that sacred name which we all revere, to obtest every one who upon recollection shall be conscious of having exceeded in this way, to keep both his heart and the door of his lips with greater diligence on all future occasions. Allow me to obtest such, (unless their own goodness of heart has not already prevented,) to lay aside and bury all rancour, to carry home no remnant of wrath, or bitterness, but to seize all opportunities of making it manifest that they have put on the bowels of mutual love, and that charity which is the bond of perfectness. To spectators I

* He no doubt refers to the debate on the Kilconquhar case, and specially to the speech of Witherspoon, p. 201.

shall only say, that from the incidental heats which are, humanly speaking, unavoidable in great Assemblies, where matters of doubtful disputations are debated, nothing can be more unreasonable and injurious, than to form opinions and draw harsh conclusions concerning the temper and general character of any who, being men of like passions with others, may be hurried occasionally into some indecencies or excesses, which argue in reality no more than is true of us all, that they have not attained, neither are already perfect. Permit me, my Reverend Fathers and Brethren, whilst, with a heartfelt pleasure and justice, to you I observe, that in your conduct during the course of this Assembly, many marks of your zeal for the honour of God and the interest of religion have appeared, to stir up your pure minds by way of remembrance, by noticing, in a word, that the great end of the pastoral office is to inculcate the doctrines of our holy Christian faith, and to enforce, both by exhortation and example, the practice of pure and undefiled religion. Our meeting in judicatories, supreme and subordinate, is indeed necessary on many accounts, and therefore, it is our duty to attend on them and to employ such talents as our Great Master hath intrusted with us in that branch of his service; but the more constant object of the pastoral care is, to instruct the ignorant, to reclaim the vicious and erroneous, to build up the saints in their most holy faith, and to warn every man and teach every man in all wisdom, that we may present many perfect in Christ Jesus. Under such impressions let each of us return to, and resume the discharge of our stated and ordinary duty in the Church of God. Permit me farther to put you in mind, that as we have met and sat under the protection of our most gracious Sovereign, (whom, may God abundantly bless and long preserve,) as this Church have received most honourable and distinguishing marks of his royal favour on all occasions, we are under indispensable obligations to cherish within ourselves, and to propagate in our fellow-subjects, the most affectionate loyalty to his person and government. Let us discharge this part of our duty with that ardent zeal which becomes our reiterated professions, and the full persuasion that we all have that our sacred and civil interests do, under God, depend on the firm establishment of his throne. Can we recollect, without feeling the strongest emotions of gratitude, the liberty, peace, and safety, which this National Church has enjoyed during the whole course of his glorious and auspicious reign, and, indeed, ever since the happy accession of his illustrious family to the throne of these realms. Let the remembrance of the loyal and dutiful address you have sent to his Majesty enforce all this with peculiar strength. Having said so much on topics of so high a nature, it would ill become me, Right Reverend and Right Honourable, to detain you with much concerning myself. I shall, therefore, only add, that I am deeply conscious of my own unworthiness to fill your chair, and afraid lest this may have been but too obvious. My only apology is, that I have endeavoured to execute this trust to the best of my power. I

may have offended, but have never done so intentionally, and of all who may think I have given reason to complain, I humbly ask forgiveness."

1761. *Dr John Hyndman of Edinburgh*.—He was for some time one of the ministers of the West Kirk, whence he was translated to Lady Yester's. When comparatively a young man, he took an active part in Church business, and became noted for his keen partisanship on the *moderate* side. I conjecture him to have been the author of the pamphlet, entitled "A Just View of the Constitution of the Church of Scotland," which appeared in 1753, in reference to the Inverkeithing settlement, and which called forth the "Ecclesiastical Characteristics" of Witherspoon. (See the former volume, p. 242, *note*.) In Hyndman's address to the Assembly, 1761, he made an apologetic allusion to this part of his former history, admitting that "the heat of youth, inexperience, and rashness, might have led him to engage in measures which a wiser and cooler man would have guarded against."

Dr Hyndman was *King's Almoner* for Scotland. In 1760 he was deputed, along with Dr Dick, to visit the Highlands and Islands. (See p. 196.) He selected, as his Celtic colleague on that occasion, *Mr Duncan Macfarlane of Drymen*, who likewise accompanied him to London in April 1762, to present the Commission's address to the King on the occasion of his marriage.

Dr Hyndman died on the 18th August 1762, while still in the vigour of life. In his address when Moderator the previous year, he remarked that the Assembly had chosen in him "a younger man and younger minister than had ever filled the chair before." The vacancy in Lady Yester's church, caused by his death, gave rise to the litigation in the ecclesiastical and civil courts, of which a report has been given at p. 268.

All Dr Hyndman's official addresses will be found in the present volume under the year 1761.

1762. *Dr Robert Traill of Glasgow*.—He was minister of Banff, when in 1761 he was appointed to succeed Mr James Buchanan as Professor of Oriental Languages in the University of Glasgow. But he had scarcely been nominated when the Professorship of Divinity became vacant by Leechman becoming Principal, and in that chair Traill succeeded him. He died the 19th October 1775.

The following was the closing address of Dr Traill:—

"Right Reverend and Right Honourable,—You have, by the blessing of God, happily finished the affairs which have come before you either by deciding them yourselves, or by referring them to your Commission, with proper instructions. Before I proceed to execute the remaining duty of the chair, I beg leave to express the just sense I entertain of the honour you have been pleased unani-

mously to confer upon me, by calling me to it. I can very honestly acquit myself of any intentional failing in that respect and attention that is due to any member of this house; and I rely upon your candour and generosity to forgive those involuntary mistakes and inadvertencies which, I am afraid, have been not a few.

“I beg leave to congratulate you upon the unanimity, the temper and moderation, which you have shown during the course of this meeting. You have wisely discouraged those causeless prejudices which are often taken against worthy persons presented to vacant benefices, especially as the law puts it out of your power to grant relief, even though these complaints were better founded than they generally are. At the same time, you have shown a becoming regard to the rights of conscience and the ends of edification in other cases where the relief demanded was clearly in your power. You have made a decision * of great consequence in all trials before the judicatories of this Church,—sensible of the danger that must arise from any transgression of those equitable forms of law which are the best security of innocence from injustice and oppression. You have expressly enjoined all inferior judicatories to allow the defender a proof of all facts or circumstances which he shall judge to have any tendency to exculpate or alleviate.

“In pursuance of the recommendation with which his Majesty was pleased to honour us by his High Commissioner, you have appointed a committee to assist and direct Presbyteries in the discharge of their duty,—in putting the laws in execution with respect to parish churches, manses, and schools. I am sure you heartily join with me in the most grateful sentiments to his Majesty for his generous attention to the concerns of this Church and of her ministers; and I make no doubt of your entertaining in the like manner a just sense of his gracious goodness in undertaking to represent your proceedings upon this subject in the most favourable manner to his royal master. You have likewise passed an act against dilapidations, which have proved so hurtful to the just and legal maintenance of the parochial clergy.

“These several proceedings reflect honour upon you, the authors of them, and I hope they shall be followed by the happiest consequences. I am indeed ashamed to speak to such a reverend, learned, and honourable audience in the style of advice or injunction, and I beg you would consider what I have to offer this way, as in a manner extorted from me by the duty of that office which I have the honour, through your favour, to sustain.

“Having been assembled for some time about the public affairs of the Church, we are now to return to our more particular stations of service; and I make no doubt of your frequently recollecting the strong obligations you lie under to apply yourselves with vigour and assiduity to the important duties of your function; to feed the flock of God with that substantial food by which their souls may be nourished to eternal life; to teach them the whole-

* Dr Traill is not quite correct; it was merely an *overture*.

some words of our Lord Jesus Christ, and the doctrine which is according to godliness; not handling the word of God deceitfully, but by manifestation of the truth, commending ourselves to every man's conscience, in the sight of God; and giving weight to our instructions by a correspondent example, in all things showing ourselves patterns of good works.

“You will readily perceive that this is the only way to acquire esteem and honour from men, the only way to secure that heartfelt satisfaction which results from the consciousness of doing our duty; and, above all, this is the only way to obtain the approbation of our great Master, whose favour is better than life itself.

“Indeed, we have nothing but our learning and our virtue to support us. We have no other way left to be eminent. Let us beware of parting with either the one or the other. From that moment we may date our ruin. But with these associates we shall be able to hold up our heads before the world, and to maintain, by the blessing of God, a character of usefulness, and even of dignity. Learning can by no means be dispensed with in a clergyman at any time, and still less at this time. It is absolutely necessary to enable us to combat and bear down infidelity, as well as every species of false religion, whether it assume the form of bigotry, of superstition, or of enthusiasm. This Church hath happily acquired some distinction in the learned world. Thanks to the genius and learning of some of her sons, who have accustomed our ears to the voice of literary fame. What pity would it be if this should prove in the issue but a transient and perishing acquisition! How mortifying the reflection, that the world, perhaps, gives us more credit this way than we are able to answer! Let this stir us up to what I may call a pious jealousy of our character in this respect, and to take every proper method to secure, and, if possible, to increase it. The law gives you all the power you can desire, as judges of the qualifications of candidates for the sacred office. You are not only judges of the abilities, literature, and morals of persons presented to vacant benefices, but, what is of much more consequence, you are judges of those qualities before they become capable of being presented. So that, if the Church shall, at any time hereafter, fall into disgrace, from the ignorance, weakness, or wickedness of her ministers, the Church herself, to her no small additional sorrow and mortification, must likewise bear all the blame.”

He then congratulated the Assembly on the flourishing state of public affairs, by the blessing of God upon his majesty's arms; and, in inculcating loyalty and affection to the sovereign, said, “Let us call upon the people to join with us in blessing God for giving us a king who supports religion, no less by his character than by his authority,—who will endure no wicked thing before his eyes,—and who walks before his people in the paths of piety and virtue.”

1763. *Dr William Robertson, Edinburgh.* }

1764. *Dr Alexander Gerard, Aberdeen.* }

Of men so well known as Robertson and Gerard, it seems un-

necessary to present any particular account. Had our limits allowed, we would have inserted the sketch of the ecclesiastical policy pursued by the former, which was drawn up by Principal Hill, and revised by Drs Blair, Carlyle, and Grieve; it is to be found in Dugald Stewart's *Life of Robertson*,* a work which we may presume to be as generally accessible as it is justly admired. The reader may compare *Moncreiff's Life of Erskine*, pp. 233, 462. None of Dr Robertson's addresses from the moderatorial chair seem to have been preserved.

The following was *Dr Gerard's* address at the close of the Assembly 1764:—"Right Reverend and Right Honourable, the time now approaches when this Assembly must be dissolved. When I rise up to speak to you on this occasion, it is impossible for me not to begin with acknowledging the honour you have conferred upon me, by placing me in the chair where I now stand,—an honour which I am sensible neither my abilities nor my experience ever gave me any claim to; but which, unexpected and undeserved, your harmonious choice decreed for me. Conscious as I am, that I have sincerely endeavoured to maintain that coolness and impartiality which becomes this chair, and that respect which I have to my very Reverend Fathers and Brethren, and to the honourable members of this house, I, nevertheless, cannot venture to flatter myself that I have not, through weakness or want of recollection, fallen into many mistakes, which it was my wish and my intention to have avoided. It is my happiness that your candour will judge of me by the goodness of my intentions, notwithstanding the imperfection of my execution. I am assured of it by the indulgence and the assistance which I have all along received from you, and of which I shall ever retain a grateful sense. What I had no personal authority to command, your own regard to propriety has induced you to give, of your own accord, to the office with which you have invested me. In the multiplicity of causes which have come under your deliberation, there have been several which, by reason of their extensive consequences and other circumstances, are deeply interesting to this whole Church. The uniformity of your decisions, and the consistence of the opinions delivered by individuals, have been remarkable, and is a strong proof that you chuse your part from real conviction and the sense of justice. I hope your determinations have been such as will tend to prevent, in future instances, those heats and fruitless oppositions which draw off the minds of the people from the substantial duties of religion. A fixed constitution well understood, is the parent of peace and order, and a continued uniformity of judgments is not only the honour of the Court which gives them, but the great mean of fixing their constitution and making it to be understood. So much has been said in the course of your debates concerning the law of patronage, that it would perhaps be scarce excusable in me to be altogether silent on that topic. It has been called a hard law, but

* At p. 159 of the octavo edition.

however it is a law, and if it be hard, that is the strongest reason possible for our doing nothing to render it harder. By willing and resolute submission, things grievous in themselves often become supportable, but a yoke is always made to gall the deeper by ineffectual struggles to throw it off. I pretend not to an extensive knowledge of the history of our Church, but in our present situation, it is certainly worth while to inquire by the light which that history affords, Whether, ever since our happy reformation from Popery, patronages have, or have not, been a part of the constitution of the Presbyterian Church? Whether our forefathers, in the period of which we boast, did, or did not, submit to them without reluctance? Whether they were, or were not, first rendered disagreeable, by being employed for subverting the Presbyterian constitution; and if it was so, whether the aversion which was excited against them by their being thus employed, has not been heedlessly continued after they have come to be employed in the service of the Church? I only propose these, with all humility, as questions deserving a careful and dispassionate examination, as questions capable of a certain determination from the authentic records of history, and as questions, the determination of which would lead us to perceive, whether the opposition which prevails in many places against the powers with which patrons are by law invested, proceed from an essential principle of Presbytery, or from an unhappy prejudice retained after that situation ceased which gave occasion to it. If these questions should be resolved in that way, which the decisions of this Assembly have supposed to be truth, I need not mention the conduct to which it would naturally lead both the ministers of the Gospel and all who have influence with the people. But even though they should be resolved in the other way, it would still be our duty to endeavour to remove the prejudices of the people against what we cannot deliver them from; it would be our duty to inculcate on them their obligation to submit to the law while they enjoy the protection of the law; and while, to the authority by which it is enacted, they owe the security of so many valuable privileges, to represent to them how much questions of this sort be without their sphere, how much more important is it to bestow all their zeal on the practice of true virtue, than to spend it in contentions about matters of doubtful disputation, and how much more they are concerned in the character and abilities of a minister, than in the particular manner of his settlement. Our situation with respect to patronage puts me in mind to recommend to you another duty of great importance, which is, indeed, incumbent on us in every situation, and binding upon us by the most sacred ties. It is to be very strict in examining the character and abilities of those who are licensed to preach the Gospel. Great is the difference of abilities, and congregations are different; yet I am persuaded, that no man who is fully qualified to preach the Gospel in any one place, can be absolutely unfit for preaching it with decency in every place. If you license only such as are unblamable, and possessed of the intellectual and moral character

which the pastoral office requires, you will not be partakers of other men's sin. Either, there will be no opposition from the people, or their oppositions will not be chargeable to you. It would be unpardonable in me not to take notice of the moderation, decency, and order with which your debates have been carried on. In every question, you have expressed your sentiments with a becoming freedom. You have enforced them by reasoning with a degree of warmth, which showed they were the real sentiments of your hearts; and permit me to say, that I can recollect very few opinions proposed which have not been supported by arguments so plausible, that they might confessedly beget conviction in an honest mind. You have listened on all sides to the opposite arguments of your brethren; you have examined them with candour, and you have avoided throwing blame on those whom you could not convince. In the conduct of all, your firm adherence to what you reckoned truth, and your readiness to allow others to act the same part, have been eminently united. It has been an example and a proof of the perfect consistence of zeal and moderation. You will allow me further to observe, that many of your brethren have had occasion, in different questions, to appear before you in the character of parties; and to mention to their honour, that almost in all these questions, and very remarkably in one question relating to this metropolis,* they appeared with all the candour, temper, and decorum which would have become them if they had sat as judges. The inoffensive and mild spirit of Christianity has appeared among you in no inconsiderable degree; let that spirit be carried home by each, and preserved by all in their ordinary conduct. It will render you amiable and venerable to your people and to mankind, and it will greatly promote those important interests of religion, in a concern for promoting which I trust the hearts of all of us are united. I have thus suggested such admonitions regarding our duty, as seemed to arise most naturally from the business that has been before you. I cannot prevail upon myself to add to the fatigues you have already undergone, by enlarging in exhortations of a more general kind. We ought both to pursue intellectual accomplishments, and to cultivate moral and Christian virtue. Ignorance renders a minister contemptible; knowledge will not only fit us for discharging our several duties, but will procure us that respect from men which adds weight to our ministrations. Every vice will be in us detestable; the more open vices will expose us to the abhorrence of all. The whole spirit of our office is directly repugnant to them. Some vices of a more secret kind, and capable of a more easy disguise, have been sometimes said to flow from the spirit of that office. This may escape the notice of the generality, or may even procure approbation from the weak and the prejudiced, but they will give our more subtle enemies the greatest advantage against us, and the most plausible occasion to revile religion on our account. Every virtue is necessary for giv-

* The Case of Lady Yester's Church, p. 268.

ing a lustre to our character, nay, even for preserving us from censure. We must not only comply with strict obligations, but likewise observe the more delicate rules of propriety.

“A concern for the interests of religion arises from a sense of its importance, united with a warm benevolence to the minds of men, and cherished by fervent piety. We should be possessed with this concern, and actuated by it; we should be diligent in teaching pure and genuine Christianity; we should inculcate both its doctrines and its duties upon ourselves and upon the people. They stand in the closest connection. The precepts of the Gospel deserve our obligations, and its doctrines are motives or means of fulfilling them. It is by attention to the former that the exertions of our virtues can be rendered regular and legitimate; and it is by the influence of the latter that the principle from which they proceed becomes pure and Christian. We are soon to return to our several homes. Let us always by example, and, whenever we have an opportunity, by instruction, recommend piety and virtue to mankind. Let us inculcate not only the general duties to which they are obliged as creatures and as Christians, but also those duties which are incumbent on them as subjects. We are the members of a Church established by law; we are blessed with an excellent constitution of government, and with a wise and virtuous king who reveres the constitution. Let us recommend to the people, so far as our influence reaches, loyalty to our king, and attachment to our constitution. In former days our liberties were sometimes in danger from princes setting themselves above the law, and in these days our forefathers boldly set themselves against the usurpation and vindicated the honour of the laws. Now the danger arises from another quarter; it is from faction and licentiousness in the people that we have reason to apprehend an attack upon our liberties. To resist this attack with the bravery of our forefathers is the part that belongs to us. We can resist it successfully only by following the same course which they followed, by being champions for the laws. Without laws liberty cannot possibly subsist, but must be like a helpless orphan, destitute of a patron and a friend. To instigate us therefore to enforce reverence for the laws, love of liberty ought to join its force with principles of loyalty. You have now determined in many of the causes which have come before you, and referred the rest of them to your Commission; and as this Assembly meet in the name and by the authority of Jesus Christ our great Lord and Master, and the Head and King of the Christian Church, so it becomes us to separate in the same manner; and accordingly in the same sacred name and authority this Assembly is dissolved, and the next Assembly is indited to meet in this place upon the twenty-third day of May one thousand seven hundred and sixty-five years, being the fourth Thursday of that month. I am sure that I have your commands to turn to his grace his Majesty's High Commissioner, and return him hearty thanks, in your name, for his favour to the Assembly.”

Then turning to his grace the Commissioner he addressed him in

the Assembly's name as follows :—" May it please your Grace, with the sincerest pleasure I obey the commands of the General Assembly to return, in their name, the most thankful acknowledgments to your Grace for the favour with which you have been pleased to honour them. The great number and the important nature of the causes brought before this Assembly, has made us stand in need of more than ordinary indulgence from your Grace, as it has often protracted our meeting to an unusual length. Justice obliges us to own that this indulgence has contributed greatly to our being able to bring so great a variety of matters to a conclusion; and that your Grace's attention to our proceedings, and attention from knowledge of our ecclesiastical constitution, from love to it and from concern for the interests of religion and the order of society, has conduced greatly to promote the decency and regularity of our debates in this Assembly. Different sentiments have been maintained—we own it. An accurate uniformity of opinions on all things can take place only among those who do not think for themselves. But I am persuaded that your Grace's candour will impute our differences only to that manly spirit of liberty which is essential to the religion of Protestants, and friendly to every virtue; and that you will be disposed to think, that in general the opinions proposed have been supported *chiefly* by arguments, and urged by no greater warmth than may fairly arise from the firm conviction of an honest mind, and from the concern of a good man, for what appears to him to be concerned with the interests of religion. We flatter ourselves, likewise, that some instances have occurred, in the course of our debates, of candour, moderation, temper, and decorum worthy of praise and worthy of imitation. We hope that no part of our conduct will represent us to your Grace in any other light than that of loyal subjects, friends to religion, and dutiful sons to the Church of Scotland as by law established. And we trust that our determinations have been such as tend to confirm our constitution, and to give the laws relating to it due force. The confidence which we placed in your Grace's favourable declarations, made at the beginning of this Assembly, though then most entire and unreserved, has been greatly confirmed by our own experiences in the course of our meeting. By this we are encouraged to hope that your Grace will be pleased to represent to his Majesty the conduct of this Assembly with regard to the interests of religion and the peace and order of the country, in as favourable a light as truth permits. We flatter ourselves that our future endeavours to promote loyalty, virtue, and religion, either in our private capacities, or in our constitutional Assemblies, so far as they may fall under your observation, will receive that degree of approbation which they shall deserve, and that in your Grace the Church of Scotland will always find a patron and a friend. May it please your Grace, we shall always reckon ourselves bound in duty and in gratitude to offer up our fervent prayers to God that you may more enjoy that happiness which arises from pure virtue, unaffected piety, and the consciousness of eminent usefulness, and that your good services to your country and to the

Church of God may be rewarded with all blessings, spiritual and temporal, poured down from heaven upon you and your family in this world, and with everlasting life in the world to come."

1765. *Dr James Oswald of Methven.*—Of this gentleman, a short notice was given in the former volume, p. 185, *note*. His closing address follows:—"Your thoughts have been so long and so intensely employed on concerns of importance, that I should be shy of turning your attention to a subject so little deserving your notice; but that I cannot dispense with rendering you my grateful and respectful acknowledgments for an honour you have done me so much beyond my merit, and so foreign to my thoughts; which I accepted with timidity, and under which I must have sunk if I had not been supported by the same goodness from whence it was derived. Beside the assistance afforded me from the advice of those Reverend Brethren who had gone before me, my defects were supplied and covered, and my way made open and easy by the judgment and candour of your proceedings. The variety of your councils have enlarged and improved my understanding, and the spirit with which you conducted them hath filled my heart with joy; and, as I found myself under a strict obligation to give an uncommon attention to the course of your debates, I shall quit this honourable station with a higher idea of the excellency of your constitution than I could otherwise have reached. Much of your time has been occupied by subjects that it were to be wished had never come before you; but you have given them a treatment which will prevent their doing so often. The frailty of human nature does not allow of that purity of manners in every individual which the sacred office requires, but the spirit of the Church of Scotland, when excited, will maintain its character in this as it did in former times. It is now no longer possible to render our services acceptable to mankind, by that distant and solemn behaviour so much revered in those who came before us; and it must, for some time, be difficult to unite dignity with ease, and the charms of a free and open conversation with the purity and circumspection so essential to our character. As, in departing from the inflexible severity by which our predecessors stood the most violent assaults, and in adopting that amiable complaisance which suits the genius of the age, and so well becomes our profession, some mistakes must have been committed even by the wise and circumspect, so we are not to wonder that thoughtless and inconsiderate men should be seduced thereby into the hope of an indulgence, which the Church of Scotland will not grant. But you undeceived them. The same object will appear in different lights to different understandings. But my Reverend Fathers and Brethren of the Church of Scotland cannot hesitate long about the treatment due to those who are found to dishonour the sacred character, because this fidelity and uprightness of your hearts will unite you in measures which you all acknowledge to be necessary for the preservation and security of those interests which are your great object. You have

tempered severity with mercy, and zeal with moderation. We are favoured with a form of ecclesiastical government corresponding to the best and most perfect constitution of civil government, which gives full scope to a generous freedom in what is right, and checks, at the same time, licentiousness of every kind. Our hands are strengthened by the concurrence of honourable members, descendants of those noble families who hazarded their lives and fortunes in maintaining our civil and sacred rights, and erecting and supporting this excellent fabric; and we should be the most worthless of the human kind, if we sacrificed it to low designs, or suffered its essential privileges to be invaded for the sake of temporary gratifications. No! I do not insinuate the least suspicion of any such baseness. My Reverend Fathers and Brethren will go on to do justice to their character, and to make it shine with new lustre. Indeed, perfection is not to be reached in the meanest offices of life, and ought not to be expected in the highest and most arduous; but when you make an estimate of the advantages you enjoy, and the aids with which you are furnished, it will not be in your power to fix the point where you ought, or where, consistently with a sense of duty, you can stop in your progress toward perfection. Ye act under the eye of the Father of mercies, who compassionates your manifold infirmities; under the patronage of his only Son, who appears in his presence as the High Priest of our profession; under the direction of the Spirit of Truth, who hath undertaken to guide into all truth. Ye act under the protection of the best and most amiable of Princes, who calls upon you to exert yourselves in your office, and hath assured you of his countenance and favour. You have the countenance of men of rank and taste, who rejoice in every advance you make in literature and virtue. You have the good will and kind affection of a body of people, who will love, and reverence, and follow you in proportion as you keep to the steps of your divine leader; and, let me add, you act in the sight, and under the observation, of a considerable body, *who, though they have withdrawn from our communion, have not deserted the cause we pursue, and whose hearts, be assured, are not impregnable, however erroneous they may be in their judgment.* And I need not add what your own thoughts will suggest, that ye act with the prospect of an approbation and reward of your labours, exceeding the utmost stretch of your desires and expectations. Animated with these views, judge with yourselves where you can stop your progress toward that perfection in virtue to which you are called. The many interpositions of Providence in favour of the Church of Scotland, in former times, are sufficient to counterbalance those fears you entertain, and are indeed entertained by all thinking men, concerning the manner in which their places will be filled up. It is apparent to all, that a liberal turn of mind, opened and enlarged by the knowledge of books, and of men animated with piety and adorned with the virtues and graces of conversation, is now more than ever necessary to give success to our ministry among a people who make a rapid progress in all the politer acts, and is not to be ex-

pected from those of low condition and in straitened circumstances. But you are not to think, that men of enlarged views and generous sentiments will suffer our office to come into the hands of those who, in place of being qualified to promote its end, will be found the ready tools of ill-designing men in their attempts on the liberties and rights of mankind. Our fellow-citizens have, through the blessing of God on their laudable industry, arrived at a considerable height of opulence and elegance; and, as they are not ignorant that the clergy of Scotland have always been distinguished, and are still ready to distinguish themselves, by their zeal for the interest of religion and the liberties of mankind, so you ought to believe that they put too great value on those interests, to grudge a little expense to support our order in a creditable independence. We are happily stripped of all the implements of pomp and luxury, and of every branch of civil power, and reduced to the single power of subduing the heart by the force of truth, by which, however, we are capable of rendering eminent service to the public; and, to attain that skill in the highest degree possible, ought therefore to be the chief concern of the ministers of the Gospel. It hath, indeed, been matter of surprise to many, that the persuasion so laboriously studied by the patriots of Greece and Rome, should be so neglected by those who are engaged in a yet more noble and arduous task; and it must give joy to those who are going off the stage, to see their successors in the way of attaining accomplishments which they could never reach. But my younger brethren will indulge me the liberty of putting them in mind, that whilst they are studious of attaining every accomplishment which belongs to their office, they ought to lay the stress of their success on the intrinsic force of that system of truth, so fitly represented as the engine devised by infinite wisdom, and set on motion by almighty power, for captivating the thoughts and affections of the human heart. In which system, if you can do it tolerable justice, you will find powers of persuasion far exceeding those possessed by the Greek or Roman orators. The eloquence of Greece and Rome did form, conduct, and support great and mighty states, under plans of government the most beautiful and perfect the world ever saw till the British constitution appeared. But the system of which I speak hath, under the influence and direction of the Fountain of all truth, subdued nations, baffled the opposition of mighty empires, barbarous and civilized, and triumphed over folly and vice from age to age, and sits triumphant, and to the end of time will sit triumphant, over the malice of devils and wicked men. Your great business, then, is day by day to get a more intimate and extensive knowledge of this system of truth, to feel its power, and to make others feel it. We have trifled too long with sceptics; let us remit their subtlety to the schools, and, assuming the dignity which belongs to our office, let us present the human understanding with truth which no man of sense will gainsay, and the human heart with motives which no man of probity will resist. And aided and supported by that secret influence and co-operation of God, which it

would be injurious and impious to doubt of, let us endeavour to exhibit in our temper and manners, and in the temper and manners of those committed to our care, the only unanswerable proof of the divine original of the doctrine we teach. However unnecessary it may appear, I cannot forbear recommending to you, to return from this place with hearts full of gratitude to God for the best constitution of government, civil and ecclesiastical, under the patronage and protection of the most amiable of princes; for that spirit of liberty, of equity, of industry, and of universal benevolence which reigns among us; begging, at the same time, that, by an unshaken confidence in God, accompanied with a holy fear of offending, you will contribute your utmost endeavours to perpetuate these blessings to the latest posterity. As this Assembly met in the name and by the authority of the Lord Jesus Christ, the King and Head of the Christian Church, so in the same name, and by the same authority, this Assembly is dissolved."

Then turning to his Grace the Commissioner, he addressed him in the Assembly's name as follows, viz. :—" May it please your Grace, I gladly accept the office of rendering to your Grace the acknowledgments of this Venerable Assembly, for the countenance you have given to their proceedings, and of begging your Grace to believe that our sense of it corresponds to the endearing manner in which you represent the sacred person of our amiable Sovereign. Your Grace hath submitted with cheerfulness to many inconveniences attending the office assigned to you by his Majesty, and hath given us repeated proofs of the kind indulgence we are encouraged to expect from our Gracious Sovereign. Your serious and impartial attention to our deliberations hath been accompanied with an unfeigned concern for the great interests we have in view; and we are hereby confirmed in the belief of a truth which occurs to common observation, that they who are cordial in the worship and obedience of God, are the best and firmest friends to the ministers of religion; and must observe, at the same time, that in proportion as those of rank and power are endued with extensive views of the interests of society, and of the interest and honour of the country, they will give attention to the concerns of the Church. Little minds consider our order as a burden on the State, and view every privilege conferred on us as foreign to its glory and prosperity; but your Grace will believe, that they who have access in public and private to form the minds and manners of the people, ought not to be regarded as the least considerable members of society, and that the right discharge of their office is of great moment to the public. Sorry we are that your Grace's delicacy should be hurt by those disagreeable but necessary inquiries which have been made into the characters of offending brethren; but your Grace will be pleased to observe, that the instances are new and uncommon, and we trust in your Grace's candour, to believe that no care shall be wanting to redress this evil. When we give up the purity of manners by which the Church of Scotland has been long distinguished, we shall justly forfeit the esteem of the public;

but whilst we continue to take proper measures for maintaining the dignity of our character, for rendering our ministry subservient to the happiness of mankind, we will promise ourselves the protection of his Majesty, and the friendship and favour of all who have a true discernment of the welfare of the public. We beg and hope your Grace will be pleased to represent to his Majesty, our zealous and firm attachment to his Majesty's person, family, and government; our utter detestation of licentiousness, and hearty concern for those rights and privileges of free Britons, whereof his Majesty is the guardian and protector. And it is our determined purpose, with the help of God, to diffuse among the people intrusted to our care, those principles of religion and loyalty which are conducive to the happiness of his subjects, and to the glory and prosperity of his Majesty's government."

1766. *Dr John Hamilton of Glasgow.*—He was minister, first of the Barony, and then of the High Church, of Glasgow. Sir Henry Moncreiff* says of him, "that he was as eminent for the soundness and vigour of his understanding, as for the steadiness and respectability of his pastoral character." None of his addresses are upon record.

IV.—LIST OF MINISTERS WHO PREACHED BEFORE THE HIGH COMMISSIONER.

1753. John Hamilton, Glasgow.
William Robertson, Gladsmuir.
James Baine, Killearn.
David Hunter, Monimail.
1754. John Warden, Perth.
John Drysdale, Kirkliston.
William Home, † Polwarth.
Thomas Scott, Cavers.
1755. James Fordyce, Alloa.
David Schaw, Coylton.
William Leechman, Glasgow.
John Schaw, Greenock.
1756. Henry Spence, Wemyss.
William Dalrymple, Ayr.
William Moodie, Glencairn.
Andrew Richardson, Inverkeithing.
1757. John Cunningham, Dalmellington.
John Bonar, Perth.
John Fleming, Kilmalcolm.
Alexander Duncan, ‡ Smailholm.
1758. George Bannatyne, Craigie.
David Schaw, Coylton.

* Life of Erskine, p. 85.

† John Home, the author of Douglas, married his daughter in 1770.

‡ Not having come to town, Mr Robert Finlay, Glasgow, was named in his own.

- James Gillespie, St Andrews.
 Gilbert Lang, Largs.
1759. John Main, Athelstaneford.
 John Chalmers, Ely.
 William Craig, * Glasgow.
 John Schaw, Greenock.
1760. Robert Traill, Banff.
 Alexander Carlyle, † Inveresk.
 James Fordyce, ‡ Alloa.
 Joseph Maccormick, Kilmennie.
1761. Dr Harry Spence, Wemyss.
 James Scott, Kinfauns.
 Alexander Gerard, § Aberdeen.
 John Walker, Glencorse.
1762. Thomas Blacklock, Kirkcudbright, (see p. 236).
 Henry Grieve, Twynholm.
 Michael Grinlaw, Creich.
 John Drysdale, Kirkliston.
1763. George Cupples, Swinton.
 John Goldie, Pennycuick.
 Dr William Wight, Glasgow.
 James Laing, Glasserton.
1764. John Ogilvie, Midmar.
 William Macgill, Ayr.
 Alexander Glen, Galashiels.
 William Bell, Arbroath.
1765. Charles Bannatyne, Irvine.
 David Dow, Dron.
 Algernon Gordon, Tullynessle.
 Gilbert Lang, Largs.
1766. David Imrie, || St Mungo.
 David Hunter, St Andrews.
 John Risk, Dalsersf.
 James Roy, Prestonpans.

* Being unable from indisposition, Mr James Allan, Eyemouth, was appointed to lecture, and Mr Thomas Scott, Cavers, to preach.

† This seems to have been the only case on record where the preacher proposed by the Committee was objected to in the Assembly. On the Report being read, "Mr Pinkerton (I believe he was minister of Markinch) objected to the naming of Mr Carlyle; and having proposed Mr James Thomson, minister at Dunfermline, the General Assembly, after hearing some members, did, without a vote, approve of the Report of the Committee, whereupon Mr Pinkerton and Mr David Blair (of Brechin?) entered their dissent from the nomination of Mr Carlyle." The objection very probably was founded on Mr Carlyle's conduct in the affair of Home's Douglas. See under the year 1757.

‡ This was the last sermon Dr Fordyce preached in Scotland, having accepted a call to the congregation of Monkswell Street, London. It was published under the title of, "The folly, infamy, and misery of unlawful pleasure; a sermon from Prov. vii. 7." In a notice of it in a periodical of the day, it is said, "this sermon was preached before the *grandest audience* in Scotland, was delivered with all the graces of oratory, and is bought up with the greatest avidity, especially by the *beau-monde*; which last circumstance is very uncommon with regard to sermons."

§ The sermon was printed.

|| See the former volume, p. 216.

V.—LIST OF MINISTERS WHO PREACHED BEFORE THE SOCIETY
IN SCOTLAND FOR PROPAGATING CHRISTIAN KNOWLEDGE.

The Sermons marked with an Asterisk were never published.

- * 1753.—Rev. Robert Hamilton, Edinburgh.
1754. *Jan.* 4.—Religion a Treasure to Men, and the Strength and Glory of a Nation. Isaiah xxxiii. 6.—By Rev. David Plenderleath, Minister at Dalkeith.
1755. *Jan.* 6.—The Situation of the World at the Time of Christ's Appearance, and its Connection with the Success of his Religion considered. Col. i. 26.—By Rev. William Robertson, Gladsmuir.
1756. *Jan.* 5.—The Influence of Religion on National Happiness. Isaiah lv. 13.—By Rev. John Erskine, Minister of the Gospel at Culross.
- * 1757.—Rev. John Jardine, Edinburgh.
1758. *Jan.* 2.—The Absolute Necessity of Salvation through Christ. Acts iv. 12.—By Rev. John Witherspoon, A.M., Minister of the Gospel at Paisley.
1759. *Jan.* 1.—A Sermon on Col. i. 23.—By Rev. Daniel Macqueen, D.D., one of the Ministers of Edinburgh.
1760. *Feb.* 4.—A Sermon on Matt. xi. 5.—By Rev. Patrick Cuning, D.D., *Regius* Professor of Divinity and Ecclesiastical History in the University of Edinburgh, and one of the Ministers of the City.
1761. *Feb.* 23.—A Sermon on Proverbs xiv. 34.—By Rev. John Hyndman, one of the Ministers, West Kirk.
1762. *Jan.* 4.—The Counsel of Gamaliel considered. Acts v. 34, 35, 36, 37, 38, 39.—By Rev. Robert Dick, D.D., Minister of the Trinity College Church of Edinburgh.
1763. *Jan.* 3.—Christian Benevolence. 1 Cor. x. 33, & xi. 1.—By Rev. Thomas Randall, Minister of the Gospel at Inchture.
1764. *Jan.* 2.—The Causes of Opposition to the Gospel, and the Moral Tendency of its Doctrines to Remove them considered. Phil. i. 27.—By Rev. Andrew Mitchell, A.M., Minister of the Gospel at Muirkirk.
1765. *Feb.* 25.—The Resemblance of Jesus to Moses considered, and the extraordinary and continued punishment of the Jews shown to be a standing evidence of the truth of Christianity. Deut. xviii. 15, 18.—By Rev. James Robertson, A.M., Professor of Oriental Languages in the University of Edinburgh.
1766. *June* 6.—The Conversion of the Gentiles illustrated. Matt. viii. 11.—By Rev. George Muir, Minister of the Gospel at Cumnock.

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