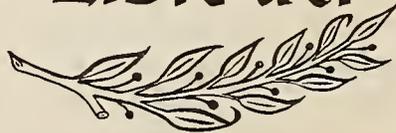
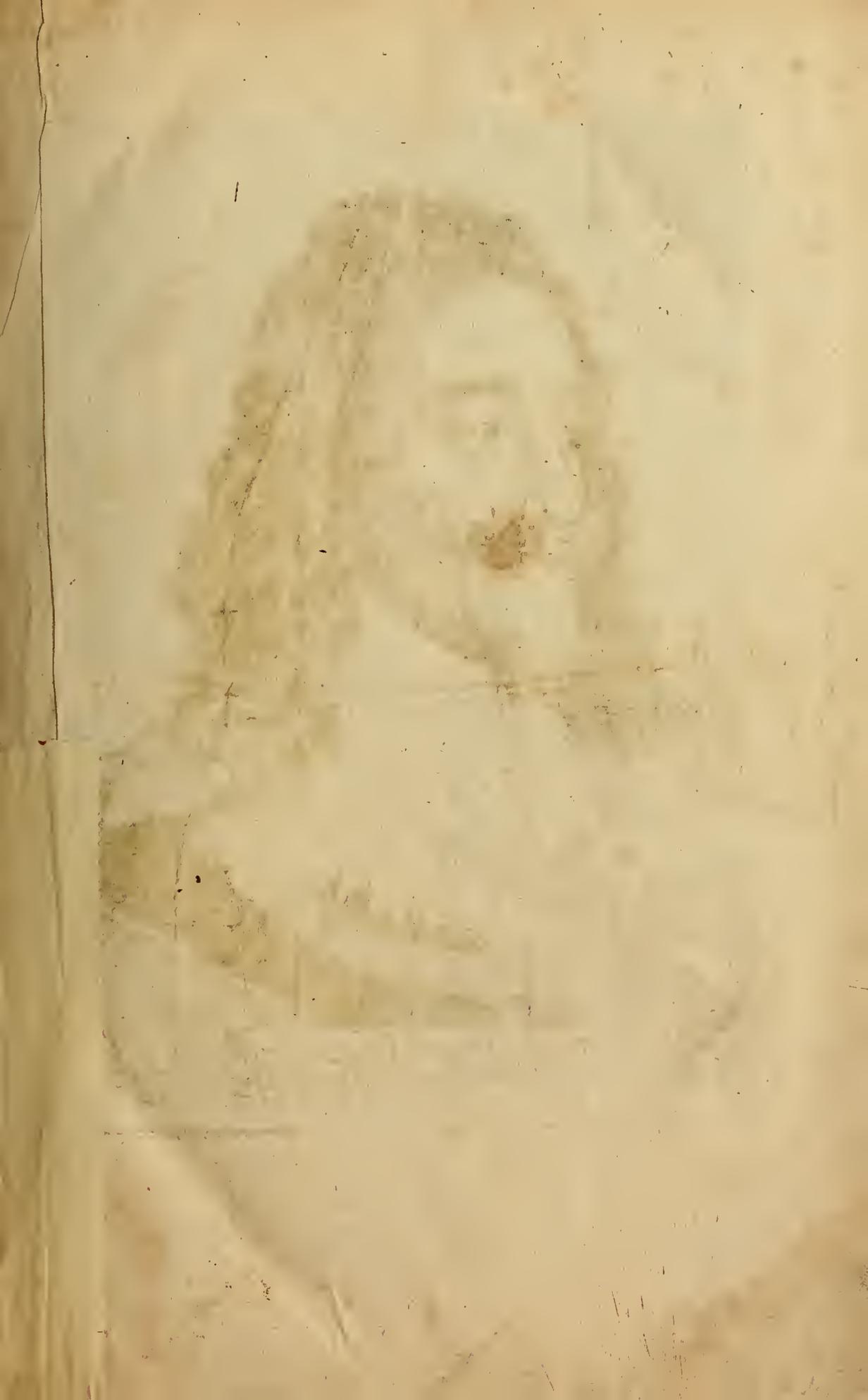


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*The High & mighty Monarch Charles by the grace of God
King of Great Brittain France & Ireland Defender of y^e Faith.*

John Hunter

A LARGE
DECLARATION

CONCERNING

THE LATE TUMULTS
IN SCOTLAND, FROM
Their first originalls :

TOGETHER WITH
A PARTICULAR DEDUCTION
Of the seditious Practices of the prime
Leaders of the Covenanters :

COLLECTED OUT OF THEIR OWNE
foule Acts and Writings:

By which it doth plainly appeare, that Religion was
onely pretended by those Leaders, but
nothing lesse intended
by them.

By the King.

LONDON,

Printed by ROBERT YOUNG, His Majesties
Printer for Scotland, *Anno Dom.*

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1948



By the King.



Hough by Our manie Proclamations and Declarations, some whereof are printed, and others were made by word of mouth, by Our high Commiffioner the Lord Marquesse of Hamiltoun, during the time of his late imployment in Scotland; it doth fully appear to all men, whose mindes are not dista-

fted with Justice and Government, what Our religious care, Princely clemencie, and unparalleled patience have been for the fetling of the late troubles in that Our ancient and native Kingdome of Scotland, and for the composing of that State, so much of late difcomposed and disjointed by the feditious practices of divers impatient of all lawes and government: Yet for the further and full fatisfaction of all our true

B hearted

hearted and loyall subjects in all Our Kingdomes , and for the manifestation of Our Justice and Pietie in Our late proceedings to all abroad, especially to those who with Us adhere to the Religion Reformed : We have thought good by way of an Historicall Deduction to set downe the true passages of all this businesse, that the world may, as it were under one view and aspect , behold Our gracious and clement comportment towards Our subjects of that Kingdome, and the depraved and froward deportment of many of them towards Us their liege Lord and Sovereigne : Not doubting, but that whosoever shall goe along by the threed of this Our unquestionable Narration , will rest fully satisfied in these three points.

I. First, That the first contrivers , and since pursuers of their late wicked Covenant , or pretended holy League (a name which all good men did abhorre in them of France) though following the patterne of all other seditions , they did and doe pretend Religion , yet nothing was or is lesse intended by them ; but that they having received from Us full satisfaction to all their desires, expressed in any of their Petitions, Remonstrances, or Declarations, yet their persisting in their tumultuous and rebellious courses , doth demonstrate to the world their wearinesse of being governed by Us and Our Lawes, by Our Councell and other officers put in authoritie by and under Us, and an itching humour of having that Our Kingdome governed by a Table of their owne devising, consisting of persons of their own chusing : A plot of which they are very fond , being an abortion of their owne braine, but which indeed is such a monstrous birth, as the like hath not yet beene born or bred in any Kingdome Jewish, Christian, or Pagan.

II. Secondly, That Our promises expressed in Our severall Proclamations and Declarations to Our people, were not (as the wicked contrivers of that Covenant have ever gone about to make Our subjects beleeve) onely verball , but sincere and reall , and such as Wee doe professe to the whole world in the word of a just and true Prince, We doe resolve

to make good to all Our Subjects of that Our Kingdome : As holding it beneath the greatnesse and goodnesse of a just King, that the unjust actions of his Subjects should occasion in their Sovereigne the least suspition of breach of promises made by him to them ; especially when the performance of them shall conduce to the settling of Religion and Peace.

Thirdly, That these men who give themselves out to be the onely Reformers of Religion, have taken such a course to undermine and blow up the Religion Reformed, by the scandall of Rebellion and Disobedience, which, so farre as in them lyeth, they have gone about to cast upon it, that if the Conclave of Rome, the severall Colleges or Congregations perpetually sitting at Rome for contriving and effecting the meanes of reducing to the Roman obedience all those Kingdomes and Provinces which have justly departed from them, nay, and if with both these all the Jesuites and others the most specially combined and sworn enemies to our profession, were all assembled in one place, and had all their wits and devices concentrated into one conclusion and resolution ; they could hardly have fallen upon such a way, as these pretended Reformers have fallen upon, for turning all men out of the pathes of the Reformed Religion, or have settled upon such courses, which can bespeake no other event, but the undoubted overthrow of it, at least in that Kingdome, unlesse God himselfe from heaven (which We hope) shall have all their Cobweb contextures in derision : For by their particular proceedings, truely set downe in this Our Narration, it will plainly appeare, that their Maximes are the same with the Jesuites, their Preachers Sermons have been delivered in the very phrase and stile of *Becanus*, *Scippius*, and *Eudæmon Johannes*, their poore Arguments, which they have delivered in their seditious Pamphlets printed or written, are taken almost *verbatim* out of *Bellarmino* and *Suarez*, as appeareth to Us by Our Royall Father his Monitorie Preface to all Christian Kings and Princes, and his Apologie for the Oath of Allegiance, and in the Bookes writ by others in defence of them both; in all which these arguments

III.

are fully answered : And that the meanes which they have used to induce a credit of their conclusions with their Profelytes, are purely and meerly Iesuiticall fables, false reports, false prophesies, pretended inspirations and divinations of the weaker sexe; as if now *Herod* and *Pilate* were once againe reconciled for the ruine of *Christ*, and his true Religion and Worship.

Now, if these three particulars by this historicall Relation shall undoubtedly appeare to the unprejudicate Readers, whether Our Subjects or Forreiners, then We shall little doubt to gaine from them their assent to these Our two just desires.

- I. First, That these proceedings of some of Our subjects (whom, though they would be accounted the purest Protestants, yet by their wicked Protestations, you will finde to be the most froward and perverse Protesters that ever did contest with their Sovereigne and his Lawes) may not induce an undeserved scandall upon that Religion which We professe : For since their conclusions are quite contrary to the Confessions of the severall reformed Churches, in their particular Articles both of the Church and of the civill Magistrate, as appeareth by the Helvetian, French, Belgick, Polonian, Argentine, Palatine, Genevian, Our English and Irish, nay, and their owne Scotish positive Confession, printed amongst the Acts of Parliament of that Our Kingdome; and besides, the Augustane and all other particular Protestant Confessions of the Lutherans : And all the weapons wherewith they now fight against these Protestant conclusions, are stolen or borrowed, not onely out of the Romane (for many of the Romanists fight with Vs against them) but out of the most rigid Iesuites Magazines, why should they not in this quarrell be accounted not as Our friends, but as Our foes; not Protestants, but the most rigid of Papists, Iesuites? and so being without in this point, not bring any scandal upon Vs who are within; especially considering that though these men have gone about to wound the Reformed Religion through Our sides, and by opposing Vs whom God hath honoured with
this

this special favour (for no lesse We accompt it) of being the chief Prince whom he hath made choice of for the Protector and Defender of it: Though, We say, these men have done what they can to weaken this our Religion, by striking at the authoritie of the principall prop and stay of it upon earth under God; yet We, by the grace of God, are fully resolved to wipe away that aspersion, and remove that scandall from Our Profession and Religion, by Our constant not onely adherence to it, but maintenance and defence of it, with the uttermost of that power which God hath put in Our hands; notwithstanding all those scandalls which these men by their wicked practices and worse positions have laid upon it.

Secondly, We hope that all men will do Vs so much right, as to beleve, that whatsoever course We shall hereafter take for the Asserting of the Reformed Religion; and repressing the insolencies of such of Our subjects as doe oppose it and Vs in the just and undoubted right of Our Regalitie, while they pretend Religion, shall not be thought to be by way of a warre, but by way of a Prince the Father of his Country his chastising his unruly children, which is never in anger, but in love, and for their good. And if by their stubbornesse they shall force Vs to a severitie displeasing to Vs, and unwelcome to them, We call Him by whom We reigne to witnesse, and heaven and earth and all the world to record, that they with their owne hands doe unsheath Our just sword, which Wee cannot but use as the Minister of God, unlesse We will betray that trust which the King of Kings hath reposed in Vs for the maintenance of Religion and Iustice amongst all His people whom He hath committed to Our charge: And if God will have it so, that for their resisting Him and Vs His Anointed servant and their Sovereigne, He will have some of their bad bloud shed, We shall ever make accompt that that bloud is let out of Our owne veines; nor shall We draw any drop of it in any other case, then a faithfull Physician will and must doe for the preservation of the whole body.

That



That Religion is onely pretended and used by them as a cloak to palliate their intended Rebellion, is demonstrative by this, That the seeds of this Sedition were sown by the plotters of their Covenant, made under the pretence of Religion, long before any of the grievances or pretended innovations in Religion complained of by them, were ever heard of amongst them.

For the truth is, that some yeares after Our comming to the Crowne, by the advice both of some of Our principall Councillors and Officers of State there, as also by the advice of Our learnedest Advocates and Counsellors at law, according to the example of many of Our Royall Progenitors of happie memorie, Kings and Queens of that Our Kingdome, We did make a legall revocation of such things as had beene passed away in prejudice of the Crowne, especially by some of Our late Royall Progenitors in their minorities; a course warranted by the lawes and many yeares practice of that Our Kingdome: With this course, some of the principall contrivers of this their present Covenant found themselves much aggrieved, and much of their estates brought within the compasse and danger of Our lawes, which made them presently begin to grumble and repine, and privately, as much as they durst, and as in them lay, to worke underhand in Our subjects mindes a distaste of Our government: Which Wee made accompt Wee had quickly rectified, by shewing to all Our subjects interessed in that Revocation, Our gracious clemencie in waiving all the advantages which Our lawes gave Us in many of their estates: So that after We had made it apparent to Our subjects, how obnoxious many of them and their estates were unto Us and Our lawes, We likewise did make as apparent unto them, Our singular grace and goodnesse by remitting not onely the rigour, but even the equitie of Our lawes; insomuch that none of all Our subjects could then, or can now say that they were damnified in their persons or estates by that our Revocation,

cation, or any thing which ensued upon it: Yet for all this, the principall present malecontents did then begin to perswade with such as they thought they might be boldest with, a disaffection to Our government: And not seeing how they could easily obrude upon them, the old and usuall pretence of discontent, viz. Religion, by a strained and farre-fetched inference they did not sticke to lay the envie of the procuring that harmelesse Revocation, by which no man suffered, upon the present Prelates, who in this were as innocent as the thing it selfe was: Onely because they hoped that the very name of Church-men or religious persons, should in the point of faction have that operation with their followers, which they conceived the Church or Religion it selfe might have had, if they could have seene how to have perswaded them, that by this Revocation either of them had beene endangered.

A second symptome of their discontent appeared not long after this upon this occasion: Wee having daily heard the grievous complaints of many of Our subjects of that Kingdome of all sorts, especially of the Gentry and their Farmers, who paid their tythes to the Nobilitie, or such others whom they in that Kingdome call Lords of the Ereccion, or Laicke Patrons, here in England we call Impropiators, how that in the leading or gathering of their tythes, these Lords and Laicke Patrons did use and practise the uttermost of that severitie which the law alloweth them, how they would not gather their tythes when the owners of the corne desired them, but when it pleased themselves; by which meanes the owners, by the unreasonablenesse of the weather, were manie times damnified to the losse of their whole stocke, or most part of it (the law of that Kingdome being in that point so strict, as no owner may carrie away his nine parts, or any part of them, untill the proprietarie of the tythes have set out his tenth part:) As likewise understanding at the same time, the deplorable estate of the Ministers of that Our Kingdome in the point of maintenance, how that they received no tythes in their parishes, but some poore pittance, either by way of a
 stipen-

II.

stipendiarie benevolence, or else some mean allowance from these Lords of Erections or Laick Patrons, unworthie of the Ministers of the Gospel, and which exposed them to all manner of contempt and a base dependance upon their Patrons: Wee, at the instance and humble petition not of a few, but of the whole Clergie, and with them, of the whole payers of tythes of that Kingdome, begun to take three things into Our serious consideration.

First, the wretched estate of the Clergie for want of maintenance: Next, the hard usage and great oppression of all the Laitie that payed tythes, from the owners of them: Thirdly, a very important point of State, *vizt.* That it was not fit, that such a considerable part of Our subjects, as all the Ministers who have power over the consciences of the rest, and all the payers of tythes who are the farre greatest part of the Kingdome, should have their dependance upon the Nobilitie or other Laicke Patrons, the one for their livelihood and maintenance, the other not onely for feare of having their cornes lost or endangered for not carrying them in due season, which was by the law in the power of these owners of the tythes, which power they were sure they would exercise upon them if they should at any time displease them, or not adhere to them upon all occasions good or bad; But likewise because these Lords, owners of the tythes and also of Abbey lands, were likewise for the most part superiours to those who payed them, but were so altogether to those who held the Abbey lands of them by way of vassalidge, and so by their verie tenures were to performe all service and attendance to these Lords, their superiours, whensoever they should require it of them.

Which important considerations moved Us, by the advice of the learnedest Lawyers there, to grant out a Commission under Our great Seale for that Kingdome, not to a few, but to divers hundreds, and those of the prime of all estates and degrees, (out of which number the Lords of the Erections and Laicke Patrons were not omitted) for relieving, if they should see cause, both the Ministers and owners of Corne, as
also

also for taking into their consideration the point of superiority and dependance. These Commissioners, after their sitting in great frequencie some yeares, and after full hearing of all parties interessed, and mature deliberation, did set a rate of the value of the tythes, ordered that the owners of the grounds should severally purchase them at so manie yeares purchase, as was then agreed upon by all both buyers and sellers, taking the same course for the rating of superiorities in regard of the Abbey lands, which was likewise accorded unto by all parties; and ordered that every Ministers means should be augmented, in such a certaine proportion set down and accorded unto, as the Incumbent should not be inforced any more to be a slave to his Patron.

With the conclusions and determinations of this Commission, called the Commission of Surrenders of Superiorities and Tythes, the owners of lands and the Ministers were indeed so really satisfied, that the former with all thankfulness acknowledged Us for their deliverer from an intolerable bondage, under which they and their Ancestors ever since the reformation of Religion had grievously groaned; The latter with infinite expressions of joy and gratitude did celebrate Us as the very father and founder of their severall Churches: We gave Our Royall assent to all agreed upon in that Commission, being glad that Our subjects were relieved, the maintenance of Our Clergie improved, and both Our Clergie and Laitie freed from a dangerous dependance upon subjects, and for that freedome obliged to a thankfull, heartie, and loyall dependance upon Us, to whom alone by all lawes of God and men it is due. The Nobilitie and other Lay Patrons seemed herewith likewise fully to rest satisfied; and so indeed they were in point of profit, for, according to the rates of purchasing in that Our Kingdome, for their tythes they were satisfied to the uttermost farthing: But they fretted privately amongst themselves, for being robbed, as they conceived, of the clientele and dependance of the Clergie and Laitie, and of that power, command, and superiority over them, which by that tye of tythes they had enjoyed: Yet, not being

able to make Religion it selfe a faire pretence for this their discontent (for wyho could imagine that everie man his gathering of his owne tythes, or the augmentation of Ministers maintenance, could be an affronting or weakening of Religion?) they had recourse to their former fetch, and not without bewraying much heart-burning, gave it out, that this Commission (which indeed was obtained by the humble importunitie both of Clergie and Laitie) was procured onely by the Bishops, who meant no good to Religion; and so from an unnecessarie jealousie of their persons and power, they begun to pretend and suborne a necessarie jealousie of Religion it selfe.

III. A third bewraying of their factious humour, appeared clearely at Our last being in that Our Kingdome, and immediately after Our departure from thence: For some sixe yeeres agoe, having a great desire to visite that Our native Kingdome, and being willing to cheere and comfort Our subjects there with Our presence; and honour them with Our personall Coronation, all which they did most humbly and heartily sollicite Us for by their earnest and affectionate supplications; We undertooke a journey to them; and according to Our expectation were most joyfully received by them: But immediatly before, and at the sitting downe of Our Parliament there, Wee quickly found that the very same persons who since were the contrivers of, and still continue the sticklers for their now pretended Covenant, begun to have secret meetings, and in their private consultations did vent their dislike of Our innocent Revocation, and Our most beneficiall Commission of Surrenders: But knowing that these two could gaine them no partie, then they begun to suggest great feares, that many and dangerous innovations of Religion were to be attempted in this present Parliament: Not that they themselves thought so, but because they knew that either that, or nothing would soyle with suspicious jealousie, or interrupt and relaxe the present joy and contentment which did overflowe in Our subjects hearts, and appeared in their heartie expressions for Our presence amongst them.

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But We readily confuted all these suspicious surmises; for, except an Act which gave Us power to appoint such vestures for Churchmen which We should hold to be most decent, nothing concerning Religion was either propounded or passed in that Parliament; but that which everie King doth usually in that, and all other Christian Kingdomes, passe at their first Parliament, *viz.* An Act of ratification of all other Acts heretofore made, and then standing in force concerning the Religion presently professed and established, and concerning the Church her liberties and priviledges: Which Act being an Act of course, though it passed by most voices, yet was it disassented from, to Our great admiration; by the voices of many of those who are now the principall pillars of their Covenant; which made all men then begin to suspect, that sure there was some great distemper of heat at the heart, when it boyled so over at their lips, by their unnecessarie and unprofitable denying of assent to the lawes, concerning the Religion and Church already established; This first Act passing more for forme and the honour of Religion, then for any use or necessitie of it, all the former Lawes still standing in force and vigour without the need of any new ratification.

At this time many of Our subjects of greatest qualitie were suitors to Us for new Titles of Honour; Gentlemen to bee Lords, Lords to bee Earles: Impossible it was for Us to satisfie all suitors in that kinde; without the prostitution of Honour to a just and open contempt; and therefore being put upon a choice and selection, We held it fitter in the point both of honour and justice, to passe by such as both privately in their secret meetings, and openly in the Parliament house, had shewed their disrepects to Us and Our just proceedings; then those who had carried themselves not only loyally and dutifully, but affectionately and heartily to Us and Our service: Upon this occasion many of those who were then passed by, and are now principall Covenanters, seeing others advanced to degrees of honour above themselves, begun then presently to mutter, but not to mutinie untill We were gone from thence.

But scarcely were We well returned into England, when the discontent of these men resolved it selfe into a plaine sedition: For then they had the impudence to give it out, that voyces were bought and packed in the late Parliament; nay, that the voyces were not truly numbred, but that some Acts were past without pluralitie of suffrages: A calumnie so foule and blacke, as that they themselves did know it to be most false: For had there beene the least suspicion of truth in it, they might have made tryall thereof, by surveying their owne papers, and the papers of many hundreds present, who took notes of the number of voyces which were given, either by assenting to, or disassenting from the severall Acts read and proposed; by which papers if they had found but the weakest ground for this their strong, but false report, We have no reason to thinke that either their mercie or modestie was such, that they would have forborne the calling of the Clerke of Our Register in question for it; it being as our Chancellors office to aske the voyces, so Our Clerke of Registers office to take them and record them, and according to his owne and his Clerkes notes who assist him, to pronounce the Act passed or stopt: In which it is impossible he should deale but with sinceritie, for else the notes taken by most of the Auditors, being a present and powerfull conviction of his false dealing, must presently transmit him to highest Censure and punishment.

But knowing that in a publike and judiciall way they must needs faile in their prooffe of this calumnie; they betook themselves to the secret and seditious way of malecontents: For first they used clancularie surmises, then they sent about from hand to hand a clandestine infamous Libell, and by it they impoysoned the hearts of many of Our good subjects with a suspicion of obliquitie in Our proceedings at the late Parliament: This infamous Libell comming to the knowledge of Our Privie Councill there, first they of themselves, then afterwards, having made Us acquainted with it, by Our commandement entred into an inquirie both of the authors and abettors of that seditious Libell; Who found that
the

the author upon whom it was shifted and fathered, was one *Hagge*, then, and still fugitive; but that the abettors, countenancers, and dispersers of it were many, and some of them of greatest qualitie, and now principall Covenanters: Wee, out of our innate and usuall clemencie, were graciously pleased (that the feare and example might reach to all, but the punishment onely to one of them) to passe by many, who undoubtedly had beene concluded and involved by Our Lawes in the same sentence, if Wee had proceeded against them, and to single out one of that ranke, who was most obliged to Us and Our Crowne, and therefore both for his ingratitude and crime, had no reason to expect any thing from Us but the justice of Our lawes.

This one was the Lord *Balmerino*, his Father was principall Secretary of State for that Our Kingdome, to Our Father of happy memory, to whom he was beholden both for the honour of his Baronie, and for his whole fortune and estate which he got in his service: But he was since Our Royall Father his comming to the Crowne of England, arraigned for, and attainted of high Treason in Scotland, found guilty of it by his Peeres, and accordingly received sentence to be hanged drawne and quartered, his blood tainted, his whole estate forfeited to the Crowne: Yet such was the gracious clemencie of Our Royall Father, that He, onely for a little time, continued this condemned and forfeited Lord in prison, afterward confined him, but to a large circuit, and then restored not onely the blood of himselfe and his children, but also their honour and whole estate: Now this present Lord *Balmerino*, being so extraordinarily obliged to Our Royall Father and Our Crowne, for the life of his father, his owne honour and whole fortunes, and so being one from whom We, the sonne of that Royall and Gracious Father to him and his whole family, had no reason to expect perfidiousnesse and ingratitude, he could not have the least shew of reason to expect any favour from Us, but the favour of a faire and legall tryall, which We granted him: At that tryall and arraignment, he was by his Peeres found guilty of abetting and dispersing

ſperſing that infamous Libell made againſt Us, and accordingly was to receive ſentence of death for it; which Our chiefe Juſtice reſpited onely untill Our pleaſure might bee knowne: Then indeed they who afterwards proved the contrivers of the late Covenant, and their adherents, begun to complaine of the hard meaſure which was offered to this Lord, and to lay falſe and wicked aſperſions upon his Peeres who found him guilty; but finding that all the proceedings were uſuall and legall, they could not but have acquit the Judge if hee ſhould have condemned him, nor could they have found the leaſt blemiſh in Our juſtice, if Wee ſhould have given warrant both for his ſentence and execution, whoſe life was now legally devolved into Our hands; and therefore this convicted Lord betook himſelfe onely to Our mercie, which Wee ſhewed to him in that height as Wee are confident it is hardly to be patterned by any preſident.

For notwithstanding the head of this family which was firſt raiſed by Our Father, and then being falſe, yet raiſed by Him againe, and now relapſed, was once againe brought under Our axe, as it had beene before brought under the axe of Our Royall Father: We, deſirous to ſhew Our ſelfe the true heire of none of Our bleſſed Fathers vertues, more then of His mercie and clemencie, were contented upon his deep proteſtations of loyaltie for the time to come, to grant him under Our great Seale for that Our Kingdome, not onely a Pardon of that crime of which he ſtood convicted; but alſo his full libertie and enlargement: Which gracious Pardon of Ours, when it was delivered to him by Our Councell, who ſent for him being then priſoner in the Caſtle of Edinburgh, he did before that Table receive on his knees, with the higheſt magnifying of Our mercie, with the humbleſt acknowledgments of thoſe infinite obligations by which he and his family ſtood for ever engaged in the ſervice of Us and Our Crowne, with the deepeſt proteſtations of all loyall, quiet, and peaceable deportment of himſelfe ever hereafter, and of bending all his endeavours to attend upon all Our Royall courſes and commandements, ſo that Our Councell remonſtrated

strated unto Us, that Wee had bestowed Our mercie and grace upon a man, of whom there could not be the least suspition of his averſeneſſe from Our ſervice at any time hereafter, but of whom they might ſafely promiſe all forwardneſſe and alacritie in all Our juſt courſes, whenſoever it ſhould pleaſe Us to uſe him: And now this ſame pardoned Lord *Balmerino*, being one of the chiefe contrivers, and moſt malicious proſecutors of this wicked Covenant made againſt Us and Our authoritie, how he can be able to anſwere it to God, Us, and Our Crowne, his owne conſcience, or to the world, even in the point of honour and reputation, it muſt be left to the world to judge.

By this now which hath been ſaid, We ſuppoſe it is plain that before either the Service Book, or Book of Canons, ſo tragically now exclaimed againſt, were thought on, the ſeeds of ſedition and diſcontent were ſowne by the contrivers of the late Covenant, firſt upon the occaſion of our Revocation, next upon occaſion of Our Commiſſion of Surrenders, and laſtly upon the occaſion of Our denying Honours to ſome of them at Our laſt being in that Kingdome, which cauſed firſt their traducing of Our proceedings in our laſt Parliament held there, and then produced that infamous Libell.

And now by this time ſedition was growne ſo ripe, and readie to ſeed, that it wanted nothing to thruſt it out, and make it ſhoot forth into an open Rebellion, but ſome faire and ſpecious pretence: They could not yet compaſſe the cloake of Religion, whereby to ſieſe the eyes, and muſfle the face of the multitude, for by none of all the three former occaſions could they ſo much as pretend that Religion was endangered or impeached: But ſo ſoon as they got but the leaſt hint of any thing, which they thought might admit a miſconſtruction that way, they loſt no time, but took Occaſion by the forelock, knowing that either that, or nothing would firſt facilitate, and then perfect their deſignes: Now the occaſion they tooke of fetching Religion within the reach of their pretences, was this.

Our Father of bleſſed memorie immediately after his coming

ming into England; comparing the decencie and uniformitie of Gods worship here, especially in the Liturgie of the Church, with that diversitie, nay deformitie which was used in Scotland, where no set or publike forme of prayer was used, but Preachers or Readers and ignorant Schoolmasters prayed in the Church, sometimes so ignorantly as it was a shame to all Religion to have the Majestie of God so barbarously spoken unto, sometimes so seditiously that their prayers were plaine Libels, girding at Soveraigntie and Authoritie; or Lyes, being stuffed with all the false reports in the Kingdome: He did immediately, as became a Religious Prince, bethinke himselfe seriously how His first reformation in that Kingdome might begin at the publike worship of God, which Hee most truly conceived could never be happily effected, untill such time as there should be an unitie and uniformitie in the publike Prayers, Liturgie, and Service of the Church, established throughout the whole Kingdome. Concerning this His Royall and Religious designe, divers consultations, for many yeares, were had with the Bishops and others of the Clergie of most eminent note in that Kingdome.

But these deliberations (as it happeneth manie times in businesse of so pious and ponderous importance) received some opposition; and manie intermissions, untill the yeare 1616. in a Generall Assemblie (which is answerable to the Convocation of the Clergie here in England) held at Aberdene in August, Our Royall Father by His Letters, and the vehement instance of His Commisioners then and there present, easily made apparent to that whole Assembly, not onely the conveniencie, but indeed the necessitie of a publike Liturgie to be settled throughout the whole Land: Which moved that Assemblie to passe an Act, whereby they authorised some of the present Bishops, and divers others, to compile and frame a publike forme of Liturgie, or Booke of Common Prayer, which should first be presented to Our Royall Father, and after His approbation should be universally received throughout the Kingdome. This Booke in
pursuance

pursuance of that Act of Assembly ; being by those who
 were deputed for that purpose framed , was by the Lord
 Archbishop of Saint *Andrewes* that now liveth , sent up to
 Our Royall Father , who not onely carefully and punctually
 perused everie particular passage of it himselve , but had it al-
 so considerately advised with , and revised by some of that
 Kingdome here in England , in whose judgement He repo-
 sed singular trust and confidence ; and after all His owne
 and their observations , additions , expunctions , mutations ,
 accommodations , He sent it backe to those from whom He
 had received it , to be commended to that whole Church ,
 being a Service Booke in substance , frame , and composure ,
 much about one with this verie Service Booke which We
 of late commended to them , and which undoubtedly then
 had been received in that Church , if it had not pleased Al-
 mighty God , that while these things were in doing , and be-
 fore they could receive their much wished and desired pe-
 riod and consummation , to the invaluable losse , as of the
 whole Church of God , so particularly of that Church of
 Scotland , to translate Our blessed Father from His temporall
 Kingdomes to that which is eternall .

Wee , by the grace of God , succeeding to Our royall Father ,
 were desirous to make it knowne to the world , that Wee
 did not hold it a greater honour to succeed Him in His
 Crownes , then to be His Successour in His Princely vertues ;
 and especially in that in which He was most eminent , His
 singular pietie and religious care of the publique service of
 God ; which finding here in this Kingdome of England , by
 His singular wisdom and vigilancie , setled even to the ad-
 miration if not envie of all other Churches , We resolved by
 the grace of God to pursue that His Pious and Princely de-
 signe , for setting a publike Liturgie in that Our Kingdome
 of Scotland , it having beene so happily atchieved , facilitated ,
 and almost perfected by Him : To which purpose We cau-
 sed the same Service Booke , transmitted by Him to that
 Church , to be remitted and sent backe to Us , that after Our
 perusall and alterations , if any should be found , either ne-
 cessarie ,

cessarie, or convenient, it might likewise receive Our Royall authoritie and approbation: We having received that Book, and after many serious consultations had with divers of Our Bishops and Clergie of that Kingdome then here present with Us, and after Our advices by Our Letters and Instructions to the rest at home, and after many humble advertisements and remonstrances made from them to Us of the reasons of some alterations, which they did conceive would remove divers difficulties, which otherwise they feared this Booke would encounter with; We were contented that the Service Booke should come out as now it is printed, being fully liked by them, and signed with their hands, and perused, approved, and published by Our Royall command and authoritie.

In the perusall and approbation whereof, We tooke speciall care, that the small alterations of it in which it differeth from the English Service Booke should be such, as We had reason to thinke would best comply with the mindes and dispositions of Our subjects of that Kingdome: For We supposing that they might have taken some offence, if We should have tendered them the English Service Booke *totidem verbis*, and that some factious spirits would have endeavored to have misconstrued it as a badge of dependance of that Church upon this of England, which Wee had put upon them to the prejudice of their Lawes and Liberties; We held it fitter that a new Booke should be composed by their own Bishops, in substance not differing from this of England, that so the Roman party might not upbraid Us with any weightie or materiall differences in Our Liturgies, and yet in some few insensible alterations differing from it, that it might truly and justly be reputed a Book of that Churches owne composing, and established by Our Royall Authority, as King of Scotland: And thus conceiving Wee had discharged the dutie of a religious King towards God, and of a gracious Prince in accommodating this Booke so, that Our subjects of that Kingdome should have no cause to have the least suspicion of any intended dependencie of that Church upon this, Wee
sent

sent home the Book to the Lords of Our Privie Councell : After their receipt & consideration of it, We, by their advice, and they, by Our Authoritie, commanded by publike Proclamation that the said Book should be publikely read and received in all the Churches of that Our Kingdome, and should begin to be practised upon Easter next, 1637.

Disobediēce to this Our Proclamation Wee had little reason to expect, because this Service-book was no new thing unto them : For it not differing from the English Service-book in any materiall point, and We supposing that the English Liturgie neither was nor could bee displeasing to them, did likewise conceive that this Book should be as little disliked by them : Now the reasons inducing Us to a beliefe of their not misliking the English Liturgie, were these.

First, many of Our subjects of that Kingdome of all sorts daily resorting to Our Court and the Citie of London, did much frequent our Chappell, many other Churches in or about the Citie, and many Churches during their stay here at the severall places of our residence, and many other Churches within this Kingdome upon their way, both hither and homeward ; in all which Churches they did behave themselves during the time of divine Service with that reverence as others of Our subjects of this Kingdome did, without any dislike of it, or quarrelling against it. Now these who resorted hither, being for quantitie and number very considerable, and for qualitie (for the most part) of the very best, gave Us more then a probable assurance, that at home they would never accompt that absolutely in it selfe unlawfull and Antichristian (as many of them have since professed,) unto which they had here of their owne accord by their practise yeelded obedience : For neither municipall Law, nor variation of time or place, nor any other circumstance, can allow Us to practise that which we hold in it selfe to be simply unlawfull, Antichristian and against the Word of God.

Secondly, in Our owne Chappell at Haly-rud-house, ever since the yeere of Our Lord 1617. the English Liturgie hath beene read, and according to it divine Service sung and said, as it is here said and sung in Our Chappels in England,

gland, not onely without dislike, but with frequent Assemblies of Our Council, Nobility, Bishops, & other Clergie of all sorts, Judges, Gentry, Burgeses, women of all ranks : The Bishops or some of them never gave Orders (which they did frequently) but they used the English Service-book, & in some Cathedrall Churches of that kingdom, as also in the new Colledge of the Universty of *S. Andrewes*, for some yeeres of late it was publikely read without any distaste, much lesse disturbance ; for divers yeeres it was used in many families, and at Our last being in that Kingdome it was read publikely in all Churches to which Wee resorted, in which great numbers of all sorts of people were present : All which gave Us good reason to conceive, that the commanding of this Book by Our authoritie, could not in any true sence be called or accounted an innovation, all sorts of people, and very many of those of all ranks who now inveigh most bitterly against it, having been so accustomed to it, and acquainted with it, and that without any dislike of it or complaint against it.

3. Thirdly, Wee confesse that one of the chiefest reasons moving Us to beleve, that that Service-book (being in substance all one with this of England) could not be held by them to containe any thing tending to Idolatrie, Poperie, or Superstition (as since they have pretended) was this; We did foresee that all objections bending that way must needs strike at the English Service-book aswell as at that (and indeed all of them which they have preached or published against that book do so;) but We did then and do still take it as granted, that no man, who hath his wits about him, can charge the least suspicion of these things objected, upon the English Service-book : For since it is well knowne to the whole Christian world, that the Composers & Framers of the English Service-book were those very famous Bishops & others, who in *Queen Mary* her dayes delivered up their living bodies to the fire, or escaping the fire indured banishment, & only because they would not yeeld to Poperie and Superstition : Now how these men, whom in their owne judgement they hold to bee ranked amongst the most glorious Martyrs of the Church, for resisting even to bloud,

bloud, Idolatry, Poperie, and Superstition, can with any conscience or honestie be charged by these men with compiling of a Book stuffed full with Idolatry, Poperie, and Superstition, it requireth more then an ordinarie understanding to apprehend : And besides, it will be made good, that more of the Bishops and learned Clergie of England, both for number and weight, have opposed Superstition and Poperie, then can be found in all the reformed Churches besides, who all of them have lived in the practise of the English Liturgie, and defended the same ; which they would never have done if they had supposed it to containe Idolatry or Superstition.

These now were the grounds which inclined Us to conceive that the Service-book, authorized by Us for that Kingdome, was not like to receive any publike or considerable opposition, though We did never expect it should misse to meet with that misfortune which attendeth all other Books of this kind, and which hath waited upon the English Service-book here, viz. to be disliked and defamed by some whose judgements either being weak are not capable of satisfaction, or being distempered with the humours of singularitie, are resolved never to receive, or at least never to seeme to receive any satisfaction.

And yet, even those men too, especially they of the first sort, men of weaker judgement, before, and at the time of the publishing of this Book, were not cast without the compasse of Our care and clemencie : For Wee did with that Book send home certaine instructions and directions to our Bishops of that Kingdome signed with Our owne hand, amongst which this was one: That notwithstanding We had now established this Book by Our authoritie, yet they should proceed with all moderation, and dispense with such for the practise of some things contained in the Book, as they should finde either not well perswaded of them, or willing to be informed concerning them, or did hope that time and reason might gaine to a better beleefe of them : Nay yet more, to foresee what probable opposition this Book might be like to receive, Wee caused Our Councell by Proclamation to publish a set day for the reading of
it

it in all Churches, which was the Easter day following, 1637: All which time, though no symptoms of any considerable opposition did appeare, yet upon good considerations, and for the further trial of mens minds, the first reading of it was delayed untill the xxiii. of July next ensuing, to the end that the Lords of the Session, and others who had any Law-businesse, might see the successe of it before the rising of the Session, which alwayes endeth on the first of August, and that so upon their returne to their severall Countries they might report the receiving of this Book at Edinburgh; it being ordered, that on that Sunday the Book should be read onely in the Churches of Edinburgh, and those which were next adjacent: And because it should not be read that day neither unexpectedly, warning was first printed, and then published in all these severall Pulpits the Sunday immediatly before, that the next Sunday the new Service-book was to be read: After all which premonitions made only to try how the people stood affected, & no feare of tumult appearing; Nay, the Service-book, which was to be read, having beene in publike Sermons commended by many Preachers, without any apparent disgust of the Book, or disgrace offered to the Preachers persons; Nay, having beene commended in Sermons by some of their now principall Covenanting Ministers, who since have beene the greatest railers against it, by none more then one *Rollock* a Minister of Edinburgh, who, both in a Sermon preached by him at a Synod held at Edinburgh before the Bishop of that Diocesse, and in his Sermon on the Sunday of intimation of the reading of the Service-book the next Sunday, did highly magnifie the said Book: And so the tending of this Book being thus prepared and sweetned with these gracious considerations of time, & expectation of the discovery of mens affections, which, for any thing appeared to the contrarie, were very calme & composed, who could have imagined that the first reading of it should have been attended with such a barbarous tumult and insurrection, as was raised in the Churches and streets of Edinburgh the Sunday following? the true relation of which tumult, as it was sent up to Us, doth here follow.

On

On the twentie third day of July, 1637. being Sunday, according to the publike warning given the Sunday before, the Service Book was begun to bee read in Edinburgh in Saint *Gyles* Church, commonly called the great Church; where were present (as usually they are) many of Our Councill, both the Arch-bishops and divers other Bishops, the Lords of the Session, the Magistrates of Edinburgh, and a very great auditorie of all sorts of people. Amongst this great multitude there appeared no signe of trouble: But, no sooner was the Book opened by the Deane of Edinburgh, but a number of the meaner sort, who used to keep places for the better sort, most of them women, with clapping of their hands, cursings, and out-cries, raised such a barbarous hubbub in that sacred place, that not any one could either heare or be heard: The Bishop of Edinburgh, who was to preach, stept into the Pulpit, which is immediatly above the place where the Deane was to read, intending to appease the tumult, by putting them in minde that the place, in which they then were, was holy ground, and by intreating them to desist from that fearefull and horrible profanation of it: But hee was entertained with as much irreverence as the Deane, and with more violence, in so much, that if a stoole, aimed to be throwne at him, had not by the providence of God beene diverted by the hand of one present, the life of that Reverend Bishop, in that holy place, and in the Pulpit, had beene indangered, if not lost: The Arch-bishop of Saint *Andrewes* Lord Chancellour, and divers others offering to appease the multitude, were entertained with such bitter curses and imprecations, as they not being able to prevaile with the people, the Provost, Bailiffs, and divers others of the Councill of that Citie were forced to come downe from the Gallery in which they do usually sit, and with much adoe, in a very great tumult and confusion, thrust out of the Church these disorderly people, making fast the Church doores: After all which, the Deane devoutly read Service, assisted by Our Councillors, Bishops, and many other persons of qualitie there present: Yet the out-cries, rapping at the Church doores, throwing of stones at the Church windowes by the tumultuous multitude without,

without, was so great as the Bailiffes of the Citie were once more put to forsake their places, and use their best indevours for the appeasing the rage and furie of those who were without. Service being ended, the Bishop preached, after which the Congregation was dismissed: The Bishop of Edinburgh retiring himselfe to a lodging distant not many paces from the Church, was so invironed with a multitude of the meaner sort of people, cursing and crouding him, that he was neere being trode to death, and in all probability had beene so, if hee had not recovered the staires of his lodging, which he no sooner began to go up, but he was so pulled by the sleeve of his gowne by some of that rude rout, that hee had like to have tumbled backward downe the staires, to the indangering of his life, yet with much adoe getting up the staires he found the doore, at which he should have entred, shut against him, and so being put to a stand, he had certainly beene oppressed with the preasse and violence of that rabble, if the Earle of Weems from his next lodging, seeing the Bishops life in danger, had not sent his servants to rescue him, who got the Bishop almost breathlesse into his lodging. The same morning the Service Book was read in the next Church to Saint Gyles Church, not without noise and tumult, yet the furie was not so great as in the other Church: In the Gray Friers Church the Elect Bishop of Argyle (being Collegueto Master *Ramsfey* who refused to read it) begun to read the Book, but he was so curted and exclaimed against, and threatned to be pulled downe, that after the reading of the Confession and Absolution, he was forced to give over. In the Colledge Church, *Rollock*, one of the Preachers there, who the Sunday before, at the intimation of the reading of it, had so much commended the Book, and had undertaken this day to read it, though hee had the Book ready to be carried to the Church with him, yet, very wisely, resolved to halt a little, untill he might know how it was entertained at Saint Gyles Church, that so his conscience might comply with the carriage of the multitude, whose rudenesse being reported to him, he (notwithstanding his commendations of the Book, and his faithfull promise to read it,) thought

thought it the safer course to leave himselfe to the censure of all men for his levitie and breach of promise, then offend the multitude, whose favour is the onely aire in which he taketh delight to breath and live : And thus that morning passed.

Betweene the two Sermons, such of Our Councell as were in the Towne, assembled at the Lord Chancellour his lodging, where the Lord Provost and Bailiffs of Edinburgh being called, undertooke to doe their uttermost endeavours for the quiet and peaceable reading of the Service Booke in the afternoon; which accordingly they did, and so the Service Booke in Saint *Cyles* and some other Churches, that afternoone was read, without any such tumult or inturrection as it encountred with in the morning; yet the furious multitude, who stayed in the streets, and little regarded the service of God in the Churches, intermitted nothing of their madnesse : For the Lord Privie Seale Earle of Roxborough returning home to his lodging, and having with him in his Coach the Bishop of Edinburgh, was neare suffering the death of the first Martyr *St. Stephen*, his Coach and Coachman, for having the Bishop in it, being so pelted with stones, and hooted at with execrations, and pressed upon by the eager and mad multitude, that if the Lord Privie Seale his Footmen had not with their swords kept them off, they in the Coach had been brought in danger of their lives, having after long and continuall bickerings much adoe to recover their lodgings.

And now We desire all men to consider what blessing and successe from heaven may be expected upon this grand and important reformation of Religion, as they call it, the begetter and beginner whereof was the horrible profanation of the Lords owne day, and that in the Lords owne Houses and Temples, and all this attended with the contempt and treading under foot the sacred Authoritie and Lawes of Us the Lords Anointed, as also with the violation of the persons of the Lords Priests and Prophets, his Bishops and Ministers, and all these practised by a base multitude, disavowed

and disclaimed at that time by all Magistrates and persons put in authoritie, and all others of any ranke or qualitie, who branded that multitude with the names of the scum and froth of the people, and offered themselves, to the uttermost of their diligence and assistance, for the finding of them out, and bringing them to highest and condigne punishment, as shall presently appear by the demeanour of the Magistrates when they were called before Our Councell for that purpose.

For the next day, being the 24. of July 1637. Our Councell assembled, and sent forth a Proclamation in detestation of the uproare and tumult the day before, and discharged all concourses of people and tumultuous meetings in Edinburgh under paine of death; at which time the Magistrates of Edinburgh being then present at Our Councell Table, professed their utter abhorring and detesting of the last tumult, and apprehended some suspected to be most forward in it, and thereupon were commanded and ordered by an Act of Our Councell of the 26. of July, to assemble the Councell of the Citie the next morning by eight of the clocke, and then and there to resolve what course they thought fittest to be held for the finding out of the movers of, and chiefe actors in the late seditious uproare, and immediately after to report their diligence and resolutions herein: Which report they accordingly made to Our Councell, not onely with a detestation of that tumult, and promises of their best diligence for finding out the authors and abettors of it, but also with large proffers of their best assistance for the quiet and peaceable establishing and reading of the Service Booke in all their Churches.

But the Ministers of that Citie being loath to undertake the reading of it, without some securitie given for the safetie of their persons, the Lords of Our Councell by their Act of the 28. of July 1637. ordered the Provost, Bailiffes, and Councell of Edinburgh to advise amongst themselves concerning some obligatorie Act to be made by them, for a reall performance

performance of what they had undertaken, and should further undertake for the peaceable exercise of the Service Booke, which they accorded unto, and promised, that since the former Readers in their severall Churches, had refused to read the Booke, if in the meane time the Ministers themselves would read it, they would take order for their safetie, and when new Readers should be provided, they would take order both for their securitie and settled maintenance and allowance: In pursuance whereof, an obligatorie Act was drawne up by Our Advocate, and read before Our Councell to the Magistrates of Edinburgh the sixt of August 1637. to which they humbly consented, and on the tenth of the same moneth, the said Act of indemnitie being exhibited before Our Councell, was allowed by them, and accordingly passed and entred in Our Councell booke as an Act of Councell: And so now this late tumult in all appearance being settled, and not onely fathered upon the scumme and dregges of the people, but cryed downe by all men either of place or qualitie, and by none more then by the Magistrates and Ministers of Edinburgh, Our Councell not fearing any new outrage, proceeded to these two things.

First, to the exemplarie punishing of such of the heads of the late tumult as they should discover: And next, to the settling of the practice of the Service Booke, and appointing a new day for renewing the exercise of it; to which the Bishops, Magistrates and Ministers of Edinburgh agreed: And this their forwardnesse the Magistrates of that Citie were not onely contented to expresse before Our Councell, both by their verball promises and protestations, as also their obligatorie Act remaining upon record, and registred in Our bookes of Councell, but likewise by two particular Letters sent by them into England unto the Lord Archbishop of Canterburie, in which they desired him to recommend unto Us, their care of, and fidelitie to Our service, and to undertake for them to Us their zeale and forwardnesse, for settling the peaceable practice of the Service Booke: Which Letters

We here have caused to be inserted, that the Reader may see what names of simplicitie and ignorance they bestow upon that multitude, which made the first opposition, and withall take notice of the names of the Magistrates subscribers to these Letters; for some of them (which hardly could be expected from reasonable men) will be found to be very forward, if not leaders in the next succeeding sedition, and so of the rest which have followed since: The Letters be these.

Most Reverend Father in God and our verie good Lord,

WEe regrait from our hearts that tumult which did fall out in our Churches that day of the inbringing of the Service Booke, wherein now these of his Majesties Councell, who have laboured the tryall thereof, will give testimonie of our innocencie: Since that time and the rising of his Majesties Councell in this seriall time, we have daily concurred with our Ordinarie, and our Ministerie for settling of that Service Booke, as the right Honourable the Earle of Traquair Lord Treasurer, with the Bishops of Galloway and Dumbleane will beare witnesse; who have spared neyther paines nor attendance to bring that purpose to a good conclusion: And although the povertie of this Citie be great, being almost exhausted with publicke and common workes, yet we have not beene lacking to offer good meanes, above our power, to such as should undertake that service; and in all things wherein we have beene required, we have ever beene ready really to approve our selves obedient and loyall subjects to his Majestie, in all his Royall commandements, which we have vowed ever to second to our lives end. And we being infinitely obliged to your Graces favours, we now presumed by these lines to give your Grace that assurance of obedience upon our part, in this purpose and in all other purposes wherein we may contribute to the advancement of his Majesties service, or can be expected of good subjects: Whereof if his Majestie by your Grace shall be pleased to rest assured, whatsoever any other shall suggest, we will accept it from you as a great accumulation of favour; for all which your Grace shall ever finde us most thankfull Remembrancers, and most ready really to expresse our thankfulnesse, whenever we shall be
made

made so happy as that your Grace shall have occasion to use our service. Thus from our hearts wishing you all happinesse, we kisse your Graces hands.

Edinburgh this 19.
of August, 1637.

Your Graces most affectionate
and humble servants the Bail-
liffes of Edinburgh.

J. Cochrane, Bailly.

An. Ainslie, Bailly.

J. Smith, Bailly.

C. Hammilton, Bailly.

THE SECOND LETTER.

Most Reverend Father in God and our very good Lord,

WEe did receive your Graces kind letter, and from our hearts we do render your Grace most hearty thanks; and as wee have hitherto found your speciall favour in this matter, concerning the laity imprinted Service Booke, whereanent we did write to your Grace formerly, shewing our dutifull and obedient resolution, not onely in our selves, but in the greatest and best part of our Inhabitants, of whom from time to time we had most confident assurance; so now we must againe become new suiters at your Graces hands to receive from us a true information of the difference of the present time, and of that when we did presume to write the occasions thereof, which is, that since our last there hath beene such an innumerable confluence of people from all the corners of this kingdome, both of Clergie and Laitie, and of all degrees by occasion of two Councell dayes, and such things suggested to our poore ignorant people, that they have razed, what we by great and continuall pains had imprinted in their minds, and have diverted them altogether from their former resolutions, so that now when we were urged by our selves alone, we could not adventure, but were forced to supplicate the Lords of Councell to continue us in the state they had done the rest of the kingdome; having hitherto forborne either to combine with them, or to countenance them in their supplications; yet we will

will not for beare to doe our Masters service to our power; but shall studie to imprint in their minds what hath beene taken away; in the interim we will humbly beg your Graces favour and intercession with his Majestie, that we may be keeped still in his favour, which we doe esteeme our greatest earthly felicitie, and that what course shall be taken with the rest of this kingdome in that matter, who have presented many supplications, and with whom we have in no wayes combined, that the same and no other may be taken with us, wherein we are confident to prevaile as much as any other within the kingdome, and in all things shall endeavour nothing more, then that we may approve our selves most dutifull and obedient subjects. Thus relying upon your Graces favour, as our most assured refuge, we kisse your Graces hands, and rests,

Edinburgh this 26.
of September, 1637.

Your Graces most affectionate
and humble servants, the Bail-
liffes of Edinburgh.

J. Cochrane, Bailly.

J. Smith, Bailly.

C. Hamilton, Bailly.

James Rucheid.

WE confesse that these large undertakings of the Magistrates, moved Us to remit much of Our intended rigor against the offenders in the first uproare, hoping that their acknowledgment of Our clemencie, would have produced effects quite contrarie to those which We have found: And now We shall desire the Reader to observe, that this first tumult was owned by none, condemned and cryed down by all, the authors of it, and actors in it called by all sorts, by no better names then Rogues, and the base Multitude: What will you then think, if that within verie few daies you shall see the verie same liberall bestowers of these names entring upon the same Stage, repeating and acting over againe the parts of that madd Multitude; Onely the Stage you shall see a little better hanged, and the Scenes better set out, and the Play ha-
ving

ving a more specious name of Pietie and Religion? For soon after, these base and unruly people, who were so much out in their first act of Rebellion, (as Actors at the first are not commonly perfect) were in the Pulpits, even for that their first and foule act so much of late hissed at and decryed, afterwards magnified for the most heroicall Sparkes that ever God inspired and raised up in this last age of the world; and though they were but Asses, yet they were cryed up for having their mouthes opened immediately by God, as the mouth of *Balaams* Ass was; to the upbraiding of all the rest of the Land, who held their peace when they should have cryed and brayed as they did: Their happy mouthes and hands, which God was pleased to honour that day with the beginning of their new blessed Reformation, and occasioning their celestially Covenant (as they called it) were so highly extolled by their Preachers, that they assured their Auditors that their memorials should be eternall, whom before they had called the scumme of the people, and the base Multitude, and that all succeeding generations should call them blessed. These high flowne speeches, and many others of the like extravagant straine, both in the Pulpits and out of them, immediately after the first tumult, and ever since, have been bestowed, and that not sparingly, upon that multitude, which not long before they called base and rascall: But no wonder, for many of the better sort having succeeded that multitude in the same madnesse, they must needs now give them new, high, and Heroicall titles, such as they would have given to themselves now acting their parts; for now their owne actions come next upon the Stage to be viewed and judged.

All busineses now for a time seemed to be hushed and calmed, by reason of the long vacation, which in that Kingdome beginneth alwayes on *Lammis* day, and the Harvest, which drew all sorts of people from Edinburgh; except the Citizens, so that little or nothing was done betweene the last of July and first of October, save that some Ministers petitioned the Lords of Our Councell for suspending the Letters

ters whereby they were charged to receive the Service Book, and that they of Edinburgh begun a little by the instigation of their two silenced Ministers to relent of their former forwardnesse for receiving the said Booke, and to repent themselves of their too eager condemning the raisers of the first insurrection, and presented to Our Councell on the 26. of September a Petition, humbly desiring not to bee pressed with the Service Booke notwithstanding all their former undertakings, but to be continued in the same case with all the rest of the Kingdome, untill Our pleasure were further knowne; which Petition, as they alledged, they were necessitated to present, by the example and encouragement of all ranks from all parts of the Kingdome.

- But so soone as Harveft was done, the conflux of all sorts of Our subjects, Nobilitie, Gentry, Ministers, and Burgessees from all parts of that Kingdome, came to be so great at Edinburgh, and after such a tumultuous maner, as that, a present Insurrection was justly feared; which forced Our Councell, assembled then at Edinburgh upon the day before appointed by them, *viz.* the xvij. of October, 1637. to make three Proclamations;
1. The first, to give notice that on that day nothing should bee treated of at the Councell Table concerning Church businesse, untill the Lords might see the times, and meetings of his Majesties subjects more quiet and peaceable; and therefore commanded all who were come thither about any such businesse, peaceably to repaire to their owne homes within foure and twentie houres, under the paines expressed
 2. in the said Proclamation: A second, for removing the Session (which is here in England called the Terme) from Edinburgh to Lithcow, for feare of present danger, if this great concourse of people should not some way be diverted and divided, especially considering that those of Edinburgh were now apparently perverted, and become very evill affected to Our and Our Councils courses of peace and quietnesse:
 3. A third, for bringing in and burning a certaine seditious Booke newly dispersed amongst our subjects there, tending to sedition and the disgrace of Our Ecclesiasticall Government

vernment here in England : The three Proclamations are here inferted.

Apud Edinburgh 17. Octob. 1637.

FOrasmuch as it hath pleased the Kings Majestie, upon divers good respects and considerations, to give warrant and direction to the Lords of his Majesties Privie Councell, for dissolving the meeting of this Councell day, in so farre as concerneth matters of the Church : And that everie one that hath come to attend this businesse, repaire to their owne dwellings, except such persons as shall make knowne to the said Lords of Councell just cause of stay for their particular affaires ; Therefore the said Lords, according to his Majesties speciall warrant and direction sent unto them, have dissolved, and by the tenour hereof doe dissolve the meeting of this Councell day, in so farre as concernes the businesse above written ; And ordaines a Maissar of Councell to passe to the Mercate Crosse of Edinburgh, and to make publication hereof ; And to command everie one that hath come hither to attend this businesse, to repaire home to their owne dwellings within 24. houres after the publication hereof, except such persons as shall make knowne to the said Lords just cause of their further particular affaires in manner aforesaid, under the paine of Rebellion, and putting of them to the Horne ; with certification to them, that if they faile they shall be denounced Rebels, and be put to the Horn, and all their moveable goods escheat to his Majesties use.

Apud Edinburgh 17. Octob. 1637.

FOrasmuch as it hath pleased the Kings Majestie, upon divers great and good considerations knowne to his Majestie, to remove his Councell and Session from the Citie of Edinburgh to the Burgh of Dundie : And whereas it is inconvenient at this time to remove it so farre, his Majestie is graciously pleased that this next Session shall be holden at the Burgh of Linlithgow, and the next after the ordinarie vacants at the Burgh of Dundie : And there to remaine during his Majesties pleasure : And therefore the said Lords, according

to his Majesties speciall direction, ordaines Maissars or Officers of Armes to passe and make publication hereof to all his Majesties good subjects by open Proclamation at all places needfull, whereby they can pretend no ignorance thereof, but may prepare themselves to attend at Linlithgow and Dundie accordingly.

Apud Edinburgh Octob. 17. 1637.

FOrasmuch as the Kings Majestie is credibly informed, that there is a certaine booke intituled, *A Dispute against the English Popish Ceremonies*, obruded upon the Kirke of Scotland, and hath beene sent abroad and dispersed in this Kingdome, purposely to stirre the hearts and affections of the subjects from their due obedience and allegiance: And therefore it hath pleased his Majestie to give order and direction to his Councell, that diligent inquirie and search be made for the said booke; And for this effect the said Lords ordaines letters to be directed to make intimation and publication to all his Majesties subjects, that such of them as have anie of the said bookes, bring in the same to the Lords of his Majesties Privie Councell betwixt the date of this Proclamation and the _____ day of _____. And the said bookes being brought in, that the same be publikely burnt, certifying all his Majesties subjects if any of those bookes shall be found or knowne to have beene with any of them after the time aforesaid, that they shall incurre the like censure and punishment as the Authour may be found to deserve for any thing contained in that booke.

ANd whether Wee and Our Councell were not justly necessitated to these Proclamations, and whether it were not high time to require obedience to them, though none was yeilded, let that barbarous insurrection which was raised the next day, sufficiently testifie.

On the eighteenth of October 1637. the Bishop of Gallo-way and Sir *William Elfinston* Lord chiefe Justice of that Our Kingdome, being appointed by the Lords of Our Councell to examine witnesses in a cause depending before them, be-

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twenee *Francis Stuart* sonne to the late Earle of Bothwell, and divers others, the Bishop was peaceably passing along the street towards the Councill-house where the examinations were to be taken: But suddenly an iraged multitude surrounded him, and followed him with fearfull cursings and exclamations close to the Councill-house doore, where hee was againe incountred afresh with a new troupe, who watched, and lay in wait for his comming thither, and whose furie exceeded words; for in all probabilitie the Bishop had beene pulled in peeces by them, if by divine providence he had not beene defended by the said *Francis Stuart*, who with much adoe got the Bishop within the doores of the Councill-house, where Our Lord chiefe Justice staid for him: But when hee was there, that place of highest Reverence within that Our Kingdome, was no Sanctuarie for him; for they continued demanding his person, and threatening him with death: The report hereof, and the danger of their Lords life, was brought by some of the Bishops servants presently to the Earle of Traquair Our Lord Treasurer, and the Earle of Wigton, one of the Lords of Our Councill, who were then at a lodging not farre from thence: They came presently with their followers to the reliefe of the Bishop, but verie hardly for the croud of the mutiners could approach the Councill-house where hee was; at last, when with much adoe they got entrance, they found themselves in no better case then the Bishop was, for the peoples furie meeting with no proportionable resistance, increased the more: The Lords thus beset in Our Councill-house, sent privately to the Lord Provost, Bailiffes, and Councill of Edinburgh, who were then assembled in their owne Councill-house, requiring them to come to their rescue, and to take some present order for their safetie: They, by one Sir *Thomas Thompson*, who indeed was an eye witnessse of the truth of it, returned this answer; That they were in the same, if not a worse case themselves, if the Lords without did not presently pacifie the iraged multitude; that the whole streets were pestred with disorderly people; that their Councill-

house was beset without, and thronged within, with their owne threatening Citizens, who had vowed to kill all within their house, unlesse they did presently subscribe to a paper presented to them, which for feare of their lives they were forced to doe: Which paper contained these three particulars: First, that they should joyne with them in opposition to the Service Book, and in petitioning Us for that purpose: 1. Secondly, that by their authoritie they should presently restore unto their Pulpits and places Master *Ramsfey* and *Rollock*, 2. their two silenced Ministers: Thirdly, that they should restore unto his place one *Henderfon* a silenced Reader: 3. No doubt three most important grounds for such a fearfull sedition: No better answer being returned, the Lord Treasurer and the Earle of Wigton, with their followers, resolved to go up to the Towne Councill-house, and to use the uttermost of their authoritie, or (if that found no respect) their best persuasions for settling the present sedition: When they came thither, they found the Magistrates verie much discomposed, & greatly perplexed, as much doubting whether they should ever escape from the place with their lives; yet they presently entred into consultation with them about what was fittest to be done in such an exigent; and finding now that the publike divulging of that paper which the Magistrates and Councill of the Citie had subscribed, and that the open proclamation of it throughout all their turbulent troupes, and at the Crosse, had a little asswaged their furious rage, the Lords begun to advise with the Magistrates what was best to be done for the safetie of the Bishop of Galloway, whom they had left besieged in the Councill-house: It was thought fit by all, that the Lords should returne to Our Councill-house, and containe themselves therein, till the Magistrates might try what they could do for calming the commotion in the streets: But no sooner had the Lords presented themselves to the streets, but they were received with such violence as they were forced to retire, untill such time as two of the Bailiffes with their Serjeants and Officers, and such others as they got to attend them, accompanying the Lords, and repeating

ting to the multitude what had beene yeilded to in the paper exhibited to them, a little way was made at first; But presently when they entred upon the great street, the barbarous multitude run most intragedly upon them: Their out-cries were horrible and confused, but were (as much as in such a confusion could be distinguished,) *God defend all those who will defend Gods cause, and God confound the Service Book, and all the maintainers of it.* The Lords being in present and imminent danger, assured the people that they would represent their grievances to Us; for when they perceived that the people refused to obey any commandement which was laid upon them in Our name, and that they sleighted their requiring of them to retire unto their owne houses, and to behave themselves as quiet and good subjects, under paine of Our highest displeasure, they were glad then to betake themselves to intreaties and plausible perswasions; but all in vaine: For the people still increased their furie, and that to such a height, as that the Lord Treasurer was throwne downe, his hat, cloak, and white staffe pulled from him, so that if by the strength of some about him, he had not beene presently pulled up againe upon his feet, he had undoubtedly been trode to death, and in that posture without hat or cloak, like a notorious malefactor, was he carried by the croud to Our Councill-house doore, where the Bishop of Galloway and others of Our Councill were imprisoned, in great feare, and expecting the Lords returne for their reliefe: Not long after the Provost and Bailiffes came thither to them, told them they had used their uttermost power and perswasions with the best, ablest, and of the prime esteeme of all their Citizens for the appeasing of the present tumult, and securing their Lordships persons, but could finde no concurrence nor obedience: Whereupon the Lords resolved to send for some of the Noblemen, and Gentry, and others who were now frequently assembled for assisting the petition against the Service Book, to try what help they would or could contribute for quieting the intraged people, and what assistance they might expect from them in freeing
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them from the present danger: They, being sent for, came to the Lords and declared unto them how much they were unsatisfied with the present mutinie, offered their persons and power for securing them from all violence, which the Lords in Our Councell-house accepting of, with much adoe (being guarded by them whom the people would not offend) the Lord Treasurer got to Our Palace at Haly-rud-house, and the Bishop of Galloway to his lodging: But the Lord Provost was againe set upon as he was entring his owne house, and was so pressed upon by the multitude, that they crouded with him into his owne yard, railing upon him and throwing stones at his windowes, untill some of his servants discharging a Peece which had nothing but powder in it, they retired for feare: In this tumult none were more forward and inexorable, then two who were Bailiffes the yeare before, and who had subscribed the two Letters to the Archbishop of Canterburie.

This mornings storme being a little blowne over, Our Councell in the afternoone met at Our Palace at Haly-rud-house, and commanded a Proclamation presently to bee made at the Crosse of Edinburgh; the tenour whereof here followeth.

At Haly-rud-house the 18. of Octob. 1637.

FOrasmuch as a number of the Lords of his Majesties Privie Councell, as likewise the Towne Councell of Edinburgh, being this day convened in their severall Judicatories for his Majesties speciall affaires and service, they were most rudely interrupted in the course of their proceedings, by a tumultuous gathering of the promiscuous and vulgar multitude, by whom his Majesties Councell and servants in an open way was shamefully environed: Which being a matter verie disgracefull to his Majesties Authoritie and lawfull Government, and which in the consequence thereof may produce dangerous effects, if the like bee not prevented in the time to come; Therefore the Lords of secret Councell, according to the dutie of their place and charge incumbent unto them, Ordaines a Maissar of Councell to passe to the
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Mercate Crosse of Edinburgh, and there by open Proclamation to discharge all publike gatherings and convocations of his Majesties subjects within the Citie of Edinburgh, and upon the streets thereof; As likewise all private meetings tending to faction and tumult: And in his Majesties name and authoritie, to command and charge all his Majesties lieges and inhabitants within the said Citie, to containe themselves in peace and quietnesse; And for that effect to keepe their houses, except when their lawfull businesse doth otherwise call them, Under all highest paine and charge that by rigour of law can be inflicted upon the contraveeners of the premises in manner above expressed.

TO this Proclamation so little obedience was yeilded, and they of Edinburgh so farre from conceiving that they had any way misdemeaned themselves by that horrible insurrection, as that the next Councell day they had the impudence to send their Commisioners publikely to Our Councell Table, and there to require that their Ministers and Reader might be restored to them, and that they might have assurance for the performance of what was promised to them by their Magistrates at this last Rebellion, and before the pacification of it.

From this Relation joyned to the Narration of the first insurrection in the Churches, it is easie to judge whether this their intended glorious Reformation, which, according to their religious intentions and ardent prayers, they say, God, even to a miracle, hath so graciously prospered in their hands, be like to proceed from God, the first act whereof was begun in the Church, with contempt of God and profanation of the house where his honour dwelleth, and the violation of those persons who serve at his Altar; and the second Act whereof, was presented on the streets of the capitall Citie of the Kingdome, with the contempt of the highest Authoritie under God, *viz.* Us and Our lawes, and offering violence to the persons of Our Councillors and chiefe Officers of State, not forbearing the verie houses and places where Our Councell for that Kingdome, and Our Magistrates of that
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Citie doe usually sit, and were then sitting; which places have alwayes been accounted sacred, and have duely challenged all respect and reverence.

And now it is verie observable by what degrees this Rebellion hath risen, as if it had been before-hand well studied and contrived, everie rank entring upon the Stage in their due turns, in which they served and answered one another: The first tumult was begun by the basest sort of that Citie, whom the Authors of this second insurrection did then, even for that first tumult, condemne by the name of Rascalls and scum of the people: This second uproare, farre more seditious and dangerous then the former, was made by the best sort of Citizens, excepting onely the Magistrates and some few others, yet disavowed and disliked (at least in shew) by the Nobilitie, Gentry, and the Magistrates of the Citie; but these last Mutiners were not so cryed downe by them as the former, nor did they put such vile names of Rebels and Rascals upon them, nor did they shew any signification of their desire to have them questioned or punished for that tumult, because now the qualitie of these last mutiners persons gave some good countenance to the designs which they themselves had in hand: For these Noblemen, Gentry, and Magistrates being themselves to performe the third Act of that Tragedie, at the first whereof they had hissed, and seemed to dislike the second, held it not fit to be too severe in condemning of that which it seemes they meant shortly after to act themselves; and in a more dangerous way: For first, their Protestation against Our Proclamation, and then their Covenant against Us and Our Authoritie, were next to come upon the Stage; which though they were of the same plot and piece with the two other former insurrections, yet because they were to be better acted, and the Actors men of greater eminencie, they hoped their parts should not finde such foule names as the former had found: As if the things being the same, the names of Protestation or Covenant could alter the nature of insurrection and Rebellion, like those of that bloudie League in France, who hoped that the verie name of the H O L I E

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LEAGUE would cause in the world a mistake of their meaning, and palliate their most wicked and unnaturall treasons, for rooting out their lawfull Sovereigne and the true Religion. And now this highest and worst part commeth next to be related.

After these tumults, there were presented to Our Chancellour and Councill, two Petitions, one a verie weake and childish one, in the name of all the men, women, children, and servants of Edinburgh, onely against the Service Booke; another in the name of the Noblemen, Gentry, Ministers, Burgesses, against the Service Booke and Booke of Canons: That to the Lord Chancellour was as followeth.

My Lord Chancellour,

UNto your Lordship humbly shewes, we, men, women, and children, and servants, Indwellers within the Burgh of Edinburgh, That whereas we being urged with this Book of Service, and having considered the same, We finde many things therein so farre different from that forme of Gods publike worship universally received and professed within this Kingdome: And we Burgesses, being at our entrie and admission deeply sworne for the maintenance thereof, that now makes our hearts to tremble, and our weak consciences will not suffer us to imbrace and practise this urged Service: We have this long time past, winked at some former alterations, being put in hope that no further novations should follow. But now we being oppressed, with our just feares to see our selves deprived of that libertie in serving God which ever hath bene approved by Church and Kingdome: In place whereof we are now like to be constrained to imbrace another, which hath neither been agitated nor received either by generall Assemblie or Parliament: In such extremitie we are most humbly to supplicate your Lordship to consider our present estate, and that this businesse is a matter of so great weight and consequence as should not appeare to bee a needlesse noyse of simple women, but it is the absolute desire of all our hearts for preservation of true Religion amongst us, which is dearer to us then either estate or life: And therefore we do humbly crave, that as the rest of the Kingdome, so we may have a time to advise, and that

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your Lordship may find out some way whereby wee may be delivered from the feare of this and all other innovations of this kinde, and have the happinesse to enjoy the true Religion, as it hath beene by the great mercie of God reformed in this land, and authorised by his Majestie, who may long and prosperously Reigne over us: And your Lordships answer.

Their Petition to the Councell followes.

My Lords of Secret Councell,

UNto your Lordships humbly shews; VVe Noblemen, Barons, Ministers, Burgesses, and Commons; That whereas we were in humble and quiet manner attending a gracious answer of our former supplications against the Service Book imposed upon us, and readie to shew the great inconveniences which upon the introduction thereof must ensue, we are, without any knowne desert, farre by our expectation, surpris'd and charged by publike Proclamation to depart out of the town within twentie foure houres thereafter, under paine of Rebellion; by which peremptorie and unusuall charge, our feares of a more severe and strict course of proceeding are augmented, and course of our supplication interrupted: Wherefore we are constrained, out of the deep griefe of our hearts, humbly to remonstrate, that whereas the Arch-bishops and Bishops of this Realme, being intrusted by his Majestie with the government of the affaires of the Church of Scotland, have drawne up and set forth, and caused to be drawne up and set forth, and injoynd upon the subjects two Books; In the one whereof, called the Book of Common prayer, not onely are sowne the seeds of divers Superstitions, Idolatrie, and false doctrine, contrarie to the true Religion established within this Realme by divers Acts of Parliament; But also the Service Booke of England is abused; especially in the matter of Communion, by additions, subtractions, interchanging of words and sentences, falsifying of titles, and misplacing of Collects, to the disadvantage of Reformation, as the Romish Masse is, in the more substantiall points, made up therein, as we offer to instruct in time and place convenient, quite contrarie unto and for reversing the gracious intention of the * blessed Reformers of Religion in England. In the other

Booke

* And yet these blessed Reformers of Religion in England were the very sagemen who compiled the English Service Book, which the Covenanters have printed and preached to be stuffed full of Idolatrie, superstition, and poperie.

book called *Canons and Constitutions for the government of the Church of Scotland*, they have ordained; That whosoever shall affirme that the forme of worship inserted in the Booke of *Common Prayer and Administration of the Sacraments*, whereof heretofore and now we most justly complaine, doth containe any thing repugnant to the Scriptures, or are corrupt, superstitious, or unlawfull in the service and worship of God, shall be excommunicated, and not be restored but by the Bishop of the place, or Archbishop of the Province, after his repentance and publicke revocation of this his wicked error; Besides one hundred Canons more, many of them tending to the reviving and fostering of abolished superstitions and errors, and to the overthrow of our Church Discipline established by Acts of Parliament, opening a doore for what further invention of Religion they please to make; and stopping the way which Law before did allow unto us for suppressing of error and superstition; And ordaining, That where in any of the Canons there is no penalty expresly set down, the punishment shall be arbitrary as the Bishop shall think fittest: All which Canons were never seen nor allowed in any Generall Assembly, but are imposed contrary to order of law, appointed in this Realm for establishing Constitutions Ecclesiasticall; unto which two books, the foresaid Prelates have under trust procured his Majesties Royall hand and Letters Patents, for pressing the same upon his loyall subjects, and are the Contrivers and Devisers of the same, as doth clearly appear by the Frontispice of the Book of *Common Prayer*, and have begun to urge the acceptance of the same, not onely by injunctions given in Provinciall Assemblies, but also by open Proclamation and charge of *Horning*, whereby we are driven in such straites as we must either by Proesse of Excommunication and *Horning* suffer the ruine of our estates and fortunes, or else by breach of our Covenant with God, and forsaking the way of true Religion, fall under the wrath of God, which unto us is more grievous then death. Wherefore we being perswaded that these their proceedings are contrary to our gracious Sovereign his pious intention, who out of his zeale and Princely care of the preservation of true Religion established in this his ancient Kingdome, hath ratified the same in his Highnesse Parliament 1633. And so his Majestie to be highly wronged by the said Prelates, who have so farre abused their credit with so good a King, as thus to insnare his subjects, rend our Church, undermine Religion

in Doctrine, Sacraments, and Discipline, move discontent between the King and his subjects, and discord between subject and subject, contrary to severall Acts of Parliament : We out of bound duty to God, our King and native Countrey, complain of the foresaid Prelates, humbly craving, that this matter may be put to tryall, and these our parties taken order with according to the lawes of the Realm ; And that they be not suffered to sit any more as Judges, untill the cause be tryed and decided according to Justice. And if this shall seeme to bee to you a matter of higher importance then you will condescend unto, before his Majesty bee acquainted therewith, Then wee humbly supplicate that this our grievance and complaint may be fully represented to his Majestie, That from the influence of his Gracious Sovereigntie and Justice these wrongs may bee redressed, and wee have the happinesse to enjoy the Religion, as it hath beene reformed in this Land.

IN this Petition it is worthy the observing, first that they complain of the mangling of the English Service Booke, and of the abuses offered unto it, and the wronging of the intentions of the blessed Reformers of Religion here in this Kingdome, whereas in their Sermons & ordinarie discourse, they doe usually inveigh against the Service Booke here, for being stuffed with Superstition and Poperie, and that the first Reformers of this Church never departed fully from Rome : Next, that in this last Petition they begin to make their grievances swell, adding their dislike of the Book of Canons to their former distaste of the Service Book, the occasion of Our authorising of which Booke of Canons, was this.

As Wee were desirous to settle one uniforme forme of publike Prayer and Divine Service throughout that Our Kingdom, and for that purpose authorized the Service Book, so We conceived that it was not only expedient, but necessary that there should be one uniforme forme of Church government throughout the same ; and because there was no booke extant containing any rules of such government, so that neither the Clergie nor Laity had any certaine rule either
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of the ones power, or of the others practise and obedience, and considering that the Acts of their generall Assemblies were but written, and not printed, and so large and voluminous, as it is impossible that so many copies of them should be transcribed, as that they might come to the use & knowledge of many, and so Apocryphall, as that few or none of themselves could tell which of them were authentical, and so unsafely and uncertainly kept, that they did not know whither to adresse themselves for finding of them, Wee could not imagine but that it should have beene acknowledged, and received with all thankfulnessse, that We had reduced their numerous Acts, and those not knowne to them, to such a paucitie of Canons, and those published, that none could be insnared through ignorance, nor complaine that they were over-charged with the multiplictie of them: For it may be averred with unquestionable certaintie, that not one in that Our Kingdome did either live under the obedience of the Acts of the generall Assemblies, or did know what they were, or where certainly to have them: And yet these men have interpreted Our furthering their knowledge, and facilitating and conveniencing their obedience for one of the most grievous burthens was ever laid upon them: But no wonder it is, if when mens minds are once out of taste with goverment, nothing tending to order reliseth well with them.

Their petition was sent up to Us by Our Councell: But Wee seeing no signe of repentance for, or disavowing of their late tumults, untill some order might be taken for the finding out and punishment of the authors of them, resolved to delay the answering of their petition, but in the meane time commanded Our Councell to signifie to all Our good subjects Our avernesse from Poperie, and detestation of Superstition, the contrarie suggestions whereof, We found the heads of this Rebellion had used for abusing Our loyall subjects, and so accordingly Our Councell caused a Proclamation to be made at Lithgow, which was this.

Apud Linlithgow septimo Decemb. 1637.

FOR as much as the Kings Majestie, having seene the Petition presented to the Lords of his Majesties privie Councill, and by them sent up to his Majestie concerning the Service Book, determined to have taken the same into his Royall consideration, and to have given his gracious answer thereanent with all conveniencie: Like as his Majestie by his letters to his Councill of the date of the ninth of October last, did signifie his gracious resolution to the effect aforesaid. But since that time, his Majestie finding (farre contrarie to his expectation) that such disorderly, tumultuous and barbarous insolencies have beene committed within the Citie of Edinburgh upon the eighteenth of October last, to the great contempt of his Majesties Royall authoritie, by abusing his Majesties Councillors and Officers of State, with others bearing charge and authoritie under his Majestie within the said Citie: His Majestie in a just resentment of that foule indignitie, (wherein his Majesties Honour did so much suffer) hath beene mooved to delay the signification of his Majesties gracious intention, in giving to his subjects such satisfactorie answers to their Petitions as in equitie might have beene expected from so just and religious a Prince. But yet his Majestie being unwilling that his Loyall and faithfull subjects should be possessed with groundlesse and uncessarie doubts and feares, His Majestie is pleased out of his goodnesse to declare, like as by these presents hee declareth, That as hee abhorreth all Superstition of Poperie, so hee will be most carefull that nothing be allowed within his Majesties Dominions, but that which shall tend to the advancement of the true Religion, as it is presently professed within his most ancient Kingdome of Scotland: And that nothing is or was intended to be done therein against the laudable lawes of this his Majesties native Kingdome. And ordaineth publication to bee made hereof in forme as aforesaid.

AT this time We sent into Scotland the Earle of Roxburgh Lord privie Seale, with certaine instructions to Our Councill for ordering these disordered affaires; according to which they appointed the Councill to sit at Dalkeith, being

being not above foure miles from Edinburgh, that so they might the more easily know what passed in that place, now become the seat of the Rebellion; and they removed the Session or Terme from Lithgow to Sterlin, a place of 24. miles distance from Edinburgh, that so the huge disorderly multitudes there assembled, might be dispersed, by the necessitie of the attendance of such as had any Law-businesse: At the same time the Earle of Traquair Lord Treasurer of that Kingdome, whom Wee had sent for hither, was returned back with directions from Us: He, with Our Lord privie Seale & other principall Councillers, repaired to Sterlin, where by Our commandement they caused a Proclamation to be made for the dispersing of the huge and dangerous multitudes there assembled, and the assuring of Our subjects of Our sinceritie towards the Religion established in that Our Kingdom: And there first, the Nobilitie, Gentry, Ministers, and Burgeses did the same thing which they themselves called the uproare of Rascalls at the first reading of the Service Book in the Churches of Edinburgh, and which they condemned, but in milder tearmes, by the name of an unjustifiable act, in that great sedition at Edinburgh on the eighteenth of October 1637: For by them, first at Sterlin, then at Lithgow, and last at Edinburgh, was made the first avowed affront to Us, Our authoritie and Lawes: For at Sterlin Our Proclamation being made, the Earle of Hume and the Lord Lindsey, assisted with many others of all ranks, made a Protestation against the same, which Protestation was afterward repeated at Lithgow, and last at Edinburgh, where, when upon the Crosse, Our Proclamation was made by Our Officers with sound of Trumpets, and assisted with Our Heralds with Our coats of Armes upon their backs, it was received, while it was in reading, with jeering and laughing, and after it was ended with a Protestation against it, made by many Earles, Lords, Ministers, and Burgeses, and the conflux of all other sorts of people, who were all of them so malapert as not to suffer Our Heralds and Officers to come off the Crosse, but forced them to stay and heare their Protestation against Our Proclamation, as if both had been made by the same authoritie:

And

And if this now were not a higher act of Rebellion then either the first tumult raised in the Churches, against which they so much declamed, or the second insurrection at Edinburgh, which they so much disclamed, Wee leave it to the world to judge: The copies both of Our Proclamation and their Protestation We have here inserted, that themselves as well as others may see that We wrong not the truth.

CHARLES by the grace God, King of great Britaine, France, and Ireland, defender of the faith, &c. To Our Lovits, &c.

Our Sberiffes in that part conjunctly and severally, specially constituted, greeting. For as much as Wee, out of Our Princely care of maintenance of the true Religion already professed, and for beating downe of all superstition, having ordained a Book of Common prayer to be compiled for the generall use and edification of Our subjects within Our ancient Kingdome of Scotland, the same was accordingly done: In the performing whereof, We took great care and paines; So as nothing past therein but what was seene and approved by Us, before the same was either divulged or printed, assuring all Our loving subjects, that not onely Our intention is, but even the verie Book will be a readie meanes to maintaine the true Religion already professed, and beat out all Superstition; Of which We in Our owne time do not doubt but in a faire course to satisfie Our good subjects. But having seene and considered some Petitions and Declarations given in to Our Councell against the said Book and late Canons of the Church, We find Our Royall Authoritie much injured thereby, both in the matter and in the carriage thereof; whereby We conceive these of Our Nobility, Gentrie, Burroughs, Ministers, and others, who kept and assisted these meetings and Convocations for contriving and forming the said Petitions, or who have subscribed the same, to deserve and bee liable to Our high censure, both in their persons and fortunes, as having convened themselves without either Our consent or authoritie; Yet because We beleve that what they have done herein is out of a preposterous zeale, and not out of any disloyaltie or disaffection to Soveraigntie, We are graciously pleased in so farre as concerns

cernes these meetings for consulting or subscribing of these Petitions, or presenting the same to any Judge or Judges in Our said Kingdome, to dispense therewith, and with what may bee their fault or errour therein, to all such as upon signification or declaration of Our pleasure shall retire themselves as becometh good and dutifull subjects: To which purpose Our Will is, and We charge you straightly, and commands, that incontinent these Letters seene, you passe, and in Our name and authoritie make intimation hereof, to all Our lieges and subjects, by open Proclamation at all places needfull, wherethrough none pretend ignorance thereof; And therewith also, That you in Our name and authoritie discharge all such convocations and meetings in time comming, under the paine of treason: And also that you command, and charge, and imbit all Our lieges and subjects, that none of them presume nor take in hand to resort nor repaire to Our Burgh of Sterling, nor to no other Burgh, where Our Councell and Session sits; till first they declare their cause of comming to our Councell, and procure their warrant to that effect. And further, that you command and charge all and sundrie Provosts, Bailiffes, and Magistrates within Burgh, That they and everie one of them have a speciall care and regard to see this Our Royall Will and pleasure really and dutifully obeyed in all points; And that no violation thereof be suffered within their bounds, under all highest paine, crime, and offence that they may commit against Us in that behalfe: As also that you command and charge all and sundrie Noblemen, Barons, Ministers and Burrowes, who are not actuall indwellers within this Our Burgh, and are not of the number of the Lords of our privie Councell and Session, and members thereof, and are already within this Our Burgh, that they, and everie one of them, remove themselves, and depart and passe forth of Our said Burgh, and returne not againe, without the warrant aforesaid, within six houres after the publication hereof, under the said paine of treason. And as concerning any Petitions that hereafter shall be given unto Us, upon this or any other subject, Wee are likewise pleased to declare, that We will not shut Our eares therefrom; so that neither the matter nor forme be prejudiciall to Our Regall Authoritie. The which to do We commit to you, conjunctly and severally, Our full power by these Our Letters, delivering the

same by you duely execute and indorsed againe to the bearer. Given under Our signet at Sterling the nineteenth day of February, And of Our Reigne the thirteenth yeere, 1638.

Per actum Secreti Concilii.

Here followeth their Protestation.

For God and the King.

WE Noblemen, Barons, Ministers, Burrowes, appointed to attend his Majesties answer to our humble Petition and complaint, and to preferre new grievances, and to do what else may lawfully conduce to our humble desires; That whereupon the 23. of September last, wee presented a Supplication to your Lordships, and another upon the 18. of October last, and also a new Bill relative to the former upon the 19. of December last, and did therein humbly remonstrate our just exceptions against the Service Book, and Book of Canons; and also against the Archbishops and Bishops of this Kingdome, as the contrivers, maintainers, and urgers thereof, and against their sitting as our Judges untill the cause be decided; earnestly supplicating withall to bee freed and delivered from these and all other innovations of that kinde, introduced against the laudable Lawes of this Kingdome; as that of the High Commission, and other evils particularly mentioned, and generally contained in our foresaid supplications and complaints, and that this our partie delinquent against our Religion and Lawes may be taken order with, and these pressing grievances may be taken order with and redressed according to the Lawes of this Kingdome, as by our said supplications and complaints more largely doth appeare: With the which on the 19. of December last, we gave in a Declinator against the Archbishops and Bishops as our parties, who by consequence could not be our Judges, wherupon your Lordships declared by your Act at Dalkeith the said 19. of December, that you would present our Petitions to his Majesties Royall consideration, and that without prejudice of the Declinator given in by us the said supplicants; wherupon we should be heard at place and time convenient, And in the meane time should receive no prejudice, as the said Act in it selfe beareth. And whereas we your Lordships supplicants with
a great

a great deale of patience, and hope also, grounded on sundry promises, were expecting an answer to these our humble desires; and having learned that upon some directions of His Majesties aient our supplications and complaint unto your Lordships of the Secret Councell, your Lordships admits to the consulting and judging aient our supplications, and His Majesties answer thereunto, the Archbishops and Bishops our direct parties, contrarie to our Declinator first propounded at Dalkeith, and now renewed at Sterling, and* contrarie to your Lordships Act aforesaid at Dalkeith, and contrarie to our Religion, and Lawes, and humble supplications. Therefore lest our silence be prejudiciall to this so important a cause, as concernes Gods glorie and worship, our Religion, Salvation, the Lawes and Liberties of this Kingdome, or derogatorie to the former supplications and complaints, or unanswerable to the trust of our Commission; out of our bound dutie to our God, our King and native Country, we are forced to take instruments in Notaries hands, of your Lordships refusall to admit our Declinator, or remove these our Parties, and to protest in manner following: First, That we may have our immediate recourse to our sacred Sovereign, to present our grievances, and in a legall way to prosecute the same before the ordinarie competent Judges, Civill or Ecclesiasticall, without any offence offered by us, or taken by your Lordships. Secondly, We protest that the said Archbishops and Bishops, our Parties complained upon, cannot be reputed or esteemed lawfull Judges to sit in any Judicatorie in this Kingdome, Civill or Ecclesiasticall, upon any of the supplicants, untill after lawfull tryall judicially they purge themselves of such crimes as we have already laid to their charge, offering to prove the same whensoever His Sacred Majestie shall please to give us audience. Thirdly, We protest that no Act nor Proclamation to follow thereupon, past, or to be past in Councell or out of Councell, in presence of the Archbishops and Bishops, whom we have already declined to be our Judges, shall any wayes be prejudiciall to us the supplicants, our persons, estates, lawfull meetings, proceedings, or pursuits. Fourthly, We protest that neither we nor any whose heart the Lord moveth to joine with us in these our supplications against the foresaid Innovations, shall incurre any danger, in life, lands, or any Politicall or Ecclesiasticall paines, for not observing such Acts, Bookes, Canons, Rites, Judicatories, Proclamations, introduced without or against the Acts of Generall Assemblies, or Acts of Parliament, the Statutes of this Kingdome; But

* It is not so: for the Councell never promised that the Bishops should be removed from the Table, but onely that they would make us acquainted with their Petition.

that it shall be lawfull to us or them to use our selves in matters of Religion of the externall worship of God and Policie of the Church, according to the word of God, and laudable Constitutions of this Church and Kingdome, conforme to His Majesties Declaration the ninth of December last. Fifthly, seeing by the legall and submisse way of our former supplications, all who takes these Innovations to heart, have been kept calme and carried themselves in a quiet manner, in hope of redresse; We protest that if any inconvenience shall happen to fall out (which we pray the Lord to prevent) upon the pressing of any of the foresaid Innovations or evils, specially or generally contained in our former supplications and complaints, and upon your Lordships refusall to take order thereanent, the same be not imputed to us, who most humbly seeks all things to be reformed by an Order. Sixthly, we protest that these our requests, proceeding from conscience and a due respect to His Majesties honour, doe tend to no other end, but to the preservation of the true reformed Religion, the lawes and liberties of this His Majesties most ancient Kingdome, and satisfaction of our most humble desires contained in our supplication and complaint, according to his Majesties accustomed goodnesse and justice, from which we doe certainly expect that His Sacred Majestie will provide and grant such remedie to our just petitions and complaints, as may be expected from so gracious a King toward most loyall and dutifull subjects, calling for redresse of so pressing grievances, and praying to God that his Majestie may long and prosperously reigne over us.

Against which Protestation We shall now say nothing, because it is contained & repeated in another larger Protestation of theirs, which shall be inserted hereafter, and there it shall receive a full answer: Onely We desire the Reader to observe these two things in it; First, the iniquitie and injustice of their demanding some of our Bishops to be removed from our Councell, nay, and (which We think never was heard before) their protesting against all Acts to be done and passed in our Councell at which any of them shall be present, alledging, that this their Protestation against them, and Declinator of them, maketh them to be parties, and so they cannot be Judges; and withall they require them first to be removed.

removed, and then promise they will make prooffe of such crimes against them as shall declare the justice of their removal; which is all one as to intreat them first to condemn a man, and then to trie him: And if a Protestation against their sitting in Councell, and a Declinator of Our Councells authoritie (neither of them admitted by our Councell) shall make some Councillours to be parties, and invalidate all Acts of Councell so long as these Councillours whom they have fancied to be parties sit there; how their last pretended generall Assembly, against which there were so many Protestations made both by the Bishops and others, and which by all these Protesters was declined as Judge, because the members of it had all made themselves parties, can be counted a lawfull generall Assembly, or the members of it lawfull Judges, We leave it to themselves to reconcile: And if they should say, that these Protestations and Declinators against the Assembly were repelled by the Assembly, who was the sole Judge of them, let them remember, that their Protestation against the Bishops, and their Declinator against Our Councells authoritie, if they should not eject them, were both of them likewise repelled and rejected by Our Councell, who was the onely true Judge of them, their last pretended Assembly being no true but onely a pretended Judge of the others, after the Assembly was dissolved by Our authoritie. And secondly, We shall desire the Reader to observe, that their demands in this Protestation are very farre short of those which are made by them in their succeeding Protestations, which swell with farre more bold and insolent demands then this doth; although this be bold and insolent enough: But it is an usuall course with the heads of all Rebellions; to draw in that partie, by whose power they intend to make good their wicked plots, with small things at the first, concealing from them the depth of their intentions, untill they have engaged them so farre, as they can make them beleve that there is no safety in retreating, when their crimes are past hope of pardon.

And now after this their first Protestation, begun the most unnaturall, causelesse, and horrible Rebellion that this or perhaps any other age in the world hath been acquainted with:

For

For now these Protesters begin to invest themselves with the supreme Ensignes and Markes of Majestie and Sovereignty, by erecting publike Tables of advice and Councell, for ordering the affaires of the Kingdome, without Our authoritie, and in contempt of Us and Our Councell established by Us there, and by entring into a Covenant and most wicked Band and combination against all that shall oppose them, not excepting Our owne Person, directly against the law of God, the law of Nations, and the municipall lawes of that Our Kingdome: So that after this their Protestation, they perfected that which they had before begun confusedly, and as it were in a ruder draught: For then, contrarie to Our expresse commandement and authoritie expressed in Our last Proclamations, and repeated unto them by Our Councell, they did erect a great number of Tables (as they called them) in Edinburgh: Foure principall, One of the Nobilitie, another of the Gentry, a third of the Burroughes, a fourth of Ministers; and the Gentry had manie subordinate Tables, according to their severall Shires: These severall Tables did consult of what they thought fit to be propounded at the generall Table, which consisteth of severall Commissioners chosen from the other foure Tables; and what they of the generall Table resolved on, was to be put in practice with a blinde and Jesuiticall obedience: A rare and unheard forme of Government in a Kingdome whose Government ever was Monarchicall, and which they themselves still say continueth to be so: Sure these meetings by wise men have been accounted rather Stables of unruly horses, broken loose and pulling downe all they can reach, then Tables for the consultations of wise and rationall men. Now the first dung which from these Stables was throwne upon the face of Authoritie and Government, was that lewd Covenant, and seditious Band annexed unto it, which We here subjoine, because We are confident that by the verie recitall and perusall of it, every religious and wise man may run and read that sentence of condemnation which it carrieth in its owne front.

THE
CONFESSION OF FAITH
OF THE KIRK
OF SCOTLAND,

SUBSCRIBED

By the Kings Majestie and his Houshold in
the year of God 1580.

WITH

A Designation of such Acts of Parliament as
are expedient for justifying the uni-
on after mentioned;

And Subscribed by the Nobles, Barons, Gentlemen,
Burgesses, Ministers, and Commons, in
the year of God 1638.



JOSH. 24. 25.

*So Joshua made a Covenant with the people the same day, and gave
them an Ordinance and Law in Sichem.*

2 KING. 11. 17.

*And Jehoiada made a Covenant between the Lord and the King,
and the people, that they should be the Lords people; likewise
betweene the King and the people.*

ISAIA 44. 5.

*One shall say, I am the Lords: another shall be called by the name
of Jacob: and another shall subscribe with his hand unto the
Lord, &c.*





The Kings Majesties Charge , to all Commissioners and
Ministers within this Realme, in the yeare of
God 1580.

Seeing that *VVe* and Our Houshold have Subscribed and given
this publike Confession of Our Faith, to the good example of Our
subjects, *VVe* command and charge all Commissioners and Ministers,
to crave the same Confession of their Parochianars, and proceed against
the refusers, according to Our Lawes and Order of the Kirk, delive-
ring their names and lawfull processe to the Ministers of Our House,
with all haste and diligence, under the paine of fourtie pound to be ta-
ken from their stipend, that *VVe*, with the advice of Our Councill, may
take order with such proud contemners of God and Our Lawes.

Subscribed with Our Hand, at Haly-rud-houfe,
1580. the 2. day of March, the 14. yeare
of Our Reigne.



The Confession of Faith of the Kirke of
S C O T L A N D.

The confession of Faith, subscribed at first by the Kings Majesty and His Houshold, in the yeere of God 1580. Thereafter, by Persons of all rankes, in the yeere 1581. by ordinance of the Lords of the Secret Councill, and Acts of the Generall Assembly. Subscribed againe by all sorts of Persons in the yeere 1590. by a new Ordinance of Councill, at the desire of the Generall Assembly: With a generall Band for maintenance of the true Religion and the Kings Person. And now subscribed in the yeere 1638. by us, Noblemen, Barons, Gentlemen, Burgeses, Ministers, and Commons under subscribing: Together with our resolution and promises, for the causes after specified, To maintaine the said true Religion, and the Kings Majestie, according to the Confession foresaid, and Acts of Parliament. The Tenor whereof here followeth.



Wee All, and every one of us underwritten, Protest, That, after long and due examination of our owne Consciences, in matters of true and false Religion, are now thoroughly resolved of the Truth, by the Word and Spirit of God, and therefore we beleeve with our hearts, confesse with our mouths, subscribe with our hands, and constantly affirme before God and the whole World; that this only is the true Christian Faith and Religion, pleasing God, and bringing Salvation to man, which now is by the mercy of God revealed to the world, by the preaching of the blessed Evangel.

And received, beleaved, and defended, by many and sundry notable Kirks and Realmes, but chiefly by the Kirk of Scotland, the Kings Majestie, and three Estates of this Realm, as Gods eternall Truth, and onely ground of our Salvation: as more particularly is expressed in the Confession of our Faith, stablished, and publikely confirmed by sundry Acts of Parliaments, and now of a long time hath been openly professed by the Kings Majestie, and whole body of this Realme, both in Burgh and Land. To the which Confession and forme of Religion, wee willingly agree in our consciences in all points, as unto Gods undoubted Truth and Verity, grounded onely upon his written Word. And therefore, Wee abhorre and detest all contrarie Religion, and Doctrin: But chiefly, all kinde of Papistrie, in generall

nerall and particular beads, even as they are now damned and confuted by the Word of God, and Kirk of Scotland: but in speciall we detest and refuse the usurped authoritie of that Roman Antichrist, upon the Scriptures of God, upon the Kirk, the civill Magistrate, and Consciences of men. All his tyrannous lawes made upon indifferent things against our Christian libertie. His erroneous Doctrin, against the sufficiency of the written Word, the perfection of the Law, the office of Christ and his blessed Evangel. His corrupted Doctrin concerning originall sinne, our naturall inability and rebellion to Gods Law, our justification by faith onely, our imperfect sanctification and obedience to the Law, the nature, number, and use of the holy Sacraments. His five bastard Sacraments, with all his Rites, Ceremonies, and false Doctrin, added to the ministration of the true Sacraments without the Word of God. His cruell judgement against Infants, departing without the Sacrament: his absolute necessitie of Baptisme: his blasphemous opinion of Transubstantiation, or reall presence of Christs body in the Elements, and receiving of the same by the wicked, or bodies of men. His dispensations with solemn oaths, perjuries, and degrees of Marriage forbidden in the Word: his crueltie against the innocent divorced: his divellish Masse: his blasphemous Priesthood: his profane Sacrifice for the sins of the dead and the quick: his Canonization of men, calling upon Angels or Saints departed, worshipping of Imagerie, Relicks, and Crosses, dedicating of Kirks, Altars, Daies, Vowes to creatures; his Purgatorie, praiers for the dead, praying or speaking in a strange language, with his Processions and blasphemous Letanie, and multitude of Advocates or Mediators: his manifold Orders, Auricular Confession: his desperate and uncertaine repentance, his generall and doubtfull faith, his satisfactions of men for their sins: his justification by works, opus operatum, works of supererogation, Merits, Pardons, Peregrinations, and Stations: his holy Water, baptising of Bels, conjuring of Spirits, crossing, saning, anointing, conjuring, hallowing of Gods good creatures, with the superstitious opinion joined therewith: his worldly Monarchy, and wicked Hierarchie: his three sollemne vowes, with all his shavelings of sundry sorts, his erroneous and bloudie decrees made at Trent, with all the subscribers and approvers of that cruell and bloudie Band, conjured against the Kirk of God: and finally, we detest all his vain Allegories, Rites, Signs, and Traditions, brought in the Kirk, without or against the Word of God, and

Doctrin

Doctrine of this true reformed Kirk; to the which we joyne our selves willingly, in Doctrine, Faith, Religion, Discipline, and use of the Holy Sacraments, as lively members of the same, in Christ our Head: promising, and swearing by the Great Name of the Lord our God, that we shall continue in the obedience of the Doctrin and Discip'ine of this Kirk, and shall defend the same according to our vocation and power, all the dayes of our lives; under the paines contained in the Law, and danger both of body and soule in the day of Gods fearfull Judgement: and seeing that many are stirred up by Satan and that Romane Antichrist to promise, sweare, subscribe, and for a time use the Holy Sacraments in the Kirk deceitfully, against their owne consciences, minding thereby, first, under the externall cloake of Religion, to corrupt and subvert secretly Gods true Religion within the Kirk, and afterward, when time may serve, to become open enemies and persecuters of the same, under vaine hope of the Popes dispensation, devised against the Word of God, to his greater confusion, and their double condemnation in the day of the LORD
J E S U S.

We therefore, willing to take away all suspicion of hypocrisie, and of such double dealing with God and his Kirk, Protest, and call The Searcher of all hearts for witnesse, that our minds and hearts do fully agree with this our Confession, Promise, Oath and Subscription; so that we are not moved for any worldly respect, but are perswaded onely in our Consciences through the knowledge and love of Gods true Religion, printed in our hearts by the holy Spirit, as we shall answer to Him in the day when the secrets of all hearts shall be disclosed. And because we perceiue that the quietnesse and stability of our Religion and Kirk doth depend upon the safety and good behaviour of the Kings Majestie, as upon a comfortable instrument of Gods mercy granted to this Countrey for the maintaining of His Kirk, and ministration of Justice amongst us, wee protest and promise with our hearts under the same Oath, Hand-writ, and paines, that wee shall defend His Person and Authority, with our goods, bodies, and lives, in the defence of Christ his Evangel, Liberties of our Countrey, ministration of Justice, and punishment of iniquity, against all enemies within this Realme, or without, as we desire our God to be a strong and mercifull Defender to us in the day of our death, and comming of our Lord Jesus
Christ:

Christ: To whom, with the Father, and the Holy Spirit, be all honour and glorie eternally.

Like as many Acts of Parliament not onely in generall doe abrogate, annull, and rescind all Lawes, Statutes, Acts, Constitutions, Canons civill or Municipall, with all other Ordinances and practicke penalties whatsoever, made in prejudice of the true Religion and Professours thereof: Or, of the true Kirk discipline, jurisdiction and freedome thereof: Or, in favours of Idolatrie and superstition: Or, of the Papisticall Kirk: As, Act.3. Act.31. Parl.1. Act.23. Parl.11. Act.114. Parl.12. of King James the sixt, That Papistrie and Superstition may be utterly suppressed, according to the intention of the Acts of Parliament reported in Act.5. Parl.20. K. James 6. And to that end they ordaine all Papists and Priests to be punished by manifold Civill and Ecclesiasticall paines; as adversaries to Gods true Religion, preached and by law established within this Realme, Act.24. Parl.11. K. James 6. as common enemies to all Christian government, Act.18. Parl.16. K. James 6. as rebellers and gainstanders of our Sovereigne Lords authoritie, Act.47. Parl.3. K. James 6. and as Idolaters, Act.104. Parl.7. K. James 6. but also in particular (by and attour the Confession of faith) do abolish and condemne the Popes authoritie and jurisdiction out of this land, and ordaines the maintainers thereof to be punished, Act.2. Parl.1. Act.51. Parl.3. Act.106. Parl.7. Act.114. Parl.12. K. James 6. do condemne the Popes erroneous doctrine, or any other erroneous doctrine repugnant to any of the Articles of the true and Christian Religion publikely preached, and by Law established in this Realm: And ordaines the spreaders and makers of Books or Libels, or Letters, or writs of that nature to be punished, Act.46. Parl.3. Act.106. Parl.7. Act.24. Parl.11. K. James 6. doe condemne all Baptisme conform to the Popes kirk and the idolatry of the Masse, and ordaines all sayers, wilfull bearers, and concealers of the Masse, the maintainers and resetters of the Priests, Jesuites, traffiquing Papists, to be punished without any exception or restriction, Act.5. Parl.1. Act.120. Parl.12. Act.164. Parl.13. Act.193. Parl.14. Act.1. Parl.19. Act.5. Parl.20. K. James 6. do condemne all erroneous books and writs containing erroneous doctrine against the Religion presently professed, or containing superstitious Rites and Ceremonies Papisticall, whereby the people are greatly

greatly abused, and ordaines the homebringers of them to be punished, Act.25.Parl.11.K. James 6. do condemn the monuments and dregs of bygane Idolatrie, as going to Crosses, observing the Festivall dayes of Saints, and such other superstitious and Papisticall Rites, to the dishonour of God, contempt of true Religion, and fostering of great error among the people, and ordaines the users of them to be punished for the second fault as Idolaters, Act.104.Parl.7.K. James 6.

Like as many Acts of Parliament are conceived for maintenance of Gods true and Christian Religion, and the puritie thereof in Doctrine and Sacraments of the true Church of God, the libertie and freedome thereof, in her Nationall, Synodall Assemblies, Presbyteries, Sessions, Policie, Discipline and Jurisdiction thereof, as that puritie of Religion and libertie of the Church was used, professed, exercised, preached, and confessed according to the reformation of Religion in this Realme. As for instance, Act.99.Parl.7. Act.23.Parl.11. Act.114.Parl.12. Act.160.Parl.13. K. James 6. ratified by Act.4.K. Charles. So that Act.6. Parl.1. and Act.68.Parl.6. of K. James 6. in the yeare of God 1579. declares the Ministers of the blessed Evangel, whom God of his mercie had raised up, or hereafter should raise, agreeing with them that then lived in Doctrine and administration of the Sacraments, and the people that professed Christ, as he was then offered in the Evangel, and doth communicate with the holy Sacraments (as in the reformed kirkes of this Realme they were presently administrate) according to the Confession of Faith, to be the true and holy kirk of Christ Jesus within this Realme, and decernes and declares all and sundrie, who either gainsayes the Word of the Evangel, received and approved as the heads of the Confession of Faith, professed in Parliament in the yeare of God 1560. specified also in the first Parliament of K. James 6. and ratified in this present Parliament, more particularly do specifye; or that refuses the administration of the holy Sacraments, as they were then ministrated, to be no members of the said kirk within this Realme, and true Religion presently professed, so long as they keepe themselves so divided from the societie of Christs bodie: And the subsequent Act.69.Parl.6. K. James 6. declares, That there is no other face of kirke, nor other face of Religion, then was presently at that time, by the favour of God, established within this Realme; which therefore is ever stiled Gods true Religion, Christs true Religion, the true and Christian Religion, and a perfect

fect Religion. Which, by manifold Acts of Parliament, all within this Realme, are bound to professe to subscribe the articles thereof, the Confession of Faith, to recant all doctrine and errors repugnant to any of the said Articles, Act. 4. and 9. Parl. 1. Act. 45. 46. 47. Parl. 3. Act. 71. Parl. 6. Act. 106. Parl. 7. Act. 24. Parl. 11. Act. 123. Parl. 12. Act. 194. and 197. Parl. 14. of K. James 6. And all Magistrates, Sheriffes, &c. on the one part, are ordained to search, apprehend, and punish all contraveeners: for instance, Act. 5. Parl. 1. Act. 104. Parl. 7. Act. 25. Parl. 11. K. James 6. And that, notwithstanding of the Kings Majesties licences on the contrary, which are discharged and declared to be of no force, in so farre as they tend in any wayes to the prejudice and hinder of the execution of the Acts of Parliament against Papists, and adversaries of true Religion, Act. 106. Parl. 7. K. James 6. on the other part, in the 47. Act. Parl. 3. K. James 6. it is declared and ordained, seeing the cause of Gods true Religion and his Highnesse Authority are so joyned, as the hurt of the one is common to both; and that none shall be reputed as loyall and faithfull subjects to our Sovereigne Lord, or his Authority, but be punishable as rebellers and gainstanders of the same, who shall not give their Confession, and make their profession of the said true Religion; and that they who after defection shall give the Confession of their faith of new, they shall promise to continue therein in time comming, to maintaine our Sovereigne Lords Authority, and at the uttermost of their power to fortifie, assist, and maintaine the true Preachers and Professours of Christs Religion, against whatsoever enemies and gainstanders of the same: and namely, against all such of whatsoever nation, estate, or degree they be of, that have joyned and bound themselves, or have assisted or assists, to set forward and execute the cruell decrees of Trent, contrary to the Preachers and true Professours of the Word of God, which is repeated word by word in the Articles of Pacification at Pearth the 23 of February 1572. approved by Parliament the last of Aprill 1573. ratified in Parliament 1578. and related, Act. 123. Parl. 12. of K. James 6. with this addition, That they are bound to resist all treasonable uproares, and hostilities raised against the true Religion, the Kings Majestie, & the true Professours.

Like as all lieges are bound to maintaine the K. Majesties Royal Person and authority, the authority of Parlements, without the which neither any laws or lawfull judicatories can be established, Act. 130. Act. 131. Parl. 8. K. Ja: 6. & the subjects liberties, who ought only to live and be gover-

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ned by the Kings lawes, the common lawes of this Realm allanerly, Act. 48. Parl. 3. K. James 1. Act. 79. Parl. 6. K. James 4. repeated in Act. 131. Parl. 8. K. James 6. Which, if they be innovated or prejudged, the Commission anent the union of the two kingdomes of Scotland and England, which is the sole Act of the 17. Parl. of K. James 6. declares, such confusion would ensue, as this Realme could be no more a free Monarchie, because by the fundamentall lawes, ancient priviledges, offices and liberties of this kingdome, not onely the Princely authoritie of his Majesties royall discent hath bin these manie ages maintained, but also the peoples securitie of their lands, livings, rights, offices, liberties & dignities preserved; and therefore for the preservation of the said true Religion, Lawes, and Liberties of this kingdome, it is statute by Act. 8. Parl. 1. repeated in Act. 99. Parl. 7. ratified in Act. 23. Parl. 11. and 114. Act. of K. James 6. and 4. Act. of K. Charles, That all kings and Princes at their Coronation and reception of their Princely authoritie, shall make their faithfull promise by their solemn oath in the presence of the eternall God, that enduring the whole time of their lives, they shall serve the same eternall God, to the uttermost of their power, according as he hath required in his most holy Word, contained in the old and new Testaments. And according to the same Word, shall maintain the true Religion of Christ Jesus, the preaching of his holy Word, the due and right ministracion of the Sacraments, now received and preached within this Realme (according to the Confession of Faith immediately preceding) and shall abolish and gainstand all false Religion, contrarie to the same, and shall rule the people committed to their charge, according to the will and command of God revealed in his foresaid Word, and according to the lawable lawes and constitutions received in this Realm, no waies repugnant to the said will of the eternall God, and shal procure, to the uttermost of their power, to the kirk of God, and whole Christian people, true and perfit peace in all time comming; and that they shall be carefull to root out of their Empire all Hereticks, and enemies to the true worship of God, who shall be convicted by the true kirk of God of the foresaid crimes; which was also observed by his Majesty at his Coronation in Edinburgh 1633. as may be seene in the order of the Coronation.

In obedience to the commandement of God, conform to the practice of the godly in former times, and according to the laudable example of our worthy and religious Progenitors, and of many yet living amongst us, which was warranted also by Act of Councell, commanding a generall
Band

Band to bee made and subscribed by his Majesties subjects of all ranks, for two causes : One was , for defending the true Religion , as it was then reformed , and is expressed in the Confession of Faith above written , and a former large Confession established by sundrie acts of lawfull Generall Assemblies, and of Parliament , unto which it hath relation set downe in publicke Catechismes, and which had beene for many yeeres with a blessing from heaven , preached, and professed in this Kirk and Kingdome , as Gods undoubted truth , grounded onely upon his written Word : The other cause was , for maintaining the Kings Majestie his Person and Estate ; the true Worship of God , and the Kings authoritie being so straightly joyned, as that they had the same friends and common enemies, and did stand and fall together. And finally, being convinced in our minds , and confessing with our mouthes, that the present and succeeding generations in this Land, are bound to keep the foresaid nationall Oath and subscription inviolable, We Noblemen, Barons, Gentlemen Burgessees, Ministers, and Commons under subscribing, considering divers times before, and especially at this time, the danger of the true reformed Religion, of the Kings honour, and of the publicke peace of the Kingdome , by the manifold innovations and evils generally contained and particularly mentioned in our late supplications, complaints , and protestations , doe hereby professe, and before God , his Angels, and the World solemnely declare, That , with our whole hearts wee agree and resolve all the daies of our life constantly to adhere unto, and to defend the foresaid true Religion , and forbearing the practice of all novations , already introduced in the matters of the worship of God , or approbation of the corruptions of the publick Government of the Kirk, or civill places and power of Kirkmen, till they bee tryed and allowed in free Assemblies, and in Parlements, to labour by all meanes lawfull to recover the purity and libertie of the Gospel, as it was established and professed before the foresaid novations : And because, after due examination , wee plainly perceive , and undoubtedly beleve , that the Innovations and evils contained in our Supplications , Complaints , and Protestations have no warrant of the Word of God , are contrary to the Articles of the foresaid Confessions, to the intention and meaning of the blessed Reformers of Religion in this Land , to the above written Acts of Parliament , and doe sensibly tend to the re-establishing of the Popish Religion and tyranny , and to the subversion and ruine of the

true Reformed Religion, and of our Liberties, Lawes, and Estates. We also declare, that the foresaid Confessions are to bee interpreted and ought to be understood of the foresaid novations and evils, no lesse then if everie one of them had beene expressed in the foresaid Confessions; and that wee are obliged to detest and abhorre them, amongst other particular heads of Papistris abjured therein. And therefore from the knowledge and conscience of our dutie to God, to our King and Countrey, without any worldly respect or inducement, so farre as humane infirmitie will suffer, wishing a further measure of the grace of God for this effect, We promise and swear, by the Great Name of the Lord our G O D, to continue in the Profession and Obedience of the foresaid Religion: That we shall defend the same, and resist all these contrarie errors and corruptions, according to our vocation, and to the uttermost of that power that God hath put in our hands, all the dayes of our life: And in like manner, with the same heart, we declare before God and Men, That we have no intention nor desire to attempt any thing that may turne to the dishonour of God, or to the diminution of the Kings Greatnesse and Authoritie: But on the contrarie, we promise and swear, that wee shall, to the uttermost of our power, with our meanes and lives, stand to the defence of our dread Sovereign, the Kings Majestie, his Person and Authoritie, in the defence and preservation of the foresaid true Religion, Liberties and Lawes of the Kingdom; As also to the mutuall defence and assistance, everie one of us of another in the same cause of maintaining the true Religion, and his Majesties Authoritie, with our best counsell, our bodies, meanes, and whole power, against all sorts of persons whatsoever. So that, whatsoever shall be done to the least of us for that cause, shall be taken as done to us all in generall, and to everie one of us in particular. And that we shall neither directly nor indirectly suffer our selves to be divided or withdrawn by whatsoever suggestion, combination, allurement, or terror, from this blessed and loyall Conjunction, nor shall cast in any let, or impediment that may stay or hinder any such resolution, as by common consent shall be found to conduce for so good ends. But on the contrarie, shall by all lawfull meanes labour to further and promote the same: and if any such dangerous and divisive motion be made to us by Word or Writ, wee, and everie one of us, shall either suppress it, or if need be, shall incontinent make the same known, that it may bee timously ob-

viated, neither do we feare the foule aspersions of rebellion, combination, or what else our adversaries from their craft and malice would put upon us, seeing what we do is so well warranted, and ariseth from an unfained desire to maintaine the true worship of God, the Majestie of our King, and the peace of the Kingdome, for the common happinesse of our selves, and the posteritie. And because we cannot look for a blessing from God upon our proceedings, except with our Profession and Subscription we joyne such a life and conversation, as becometh Christians, who have renewed their Covenant with God; Wee, therefore faithfully promise, for our selves, our followers, and all others under us, both in publike, in our particular families and personall carriage, to endeavour to keep our selves within the bounds of Christian libertie, and to be good examples to others of all Godlinesse, Sobernesse, and Righteousnesse, and of everie dutie we owe to God and Man. And that this our Union and Conjunction may bee observed without violation, Wee call the living God; the Searcher of our Hearts, to witnesse, who knoweth this to be our sincere Desire, and unfained Resolution, as we shall answer to JESUS CHRIST in the great day, and under the paine of Gods everlasting wrath, and of infamie, and of losse of all honour and respect in this World: Most humbly beseeching the LORD, to strengthen us by his holy Spirit for this end, and to blesse our desires and proceedings with a happie successe, that Religion and Righteousnesse may flourish in the Land, to the glorie of God, the honour of our King, and peace and comfort of us all. In witnesse whereof we have subscribed with our hands all the premisses, &c.

TO dispute against this Covenant scholastically, or otherwise then by vindicating Our Royall Authoritie, and the Monarchicall government of that Our ancient Kingdome, is farre beneath Us; and therefore Wee would onely know, how they can possibly answer these foure questions to the world.

1. First, by what authoritie they entered into this Covenant, and how they durst presume to exact an Oath from any of Our Subjects to it, or any thing else; it being an irrefragable proposition, That no publike Oath can bee administred but by

by a Magistrate, or by one sufficiently deputed by authoritie to administer it: For it is a badge annexed to Magistrate and Authoritie, to have power of giving and taking an oath, and therefore they cannot satisfie the world by what Authoritie or deputation from Authoritie they did give this oath to, and receive it from Our subjects. They do answer, that though they have no Law for it, yet they have President; For this Confession of Faith (say they in the title of their Covenant) *was subscribed by Our Father of happie memorie, and his household, in the year 1580. the easter by persons of all ranks in the yeare 1581. and that by the ordinance of the Lords of the Secret Councell, and Acts of the Generall Assemblie: Subscribed againe, by all sorts of persons in the yeare 1590. by a new ordinance of Councell at the desire of the Generall Assemblie, with a generall band for maintenance of true Religion and the Kings person.* Now, was this their Confession of Faith, and Covenant annexed, commanded to bee sworne and subscribed by Us, by any order from Our Councell, or by any Act of Generall Assembly? But they will say, that it being once commanded, that commandement is still in force and vigour. That is indeed a good ground or president for Us and Our Councell, to command this same oath to be renewed when We shall see cause, but the repetition of it must still be by the same Authoritie by which it was at the first injoynd: Now, the first injunction of this subscription was made by Our Royall Father, in the yeare 1580. the first renewing of it in 1581. was (as they say themselves) by an ordinance of the Lords of the Secret Councell; the second renewing of it 1590. was by a new ordinance of Councell at the desire of the Generall Assemblie. By which it is plaine, that the judgement of the Generall Assemblie, (which in those daies was at the highest, and was not wont to derogate from their owne power) was, that this oath could not be renewed, nor any band, but by authoritie from Our Royall Father and His Councell. Againe, have they not printed in the frontispice of this their Covenant Our Royall Father his charge to certain Commissioners, and all Ministers within that Realme, for requiring this oath, *with a command to returne to the Ministers of his*

house, the names and processe of all such as should refuse to take the said oath. Now, did any of all these precede their Covenant? Was Our authoritie, or the authoritie of Our Councell so much as asked, much lesse obtained? Were there any Commissioners by Us, or Our Councell appointed to receive this oath in the severall Shires? Nay, as shall appeare afterward in due place, when We, with the advice of Our Councell, by Proclamation did command the renewing of that oath, and designed Commissioners throughout the severall Shires of the Kingdome for administering of it, did not those, who call themselves of the Table, refuse to sweare it themselves, and command that none of the Kingdome should sweare it by any authoritie from Us? And is not this pulling down of Our authoritie, and setting themselves in Our place? So that if the Reader look upon the title and inscription of their Covenant, he shall finde (as Wee said) that it carrieth the overthrow of it in its owne front.

2.

Secondly, say they had power to command the new taking of this oath, (as they had not,) yet what power can be pretended for their interpretation of it? It being a received Maxime, That no lesse authoritie can interpret a Law or Rescript, then that which made it, or those, whom they who made it have constituted Judges to give judgement and sentence according to the true meaning of it. This oath then being first framed and urged by our Royall Father, with the advice of his Councell, can it be interpreted by any but by Us, and His and Our successours? And have either We or Our Councell given any such interpretation? Nay, can any man, though in authoritie, indued with Religion or reason, with any conscience or honestie, give not onely so false, but so ridiculous and absurd an interpretation of that Confession of faith, as those of the Table have given? For they have declared, *That this Confession is to bee interpreted, and ought to be understood of all the pretended Novations, no lesse then if everie one of them had beene expressed in the said Confession.* Had they said that they themselves did prohibite these pretended novations, as other points of Poperie in that confession abjured, the words had then carried

ried some sense, as intimating that they themselves did now think that they did tend to Poperie: But that they should force any man to swear that the framers of that Confession at the first did so, they being all dead, & so never were asked, nor can bee asked the question; or that they should make men living swear what was the minde of the dead, concerning the five Articles of Pearth, the Service Book, the Book of Canons, the high Commission, things of which in their lives they never heard, nor perhaps did ever imagine the introduction of them, (they in that Confession abjuring onely those Romish corruptions, which in their time had infested the Church,) is such a profane and foolish interpretation, that one would wonder how any one that either hath the knowledge, or maketh conscience of an oath, can either himselfe take, or desire others to take an oath so false and foolish as this: And therefore, with more wit then honestie, where they met with no scrupulous people, they suffered them to swallow down that wicked glosse which corrupteth the verie text of the Confession: But where multitudes, especially of the Ministers, (who at their admissions had sworn obedience to, and practise of these points which they call innovations,) quarrelled at this their interpretation, they assured them, that it would breed a great division if they should desire but the least alteration of the words in which their Covenant was conceived, but yet that they might verie well swear all, with a reservation of not abjuring Episcopacie, the five Articles of Pearth, or any thing established by Acts of Parliament and Generall Assemblie: With which Protestation and reservation, and not otherwise, many, especially of the Ministers, did swear their Covenant, as they themselves do well know: which was such a notable peece of Jesuiticall equivocation on their parts, who exacted this oath, and contrarie to the verie letter, and grammaticall sense of the oath it selfe, especially in that part of it, which containeth their interpretation of the Confession, as the like hath scarcely beene heard.

Thirdly, where was it ever heard, that men, pretending
for

for a ground of their proceedings, the president of a former Confession and band annexed, did dare to adde any thing to the text of that Confession and band upon which they meant to build their actions? But these men have taken upon them, not onely without authoritie to make an interpretation of that Confession, but flatly against Authoritie, to adde to the verie text of the band of maintenance: For whereas the band annexed to the former Confession was made *in defence of Us, Our Authoritie and Person, with their fortunes, bodies and lives, in defence of the Gospel of Christ, and liberties of that Our Kingdome, &c.* they have added a mutuall defence of one another; So that the band, which was at the first made against those subjects who went about to correspond with forreiners for the subversion of Our Religion and Kingdome, is now made against all persons whatsoever, who shall oppose them in their courses. That band which was made in defence of Our person and authoritie, against all treason at home and invasion from abroad, is now principally made against Us, if We shall oppose their courses; and next, against all such of Our loyall subjects as shall adhere to Us in defence of Our person and authoritie: For these words, *against all persons whatsoever*, not excepting Us, shewes their bad meaning too well. Now, whether Our Royall Father in the first band, by defence of His person and authoritie, meant maintenance against Us His successor, Our person and authoritie (for they urge the intention of the first Confession and band as a warrant for this new one of theirs,) or whether the words of the Emperour, or any Monarch, or any other Law-giver, in any of their Lawes or Rescripts, can bee taken in any tolerable construction against the Crowne and Dignitie of themselves and successors; Or how these new Covenanters can with the same breath blow both hot and cold, with the same hand both strike and stroake Us, in one sentence swearing to defend Our person and authoritie, and yet in the next swearing to defend one another against all persons whatsoever, not excepting Us, if not principally intending Us, We leave it to the world to consider.

Fourthly,

Fourthly, what shew of defence can these men make, to save themselves from being punished with all rigour, as movers of sedition, and disturbers of the publike peace and quietnesse of the Kingdom, since the Act of the tenth Parliament of *James* the sixth, Act. 12. and the 75. Act of the ninth Parliament of *Queene Marie*, to which the Act last mentioned relateth, have declared all leagues of subjects amongst themselves, without the privitie and approbation of the King, to be seditious, and the Authors and Abettors of them to be punished as movers of sedition?

The tenth Parliament of *James* the sixth, Act. 12.

FOrasmuch as there was an Act made in the Regiment of *Mary*, late *Queen dowager*, and *Regent* of this Realme, Our Sovereigne Lords grandmother of worthy memory, concerning leagues and bands, as being thought, against all law and obedience of subjects towards their Princes; The not observation of which Act since the making, hath given occasion of many troubles which have occurred since: Wherefore Our Sovereigne Lord, with the advice of His three Estates, convened in this present Parliament, ratifieth, approveth, and for His successours perpetually confirmeth the said Act of Parliament, and ordaineth the same to have full effect and execution in all time to come: And also of new, with the advice of His said three Estates, dischargeth and annulleth all leagues and bands made between his lieges and subjects at any time by-past preceding the date hereof: And statuteth and ordaineth, that in time to come no leagues nor bands be made amongst His subjects, of any degree, upon whatsoever colour or pretence, without His Highnesse or His successours privitie and consent had and obtained thereunto, under the paine of being held and executed as movers of sedition and unquietnesse, to the breach and trouble of the publick peace of the Realme, and to be cited and pursued therefore with all rigour to the example of others.

The ninth Parliament of *Queen Marie*, Act. 75.

IT is statuted and ordained by the *Queenes* Majestie, and three Estates in Parliament, That no manner of person or persons, of whatsoever

soever qualitie, estate, condition, or degree, lieges of this Realme, attempt to doe or raise any bands of men of warre, on horse or foot, with Culverings, Pistols, Pikes, Spears, Jacks, Splents, Steel-bonnets, white barnis, or other warre-like munition whatsoever, for daily, weekly, or monethly wages in any time to come, without speciall licence in writing had and obtained of Our Sovereigne Lady and her Successors, under the paine of death, to be executed upon the raisers of the said bands, as also upon them that doe convene and rise in bands.

Now Our consent to their Covenant was not onely never granted, but never so much as once asked.

When they have satisfied these important questions and considerations, which are obvious to all men who are acquainted with Lawes and Government, then let them be-thinke themselves how they will answer; not onely to all Divines abroad who are not Jesuited, but even to their own Universities at home in that Our Kingdome, in the case of conscience, how any Oath, much lesse such an unlawfull Oath as this, can be administred to any Prince his subjects, without his consent or authoritie. There are but two Universities in Scotland which conferre all Degrees, *S. Andrewes* and *Aberdene*; both these, upon the first comming abroad of this their Covenant and Oath, did oppose it, and severally set forth, sent abroad and dispersed in writing, those excellent and unanswerable Reasons against it, which Wee have seene and have, but which the Covenanters did never answer. Besides, the Divines of *Aberdene* set out in print their Queries to the three Ministers, sent thither from their Table to perswade their Covenant, which how poorely and pitifully they answered, and so againe, how they answered the same mens Duplies, as miserably as their former Queries, We leave to the judgement of Schollers, to whom these three Ministers weakenesse in their answers hath made them sufficiently ridiculous. There is likewise an Universitie in *Glasgow*, which because it hath but one Colledge, and hath not of late conferred any Degree above that of Master of Arts, is called the Colledge of *Glasgow*. They of that Colledge were verie

rie backward to come into their Covenant, untill they were extremely threatned; and when they came in, they permitted such interpretations and limitations, as were destructive of the verie foundation of it; some of the Regents never came in at all. In the Colledge of Edinburgh, where there are but foure Regents, how two of them, for not subscribing their Covenant, were expelled from their places, is notoriously knowne. Now one would thinke, that in any Kingdome the judgement of the learned Professors in Univerfities and Colledges, in a point of conscience, should weigh downe the groundlesse opinions of their Tables, consisting of Noblemen, Gentlemen, Ministers and Tradesmen.

But leaving the many unanswerable reasons which may be brought against this their Covenant, Wee shall desire the Reader to observe three things, which appeared at the verie first comming out of it: First, how in it they swelled farre above all that ever was complained of, either in their tumults or petitions: In their tumults they complained onely of the Service Booke; in their petition exhibited to Our Councell and sent up to Us, they complained of the Service Booke and Booke of Canons; more of their grievances then, Wee knew not: Now in this their Covenant, besides these two, they complaine of, and doe abjure, as they make their adherents beleeve, the five Articles of Pearth, which were established by Acts, first of the generall Assembly, and then of Parliament; Then they complaine of the high Commission, which ever since the yeare 1609. hath bene quietly established and in practise amongst them; Then they complaine of Prelats sitting in civill Judicatories; a thing which Wee cannot chuse but wonder at, not only in regard of Our Selfe, whom by this meanes they would robbe of the benefit of the abilities of any of Our subjects in Our counsels and affaires of State, as if holy Orders did superinduce a diffabilitie for civill Wisedome and Prudence; but especially in regard of themselves, because by this strange conceit they contradict, more then they are aware of, their owne false and prodigious opinions: for what incongruitie can they finde in it, for a Bi-

shop to sit at Our Councill Table, where many causes are heard, in which Religion is concerned; or in Our Session, where many Church-men have trialls for their maintenance? when they themselves hold it not onely convenient, but necessarie, and that even *jure divino*, that Noblemen, Gentlemen, Merchants, Taylors, Sadlers, Shoemakers, and others of most mechanicall Trades, shall sit and give sentence in Parochiall Sessions and in Presbyteries, in Causes Ecclesiasticall, and those of the highest nature, even the last and supremest censures of the Church, Excommunication, and depriving of Ministers; nay, that they shall give sentence in the generall Assembly (a Judicatorie which now they hold to be above Our Session, Councill, or Parliament; for they maintaine that the Acts of that Assembly may, in many cases, disannull and derogate from the Acts of the other three) where they doe assume to themselves to determine all questions *de Fide, Cultu & Disciplina*, of Faith, Worship or Discipline, and in which of late they did assume to themselves power to determine, and, according to their weake and poore power, did determine controversies concerning Predestination, universall Grace, irresistibilitie of Grace, concurrence of Free-will with Grace, totall or finall falling from Grace, and other such like intricate points, as some men would be loath to live so long untill they could make them understand them.

2. Secondly, Wee desire the Reader to observe with what affections this their Covenant was received abroad, both by Protestants and Papists, at the very first publishing of it: By Papists it was received with infinite joy, as hoping that now the time was come in which both Wee and Our Successors might be brought to abhorre and detest that Religion, whose professed Zelots had beene the authours of such an unsufferable Covenant, which could not consist with Monarchie; which appeared to Us most evidently by the advertisements which then were sent up to Us from some of Our Councill of that Kingdome, that the sudden and frequent arrivall of Priests and Jesuites from Doway and other Seminaries beyond the Seas, was so great, in hope of their welcome to Us
because

because of this seditious Covenant, that unlesse some speedie order were taken for their present discouragement and sending backe, the evill might quickly passe remedie; which moved Us, notwithstanding these present broiles, to take present order for such proceedings against them, as they were forced to retire. With Protestants abroad, it was received with most offensive scandall and infinite griefe; which appeared unto Us by advertisements from some of Our publique Ministers abroad, who certified Us, that both the Ministers and others of their Consistorie at Charenton, and of other Reformed Churches in France, as also the Professors, Ministers, and Consistorie of Geneva, and of other neighbouring Reformed Churches in those parts, were so scandalized with this prodigious Covenant, as that they were afraid of nothing more then this, that it would bring an indeleble scandall upon the Reformed Churches, and alienate the mindes of all the Princes of Christendome from ever entertaining a good thought of their Religion. Of what condition then and fearfull consequence that Covenant is, which bringeth griefe and offence to Our friends, joy and triumph to Our enemies, is evident to all eyes that are opened.

Thirdly, We desire the Reader to consider with what furie and madnesse this Covenant, after it was conceived, was obtruded to all sorts of people: with what threatnings, with what beating, tearing of the clothes, drawing of the blood, and exposing to thousands of injuries and reproaches; at Edinburgh, Saint Andrews, Glascow, Lanarick, and many places more, of those Ministers, who out of religious conscience towards God, and loyall carriage towards Us, did either dissuade their Parishioners from entring into it, or could not by their intreaties or threatnings be perswaded to enter into it themselves. No doubt it cannot be a Covenant approved by God, the first bitter and accursed fruits whereof were the many drops of blood drawne from many of Gods Ministers, which now no doubt doe call for Gods vengeance upon the whole land.

3.

Now, the fire of this seditious Covenant flaming thorough-

roughout all the corners of the Kingdome, and that to such an unexpected height and violence, as it was past both the skill and power of Our Councell to quench it, Our Councell resolved to send up unto Us Sir *John Hamilton* Our Justice Clerke, one of Our Privie Councell, and one of the Lords of Our Session, that he might fully acquaint Us with the passages of this Rebellion, and the consequences of it. After Our hearing of him many times, and many consultations had with such of Our Councell of Scotland as were then here present, and such of Our Councell here in England as We thought fit to communicate this businesse unto, We resolved to send unto that Our Kingdome the Marquesse of Hamilton with the full power of an High Commisisoner, as in other cases Our Royall Father and We had many times done in important businesse concerning that Kingdome; and in the meane time, we dispatched home the said Sir *John Hamilton* to give notice thereof, both that they might carrie themselves quietly untill Our Commisisoner his comming, from whom they were to expect Our pleasure, with all favour which might consist with Royall authoritie, as also that they might before Our Commisisoners going from hence, have time to make Us fully acquainted with the uttermost of their grievances, that so accordingly Our Commisisoner might receive Instructions from Us for giving unto them all just satisfaction.

And so We, having here taken into Our serious consideration all their Petitions, which We might have justly rejected, because of the insolencie of their demeanour, and their tumultuous way of presenting them to Our Councell, yet resolved to take the mildest course. We could for calming of these commotions, and therefore We settled upon a way usually practised by Our Royall Father in that Kingdome since his comming to the Crowne of England, *viz.* to establish an High Commisisoner, with full power and authoritie to conclude and determine all such things as should be found for the good, quietnesse, and peace of that Kingdome, with as full and ample power as other Commisisoners had exercised

exercised in any time of Our Royall Father, and especially at Parliaments. And considering that none, in the consultations which We held for this businesse, had ever shewed himselfe more forward and inclinable to advices and counsels of peace, nor a more zealous Patriot towards his native countrey, then Our right trustie and well-beloved Cousin and Councillour of both Kingdomes, *James* Marquesse of Hamiltoun, &c. Gentleman of Our Bedchamber, and Master of Our Horse; We made choice of him for Our High Commisisoner, to that purpose, being perswaded both of his loyaltie and fidelitie towards Us, as also of the great acceptation of his person with Our subjects there, in regard of his birth and place, but especially of his singular care of, and love to his countrey, which they themselves did know he had so piously and affectionately expressed in all his consultations and counsels here with Us: Him therefore We dispatched from hence with full Instructions, according to which he was to receive his Commisision under Our great Seale of that Kingdome at his comming thither, which he received and presented to the Lords of Our Councell, frequently assembled at Dalkeith the sixt of June following; the true tenour of which Commisision here followeth.

CAROLUS Dei gratiâ Magnæ Britannia, Francia, & Hibernia, Rex, fideique Defensor: Omnibus probis hominibus suis ad quos presentes literæ pervenerint, Salutem. Sciatis nos considerantes magnos in hoc regno nostro Scotiae non ita pridem exortos tumultus, ad quos quidem componendos, multiplices regiae nostrae voluntatis declarationes promulgavimus, quæ tamen minorem spe nostræ effectum hæcenus sortitæ sunt: Et nunc statuentes, ex pio erga dictum antiquum regnum nostrum affectum, ut omnia gratiosè stabiliantur & instaurentur, quod (per absentiam nostram) non aliâ ratione commodius effici potest, quàm fideli aliquo Delegato constituto, cui potestatem credere possumus tumultus ejusmodi consopendi, aliaque officia præstandi, quæ in bonum & commodum dicti antiqui regni nostri eidem Delegato nostro imperare nobis videbitur: Cumq; satis comperitum habeamus obsequium, diligentiam, & fidem prædilecti nostri consanguinei

consanguinei & consiliarii Jacobi Marchionis Hamiltonii, Comitis Arranie & Cantabrigie, Domini Aveni & Innerdail, &c. eundemq; ad imperata nostra exequenda sufficienter instructum esse: Idcirco fecisse & constituisse, tenoreq; presentium facere & constituere prefatum predilectum nostrum consanguineum & consiliarium Jacobum Marchionem de Hamiltoun, &c. nostrum Commissionarium ad effectum subscriptum: Cum potestate dicto Jacobo Marchioni de Hamiltoun, &c. dictum regnum nostrum adeundi, ibidemq; prefatos tumultus in dicto regno componendi, aliaq; officia à nobis eidem committenda in dicti regni nostri bonum & commodum ibi prestandi: Eoq; Concilium nostrum quibus locis & temporibus ei visum fuerit convocandi, ac rationem & ordinem in premissis exequendis servandum declarandi & prescribendi: Et quaecunq; alia ad commissionis hujus capita pro commissa ipsi fide exequenda, eandemq; ad absolutum finem perducendam & prosequendam conferre possunt tam in Concilio quam extra Concilium nostro nomine efficiendi & prestandi: Idq; similiter & adeò liberè acsi Nos in sacrosancta nostra persona ibidem adessemus. Et hac presenti nostrà commissione durante nostro beneplacito duratura ac semper & donec eadem per nos expressè inhibeatur. In cujus rei testimonium presentibus magnum sigillum nostrum apponi precepimus. Apud castrum nostrum de Windsor vigesimo die mensis Maii anno Domini millesimo sexcentesimo trigesimo octavo, Et anno regni nostri decimo quarto.

Per signaturam manu S. D. N. Regis superscriptam.

On which day the whole body of Our Councell, with all respectfull and dutifull expressions of joy and thankfulnesse of Our fatherly care of that Our Kingdome in these difficult times, acknowledged and received Our said Commission and Commissionier: And Our said Cousen and Councillor, the Lord Marquesse of Hamiltoun, did with all submissive reverence then and there accept the said Commission, promising the uttermost of his endeavours for settling the peace of that Kingdome, so farre as might consist with Our royall Crowne and Dignity, and the Lawes and Liberties of that Our ancient and native Kingdome, as by the Act of Councell dated

dated at Dalkeith the sixt of June 1638. doth more fully appeare: After which acceptation of our Commission, the said Lord Marquesse had by Our Councell, and all others, whensoever he went abroad, all respects, honour and reverence due to Our Commissioner, performed unto him, Our Chancellor carrying Our great Seale before him, and some other Noblemen of great place and qualitie carrying Our High Commission before him likewise.

We, having now taken this course which We conceived most agreeable both to the customes of that Kingdom, and most acceptable to them, in regard of the choyce of Our Commissioner, had then assured hopes, that the dangerous distractions of that Kingdome might be happily composed: But these hopes were quickly blasted; for no sooner had the heads of the Covenant notice of these peaceable courses intended by Us, but they flew out, even before our Commissioners arriving there, into farre greater violence then heretofore, increased the frequent meetings of their Tables, subdivided them into severall Committees, increased their provision of Armes, made their Pulpits ring with most seditious Sermons, putting the people in feare, that now there was more danger to be expected from the Lord Marquesse his coming home, and all peaceable treaties, then ever; and at their Tables concluded upon a paper, consisting of ten Propositions or Articles, which they caused immediately before our Commissioners arrivall, with wonderfull expedition, to bee dispersed throughout all the Shires of that Kingdome: which ten Articles, according to the true copie, We have caused to be here inserted.

*F*irst, for observing union, it is thought fit, that no answer be made
to any of the Statesmen or others, having Commission from the
King, concerning the publike businesse, but with common con-
sent and advice according to the Articles of our Covenant against
divisive motions; and if any propound motions tending to the
breach of our union; it would be told them plainly, wee will re-
pute them as unfriends both to us and our cause.

1.

Secondly, for the better method in preparing and holding of
matters

2.

matters to be treated of, it is thought fit that there be a Committee chosen, and that some of the Gentry, Burrowes, and Ministers be present at the meetings with the Noblemen.

3. Thirdly, It is thought fit, that all who are interessed may attend punctually to Dyets and meetings, with the rest of the number appointed for the good of the publike businesse; and, lest our adversaries should (upon the frequent attending of the prime Noblemen and Statesmen) take occasion to affirme, that they have power to dispose of their friends in this cause, their attendance would be the more shunned, to shew we will depend upon no man who is of an averse judgement, or who are about a contrarie employment in the matter of our Covenant and conscience.

4. Fourthly, if there bee any new Proclamation, it is thought fit that it may be obviat and reincountred with a new Protestation, which would be condiscended upon, and would conteine our eight last Articles; And that our Protestation may bee backed with good information and reasons, and sent with diligence to the Commissioners to the severall parts of the Kingdome, that they be not deceived nor surpris'd with Proclamations or suggestions, and that the copie of the Protestation may be given to the Commissioners of Shires and Burghes, to meet the Proclamation in all points needfull.

5. Fifthly, if the discharge of the Book of Service, and Canons, and limitation of the High Commission be granted; and that upon the Statesmen and Commissioners offer, the King will grant all we can crave which is not repugnant to Law, and alleadge that Episcopall power and Articles of Pearths Assemblie are established by Law; It is answered that the abuses of Episcopall government are contrarie to Law, and censurable by Law, and the Articles of Pearth should bee rightly interpreted, and our desires for the free and yearely exercise of Generall Assemblies, free admission of Ministers without unlawfull Oaths, and rectifying of the Articles of Pearths Assemblie, and that the Prelates boundlesse usurped power, limited according to the caveats of their admission, are all agreeable to Law for the reasons contained in the Articles: And if the Bishops, Statesmen, and others be of a different judgement from the most part of the Church and Kingdome, the Generall Assemblie and Parliament (who were the Law-makers,) are onely competent Judges for interpreting

preting their owne Acts, whose direction we crave: And although the Law were interpreted as they alleadge, which is altogether untrue, and contrarie to the grounds and meaning of the Law, yet the bodie of the Kingdome, for whose good the Law was made, may crave the lawfull redresse of the grievances sustained by that Law, and our complaints, supplications, and protestations against the Bishops, depending in processe for clearing the subjects loyaltie, and repairing the wrong complained of; cannot bee otherwise lawfully decided, cannot remedie the present evils, nor prevent the like or worse evils in time comming.

Sixthly, it is thought fit, that all who have subscribed the Covenant, be made sensible that they are obliged by their Oath, not to rest satisfied with lesse then the desire of our Articles, which are agreeable to law, conscience, and reason, and without which we will be frustrated of our ends, our adversaries in time will obtaine the establishment of the evils we complaine of. 6.

Seventhly, it is thought fit, that the number of the Commissioners be doubled, against the Statesmen and Marquesse down comming, and that all be warned to be readie upon advertisement. 7.

Eighthly, that the report of the subscriptions of the Covenant may bee sent to Edinburgh from all severall parts of the Kingdome. 8.

Ninthly, that things recommended to our former Committee be adverted to, with the best diligence that can be. 9.

Tenthly, it is thought expedient that all the time of the generall meeting there be a Fast. 10.

OUR Commissioner upon his way to that Kingdom, did meet with advertisements of these strange fears, which the ringleaders of the Covenant (who were affraid of nothing more then that our subjects should receive satisfactiō from Us by Our Commissioner) had possessed Our people with, & the bad entertainment he was like to receive at his comming thither, acquainted Us therewith, but went forward on his journey until he came to Barwick, from whence he sent to his especiall friends and kindred, and to all such Gentlemen of his owne name, and others, as were his Vassals and Tenants, and hold their lands from him by service

and attendance on him when he shall require it, hee received answer that all these Obligations were quite discharged by the Covenanters Table at Edinburgh, who had absolutely commanded that none, who had subscribed their Covenant, should go to meet, or give any person all attendance upon Our Commissioner, untill such time as they should have leave from their Table so to do; and so Our Commissioner went from Barwick unattended by these Noblemen, or by any other of his owne kindred or vassals, unlesse such as had not subscribed their Covenant, (except some few, whose affection exceeded the command of the Tables); an affront before that time never offered to any person of his qualitie in that Kingdome: Yet hee was verie nobly and honourably received, and conducted to Dalkeith by all Our Councell, most of the Lords of the Session, who are the Judges of the Law, great troupes of the Nobilitie and Gentic, who had not subscribed their Covenant.

- Now, the reasons why their Table had laid this strict charge, of not conducting Our Commissioner, upon all their adherents, were these two, as appeared plainly by the speeches uttered by many of the Covenanters themselves:
1. First, that they might not seeme to shew the least respect to any, especially to those of greater rank, who were disaffected to their Covenant, as was ordered in the third Article of their ten last mentioned:
 2. Secondly, that they might make triall of their power with their owne partie, the heads of the Covenant, being perswaded, that if they could prevaile with their associates for breaking through the bonds of nature, bloud, consanguinitie, civilitie, vassalledge and dependance in pursuance of their Orders, they should not much need to feare that any other obligations could be able to divert them from obedience to their dictats.

Our Commissioner, immediately upon his coming to Dalkeith, (where the Councell assembled for safetie, because the combustions at Edinburgh increased daily) met with many discouragements and difficulties. First, We had sent some small proportion of Armes, and powder
to

to be put into Our Castle of Edinburgh, justly doubting the surprisall of it by the Covenanters, who were there assembled in great multitudes, and had of late made great provision of Armes there. No sooner had the ship (in which these Armes with other goods were) cast Anchor in Leith rode, but the Covenanters sent for the Merchant owner of the goods, commanding him to bring the ship into the Harbour, and discharging him from unloading any thing in the ship, especially Armes; untill hee had leave from them, as hee would answer the contrarie at his perill; of which Our Lord Treasurer being advertised, provided that night a Boat which landed the Armes and powder, and Carts which presently carried them to Our Palace at Dalkeith, some foure miles distant: How for this the Merchant was used by them, and how they did threaten to come by force and carrie away that provision out of Our own house of Dalkeith, is notoriously known. Much about this time Our Commisisioner came to Dalkeith, where he was received for his first welcome with the certaine newes of the increase of the peoples rage in Edinburgh, of the Covenanters resolution first to take the Castle, but (upon better advice) of their deserting that purpose, yet falling upon that which was bad enough; for they had begirt the Castle with strong guards; so that no person nor provision could passe to or from it; but by their permission: Besides, they had entred into consultation, whether they should by force take out of Our Palace of Dalkeith that small provision of Armes and powder which was lately carried thither: which counsell they were perswaded by some not to follow, because of the residence of Our Commisisioner there at that time; but one thing they resolved upon, that during the abode of Our Commisisioner and Councell there, though but foure miles distant from Edinburgh, they would take no notice of them, send no Petition to them: and howsoever they allowed some of Our Commisisioners particular kinsmen and acquaintance to go thither and visit him, yet they would not depute any to speak with him of the businesse for which hee was sent, or of their

complaints and grievances, but resolved not to leave Edinburgh where they were well enough, so that if hee had any thing to deliver to them, hee might come thither, for to him and Our Councell they would not come: And that they might have some colourable pretence with the people for this their insolent behaviour and resolution, it was cast out and rumoured abroad, that if they went to Dalkeith, there was an intention to blow them up with Gun-powder; not that the Authors of that foule and divelish aspersiō entertained the least thought of any such feare, but that they might both have a colour for their unmannerly not addressing themselves thither, as also beget in the minds of their ignorant followers a higher indignation against, and jealousie of Our Commissioner and Councell for such a wicked and treacherous plot.

Now, at this verie time when they made all this stirre about that small provision of Armes for Our Castle, which exceeded not two hundred Muskets, and so many Pikes, with some small quantitie of Powder, the Covenanters had two good Ships come home loaded with Armes and Amunition, which they landed openly and avowedly.

All these difficulties and new troubles, augmented daily of purpose since their notice of Our Commissioners journey, put him and Our Councell to such a stand, as they knew not well what resolution to take. The Covenanters force and rage increased, which they had not power in any proportion to discharge; they could not discover in them the least inclination to peace; they found they would not so much as adresse themselves towards them, and they did not hold it agreeable with Our honour, or the dignitie of those places which they held under Us, nor yet for their safetic, to go to them; At last this meanes was thought on, no doubt by the advice of those of their Table, who scorned to seeme to yeeld or petition for any such thing themselves.

The Citizens of Edinburgh sent certain Commissioners to Our High Commissioner with a supplicatiō, that he would bee pleased to repaire to Our Palace at Haly-rud-house, where

where they might more conveniently give demonstration of their affection to his Majesties service, in attending his Graces directions. Our Commissioner after he had acquainted and advised Our Councill with this their supplication, by their advice, as willing to take any occasion to enter into the businesse for which Wee sent him, returned this answer to the Commissioners of Edinburgh, That if they would undertake to be Masters and Governours of their owne citie, that their citizens would behave themselves as good and dutifull subjects, and take order that the multitudes, now present in their citie, who called themselves Covenanters, should do so too, and that the Guards about Our castle of Edinburgh should be dismissed and discharged, he would within a day or two repaire to Our Palace at Haly-rud-house, otherwise not: For that hee did hold it not agreeable to Our honour, that he Our Commissioner and Councill should reside at Our said palace, which is scituated at the one end of the citie, when Our castle seated at the other end of the same should be blocked up with guards: All which, these Commissioners undertooke to performe, and by their words desired to approve themselves most loyall subjects, hoping to cleare themselves from many aspersions laid upon them, when his Grace would be pleased to heare and examine their proceedings.

Hereupon Our High Commissioner, according to his promise, did remove himselfe from Dalkeith to Our palace at Haly-rud-house, attended by all Our Councill, such of Our Nobilitie, Gentry, and others, as were affected to Our service, which consisted of a great number: Some two or three miles from Edinburgh he was met with the whole bodie of the Nobilitie and Gentry of Covenanters then resident at Edinburgh, who were all mounted on horse-back, and consisted of divers thousands; and besides, in a nearer distance from Edinburgh, by the Ministers then resident there, who were all on foot and consisted of manie hundreds, and so all the way to Our palace was filled with swarmes of people of all sorts and sexes, many of whose exclamations and outcries
were

were very sharpe and bitter, stuffed with cursings of Poperie and Bishops, by which it was apparent that the multitude had been made beleve that these two were one and the same thing. Our Commisisoner when he first met on the way the Lords who call themselves Covenanters, was entreated by them to heare a speech delivered, as he should passe along, by a Minister in the name of the rest: But he, remembering the advertisements which he had received of their most seditious Sermons, and knowing by the same advertisements that he who was to deliver this speech was a deprived Minister, and one of the most seditious in the whole packe, returned answer to the Lords that he would not heare it, justly doubting that it might be stuffed as full of passages against Our authoritie as their Sermons used to be, and so that speech was omitted: Now, whether these great troupes of Covenanters, both of horse and foot, in a great bodie by themselves, which did not joine at the first with that companie which attended Our Commisisoner from Dalkeith, but stayer for him on the way in a farre grosser bodie by themselves, was assembled to doe honour to Our Commisisoner, or for shewing their owne power and strength, by way of comparison with the companie whom they met, which they farre exceeded, Wee will not determine. But thus Our Commisisoner was conducted to Our Palace of Holy-roodhouse, where he was received by the Lord Provost, Bailiffes, Magistrates and citizens of Edinburgh with outward demonstrations of being welcome. And this was all the entertainment which at any time he had from the body of the Covenanters, during the time of his abode in that Kingdome; which whether it were hearty and sincere, or but onely in show, and to shew their owne power, Wee leave it to be judged by the entertainment and respect which afterward he received from them; which will be found to bee just none at all: For during the time of his continuance amongst them, though he found that they gave civill respects to him as Marquesse of Hamiltoun, yet his being cloathed with Our authoritie and commission did much diminish them,

them, as shall appeare now in the next place, by those perpetuall affronts which they ceased not to offer daily to him and Our Councell, in all their proceedings concerning the businesse for which he was sent.

Our Commisisoner now being settled at Our palace, with the assistance of Our Councell, hee fell presently upon the maine businesse with the Covenanters, whom hee desired to dismisse their great multitudes; which they did, being indeed necessitated thereunto for the ease of their great charge. The two maine Propositions which hee offered to their consideration, were these: First, what they should expect from him in Our name for satisfaction to their complaints, and accommodating their grievances: Next, what might be expected from them for returning to their former obedience, especially in renouncing and delivering up their late Covenant. Both which propositions they did receive with so much sleighting and contempt, as that they avowed, no satisfaction from Us should be accepted which contained any particulars, but that they expected, first, a Generall Assembly of the Church, and then a Parliament, that in these two Judicatories they would represent and discusse their grievances: And no wonder, for in both these they knew that themselves were to be both Judges and parties. For the second, they answered, that they could not returne to their former obedience, from which they would never acknowledge that they had departed in the least degree, having done no act but that which became good and dutifull subjects: And for their Covenant, that they would rather renounce their Baptisme then renounce it, or abate one word or syllable of the literall rigour of it; it being more availeable and usefull unto them, then all the Lawes and Acts of Parliament which had beene enacted in that Kingdome since the time of *Fergus* the first King thereof: And that it was a proposition which though they had now heard, they were resolved never to heare a second time: And accordingly, after Our propositions thus made and rejected, they presently filled the people with such misreports of the intentions and ends of Our Commisisoners

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comming, as they wrought them to a greater height of furie then before, as if now their Religion and Lawes were brought to the stake: For now new Guards were clapt upon Our castle of Edinburgh, the Guards and Watches of the citie multiplied, the Preachers Prayers and Sermons grew to be so many Libells, and admonitions that they should take heed of craftie compositions, or yeelding in the least point of their intended reformation; for if they should abate in any one thing, it would be thought that they might be mistaken in all. They presently printed their weake Reasons against their rendring up of their Covenant, nay, they grew to that rage, that on the Saturday having knowledge that Our Commissionner (attended with Our Councill) was to heare divine Service and Sermon in Our owne chappell at Our owne palace the day following being Sunday, they sent him word that whosoever should read the English Service in Our chappell should never read more, and that there were a thousand men provided for the disturbance of it; which forced Our Commissionner that night to repaire to Dalkeith, being unwilling to heare Sermon but in Our owne chappell, or there, without hearing the English Divine Service, it having beene continually read there by the space of twentie yeares, in the audience of Our Councill, manie of the Nobilitie, Judges, and persons of all qualitie, without any interruption or dislike: Nay more, they grew to that boldnesse as to write letters to everie one of Our Councill, requiring them to subscribe their Covenant; which Letter sent to everie one of them severally, but in the same words, here followeth.

May it please your Lordship,

W*Ee the Ministers of the Gospel, conveened at this so necessarie a time, doe finde our selves bound to represent, as unto all, so in speciall unto your Lordship, what comfortable experience we have of the wonderfull favour of God, upon the renewing of the Confession of faith and Covenant, what peace and comfort hath filled the hearts of all Gods people, what resolutions and beginnings of reformation of man-*

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ners are sensibly perceived in all parts of the kingdome, above any measure that ever we did finde or could have expected, how great glorie the Lord hath received thereby, and what confidence we have (if this sunshine be not eclipsed by some sinfull division or defectiō) that God shall make this a blessed kingdome, to the contentment of the Kings Majestie, and joy of all his good subjects, according as God hath promised in his good Word, and performed to his people in former times; And therefore we are forced from our hearts both to wish and entreat your Lordship to be partaker and promover of this joy and happinesse by your subscription, when your Lordship shall thinke it convenient: And in the meane while, that your Lordship would not be sparing to give a free testimonie to the truth, as a timely and necessarie expression of your tender affection to the cause of Christ now calling for helpe at your hands: your Lordships profession of the true Religion as it was reformed in this land, the nationall oath of this kingdome sundry times sworne and subscribed, ablishing us who live at this time; the dutie of a good Patriot, the office and trust of a Privie Councillour, the present employment to have place amongst those that are first acquainted with his Majesties pleasure, the consideration that there is the time of tryall of your Lordships affection to Religion, the respect which your Lordship hath unto your fame both now and hereafter, when things shall be recorded to posteritie, and the remembrance, that not onely the eyes of men and Angels are upon your Lordships carriage, but also that the Lord Jesus is a secret witnesse now to observe, and shall be an open Judge hereafter to reward and confesse everie man before his Father, that confesseth him before men: All of these and each of them, besides your Lordships personall and particular obligations to God, doe call for no lesse at your Lordships hands, in the cause of so great and singular necessitie; and we also doe expect so much at this time, according as your Lordship at the houre of death would be free of the terrour of God, and be refreshed with the comfortable remembrance of a word spoken in season for Christ Jesus, King of Kings and Lord of Lords.

Our Commisioner in the meane time resolved to publish Our gracious Declaration, for relieving of their grievances, and satisfying Our people in Our forwardnesse

for the maintenance of the Religion professed in that Kingdome, and Our averfinesse from Poperie, which they of the Covenanters Table having notice of, being above all things afraid, that Our people should receive any satisfaction from Us, or rest contented with the grace of Our reasonable profers of favour, did mightily repine at, came to Our Commiffioner, and wished him for Our honour, his owne safetie, and peace of the publike, not to make any such Declaration, which undoubtedly would be encountred with a Protestation, and that in such manner as would be displeasing to him, and make the publishing of that Declaration be found disserviceable unto Us.

Our Commiffioner being perplexed with these unexpected and dangerous difficulties, resolved by faire proceedings to gaine so much time, untill he might make Us acquainted with them, and receive Our answer and instructions concerning them: In his Letters of advice he acquainted Us with the danger threatned, if he should publish Our Declaration, which though he knew to be full of grace, yet the heads of the Covenant would never suffer the multitude of their members to understand it so: Two things he desired of Us; One, that in case Wee continued in Our resolution of publishing Our Declaration, Wee would be pleased to sweeten it with this further favour, as to restore to the citie of Edinburgh the sitting of Our Councell, Our Session, and all other Courts of Justice, which he conceived would be very acceptable to Our Councillors, Judges, to all Advocates, and all dependents upon the Law, to all Our subjects which had businesse depending in any of these Courts, but most of all to the citie of Edinburgh, which complained much of their being impoverished by absence of these Courts, and that this was like to prove a most probable persuasion for reclaiming them to their former obedience: Next, that We would be pleased to give him leave to take a journey unto Us, though he should returne presently, that he might acquaint Us with the new emergencies of businesse, and such other things as could not be conveniently expressed in Letters, and so accordingly

dingly receive instructions from Us for his carriage.

To which Letters of advice Wee did returne by a speedie dispatch this answer; That We would have Our Declaration no longer delayed, but commanded him presently to publish it, because Wee would not (whatsoever the event should be) have Our people barred the knowledge of Our Gracious intentions and favours towards them, which Wee did see the leaders of them studied nothing more then to suppress; And that at his intreatie, Wee were contented that all the Courts of Justice should presently begin to sit againe at Edinburgh for the reasons contained in his Letters, and in hope of reclaiming of that Citie, which otherwise by their misdemeanour had no reason to expect any such favour from Us; And withall, after the dispatch of these two, that Wee were contented hee should repaire to Us, as hee desired, whensoever hee should finde it convenient, taking first order with Our Councill for keeping all things in order untill his returne.

This answer of Ours so soone as Our Commissioner received, he assembled Our Councill, and made them acquainted with it, who were so well satisfied with the bringing back of Our Courts of Justice to Edinburgh, that presently they sent unto Us a Letter of thanks of this tenour.

Most Sacred Sovereigne,

THe Marquesse of Hamiltoun, your Majesties Commissioner, having imparted unto us your Majesties gracious pleasure and allowance that the Judicatories of the Councill, of Session, and others, should be returned to the Citie of Edinburgh; Thereupon, the Lord Commissioner being present, order was given for publication at the Market Crosse of Edinburgh with all solemnities requisite; and that the like publication should be made throughout the whole Kingdome at all publike places: This hath given so great contentment to all your Majesties subjects, that we cannot expresse with what dutifull respect and

heartie prayers for your Majestie they have embraced this great and undeserved favour: In consideration whereof wee conceive our selves bound in dutie to acquaint your Majestie herewith; and withall to render to your Majestie most humble and heartie thanks for this so great grace and goodnesse, which wee hope shall contribute to the good of your Majesties service, and to establishing the peace of the Countrie, for the which we all your Majesties good subjects shall ever bee most thankfull, and all in dutie bound to pray for your Majesties long and happie Reigne.

Holy-rood-house July 2. 1638.

Subscritur

Traquaire	Lauderdale
Roxbrugh	Kinoul
Mar	Southesk
Morton	Lorne
Winton	Naper
Lithgow	Dalyell
Wigtonne	Ihay
Kingorne	Ja: Carmithaell
Hadinton	Thomas Hop
	John Hammlton

AND accordingly Our Commissioner caused Proclamation to be made at the Crosse of Edinburgh, for the first sitting downe of the Session there, the Tuesday following, being the third of July 1638. which was received with such joy by the Judges, Advocates, and all others having relation to the Colledge of Justice, but above all by the Magistrates and Citizens of Edinburgh, that Our Commissioner and Councell did then well hope all mens minds had beene well prepared to receive the Declaration of Our Grace and favour which was to bee published in the next Proclamation, with an humble and thankfull acknowledgment; which undoubtedly they had done, if they had not beene not onely diverted, but perverted by those men who

who interpreted every satisfaction of Our subjects received from Us, to be a dividing and pulling them away from themselves : And therefore they quickly cast about to finde out some meanes, how this Our speciall favour might not be resented by them, which was this : They assured their followers that there were two of the Lords of Our Session, *viz.* Sir Robert Spotswood President of the same; and Sir John Hay Our Clerk of Register (answerable to the Master of the Rolles here in England) sworne enemies to their Covenant, well affected to Episcopall government, procurers and abettors of the pretended Innovations, that unlesse these two were presently removed from Our Session, there could be no good intended to them by the bringing of it back to Edinburgh, and therefore advised them to send some of their number to Our Commissioner to desire that these two Our Judges might presently bee removed from that Court ; Not that they who put this in their heads, thought that Our Commissioner could yeeld to a request of so high injustice ; but because they knew, that hee neither could nor would yeeld unto it, and that therefore by his deniall they should have meanes to irritate Our people, even to a disgust of that Our Gracious favour, which the day before they had so well relished.

But yet according to their resolution, some of the principall Covenanters of all sorts sent from their Table, had the boldnesse to repaire to Our Commissioner, and to demand of him that which they were sure no just nor honest man could grant, *viz.* That they could clearly prove briberie and corruptions frequently to have beene used by these Our two Judges, and therefore intreated him to remove them presently from their places of Judicatorie, after which they would intend processe, and so legally proceed in the probation of these crimes objected against them : To which their demand Our Commissioner returned this just and modest answer, That sure they could not expect that he either could or should condescend to this their desire, which yeelded unto, did overthrow the verie foundation and maine rule of Justice, *viz.* That any man should be punished for any crime before he were
legally

legally convicted of it, and therefore he advised them to follow the constant course of justice, which was this; If they thought these Judges clearly convincible of these horrible crimes, they should intend first processe against them, and then probation of the crimes; of which if they were found guiltie, then they needed not doubt but they should be removed from their places, and receive such further condigne punishment as the Lawes of the Kingdome had provided for such notorious criminals; assuring them, that We his Master would bee so farre from hindring the course of Justice against any such offenders, as that Wee would hold it a speciall service done to Us, to bring the iniquitie of Our Judges to publike triall and censure, and that he would make Us acquainted with their demands: with which just answer they were resolved to be so unsatisfied, that they replied unto him, that this his deniall would be attended with a great inconvenience to all Our subjects, for they would in that case of deniall make and publish a Protestation, that whatsoever Act, Decree, or Order, the Lords of Our Session should make in any cause at which these two Judges, or either of them, were present and gave voice, should be null and void in Law; and that none of Our subjects either should bee bound or would yeeld obedience to them: (Was not this a strange usurpation upon Regall power?) To this Our Commissioner only added, That everie such Protestation must be made before the Lords of the Session, who had the power of admitting or repelling it, and therefore for that point hee remitted them to these Lords as the competent Judges of it; which answer of Our Commissioner they presently laboured to have misconstrued by their partie, telling them that there was no hope of any Justice to be had against any man who was an enemie to them and their Covenant.

At the day appointed by the Proclamation, the Session sat down, and Our Commissioner in his owne person went to the place, and opened it, with a short speech to the Judges, to this purpose.

That hee was warranted from Us to recall the Session againe to Edinburgh; That the chiefe thing that had moved

moved Us thereunto, was the sense of the many incommodities which Our subjects in generall, and the Judges in particular did sustaine by the removing of it ; That We had required him to desire and command the Judges to grant all reasonable dispatch to Our subjects in the administration of Justice, that so some time which was lost, might be regained ; That in Our name he required them to be very carefull and circumspect, that in these troublesome times no Order nor Decree might passe from them, which might be prejudiciall to Our Crown or service.

Our Judges hereupon returned to Our Commissioner their humble and heartie expressions of all thankfull acknowledgment, for this Our singular favour and grace to themselves and all Our subjects, and with great submission intreated him to returne unto Us their humble and heartie acknowledgment.

And here now We desire the Reader to observe, that the Covenanters neither made any such Protestation against the sitting of the two Judges, as they talked of, nor did ever intend any proceffe or probation against them for the crimes objected, though Our Commissioner immediately after his returne from Us, assured them, that We not onely had given them leave, but would thanke them for so doing ; which We are confident they would have done, if they had conceived these Judges guiltie, and giveth to Us good assurance that this calumnie against these Judges, was onely cast in by some of their ring-leaders, to marre and interrupt that resentment of Our grace and favour, which they perceived wrought verie much upon many of Our subjects of their partie, for bringing backe again Our Courts of Justice to Our citie of Edinburgh.

The Session thus setled, Our Commissioner resolved to publish by Proclamation the Declaration of Our grace and favour : The principall Covenanters, when they could not dissuade him from it, presently went about, and both by themselves and their seditious Preachers, filled their followers mindes with such fearefull expectations of it, that some dayes before it was published, they filled the streets with multitudes of people, especially neare the Crosse where it

was to be proclaimed, and those in hostile equipage divided into ranks, pulling their swords out of their belts, and with pistols, being armes prohibited by Our lawes of that Kingdome, giving out, that if this Our Declaration were hearkened unto, it would bring undoubted ruine to their Religion, lawes and liberties, though the people knew nothing of what was to be delivered in Our Declaration: Some daies they continued in this posture, which made Our Commissioner delay the publishing of it, untill he might heare of more quietnesse and peace in the streets; of which being advertised, he caused the Proclamation of Our grace and favour solemnly to be made at the Crosse of Edinburgh: No sooner were the trumpets sounded, but there came to the Crosse a mightie conflux of people, the Covenanters had presently a scaffold erected, on which they mounted with a Protestation readie written in their hands, before Our Proclamation was pronounced: Our Proclamation was thus.

CHARLES by the grace of God, King of Scotland, England, France and Ireland, Defender of the Faith. To our Lovits
Heraulds

Messengers, our Sheriffes in that part, conjunctly and severally specially constitute greeting. Forasmuch as We are not ignorant of the great disorders, which have happened of late within this Our ancient Kingdome of Scotland; occasioned, as is pretended, upon the introduction of the Service Book, Book of Canons, and High Commission, thereby fearing innovation of Religion and Lawes: For satisfaction of which fears, We well hoped, that the two Proclamations of the eleventh of December, and nineteenth of February, had been abundantly sufficient: Neverthelesse, finding that disorders have daily so increased, that a powerfull rather then perswasive way, might have been justly expected from Us; Yet We out of Our imitative indulgence to Our people, grieving to see them run themselves so headlong into ruine, are graciously pleased to try, if by a faire way We can reclaime them from their faults, rather then to let them perish in the same. And therefore once for all We have thought fit to declare, and hereby to assure all Our good people, that We neither

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were; are nor by the Grace of God ever shall bee stained with Popish superstition: But by the contrary, are resolved to maintain the true Protestant Christian Religion already profest within this Our ancient Kingdome. And for farther clearing of scruples, We do hereby assure all men, that We will neither now nor hereafter presse the practice of the foresaid Canons and Service Book, nor any thing of that nature, but in such a faire and legall way, as shall satisfie all Our loving subjects, that We neither intend innovation in Religion or Lawes. And to this effect have given order to discharge all Acts of Councel made thereanent. And for the high Commision, We shall so rectifie it with the help of advice of Our privie Councel, that it shall never impugne the Lawes, nor bee a just grievance to Our loyall subjects. And what is farder fitting to be agitate in generall Assemblies and Parliament, for the good and peace of the Kirk, and peaceable government of the same, in establishing of the Religion presently profest, shall likewise be taken into Our Royall consideration, in a free Assembly and Parliament, which shall be indicted and called with Our best conveniencie. And We hereby take God to witnesse, that Our true meaning and intention is, not to admit of any innovations either in Religion or Lawes, but carefully to maintain the purity of Religion already profest and established, and no wayes to suffer Our Lawes to be infringed. And although We cannot be ignorant, that there may be some dis-affected persons who will strive to possesse the hearts of Our good subjects, that this Our gracious declaration is not to be regarded; yet We do expect that the behaviour of all Our good and loyall subjects will be such, as may give testimonie of their obedience, and how sensible they are of Our grace and favour, that thus passeth over their misdemeanours, and by their future carriage make appeare, that it was only feare of innovation, that hath caused the disorders which have happened of late within this Our ancient Kingdome. And are confident, that they will not suffer themselves to be seduced and misled, to misconstrue Us or Our actions, but rest heartily satisfied with Our pious and reall intentions; for maintenance of the true Religion and Lawes of this Kingdome. Wherefore We require and heartily wish all Our good people carefully to advert to these dangerous suggestions, and not to permit themselves, blindly under pretext of Religion, to be led in disobedience, and draw on infinitely, to Our grief, their own ruine, which We have, and still shall strive to save them from, so long as We see not royall Au-

thoritie shaken off. And most unwillingly shall make use of that power which God hath endued Us with, for reclaiming of disobedient people.

OUR WILL is herefore, and Wee charge you straightly and command, that incontinent these Our Letters seene, you passe to the market crosse of Our Burgh of Edinburgh, and all other places needfull, and there by open Proclamation make publication here-of to all and sundry Our good subjects, where through none pretend ignorance of the same. The which to do, We commit to you conjunctly and severally Our full power, by these Our Letters, delivering the same by you duely execute and indorsed againe to the Bearer. Given at Our Court of Greenwich the twenty eight day of June, and of Our Reigne the thirteenth yeer. 1638.

Per Regem.

NO sooner was it ended, but this their ensuing Protestation against it begun, and was publickly read; which here, according to their printed Copie, We have caused to be reprinted.

The Protestation of the Noblemen, Barons,
Gentlemen, Burrows, Ministers and
Commons, &c.

WEe Noblemen, Barons, Gentlemen, Burgesses, Ministers, and Commons, That whereas wee the Kings Majesties true and loyall Subjects, who have ever esteemed it our greatest happinesse to live under a religious and righteous King, and our greatest glory to testifie our best affections to our gracious Soveraign, have beene in His Majesties absence from this His native Kingdome heavily pressed for a long time past, And especially of late, with diverse innovations, which both in themselves, and in the way wherein they have beene urged, doe manifestly tend to the prejudice of the Kings honour, and of our Religion, Laws and Liberties, And by which we were brought to such extremitie, that there was no way left betwixt the rock of excommunication, and the high paine of rebellion on the one part, and the desperate danger of forsaking the way of true Religion and the breach of our Covenant
with

with God on the other, but to represent our cause, and present our supplications to the Lords of secret Councell, that being equally pondered by them, they might either be answered by themselves, or by their recommendation might ascend to his Majesties owne consideration: And therefore in all humble manner we did to this effect supplicate their Lordsh: we were most willing (for the modest following of our supplications) to obey their direction in chusing Commissioners, for the great number of supplicants, who flocked together from all quarters of the Kingdome; were carefull to order our selves in all Christian and quiet carriage, and, against the tediousnesse of many and long delaies, did wait for a long time with very great patience, till at last they were pleased to receive our supplications, complaints and bills: And conceiving them to containe weightier matters then could by themselves bee determined, they did promise and undertake to represent and recommend the same, according to their more then ordinary importance, unto his Majesties Royall consideration, and to report his Majesties answer.

While his Majesties good Subjects of all ranks, throughout the whole Kingdome, had their minds wakened, and their hearts filled with the expectation of a gracious and satisfactorie answer, worthy of his Majesties pious and equitable disposition, in the month of February last incontinent a rumour flyeth through the Countrie, and filleth all eares, That the Lords of his Majesties secret Councell were commanded to make such a Proclamation concerning the Service Booke, Booke of Canons, and the peaceable meetings of his Majesties good Subjects in time comming, as we were perswaded to have bene procured by the secret working, and malignant mis-information of our adversaries, seeking for their owne private ends, without respect to his Majesties honour, and welfare of this Kirk and Kingdome, to stop the course of our legall proceedings, and to escape their owne due censure: And therefore intending to make knowne to the Lords of secret Councell what was noised concerning the Proclamation; how far the whole Kingdome had been by some sinistrous mis-information frustrate of their hopes, and their constant desire to have some course taken by their Lordsh: advice; how his Majestie being further informed, might deliver his good subjects from so great grievances and feares, and establish a sure peace in this Countrie for tunc to come; we found our selves tyed

by order of Law to decline those against whom we had made our complaint, unlesse we would admit our parties to be our Judges: And in case our Declinator should not be accepted, we behoved to protest, that we might have immediate recourse to the King himselfe, &c.

Thereafter in the Moneth of March finding that by the foresaid Proclamation the innovations supplicated against were approven, our lawfull proceedings condemned, our most necessary meetings prohibited, there being no other way left unto us, we were necessitate to renew the nationall Covenant of this Kirk and Kingdome, thereby to reconcile us to God, provoked to wrath against us, by the breach of his Covenant within this Land, to cleare our Soveraigns mind from all jealousies and suspicions, arising from our adversaries mis-information of our intentions and carriage; and so to make way for his acceptance of our humble supplications; and grant of their lawfull remedies, to guard this Land in defence of Religion, Authority and liberty against inward divisions; and externall violences. And that our actions might be answerable to our holy profession, we afterward drew up an humble supplication, containing our grievances, and desires of the ordinary remedies thereof, to have bene delivered to the King himselfe: In the meane time we were directed by those who were intrusted by his Majesty, to attend his Declaration here in Scotland, which would free us of all feares of innovations of Religion, and prove satisfactorie: And lest for want of true information of our just grievances and desires it should fall out otherwise, we expressed to them, with the greatest modestie we could, our desires in some few Articles, and with great patience have attended his Majesties pleasure thereanent: And all this moneth by-gone being frequently convened to heare the same delivered by his Majesties Commissioner, the right Noble and potent Lord James Marquesse of Hamilton, &c. we presented a new petition to his Grace as his Majesties Commissioner, craving most humbly the indication of a free Assembly and Parliament, as the onely remedies thereof: Likeas finding a mis-information or mistake of our Covenant with God, as if it had bene an unlawfull combination to bee the maine hinderance of obtaining our desires, in a new supplication; we have fully removed that impediment, renewed our desires of those supreme judicatories, to bee indicted with diligence, for settling of the Kirk and Kingdome: But being answered only

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With delays after these nine Moneths attendance, and with this Proclamation that contained his Majesties gracious declaration of his pious intentions, not to admit of any innovations in Religion or Law, nor any staine of Popish superstition, But on the contrary to be resolved to maintaine the true Christian Religion professed in this Kingdome; which we were ever so far from calling in question, as in our supplications, complaints and bills, we used the same as one cause of our desires, one ground of our confidence of a gracious answer, and argument of our adversaries malignant mis-information of so religious a King. And now most humbly (with bended knees and bowed hearts) thanke our gracious Sovereigne for the same, Wishing and praying the Lord of heaven truly and fully to informe his Majestic how far these bookes, judicatories, and all our other evils and grievances are full of idolatrous superstitions, and Popish errors, How destructive of the reformation of Religion in this Land, and of the Lawes and Liberties of this Church and Kingdome, and so directly contrary to this his Majesties pious intention and Declaration.

Yet seeing that no Proclamation could sufficiently remove the present evils, nor settle our feares, nor secure us from the re-entrie of any evill or Innovation, which it seemed to discharge, or prevent the like in time comming, nor satisfie our humble supplications, craving the present indiction of a free Assembly and Parliament, as the onely remedies of our evils, and meanes to prevent the like. And seeing this Proclamation doth not so much as make mention, or acknowledge any of our supplications, complaints and grievances, or any just cause thereof, except under the name of great increase of disorders, faults, and misdemeanours, but only our feares of some future Innovation of Religion or Lawes, occasioned onely (as is pretended) by the introduction of the Service Booke, Booke of Canons, and High Commission, which feares his Majestic hoped to have bene abundantly and sufficiently satisfied by his two former Proclamations of the ninth of December, and nineteenth of February. And by this his present Declaration, except his subjects bee blindly (under pretext of Religion) led into disobedience, Doth mis-ken, passe over, and so in effect denie all our supplications, bills, articles, and desires, especially our complaints against the Prelates our parties. And, that once for all, in a faire and perswasive way, even after the resaitte of our last supplication,

clearing

clearing us from the calummie of unlawfull combination; Doth not disallow nor discharge any of the innovations and evils complained upon, but onely assureth that his Majestie will not presse their practice, but in such a faire and legall way, as shall satisfie his subjects of his intention; which (joyned with the other clause, allowing and confirming the Proclamation the nineteenth of February) evidenceth the liberty left to any Prelate or persons to practise the same, and by all other faire waies to perswade others thereunto; and his Majesties resolution to presse their practice in a faire and legall way: And also confirmeth the former Declaration, That the Service Booke is a ready meane to maintaine the true Religion already professed, and to beat out all Superstition, and no waies to be contrary to the Lawes of this Kingdome, but to be compiled and approved for the universall use and edification of all his Majesties subjects; Doth not abolish, but promiseth to rectifie the High Commission, with advice of his Privie Councell, implying the Kings power, with consent of the Councell, to establish this or any judicatory within this Kingdome, without consent of the three Estates convened in Parliament, contrary to the fundamentall and expresse Lawes thereof; and by consequent with the like reason, to establish Lawes and Service Bookes, without consent of the Assembly and Parliament; Which is contrary to the maine ground of all our supplications, against the manner of their introduction; Doth only promise to take into his consideration in an Assembly and Parliament, which shall bee called at his best convenience, while as the evident and urgent necessity for settling the combustions threatning the totall dissolution and desolation of this Church and State, excuseth our incessant and importune calling for these present remedies; Doth insinuate the continuance and execution of any pretended Lawes for these innovations of worship, and corruptions of Church government, and civill places of Church-men, which by our Covenant wee have obliged our selves to forbear; and the re-establishment of these evils in an Assembly and Parliament, which he will call in his best convenience, to wit, for that and this other end of satisfying his subjects judgments anent the Service Booke and Booke of Canons; Doth condemne all our former proceedings, even our supplicating, complaining, protesting, subscribing of our Covenant together, and our continuall meetings, as great disorders, increase of disorders, deserving justly a
powerfull

powerfull rather then a perswasive way, a running headlong into ruine, a perishing in our faults, a blind disobedience under pretext of Religion, and doth threaten & denounce, Now once for all, If we be not heartily satisfied, and give testimony of our obedience after this Declaration, but continue, as by our former proceedings, to draw on our owne ruine, that, albeit unwillingly, he must make use of that power which God hath indued him with, for reclaiming of so disobedient people.

T Herefore we, in our own name, and in name of all who will adhere to the Confession of Faith, and reformation of Religion within this Land, are forced and compelled, out of our bound duty to God, our King, native Country, our selves and our posterity. (lest our silence should be prejudiciall to so important a cause, as concernes Gods glory and worship, our Religion and salvation, the Lawes and Liberties of this Church and Kingdome, or derogatory to our former supplications, complaints, protestations, Articles and proceedings, or unanswerable to the solemne oath of our nation covenant with God) To declare before God and man, and to protest, Primo, That we doe, and will constantly adhere, according to our vocation and power, to the said Reformation, in doctrine, use of Sacraments, and discipline; And that notwithstanding of any innovations introduced therein, either of old or of late. Secundo; we protest, That we adhere to the grievances, supplications, and protestations given in at Assemblies and Parliaments, and to our late supplications, complaints, protestations, and other lawfull proceedings against the same, and particularly against the Service book, and booke of Canons, as maine innovations of Religion and Lawes; and full of Popish superstition, and so directly contrary to the Kings Declaration, And against the High Commission, as a judicatory established contrary to the Lawes and Liberties of this Church and Kingdome, and destructive of other lawfull judicatories, which both in respect of the nature of it, and manner of introduction, without consent of the three Estates of Parliament, cannot be any wayes rectified, but absolutely discharged: Tertio, we protest, That we adhere with our hearts to our Oath and subscription of the Confession of Faith, the solemne Covenant betweene God, this Church and Kingdome, and the clauses particularly therein expressed and generally contained, and to our last Articles for the peace of this Kirke and Kingdome, drawne out of it, and to all the matters therein contained, and manner of remedy therein desired.

Quarto,

Quarto, We protest, that this Proclamation or act of Councell, or any other act, or Proclamation, or Declaration, or ratification thereof, By subscription, or act, or letter, or any other manner of way whatsoever, or any precondemnation of our cause or carriage, before the same be lawfully heard and tryed in the supreme judicatories of this Kirk and Kingdome, the onely proper judges to nationall causes and proceedings, or any certification or threatning therein denounced, shall no waies be prejudiciall to the Confession of Faith, lawes, and liberties of this Kingdome, nor to our supplications, complaints, protestations, articles, lawfull meetings, proceedings, pursuits, mutuall defences, nor to our persons and Estates, and shall no wayes be disgracefull either in reality or opinion, at home or abroad, to us or any of us: But on the contrary, that any act, or letter, or subscription of the Councell, carrying the approbation of the declaration, and condemnation of our proceedings, *indicta causa*, is and ought to be repute & esteemed unjust, illegall & null, as here before God and man we offer to clear, & to verifie both the justice of our cause and carriage, and the injustice of such acts against us, in the face of the first generall Assembly of the Church & Parliament of the Estates, unto whom with all solemnities requisite, we do publikly appeal. Quinto, We protest, that seeing our former supplications, last Articles, & our last desire and petition to his Majesties Commisisoner, which petitioned for the present indiction of a free general Assembly & Parliament, according to the law and custome of all nations, & of this nation in the like case, to hear the desires, ease the grievances, & settle the fears of the body of the Church & Kingdome, are thus delayed, & in effect refused, to wit, Once for all, till his Majesties conveniency for the end contained in this Proclamation, that We continue by thir presents to supplicate his Majesty again and again for the granting of the same: And whatsoever trouble or inconvenience fall out in this land in the mean time, for want of these ordinary remedies, and by the practice of any of these innovations & evils, contrary to our supplications, articles, & confession, it be not imputed unto us, who most humbly beg these lawfull remedies, but also that it is, & shall be lawfull unto us, to defend and maintain the Religion, lawes and liberties of this Kingdome, the Kings Authority in defence thereof, & every one of us one another in that cause, of maintaining the Religion, and the Kings foresaid Authority, according to our power, vocation and Covenant, with our best counsel, bodies, lives, means, & whole strength, against all persons whatsoever,

ever and against all externall or internall invasions menaced in this proclamation. Like as that in the great exigencie of the Church, necessitating the use of this ordinary and lawfull remedies for settling the commotions thereof, it is and shall be leasome unto us to appoint, hold and use the ordinary means, our lawfull meetings and Assemblies of the Church agreeable to the law of God, and practice of the primitive Church, the Acts of the generall Assemblies, and Parliaments, and the example of our Worthy Reformers in the like case. Sexto, We protest, that our former Supplications, Complaints, Protestations, Confessions, meetings, proceedings and mutuall defences of every one another in this cause, as they are, and were in themselves most necessary, and orderly meanes agreeable to the lawes & practice of this Church and Kingdome, to be commended as reall duties of faithfull Christians, loyall Subjects, and sensible members of the body of the Church and Kingdome, and no wise to be stiled nor accounted great disorders, misdemeanors, blind disobedience under pretext of Religion, and running headlong into ruine, &c. So they proceeded only from conscience of our duty to God, Our King, native countrey, and our posterity, and doth tend to no other end, but to the preservation of the true reformed Religion, the confession of Faith, Lawes and Liberties of this His Majesties most ancient Kingdome, and of His Majesties authority in defence thereof, and satisfaction of our humble desires, contained in our supplications, complaints and articles, unto the which we adhere againe and againe, as we would eschew the curse of the Almighty God, following the breach of his Covenant: And yet we doe certainly expect, according to the Kings Majesty his accustomed goodnesse and justice, that his sacred Majestie after a true information of the justice of our cause and carriage, will presently indict these ordinary remedies of a free Assembly and Parliament, to our just supplications, complaints, and articles, which may be expected, and useth to be granted from so just and gracious a King, towards most loyall and dutifull subjects, calling for redresse of so pressing grievances, and praying heartily that His Majestie may long and prosperously reigne over us.

W Hereupon a noble Earle John Earle of Castles, &c. in name of the Noblemen, M. Alexander Gibson younger of Dury in name of the Barons, James Fletcher Provost of Diardy in name of the Burrowes, M. John Ker Minister at Salt-prestoun in name of the

Ministers, and Master Archbald Jhonston Reader hereof, in name of all who adheres to the Confession of Faith and Covenant lately renewed within this Kingdome, tooke Instruments in the hands of three Notars present, at the said mercat Crosse of Edinburgh, being invironed with great numbers of the foresaid Noblemen, Barons, Gentlemen, Borrowes, Ministers and Commons, before many hundred witnesses, and craved the extract thereof: And in token of their dutifull respect to his Majesty, confidence of the equity of their cause, and innocency of their carriage, and hope of his Majesties gracious acceptance, they offered in all humility, with submisse reverence, a copie thereof to the Herauld.

NOW We must appeale to the judgement of the world whether there was any thing in this Our Proclamation, which deserved such an undutifull and rebellious Protestation, or the seditious clamours, which both at their private and publicke meetings, especially in their Pulpits, were made against it.

This Protestation needeth no answer; for after the first part of it, which is nothing but a repetition of that which they have so often said, there is nothing but a number of falsities heaped up together, as the Reader may easily perceive: For whereas they alledge, *That they have removed the impediment which caused their Covenant to be mistaken, as if it had bene an unlawfull combination;* We suppose that thereby they meant that which they tendered to Our Commissioner, and called it by the name of an explication of their Covenant; which explication was so farre from giving unto Us any satisfaction, that both to Us and all reasonable men it must needs appeare to be a stronger confirmation of their unlawfull combination: For whereas they refused to except Us out of the number of those persons against whom their band of mutuall maintenance is intended, it plainly demonstrateth, that in their intentions We are the person chiefly aimed at. In some few lines after this, they professe that they never so much as called in question Our resolution to maintaine the Religion professed in that Kingdome, and Our care for not admitting any

any Innovations in Religion ; or any staine of Popish superstition : Now We doe appeale even to their owne consciences, whether in their private meetings, nay even in their publike assemblies and Sermons , they have not endeavoured to settle in Our good subjects mindes opinions, feares, and jealousies, quite contrarie to these their printed asseverations. In the last part they ground their Protestation upon no grounds but such as these : That they will continue together , because they have obliged themselves by oath so to doe , and because they will and are resolved to adhere constantly to what they have done, and because they offer to cleare themselves before a generall Assembly and Parliament , where they themselves make accompt to be Judges. Now these and such like false and weake grounds it is very unnecessarie to confute, the rehearfall of them being upon the first view, their sufficient conviction. After all these, they end their Protestation with two very unfavourie conclusions : The first is, that if We will not allow of their proceedings , *they themselves will call a Generall Assembly* , which shall be sure to allow of them. A notable piece of hypocrisie and disloyaltie together, to be suiters to Us for that which they (as they say) both may doe and are resolved to doe without Our leave : The second is, they protest, that, notwithstanding any thing which We doe or shall say to the contrarie , *all their proceedings are in themselves most necessarie, and orderly meanes, agreeable to the Laws and practise of that Church and Kingdome, to be commended as reall duties of faithfull Christians, loyall subjects, and sensible members of the body of that Church and Kingdome, and no way to be styled or accounted great disorders, misdemeanours, blinde disobedience, under pretext of Religion, and running headlong into ruine* : All which words are multiplied , onely to make up a verie unmannerly contradiction to the verie words of Our Proclamation.

Our Commisisoner seeing , not that he was not able to give, but that they were resolute not to receive any satisfaction by what was offered, and that the most that they could be brought to , was that which they called an explication of their Covenant, but indeed was none ; for they would never

yeeld that these words, whereby in their Covenant they bound themselves in a mutuall defence against all persons whatsoever, should admit this interpretation (*Except the King:*) He told them plainly, that since his Instructions were out, he could proceed no further with them without new conference with, and Instructions from Us; and therefore he resolved a speedie journey to Us, to informe Us of what had passed, and make Us acquainted with that explication of their Covenant which they had given him; though as it had given no satisfaction to himselfe, so he was sure it would give none to Us: In the meane time, he entreated them to behave themselves more quietly and peaceably then they had done, untill Our pleasure were further knowne.

That pretended explication of their Covenant was conceived by way of Petition, and was this.

To His Majesties Commissioner: The supplication of the Noblemen, Barons, Burgeses, Ministers and Commons here attending His Majesties gracious answer of our former petitions, complaints, and desires,

Humbly shewing,

That whereas we expecting from your Grace, as His Majesties Commissioner, a gracious answer of our former supplications, complaints and just desires, have presented to your Grace a petition, humbly craving a free generall Assembly and Parliament, as the ordinarie remedy of our grievances, and the onely meane to put this Kirk and Kingdome to quietnesse, It pleased your Grace to shew, that His Majestie, from His princely care of this Kirk and Kingdome, would be most willing to ind. Et a free generall Assembly, and call a Parliament for those good ends, but that your Grace, as His Majesties Commissioner, hath conceived the Confession of faith, and Covenant lately renewed by us His Majesties subjects, to be an unlawfull combination against Authority; thereby to cast off our dutifull obedience, and not a Covenant for maintaining of true Religion, of His Majesties Person
and

and Authority, and of the Laws and Liberties of the Kingdome. And we being most willing to remove that, as the maine hinderance of the obtaining of our desires; Therefore, and for clearing of our loyaltie, and vindicating our selves from so great an imputation, Wee do now in all humility remonstrate to your Grace, as His Majesties Commis- sioner, and declare before God and men, that we are heartily grieved and sorrie, that any good man, but most of all that our dread Sovereigne should so conceive of our doing: And that we were, and still are so farre from any thought of withdrawing our selves from our dutifull subiecti- on, and obedience to His Majesties government, which by the descent, and under the raigne of 107 Kings, is most chearfully acknowledged by us and our predecessours, that we never had, nor have any intenti- on or desire to attempt any thing that may turne to the dishonour of God, or diminution of the Kings greatnesse and authority. But on the contrary, we acknowledging our quietnesse, stability and happinesse to depend upon the safety of the Kings Majestie, as upon Gods Vicegerent set over us for maintenance of Religion, and ministracion of Justice, have solemnly sworne, not onely our mutuall concurrence and assistance for the cause of Religion, but also to the uttermost of our power, with our meanes and lives, to stand to the defence of our dread Sovereigne the Kings Majestie, His Person and Authority, in the preservation and defence of the true Religion, Liberties and Lawes of the Kingdome. And therefore, we His Majesties loyall subjects, free from that and all other imputations of that kinde, most humbly beseech your Grace to esteeme that our Confession of Faith and Covenant, to have been intended, and to be the largest testimony of our fidelity to God, and loyaltie to our King: And that hinderance being removed, must still supplicate that your Grace would be pleased to indict a free generall Assembly and Par- liament, which will undoubtedly redresse all our evils, settle the peace of the Kirk and Kingdome, and procure that chearfulnesse of obedience which ought to be rendred to His Majesty, carrying with it the offer of our fortunes, and best endeavours for His Majesties honour and hap- pinesse, as a reall testimony of our thankfulnessse, and our hearty pray- ers to God that His Majestie may long and prosperously raigne over us.

Now

NOW, doth this Petition deserve the name of an explication of their Covenant? much lesse of such an explication as should give either Us or Our Commisſioner any ſatisfaction? No, for it containeth neither more nor lesse then this, that they doe not meane to ſhake off their obedience, if We will give way to all their courſes, which by this Petition they juſtifie; ſo that their meaning is, that they will continue obedient ſubjects, if We will part from Our Sovereigntie, which is in effect, that they will obey if Wee will ſuffer them to command. But where it was expected that to theſe words of their Covenant, whereby they binde themſelves to mutuall maintenance, *againſt all perſons whatſoever*, ſhould have bene added, *except the King and his ſucceſſors*, that was refuſed, though even that could have given no ſatisfaction, unleſſe We ſhould give way to that which divers Acts of Parliament have made ſedition, and puniſhable with death.

Upon notice given by Our Commiſſioner of his intended departure, the debates at their Table grew very hot and fierie upon this point, Whether they ſhould preſently indict a Generall Aſſembly, and fall upon the violent courſes intended by them, or that they ſhould grant ſome ſhort time for his journey, his ſtay with Us, his returne to them againe, with Our finall anſwer and laſt reſolution, and in the meane time promiſe that they would behave themſelves quietly and peaceably, and continue all things *in ſtatu quo* untill his returne. This laſt was agreed unto, though not without much contrarietie of voices, and ſo ſome of the principall Covenanters came and acquainted him with this their reſolution, which was, That they would expect Our anſwer, and his returne upon the fifth of Auguſt next, at the furtheſt, untill which time they would breake up their great meeting, containe themſelves and the people in quietneſſe and peace; but if by that day he did either not returne, or not bring with him from Us ſuch an anſwere as they expected, then they would hold themſelves free, and goe on to proſecute the courſes which they had reſolved upon. And ſo Our Commiſſioner

missioner begun his journey towards Us.

After Our Commisſioner had at Greenwich made Us fully acquainted with all their insolencies, Wee ſpeedily diſpatched him with new Inſtructions, and commanded him to returne, ſo that he might be backe in Scotland by the fifth of Auguſt, and gave him order for the indicting both of a Generall Aſſembly and a Parliament, but ſo, that he ſhould firſt be fully ſatiſfied, by all informations which he could conveniently receive, of the conſtitution of a Generall Aſſembly, with which perhaps many were not acquainted, none having beene kept for divers yeares; And therefore it did require good deliberation, to agree both upon the members of the Aſſembly (not for their perſons but for their qualitie) and of what things were uſually treated and handled there.

No ſooner was he returned into Scotland, but he found all things in much worſe caſe, and in a farre greater combustion then he left them: For he found that the heads of the faction (being affraid that he might bring backe with him ſome ſatiſfactory accommodation, which Our ſubjects might like well, but they themſelves reſolved to reject) had in the time of his abſence aſſured their followers, that they might compaſſe their ends by ſuch means and upon ſuch conditions as themſelves deſired: Nay, they proceeded ſo far, as to make the people beleieve what they knew to be moſt untrue, *viz.* That Our Commiſſioner was well ſatiſfied with all their proceedings, and eſpecially with their Covenant, in regard of the late explication they had made of it; and were ſo impudent as to uſe that inducement for an argument, whereby they perſwaded many of all ſorts, eſpecially of the Miniſters, who had formerly ſtood out againſt their Covenant, to enter into it in this ſhort time of his abſence from them; And the three Miniſters in their answers to the Queries of the Divines of Aberdene, had the boldneſſe to print, that Our Commiſſioner reſted ſatiſfied with their Covenant, according to their explication of it: With which their notorious calummie he found himſelfe ſo highly injured, in a point which ſo much concerned his loyaltie to Us, and the truſt reſoſed in
him

him by Us, that he was enforced to call the Lords of Our Councell, divers others of Our Nobilitie, and some of the Lords Covenanters themselves, to give testimonie of his frequent asseverations in their hearing; that as he himselfe was no way satisfied with that explication, so he was assured that We neither would nor could receive any satisfaction by it, onely that he would present it to Us at their entreatie: And besides the attestation of so many witnesses, he was necessitated; both for clearing of himselfe to Us, and preventing the further encrease of Covenanters, upon that false and groundlesse surmise, to print a Manifest and Declaration of his own clearnesse and their calumny.

It is true that they printed a weake answer to that Manifest, in which they confesse, that they never heard him say that he was satisfied with that Declaration, but that by some probable reasons (which are there expressed, and indeed are most improbable ones) they were induced to beleve that he was satisfied with it, although that both to their new Profelytes, and in the Ministers printed answers, they had positively averred, that after he had received that explication he was fully satisfied with their Covenant: Which dealing of theirs gave occasion for many to thinke, that this false aspersion was put upon him, by those who ever laboured to strangle all hopes of reconciliation, onely to raise in Us a distrustfull jealousie of his service, that so he might be called backe, and the people made beleve that no relieving of their grievances was intended by Us.

About the same time a great stirre was raised in that Kingdome upon a very slender ground, which was this: There had been printed at Antwerpe in severall pieces, the pictures of the severall stories of the Gospels and Acts of the Apostles, after the manner as they are usually printed in the Romish Church; some Papists, and it may be others, had caused these severall pieces to be bound in their Bibles, at the severall chapters of those stories to which they did relate; they found such a Bible printed at Edinburgh, which being printed (as all Bibles are) by Our priviledge, upon a sudden there were made
 most

most tragicall complaints, that pictures and images were brought into their Bibles by Our authoritie, aggravated by the heads of that faction, especially the Ministers, with the imminent dangers of the present introduction of Poperie, Superstition, & Idolatrie, still to make the people averse from all hope of satisfaction; so that some did conceive, that these pictures might bee bound in that Bible by some of themselves, meerly to irritate the people, and continue them in their distance from returning to Our obedience: but so far with this particular we cannot charge them.

Now, notwithstanding these new and daily emergent combustions, and their perpetuall working of the people, both in their Pulpits and at their other meetings, to new insolencies and greater heights of rage and furie, Our Commisisoner resolved (as well as he could) to passe them over, and to enter into treatie with them for the preparative overtures of a Generall Assemblie, because he did see that all these impediments and blocks were laid purposely in his way, that either hee might stumble at them, or bee so scared as to go back; for it was plainly perceived, that whensoever he made any proposition of peace, likely to take or please, they presently cast about how to dash it with some new violence and accident which should make it impossible, as did most evidently appear in this particular.

Our Commisisoner sent some of Our Councell to conferre with some of the principall Covenanters, concerning some necessarie propositions fit to be resolved upon before the indicting of the Assemblie, both concerning the members of which it was to bee constituted, and concerning the matters to be treated of in it, (two consultations usually previous to that meeting, for the omission whereof in one Assemblie of later times, they had so grievously complained, that in a Petition exhibited by the Ministers of their side, it was alleadged for a nullitie of that Assemblie:) This message was received with so much choler and contempt, that they presently blazed it abroad amongst their followers, for a proposition tending utterly to the ruine of the Lawes and liberties both of Church and Kingdome, that the hearkning to any such overtures was an absolute pre-

limitation of that Assemblie, which they intended should be free and generall, that neither of the members of their Assemblie, nor of the matters to be handled in it, they would speak so much as one word untill they came upon the place, and were in the Assemblie, that then and there the Assemblie it selfe was to be the sole judge both of the competencie of the members elected, of the regularitie of their election, and of all matters treated of there, whether they were of their cognisance and jurisdiction or not, and likewise gave out, that they did not much care whether Our Commissioner would indict an Assemblie or not: they would indeed like it better if it were indicted by Our authoritie, but if We, requested by them so to do, should refuse it, they both could and would do it of themselves: Then did their Pulpits againe begin to ring with this monstrous proposition, as they called it, of the utter subversion of the liberties of their Church, by the prelimitation of their Assemblie, as if this conference propounded by Our Commissioner concerning the orderly proceedings in that meeting, had bene such a blow to their Church, as they could not feare a greater from Rome it selfe.

And to make Our Commissioner beleve that they were in good earnest, they had a little before caused the Presbyterie of Peebles to begin with the election for their Commissioners to the Generall Assemblie, being a place not above twentie miles distant from Edinburgh, so that they were sure it must speedily come to his knowledge: To this election all the Gentlemen within the compasse of that Presbyterie resorted, intruded themselves by violence, and in despite of the Ministers would give their voices to the chusing both of the Ministers and one lay-man to be Commissioners for that Presbyterie at the next Assemblie, whensoever, and wheresoever it should be kept, when as yet no Assemblie was indicted.

Our Commissioner weighing well these two things; First, that the principall Covenanters, Noblemen, Gentlemen, and Ministers, as hee had occasion to speak with them severally, and upon severall occasions, had protested unto him, that their meaning never was quite to abolish Episcopall government, but onely to have it limited and restricted,

restricted; according to the Lawes of that Church and Kingdome, and that they might bee accomptable to, and censurable by the Generall Assemblie, if they should transgresse these limits; adding, that they had farre rather live under that government, then under the tyrannie of the Presbyteries, which they had heard their fathers so much complaine of, and had given them charge to beware of; the like Protestations they having likewise made to divers of Our Councell, and others: And secondly, considering that he now found that they begun to speak more sparingly and reservedly in that point, and would not so much as treat of it before the Assemblie, and that some of them had given out, that they had resolved upon a way to throw off that grievous burthen of the Presbyteries, with the weight whereof their fathers were so much grieved, *viz.* by joyning so many Laick Elders to every Presbyterie as there should bee Ministers in it, by which meanes the Laitie should be able to keep the Presbyterie under, without the help of Bishops. Our Commissioner was now once againe at a stand, not knowing how to proceed, as not being sufficiently warranted by Our instructions to indict a Generall Assemblie or Parliament, unlesse he should first be satisfied by advice of them who understood the formes of Assemblies, what course was to bee held, both for the members of that Assemblie, and the manner of their election, and for a previous consultation of the principall things to be treated there, all which consultations the Covenanters did utterly reject: He therefore resolved once againe to make a journey to Us, and acquaint Us with these new occurrences; since he found them daily increasing in their obstinacie, and so changed, as hee was not able to make any judgement, either of their resolutions, or desires, or of what would give them satisfaction.

And therefore Our Commissioner told them plainly, that he had no authoritie from Us to indict an Assemblie, unlesse some particulars were agreed upon, both concerning the constitution of the Assemblie, the present settling the peace of the Kingdome, and the righting and restoring to their places such Ministers as had benee displaced without

order of Law, who might againe be displaced, if at the Assemblie they were found to deserve it: The summe of Our demands he delivered to the chiefe Lords Covenanters in these ten Articles, which will bee found by the reading of them to be very just and reasonable.

1. **T**hat all Ministers deposed or suspended by the Presbyteries since the first of February last, without warrant of the Ordinarie, shall be restored to their owne places, till such time as they shall be legally convicted.
2. That all Moderators of Presbyteries, deposed since the foresaid day by the Presbyteries, without warrant of the Ordinarie, be restored, and all Moderators appointed by the said Presbyteries without warrant foresaid, to desist from executing the office of Moderator.
3. That all Ministers admitted by the Presbyteries since the foresaid day, without warrant from the Ordinarie, shall desist from exercising the function of their ministerie in that place to which they have beene so presented and admitted.
4. That all Parishioners shall frequent their owne Churches, and heare their owne Minister, and that the Elders assist the Minister in the Session, and other exercises of the discipline of the Church, as formerly they were used to do.
5. That all Bishops and Ministers, have their rents and stipends duly and thankfully paid them.
6. That all Ministers bee appointed presently to repaire to their own Churches, that none of them come to the Assemblie, or to the place where the same shall bee held, but such as shall bee chosen Commissioners from the Presbyteries.
7. That according to the Act of Assemblie 1606. Moderators of Presbyteries being found necessarie members of the Assemblie, every one of the said Moderators be appointed to be Commissioner from that Presbyterie where he is Moderator.
8. That Bishops and other Ministers who shall attend the Assemblie, may bee secured in their persons from all trouble and molestation.
9. That the Commissioners from Presbyteries, be chosen by the Ministers of that Presbyterie onely: And that no lay-person
whatsoever,

whatsoever, meddle in the choice, nor no Minister without his owne Presbyterie.

That all Convocations and meetings bee dissolved, and that everie man repaire to his owne house, and that the Countrey not onely be made peaceable, but also that all such Acts be forborne, as may make it appeare to be otherwayes,

And since his Majestie is still displeas'd with the Covenant, wisdom and our dutifull obedience to our Sovereigne require, that some such course should be taken, whereby his Majestie may receive satisfaction therein; and in the meane time, that there be no pressing, threatening, or perswading of men to subscribe the Covenant, nor no mention be made thereof any more in Pulpits.

To these (according to their usuall manner) they would no way condescend, but returned to Our Commissioners these most unjust and unreasonable answers.

Answers to the particulars propounded by his
Majesties Commissioners.

HAVING seriously considered with our selves, that nothing in this world is so precious, and ought to be so deare unto us as our Religion, that the diseases of the Church after long toleration did threaten no lesse then her utter ruine; and the expiring of the truth of Religion at last, and that a free Generall Assemblie was the ordinarie remedie appointed by divine Authoritie, and blessed by divine providence in other Churches, and after a speciall manner in the Church of Scotland; wee have often and earnestly supplicated for the same, and have laboured to remove what was objected, or what we could conceive to be any hinderance to the obtaining of our desire, like as we have now for the same good end resolved to returne this answer to the particulars propounded, to be performed by us before any Assemblie be indicted.

The particulars propounded, are either concerning matters Ecclesiasticall, or Civill: Ecclesiasticall, or Church matters are, The first, concerning Ministers deposed or suspended by the Presbyteries, since the first of Februarie last, without warrant of the Ordinarie, that they bee restored to their owne places. The second, concerning Moderators of Presbyteries deposed since

since the foresaid day, to be restored, and all Moderators appointed by the said Presbyteries without warrant aforesaid, to desist from executing the office of Moderator. The third, concerning Ministers admitted since the foresaid day, that they desist from exercising the function of the Ministerie in that place, to which they have beene admitted. These three particulars do concerne the power, dutie, and particular facts, or faults of Presbyteries, wherein we have no power to judge or determine, whether they have proceeded lawfully or not, farre lesse can wee urge or command them to recall what they have determined or done, in the suspending, deposing, or admitting of Ministers, or Moderators; they being properly subject to the superiour Assemblies of the Church; and in this case and condition of the Church, to the Generall Assemblie, where, if they shall not after triall justifie their proceedings, from the good warrants of Scripture, reason, and the acts and practices of the Church, they ought to sustaine their owne deserved censure. And since on the one side, there bee many complaints against the Prelats for their usurpation over Presbyteries in the like particulars; and on the other side, there bee such complaints of the doings and disorders of the Presbyteries to the offence of the Prelats; wee trust that his Majesties Commissioner will not esteeme this to bee any hinderance of the indiction of a Generall Assemblie, but rather a powerfull and principall motive with speed to convene the same, as the proper Judicatorie wherein to determine such dangerous and universall differences of the Church. Neither do wee heare that any Ministers are deposed, but onely suspended during this Interim till a Generall Assemblie, for their erroneous doctrine and flagitious life; So that it were most * offensive to God, disgracefull to Religion, and scandalous to the people, to restore them to their places till they bee tried, and censured. And concerning Moderators, none of them (as wee understand) are deposed, but some onely changed, which is verie ordinarie in this Church. The fourth, concerning the repairing of Parishioners to their owne Church; and that Elders assist the Ministers in the discipline of the Church, ought to bee cognosced and judged by the particular Presbyteries, to which the Parishioners and Elders are subject; since the cause may be in the Ministers no lesse

then

* Is it not rather an offence to God, to thrust men out of their places before they be tried?

then in the Parishioners and Elders. And in case they finde no redresse there, to assent till they come to a Generall Assemblie, the want whereof maketh disorders to bee multiplied, both in Presbyteries and particular Parishes.

To the sixth, That ministers wait upon their owne Churches, and that none of them come to the Assemblie, or place where the same is kept, but such as shall bee chosen Commissioners from Presbyteries, we answer, That none are to come to the place of the Assemblie, * but such as are either allowed by Commission to have voice, or otherwise have such interesse as they can justifie to his Majesties Commissioner, and the Assemblie convened.

* And yet afterward, in their last instructions they enjoyned the severall Commissioners to bring Assessors with them, who were to have no voyce in the Assemblie.

To the seventh, Concerning the appointing of Moderators of Presbyteries to bee Commissioners to the Generall Assemblie, onely constant Moderators, who have ceased long since, were found in the Assemblie 1606. (which yet was never reputed by the Church to be a lawfull nationall Assemblie) to be necessarie members of the Generall Assemblie. And if both the Moderators, who if they be necessarie members need not to bee chosen, and the chosen Commissioners repaire to the Assemblie, the Assemblie it selfe can judge best of the members whereof it ought to consist.

To the ninth, That no lay person whatsoever meddle with the choosing of Commissioners from the Presbyteries, and no Minister without his owne Presbyterie, we say, That according to the order of our Church discipline, none but Ministers, and Elders of Churches ought to have voice in choosing Commissioners from Presbyteries, and that no Minister, or Elder should have voice in Election, but in his owne Presbyterie.

The rest of the particulars are concerning civill matters: As the fifth concerning the paying of Rents and Stipends to Ministers and Bishops, concerning which we can say no further, but that the lawes are patent for them, as for his Majesties other subjects, and that the General Assemblie ought not to be delaid upon any complaint in that kinde.

The eighth, requiring that Bishops, and Ministers be secured in their persons, we think so reasonable, that wee will promise everie one of us for our own parts, they shall suffer no violence from us, and that we shall hinder others so farre as wee may;

may; And if any trouble them otherwise, or make them any kinde of molestation in that attendance but by order of Law, the parties are justly punishable according to the degree of their fault as other subjects are.

To the tenth, concerning the dissolving of all Convocations and meetings, and the peaceablenesse of the Countrie; These meetings being kept for no other end, but for consulting about lawfull remedies against such pressing grievances as threaten the desolation of this Church and State, cannot be dissolved till the evils be removed. And * we trust, that nothing in these our meetings hath escaped us, which carrieth in it the smallest appearance of undutifulnesse, or which may seeme to tend to the breach of the common peace: But although our adversaries have herein calumniated us, yet we have alwayes so behaved our selves, as beseeemed his Majesties most humble and loyall subjects, petitioning his Majestie for a legall redresse of our just grievances.

* The contrarie is most true.

To the last, concerning the Covenant; the Commissioner his Grace having many times and most instantly pressed us with that point, we did first by * invincible arguments make manifest, that wee could not, without sinning against God, and our owne consciences, and without doing wrong to this Nationall Church, and all posteritie, rescind or alter the same: And thereafter did at large cleare the same of all unlawfull combination against Authoritie, by our last Supplication and Declaration, which his Majesties Commissioner * accepted, as the most readie and powerfull of all other meanes, which could come within the compasse of our thought to give his Majestie satisfaction; The subscription of this our confession of Faith, and Covenant being an act so evidently tending to the * glorie of God, the Kings honour, and happinesse of the Kingdome. And having already proved so comfortable to us in the inward of our hearts, It is our ardent and constant desire, and readie wish, that both his Majestie and all his good subjects may be partakers of the same comfort, Like as we finde our selves bound by conscience, and by the Covenant it selfe, to perswade all his Majesties good subjects to joyne with us for the good of Religion, his Majesties honour, and the quietnesse of the Kingdome: which being modestly used by us without pressing, or threatning of the meanest, we hope shall never give his Majestie the least cause of discontent.

* Our Commissioner never heard any argument to that purpose which could convince a child.

* Our Commissioner never accepted of it, nor conceived it could give satisfaction to any.
* It doth most evidently tend to the dishonour of God.

Seeing

Seeing therefore, according to our power and interest, we are most willing to remove all hinderances, that things may be carried in a peaceable manner, worthy our Profession, and Covenant, doe aime at nothing but the good of the Kingdome, and preservation of the Church, which by consumption, or combustion, is like to be desperately diseased, except remedy some way be speedily provided; And wee delight to use no other meanes, but such as are legall, and have beene ordinarie in this Church, since the Reformation: Wee are confident that without further delay, for preventing of greater evils and miseries then wee can expresse, our just desires shall be granted. So shall we be encouraged in the peace of our souls, still to pray for his Majestie, all encrease of true honour, and happinesse.

UPon their refusall, he sent for some of the chiefe Lords Covenanters, and told them of his resolution for a new journey; that he found their wayes such as he could not goe along with them; that he had power to grant them a free Generall Assembly, but that he could not conceive that to be a free one, in which they should bring in everie man to have a voice whom they had a minde to: If they would let him know what manner of persons should sit there, and what they intended to doe there, he would give his best concurrence, if he found their intentions to be agreeable to the lawes and customes of that Church and Kingdome; if they rejected these motions, he knew nothing left for him, but to return back againe to Us, yet he desired them before his journey that they would let him know what it was they would have, and that they would expresse what was the uttermost of that which they desired from Us, without which they would not rest satisfied; that with their desires he would make Us acquainted, and that within a few dayes he would either returne to them himselve with Our answer, or otherwise it should be speedily sent unto them.

Their answer to Our Commisisoner was, that they would make their Tables acquainted with his proposition, and he should shortly receive their answer: At their Tables it was much debated, whether he should have any further time allowed him for a new journey, and a speedie returne,

or if they should leave him to his owne choice and counsels, and they in the meane time to indict a Generall Assembly, and goe on with the prosecution of their intended resolutions: At last, not without contrarietie of suffrages in this also, it was by most voices concluded, that to give the people satisfaction, they would yet forbear the indicting of the Assembly untill the 21. day of September, before which time, if he or some other did not returne with such answer as should content them, then they would hold themselves free to goe on with their designs: And for expressing their desires, or what satisfaction they expected from Us, they would not descend to particulars, onely they looked for a free Generall Assembly, and a Parliament, in which two great Courts their desires should be made knowne; And this being all the answer Our Commisisoner could obtaine from them, he told them that he would report it to Us; and intended presently to begin his journey.

No sooner were they parted from him, but they betooke themselves to their old courses, both of incensing the people, and dashing in Our Commisisoner all hope of doing any good in this service: The first they did by scattering a report amongst their followers, that Our Commisisoner neither had power from Us, nor any intention in himselfe to give them any satisfaction, but that he onely delayed time, untill all things might be in a ripeness and readinesse for their ruine, an evident argument whereof was, that now he had taken two journies thither, & yet had never offered any thing, nor were they in better case then before he was sent unto them: A thing which they knew to be most untrue, both because in Our last Declaration We had granted them verie many things concerning their pretended grievances, which We had not granted before, being the same things which at first they onely desired; as likewise because Our Commisisoner had now lately tendered them in writing ten propositions, upon the yeelding to which he would presently indict an Assembly: But that was all one with them, for so they could perswade the people that nothing yet had been offered

at all to content them, they cared not by what reports (true or false) that perswasion were wrought in them : Our Commissioner, to assure the people that he intended really, and endeavoured their content, if possibly it might be effected upon any reasonable termes, contracted his former propositions into these two (which We here insert) and caused many copies of them to be dispersed through the Citie, that so the people might not be kept from the knowledge of Our favour towards them.

IF the Lords and the rest will undertake for themselves and the rest, that noe Laicks shall have voyces in choosing the Ministers to be sent from the severall Presbyteries to the Generall Assembly, nor none else but the Ministers of the same Presbyterie:

1.

If they will undertake that at the Assemblie they shall not goe about to determine of things established by Aets of Parliament, otherwise then by remonstrance or petition to the Parliament, leaving the determining of things Ecclesiasticall to the generall Assembly, and things settled by Aet of Parliament, to the Parliament :

2.

Then I will presently indict a Generall Assembly, and promise, upon my Honour; immediately after the Assembly to indict a Parliament, which shall cognosce of all their complaints.

THIS did so irritate their Leaders, that they presently entered upon a course that should put Our Commissioner out of hope of ever doing any good in this service; for they presently gave order, even before the beginning of his journey, for the election of the Commissioners to the generall Assembly throughout the whole Kingdome, to be made before his returne, or the indicting of an Assembly; which caused him presently to send for the chiefe of the Covenanters, and absolutely to tell them, That if they did proceed to the election of any Commissioners for the Assembly before his returne, he would not go his journey at all; he would not move Us for a Generall Assembly; nor for any thing else; he would leave them to their owne wayes; as a private man he would stay

in the Kingdome and expect the issue of their counsels : Which resolution of his, because it should not be concealed from the people, he caused likewise by many copies of it in writing to be divulged amongst them : This his determination these Lords Covenanters to whom he delivered it, communicated to their Tables, who were very stiffe in their former conclusion for the present election of Commissioners ; yet because they could not well perceive how to satisfie the people, if they should breake off all treatie upon such a nice point, it was at the last agreed unto, and talked of as a singular favour done to Our Commissioner, that the election of the Commissioners to the Assembly should be delayed untill his returne ; which we pray the Reader to observe, because it shall be knowne at his returne with what a horrible equivocation they did elude this their promise.

Before Our Commissioner begun his journey towards Us, he entred into a serious consultation with Our chiefe Officers of State and principall Councillors there, what further advice they had to recommend by him unto Us for the settling of the peace of that Kingdome, since they clearly perceived that all Our royall and gracious intentions to that people, were frustrated by the rebellious and obstinate courses of some few who misse-led the rest ; and since he could not possibly draw from the Covenanters their designes, nay, nor their desires, whereby he might learne what they expected for their satisfaction, he desired of them their best counsell, and that he with them might conceive in writing what they supposed would reduce the Kingdome to peace and quietnesse, and without which they thought it could not be effected, but by force and armes, which he was sure We would never use, but in an unavoidable extremitie, and for the preservation of Our Crowne and dignitie. This Our Commissioner did not adventure to communicate with the whole Councill, because he did know that some of Our Councill were Covenanters in their hearts, though for dangerous ends, they had forborne the subscribing of the Covenant with their hands, and that they would acquaint
the

the Covenanters with it, with whom they kept private meetings.

This proposition being much debated amongst these Councillours, they fell upon that way which they conceived would fully satisfie, or else none could; which was this: Since the Covenanters would not expresse their owne desires in particulars, they thought best to take an exact view of all their Petitions, Remonstrances, Grievances, Declarations, Protestations, either written or printed, which they had since the first beginning of these troubles exhibited to Our selves, Our Commisisoner, Our Councill; and to extract out of them the particulars of all their grievances and desires, and to represent them unto Us.

And besides all these, We being assured by Our Commisisoner, that the principall motive which the heads of the Covenanters had used to Our people for alienating their minds from Us, was that false opinion of Our avernesse from the Religion Reformed, and of Our inclination to Popery; We resolved, above all that was desired, to take a course which should give Our subjects full and unquestionable satisfaction in that point; and therefore propounding unto Our selfe the example of Our Royall Father, We concluded to command and urge the renewing of that Confession of Faith, which was first framed and afterward renewed in His name, by which meanes We made account that We should both benefit Our subjects and right Our Self: For, perceiving that they had grounded and fathered their spurious Covenant upon that Confession and Covenant urged by Our Father, We resolved by this Act of Our authoritie to legitimate it, that it being commanded by Us, might save Our people, who were to sweare it, from incurring the danger of Our Lawes, which have made it very criminall to enter into any Covenant without Our authority: As also to vindicate Our selfe from that false and wicked aspersion which the heads of their Covenant had most seditiously laid upon Us, *viz.* that Wee had a resolution either to bring in Poperie, or at least to tolerate it in Our Kingdomes, which though they

they themselves did not beleave , yet they beleaved that this was the most powerfull meanes of alienating the minds of Our people from Us (which they only intended) if they could possibly worke them to that beleife. And so both Wee and Our Commisſioner, who had lately come from them, were perſwaded that not onely Our people , but all people in the World, to whoſe notice it ſhould come , muſt reſt ſatisfied ; that Wee could not poſſibly be that way inclined , if Wee ſhould command , and by Our authority effect a new ſubſcription and ſwearing of that Confefſion of Faith, which is more directly oppoſite to Poperie then any Confefſion beſides extant in the World. This being added to the former advice of Our Councell, which was to eaſe them of all thoſe things which they pretended to bee their principall grievances , Wee well hoped ſhould have ſettled the peace of that Church and Kingdome : For by granting the removing of thoſe former grievances, without this laſt ſuperaddition of Our favour , Our Councellours were perſwaded that Our ſubjects for the moſt part would be ſatisfied , deſert their Leaders , and adhere to Us with their lives and fortunes, as they themſelves would doe who ſigned this their Councell with their hands, and ſent it up to Us by Our Commiſſioner.

No ſooner was he come to Us at Oatlands , but We were aſtoniſhed with his relation of their proceedings ; and when he preſented unto Us, not only the improbability, but alſo the impoſſibility that ever the Ring-leaders of that Rebellion would deſiſt, untill they had obtained their wicked ends, and that the only hope of peace was placed in dividing the people from them, by proffering unto the people ſuch gracious favours , as in all likelihood they neither could nor would rejeſt ; and well weighing the advice given unto Us by Our principall Councellours and Officers of State there, After mature deliberation with ſuch as We were pleaſed to call unto Us , and eſpecially at the humble and earneſt importunity of Our Commiſſioner, ſo zealouſly affected to the peace

peace of Our and his native Countrey, We did resolve to pursue that advice of his and Our other Councillours, and did againe make a very exact survey of whatsoever they had petitioned for, from the very first, either of Us, Our Commissioner, or Councell, and resolved to grant them all, and besides all these, to renew the former Confession of Faith and the Band annexed, which We made account would have given them satisfaction above all things, especially in that wherein they had been most wickedly abused, that is, in their opinion of Our inclination to Poperie. The particulars of Our gracious grants unto them you shall finde in Our next Proclamation made after Our Commissioners returne to that Kingdome; whom, within eight dayes after his comming to Us, We dispatched back againe, overjoyed with Our gracious grants, as making full accompt, that he should be received this last time as an Angell of God, bringing in his mouth the branch both of piety and peace: But how farre both We and he and Our Councillours, and all Our good, religious, loyall, and peaceable subjects of that Kingdom were deceived herein, the next ensuing narration (which is almost above credit) will sufficiently declare.

For Our Commissioner, returning before the day agreed upon, he found all things in the time of his absence so perplexed and imbroyled by the heads of the Covenanters, who were afraid of nothing so much, as that he should returne with an answer satisfactorie to Our people, that he begun most clearely to perceive, that these men were resolved that nothing should satisfie them, which appeared by their whole proceedings in the time of his absence, and especially in these two particulars: First, whereas they had promised that no election of Commissioners for the Assembly should be made before the 21. day of September, the day agreed upon for his returne; they gave order that the election should be made the 22. day of September, being the next day after that, which they knew was to be passed before he could possibly returne Our answer to them: According to which resolution of theirs, Commissioners for the Assembly were elected in many Presbyteries upon that day, before any of the Covenanters

nanters did, or could come to know Our answer from Our Commissioner, or before the Assembly was indicted, which was not untill some dayes after these elections were past: Now, We desire to know whether ever there were heard a more grosse, absurd, and palpable equivocation then this; and that from men, who would be accounted the greatest opposites in the world to Popish tenets, and to none more then that of equivocation. They promise that no election shall be made untill Our Commissioners returne, and before such a day; and that promise grounded upon Our Commissioners resolution before his departure from them, that unlesse they would give him that assurance, hee would not undertake his journey, nor move Us any more in this business; but if they would expect his returne and Our answer by that time, he would doe both. These holy men resolve to expect that time before any election shall be actually made, but give order that it shall be made the next day after, before it could be knowne in most parts of the kingdome whether he were returned, or in any part of the kingdome, or by any person of the kingdome, what answer he had returned from Us: The insinceritie of which proceedings (condemned by many Covenanting Ministers at their meeting at Edinburgh for a most desperate equivocation) We are confident every man will detest, especially in those men who boast themselves to be the onely sincere Professours of these times.

Besides, Our Commissioner found that these men (who would not so much as hear him speak of any precedent conference of any thing concerning the Assembly, nor of any directions to be agreed upon for the more orderly proceeding in it, but cried out against them as unsufferable prelimitations and prejudgings of the liberties of Christ and his Church) had in the time of his absence at their Tables agreed upon certaine directions comprehended in eight Articles, which they had dispersed through the whole kingdome, and commanded to be observed by the severall Presbyteries thereof in their elections; the true copie whereof here followeth.

A direction for Presbyteries.

THat every Presbyterie have a copie of the Act made at Dundie the seventh of March 1597. concerning the number of Commissioners; the tenour whereof followeth.

1.

Because there hath beene no order hitherto anent the number of Commissioners to be directed from everie Presbyterie to the Generall Assemblie, therefore it is statuted and ordained, that in all time comming three of the wisest and gravest of the Brethren shall be directed from everie Presbyterie at the most, as Commissioners to everie Assemblie, and that none presume to come without Commission: And likewise, that one bee directed from everie Presbyterie in name of the Barons, and one out of everie Burgh, except Edinburgh, which shall have power to direct two Commissioners to the Generall Assemblie.

That everie Presbyterie have a copie of the Commission to be given to the Commissioners; the tenour thereof followes.

2.

T. T. the day of The which day after calling upon the name of God, We the members of the Presbyterie of having diligently considered the manifold corruptions, innovations, and disorders, disturbing our peace, and tending to the overthrow of our Religion, and Liberties of the reformed Church within this Realme; which hath come to passe, especially through the want of the necessarie remedie of Generall Assemblies, as well ordinarie as pro re nata, enjoyed by this Church for many yeares, and ratified by Act of Parliament, And now expecting shortly by the mercie of God the benefit of a free Generall Assemblie, do by these presents nominate and appoint Minister of as also in name of the Burrowes, conjunctly and severally our lawfull Commissioners, giving and granting unto them our full power, Commission, and expresse charge, to repaire to the said Assemblie at the day and place, when and where it shall happen to sit, in any safe and commodious place within this Kingdome, and there with the rest who shall be authorised with lawfull Commission, in our name to propone, treat, reason, vote, and conclude, according to the word of God, and confession of faith approved by sundrie Generall Assemblies, and received throughout the whole Kingdome in all Ecclesiasticall matters, competent to a free Generall Assemblie, and tending to the ad-

vancement of the Kingdome of Christ, and the good of Religion, as they will answer to God, and his Church thereupon, and to report to us their diligence therein. In testification of this our Commission and charge, we have subscribed these presents with our hands, and which they have accepted with the lifting up of their hands.

3. That everie Church Sessio send one of the most qualified Elders unto the Presbyterie the day of chusing Commissioners to the Generall Assemblie: That by common consent of the Ministers and those Elders present in the Presbyterie, there may bee chosen both the Commissioners for the Ministers, and also some well affected and qualified Nobleman, or speciall Gentleman, being an Elder of some particular Church Sessio within that Presbyterie, in name of the Barons: For this is the constitution of the Presbyteries, (otherwise called Elderships) appointed by the Church in the books of discipline, Acts of the Generall Assemblie, practised for many yeares after the reformation, and ratified in the Parliament, the twelfth of King James the 6. and never since altered nor rescinded; neither can be with reason altered, seeing that same is the constitution of the supreme and Generall Assemblies, and of the inferiour and Church Sessios, as is at more length cleared by some reasons.
4. That such as are erroneous in doctrine, or scandalous in life, be presently processsed, that they be not chosen Commissioners; and if they shall happen to be chosen by the greater part, that all the best affected, both Ministers and Elders, protest and come to the Assemblie to testifie the same.
5. To send to everie Presbyterie a copie of the printed reasons for an Assemblie.
6. That Moderators by vertue of their office bee not Commissioners to the Assemblie, except they be chosen.
7. That the Presbyteries in one of the ordinarie meetings, appoint to conveene solemnely after the twentieth of September, either upon the 21. 22. 23. 24. or 25. for chusing of their Commissioners to the Assemblie, and for to send them hitber to Edinburgh before the first of October, or so soone as they can, that with common consent, they may receive the Kings last answer, and advise upon the next lawfull remedies, in their extreme necessities of Church and State.

That

That in the Fast to be observed on the sixteenth day of September, the second day preceding their election, they may crave Gods direction therein.

8.

TO these eight Articles they joyned (by way of information) a very impertinent, long and tedious discourse of Ruling Elders, too long and too simple to be here inserted; which was added no doubt onely to perswade the Ministers to admit Lay-men to have voyces in their Presbyteries at the election of the Ministers who were to be Commissioners for the Assemblie, or in case of their refusall, to perswade the Lay-men to put themselves in possession, and give their voices in these elections, whether the Ministers would or no, as shall appeare afterwards, both by that intrusion which these lay Elders used in many Presbyteries, where the Ministers refused to admit them, and by some of the Tables more private Instructions, by which they were ordered so to do.

Now, We desire the Reader to consider, whether the conference which Our Commissioner desired for debating of what members the Assemblie was to bee constituted; and the matters which were principally to bee discussed there (with so much bitterness exclaimed against by them) could in any construction or sense bee taken for such a prelimitation of the Assemblie, either in the members, matter, or manner of it, as these eight Articles, composed and commanded by their Tables. In the second Article, they set downe to every Presbyterie a set forme of a Commission to be made to their Commissioners, which was never done before; and at the Assemblie, when the severall Commissions were read, it was observed that all the Commissions were the same *verbatim*, except a verie few from some Presbyteries, who would not be ruled by the Table: and gave power to their Commissioners to continue no longer in the Assemblie, then Wee or Our Commissioner in Our name should continue it. In the same Article they will have the Presbyteries in their Commissions to take it *pro confesso*, that the pretended and complained of Inno-

vations are, *corruptions and disorders disturbing the peace, and tending to the overthrow of their Religion and Liberties within the reformed Church of that Realme*: If this bee not to pre-judge, and take that for granted, which was to be tried by the Assemblie, whether it was so or not, *viz.* whether these things complained of were Innovations and corruptions introduced in Religion, We must leave it to the Reader to judge. In the third Article they appoint Lay-men to sit in Presbyteries, which had not beene done for above fortie yeares before; Nay, and these Lay-men to be equall in number with the Ministers, which is contrarie to their owne book of Discipline alledged by them, which did then order that the Ministers should alwayes exceed the number of the Lay-Elders, so that before this time they never were equall in number: Nay, that these Lay-men should have voices, not onely in the chusing of their owne Lay-Elder, but, which is insufferable, should have suffrage in the Election of the three Ministers Commissioners for the Assemblie; which they themselves do know was never heard nor practised in that Church before, in the very first and strictest times of reformation, nor ever since. In the fourth Article they order a notable tricke and device of their owne to bee put in practice, whereby they were ascertained, that no Minister should bee chosen Commissioner in any Presbyterie where they had any power, but such as did undoubtedly concurre with them in their rebellious courses: for they appointed (and accordingly it was practised) that every man suspected to bee of a different judgement from them, should presently be proccessed and brought under the scandall of erroneous life or doctrine, and so made uncapable of being chosen Commissioner; according to which Article there were very few Ministers in the Kingdome, who had not subscribed their Covenant, but they were presently suspended by their Presbyterie, where they had voices to do it, or at the least put under proccesse by some one or other, which could not be prevented; for no man can bee denied an originall proccesse against any man whom he will implead: but yet this Article left no evasion, if it should happen that such a one should

should be chosen Commissioner; for in this case they ordered, that the rest who gave not voices should protest against the election, and complaine of it to the Generall Assemblie, where they were sure enough to procelle him there, and lay him aside untill his procelle should bee discussed; which they did put in practice upon some Ministers, who did not concurre in judgement with them at the first sitting downe of the Assemblie. The sixth Article is directly against the Constitutions of their Church then in force, and till then practised; the Moderator of the Presbyterie being constantly one, as being most able to give an account to the Assemblie of all Presbyteriall actions. The seventh Article gives order for practising the above mentioned equivocation, and enjoyneth them to make their elections before they received Our answer, and that they repaire to Edinburgh immediatly after their election, that all the Commissioners elected may consult before hand upon what was to be said or done at the Assemblie; which is in effect neither more nor lesse, then to receive directions from their Tables how to carrie themselves at the Assemblie, and indeed to preconveene and hold the Assemblie at Edinburgh before their meeting at Glasgow.

These were their publike instructions which they were not ashamed to avowve and send abroad from their Tables, as it were by publike authoritie, to the severall Presbyteries of that Kingdome; And whether they do not containe prelimitations of the Assemblie, We shall leave it to the Reader to judge: But whether, if Wee, Our Commissioner, or Councill, had sent any such directions and instructions to the severall Presbyteries, they would not have exclaimed against them as unsufferable prelimitations of that Assemblie, and prejudgings of the liberties of the Church of Christ in that Realme, We do appeale even to their owne consciences. And yet these publike instructions are nothing to the private ones, which they durst not communicate to all their partie, but onely to some one Laick, and one Minister, their speciall confidants in every Presbyterie, of which you shall heare more afterwards in their due place.

Notwith-

Notwithstanding all these discouragements, arising from the disorderly proceedings of the Covenanters in the time of his absence, Our Commissioner the day after the time prefixed for his returne, viz. the 22. day of September 1638. assembled Our Councill at Our Palace of Holy-rood-house, and there first delivered unto them this letter from Us, as followeth.

Apud Holy-rood-house Septemb. 22. 1638.

The which day James Marquesse of Hamilton His Majesties Commissioner, produced and exhibited before the Lords of Privie Councill, the two Missives underwritten, signed by the Kings Maestie, and directed to the said Lords, which being read, heard and considered by the said Lords, They have ordained, and ordaines the same to be inserted and registred in the books of secret Councill, therein to remaine ad futuram rei memoriam, whereof the tenour followeth.

CHARLES R.

Right trusty &c. being certainly informed that the distractions which have happened of late, (both in Church and Commonwealth) in this Our ancient Kingdome of Scotland, have much troubled the minds of many of Our good and loyall subiects; and that these distractions have beene occasioned upon jealousies and feares of innovati- on of Religion and Lawes, as tending to the introduction of Poperie, and not without some suspicion as if Wee Our selfe were inclined that way; Upon occasion whereof, many of Our subiects have of late subscribed a band or Covenant for preserving the true Religion and Lawes already established, and for defending the Kings person, and each others, in defence thereof: But the same not being warranted by Royall authority (as that which was in Our deare Fathers time) must needs of it selfe be ineffectuall, and much prejudiciall to the ancient Forme and Custome of government kept within that Our Kingdome of Scotland: Wherefore Wee, out of Our inborne love to Our said native Countrie, and for obviating these conceived feares, and satisfying of you and all Our loving people, have thought good to ordaine the Confession of Faith, and band subjoynd thereto, of the date at Edinburgh, Januarie 28.

1580. and signed by Our Royall Father to bee renewed : And to that effect have given Order to Our Commissioneer, with advice of Our Councell, to set downe and settle some solid course, whereby the same may be subscribed by Our Councell, Judges, Magistrates of Burroughes, and all other Our people of that Kingdome. And for further clearing of Our selfe, Wee declare, That as We are and ever have benee satisfied in Our judgement and conscience for the reformed Religion now established, and against the Roman : so Wee purpose, by Gods grace, both to live and die in the practice thereof, and to preserve and maintaine the same in full strength and integritie, according to the Lawes of that Our ancient Kingdome. What We have thought further fitting to be done at this time, concerning the particulars contained in Our subjects petitions ; you shall receive Our full pleasure therein from Our Commissioneer. And that this Our Declaration concerning Our selfe, and Our pious intention, for settling the Reformed Religion within that Our Kingdome may appeare to posteritie. Our pleasure is, that these presents be registred in the Books of Councell.

Oatlands Septem. 9. 1638.

THIS Our Letter being received by Our Councell with all submissive, joyfull, and thankfull acknowledgment, Our Commissioneer made them further acquainted with the particulars of Our grace and favour, for the appeasing of the troubles of that Our kingdome, who (upon hearing of the same) were filled with excessive joy, as making full account that now malice it selfe could not finde the least pretence of keeping Our people from being satisfied, all things which ever yet since the beginning of these troubles they had desired, being granted unto them. But so soone as some of Our Councillours, who were not onely Covenanters in their heart, but the very heart of their Covenant, had made some of the chiefe covenanting Lords acquainted with the unexpected excesse of Our favours towards Our people, these Lords, making full accompt that their reigne was upon the point of expiration if the people should understand Our
grace

grace and favour, bestirred themselves with might and main to disperse rumours amongst them, That the newes brought home by Our Commisſioner, importing Our answer, did tend to the utter subverſion of their Religion and liberties; That there was a new Covenant to be ſet on foot by Us, to deſtroy theirs, and that if they now did not reſiſt, all they had done was quite undone and loſt: After which, the principall of them came downe, firſt, to Our Commiſſioner, and then to Our Councell, requeſting them, or indeed rather requiring them, that they would not ſubſcribe the Confeſſion of faith, nor require it to be ſubſcribed by others, by any authoritie from Us, threatning in a manner, that if they did, they would repent it, and that a preſent rupture would follow: Our Commiſſioner and Councell heard them twice fully, but found not the leaſt ground of reaſon for the delay of the declaration of Our grace and favour towards Our people, as ſeeing it proceeded onely from an earneſt deſire in theſe Lords to have it concealed from them; and therefore reſolved, and imparted unto the Lords covenanters their reſolution, that they would publiſh it that day, being Saturday. The Lords covenanters did then ſeeme to abate ſomething of their requeſts, or rather demands, and deſired Our Commiſſioner and Councell to delay the publiſhing of Our Declaration onely untill the Munday following, before which time, if they could not ſhew good reaſons for the ſtopping of it, they would be content with the publication thereof: Which motion of theirs wanted not ſeconding from ſome of Our Councell there preſent, who were indeed the firſt and chiefſt of them: But Our Commiſſioner and Councellours well and wiſely foreſeeing that this delay was deſired, firſt, that theſe Lords Covenanters might have time to pen and prepare a Proteſtation againſt this Our gracious Declaration, with the contents whereof ſome of Our Councellors (heartie Covenanters) had made them acquainted; which Proteſtation could not be provided nor penned in the ſpace of ſo few houres: ſecondly, that the Lords covenanters made no queſtion, but that the next day being Sunday, their

Ministers

Ministers in all the Pulpits of Edinburgh, by their subornation, should so conjure up the spirits of Our people against Our gracious Declaration, as they should not be easily and readily laid againe: Thirdly, that they might have time to dispatch messengers and Poasts abroad with copies of their Protestation, in all Burroughs where Our Declaration was to be published, before, or as soone as Our Declaration could be sent to those places: for these important considerations Our Commisioner and Councell did declare unto these Lords, after full hearing of them, that considering the invaliditie of their reasons to the contrarie, Our gracious Declaration should be published that day at the Crosse of Edinburgh: And so accordingly Our Declaration that day was proclaimed, as here it followeth.

Charles, by the grace of God, King of Scotland, England, France, and Ireland, defender of the faith. To Our Lovits, Messengers, Our Sheriffes, in that part conjunctly and severally specially constitute, greeting. Forsomuch as the cause and occasion of all the distractions which have happened of late both in Church and Common-weale of this our Kingdome, have proceeded from the conceived feares of innovation of Religion and Lawes; To free all Our good subjects of the least suspicion of any intention in Us to innovate any thing, either in Religion or Lawes, and to satisfie not onely their desires, but even their doubts, We have discharged, and by these presents do discharge the Service Booke, Booke of Canons, and High Commission, and the practice of them, or any of them; and by these presents annuls and rescinds all Acts of Councell, Proclamations, and other acts and deeds whatsoever, that have beene made or published for establishing them, or any of them, and declares the same to be null and to have no force nor effect in time comming. And being informed, that the urging of the practice of the five Articles of Perth Assembly hath bred great distraction and division in the Church and State, We have beene graciously pleased to take the same into Our consideration, and for the quiet and peace of Church and State, doe not onely dispense with the practice of the saids Articles, but also discharge, like as by these presents We discharge all and whatsoever persons from urging the practice thereof, upon either Laick or Ecclesiasticall person whatsoever. And We doe
T hereby

hereby free all Our subjects from all censure and paine, whether ecclesiasticall or secular, for not urging, practising, or obeying the same, notwithstanding of any thing contained in the Acts of Parliament, or generall Assembly, to the contrary. And because it hath beene, to the disgrace of government, dispersed and surmised throughout this Our Kingdome, that some of Our subjects have exercised such illimited and unwarranted power, and have held themselves excused from censure and punishment, to which others Our subjects are lyable, We doe by these presents declare, that if any of Our subjects, whether ecclesiasticall or civill, of whatsoever qualitie, title, or degree, have, or shall at any time presume to doe any such act, or assume to themselves any such exemption or power, That they shall, like as by these presents We make and ordaine them to be lyable to the triall and censure of Parliament, generall Assembly, or any other Judicatories competent, according to the nature and qualitie of the offence. And for the free entry of Ministers, that no other oath be administrate unto them then that which is contained in the act of Parliament, And to give Our subjects full assurance, that We never intend to admit of any change or alteration in the true Religion already established and professed in this Our Kingdome, And that all Our good people may be fully and clearly satisfied of the realitie of Our intentions towards the maintenance of the truth and integritie of the said Religion, We have thought fit and expedient to injoyne and authorize, like as We by these presents doe require and command all the Lords of Our privie Councell, Senatours of the Colledge of Justice, Judges, and Magistrates to burgh and land, and all Our other subjects whatsoever, to subscribe and renew the Confession of Faith subscribed at first by Our deare Father and His household, in the yeare of God 1580. Thereafter by persons of all rankes, in the yeere 1581. by ordinance of the Lords of secret Councell, and acts of the generall Assembly. Subscribed againe by all sorts of persons in the yeere 1590. by a new ordinance of Councell at the desire of the generall Assembly, with their generall band of maintenance of the true Religion, and the Kings person. And for that effect We doe require the Lords of Councell to take such course ament the foresaid confession and generall band, that it may be subscribed and renewed throughout the whole kingdome with all possible diligence. And because we will not leave in Our subjects minds the least scruple or doubt of Our royall intentions and reall resolutions, We have given warrant to Our Commissioner to indict a free

generall

generall Assembly, to be holden at Glasgow the twenty first day of November, in this present year 1638. And thereafter a Parliament to be holden at Edinburgh the fifteenth day of May Anno 1639. for settling a perfect peace in the Church and Common-weale of this kingdome. And because it is likely that the disorders and distractions which have happened of late, have bene occasioned through the conceived feares of innovation of Religion and Lawes, and not out of any disloyaltie or disaffection to soveraigntie, We are graciously pleased absolutely to forget what is past, and freely to forgive all by-gones to all such as shall acquiesce to this Our gracious pleasure, and carry themselves peaceably as loyall and dutifull subjects, and shall ratifie and approve the same in Our next ensuing Parliament. And that this Assembly may have the better successe, and more happy conclusion, Our will is, that there be a solemne Fast proclaimed and kept by all Our good subjects of this kingdome, a foureteene dayes before the beginning of the said Assembly: the causes thereof to be a begging a blessing from God upon that Assembly, and a peaceable end to the distractions of this Church and Kingdome, with the aversion of Gods heavie judgement from both. And Our pleasure is, that this Fast be kept in the most solemne manner as hath bene in this Church at any time heretofore upon the most extraordinary occasion.

OUR WILL is heresore, and We charge you straightly and command, that incontinent these Our Letters seen, ye passe, and make publication hereof by open proclamation at the market Crosses of the head burrowes of this kingdome, where-through none pretend ignorance of the same.

Given at Our Court of Oatlands, the ninth day of
September, 1638.

Per Regem.

After this Declaration was proclaimed, the Confession of Faith, as it was at the first commanded by Our Royall Father, as also the band annexed for defence of the Religion now established, and of Our Person and authoritie, with the subscriptions of Our Commisioner and Councill to them both, doe here follow.



The Confession of Faith of the Kirke of S C O T L A N D ;

Subscribed at the first by the Kings Majesties umwhile dearest Father of blessed memory, and his Household, in the yeer of God 1580. Thereafter by persons of all ranks, in the yeer of God 1581. by ordinance of the Lords of Secret Council, and Acts of the Generall Assembly. Subscribed againe by all sorts of persons in the yeer 1590. by a new Ordinance of Council, at the desire of the general Assembly: with the general Band for maintenance of the true religion. And now renewed and subscribed again by his Majesties speciall command, by the right noble Marquesse, *James*, Marquesse of Hamiltoun, Earle of Arran and Cambridge, Lord Even and Evendail, his Majesties high Commissionsioner, and Lords of secret Councell undersubscribing. And that of and according to the date and tenor of the said Confession of Faith, dated in March 1580. and of the Band, dated in *Anno* 1589.



W E All, and every one of us underwritten, protest, That after long and due examination of our owne consciences, in matters of true and false Religion, are now throughly resolved in the truth, by the Word and Spirit of God, and therefore we beleeve with our hearts, confesse with our mouths, subscribe with our hands, and constantly affirme before God and the whole world, that this onely is the true Christian Faith and Religion, pleasing God, and bringing salvation to man, which is now by the mercy of God revealed to the world by the preaching of the blessed Evangel.

And received, beleaved, and defended by many and sundry notable Kirkes and Realnes, but chiefly by the Kirke of Scotland, the Kings Majestie, and three Estates of this Realme, as Gods eternall truth and onely ground of our salvation; as more particularly is expressed in the Confession of our Faith, stablished, and publikely confirmed by sundry Acts of Parliaments, and now of a long time hath bene openly professed by the Kings Majestie, and whole bodie of this Realme, both in Burgh and land. To the which Confession and forme of Religion, wee willingly agree in our consciences in all points, as unto Gods undoubted Truth and Veritie, grounded onely upon his written Word: And therefore Wee abhorre and detest all contrarie Religion and Doctrine, But chiefly all kinde of Papistrie in generall

nerall and particular heads, even as they are now damned and confuted by the Word of God and Kirk of Scotland: but in speciall, we detest and refuse the usurped authority of that Roman Antichrist upon the Scriptures of God, upon the Kirk, the civill Magistrate, and conscience of men: All his tyrannous lawes made upon indifferent things against our Christian liberty. His erroneous doctrine against the sufficiency of the written word, the perfection of the Law, the office of Christ and his blessed evangel. His corrupted doctrine concerning originall sin, our naturall inability, and rebellion to Gods law, our justification by faith onely, our imperfect sanctification and obedience to the law, the nature, number, and use of the holy Sacraments. His five bastard Sacraments, with all his rites, ceremonies, and false doctrine, added to the ministration of the true Sacraments without the word of God. His cruell judgment against infants departing without the Sacrament. His absolute necessitie of Baptisme. His blasphemous opinion of Transubstantiation, or reall presence of Christs bodie in the elements, and receiving of the same by the wicked, or bodies of men. His dispensations with solemne oathes, perjuries, and degrees of marriage forbidden in the word. His cruelty against the innocent divorced. His divellish Masse. His blasphemous Priesthood. His profane sacrifice for the sinnes of the dead and the quicke. His canonization of men, calling upon Angels or Saints departed, worshipping of imagery, reliques, and crosses, dedicating of Kirks, altars, dayes, vovues to creatures. His purgatory, praiers for the dead, praying or speaking in a strange language, with his processions and blasphemous letanie, and multitude of advocates or mediatoours. His manifold orders, auricular confession. His desperate & uncertaine repentance. His generall and doubtfull faith. His satisfactions of men for their sins. His justification by works, Opus operatum, works of supererogation, merits, pardons, peregrinations, and stations. His holy water, baptising of bells, conjuring of spirits, crossing, saning, anointing, conjuring, hallowing of Gods good creatures, with the superstitious opinion joyned therewith. His worldly Monarchy, and wicked Hierarchie. His three solemne vovues, with all his shavelings of sundry sorts. His erroneous and bloody decrees made at Trent, with all the subscribers and approvers of that cruell and bloody band, conjured against the Kirke of God. And finally, we detest all his vaine allegories, rites, signes, and traditions brought in the Kirke, without, or against the word of God,

God, and doctrine of this true reformed Kirk. To the which we joyne our selves willingly, in doctrine, faith, Religion, discipline, and use of the holy Sacraments, as lively members of the same, in Christ our head: promising and swearing, by the great Name of the Lord our God, that we shall continue in the obedience of the doctrine and discipline of this Kirk, and shall defend the same, according to our vocation and power, all the dayes of our lives, under the paines contained in the law, and danger both of body and soule in the day of Gods fearfull judgement. And seeing that many are stirred up by Satan and that Roman Antichrist, to promise, swear, subscribe, and for a time use the holy Sacraments in the Kirk deceitfully, against their owne consciences, minding hereby, first, under the externall cloak of Religion, to corrupt and subvert secretly Gods true Religion within the Kirk, and afterward, when time may serve, to become open enemies and persecuters of the same, under vaine hope of the Popes dispensation devised against the word of God, to his greater confusion, and their double condemnation in the day of the Lord Jesus.

We therefore, willing to take away all suspicion of hypocrisie, and of such double dealing with God and his Kirk, protest, and call the Searcher of all hearts to witnesse, that our minds and hearts do fully agree with this our confession, promise, oath, and subscription: So that wee are not moved for any worldly respect, but are perswaded only in our consciences, through the knowledge and love of Gods true Religion, printed in our hearts by the holy Spirit, as we shall answer to him in the day when the secrets of all hearts shall be disclosed. And because wee perceive, that the quietnesse and stability of our Religion and Kirk doth depend upon the safety and good behaviour of the Kings Majestie, as upon a comfortable instrument of Gods mercie granted to this countrey, for the maintenance of his Kirk, and ministracion of justice amongst us, we protest and promise with our hearts under the same oath, hand-writ, and paines, that we shall defend his person and authority, with our geare, bodies, and lives, in the defence of Christ his Evangel, liberties of our Countrey, ministracion of justice, and punishment of iniquity, against all enemies within this Realme, or without, as we desire our God to be a strong and mercifull defender to us in the day of our death, and comming of our Lord Jesus Christ: to whom, with the Father, and the holy Spirit, be all honour and glory eternally. Amen.

Wee under-subscribing, and considering the strait linke and conjunction betwixt the true and Christian Religion presently profess'd within this Realme, and Sovereigne Lords estate and standing, having both the selfe same friends and common enemies, and subject to the like event of standing and decay, and weighing therewithall the imminent danger threatned to the said Religion, the preservation whereof being dearer to us then whatsoever we have dearest to us in this life; And finding in his Majestie a most honourable and Christian resolution, to manifest himselfe to the world that zealous and religious Prince which he hath hitherto professed, and to imploy the meanes and power that God hath put into his hands, as well to the withstanding of whatsoever forreigne force shall meane within this land, for alteration of the said Religion, or endangering of the present state, as to the repressing of the inward enemies thereto amongst our selves, linked with them in the said Antichristian league and confederacie; Have therefore in the presence of Almighty God, and with his Majesties authorising and allowance, faithfully promised, and solemnly sworne, like as hereby we faithfully and solemnly sweare, and promise to take a true, effauld, and plaine part with his Majestie amongst our selves, for diverting of the appearing danger threatned to the said Religion, and his Majesties state and standing, depending thereupon, by whatsoever forreigne or intestine plots or preparations. And to that effect, faithfully, and that upon our truth and honours, binde and oblige us to others, to conveene and assemble our selves publikely, with our friends in armes, or in quiet manner, at such times and places as we shall be required by his Proclamations, or by writ or message direct to us from his Majesty, or any having power from him, And being conveened and assembled, to joyn and concurre with the whole forces of our friends and favourers, against whatsoever forreigne or intestine powers or Papists, and their partakers, shall arrive or rise within this Iland, or any part thereof, ready to defend or pursue, as we shall be authorised and conducted by his Majesty, or any others having his power and Commission, to joyn and hold hand to the execution of whatsoever mean or order shalbe thought meet by his Majesty and his Councell, for suppressing of the Papists, promotion of the true Religion, and setting of his Highnesse estate, and obedience in all the countries and corners of this Realme, to expound and hazzard our lives, lands, and goods, and whatsoever meanes God hath lent us, in the defence

fence of the said true and Christian Religion, and his Majesties person
 and estate, against whatsoever Jesuites and Seminarie or Masse-priests,
 condemned enemies to God and his Majestie, to their utter wracke and
 exterminion, according to the power granted to us by his Majesties pro-
 clamiation and acts of Parliament, to try, search, and seeke out all ex-
 communicates, practisers, and others Papists whatsoever, within our
 bounds and Shire where we keepe residence, and delate them to his
 Highnesse and his Privie Councell, and conforme us to such directions,
 as from time to time we shall receive from his Majestie and his Coun-
 cell in their behalves. And specially so many of us as presently are, or
 hereafter shall be appointed Commissioners in every Shire, shall follow,
 pursue, and travaile by all meanes possible, to take and apprehend all
 such Papists, Apostates, and Excommunicates, as we shall receive in writ
 from his Majesty. And we, the remanent within that Shire, shall con-
 curre and assist with the saids Commissioners with our whole friends and
 forces, to that effect, without respect of any person whatsoever. And
 generally to assist in the meane time, and defend every one of us ano-
 ther, in all and whatsoever quarrels, actions, debates, moved, or to be
 moved against us, or any of us, upon action of the present Band, or other
 causes depending thereupon. And effauldly joine in defence and pursuit
 against whatsoever shall offer or intend any injurie or revenge against
 any one of them for the premises, making his cause and part that is pur-
 sued, all our parts; Notwithstanding, whatsoever privie grudge, or
 displeasure standing betwixt any of us, which shall be no impediment
 or hinder to our said effauld joyning in the said common cause; but to
 lye over, and be mis-known, till they be orderly removed, and taken away
 by the order under-specified. To the which time, we for the better fur-
 therance of the said cause and service, have assured, and by the renour
 hereof, every one of us taking the burden upon us for our selves, and all
 that we may let, assure each other to be without, unharmed, or any
 wayes to be invaded by us, or any our foresaids, for old feid or new, other-
 wise then by ordinary course of law and justice; neither shall we, nor
 any of our foresaids, make any provocation, or tumult, trouble or dis-
 pleasure to others in any sort, as we shall answer to God, and upon
 our Honours and fidelitie to his Majestie. And for our further and
 more heartie union in this service, we are content, and consent, that
 all whatsoever our feids and variances fallen, or that may fall out be-
 twixt us, be within fortie daies after the date hereof amicably refer-

red and submitted to seven or five indifferent friends, chosen by his Majesty of our whole number, and by their moderation and arbitrement componed and taken away. And finally, that we shall neither directly, nor indirectly separate nor withdraw us from the union and fellowship of the remanent, by whatsoever suggestion or private advice, or by whatsoever incident regard, or stay such resolution as by common deliberation shall be taken in the premises, as we shall answer to God upon our consciences, and to the world upon our truth and honours, under the pain to be esteemed traitours to God and his Majesty, and to have lost all honour, credit, and estimation in time comming. In witness whereof, by his Majesties speciall command, allowance, and protection promised to us therein, We have subscribed these presents with our hands. At 1589.

We JAMES Marquesse of Hamiltoun, Earle of Arran and Cambridge, Lord Even and Evendail, his Majesties High Commisisoner, and Lords of his Majesties Privie Council undersubscribing, by vertue, and conform to a warrant and command, signed by his sacred Majesty, of the date of Sept. 9. 1638. and registrate in the bookes of Councell upon the 22. day of the said month, Swear, and with our hearts and humble and true affections to Gods truth, and to his sacred Majesty, subscribe the Confession of faith, of & according to the date and tenour above specified: and also renew, swear, and subscribe the foresaid general Band of the tenor abovewritten, for preservation of the true Religion, and maintenance of his sacred Majesties authoritie, according to the tenor thereof, and siclike, as amply as the same was conceived in favours of his Majesties umwhile blessed Father of eternall memorie, by the said Band. In witness wherof, we have subscribed these presents with our hands, At Holy-rood-house Septemb. 22. 1638. Sic subscribitur,

HAMILTOUN,
 Traquair, Roxburgh, Mair sheall, Mar, Murray, Linlithgow, Perth,
 Wigtoun, Kingorne, Tullibardin, Hadingtoun, Annandaill, Lauder-
 daill, Kinnoull, Dumfreis, Southesk, Belbeaven, Angus, Lorn, El-
 phinstoun, Naper, Dalzell, Amont, J. Hay, S. Thomas Hope, S. W.
 Elphinstoun, J. a. Carmichael, J. Hamiltoun, Blackball.

AT the same time was a proclamation made for the indiction of the generall Assembly, which was this.

At Holy-rood-house the 22. day of September 1638.

FOrsomuch as it hath pleased the Kings Majestie, out of his pious and religious disposition to the true Religion, and out of his fatherly care, for removing of all feares, doubts, and scruples, which may arise in the mindes of his subjects, for preservation of the puritie thereof, and upon divers great and weightie considerations, importing the glory of God, the peace of the Kirke and Common-weale of this kingdome, to appoint and give order, that a free generall Assembly be indited, kept, and holden at the Citie of Glasgow the 21. of November next: Therefore the Lords of secret Councell ordaines letters to be direct, charging Maiffars, and Officers of Armes, to passe and make publication hereof by open Proclamation at the Market Crosse of Edinburgh, and the head Burrowes of this Kingdome, and other places needfull. And to warne all and sundry Archbishops, Bishops, Commissioners of Kirkes, and others having place and vote in the Assembly, to repaire and addresse to the said Citie of Glasgow the said one and twentieth day of November next to come, and to attend the said Assembly induring the time thereof, and aye and while the same be dissolved, and to doe and performe all which to their charges in such cases appertaineth, as they will answer to the contrarie at their highest perill.

IMmediately after that, this Proclamation was made for the indiction of the Parliament.

At Holy-rood-house the 22. day of September 1638.

FOrsomuch as it hath pleased his Majestie, out of his pious and religious disposition to the true Religion, and out of his fatherly care for removing of all feares, doubts, and scruples which may arise in the mindes of his subjects, for preservation of the puritie thereof, and upon
divers

divers other great and weighty causes, importing the glory of God, the peace of the Kirk and Common-weale of this Kingdome, to appoint and give order, that the Sovereigne and High Court of Parliament shall be holden at the Citie of Edinburgh upon the 15. day of May next to come, with continuation of dayes; Therefore the Lords of secret Councell ordain letters to be direct to Maijars and officers of Arms, charging them to passe to the market Crosse of Edinburgh; and other places needfull, and there by open Proclamation to make publication of the holding of the said Parliament, and to warne all and sundry Noblemen, Prelates, and Commissioners for the Barons and Burrowes, and all others having voice and place in the said Parliament, that they and every one of them, in their most decent and comely manner, make their addresse to the said Parliament, attend and await thereat during the time thereof, and to discharge that duty which is incumbent to them, and each one of them, as they will answer on the contrary at their perill.

AND last of all was published and proclaimed first the Act of the Lords of Our Councell for requiring all Our subjects to subscribe the said Confession of Faith and Band annexed, which here followeth.

At Holy-rood-house the 24. day of September Anno 1638.

THe which day a Noble Earle, JAMES Marquesse of Hamilton, Earle of Arran and Cambridge, his Majesties Commissioner, having produced and exhibit before the Lords of secret Councell, upon the twenty second day of this instant, a warrant signed by his Majestie, of the date the ninth of September instant; wherein among others of his Majesties gracious and royall expressions for preservation of the purity of Religion, and due obedience to his Majesties authoritie in the maintenance thereof, his Majestie did will and ordaine that the Lords themselves should sweare the Confession and generall Band mentioned in his Majesties said warrant and also should take such

order, as all his Majesties lieges may subscribe the same. And the said Lords of secret Councell, acknowledging his Majesties pious and gracious disposition and affection to the purity of Gods truth, did upon the 22. day of September instant, unanimously and withall humble heart, and sincere affection, swear and subscribe the Confession of Faith, dated the second of March 1580. according as it was then profest within this Kingdome: Together with the foresaid generall Band dated in Anno 1589. And now to the effect that all his Majesties lieges may give the like obedience to his Majesties so pious desire, therefore the said Lords have ordained and ordaines all his Majesties lieges, of what soever estate, degree or qualitie, Ecclesiasticall or Civill, to swear and subscribe the said Confession, dated the second of March 1580. and that according to the said date and tenour thereof, and as it was then profest within this Kingdome: Together with the said generall Band dated in Anno 1589. as they will answer at the contrarie upon their obedience. And ordaines Officers of Armes to passe to the market crosse of Edinburgh, and make publication hereof, and at all other places needfull, wherethrough none pretend ignorance of the same.

AND next after that was proclaimed the Commission of the Lords of Our Councell, whereby they appointed and designed severall Commissioners for requiring and taking the subscriptions of Our subjects to the said Confession and Band annexed, throughout the severall Shires within the Kingdome, which here followeth.

At Holy-rood-house the 24. day of September
Anno 1638.

FOrasmuch as a noble Marquesse, James Marquesse of Hamilton, Earle of Arran and Cambridge, his Majesties Commissioner and the Lords of secret Councell, by an Act of the date of the twenty second of this instant, have by speciall warrant of his sacred Majestie sworne and subscribed, with all humble and heartie affection, and unanimously, the Confession of Faith, dated the second of March 1580. and at length

insert

insert in the Bookes of Privie Councell, of and according to the said date
 and tenour thereof, and according as it was then profest within this
 kingdome: Together with the generall Band insert therewith in the said
 Bookes of Privie Councell, dated in Anno 1589. Like as also the said
 Lords of Councell, by their Act of the date of these presents, acknow-
 ledging his Majesties pious and gracious disposition and affection to the
 puritie of Gods truth, and as thereby they conceive themselves bound in
 conscience and humble dutie to use and follow forth all possible diligence,
 for procuring the subscriptions of all his Majesties Lieges thereto. And
 to this effect have thought fit that the care and diligence in procuring
 thereof be committed to some of his Majesties Councell, and others of
 the Nobilitie and Gentry within the severall Sheriffdomes and Pro-
 vinces of the Kingdome in manner after specified: Therefore the said
 Lord Commissioner, and Lords of secret Councell, give power, warrant,
 and commission to such of their number, and others after following,
 within the bounds after specified, viz. For the Sheriffdom of Edin-
 burgh principall, William Earle of Lothiane, Archibald Lord Naper,
 S. John Dalmahoy of that ilke, S. George Towers of Imerleith,
 For the Burgh of Edinburgh, the Provost and Baillies of Edinburgh,
 that are, or shall be for the time. For East-lothiane Robert Earle of
 Roxburgh, Lord privie Seale, Thomas Earle of Hadintown, John
 Earle of Lauderdaill, Harrie Lord Ker, S. Patrick Murrey of Eli-
 banke, S. Patrick Hepburne of Wauchtown, and James Maxwell
 of Imerweik. For the Stewartie of Dalkeith, John Earle of Tra-
 quair, Lord Treasurer. William Earle of Dalbousie, and S. James
 Macgill of Cranstonriddell. For the Sheriffdom of Peebles, and Et-
 trick forrest, the said Lord Treasurer, and John Lord Yester. For the
 Sheriffdom of Selkirke, the said Lord Treasurer, the Earle of Hadin-
 town, S. William Scot of Harden, and Generall Ruthven. For the
 Sheriffdom of Roxburgh, the Lord Privie Seale, the Earle of Lauder-
 daill, the Lord Ker, S. Andro Ker of Greenhead, S. William
 Douglas Sheriffe of Tiviotdaill, and S. Thomas Ker of Cavers.
 For the Sheriffdom of Bervicke, the said Lord Privie Seale, James
 Earle of Home, the Earles of Hadintown and Lauderdaill, and Laird
 of Blacader. For the Sheriffdom of Fyffe, John Earle of Rothes,
 Charles Earle of Dumfermeline, John Earle of Amنداill, John
 Earle

Earle of Wemes, Lord Fentoun, John Lord Lindsey,
David Lord Balcarres, S. Thomas Hope of Craighall Knight Baro-
net, His Majesties Advocate, S. Alexander Giblon of Durie, Sir
James Learmonth of Balcolmie, and S. Andrew Murrey of Bal-
vaird. For the sheriffedome of Linlithgow, Alexander Earle of Lin-
lithgow, James Lord Amont, S. John Hamiltoun of Urbeston
Justice clerk, Dundas of that ilk, and M. George Dun-
das of Manner. For the sheriffedome of Lanerk, John Earle of
Wigtoune, Archibald Lord Angus, Lord Fleeming,
Robert Lord Dalryell, S. William Elphinstoun chiefe Justice, Sir
James Carmichaell of that ilk Treasurer Depute, the said Justice
clerke, S. James Lokhart younger of Lee, Francis Dowglas of
Sandelands, Gawin Hamiltoun of Raploche, S. James Hamil-
toun of Broom-hill, Robert Hamiltoun of Torrence, and Alex-
ander Hamiltoun of Hags sheriffe. For the sheriffedome of Strive-
ling, John Earle of Mar, William Earle of Airth, John Earle of
Montrose, Alexander Earle of Linlithgow, John Earle of Wigtoun,
John Lord Flemming, Alexander Lord Elphinstoun, James Lord
Amont, and S. William Murray of Polmais. For the sheriffedome
of Dumfreis, William Earle of Queinsberrie,
Master of Dalryell, the Laird of Lag, William Maxwell of Kirk-
house, and John Dalryell of Newtoun. For the sheriffdome of Clack-
mannan, the said Earle of Mar, S. Robert Bruce of Clackmannan,
S. Thomas Hope younger of Cars sheriffe. For the sheriffedome of
Wigtoun, John Earle of Casils, Alexander Earle of Galloway, Sir
John Hamiltoun elder and younger of Barganie, S. Patrick Mac-
kie of Larg, John Murrey of Broughton. For the sheriffedome of
Air, Alexander Earle of Eglintoun, Alexander Earle of Glencarne,
John Earle of Casils, William Earle of Dumfreis, William Lord
Crichton, John Lord Lowdown, the Lairds of Barganie elder and
younger, the Lairds of Gastoun and Cragiewallace. For the sheriffe-
dome of Renfrew, Alexander Earle of Glencarne, Robert Vicount
of Belbeaven, S. Archibald Stewart of Blackhall, the Laird of
Howston, and Brice Sempill of Cathcart, S. Robert Dowglas of
Blaikester, and S. John Maxwell of Pooke. For the sheriffedome
of Dumbartan, Argyle, and Carbet, the said Earles of Montrose and
Wigtoun,

Wigtoun, the Lords Lorn & Flemming, S. George Stirling of Keir, and S. William Stewart Captaine of the Castle of Dumbartane. For the sheriffdome of Perth, stewartries of Monteith and Strathern, the Earls of Airth, Montrois, Atholl, Perth, Tullibardin, and Kinnoul, Mungo Vicount of Stormont, the Lairds of Keir and Lawers elder and younger, the Lairds of Duncrub elder and younger, and Blair of Balthiock. For the sheriffdome of Forfar, the Earls of Montrois, Kingorn, and Southesk, the Lords Carnaegie and Ogilvie, the Master of Spynie, Patrick Maule of Panmure, the Constable of Dundie, S. Andro Fletcher of Imerpeffer, the Lairds of Din, Ethie, Bannanmoune, Aldbar, Bonnyton, Lethintie, and Imerquharratie. For the sheriffdome of the Mernes, the Earles of Mairshall and Southesk, the Lord Carnaegie, S. Thomas Burnet of Leyes, the Lairds of Glenberrie, Arbuthnot, Morphie, Balmoyne, and Halkerton elder. For the sheriffdome of Aberdene, the Marquesse of Huntly, the Earles of Mairshall and Kingorne, the Earle of Kingorne for himselfe, and as Tutor to the Earle of Erroll, the Lords Forbes and Frazer and Laird of Drum. For the sheriffdome of Banff, the Marquesse of Huntly, the Earls of Mairshall and Finlatter. For Elgine and Forres, the Earle of Murray, the Laird of Innes, Brodie of that ilk, and Dumbard, sheriffe of Murrey. For the sheriffdome of Imerness, the Marquesse of Huntly, the Earle of Seafort, the Lord Lovatt, the Lairds of Grant and Makintosh. For the sheriffdomes of Caithnes and Sutherland, the Earles of Sutherland, Caithnes, and Seafort, the Master of Berridail, and S. Robert Gordoun. For Orkney and Zetland, the Earle of Carriet, S. John Buchanan of Scotiseraig, and Will. Stewart of Maynes. For the sheriffdom of Bute, the Lord Lorn and sheriff of Bute. For the Iles, the Lord Lorn. With power to them conjunctly and severally to passe to the severall bounds above-written, at such times & places as they shall think fit, and there to exhibit the said Confession of faith and generall Band above-specified, marked and subscribed by the Clerk of Councill, and to require all his Majesties lieges, of whatsoever rank and qualitie to subscribe the said Confession of Faith, dated March 2. 1580. according to the said date and tenour thereof, and as it was then profest within this kindgome together with the generall Band dated in Anno 1589. as they will be answerable to his Majesty and the said Lords, upon their

their dutie and obedience : and to make report of their said diligence betwixt and the thirteenth day of November next.

ANd because many did conceive, though falsly, that these pretended Innovations had made some alteration in the Religion which was sworne at the first in the said Confession, Our Commisisoner and Councell knowing well that suggestion to be made by those who were enemies to all peace, and onely to that end that Our subjects might be kept from returning to their obedience, did declare most truly and justly that Our intention; and so accordingly the oath which they had now taken was to defend the true Religion and Confession of faith as it was professed in that Kingdome, and sworne unto in the yeare of our Lord 1580. by which they did assuredly conceive that all Our good people would rest fully satisfied. The Act of Councell containing that short explication here followeth.

Apud Holy-rood-house 22. Septembris
Anno 1638.

THe which day a Noble Marquesse, JAMES Marquesse of Hammiltoun, Earle of Arran and Cambridge, his Majesties Commissioner, and Lords of secret Councell, in all humble and heartie affection unanimously swore, and subscribed the Confession of Faith above-written, dated 2. March 1580. according as it was then profest within this Kingdome: Together with the generall Band above specified, dated in Anno 1589. Whereupon S. Thomas Hope of Craighall, his Majesties Advocate, in his Majesties name asked instruments.

With all these Our gracious proceedings the Lords of Our Councel were so fully satisfied themselves, that they did verily beleve that there would remaine no more scruples in
the

the minds of Our good subjects, and that nothing now could keep them from a cheerfull and thankfull returning to their former obedience. Their own resentment and satisfaction they testified both by an act of Councell, and a particular Letter directed to Us for that purpose, which here do follow.

The Act of Councell.

THe Lords of secret Councell having read and maturely considered his Majesties letters, and particular declaration of his pleasure anent the annulling of the Service Book, Book of Canons, and high Commission, discharging the pressing of the practice of the five Articles, making all persons, Ecclesiastick and Civill, of what title or degree soever, lyable to the tryall and censure of Parliament, generall Assembly, and other Judicatories competent, anent the not administering to Ministers at their entry any other oath then that which is contained in the Act of Parliament anent the subscribing and renewing the Confession of Faith, subscribed by his Majesties Father of blessed memory, and his household, in Anno 1580. and Band following thereupon, anent the indiction of a generall Assembly, to be holden at Glasgow the 21. day. of November, 1638. and Parliament at Edinburgh the 15. of May, 1639. and anent his gracious goodnesse in forgetting and forgiving all by-gones, and indiction of a Fast for craving of Gods blessing to this Assembly; find themselves so fully satisfied therewith, and the same to be so satisfactory for removing all the feares of the subjects anent innovation of Religion or Lawes, that we hold our selves bound in duty, not only to acquiesce therewith, as the best meane to secure both Religion and Lawes, but also to use our best endeavours that all his Majesties good subjects may likewise rest satisfied therewith: And that they with us, and we with them, may testifie our thankfulness for so great a grace and goodnesse with all the heartie expressions of dutifulnesse and loyalty; And that our true sense hereof may the more clearly appeare to our sacred Sovereigne; Wee doe by these humbly and heartily make offer of our lives and fortunes in the defending and assisting of his Majesties sacred person and authority, in the maintenance of the foresaid Religion and Confession, and repressing of all such as shall hereafter presse to disturbe the peace of this Kirk and Kingdome.

In witnesse whereof we have heartily and freely subscribed these

presents with our hands. (At Holy-rood-house the 22. day of September, 1638.

Sic Subscribitur.

H A M M I L T O H N.

Traquaire, Roxburgh, Mairfheall, Mar, Murray, Linlithgow, Perth, Wigtoun, Kingorne, Tullibardin, Hadington, Annandail, Lauderdail, Kinnoul, Dumfreis, Southesk, Belheaven, Angus, Lorne, Elphinstoun, Naper, Dalzell, Amont, J. Hay, S. Thomas Hope, S. W. Elphinstoun, Ja. Carmichael, J. Hammiltoun, Blackhall.

The Letter of Our Councel.

Most Sacred Sovereigne,

IF ever faithfull and loyall subjects had reason to acknowledge extraordinary favours, shown to a Nation, and in a most submissive and heartie manner give reall demonstrations of the grace vouchsafed; then doe we of your Majesties Councell, of this your ancient Kingdome, unanimously professe, that such acts of clemency vouchsafed us, cannot proceed from any Prince, saving him who is the lively image on earth of the great God Authour of all goodnesse. For return of so transcendent grace, fortified with the reall expression of unparallel'd Pietie, royall inclination to Peace, and universall love, not onely to those of our number, but likewise to all your Majesties loyall Subjects, wee doe all in one voyce, with all resentment can bee imagined, in all humility render our most bounden thanks, and offer, in testimonie of our full satisfaction and acquiescence herewith, to sacrifice our lives and fortunes in seconding your Sacred Majesties commandements, and repressing all such as shall hereafter preasse to disturbe the Peace of the Kirk and Kingdome. And for some small signification of our alacritie and diligence in your Sacred Majesties service, we have all, without the least shadow of any scruple, subscribed the Confession of Faith and Band appointed to be received by all your Majesties loyall Subjects, sent the act passed in Councell, with our other proceedings, which wee doe most humbly represent to your Royall view. And wee beseech

seech your Majestie to be pleased, to be perswaded of the unviolable devotion of all here subscribers, who doe all in all humilitie pray for your Majesties most happie and flourishing reigne.

Sic subscribitur.

HAMILTOUN,

Traquair, Roxburgh, Mairheall, Mar, Murray, Lintithgow, Perth, Wigtoun, Kingorne, Tullibardin, Haddintoun, Annandaill, Lauderdaill; Kinnoull; Dumfreis, Southesk, Belheaven, Angus, Lorn, Elphinstoun, Naper, Dalyell, Amont; J. Hay, S. Thomas Hope, S. W. Elphinstoun, Ja. Carmichael, J. Hammiltoun, Blackhall.

IT is not for men to judge of other mens hearts; and of their secret desires; but We doe challenge the most rigid Covenanters to name any one particular ever desired by them, in any of their Supplications, Remonstrances, Protestations, Declarations, written or printed, exhibited to Us, Our Commisisoner, or Councell, which is not in this Our gracious Declaration granted to Our people: For not onely all and every one of their particular grievances any way petitioned against by them; are hereby discharged and removed, but even the two generall things which they made the people beleeve was the summe of all their desires and expectations, *viz.* a free Generall Assembly, and a Parliament are indicted, and in that order upon which they stood so earnestly, first the Assembly, and then the Parliament: And besides all these, their owne Confession of faith, the ground, as they pretend, of their Covenant renewed and established.

Who would not now have expected a happie period to all the distractions of that Kingdome, upon this Our gracious assenting to all their owne desires? But the divellish obstinacie and malice of those factious spirits, who did see that all their designs were utterly defeated, and that their hopes

for compassing of them were now a bleeding and drawing their last breath, if they could not finde some meanes to blindfold Our peoples eyes, and so keepe them from discerning and acknowledging Our grace and goodnesse towards them: They presently before the houre that this Our Declaration was to be proclaimed, filled Our peoples minds and eares with fearfull expectations of most terrible things to be delivered in this Our Proclamation, and so destructive of the lawes and liberties of that Church and Kingdome, especially of their late sworne Covenant, that presently they wrought the people to a detestation of Our Declaration, before they knew what it was; They presently erected a large scaffold under the Crosse where Our Proclamation was to be made, upon which were mounted, not one or two from every Table, to protest in the name of the rest, as heretofore they had done, but a great number of Earles, Lords, Gentlemen, and others, with their swords in their hands, and hats on their heads, not without jeering and laughing during all the time of Our Proclamation, which no sooner was ended, but with a most insolent and rebellious behaviour they assisted one *Johnston* in reading of a most wicked, treasonable and ignorant Protestation, which within few dayes after they printed, and We doe here insert, as being confident that all subjects in the world who shall come to reade it, will abhorre and detest it, if ever they did feele in their owne hearts the least touch or taste of a Princes favour and clemencie, or carry any affection to loyaltie, justice, and government: The very reading of it will bring every good subject and religious honest man so farre out of love with it, as it needeth no further confutation then the very perusall of it: For who can endure to heare Scripture so grossely abused, the holy name of God so solemnely invocated as a witnessse to such notorious falshoods, to their rebellious courses and Covenant those attributes of infallibilitie given, which are onely proper to the sacred Scripture, and royall authoritie affronted with such peremptorie asseverations, ignorant and senslesse reasons, the falshood and inconsequence whereof must needs appeare
upon

upon first view to any one who shall cast his eye upon them? The Protestation followes, thus.

The Protestation of the Noblemen, Barons,
Gentlemen, Burrowes, Ministers, and Commons,
the 22. of September 1638.

WEe Noblemen, Barons, Gentlemen, Burgesses, Ministers, and Commons, his Majesties true and loyall subjects, That whereas our continuall supplications, complaints, articles, and informations, presented first, to the Lords of his Majesties Privie Councell, next, to his sacred Majestie, and last, from time to time to his Majesties Commissioner, our long attendance and great patience this twelve-month by-gone, in waiting for satisfaction of our most just desires, our zeale to remove all rubs out of the way, which were either mentioned unto us, or could be conceived by us, as hinderances of our pious intentions, aiming at nothing but the good of the Kingdome, and preservation of the Kirk, which by consumption or combustion is likely to expire; delighting to use no other meanes but such as are legall, and have beene ordinarie in this Kirk since the reformation, and labouring according to our power and interest, that all things might be carried in a peaceable manner, worthy of our Profession and Covenant, our Protestation containing a hearty thanksgiving for what his Majesty in his Proclamation from his justice had granted of our just desires, and our Protests and hopes for so much as was not as yet granted: All these made us confidently to expect from his Majesties royall and compassioned disposition towards this his native Kingdome, that a free Generall Assembly and Parliament should have beene indicted, as the ordinary and most proper remedies of our grievances, and did constraine us to renew our petition, earnestly intreating that his Majesties Commissioner would be pleased to represent unto his Majesty the condition of this Kirk and Kingdome, crying in an extreme exigencie for present help, with the lawfulnessse of the remedies prescribed by his Majesties Lawes, required by us, and presented to him in some particular Articles, which his Grace promised to recommend to his Majestie, and to doe his best endeavours for obtaining the same; especially the first Article, that there might be indicted a full and free Generall Assembly, without prelimitation, either

in the constitution and members thereof, in the order and manner of proceeding, or in the matters to be treated: And if there should be any question or doubt about one of these, or such like particulars, that the determination thereof might be remitted to the Assembly it selfe, as the only proper and competent Judge. And now, after so many supplications, complaints, articles, and informations; after our necessary protestation, expressing the humble thankfulness and continued desires of our hearts; after so long expectation, and so much dealing, having with open eares and attentive minds, heard his Majesties Proclamation, It is our desire, purpose, and endeavour so to proceed, that we may upon the one part still be thankfull to God and the King for the least blinke of his Majesties countenance, and the smallest crums of comfort that fall unto us from his Majesties Royall hands; beseeching the Lord yet further to enlarge his Majesties heart, for our full satisfaction and rejoicing, to the honour of God, the good of this Kirk and Kingdome, and his Majesties never dying fame and glory; that his wise government and zeale to the service of God may be a measure and patterne of desires to all generations hereafter, when they shall be wishing for a religious and righteous King: And on the other part, that Christ our Lord, the King of kings, through our neglect or luke-warmnesse may want no part of his Sovereignty and Dominion, and that in our Religion, which is more dear unto us then our lives, we deceive not our selves with that which cannot satisfie and make up the breach of this Kirke and Kingdome, or remove our feares, doubts, and suspicions of the innovations of Religion: This hath made us to observe and perceive, that his Majesties Proclamation doth ascribe all the late distractions of this Kirke and Common-wealth to our conceived feares of the innovation of Religion and Law, as the cause and occasion thereof, and not to the innovations themselves, with which we have beene for a long time, and especially of late, heavily pressed and grieved, as if the cause were rather in apprehension and fancie, then in reality and substance. That the Service book and booke of Canons are not so far discharged by this Proclamation, as they have beene urged by preceding Proclamations; for this Proclamation onely dischargeth the practice of them, and rescinds the Acts made for establishing their practice, but doth not rescind the former Proclamations, namely, that of the 19. of February at Stirling; and that of the fourth of July at Edinburgh, which give

an high approbation to these Books, as fit meanes to maintaine Religion, and to beat down all superstition; and withall declares his Majesties purpose, to bring them into this Kirk in a faire and legall way: And thus both our feares that they may be introduced hereafter, must still remaine; and the libertie of the Generall Assembly, by such a Declaration of his Majesties judgement, is not a little prejudged in the minds of so many as wisely consider and compare the preceding Proclamations with this which we now heare, although others who looking upon one step and not upon the whole progresse, run on rashly, and neither considering what they are doing, nor with whom they are dealing may be easly deceived, Qui pauca videt, cito judicat, a short sight maketh a sudden judgement.

That it is declared in this Proclamation, That his Majesty neither intendeth to innovate any thing in Religion or Lawes, or to admit of any change or alteration in the true Religion already established and professed in this Kingdome: and withall, this is interposed, That the articles of Perth are established by the acts of Parliament and generall Assembly, and dispensation of the practice only granted, and discharge given, that no person be urged with the practice thereof; and consequently his Majesties intention for the standing of the Acts of the Assembly and Parliament, appointing the Articles of Perth, is manifest; which is no small prejudice to the freedome of the Generall Assembly, That while the Proclamation ordaineth all his Majesties subjects to be liable to the triall and censure of the judicatories competent, and that none of them shall use any unlimited and unwarranted power; likewise that no other oath be administered to Ministers at their entrie, then that which is contained in the Act of Parliament; in both these Articles the Bishops are meant, who are only thereby for the present curbed, against their exorbitancie and enormities in exercising their office: but the office of Bishops is thereby not only presupposed as unquestionable, but also so strongly established, that his Majestie declareth, for the present, his intention, to admit no innovation therein: which is more evident by the indiction of the Parliament, warning all Prelats to be present, as having voice and place in Parliament; and by the indiction of the Assembly, warning all Archbishops and Bishops (for so are their divers degrees and offices Ecclesiasticall here designed and supposed) to be present, as having place and voyce in the Assembly, contrary to the caveats, acts of the Kirk, and our declinator: And thus a third and great limitation is put upon the Generall Assembly.

The Proclamation, by reason of these many reall limitations, and prejudices of the liberty of the Assembly in the very points which have wrought so much woe and disturbance in this Kirk and Kingdome, and wherein the liberty of the Assembly is most usefull and necessary at this time, can neither satisfie our grievances and complaints, nor remove our feares and doubts, nor cannot (without protestation) be admitted by us his Majesties subjects, who earnestly desire that Truth and Peace may be established; and that for the reasons following.

1. **T**O keepe silence in any thing that may serve for the good of the Kirk, whether it be in preaching, prayer, or in proposing and voycing in a lawfull Assembly of the Kirke, is against the word of God. Esai. 62. 6. Yee that are the Lords remembrancers, keepe not silence, and give him no rest till he establish, and till he make Jerusalem a praise in the earth. 1. King. 18. 21. Like the halting of the people betweene two opinions, and their not answering a word, when the Lord called them to give a testimony. Act. 20. 20. I have kepted backe nothing that was profitable unto you: and againe, 1 Cor. 12. 7. Mat. 15. 18. Rom. 1. 18. Revel. 2. 14. 20. and 3. 15: and therefore to keepe silence, or not to meddle with corruptions, whether in doctrine, sacraments, worship or discipline, in a generall Assembly of the Kirk, convened for that end, were the ready way to move the Lord to deny his Spirit unto us, and to provoke him to wrath against our proceedings, and might be imputed unto us for prejudice, for collusion, and for betraying our selves and the posterity.

2. This predetermination is against our supplications and protestations, wherein we have showne our selves so earnest for a free generall Assembly, contrary to every limitation of this kind; so far prejudging the liberty thereof, is against the Confession of Faith registrated in the Parliament 1567. declaring that one cause of the Councils of the Kirk is for good policie and order to be observed in the Kirk, and for to change such things as men have devised when they rather foster superstition then edifie the Kirke, using the same; and is against our late Confession, wherein we have promised to forbear all novations till they be tryed, which obligeth us to forbear now, and to try them in an Assembly, and by all lawfull meanes to labour to recover the former purity and liberty of the Gospel, to which this limitation is directly repugnant, our liberty in a Generall Assembly being the principall of all lawfull meanes serving to that end.

3. This

3. This were directly contrary to the nature and ends of a generall assembly, which having authority from God, being convened according to the lawes of the Kingdome, and receiving power from the whole collective body of the Kirke, for the good of Religion, and safety of the Kirke; whatsoever may conduce for these good ends in wisdom and modesty should be proponed, examined, and determined without Prelimitation, either of the matters to be treated, or of the liberty of the members thereof. It being manifest; that as farre as the assembly is limited in the matters to be treated, and in the members to be used, the necessary ends of the Assembly, and the supreme Law, which is the safety of the Kirke, are as far hindered, and pre-judged.

This limitation is against the Discipline of the Kirke, which Booke 2. chap. 7. declareth this to be one of her liberties; That the Assembly hath power to abrogate and abolish all Statutes and ordinances concerning Ecclesiasticall matters that are found noysome and unprofitable, and agree not with the time, or are abused by the people, and against the acts of the generall assembly. Like as the pretended Assembly 1610. declareth for the common affaires of the Kirk (without exception or limitation) it is necessary that there bee yearly generall Assemblies, And what order can bee hoped for hereafter, if this assembly indicted after so long intermission, and so many grosse corruptions be limited, and that more than ever any lawfull Assembly of the Kirk was, when it was yearly observed.

5. It is ordained in Parl. 11. act. 40. K. James 6. anent the necessary and lawfull forme of all Parliaments that nothing shall be done or commanded to be done, which may directly or indirectly pre-judge the liberty of free voicing or reasoning of the Estates, or any of them in time comming. It is also appointed in Parl. 6. act. 92. K. James 6. that the Lords of Counsell and Session proceed in all civill causes intended or depending before them, or to be intended, to cause execute their decrees notwithstanding any private writing, charge, or command in the contrary, and generally by the acts of Parliament appointing every matter for its owne judicatorie, and to all judicatories their owne freedome. And therefore much more doth this liberty belong to the supream judicatorie ecclesiastick in matters so important as concerneth Gods honour and worship immediately,

mediatly, the salvation of the peoples Soules, and right constitution of the Kirk whose liberties and priviledges are confirmed Parl. 12. K. James 6. Parl. 1. K. Charles, for if it be carefully provided by diverse Acts of Parliament, especially Parl. 12. act. 148. K. James 6. That there be no forstalling or regrating of things pertaining to this naturall life : What shall be thought of this spirituall forstalling and regrating which tendeth to the famishing or poysoning of the soules of the people both now and in the generations after ward.

6. It were contrary to our Protestations, proceedings and complaints against the late innovations. And it might bee accounted an innovation and usurpation as grosse & dangerous to us, & the posterity, and as prejudiciall to Religion as any complained upon by us, to admit limitations, and secret or open determinations, which belongeth to no person or judicatory, but to an Assembly, Or to consent to, and approve by our silence the same predeterminations, It were to be guilty of that our selves, which we condemn in others. We may easily judge how the Apostles before the Councell of Jerusalem, the Fathers before the Nicene Councell, and our Predecessors before the assembly holden at the Reformation, and afterwards, would have taken such dealing.

That this Proclamation commandeth all his Majesties Subjects for maintenance of the Religion already established to subscribe and renew the Confession of Faith subscribed before in the yeare 1580 and after ward. And requireth the Lords of privy Counsell to take such course anent the same, and the generall Band of Maintenance of the true Religion, and the Kings person, that it may be subscribed, and renewed throughout the whole Kingdome with all possible diligence, which cannot now be performed by us. For although of late we would have been glad that our selves and other his Majesties Subiects had been commanded by authority to sweare, and subscribe the generall Confession of Faith against Popish errors, and superstitions: and now would be glad that all others should ioyn with us in our late Covenant & Confession, descending more specially to the novations and errors of the time, and obliging us to the defence of Religion; and of the Kings Maiesties person, and authority, and for these ends to the mutuall defence every one of us of another, yet can we not now after so necessary, and so solemne a specification

fication returne to the generall for the reasons following.

1. No means have been left unassayed against our late Confession of Faith and Covenant so solemnly sworn and subscribed. For first we were prest with the rendring and rescinding of our Covenant. Next an alteration in some substantiall points was urged. 3. A Declaration was motioned, which tended to the enervation thereof, and now we finde in the same strain, that we are put to a new triall, and the last mean is used more subtile than the former: That by this new subscription our late Covenant, and Confession may be quite absorbed and buried in oblivion, that where it was intended & sworn to be an everlasting Covenant never to be forgotten, it shall be never more remembred, the one shall be cryed up, and the other drowned in the noise thereof, And thus the new subscription now urged (although in a different way) shall prove equivalent to the rendring of the Covenant, or what of that kinde hath before been assayed. Like as the reasons against the rendring of the Covenant, doe militate directly against this new motion.

2. If we should now enter upon this new Subscription, we would think our selves guilty of mocking God, & taking his Name in vain, for the tears that began to be powred forth at the solemnizing of the Covenant are not yet dryed up and wiped away, and the joyfull noise which then began to sound hath not yet ceased, and there can bee no new necessity from us, and upon our part pretended for a ground of urging this new subscription, at first intended to be an abjuration of Popery upon us who are knowne to hate Popery with an unfained hatred, and have all this yeare bygone given large testimony of our zeale against it. As we are not to multiply miracles on Gods part, so ought we not to multiply solemne oathes and Covenants upon our part, and thus to play with oathes, as children doe with their toys, without necessity.

3. Neither would we in giving way to this new subscription think our selves free of perjury: for as we were driven by an undeclinable necessity to enter into a mutuall Covenant, so are we bound, not only by the law of God and nature, but by our solemn oath and subscription, against all divisive motions to promove and observe the same without violation: and it is most manifest, that having already refused to render, alter, or destroy our Covenant, nothing can bee more contrary and adverse to our pious intentions and sincere reso-

lutions, than to consent to such a subscription and oath, as both in the intention of the urgers, and in the nature and condition of the matter urged, is the ready way to extinguish, and to drowne in oblivion the Band of our union and conjunction that they be no more remembered. In this case we are called to lay seriously to our hearts, 1, That we have sworne that we shall neither directly, nor indirectly suffer ourselves to be divided and withdrawne from this blessed and loyall conjunction, which consisteth not only in the generall Confession, but also in our explanation, & application thereof, but on the contrary, shall by all lawfull means, labour to further and promote the same. 2 That our union and conjunction may be observed without violation, (and so without mutilation of our application) we call the living LORD to witnesse, as we shall answer to Christ in the great Day, &c.

4. This new subscription, instead of performing our vows, would be a reall testimony and confession before the World, That we have been transgressours in making rash vows, that we repent our selves of former zeal and forwardnesse against the particulars exprest first in our Supplications, Complaints, and Protestations, and next abjured in our Covenant, that we in our judgement prefer the generall Confession unto this, which necessarily was now made more speciall; and that we are now under the faire pretext and honest cover of a new oath, recanting & undoing that, which upon so mature deliberation we have been doing before, This beside all other evils, were to make way and open a door to the re-entry of the particulars abjured, and to repent our selves of our chiefest consolations, and to lie both against God and our owne soules.

5. It hath been often objected, that our Confession of Faith, & Covenant was unlawfull, because it wanted the warrants of publick authority, and it hath been answered by us, that we were not destitute of the warrant civill and ecclesiasticall which authorized the former Covenant. And although we could have wished that his Ma^{ty} had added both his subscription & authority unto it, yet the lesse constraint from authority and the more liberty, the lesse hypocrisie, and more sincerity hath appeared: But by this new subscription urged by authority we both condemn our former subscription as unlawfull, because alleaged to be done without authority, and precondemn also the like laudable course in the like necessity to be taken by the posterity.

6. What is the use of merch-stones upon borders of Lands, the like
use

use hath Confessions of Faith in the Kirk, to disterninate and divide betwixt Truth and error: and the renewing and applying of Confessions of Faith to the present errors and corruptions, are not unlike ryding of merches. And therefore to content our selves with the generall, and to return to it, from the particular application of the Confession necessarily made upon the invasion or creeping in of errors within the borders of the Kirk, if it be not a removing of the merch stone from the own place, it is at least the hiding of the merch in the ground that it be not seen, which at this time were very unseasonable for two causes. One is, because Popery is so pregnant, and powerful in this land, as we have learned of late. The other, because the Papists who upon the urging of the Service book & Canons, have presumed of our return to Rome, will upon this our subscription arise from their dispareing of us, unto their wonted presumption. None of us will deny, but the large Confession of Faith registrated in the Acts of Parliament, doth by consequence contain this short confession and abjuration: Yet were it not sufficient against Popery to subscribe the one without the other: how then shall we think that the more generall Confession & abjuration at this time, when the urging of such Popish books hath extorted frō us so necessary an application, and doth still call for a testimony, to be compleat enough without it.

7. The Papists shall hereby be occasioned to renew their old objection against us, *Annus & menstruas fides de Deo decernūt*, That our Faith changeth with the Moon, or once in the yeere. Other reformed Kirks might justly wonder at our inconstancy in changing our Confession without any reall necessity, and that in one and the same yeer it cometh forth larger, & more particular, then shorter, & more generall: & our Adversaries will not fail to traduce us as troublers of the peace of the kirk & kingdom without any necessar cause.

8. It will likewise prove a confirmation of their error, who think they may both subscribe the Confession of Faith, and receive the Service book, and Canons, which is not only a direct scandaling of them, but also a ready way to put a weapon in their hands against our selves, who maintain and professe that these and such other evils are abjured in the Confession of Faith.

9. If we should now sweare this Confession, we should be obliged by our oath to maintain Perth articles, which are the innovations already introduced in the worship of God, and to maintain Episcopacy,

with

with the civill places, and power of Kirkmen. Because we are bound to swear this Confession by vertue of & conform unto the Kings command signed by his sacred Majesty of the date September 9. 1638. (These are the very words subioyned to the Confession and Band, and prefixed to the Subscriptions) and it cannot be denied, but any oath ministred unto us, must either be refused, or else taken according to the known mind, professed intention, and expresse command of Authority urging the same: And it is most manifest, that His Maiesties minde, intention, and Commandement, is no other, but that the Confession be sworne, for the maintenance of religion, as it is already or presently professed, (these two being coincident, altogether one and the same, not only in our common form of speaking, but in all His Maiesties Proclamations) and thus as it includeth, and conteineth within the compasse thereof, the foresaid novations and Episcopacy, which under that name were also ratified, in the first Parliament holden by his Maiesty. And where it may be objected, that the Counsellors have subscribed the Confession of Faith, as it was professed 1580. and will not urge the Subscription in another sense upon the Subjects. We answer, First, the Act of Counsell containing that declaration, is not as yet published by Proclamation. Secondly, if it were so published, it behooved of necessity either be repugnant to His Maiesties declared Iudgement and Command, which is more nor to swear without Warrant from Authority (a fault although unjustly, often objected unto us) or else we must affirme the Religion in the yeare 1580. and at this time to be altogether one and the same, and thus must acknowledge, that there is no novation of Religion, which were a formall contradiction to that we have sworne.

3. By approving the Proclamation anent the Oath to be administred to Ministers, according to the Act of Parliament, which is to swear simple obedience to the Diocesan Bishop, and by warning all Archbishops and Bishops to be present; as having voice and place in the Assembly: They seem to determine, that in their Iudgement the Confession of faith, as it was professed 1580. doth consist with Episcopacy, whereas We by our oath have referred the tryall of this or any other question of that kinde to the generall Assembly & Parliament.

10. This subscription & oath in the mind & intention of authority, & consequently in our swearing thereof, may consist with the corruptions of the Service book & Canons, which we have abjured as other

heads of Popery : For both this present proclamation, and his Ma-
iesties former proclamations at Linlithgow, Striveling, Eden-
burgh ; The Lords of privy Counsell in their approbation of the
same, and the prelates and doctōrs who stand for the Service book &
Canons, Doe all speak plainly, or import so much, That these bookes
are not repugnant to the Confession of Faith ; and that the introduc-
ing of them is no novation of religion or law : And therefore wee
must either refuse to subscribe now, or we must confesse contrary to
our late Oath, and to a cleare Truth, That the Service book and Ca-
nons are no innovations in Religion. And, though the present bookes
be discharged by proclamation, yet if we shall by any deed of our own
testifie, that they may consist with our Confession of Faith, within a
very short time either the same bookes, or some other like unto them,
with some small change, may be obruded upon us, who by Our abiu-
ration (if we adhere unto it) have freed both our selves, and the po-
sterity of all such corruptions, and have laid a faire foundation for
the pure worship of God in all time comming.

1. Although there be indeed no substantiall difference between
that which We have subscribed & the Confession subscribed 1580.
more then there is between that which is hid, and that which is re-
vealed; A march stone hid in the ground, and uncovered, betwixt the
hand closed and open, betwixt a sword scheathed and drawne, or be-
twixt the large Confession, registrat in the Actes of Parliament, and
the short Confession, or (if we may with reuerence ascend yet higher)
between the Old Testament & the New, yet as to scheath our sword
when it should be drawn, were imprudency, or at the commandement
of Princes, professedly Popish in their dominions, after the Subiects
had subscribed both Confessions, to subscribe the first without the
second, or at the will of a Jewish Magistrate, openly denying the New
Testament, to subscribe the Old alone, after that they have sub-
scribed both, were horrible impiety against God, and Treachery
against the Truth : Right so, for vs to subscribe the former a part,
as it is now urged and framed, without the explanation and ap-
plication thereof at this time, when ours is reiectēd ; and the sub-
scribers of the former refuse to subscribe ours, as containing some-
thing substantiably different, and urge the former upon us, as dif-
ferent from ours, and not expressing the speciall abiuration of the
euils, supplicated against by us, were nothing else, but to deny and
part

part from our former subscription, if not formally, yet interpretatively. Old Eleazar, who would not seeme to eate forbidden meate, and the Confessors and Martyrs of old, who would not seeme by delivering some of their papers, to render the Bible, or to deny the Truth, may teach us our duty in this case, although our lives were in hazard for refusing this Subscription: And who knoweth, but the LORD may be calling His people now, who have proceeded so far in professing His Truth at this time, to such Trials and Confessions, as His faithfull Witnesses have given of old; that in this point also our doing may be a document both to the succeeding ages, and to other Kirks to whom for the present we are made a spectacle.

12. If any be so forgetfull of his oath (which God forbid) as to subscribe this Confession, as it is now urged, he doth according to the proclamation acquiesce in this declaration of his Majesties Will, and doth accept of such a pardon as hath need to be ratified in parliament, And thus doth turne our glory unto shame, by confessing our guiltinesse, where God from Heaven hath made us guiltlesse, and by the fire of His Spirit from Heaven hath accepted of our service, And doth depart from the commandement of God, the practise of the Godly in former times, and the worthy and laudable example of our worthy and religious progenitours, in obedience wherof, and conform to which We made profession to subscribe: for there is no particular Act required of us, to whom the pardon is presented in this proclamation, but this new subscription allanerlie.

13. The generall band now urged to be subscribed, as it containeth many clauses not so fitting the present time as that wherein it was subscribed, so is it deficient in a point, at this time most necessary, Of the reformation of our lives, that we shall answerably to our profession, be examples to others, of all Godlinesse, sobernesse and righteousnesse and of every duty we owe to GOD and man; without which we cannot now subscribe this Confession, least we loose the bands to wickednesse, seem to repent of our former resolutions and promises, and choose to have our portion with hypocrites, professing and swearing that we know GOD, but in our workes denying him, being abominable, disobedient, and unto every good work reprobate.

14 Since the narrative of the generall band is now changed, & some lines,

lines, expressing at length the Papists, and their adherents to be the partie from whom the danger to Religion, and the Kings Majestie was threatned, are left out, and no designation made of the partie from whom the danger is now threatned, We are made either to think, that our subscription at this time is unnecessary; or to suspect that we who have supplicated and entred in Covenant, are understood to be the partie, especially since the Lords of Councell have in the Act Septemb. 22. ratifying the Proclamation, found themselves bound to use their best endeavours; that all his Majesties good subjects may rest satisfied with his Majesties Declaration, since also we have beene (although undeservedly) challenged of disorders, distractions, and dangers to Religion, and his Majesties authority; and since in the foresaid Act, and in the missive directed to his Majestie, the Lords of Councell offer their lives and fortunes to his Majestie, in repressing all such as shall hereafter please to disturb the peace of this Kirk and Kingdome; which being expressed in a generalitie is by many applied to us, and interpreted of our adhering to our Covenant; We should therefore, by our subscription of the Covenant, as it is now conceived, both do directly against our owne minds in condemning our selves, wherein we are innocent; and should consent to our owne hurt, to the suppressing of the cause which we maintaine, and to the repressing mutually one of us of another, directly contrarie to our former solemne Oath and subscription.

15. The subscribing of this Confession by the Lords of his Majesties privie Councell, who by their place and high employment are publike Peace-makers, and by others who have not subscribed the late Confession will make the breach wider, and the lamentable division of this Kirk more desperate then ever before; some having sworn to labour by all lawfull meanes to recover the former Libertie, and puritie of Religion, and others, maintaining that for puritie, which is already established; some believing and professing that the evils supplicated against; are abjured in that Confession of Faith; and others maintaining the Confession of Faith; and these corruptions (although for the present discharged by Authoritie) not to be inconsistent: and beside this, many divisions and subdivisions will ensue to the dolefull renting of the Kirk and Kingdome, making way for the wrath and many judgements of God often threatned by his

faithfull servants, which all the godly ought to labour by all meanes to prevent.

16. Wee represent also to the honourable Lords of privie Councell to be considered, That the Doctrin, Discipline, and Use of Sacraments are sworne, and the contrary abjured, according to the Word of God, and the meaning of the Kirk of Scotland in the books of Discipline, and Acts of Assemblies; And that in the Oath there is no place left to the generalitie of any mans conception of the true Faith and Religion, nor to any private interpretation, or mentall reservation.

For these and the like considerations, in our owne name, and in name of all who will adhere to the late Covenant, subscribed by us, and sealed from Heaven, We (from our dutie to God, our King, our native Countrey, our selves, and the posteritie, lest our silence import a satisfaction of our desires, and a stopping of our mouths from necessarie supplication for things yet to be obtained from his Majesties just and gracious disposition) are constrained to declare and protest; First, that the cause and occasion of the distractions of the Kirk and Common-wealth, are no waies to be imputed unto us, or our needlesse feares, but to the innovations and corruptions of Religion, which, against the Acts and order of this Kirk, and the Lawes of the Kingdome, have bene pressed upon us, the people of God, and his Majesties loyall subjects, who, although under great thraldom, were living in peace and quietnesse, labouring in all godlinesse and honestie to do our dutie to God and man. Secondly, We protest; that all questions and doubts that arise concerning the freedome of the Assemblie, whether in the constitution and members thereof, or in the matters to be treated, or in the manner and order of proceeding, be remitted to the determination of the Assemblie it selfe, as the onely proper and competent Judge; And that it shall be lawfull for us, being authorized with lawfull Commissions, as at other times when the urgent necessitie of the Kirk shall require, so in this exigence to assemble our selves at the Diet appointed, notwithstanding any impediment or prorogation to the contrary: And being assembled, against all qualifications and predeterminations, or pre-supposals, to propone, treat, reason, vote, and conclude, according to the Word of God, Confession of Faith, and Acts of lawfull Assemblies, in all Ecclesiasticall matters pertaining to the Assemblie, and

and tending to the advancement of the Kingdome of Christ, and good of Religion.

Thirdly, since Archbishops and Bishops have no warrant for their office in this Kirk, since it is contrary both to reason and to the Acts of the Kirk, that any have place and voice in the Assembly, who are not authorized with lawfull Commissions; and seeing both in common equitie, and by the tenour of this Proclamation, they are made lyable to the triall and censure of the Assembly, Wee protest, that they bee not present, as having place or voice in the Assembly, but as rei to compeere, for underlying triall and censure upon the generall complaints already made; and the particular accusatiions to be given in against them; And that the warning given by his Majesties Proclamation, and this our Protestation, be a sufficient cytation to them, to compeer before the Assembly, for their triall and censure, in life, office, and benefice.

Fourthly, Wee solemnly protest, that Wee do constantly adhere to our Oath and subscription of the Confession of Faith and Covenant, lately renewed and approven with rare and undeniable evidences from heaven, of the wonderfull workings of his Spirit in the hearts both of Pastors and people, through all the parts of the Kingdome; And that we stand to all parts and clauses thereof, and particularly to the explanation and application, containing both our abjuration of, and our union against the particular evils and corruptions of the time; a dutie which the Lord at this time especially craveth at our hands.

Fifthly, We also protest, that none of us who have subscribed, and do adhere to our subscription of the late Covenant, be charged, or urged, either to procure the subscriptions of others, or to subscribe our selves unto any other Confession or Covenant, containing any derogation therunto, especially that mentioned in the Proclamation, without the necessarie explanation and the application thereof, already sworn by us, for the reasons above expressed: And because, as we did in our former Protestation appeale from the Lords of his Majesties Councell, so do we now by these renew our solempne appeale, with all solemnities requisite, unto the next free Generall Assembly and Parliament, as the onely supreme nationall Judicatories competent, to judge of nationall causes and proceedings.

Sixthly, We protest, That no subscription, whether by the Lords of Councill or others, of the Confession mentioned in the Proclamation, and enjoyed for the maintenance of Religion, as it is now already, or at this present time established and professed within this Kingdome, without any innovation of Religion or Law, be any manner of way prejudiciall to our Covenant, wherein we have sworn to forbear the practice of Novations already introduced, &c. till they be tryed in a free Assembly, And to labour by all lawfull meanes, to recover the puritie and libertie of the Gospel as it was established and professed before the foresaid Innovations: And in like manuer, that no subscription foresaid be any derogation to the true and sound meaning of our worthy predecessours, at the time of their subscription in the yeer 1581. and afterwar: Withall, warning and exhorting all men wholay to heart the cause of Religion, against the corruptions of the time & the present estate of things, both to subscribe the Covenant as it hath bin explained, & necessarily applied, and as they love the puritie and libertie of the Gospel, to hold back their hands from all other Covenants, till the Assembly now indicted be conveened, & determine the present differences and divisions, & preserve this countrey from contrary oathes.

Seventhly, As his Majesties royall clemencie appeareth in forgiving and forgetting what his Majestie conceiveth to be a disorder or done amisse in the proceeding of any; so are we very confident of his Majesties approbation, to the integrity of our hearts and peaceableness of our wayes and actions all this time past: And therefore We protest that we still adhere to our former complaints, protestations, lawfull meetings, proceedings, mutuall defences, &c. All which, as they have been in themselves lawfull, so were they to us, pressed with so many grievances in his Majesties absence from this native kingdome, most necessary, and ought to be regarded as good offices, and pertinent duties of faithfull Christians, loyall subjects, and sensible members of this Kirk and Common-wealth, as we trust at all occasions to make manifest to all good men, especially to his sacred Majestie, for whose long and prosperous government, that we may live a peaceable and quiet life in all godlinesse and honesty, We earnestly pray.

Whereupon a noble Earle, James Earle of Montrose, &c. in name of the Noblemen; M. Alexander Gibson younger of Durie,

Durie, in name of the Barons; George Porterfield Merchant Burgesse of Glasgow, in name of the Burrowes; M. Harie Rollock Minister at Edinburgh, in name of the Ministers; and M. Archbald Johnston Reader hereof, in name of all who adhere to the Confession of faith and Covenant lately renewed within this Kingdome, tooke instruments in the hands of three Notars present, at the said Mercate Crosse of Edinburgh, being invironed with great numbers of the foresaid Noblemen, Barons, Gentlemen, Burrows, Ministers, and Commons, before many hundred witnesses, and craved the extract thereof: And in token of their dutifull respect to his Majestie, confidence of the equitie of their cause, and innocencie of their carriage, and hope of his Majesties gracious acceptance, they offered in all humilitie with submisse reverence a copie thereof to the Herauld.

ANd now for triall of what Wee have said, the Reader may reflect upon these particulars: Not far from the beginning, they averre that they did, confidently expect from Us a free Generall Assemblie and Parliament to be indicted, and that Our Commissioner promised to recommend unto Us *this their suit for a free Generall Assemblie, without prelimitation either in the constitution and members thereof, in the order and manner of proceeding, or in the matters to be treated of;* and do insinuate as if Wee had not given order for any such Assemblie in Our Declaration; which everie Reader (looking upon Our Declaration) may see to be most untrue: for in it We give warrant to Our Commissioner to indict a free Generall Assembly; Nor is there either mention or meaning of any prelimitation, though they themselves did use very many, some whereof you have heard already, and shall heare of more hereafter. Afterwards they quarrell with Our Declaration for ascribing all the late distractions of this Church and Commonwealth to their conceived feares of the Innovation of Religion and Lawes; and not to the Innovations themselves: No doubt a great crime, that We will not acknowledge that the Service Book, which was penned at first by those who laid downe their lives in opposition to Poperie, is an introduction

ction to Poperie; and We do professe that We did discharge that Booke onely to remove their feares and doubts, and ease their pretended grievances: nor can Wee condemne that Book, without condemning the Service Book of England, for the Covenanters arguments strike alike at both. Then immediately after, *They take it ill that though We have discharged the practice of these pretended Innovations, and rescinded all Acts made for the establishing of them, yet We have not rescinded Our former Proclamations at Sterling and Edinburgh;* As if nothing could content them, unlesse Wee should disgrace Our own Proclamations which did not any way establish or authorize the things complained of: nay more, unlesse We will call back Our owne words, which cannot be interpreted to any such sense as they would force upon them, they would make Our people beleieve, that the libertie of the generall Assembly is prejudged, &, in a suspicious, undutifull and dangerous phrase, tell them, *That they do not consider with whom they are dealing;* as if no trust were to be given to Us: Next, they quarrell with Our discharging of the practice of the Articles of Pearth, but not the Articles themselves which are established by acts both of Parliament and Generall Assembly; and yet Wee dare say, that they would hold it for a strange position, if Wee should use Our Prerogative to the disannulling of any thing established by these two Judicatories; nay, if We and the Parliament joyntly should (as the world goeth now) offer to disannull any act of their Generall Assembly: so glad they are to quarrell with Our Declaration, that in their eagerneffe they destroy their owne grounds. Their next cavill, if it were possible, is as senselesse as the former, whereby they averre, that Our naming of Bishops in Our Proclamation for the indiction of the Assembly *is a prelimitation of it; because thereby We take it as granted, that the office of a Bishop is unquestionably an office in that Church and Kingdome:* and this they call a great prelimitation put upon the Assembly; but with what shew of consequence We cannot possibly conceive: For who would not take that undoubtedly for an office in any Church or Kingdome, which is established by the Lawes and acts of both; and such is the office of
a Bishop

a Bishop in that Kingdome : After these fancied prelimitations, they adde six reasons why they should not be admitted; which are so ignorant and simple, as it is not possible to draw them into any forme of reasoning or concluding. And though they could bee so drawne, yet they were verie needlesse : For to what end should reasons bee brought against the admitting of these prelimitations, when there were no prelimitations offered? and these that are alledged are no prelimitations at all : And therefore these six Reasons, at least so called by them, are to be passed over with contempt, as having not one word in them worthie the answering.

Next, they muster up sixteen Reasons against the subscription to the confession of Faith urged by Our authoritie in that Declaration, of the verie same piece with the former six Reasons, everie way as full of non-sense as they; The first is, That it will make their Covenant bee forgotten. A matter of great consequence indeed, that their unlawfull acts should be drowned by any act of lawfull Authoritie: For this We think they should thank Us. The second reason is, That if they should subscribe this confession now, they would think themselves guiltie of mocking God : A notable whimsy, that acts of Authoritie must want obedience if they crosse some peoples foolish thoughts and idle fancies; But in the meane time what a fearefull mocking of God, and taking of his Name in vaine is it for them to say so, and use that great Name for so groundlesse a suspicion? The third reason is, That they are afraid that this subscription will introduce a division amongst themselves, it being against their Oath in their late Covenant to admit of any divisive motions. And truely whatsoever they pretend in all their other reasons, this is the maine, if not the onely reason of the principall Covenanters furious proceedings in all their waies, and especially in this their Protestation; Because they did plainly perceive that if Our people should once see and acknowledge Our Grace and clemencie, or be brought to subscribe to the same thing by Our authoritie, to which they had subscribed before by their perswasion, then they would begin againe to relish
government,

government, and so fall off, and divide themselves from those who have resolved never to indure it: In the meane time, the Reader shall doe well to observe the wonderfull strength of this reason: We must not subscribe, because it will occasion some division amongst us; by the same reason, all hope of peace must be banished out of that Kingdome for ever: For certainly, if they themselves should set downe in writing the utmost of their desires, and Wee should assent unto them, yet undoubtedly some would dislike and not admit of those propositions of peace, which the rest had agreed upon: Are they therefore sworne by their Oath to reject all proffers of peace, because some will dislike them, upon which a division must follow more or lesse? The fourth reason is plaine Poperie, and the maine ground of most of the errours established at the Councell of Trent: If they subscribe now, it will bee thought that they have erred in their former proceedings; but where the reason of this Reason lies, is past ordinarie finding: The fifth reason hath in it a reach beyond the Meone; This subscription is urged by Authoritie, but our former subscription proceeded from our owne heads, and therefore is to be preferred, as carrying with it more libertie, more sinceritie, and lesse hypocrisie; A reason fit to bee answered by none but such as have lost their Reason: The sixth reason is in the same case; for truly Wee understand it not: The seventh reason supposeth that there is a Papist in the world so foolish and simple as to thinke, that the same Confession of Faith, consisting of the same words and syllables, injoynd to bee sworne without Authoritie, if it shall bee commanded to bee sworne by Authoritie, becommeth a new and different Confession of Faith; or if that Wee every yeere of Our Reigne should renew and command a subscription to the same Confession, that then every yeere Wee should establish a new Faith. Sure they need not trouble Our peoples heads with such foolish feares; for undoubtedly there will be no such foolish fellowes found amongst the Papists: The eighth reason, hath not a shew of any Reason: For their ninth reason, We are confident, that if they had knowne as much as now they doe, and have expressed in their

their answer to Our Commissioners last Declaration, they would have left this quite out : for the truth is, that no man can subscribe this confession of faith commanded by Us, and with a safe conscience hold that Episcopacie is abjured by it, for many reasons, amongst which this alledged by them is but one, yet a very true one, *viz.* That an oath must either be refused or taken according to the knowne intention of him that ministred it, and it being well knowne, that We, according to the Lawes of all Our Kingdomes, are resolved to maintaine Episcopall government, no man can sweare any oath administred by Us or Our authoritie, which may not consist with that government: And it is as true, that there is nothing in that confession of faith, which being sworne unto abjureth Episcopacie, by whomsoever the oath shall be administred, and therefore it is a very unjust and unnecessarie feare, which seemes to make them swear at the end of this ninth Reason, *viz.* That this subscription commanded by Us, seemeth to determine, that the confession of faith as it was professed 1580. doth consist with Episcopacie: That this subscription determineth it, is undoubtedly a very simple conceit; but that the confession it selfe made in 1580. may and doth consist with Episcopacie, is unquestionably true; and it is so determined by the Covenanters themselves, who assured many who made that scruple, and would not have come into their Covenant unlesse the Covenanters had first resolved them of it, that they might sweare the same confession, and yet not abjure Episcopall government; which likewise the three Ministers in their first answer to the Divines of Aberdene, have positively affirmed, averring, that Episcopacie was not abjured by that confession, nor their Covenant, but onely referred to the triall of an Assembly and Parliament. Now it is most certaine, that when We commanded this subscription to that confession, no Assemblie (true or pretended) had determined that it was abjured, nor hath any Parliament done so yet; and therefore the Covenanters themselves have determined, that when Wee required this subscription, a man might safely subscribe without abjuration

tion of Episcopacie : But to let the weaknesse of this ninth reason passe, it is a wonder to observe how these men in their answer to the fourth reason (contained in Our Commissioners last Declaration) are constrained by maine force of argument to deny their own most true proposition, expressed at the beginning of this ninth reason: For there they affirme it plainly, that a man may swear *secundum rem juratam*, though he know that that which he swears to, is against the meaning and sense of him that gives the oath; Which is such a notable piece of equivocation, and indeed, of such dishonestie, as is not to be expressed by Us in its proper name, for no patron of equivocation hath yet out-gone it. The 10. reason propoundeth an undoubted truth, viz. that by swearing that confession, none of these pretended innovations is abjured. What then? Is it not sufficient, that by Our authoritie they are discharged, and referred to the triall of a generall Assemblie and Parliament? The eleventh reason repeateh againe the dark parable of the March-stone which was in the sixth reason; it would break any mans teeth to crack it, and it is not to be hoped, that ever any man will find the pith and kernell of it; and therefore let it bee as unintelligible as the sixth. The 12. reason is such a one as certainly no rationally man could ever have dreamed of: If we subscribe the confession by the Kings authoritie, then it will be thought that we acquiesce in His Majesties Declaration, and that wee are contented to be pardoned by Him; and that is such a thing as it turnes all our glory into shame, by confessing our guiltinesse: A strange fancie, that men should account that a shame, which the Scripture calleth giving glory unto God. But truly it is not farre from blasphemy, when they affirme, that God by the fire of his Spirit from heaven hath accepted their service: If they mean their Covenant, what more can be said of the holy Scriptures? For sure to be indited by the Spirit, and to bee approved by the fire of the Spirit from heaven, is much about one; if there bee any difference, the odds will seeme to lye upon the acceptation of it from heaven by the fire of the Spirit; for the Spirit descending upon the Apostles in fierie

fierie tongues, was that which both sealed their calling unto them; and enabled them for it, and for inditing those holy Scriptures which they wrote: And thus, before they are aware, they make themselves patrons of a notable point of Poperie, *viz.* That their Covenant, which sure was penned by men, and so but a humane writing, is of equall authoritie with the sacred Scriptures: for if it bee approved from heaven by the fire of the Spirit, it must be so. But We hope that every man will pitie this frenzie, and give no credit to it, untill they make it appear unto Us when and where God from heaven by the fire of his Spirit did seale and approve this Covenant. The 13. reason is a mad one indeed, for it doth condemne the Confession of faith which was first subscribed in 1580. upon which Confession they doe solely ground their owne Covenant; for that Confession hath no such oath for reformation of life annexed unto it: The truth is, something they would have said against Our Declaration, but they did not well know what: their wits were runne very low; when in an extraordinarie Vow and Covenant with God, they would put in Reformation of life; unto which every man is tyed by the ordinary morall precepts both of Law and Gospel, and by the doctrine of repentance contained in both: For the reason which is in their 14. 15. and 16. Reasons, We leave it for them to find that can; We are perswaded they will lose their labour who seek it.

After their Reasons, they conclude with 7. Protestations, which truly need not to be taken notice of; for being grounded upon so weake and inconsiderable considerations, the Reader is unreasonable, like them, if he should expect a conclusion stronger then the premises. In the preamble to them, take notice onely of their dangerous and fearefull approach unto blasphemy, while they affirm, That the Covenant made by them was sealed from heaven. Their first Protestation is utterly invalid, being *Protestatio contra factum*, for it is plaine to the whole World, that the rebellious distractions of that Kingdome proceed from them alone. Their second

Protestation is void most evidently upon the same ground ; for they themselves , both by their publique instructions , of which you have heard , and in their private instructions , of which you shall heare , have used many prelimitations in all the particulars against which they protest , but neither We nor any by Our authority have used any . The third Protestation begins with a supposition , which they themselves do know to be most false ; for both Archbishops and Bishops had , at the time of this their Protestation , both by the Acts of the Church , and by the Acts of Parliament , a settled office in the Church , and have so still by Parliament , nay and by Assembly too , unlesse they do pitifully begge that which will never be granted them , That their last Assembly at Glasgow was a lawfull Assembly , after Our Authority had dissolved it . And as it beginneth with a false supposition , so it endeth with as false and foolish a position and petition ; For it main- taineth *That all these who are to undergo any tryall at the Assembly , either upon any generall complaint already made , or upon any particular accusation to be given in against them , are to compeere at that Assembly , not to have voice , but as rei :* upon which ground none of themselves could have voice there ; for they were all liable to tryall and censure upon any particular accusation that was to be given in against them : And then their petition is , *That the warning given to the Bishops by this Our Proclamation , and this their Protestation , should be a sufficient Cytation to them to appeare as rei :* That their Protestation should be so , We protest it is so foolish a request , as We are confident no man ever heard of the like before ; nor could they expect that any man , indued with reason , would yeeld unto it : And that our warning of the Bishops by Proclamation to appeare at the Assembly , as We did all the rest of the members of it , should make them appeare as *rei* , is such a conceit , as We wonder any man could light upon it , unlesse they doe hold , that every one of themselves was to appeare as *reus* too ; for all of them were warned by Our Proclamation to appeare at the Assembly as well as the Bishops . In their fourth Protestation We onely admire their *rare and undeniable impudence* , who dare affirme , that

that their Covenant is approved from heaven with rare and undeniable evidences, when all the Christians in the world (except themselves and their faction) who have heard of it, doe acknowledge that no such Covenant or Combination can come from Heaven, but from Hell, from whence cometh all faction and schisme. In their fifth Protestation they doe runne into an act of high treason; for they appeale from Us and Our Councell, which by an Act of Parliament is made high treason; and which they know themselves was adjudged to be so in the case of the Ministers, who held an Assembly at Aberdene after it was prorogued by Our royall Father, who being cyted to compeere before the Lords of the Councell to answer that high contempt, and compeering, declined the authority of Our royall Father and his Councell and appealed to a Generall Assemblie, were therefore arraigned of high treason upon that Statute before the Lord chiefe Justice of that Kingdome; and after pleading to it by their Advocates, were found by a Jurie or Afsize guilty of high treason, and had received sentence accordingly, if Our royall Father, out of his singular clemencie and gracious respect to their calling, had not reprived them before sentence, and only inflicted upon them perpetuall banishment, which they did undergoe. The Act of Parliament upon which they were arraigned was this.

The eighth Parliament current holden at Edinburgh the 22. of May, in the yeere of God 1584. by the right Excellent, right High and Mighty Prince James the Sixt, by the Grace of God King of Scots, and three Estates of this Realme.

An Act confirming the Kings Majesties royall power over all Estates and subjects within this Realme.

FOrasmuch as some persons being lately called before the Kings Majesty and his secret Councell, to answer upon certaine points to have bene inquired of them, concerning some treasonable, seditious, and

contumace

contumelious speeches uttered by them in Pulpits, Schooles and other waies, to the disclaime and reproach of his Highnesse, his progenitors, and present Councell; contemptuously declined the judgement of his Highnesse and his said Councell in that behalfe, to the evill example of others to doe the like if timely remedy be not provided: Therefore our Sovereign Lord, and his three Estates assembled in this present Parliament, ratifieth and approveth, and perpetually confirmeth, the Royall power and authority over all Estates, aswell spirituall as temporall, within this Realme, in the person of the Kings Majestie our Sovereign Lord, his Heires and Successors: And also statuteth and ordaineth that his Highnesse, his Heires and Successours, by themselves and their Councells, are, and in time to come shall be Judges competent to all persons his Highnesse subjects, of what estate, degree, function, or condition soever they be of, Spirituall or Temporall, in all matters wherein they, or any of them, shall be apprehended, summoned, or charged to answer to such things as shall be inquired of them by our said Sovereign Lord and his Councell. And that none of them which shall happen to be apprehended, called or summoned to the effect aforesaid, presume to take in hand to decline the judgement of his Highnesse, his Heires and Successors, or their Councell in the premises, under the paine of treason.

Their sixth Protestation is nothing but a repetition of that which they have said so oft, even unto tediousnesse: In their seventh and last they bewray an unexempld boldnesse, in avowing their confidence of Our approbation to the integritie of their hearts, and peaceablenesse of their waies and actions all this time past, when in their owne consciences they doe know, that We doe hold and detest their waies and actions, as most unpeaceable and seditious.

And now having taken a short survey of this their Protestation, We doe appeale to any man, who shall compare it with Our Declaration, whether Our gracious Proclamation, against which they protested, did not rather deserve an humble and hearty acknowledgement of Our many graces and favours towards them, with a joyfull and submissive acceptation of them, then first to be traduced to the people before

it was made, for a Proclamation tending to the utter ruine and subversion of the Religion and Lawes of that Church and Kingdome; and then afterward to bee encountred in publique with such an impudent, insolent, seditious, and senselesse Protestation: And lastly, after all this, to bee railed at in their Pulpits, and Our people made to beleieve, that that part of it which required subscription to their owne confession of faith, but lately sworne and subscribed unto by themselves, was a device of the Divell, and hatched in Hell, as shall appeare by that which followeth.

For the next day, being Sunday, all the Pulpits of Edinburgh, nay and many places where there were no Pulpits (for they heard Sermons in many Halls, and other profane and common places) did ring with bitter invectives and declamations against this Our gracious Declaration, especially against that part of it which they conceived would bee most satisfactorie to Our people, and prove a speciall Antidote for expelling that poyson which they had made them swallow, concerning Our declining from the Reformed Religion, and inclining to Poperie, viz. the subscription to their owne confession of faith now commanded by Us: For, they branded it so with most hideous and horrible names of the very depth and policie of Sathan, that the common people, who were well perswaded of the pietie of their Preachers, could not chuse but imagine that there was some wickednesse in it, which their Preachers could and did dive into, though they did not. One Preacher in his Sermon prayed *God to scatter them in Israel, and to divide them in Jacob* who were the authors of this scattering and divisive counsell. Another Preacher in his Pulpit told his people, that the urging of this subscription, was an Italian and a divellish device, first to make them renounce God, and perjure themselves, and then afterward there was an intention to destroy their bodies, and so that this subscription imported no lesse then the destruction both of their bodies and soules. These and many more such false feares suggested, first from two of the Preachers of Edinburgh, and from them transmitted to their fellowes throughout

out the Kingdome, did worke so strongly with Our good but simple and seduced people, as that they were wrought unto a perswasion, that this subscription to their owne confession of faith, commanded by Us, for removing that false opinion which their Leaders had put into their heads of Our inclination to Poperie, was of a far deeper reach, and of more dangerous consequence, then if We had beene inclined to Poperie indeed; still adding, That if they did subscribe it now by Our authoritie, it could receive no acceptation at Gods hands, God rejecting any service done to him by constraint (it being very familiar with them at these times to term obedience to Authoritie constraint) but when they subscribed it voluntarily, or by the perswasion of their Leaders, then it was acceptable to God; and, if they durst have used such a Popish word, no question they would have added, Meritorious. And thus you see, with what undutifulnesse Our gracious Declaration was entertained.

Yet it was not so received by all: For first, all the Lords of Our Councell (amongst whom were some, who never seemed to bee satisfied before) were so fully satisfied, and so much over-joyed with this Our gracious Declaration, that they did condemne and utterly detest this odious Protestation of the Covenanters; whereupon Our Councels Letter of thanks and proffer of service was sent Us, as was before declared.

Next, the greatest part of the Ministers of that Our Kingdome did rest satisfied with it, as shall bee made evident if it come to triall: But this is most certaine, that the Ministers assembled at Edinburgh that morning at the Gray-Friars Church by the name of the fourth Table, or Table of the Ministers ordinarily resident at Edinburgh all this time, for attendance upon the businesse of the Covenant, being sent unto by the other Tables, and desired by them to send some of their number up to the great Committee of all the Tables, to joyne with them in a Protestation which was to be made that afternoone against Our Declaration, which then they expected would be proclaimed; the Ministers returned this
answer

answer by their whole voices (not above two or three at the most dissenting) That they would not agree to any Protestation which should be made against Our gracious Declaration, unlesse it should be sent downe unto them, that it might be thoroughly advised upon; especially considering that they had heard so much of the contents of that Our Declaration, importing the removing of their grievances which occasioned their Covenant, that they could not conceive the necessity of any Protestation. Which answer being returned to the other Tables, did so trouble them, that they sent a second message to them, intreating them presently to come up to Saint *Gyles* Church, and to sit there, that so being in a place of a neere distance from their great Committee, they might the more easily consult with them. Thither they came, and stayed a great while, but heard nothing from the Committee, who it seemes were much distracted and puzzled about the penning of their Protestation, and had certaine Ministers with them (especially *Rollock*) at that consultation, who were not deputed by the Table of Ministers to bee present at it; and having stayed in that Church untill neere one of the clock in the afternoone, dissolved themselves, took their leaves one of another, and resolved not to meet untill the next week, many of them going home presently towards their owne countrey Churches, where they were to preach the next day, being Sunday; and at their parting they deputed none to joyne with the Committee from the other Tables, either to consult about, or to assist at any Protestation which should be made against this Our gracious Declaration: And all this was averred by divers Ministers then present, before divers of the Lords of Our Councell, and other persons of speciall ranke and quality, who likewise would have averred it before the last pretended Generall Assemblie, if they durst have done it without running the hazzard of their fortunes, if not their lives: And yet in that afternoone about three of the clock, *Rollock*, in the name of the Ministers, did upon a Scaffold joyne with the deputies from the three other Tables, in that wicked Protestation, without deputation (as

is presumed) from the Table of Ministers, unlesse perhaps he called some few stragling Ministers about the towne, of whom it may be he asked the question.

Besides, many thousands of Our subjects Covenanters were fully satisfied with Our Declaration, though they durst not, as many of them have professed, subscribe this confession of Faith urged by Us, for feare of being troubled by the major part. And it is knowne, that wheresoever Our Declaration was published, before that the Covenanters from their Tables sent their emissaries to dissuade the acknowledgement of it, and copies of their Protestations against it, it was received with all expressions of joy and thankfull acknowledgement; insomuch that when it was proclaimed at the market Crosse at Glasgow, it was assisted with all these expressions, both by the Magistrates and all the inhabitants; by the Principall, the Regents and Professors, by all the Ministers of that Citie, though Covenanters, who out of the great sense of the many obligations and favours, which We had laid upon that whole Kingdome, by this Our gracious Declaration, directed their severall Letters of thankes and acknowledgement to Our Commissioner; which are here exhibited.

The Letter of the Provost, Bailiffes, and the
Councell of Glasgow.

Most Honourable and our very good Lord,

HAVING received a Letter directed from your Grace to us with this bearer your Graces Cousin, and having read the same, and heard and weighed his Majesties gracious Proclamation, which was this day proclaimed within this Citie, to the great joy of all the bearers; We cannot but praise God, who hath endued his sacred Majestie our dread Sovereigne, with such wisdom, pietie, clemencie, and fatherly care of this Church and Kingdome; and pray God for a long and happie Reigne to his sacred Majestie, and his Highnesse posteritie over us and succeeding generations; And shall ever indeavour to approve our selves

selves his Majesties most loyall subjects ; And wish from our hearts all happines to your Grace, and your Graces most noble family, for the wel-wishing to this Citie ; and especially for the great paines taken by your Grace in this so weighty an employment, hoping and praying to God that the same may obtain the wished for accomplishment, and shall ever remaine

Glasgow this 24. of
Septemb. 1638.

Your Graces most hum-
ble and obedient servants,

James Stewart Provost.	Colme Campbell.
John Anderson Bailiffe.	John Barnes.
Colme Campbell Bailiffe.	Richard Allane.
Ninian Anderson Bailiffe.	Walter Stirling.
Gabriel Cuningham.	Gavine Nesbit.
William Stewart.	John Anderson.
Patrick Bell.	Robert Horner.
Matthew Hammilton.	

The Letter of the Ministers.

Most Honourable and our very good Lord,

HAVING received the Letter directed from your Grace, and having heard and considered his Majesties most gracious Proclamation published this day in this Citie, with joyfull acclamations universallly of the hearers, as we of the Ministry and University of Glasgow, who were present, with great contentment and joy of heart applauded thereto, and doe praise God who hath inspired our dread Sovereigne with such wisdom, pietie, clemencie, and fatherly care of the Church and Common-wealth of this Kingdome, as is abundantly manifested in the said Proclamation ; So we would gladly testifie, by what meanes we can, our thankfulnessse to his Majestie, our Crowne of rejoicing, and the breath of our nostrils ; not omitting our bound duty to your Grace, whom God and his Majestie hath appointed so fit and happy an instrument in this great errand, for your singular prudence, rare pietie, and zeale to God, your Prince, and Countrey, and incredible paines in this honoura-

ble and weighty employment, which we pray God may still prosper in your hands, untill it be brought to a full and blessed conclusion, being willing for our part to contribute what lyeth in our poore power by our earnest prayers and best endeavours.

Glasgow Sept. 24.

Your Graces humble and
most observant servants,

M. Ro. Wilkie.

John Strang

J. Maxwell.

John

M. Bell younger.

Will. Wilkie.

M. Ga. Forsythe.

Pa. Maxwell.

M. Blair.

NOW, besides these, in many places of the Kingdome whither they sent their Protestation to be read, it was refused by divers, who had subscribed their owne Covenant.

The Assembly being indicted, the Covenanters did now goe about to effect all which they had plotted and designed concerning the election of the Commissioners to it, That all, and none but they might be chosen, whom they had resolved upon, and were of the most rigid ranke, whom they were sure would receive no satisfaction, and keep all others (so farre as in them lay) from accepting of any: Their device was this; They perceived that most of the Ministers throughout the Kingdome would gladly embrace peace, if they might see their consciences satisfied in these feares and doubts, upon which they entred into the late Covenant. The Leaders resolved not to trust any such moderate men, considering that all their scruples were removed by Our last Declaration, and the indiction of a free Generall Assembly; and therefore they took order by their secret instructions, that none of them should bee chosen, though they were Covenanters: For Ministers Non-covenanters, they took order, that if in any place by pluralitie of voices such a one should bee chosen

chosen, then hee should be proccessed and protested against, (which no man could avoid) and so he should be sure to be set by at the Assembly, and cast from having any voice there. And whereas they might feare, that the rigid Ministers, designed by them for this Assembly, might want a sufficient number of their fellow-Ministers for their elections in their severall Presbyteries, they rooke an order, That not onely for this time, but for all times to come, there should bee no Minister chosen Commissioner from any Presbyterie to any Assembly, but such as the Laitie should make choice of: For they presently gave order from their Tables, That every particular Parish should send to the Presbyterie in their bounds one Lay-man, whom they called a Ruling Elder, who by their appointment should have voice in the Presbyterie as well as the Minister of the Parish; so that when the whole Presbyterie was assembled together, the number of the Lay-men was at the least equall to the number of the Ministers; By which new device, the Laitie gained of the Ministers undoubtedly these foure things: First, That never any Minister should bee chosen Commissioner to the Assembly, but whom they would; for they being equall in number in voices with the Ministers, and sixe of the Ministers being to be put in the List and to stand in election, out of which sixe three must be chosen, and all these sixe must be removed in the time of the election, and have no voices themselves in it, it is clear, that the number of the Lay voices in these elections must needs exceed the number of the Ministers voices at least by sixe: Or, if in some Presbyteries (as We heare was done in some few) these sixe Ministers before their removing gave voices to whom they pleased, yet (no man being able to give a voice to himselfe) of necessity the number of the Lay voices must exceed the number of the Ministers by one. Secondly, the Laitie gained this, That in all other Presbyteriall meetings, which are weekly, the Ministers should never have a casting voice, to determine any thing but what they liked; the Lay-men being alwaies at the least equal to them in number. Thirdly, this they gained, That whatsoever should be

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concluded in a Generall Assembly, should ever be concluded likewise in a Parliament, if Our negative voice did not stop it: (and Wee heare that they have not spared to give out, that they will take from Us and Our Successors, that which all Our Predecessours have enjoyed, that is, a negative voice in Parliament, as they have done in Assemblies, for as much as lies in them :) For by their instructions they ordered, That where any Nobleman lived in any Presbyterie, hee should bee chosen lay-Elder there for the Assembly; and all Noblemen are hereditarie members of the Parliament: and where there wanted a Nobleman, they should chuse some speciall Gentleman, who in all probabilitie standeth faire for being chosen one of the Commissioners of the Shire for the Parliament, which made the Covenanters stand so importunately for that point, *viz.* to have the Assembly held before the Parliament, as making just accompt, that all the lay voices in the Assembly were engaged to give their voices to the same conclusions, when they should sit in Parliament; and so that the Parliament, for it Acts, should depend upon the generall Assembly, and the generall Assembly (for the Acts passed there) should depend upon them; but neither the one nor the other depend upon Us. Fourthly, the Laitie gained this, That they exempted themselves for ever hereafter from all fears of the power of the Clergie: for they being resolved (so farre as in them lay) to overthrow Episcopall government, and yet fearing by so doing to be brought againe under the tyrannie of presbyteriall government, of which they had heard their fathers so grievously complaine, they pitched upon this way of equall number of lay-Elders in every Presbyterie; being assured thereby to curb their Ministers, most of whom had their stipends and rents paid by these lay-Patrons; and so now the Laitie made accompt, that if in their elections to this Assembly they could compassse these conclusions and resolutions, they had brought the Church and Churchmen under for ever.

These conclusions, though effected by the Laitie with violence, yet received great resistance by many Ministers in most Presbyteries,

Presbyteries, and in some by all : For when these Lay-Elders came to sit with them, they either refused to admit them, or desired time to deliberate, how they (who being Covenanters, and had complained of Innovations) could admit of such innovations as those which seemed to threaten the ruine of the Libertie of the Church, for these Reasons : First, because, that above these fortie yeares no Lay-Elder had sat in their Presbyteries, and therefore it was a great Innovation : Secondly, because at the beginning of the Reformation, when there was a kinde of necessitie to require the assistance of Lay-men for the government of the Church, (Ministers being then so few and scant) yet it was provided that they should ever bee fewer in number then the Ministers, and that therefore this obtruding of themselves in equall number, was not onely an Innovation, but directly against the book of discipline, upon which they did so much ground their proceedings : Thirdly, that it was a thing never heard nor practised before in that Church, that Lay-men had voices in the chusing of the Ministers Commissioners for the Assemblie, and therefore if they would chuse, they desired them to chuse their owne Lay Commissioner, but for the Ministers Commissioners to leave it to themselves, who were better able to discern of their Ministers abilities, since they were weekly conversant with them, then they whom they had never seene in their Presbyterie before.

But all this opposition and arguing was fruitlesse : For the Lay-Elders, according to their secret instructions from the Covenanters Tables, which afterward shall be related, would not remove, but put themselves in possession of suffrage, and so these Ministers, and none but they, were chosen in each Presbyterie whom the Tables at Edinburgh had designed : A thing so odious and distastfull to the Ministers, that in some Presbyteries, the Ministers (chosen Commissioners) had but eight Ministers voices, and the voices of two and twentie Lay-men, in others not above two Ministers voices, in some but one ; but in all Presbyteries the Ministers Commissioners were elected by the pluralitie of Lay-voices. Some of these Ministers, though
Covenanters,

Covenanters , seeing the libertie of the Church by this meanes utterly lost and betrayed, did repaire to the two Covenanting Ministers of Edinburgh , to whom they be-moaned themselves, wondring that they would give way to the utter defacing of the Church by these Laick intrusions; to whom they gave this answer, That they grieved for it as much as themselves , but that the necessitie of the times was such, that they must wink at it, else the Nobility, Gentry, and Burrowes did threaten them with a desertion, upon which a division must follow, which by their Oath and Covenant they were bound by all meanes to prevent. But the aggrieved Ministers were not satisfied with such cold, comfortlesse , and unconscionable answers, but resolved in many Presbyteries to draw up their Protestations against the Lay-Elders to the Assemblie; yet they were so threatned by the Laitie, that most of them fell back and durst not adventure upon it, though others both Covenanters & Non-covenanters had the courage to do it, but with what successe shall be declared when We come to speak of the Assemblie it selfe. Yet this We will confidently averre, That when Our Commisioner came last from that Our Kingdome , three parts of foure of all the Covenanting Ministers did detest the elections made by Lay-Elders, and would have declared the nullitie of all such elections if they durst have done it; and that these Ministers, (unlesse they have changed their minds since) had rather live under Episcopall government, then under the tyrannie of the Laitie and a few Ministers , from whom they have suffered more in a few moneths, then ever they did under all the Bishops in the Kingdome since Our comming to the Crowne: all which verie many of them have affirmed , both for themselves and others, to Our Commisioner, divers of Our Councell, and others, of good credit and qualitie, whom We dare and do trust.

But the elections being now past according as they had plotted them, or in good forwardness so to be where they were not yet past, the Covenanters next care was, how to hinder the subscription of the Confession of Faith commanded by Us, they conceiving it their master-piece

to stop any thing (though never so well liked by themselves) if it were commanded by Our authoritie; as fearing, that if Wee had obedience given to Us in any one thing, Our people might recover the taste of government: And hearing that Our Commissioner was to repaire to the Colledge of Justice, there to tender to the Lords of Our Session, who are the supreme Judges of Our Lawes in that Kingdome, the confession of Faith and band annexed, to be sworne by Our authority, that very morning they set up *Rollock* to preach (though it was not his ordinarie course) where many of Our Judges were present before they went to sit: There hee, with many false and foolish impertinences, did so labour to perswade them that the swearing of that confession was unlawfull and plaine perjurie, that hee shewed himselfe a ridiculous and most dishonest man to most that were present, and a weak man to all; and so little hee prevailed, that immediatly after Sermon, the Judges repairing to their usuall place of sitting, whither Our Commissioner came presently and tendered them the said confession, all of them, except foure who were knowne to bee of the false stamp, did swear to it and subscribe it; the number of the Judges in all being twenty.

And here Wee desire the Reader to observe, whether these men shall not bee accounted a faction, and not a bodie of a Kingdome, when they shall separate themselves from Us, who are their Sovereigne; from the bodie of Our Councill, who have the supreme government of the Kingdome under Us; and from the bodie of Our Judges, who are the Interpreters of Our Lawes, and under Us the supreme Judges of all their estates and fortunes; these two Judicatories, together with Our Judges in criminall causes, being under Us by the Lawes constituted the only Judges of all their actions: For if these Covenanters shall ascribe unto themselves the government, because they are more in number then those who disassent from them, then certainly in all Kingdomes and Republicques, the established government must go downe; for in them all, they who are ruled and go-

verned are farre more then the Rulers and Governours.

They then seeing that their fierce endeavours were fruitlesse with the Lords of the Session, with all speed dispatched some of their Tables throughout all parts of the Kingdome, to stop the subscription to the confession of Faith, commanded by Us, with copies of their Protestation to bee read in all places, where Our Commissioners should either proclaime Our Declaration, or require subscription to that confession: In many places they prevailed, in many not; Where they prevailed, they used such indirect and violent courses, as they gained an assent from many mens mouths, whose minds were very farre from it. In Glasgow, after that the Lord Lowdan, with divers others, Noblemen, Gentlemen, and Ministers, sent (as they pretended) from the Tables at Edinburgh, had caused to bee read that infamous Libell (of which you shall heare afterwards) against the Archbishop of Glasgow in his owne Cathedrall Church, without the knowledge of the Magistrates of that Citie; the Lord Lowdan desired the Provost of Glasgow to convocate their Towne Councell, that hee might impart some things unto them; which the Provost refused: But that Lord and his Associates, understanding that their ordinarie Church Session fate that afternoone, at which the Magistrates and Ministers were to be present, came suddenly into the place where they did sit; beyond their expectation; where the Lord Lowdan made a speech of great length, concerning the iniquitie and danger of Our Covenant, abjuring them both by perswasions and threatnings, that they would not subscribe the confession of Faith required by Us; and therefore his demand was, That he might have the assured promises of the Magistrates and Ministers, that they would not subscribe it, that so hee might report their answer to the Tables from whence he was sent: To which the Provost presently answered, That his Lordship knew well that Our Commissioner had required from them a subscription to Our Covenant, That they had humbly intreated of his Grace some short time to returne their answer; and therefore he wondred that any
man

man should thinke it was fit to answer any who was sent from the Tables, before they had made their answer to Our Commisisoner; and so refusing to give any answer to these Emissaries from the Tables, they went away unsatisfied.

The Covenanters finding that Our commanding of the subscription of the confession of faith, in many places had given satisfaction, and had indeed confuted that lying scandall of Our inclination to Poperie, and that many of the Covenanters had remitted much of their former rigour, being much taken with Our last gracious Proclamation, the Heads and swayers of the foure Tables, (as if all their designes were come to the last cast) cast about once againe, and laboured hard to worke Our people into the beliefe of this one point, That none of these things promised in Our last gracious Proclamation, no not the Assembly it selfe, were ever intended to bee performed by Us; That Wee onely studied to gaine time, untill We were ready for their ruine; and therefore they gave out, that Our Commisisoners late comming from Hammilton to Edinburgh was onely to prorogue the Assembly. They spent daies and nights in penning a Protestation against it, and writing multitudes of copies to be ready in all places of the Kingdome, before the Proclamations of the prorogation should arrive. They sent for all their partie to flocke to Edinburgh, as if now there were greater danger then ever. All which was carried with notable hypocrisie; for the authors of this report did disperse it, not that they did beleeve it to be true, but because it was conduceable to their ends to have the people beleeve it.

But knowing that they who do act long parts, must needs sometimes be out, and that the time of the Assembly beginning to approach, and Our Commisisoners provisions and preparations for his journey to Glasgou, were farre stronger proofes to Our people of Our holding the Assembly, then all which they had surmised to the contrarie, they then betooke themselves to their last shift, which was a miserable and wicked one, and it was this. Since they were perswaded that the Assembly indicted by Us would now hold if they

could not divert it, they resolved to take such courses, as they conceived Our Commissioner neither could nor would endure; with which they did conceive they should so irritate him, that he could not chuse but either discharge or prorogue the Assembly: For two things now they feared: First, that they had committed a great error in petitioning Us for an Assembly; which they conceived was fully in their owne power to indict; and therefore did begin to thinke, that by that act they had weakened their owne power and claime, and supposed; that it had beene more agreeable to their designs, if they had indicted one themselves, being the title which they meant to stand to, as appeareth by their owne indictment of a new Assembly, since the dissolution of this. Secondly, they were afraid of nothing more then this, that Our Commissioners propounding and passing into acts of Assembly, all the particulars of Our grace and favour contained in Our last Proclamation, would abundantly satisfie the greatest part of their owne partie; when they should see the grounds of their feares of innovation in Religion removed, which occasioned them to enter into the late Covenant: But now, if Our Commissioner could be forced any way, either to prorogue or discharge this Assembly, indicted by Us, that then they would presently indict one themselves, which they were sure We would not countenance with any Commissioner from Us; by which meanes they were both secured from having their partie weakned by Our propounding in Assembly Our gracious offers expressed in Our last Declaration, and were certainly perswaded, that they should easily induce Our people to beleve, that these things promised in that Declaration were never intended by Us.

To compasse therefore their desires of Our Commissioners either proroguing or discharging the Assembly; they resolved to increase their disorders to such a height, as they hoped hee would never endure them; and to multiply so many affronts upon him, and in him upon Us and Our authoritie, as they imagined should be past all sufferance: As first, by their letters directed from their Tables at Edinburgh, they

they quarrelled with Our Commisſioner, that Our Confefſion and Covenant was commanded to bee ſubſcribed in many parts of the Kingdome by the authoritie of Us and Our Councell, with an unbecoming violence: The copie of their Letter to Our Commiſſioner, being then at Hamilton, here followeth.

Please your Grace,

WE were glad of the indiſtion of an *Assembly*, as the meane to bring our complaints to an end: And as we promiſed for our part to doe our endeavour that all matters might be carried in a peaceable way, and no man troubled in any ſort till that time, ſo did we certainly expect that no violence or moleſtation ſhould have bene uſed againſt any of thoſe who had ſubſcribed the late Covenant: and yet, far contrarie to our expectation, are brought hither almoſt every houre grievous complaints from many of the people, in divers parts of the Kingdome, That they are by the threatenings and open violence of ſome Stateſmen, Coiſcellours, and Barons, conſtrained to ſubſcribe a Confefſion of faith, and Band, ſome with blind and doubting minds, and others againſt their conſciences, to the great trouble of their ſoules, and great diſturbance of the peace of the Country, contrarie to ſuch peaceable preparations as ſhould have preceded a perfit pacification at a General *Asſembly*. If we had heard but ſome complaints of this kind, we would have ſpared both your Graces paines and our owne, but complaints being multiplied more and more, we could not of duty but make ſome representation thereof to your Grace, that ſome courſe may be taken for preſent ſuppreſſing this ſo irreligious and unjuſt manner of doing; and for preventing the hard conſequences that may enſue from people who are thus preſſed to ſubſcribe againſt their minds, and from others who are joyned in Covenant with them, which, as it is humbly petitioned, ſo it is confidently expected by

Edinb. 3. Oct. 1638.

Your Graces humble ſervants,

Caffils. *Balmerino.*

Lothean. *Jhoiſtown.*

Lindſay. *Burgly.*

Lowdome.

The

THe complaint contained in this Letter did afterward prove to be most unjust; and yet it was dispersed through the Kingdome with horrible and most false aggravations, viz. That some of Our Councell with charged Pistolls and drawne Daggers, held to the breasts of Our subjects, had forced them to subscribe our Covenant. To this their Letter Our Commisisoner returned an answer, though not to their Table, because he would not acknowledge it, yet to that Nobleman whose hand was first at it: The copie of which answer is this.

My very good Lord,

I Have received from your Lordsh: and other Noblemen a Letter, containing a complaint against the violence offered to divers of his Majesties subjects, by States-men, Councillours, and others; and that complaint aggravated by your promising and undertaking, for your selfe and all your adherents, that no man should be troubled till the Generall Assembly; and your just expectation that the same course should have beene held on the other side by Us.

For the former, I know not what States-men, Noblemen or Barons, your Lordsh: meanes; for naming none, I know not to whom I shall take my selfe; nor doe I know what violence and threatnings you mean: If you meane his Majesties Commisisoners appointed by the King, they requiring his subjects to subscribe the old Confession and Covenant, by his authoritie now renewed, and remonstrating unto them the danger they incurre by law in not obeying his Majesties commandement, I hope that cannot be called violence; but duty, the omission whereof must needs be a violation of; and violence offered to his Majesties sacred authoritie: If other violences and threatnings they have used, as your Lordsh: seemeth to intimate (for their obedience to his Majesties just authority, I am sure, your Lordsh: will not call violence) they must answer for it; and shall whensoever your Lordsh: shall make known the delinquents. But alas, my Lords, Tell me now in good earnest, whether you have heard they have used such violence in perswading this Covenant, as hath beene used by your adherents in inforcing of
yours?

yours? Hath the blood of Gods servants, his holy Ministers, beene shed, which blood I am affraid keepeth the vengeance of God still hanging over this Land? Have men beene beaten, turned out of their livings and maintenance, reviled and excommunicated in the Pulpits, and a thousand more outrages acted upon them for not subscribing this Covenant? Have none who have subscribed your Covenant, done it with blind and doubting minds? If they have, I beseech your Lordsh: not to call his Majesties Councillours legal proceedings irreligious and unjust, untill you have proved the pietie and justice of the proceedings of your owne adherents.

For the other, of your undertaking and promising for your parts, that no man should bee troubled till the Assembly, and expecting the like from us, truly I am glad I have it under your Lordships hands; for I think there are few houres of any one day, since the indicting of the Assemblie, that from all parts of this Kingdome, I am not vexed with complaints of new procesing of Ministers, new with-holding of Ministers stipends unprocessed, heavie complaints of Ministers of your owne Covenant, that they are threatened, and that sharply and bitterly, for their declaring of their grieffe, in being barred of their freedome in the election of their owne Commissioners to the Generall Assemblie, and being borne downe by the multitude of Lay voices, and menaced because of their protesting against the same, the complaints of Ministers Non-Covenanters and Lay-Elders Non-Covenanters, chosen by their Sessions to assist at the election of the Commissioners from the Presbyteries, but turned back for not having subscribed your Covenant, and reviled with bitter words for being so pert as to come thither; Is this the performance of promising, that no man shall be troubled till the Assembly? These are, indeed, preparations very unfit to precede this Assemblie, they being so unpeaceable and like to take up much time, in discussing, at that great Meeting, the illegality of these elections. My Lord, the truth is, I shall be as carefull to see any wrong offered by his Majesties Commissioners (in urging his Majesties authoritie) punished, when I shall know the offences and the offenders, as I am heartily grieved at the proceedings of your Associats: Here I am sure, his Ma^{ties} Commissioners have bin rather backward then forward, but so have not your Lordsh: adherents bin; for they have in very many places proclaimed your Protestation, where his Majesties
 Declara-

Declaration hath not beene proclaimed. I hope your Lordsh: will pardon my unusuall prolixitie; for I confesse I am much troubled to see his Majesties good subjects led into such misconstructions of his pious and religious intentions towards them. This my Letter, I pray your Lordsh: to communicate to the other Noble Lords, who subscribed that to me. To your selfe and them, I pray your Lordsh: commend the true respects of

For the Earle of Cassills.

Your Lordsh:
Hamilton.

THIS Letter it seemes gave them no satisfaction, for they still continued their reports: Besides, they had the boldnesse by another Letter from the same Table, sent likewise to Our Commisisoner, being then at Hamilton, to expostulate with him, that one of Our Ships at sea had searched a Scotish Merchants Ship for Ammunition; when as they themselves before had searched a Merchants Ship for some Ammunition, which We had sent for Scotland, and would have seized upon it, if they had not beene prevented: and immediatly after, a little English Vessell carrying Beere to some part of that Kingdome, was likewise stayed and searched by them. In the same Letter they quarrell with Our Commisisoner, for hindering the bringing of Horses from England thither; which is unlawfull for any one to doe, without a speciall licence from the Master of Our Horse. The copie of their Letter, filled with their ordinarie pretences of Religion, and Our Commisisoners Answer unto it, be these.

Please your Grace,

After your parting from us, we had knowledge from John Wilson Skipper, & sundry of his Passengers newly arrived, That, being at sea on his way from Holland hither, one of his Ma^{ties} small ships of 8. Peeces, came aboard & searched him for Armes & Ammunition, declaring they did the same by his Majesties Warrant. We
do

doe not so much value the hazzard of any prejudice, as we are heartily grieved to find any such note of his Majesties displeasure, differencing us from his other subjects, when our own hearts and the Lord that searcheth them doth beare witness of our loyaltie and affection to his Majestie, especially to have found it now when we are made so secure, both by the hopes of obteyning from his Majesties favour, by your mediation, these ordinary and publike remedies that can fully settle this Church and State, and by assurance from your Grace we should finde no such hard dealing, during the time of your employement amongst the subjects here, who trust in your care to prevent speedily the inconvenience of this, as you did in that other late particular anent the arrest of our horses in England. We thinke this advertisement sufficient to your Grace, who is wounded through our sides if wee suffer any thing in this time, being so farre interessed to vindicate us from such prejudice, who doe acknowledge our selves to be

Edinb. the 28. Septemb.

Your Graces humble

1638.

servants,

Rothees, Montrose, Home, Weymse, Lindesay, Boyd, Loudone, Balmerino, Dalhousie, Forrester, Elcho, Cranstone, Baltarres, Burghly, Lothiane.

My Lord,

I Have received a Letter this day signed by your Lordsh: and sundry other Noblemen, making mention, that one John Wilson Skipper, being on his way from Holland hither, was searched by one of his Majesties small ships. This is no new nor unaccustomed thing, for commonly the Captains of his Majesties ships during the time of being at sea, doe take notice what the loadings of all such ships are, as they meet with, who trade in the Channell, it being a prerogative that belongs to his Imperiall Crown: I am perswaded that your Lordsh: and the rest of my Lords cannot thinke, but if his Majestie had been desirous to have made stop of importation of Ammunition into this Kingdome this time past, but it would have been an easie matter for him to have effected; but so little hath he regarded this, as he hath not so much as taken notice of it: And yet it were no strange thing, if his Majestie should give direction to cause examine for what end so great store of Ammunition is imported into this Kingdome, and a little more narrowly to looke into

our actions ; when, by I know not whom, there hath been so much notice taken of such Ammunition, as his Majestie hath thought fit to send hither. For notwithstanding that your Lordsh: sayes we are made secure by the hopes of obtaining from his Majestie these remedies that can fully settle this Church and State, yet I may say courses are taken to put feares in his Majesties good subjects minds, by perswading of them that no such thing is intended : This does too too manifestly appeare by the watching and guarding his Majesties Castle, and many other courses; but of this I will write nothing, my intention being only to returne answer of what is writ to me : And therefore for your Lordsh: satisfaction I shall acquaint his Majestie with the contents of your letters, who will no doubt give such directions therein, as his good subjects will have no just cause of complaint : Whereas you have been pleased to say, that you have been assured by me, that you should receive no such hard dealing, during the time of my imployment ; let mee desire you to consider this aright, and you will find it none; for neither was that ship stayed from proceeding in their intended voyage, nor any thing taken from them: nor needs your Lordsh: to doubt that his Majestie will doe any thing (except our owne indiscretion provoke him) that may make appear to the world that he makes a difference betwixt us of this Nation and his other subjects. Bee confident, my Lord, that my endeavours have, and doe tend to no other end, but to the glory of God, the honour of his sacred Majestie, and the preserving from ruine this poore distracted Kingdome; and that I have and shall labour to prevent all such accidents as may breed the least stop or hinderance of this wished event, which I hope and am confident that your Lordsh. and all those noble Lords who have signed this Letter to me, will take the same to heart; and then certainly you will not be so easily moved with such light and sleight reports : Nor will your Lordsh: thinke that either you or I can bee wounded by the order and command of so pious, mercifull, and so clement a Prince as is our dread Sovereigne, who hath showne himselfe to be so full of goodnesse, as we must of all men living prove the worst, if we be not thankfull to God, and him for it. This my letter your Lordsh: will be pleased to communicate to the rest who have writ to me, and esteeme of me as

Hammilt. 24. Sept. 1638.

For the Earle of Rothees.

Your Lordships
humble servant,
Hammiltown.
With

WITH his answer they were so far from being satisfied, that to answer this affront (as they did interpret it) for searching a Ship of that Kingdome at sea, they resolved to put a greater affront upon Us, by increasing their Guards about Our Castle of Edinburgh: In Fyfe, they gave order for a Communion throughout their Churches, at which they made every one to swear that they should not subscribe Our Confession and Covenant, nor any other but their owne, which they swore againe *de novo*; especially to stand to that part of it in which it concerneth mutuall defence against all persons whomsoever. They gave generall order for the Fast to be kept on the fourth of November, being Sunday, neglecting the day designed in Our Proclamation, which was the Wednesday following, and the seventh of that Moneth.

Our Commissioner seeing these contempts daily to increase, and hearing that they had appointed the Communion to be celebrated at Edinburgh, sent for the Provost and Magistrates, and inquired of them these particulars: First, whether at their Communion (which was to be celebrated the two next Sundaies following) it was intended that the like oath should be taken with them, as had beene taken in Fyfe: Secondly, whether they intended to keepe the Fast-day designed by Us in Our Proclamation, and according as they had lately since beene required to do, by an order sent from Our Councill to them for that purpose: Thirdly, what order they had taken with those, who had the day before reviled and abused Doctor *Elios* while hee was preaching in the Pulpit; That hee had sent for them, because hee had found those few Ministers, by whom they were ruled, to be unreasonable men, and despisers of Authoritie. To the last, they promised that they would make a discoverie of the offenders, and see them punished; which they never did: For the first, they thought it most unreasonable that any oath should be ministred as it was in Fyfe: For the second, they thought it most reasonable that Our Fast-day should be kept; but before they could give a full answer, they must first conferre with their

Ministers; at their meeting with whom, they found that the Ministers had intended that barbarous oath at the Communion; and not to keep Our Fast-day more then other Churches in the countrie had done, yet the Magistrates did with much perswasions over-rule them in both. Our Commisſioner did reſolve with great ſolemnitie, attended with all Our Councell and Judges, to keep that Faſt in the great Church of Edinburgh on the day appointed by Us, and gave notice thereof to the Magiſtrates, who returned him thankes, and aſſurance of welcome; But underſtanding that they were reſolved to diſcharge the ordinarie Miniſters of that Church from preaching there that day, onely becauſe they were Non-covenanters, and had appointed their places to bee ſupplied with the two onely Covenanting Miniſters of their Towne, hee ſent for the Magiſtrates againe, telling them, That hee could not come to their Church, and countenance ſo great a diſorder as the diſplacing of the two Preachers of that Church, onely becauſe they were faithfull ſubjects to Us; nor durſt heare theſe two Preachers deſigned by them, who in their Pulpits did ordinarily inveigh againſt Us and Our authoritie: Unleſſe therefore hee might either nominate the Preachers, or heare the ordinarie Preachers of that Church, hee muſt not come thither. The Magiſtrates did what they could to perſwade with their Miniſters; the one of them was contented with Our Commiſſioners deſire, but the other was ſo obſtinate, as hee would no way hearken to it; and him (being ſo powerfull with the people) the Magiſtrates durſt not offend: and ſo Our Commiſſioner, with Our Councell and Judges, were neceſſitated to keep Our Faſt at another Church hard by Our Palace. Now wee deſire the Reader to obſerve, how the Heads of the Covenanters were affraid that any ſhew of obedience ſhould bee yeilded unto Us by Our people in the leaſt point, they having ordered, that in moſt places of the Kingdome, the day deſigned by Us for the Faſt ſhould not be obſerved; certainly, onely becauſe it was commanded by Us, as being unwilling that We (whom they had given out to Our people for an Innovator in Religion,

Religion, and an Introducer of Poperie) should be thought by them to have any care of so religious an exercise as a solemne Fast; And how that in Edinburgh, though the Magistrates by their earnest intreatie had procured the observati- on of it, yet they could not obtaine it without putting a spe- ciall affront upon Authoritie, by displacing of those Mini- sters who had continued in loyalty and obedience to Us.

But these were nothing to their other violences, where- by they would have Our Commissioner take notice that it was impossible their proceedings at the Assemblie should bee pleasing unto Us: For not onely in many of their Pulpits did they preach, That whosoever subscribed Our Covenant, were perjured and villaines, but when some affirmed the contrarie, and reproved the Preachers for such furious speeches after their Sermon was ended, they were cyted before their Presbyteries for so doing, and threatned with excommunication: Nay, more then so, there were few Ministers of the Kingdome, not subscribers of their Covenant, whom they did not presently processe and cyte before their severall Presbyteries, and notwithstanding their Appeales to the Generall Assemblie then ap- proaching, yet they would not shew so much patience, but proceeded to present most illegall, and unwarrantable suspending of them, and other censures, as best pleased them; which being complained of to Our Commissioner and Councell, could finde no redresse, although they sent many times to the Covenanters, requiring them to forbear all such unjust proceedings, and to referre the triall of these oppressed Ministers caufesto the Generall Assemblie, which was now at hand.

None were so insolent as the Presbyterie of Edinburgh, for they presently put verie many of their Ministers under processe: They begun with one Master *David Michell* Minister of Edinburgh; Our Commissioner wrote ear- nestly to that Presbyterie to forbear proceeding against him untill the Assemblie, to the which hee had appealed, and where his cause might have a full and faire triall; which they not onely most unjustly rejected, but were so unmannerly, as they did not vouchsafe to answer his Let-
ter,

ter, either by message or otherwise : The next Presbyterie day he wrote to them againe to the same purpose, but with the like successe; for they proceeded without taking notice of his Letter, or returning any answer to it, although in that second Letter he had desired them, either to delay their proceedings that day, or else to send one or more of their number to him, (being then hard by at Our Palace at Holyrood-house) who might shew him some reason why they could not stay so long as untill the Assemblie, which was now so neare approaching. Our Commissioner wondring at this contempt, by the advice of some of the principall Lords of Our Councill, sent for an Officer of Our Councill, and directed him to them with an ordinarie warrant drawne up in an ordinarie forme by the Clerk of Our Councill, requiring them in Our name, under paine of Our high displeasure, and as they would answer the contrarie at their utmost perill, to desist from any further proceeding in that cause untill the Generall Assemblie, to which the defendant had appealed, and which was to begin within foureteene dayes: This warrant was delivered unto them by the Officer of Our Councill, in whose audience it was read, and when hee required an answer to it, hee received none, but in highest contempt of Our Crowne, Dignity, and Royall commandement, and against all rules of Justice (the Appellants appeal to the superiour Court of a Generall Assemblie, legally depending) for doctrines preached by him foure yeares since at least, and the witnesses being all Lay-men, who (besides their no extraordinarie memorie for such a time as was laid) were men of such meane and ordinary understanding, as that it was improbable, if not impossible, that they should understand the doctrines wherewith he was charged; and some of them being uncontroverted, and such as are generally received by all Protestant Churches in the world; they presently suspended him, and discharged him from the place of his Ministerie; and afterward, to make their contempt the greater, sent downe three of their number to tell Our Commissioner that they had done so, who offered to shew him reasons for their so doing. But
Our

Our Commiffioner told them, That fince they were not pleased to fhew him their reasons before their fentence as he required, hee would not heare their reasons after their fentence as they defired. But to let paffe this and many more their fuch unjust proceedings, againft thofe Minifters which continued in Our obedience, in all places of the Kingdome, even when the Affembly was readie to begin, notwithstanding thefe Minifters legall appeales thereunto, We fhall defire the Reader to obferve their proceedings in one proceffe, which We are confident was framed and purfued with fuch malice, injuftice, falshood, and fcandall, not onely to the reformed Religion in particular, but to the Chriftian Religion in generall, as it cannot be paralleled by any president of injuftice in precedent ages, nor (We hope) fhall ever be followed in future, and which if it were known amongft Turks, Pagans, or Infidels, would make them abhorre the Chriftian Religion, if they did think it would either countenance or could confift with fuch abominable impietic and injuftice.

It is their proceffe againft all and everie one of the Archbifhops and Bifhops of that Kingdome: The Covenanters did indeed firft defire Our Commiffioner, in his owne name and as hee was Our Commiffioner, to grant out proceffe againft the Archbifhops and Bifhops, and thereby to cyte them to appeare as *rei*, or guiltie perfons: To whom he returned this faire anfwer, That he did not hold it fit to cyte them as guiltie, of whole guiltineffe hee had no prefumptions; and befides that he would be loath to do an act which fhould void, according to their grounds, both the Prelats places and voices in the Affembly, they having laid it downe for a rule (though it were a falfe one) that parties cyted can have no fuffrage there; yet if either by the Law or practice of that Kingdome, the Kings Commiffioner or Commiffioners did ufe to grant out any fuch proceffe, hee would not refufe it, being refolved to concurre with them in any courfe of Juftice: but he hoped that they would not make Us his mafter, or himfelfe do any act prejudiciall to the Bifhops, their place and government, before they were heard, and that in the meane time for their fatisfaction

tisfaction he would advise with some of Our Judges and Our Advocate, whether any such proceſſe was awardable, or had uſually beene awarded by Our Royall Fathers Commiſſioners to the Generall Aſſembly, and according to their advice hee would doe that which ſhould bee agreeable to Juſtice. From this answer of Our Commiſſioner, they expected no ſatisfaction to their deſire; for they themſelves did know as well as any Judge or Advocate in the Kingdome, that no Commiſſioner either could award or ever had awarded any ſuch proceſſe as they required: And therefore they moved Our Commiſſioner once againe, that he would require Our Judges or Lords of Our Seſſion, to grant out ſuch proceſſe; with which request, when Our Commiſſioner made Our Judges acquainted, they returned him that answer which the Covenanters knew verie well they could not chuſe but make, *viz.* That they could grant out no proceſſe for the compearence of any perſons before them, but thoſe who were impleaded, and whoſe cauſes were triable before them. The truth is, Our Commiſſioner found by inquire, and the Covenanters knew it perfectly well, that the ordinarie way of proceſſe or cytation to a Generall Aſſembly was to paſſe it under the hand of the Clerk of the Aſſembly, whoſe office is during life, if he be not legally removed, & uſually too under the hand of him who was Moderator at the laſt Generall Aſſembly; both which were then living and are ſo ſtill: the name of the Clerk of the Aſſembly being Maſter *James Sandelands*, an Advocate and Commiſſarie of *Aberdene*, and the Moderator of the laſt Aſſembly, being the now Archbiſhop of *Saint Andrewes*: But they who had all this while gone on in diſorderly, illegall, and unjuſtifiable wayes, belike thought it an incongruitie to keep the beaten path and tract of juſtice in any thing, and therefore they fell and reſolved upon a way ſo unlike Juſtice, ſo repugnant to Religion and common honeſtie, as one would wonder how they hit upon it, having neither Law nor practiſe for it; which was this, They cauſed to be drawn up a moſt falſe, odious, and ſcandalous Libell againſt the Archbiſhops and Biſhops, with a Petition

tion annexed, to the Presbyterie of Edinburgh, wherein they desired the Libell to bee admitted by them; the copie whereof, as it was exhibited by them to the said Presbyterie, and afterward publikely read in all the Pulpits thereof, here followeth; which out of Our love to the Christian Religion We wish might never come to the notice of any Pagan, and out of Our love to the Religion reformed, We wish might never come to the notice of any Papist : But it cannot be concealed.

The Bill, or the complaint, of the Noblemen, Barons, Burgeses, Ministers, and Commons, Covenanters, (which were not Commissionaries to the Assembly) against the pretended Archbishops and Bishops within this kingdome, as it was presented to the Presbyterie of Edinburgh; with an Act of reference of the Bill, from the Presbyterie to the next Generall Assembly, as it was fully read on the Lords day before noone in all the Churches within the Presbyterie of Edinburgh, according to the Act.

Noblemen.

Unto your wisedomes humbly shewes and complaines, We *John Earle of Sutherland, John Earle of Athol, William Earle of Dalhousie, Mungo Vicount of Stormouth, Hugh Lord Montgomerie, David Lord Elcho, George Lord Forrester, Arthur Lord Forbess, John Master of Bettridale, Robert Lord Boyd, David Lord Balcarras, John Lord Melvill.*

Barons and Gentlemen.

Craggemillar, Lugtoun, Buchanan, Young, Dury, Balgonny, Balbirny, Master William Hammliton, Thomas Cragge of Ricarton, John Cowper of Gogar, John Hammliton of Boghall, David Inglis of Ingliston, John Dundas of Newliston, Sir William Cockburne of Langton, Patrick Cockburne of Clerkinton, John Leslie of Newton, Colonel Alexander Leslie, David Barclay of Onwerme, Sir Michael Arnot of Arnot, Sir Michael Balfoure of Deanemill, John Aiton of Aiton, David Beaton of Balfoure, John Lundie of Lundie, Walter Murray of Liviston, Sir John Preston of Ardrie, Walter Cornwall of Bonhard, William Scot of Ardrosse, Robert Forbess of Ricesse, Sir Andrew Murray of Balvarde, George Dundasse of Dudistone, Sir William Murray of Blebo, Master Robert Preston, William Dickson.

Ministers.

Master *William Scot* Minister at Cowper, Master *George Hammiltoun* at Nuburne, Master *walter Grog* at Balmerino, Master *John Machgil* Parson of Fliske, Master *Andrew Blackhat* at Aberlady.

Burgesfes and Commons.

George Bruce of Carnock, *George Potterfield* a Burgesse of Glasgow, *John Smith*, *John Mill*, *Lawrence Henryson*, *Richard Maxwell*, Burgesfes of Edinburgh.

WE, for our selves, and in name and behalfe of the rest of the Noblemen, Barons, Gentlemen, Burgesfes, Ministers, and Commons within this Realme of Scotland, subscribers of the Covenant, who are not chosen Commissioners to the Generall Assemblie, but who will assist and insist in this complaint with us, as faithfull Christians, as loyall subjects, and sensible members of this Church and Common-weale, having interest to pursue this popular action, in a speciall manner and an eminent degree, by which pursuit God may bee glorified, Christs Kingdome advanced, that the Church may bee restored to her priviledges and liberties, and freed from manifold scandals, from the corrupters of Doctrine with Poperie and Arminianisme, of the Sacraments with Superstition and Wil-worship, and of the Discipline with tyrannie, and from the overthrowers of the peace of this Church and Kingdome by their usurpations and lies, their violent humours, and falshood for their owne worldly ends, may be tried and censured accordingly, and so this Church and State made free from the present divisions and combustions, and restored to peace and unitie, both with God and amongst themselves, and that his Majesties religious disposition and honour may be cleared to all the world, by the triall and censure of those men who have fraudulently abused his Majesties name and authoritie by their trust and credit with his Majestie: Wee most earnestly make request, That whereas by the Lawes of this Church and Kingdome, and by his Majesties last Proclamation, all his Majesties subjects, whether Ecclesiasticall or Civill, of whatsoever title or degree, if they have exercised an unlimited or unwarrantable power, They are declared and ordained to be liable to the triall and censure of the Generall Assemblie and Parliament, or to any other Judicatorie, according to the nature and qualitie of the offence. And whereas Master *David Lyndsey* pretended Bishop of Edinburgh, Master *Thomas Sydsersse* pretended Bishop of Galloway, Master *Walter Whitefoord* pretended Bishop of Bricheñ, Master *James Wedderburne* pretended Bishop of Dumblane, Master *James Fairley* pretended Bishop of Argyle, Master *John Spotswood* pretended Archbishop of Saint *Andrewes*, (having their residences or dwelling places within the bounds of this Presbyterie of Edinburgh,) Master *Patrick Lyndsey* pretended Archbishop of Glasgow, Master *Alexander Lyndsey* pretended Bishop of Dunkell, Master *Adam Bannatine* pretended Bishop

Bishop of Aberdene, Master *John Guthrie* pretended Bishop of Murray, Master *John Maxwell* pretended Bishop of Rosse, Master *George Grene* pretended Bishop of Orkney, Master *John Abernethie* pretended Bishop of Caithness, Master *Neil Campbel* pretended Bishop of the Isles, should be tried and censured for their unlimited and unwarranted power.

For whereas it was provided in the Cautions agreed upon in the Generall Assemblie holden at Montrose, Anno 1600. for bounding of the Ministers votes in Parliament, and concluded to bee inserted in the body of the act of Parliament for confirmation of this vote as a most necessarie and substantiall point of the same, which was never yet repealed by a lawfull Assembly, That the Minister should sweare, upon his admission to the office of Commissionary, to subscribe and fulfill the Cautions agreed upon under the penalties expressed therein, otherwise hee was not to be admitted; yet the said Master *David Lindsey*, sometimes Minister of Brichen, now pretended Bishop of this Diocesse of Edinburgh, and pretended Moderator of this Presbyterie, with his foresaid Colleagues, the pretended Bishops and Archbishops of this Church *respectively*, have taken upon them (without craving or obtaining Commission from the Church as it is set downe in that Assemblie at Montrose) the office and power to vote in Parliament, without swearing at his or their entrances to subscribe and fulfill those Cautions which are set down under penalties.

In the first Caution it was provided, that he presume not to propound in Parliament, in Councell or convention, any thing in the name of the Church without an expresse warrant or direction from the Church, under the paine of deposition from his office; and that hee should neither give consent unto, nor keep silence from any thing (amidst these meetings) that might bee prejudiciall to the libertie of the Church, under the said paine:

But the forenamed Master *David Lyndsey*, pretended Bishop of Edinburgh, with the rest of his Colleagues *respectively* above named, have presumed (having no warrant nor direction from the Church) to propound in Parliament, and to consent to severall acts which have past in Parliament, to the prejudice of the Church, as namely, To the act concerning the Restitution of the State of Bishops, Anno 1606. the act concerning the chapter of Saint Andrewes, Anno 1607. To the act of Commissariors and jurisdictions given to Archbishops and Bishops, Anno 1609. To the ratification of the act agreed upon in the Assemblie of Glasgou Anno 1610. with an explanation, contrary to the meaning and tenour of the said conclusions, Anno 1612. To the acts concerning the Elections of Archbishops and Bishops, and to the acts concerning the Restitution of chapters, Anno 1617. To the ratification of the five Articles of Perth, Anno 1621. To the act concerning the apparell of Churchmen, and to the ratification of the Acts concerning Religion, in which all the

former Acts are included, *Ann.* 1633. and to many other severall acts of this kinde. In like manner he propounded and gave consent to severall acts of the Privie Councill, for the establishing of it, and of the power of the High Commission, which are against the lawes and liberties of this kingdome; and for ratification of severall acts and sentences given out by them and their Colleagues in that unwarrantable Judicatory: for in the same manner did he propound and consent unto the acts made in the Privie Councill for pressing and bringing in of the Service Booke, which would have trod under foot the frame of Gods publicke worship in this Kingdome, if the Lord had not prevented it. And further, in the last convention of the States holden in the yeeres 1625. and 1629. he did not onely keep silence, but propound and give consent to some things which were prejudiciall to the liberties of this Church, and hee did oppose himselfe to the just desires and grievances which were presented in name of the Church for some of her liberties and priviledges, whereas it was provided that he shall be bound upon each generall Assembly to give an account of the discharge of his Commission since the Assembly going before, and should submit himselfe to the censure of the Assembly, and stand to the determinations of it without further Appeals, and should sue for, and obtain ratification of his carriage from the Assembly, under the paine of infamie and excommunication; but the said *Mr David Lyndsey*, and his Colleagues *respectivè* abovenamed, have never given an account of the discharge of his or their Commissions, nor sought nor have obtained ratification of his or their doings from the Assembly.

Whereas it was provided in the third caution, that he should content himselfe with that portion of the Benefice which should be assigned to him from his Majestie for his livelihood, not hurting or prejudging the rest of the Ministers, or any Minister whatsoever, planted or to be planted within his Benefice, and that this clause was to be inserted in his provision: Besides, when Bishops were charged in the Assembly holden in Octob. *Ann.* 1578. to quit the corruptions of that State, there was numbred amongst the corruptions, That they received for the maintaining of their ambition and riot, the emoluments of the Church, which might sustaine many Pastors, the Schooles, and the Poor; but the said Master *David Lyndsey* with his Colleagues *respectivè*, have tooke provision for their Benefices, and the foresaid clause was not inserted, and he and they have prejudged Ministers, Schooles, and the Poor, by taking and enjoying plurality of Benefices.

Whereas it was provided in the fourth caution that hee should not dilapidate nor make a disposition of his Benefice without the consent of his Majestie and the generall Assembly; and for the greater warrant of this, That he should interdict himselfe to the generall Assembly not to dilapidate, nor to give consent to the dilapidation of his Benefice made by others, and that hee should be contented that an Inhibition should be raised upon him to that purpose; but the said Master *David*

Lyndsey

Lindsey, with his Colleagues *respective*, have set, and take settled patronages.

Whereas in the fifth caution it is provided that hee should be bound to attend his particular Congregation faithfully in all the points of a Pastour, and that he shall be subject to the triall and censure of his own Presbyterie and Provinciaall Assemblie, as another Minister that bears no Commission : In like manner by divers Acts and Constitutions of the generall Assemblies and Presbyteries, non-residents are punishable by deprivation ; Yet the said Master *David Lindsey* with his fore-said Colleagues *respective*, have been non-resident from his and their charges for many yeares ; nor have they performed the duties of Pastours by preaching, administration of the Sacraments, visiting the sick, &c. but they have deserted their charges by the space now of many yeares; neither have they in this subjected themselves to the triall of the Presbyteries and Provinciaall Assemblies:

That whereas in the sixth caution it was provided, That in the administration of Discipline, collation of benefices, visitation, and all other points of Ecclesiasticall government, he shall neither usurp nor acclaim to himself a power or jurisdiction further over the rest of his brethren; under the paine of deprivation : and in case hee did usurp upon the Ecclesiasticall government, if the Synodall Presbyteries, or generall Assemblies did oppose, or make impediment unto him ; whatsoever hee did in that case should be *ipso facto* null, without a declaratour ; yet the said Master *David Lindsey* with his Colleagues *respective*, have usurped a jurisdiction in the administration of Discipline, collation of benefices, visitation, and other points of Ecclesiasticall government, without a lawfull warrant from the Church, in exercising power to suspend, deprive, command, and inhibit excommunication at their pleasure, to fine, confine, imprison, banish Ministers and other professors without the warrant of the laws of the Countrey, appointing their Moderators over Presbyteries and Synods, prorogating their Diets, staying their proceedings against Papists, Sorcerers, Adulterers, and other grosse offenders, by exacting of contributions to such Commissioners as hee pleased to send to Court for his owne and his Colleagues affaires ; by depriving, and ordaining of Ministers, not only without the consent of the Presbyteries and Synods, but by ordaining of scandalous and unqualified Ministers, and depriving of learned and religious Pastours; by ordaining Ministers after a forme not allowed of in this Church ; by silencing Ministers for not reading the Service Book, and Book of Canons ; by interdicting after a Popish manner, the exercises of Morning and Evening prayer in their Churches ; by releasing of excommunicated Papists ; by contradicting and crossing the votes of the Presbyteries at their pleasure ; by their pretended negative vote directly contrary to this caution ; by enacting decrees of Synods without demanding their votes; by changing and falsifying their Acts, when most votes had carried the contrary ; by many wayes have they failed in this caution, which are so notorious to the whole Church and to your Wise-

domes ; that wee shall condescend upon the same when wee are required.

Whereas in the seventh caution it was provided, That in Presbyteries, and in Provinciaall and generall Assemblies, he shall behave himself in all things, as one of the brethren of the Presbyterie, and be subject to their censure ; yet the foresaid Master *David Lindsey* with his foresaid Colleagues *respective*, hath not behaved himselfe as a brother at these meetings ; he disdaines to sit in Presbyteries, or to be subject to their censures ; he sitteth and over-ruleth in Provinciaall Assemblies rather as a Lord then a Moderatour ; and in stead of behaving himself as a brother in the generall Assemblie, hath, by threatning and silencing, prejudged the liberties of the lawfull Commissioners ; when they propounded, reasoned or concluded matters conducing to the liberty of the Church, hee forced them to conclude things contrarie.

That whereas it was concluded at Mount Rose, That none of them who should have vote in Parliament should come Commissioners to the generall Assemblie, or have vote in it in time to come, unlesse they had authoritie or Commission from their owne Presbyteries for that purpose ; yet the said Master *David Lindsey* with his foresaid Colleagues *respective*, though they had no authoritie by Commission from any Presbyteries, have usurped to give votes in the last pretended Assemblies.

Whereas in the seventh chap. of the book of Policie, registrated in the Register of the Acts of the Assembly, it was concluded, That in all Assemblies a Moderatour should be chosen by common consent of the whole brethren assembled together, and it hath been so practised since the beginning of the Reformation, till hee and his fellowes began to break the Cautions ; yet the said Master *David Lindsey* with his foresaid Colleagues *respective*, have usurped the place of moderation in the last pretended Assemblies, and rather domineered then moderated, to bring in novations ; yea further, have directed Mandats from themselves as from the representative Church of Scotland, which name and power is only competent to generall Assemblies ; he hath brought in the practice of many Innovations in the Royal Chappel, in the Abbey Church, and his pretended Cathedrall ; hee hath laboured not only to hinder the ordinaty meetings of generall Assemblies of this Church, by obtaining letters and charge from Authority to that purpose, but also hath laboured, what in him lay, to take away from the Church the priviledge of holding generall Assemblies yeerly, belonging to Her by the Word of God, Acts of this Church, and lawes of this Kingdome.

Whereas it is provided by another caution, That *Crimen ambitus* shall be a sufficient cause of deprivation of him that shall have vote in Parliament ; yet the said Master *David Lindsey* with his foresaid Colleagues *respective*, are guilty of the said crime, in seeking of the said offices ; and promising and giving good deeds for them.

Whereas it was provided by the book of Discipline, and acts of the
Assemblie

Assemblée *Féb. An. 1569.* and *Décemb. 1565. & 1567.* that marriage should not be solemnized without asking of banns three severall Sabbath daies before; yet the said Master *David Lindsey* and his aforesaid Colleagues *respectivè*, have given licence to sundry Ministers to solemnize marriage without asking three severall Sabbaths before; upon which have followed divers inconveniences; a man hath been married to a woman her husband being alive, and they not divorced; some have been married to persons with whom they have committed adulterie before, and so have been married without the consent or knowledge of their parents.

Whereas by the book of Fasting; authorized by the generall Assemblée, and prefixed before the Psalmes, no set or yeerly Fast is allowed, but disallowed, as contrary to the liberty of the Church, and to the nature of the exercise (a Fast;) yet the said Master *David Lindsey* and his foresaid Colleagues *respectivè*, have appointed yeerly Fasts, and troubled some godly Professors for not observing the same.

Whereas the office of a Deacon is set forth in the book of Discipline, and book of common order before the Psalmes, according to the Word of God, to have no meddling with the preaching of the Word, or the ministrations of the Sacraments; and by the first Confession of faith ratified in the Acts of Parliament, chap. 23. Ministers called unto particular flocks have onely power of the ministrations of the Sacraments; yet the said Master *David Lindsey* with his foresaid Colleagues *respectivè*, have given a power to certain Divines whom they make Deacons (men not admitted to the calling of the Ministry) to administer the Sacrament of Baptisme, under the names and titles of preaching Deacons, and they refuse to admit divers men to the calling of the Ministerie before they be admitted to that Order.

Whereas it is ordained by the book of Policie, and Acts of the Assembly, that no man should receive ordination to the Ministry without a present admission to a particular flock; yet the said Master *David Lindsey* with his foresaid Colleagues *respectivè*, have separated the act of Ordination from the act of Admission.

Whereas according to the established order of the Church, & the Acts of the Assembly, the ordination & admission of Ministers should be publick, in the presence and with the consent of the Congregation; yet the said Master *David Lindsey* with his foresaid Colleagues *respectivè*, have given ordination to some men in other places, not in their own Congregation; and violently have thrust upon them scandalous Ministers.

Whereas Ministers who teach erroneous and corrupt doctrine should be censured by the book of Discipline, and by the Acts of the Assembly; yet the said Master *David Lindsey* and his foresaid Colleagues *respectivè*, have taught erroneous and corrupt doctrine themselves, and by their pretended power have preferred to the Ministerie men who have taught erroneous doctrine against the Confession of Faith, and Acts of Parliament quoted in our Covenant; and they cherish and maintaine them who teach Arminianisme and Popery,

as conditionall Election; Free-will; Resistibilitie of effectuall Grace; The universality of Christs death; The merit of it in heaven & in hel; A finall apostacie of the Saints; The locall descent of Christ into hel; That Christ came into the world *clauso Virginis utero*; auricular Confession, and Papall absolution; That the Pope is not Antichrist; That the Church of Rome is a true Church; That reconciliation with Rome is a thing easie; That the Church of Rome erres not in fundamentals; and that she differs not in fundamentals from the reformed Churches; They call in question the imputation of Christs righteousness, and they affirme the formall cause of justifying faith, to consist in our inherent righteousness; They affirme that there is a locall and circumscriptive presence of Christ in the Sacrament, and they change the Sacrament into a Sacrifice, and the Table into an Altar, the Ministers into Priests. There are other damnable and hereticall points of Doctrine which they maintain; of which we shall give particular information in our particular accusation of each one of them *respectively*; with the proofes thereof, when we shall be requited.

Whereas by the Acts of the Church, no oaths or subscriptions should bee required from those who enter into the Ministerie, but to the Confession of faith, and to the Book of Policie; yet the said Master *David Lindsey* with his foresaid Colleagues *respectively*, without a warrant from the Church or Parliament, doe exact diverse oaths and subscriptions from them who enter into the Ministerie; namely, That they should both in publike and private prayers commend the Prelats to Gods mercifull protection; That they should be subject to the orders which were now in the Church, or by the consent of the Church, that is, by their consent (as they affirme) should be established; as to the Service Book, and to the Book of Canons. The heavinesse of this grievance made the most part of his Majesties subjects to complain in these Articles, that worthy men which have testimonies of their learning from Universities, and are tryed by Presbyteries to bee fit for the work of the Ministerie, and for their gifts and lives were much desired by the people; yet these men are kept out because they could not bee perswaded to subscribe and swear unto such unlawfull oaths, which have no warrant from the Acts of the Church, nor the lawes of the Kingdome; and they were Articles and oaths conceived according to their pleasure; and men of little worth, and ready to swear, were for by-respects thrust upon the people, and admitred to the most eminent places of the Church, and of the Schools in Divinity, which breeds continuall complaints, and moves the people to run from their owne parish Churches, refusing to receive the Sacrament from the hands of Ministers set over them against their hearts, which makes them not to render unto them that honour which is due from the people to their Pastours; and it is a mighty hinderance to the Gospel, to the soules of the people, and to the peace of this Church and Kingdome.

Whereas in the Assembly holden at Edinburgh, in March, *an. 1578.*

it was declared that it was neither agreeable to the word of God, nor to the practice of the Primitive Church, that the Administration of the Word and Sacraments, and the ministration of civill and criminall justice should be confounded, that one person could supply both the charges, but that a Minister should not be both a Minister and a Senator in the Colledge of justice. And in the Assembly holden in October *An. 1578.* it was reckoned amongst the corruptions of the State of Bishops, which they were charged to forgoe, that they should usurp a criminall jurisdiction, that they should not claime unto themselves the titles of Lords, that they should onely be called by their owne names, or brethren; yet the said Master *David Lyndsey*, with his foresaid Colleagues *respectivè*, have assumed to themselves the titles and honours of Lords, they did sit as Senators in the Colledge of justice, as Councillors in the Privie Councill, as Auditors in the Exchequer, and have enjoyed prime Offices of State. The pretended Bishops have usurped the place and precedencie before all Temporall Lords, the pretended Archbishops before all the Noble Earles of the land, and the pretended Primate before the prime Officers of State in the land.

Whereas by the Word of God and acts of the Assembly, namely, *Anno 1576. 1577. and 1578.* no man should be suffered to be a Minister; unlesse hee be tyed to a particular flocke and congregation; and not to be tyed to a particular flocke it is condemned as a corruption of the state of Bishops which they were charged to forgoe; yet the said Master *David Lyndsey*, with his Colleagues *respectivè* foresaid, are Ministers, and will not be tyed to particular flockes.

Whereas the Office of a Bishop (as it is now used within this Realme) was condemned by the booke of policie, and by the act of the Assembly holden at Dundee, *Anno 1580.* whereof these are the words; Forasmuch as the office of a Bishop (as it is now used and commonly taken within this Realme) hath no sure warrant from Authoritie, nor good ground out of the Scriptures, but it is brought in by the folly and corruptions of the inventions of men, to the great hurt of the Church; The whole Assembly of this Church with one voice, after liberty given to all men to reason in the said matter, no man opposing himself to maintaine the said pretended Office, do find and declare the said pretended Office, used and termed as is abovesaid, unlawfull in it selfe, as having neither ground nor warrant within the Word of God; and we doe ordaine that all such persons which doe, or shall hereafter enjoy the said Office, shall be charged simply to dismisse, quit, and leave the same, as an Office unto which they were not called by God; and that they shall leave off all preaching, ministration of the Sacraments, or other offices of Pastors, untill such time as they receive admision *de novo* from the generall Assembly, under the paine of excommunication to be used against them; and if they bee found disobedient to contradict this act in the least point, after due admonition, the sentence of excommunication shall be executed against them. And for the better execution of the said act, it is ordained that a Synodall Assembly

blie shall be holden in every Province (in which usurping Bishops are) 18. *August* next to come, in which they shall be cyted and summoned by the Visitors of the said Countries to compeere before their Synodall Assemblies; as namely, The Archbishop of S. Andrewes to compeere at Saint Andrewes, The Bishop of Aberdene in Aberdene, The Archbishop of Glasgow in Glasgow, The Bishop of Murray in Elgin, to give obedience to the said act, which if they refused to doe, that the Synodall Assemblies shall appoint certaine brethren of their Presbyteries to give them publike admonitions out of their Pulpits, and to warnethem, if they disobey, to compeere before the next generall Assembly to be holden at Edinburgh 20. *Octob.* to heare the sentence of excommunication pronounced against them for their disobedience: and to this act the Bishop of Dumblane that then was, agreed, submitting himself to be ruled by it: it was also condemned by the act of Glasgow *Anno 1581.* which doth ratifie the former act of Dundee, and ordaines the booke of policie, which was approved by severall Generall Assemblies to be registrated in the books of the Assembly, and enjoyned the generall confession of faith to be subscribed by all his Majesties Lieges; Yet hath the said Master *David Lyndsey* with his foresaid Colleagues *respectivè*, not onely incroached upon the liberties of Presbyteries and Synods, but hath also tooke Consecration to the office of a Diocesan Bishop, without the knowledge or consent of the Church, and against the acts of it, claiming the power of ordination and jurisdiction, as due to him by that unwarrantable office.

Besides, the said Master *David Lyndsey* with his foresaid Colleagues *respectivè*, have, against the Lawes of the Church and Kingdome, brought in the Service book, the book of Canons, and the High Commission Court, and would have changed and overthrowne the whole frame of doctrine of Gods word, the use of the Sacraments, the Discipline, Liberties and Priviledges of this Church and State, if the Lord had not prevented them; The particulars wee shall present to your wisdomes, though it bee knowne to all men, how he and they have abused his Majesties Authoritie against his Royall intentions and Declarations, they having moved discontents betwixt the King and his subjects, by scandalous lyes betwixt subject and subject, for which things, complaints have been given in to the Councell, which we hold here to be repeated as a part of our complaint, and to be tried by your wisdomes, and referred to the Assembly.

Besides all these faults, the said Master *David Lyndsey* with his Colleagues *respectivè*, in his life and conversation is slandered constantly as guiltie of excessive drinking, whoring, playing at Cards and Dice, swearing, profane speaking, excessive gaming, profaning of the Sabbath, contempt of the publike ordinances and private familie exercises, mocking of the power of preaching, prayer, and spirituall conference, and sincere professors; besides, with Briberie, simonie, selling of Commissariots places, lyes, perjuries, dishonest dealing in civill bargaines, abusing of their vassals, and of Adulterie, and Incest.

incest, with many other offences, of which we shall give the particulars in our particular accusations.

Whereas the Presbyterie is the ordinarie judicatorie of this Church for trying of these offences, and hath the Ecclesiasticall power for cytation of the parties and offenders, with the reference to their complaints to the Generall Assemblie, Therefore wee most earnestly and humblie beseech your godly wisdomes, as you tender the glorie of God, the peace and libertie of this Church, the removall of scandalls, and punishment of vice, that you will take into your consideration and triall the foresaid many and hainous offences, with the particular reservations and qualifications of them, which we shall present to your wisdomes, or to the Assemblie when it shall bee thought convenient; and that you would either take order with it your selves, and censure the offenders, according to the nature of the offences, with the Ecclesiasticall paines contained in the Acts and foresaid Canons of this Church and Kingdome, or else make a reference of them to the Generall Assemblie to bee holden at Glasgow 21. *Novemb.* and, that the knowledge of these should come to the Delinquents, that you will be pleased to ordaine the publishing hereof, to bee made by all the Brethren of the Presbyterie in their Pulpits upon the Sabbath before noone, with a publike admonition to the offenders to be present at the Assemblie, to answer to this complaint, and to undergo the censure and triall of it, and to bring with them the books and scroules of subscriptions and oaths required from those who enter into the Ministerie, with the books of the High Commission Court, and the books of the Generall Assemblie, which they or their Clerk had or have fraudulently conveyed away, Together with this certification, That if the said Master *David Lyndsey*, with his foresaid colleagues *respective*, do not appear in the said Assemblie, and bring with them the said books, to answer to this complaint in generall, and to the particular heads of it, and to submit himselfe to the triall and proove of this complaint generall, and to the particular heads of it, that there shall be a condigne censure of these offenders for their contempt and contumacie; Here wee humblie beseech your wisdomes answer.

The Act of the Presbyterie of Edinburgh 24. Octob.

1638. yeares, in answer to this Complaint.

UPon the said day, we the Brethren of the Presbyterie of Edinburgh, after we had received this Bill and complaint, presented unto us by the Laird of Buchanan, The Laird of Dury the younger, The Laird of Carlourie, *John Smith* late Bailife of Edinburgh, *John Hammiltoun*, and *Richard Maxwel*, in name of the Noblemen, Barons, Burgesse, and Commons, subscribers of the Covenant (which are not Commissioners to the Generall Assemblie) against the pretended Archbishops and Bishops of this Kingdome, and after wee had read and seriously considered the same, wee, according to the desire of the complainers,

complainers did and do referre the same to the next Generall Assemblie to bee holden at Glasgow 21. November. And we ordaine the publishing of this complaint, and of our reference of it to the Assemblie, to be fully read by all the Pastors of the Presbyterie upon the next Sabbath before noone out of their Pulpits, with a publike warning and cytation to the offendants complained upon; By name, Master *John Spotswood* pretended Archbishop of Saint *Andrewes*, Master *Patrick Lyndsey* pretended Archbishop of Glasgow, Master *Thomas Sydserser* pretended Bishop of Galloway, Master *David Lyndsey* pretended Bishop of Edinburgh, Master *Alexander Lyndsey* pretended Bishop of Dunkeld, Master *Adam Bannatine* pretended Bishop of Aberdene, Master *John Gutherie* pretended Bishop of Murray, Master *John Maxwell* pretended Bishop of Rosse, Master *George Grene* pretended Bishop of Orkney, Master *John Abernethie* pretended Bishop of Caithnes, Master *walter Whitefoord* pretended Bishop of Brichen, Master *James Wedderburne* pretended Bishop of Dunblane, Master *James Fayrley* pretended Bishop of Argyle, Master *Nail Campbel* pretended Bishop of the Isles, to be present at the said Assemblie, to answer to this complaint in generall, and to the particular heads of it, to undergo the triall and censure of it, and to bring with them the books and scroules of the subscriptions and oaths of them who enter into the Ministerie, the books of the High Commission, and the book of the Generall Assemblie, which they either had or have fraudulently put away; and if any Pastor within this Presbyterie refuse to publish this cytation, we require the Reader of the Church to do it. In like manner wee require all parties who have interest, either in pursuing, or specifying, or proving this complaint, to be present at the said Assemblie for that purpose: Upon which the complainers took instruments in the hands of the Notarie.

According to this complaint, and the warrand of the Presbyteries reference of it, I A. R. warne and admonish the abovenamed offenders to compeere before the next Generall Assemblie to bee holden at Glasgow 21. November, for the causes contained in the complaint, and for the certification expressed in it.

NOW though the verie reading of this Libell cannot chuse but work a detestation of it in the heart of everie religious and just man, yet the Reader shall do well to take a more speciall notice of these particular passages of injustice and impietie in it: First, that the Presbyterie of Edinburgh taketh cognisance of the cause, and accordingly makes cytation, not onely of the Bishop of Edinburgh, over whom they can have no jurisdiction, but of all the rest of
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the Archbishops and Bishops, of which none at all, or certainly if any, very few, are inhabitants within the bounds of their Presbyterie: And who before this, did ever heare that any Consistorie or Judicatorie, Ecclesiasticall or Civill, could make processe against any man, or take cognisance of the cause of any man, who was not an inhabitant, nor had any charge or estate within the Precincts or bounds of those places, which onely are liable to the jurisdiction of that Court? Next, who did ever heare that men should wittingly and willingly cite others to answer for the transgression of acts and Lawes which they themselves do know were repealed by posteriour acts and Lawes, and so stood at the time of this citation, and therefore can no wayes be censurable for them, though it were true that the person cited had done as it is alledged in the Libell? And such be these acts of Assembly cited by them, which were and still are disanulled by divers acts both of Assembly and Parliament. Thirdly, who did ever heare that men should be called in question for yeelding obedience to acts of Parliament and Generall Assemblie? And yet in this Libell the Prelates are charged with giving voices in Parliament, and practising the five Articles of Perth, and divers other particulars, which then were and are now still in force by acts both of Parliament and Assemblie: And if it should be said that these acts were unduly obtained (which is the Covenanters only plea,) sure to say so is a greater fault then the other: for what Judge can ever give sentence in any cause, if the asseveration of the partie aggrieved by the sentence, that the Law was unjustly made, may passe for a good plea? Fourthly, who ever heard that men should be charged with yeelding obedience to acts commanded by the authoritie of Us and Our Councell, especially in things not repugnant to any established Law of that Church and Kingdome? And yet such are all these pretended Innovations, with the introduction whereof the Prelates are charged in this Libell; For they were enjoyned and commanded first by Us, and then by acts of Our Councell; it being farre more agreeable to reason to complaine of the Lords of Our Councell, by whose authoritie they were commanded,

ded then of those who in dutifull obedience to authority did practise them : But indeed it is to be wondered at, with what face the Covenanters can blame either the one for commanding, or the other for practising them : For what ground have they, or did they ever yet alledge, for their swearing to the Confession of Faith and their Covenant annexed? Did they ever yet alledge any but the authority of Our Royall Father and his Councell, who by their authority commanded them to be sworne throughout the Realme? And did not We and Our Councell by equall authority command these pretended Innovations? Was not then the Prelates practice of them as well warranted, as this confession of Faith and the band annexed, which were never brought in by acts of Parliament or Assemblie, but meerly by Our Royall Fathers Prerogative, and put in execution by the authority of his Councell? Fifthly, who did ever heare that men professing Pictie and Religion, durst adventure in the sight of God, in the house of God, and in the Pulpit, which is as it were the Chaire of God, and in the face of the Congregation, which is the people of God, to command the Bishops to be indicted and accused of such horrible crimes, as *whoring, excessive drinking, excessive gaming, swearing, prophane talking, prophanation of the Lords day, contempt of Gods publike Ordinances, neglecting pietie in their families, mocking of the power of preaching, prayer, and spirituall communication; briberie, simonie, lying, perjuries, unhoneft dealing in civill bargaines, adulterie, incest, and what not?* Wee do even appeale to their own consciences, whether they did think all of them, or any one of them, guilty of all these crimes : Most certainly they did not; and that excuse which they bring for the justifying of this wicked Libell cannot any wayes extenuate their fault : They say that some particulars contained in the whole Libell may be proved against every one of them, and therefore it is a good and a legall Libell, if they can make good any thing contained in it: But be it legall or not, the World must needs take notice that it is most unconscionable. The other things mentioned before, and charged upon them in this Libell, are not crimes at all, being warranted by acts

of Parliament, Assembly and Councell; these last rehearsed are crimes indeed, odious in the sight of God and man, and of which, as if they be guilty, the Bishops deserve death and exquisite torments; so, if they who have accused them of these crimes, shall faile in proving them to bee guiltie, they deserve to bee infamous throughout all generations, for the most malicious and malignant traducers of the servants of God, that ever lived upon the earth, and must look for the unavoidable judgements of God to fall upon them and their whole families for this so horrible a crime, committed wilfully against the knowledge of their owne consciences, unlesse they doe expiate it with the bitter teares of repentance: For We desire them to declare *bonâ fide*, whether they themselves did beleeve or conceive all the Bishops accused in the Libell, or onely some of them to be guiltie of these last recited crimes: If not all, but some, why did they not distinguish them, that the people might know whom they should take for guiltie, and whom for not guiltie? Nay, did they not beleeve and know, that some of these Bishops were holy and learned men, free from the crimes objected? For instance, We will only name the Bishop of Edinburgh, seeing in the principall Presbyterie of his Diocesse this Libell was presented, admitted, and publicquely read in the Churches within the Precincts of it: did they then, or doe they yet beleeve or suspect that he was guiltie of *incest, adultery, excessive whoring, gaming, drinking, dicing, swearing, &c. ut supra*? We do verily beleeve, that if they were judicially called, they would absolve him from such foule crimes; how then they can answer to God, men, or their owne consciences, for accusing that reverend, learned, and holy Prelate of such crimes, for which they themselves would bee his compurgators, We must leave it to themselves to resolve: Nay, what if they themselves did not beleeve any one, not the most hated of all the Prelates to be guiltie of these last recited crimes? Sure, the presumptions are very pregnant and unanswerable, that they did not beleeve it: for at the generall Assemblie, when the severall Bishops causes came to bee heard and discussed upon

this Libell, they did not so much as offer to make any prooffe of these last rehearsed crimes against them, they examined not so much as one witness upon them in discussing the processes of many of the Bishops: And in the printed Acts of their pretended Assembly (as shall appear by those passages of it in their place) in their particular sentences of deprivation and excommunication, they not only do not censure them for these crimes, but do not so much as take notice of them: And it is well known, that these men who in all their proceedings had made every Bishops moat a beame, were not so mercifully or compassionately affected towards them, that they would have spared them, or forbore to make proof of these crimes, if they had seen but colour for it. If they shall say, that though they could not prove these crimes, yet there was a publick scandall of them; There was indeed a scandall raised amongst them, and that publique enough, when it was proclaimed in the Pulpits; but by whom was it raised? even by the principall Covenanters themselves, who were resolved to raise a fame when they were sure they could raise no fact; or if they should alledge that they did forbear probation, or examining of witnesses, out of their respect either to the Bishops calling or their persons, they will hardly finde credit with any one; For who will think they did it out of the respect of their calling, which they have given out for Popish and Antichristian? or out of respect of their persons, whom they have scandalized in so many great and publique congregations of the Kingdome, infinitely exceeding in number those who were present at the Assembly? The plain truth then was this: They could easily slander them with these crimes in the Churches, but they were sure they could make no prooffe of them at the Assembly. Sixthly, who did ever heare, that the forme of proceeding of Presbyteries in that Kingdome was by reading of the Libell in any Church? the custome being to cite them personally where they may be found; or if they be not to be found, by leaving both the citation and copie of the Libell at the place of their dwelling; or if the partie be out of the Kingdome,

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by citing him publicly in the Church, and afterward serving him with a copie of the Libell upon his coming home, and appearance: and if he doe not appeare, by proceeding against him *tanquam pro confesso*; which forme was observed by them in the procesing of all the Ministers, whom at this time they suspended, and transmitted over to the generall Assemblie, none of their Libells being publicly read in Churches: But with the Bishops they proceeded otherwise, against all course of Law, made the Libell against them bee read publicly in the Churches, and that after divers of them, upon the Covenanters owne knowledge, had been served with it by the Officers of that Presbyterie; so that there was no use of any further publique citation, personall citation being already made: Nay, and to doe it upon a Sunday, though that morning the Magistrates of Edinburgh, by Our Commissioners speciall commandement, required them to forbear: Nay, yet to publish that infamous Libell in their Churches, upon a day when the holy Communion was solemnly administred; Nay, and in the Colledge Church where *Rollock* is Minister, (because it was late, and after noone before all the people had received) to have the ordinary thanksgiving and prayers after the Communion quite omitted, and the afternoone Sermon begun without any precedent prayer, and all to gaine time for the reading of this lewd Libell, as if it had been of greater consequence then either the thanksgiving or prayers after the holy Communion, or the reading of those Lessons and Chapters of sacred Scripture, or using of prayer, which are duties usually performed before Sermon: Nay, to have this Libell read in the afternoone, directly against the Act of the Presbyterie which appointed it to be read in the forenoone, and to have it read neither by Minister nor Reader, as the Act enjoyneth, but by a Lay-man, and a ferie Advocate: All these put together, let the Reader judge whether here were not many acts, first of injustice, then of impietie; As drawing along with them the profanation and violation of the Lords house, the Lords day, the Lords holy Communion, the Lords service and

worship

7. worship in both parts of it, Prayer and Preaching. Seventhly, the Reader shall doe well to observe in the Preface of this Libell, what a harmlesse and hazzardlesse mustring and training of their men they make: For all the Covenanters being now one grosse body, Iworne to one Covenant, and to mutuall defence one of another, without admitting any motion which shall tend to the division or breaking of their ranks, see how they divide themselves onely to exercise their armes, and to make them perfect in their postures and motions; after they have cast themselves in severall figures, they fall to skirmishing, not in earnest but in jest, to please themselves and the spectators: For since they could not all be Judges and Commissioners of the Assembly, they make their fellow-Covenanters not elected Commissioners, to be Plaintiffes, so that indeed upon the point, the Plaintiffes and Judges are all one: for they having all sworne and abjured (as they say themselves) the principall things to be determined in the Assembly, the same actors before they came from their Tables at Edinburgh, sorted and divided their parts, appointed some to be chosen Commissioners, and so to act the part of Judges, and others of themselves to draw a Libell against those whom they should nominate, & so they should act the part of Plaintiffes: In the mean time, what was like to become of the poore Defendants and the parties cited? whether they were not like to be killed in the play, let the Spectators deliver their opinions: And this now is that Libell, with which the Covenanters did undoubtedly compass their own end, which was, to raise up in the people an utter abhorring of the present Bishops persons, and an irreconcilable hatred against both their persons and calling; but with what religion, justice, and honestie they have effected it, others besides themselves, both in heaven and earth, must judge and give sentence.

As this of the Libell was a trick of falshood, so about this time there was put upon the people a notable trick of forgerie, which was this: There was a maid, whose name is *Michelson*, her father was a Minister; and when he died, left her

her young, she hath been for many yeares distracted by fits :
 Upon this young Maids weaknesse some were pleased to
 worke, and to report her for one inspired with a spirit of di-
 vination ; and finding, that out of her blind zeale shee was
 wonderfully affected with their Covenant, and that in her
 raving fits her words tended all, or for the most part, to the
 admiration of it, and detestation of the opposers of it ; and
 perceiving that shee was well skilled in the phrases of the
 Scripture, and had a good memorie, so that shee could re-
 member the bitter invectives, which both in the Pulpits and
 elsewhere shee had heard made against the Bishops and the
 Service-booke, they thought her a very fit instrument to a-
 buse the people, and cryed her up so much, that the multi-
 tude was made beleieve her words proceeded not from her
 selfe, but from God : Thence was that incredible concourse
 of all sorts of people, Noblemen, Gentlemen, Ministers, Wo-
 men of all ranks and qualities, who watched or stayed by
 her day and night, during the time of her pretended fits, and
 did admire her raptures and inspirations, as comming from
 Heaven : She spake but at certain times, and many times had
 intermissions of daies and weeks, in all probabilitie, that she
 might have time to receive instructions, and to digest them
 against the next time of exercising her gifts (as they call them) ;
 which so soone as shee was ready to begin, the newes of it
 was blown all the Towne over, and the house so thronged,
 that thousands at every time could find no access. The joy
 which her auditors conceived for the comfort of such a mes-
 senger from Heaven, and such messages as she delivered from
 thence, was many times expressed by them in teares, by none
 more then by *Rollock* her speciall Favourite ; who being desi-
 red sometimes by the spectators to pray with her, and speak
 to her, answered, That he durst not doe it, as being no good
 manners in him to speake while his Master was speaking in
 her. Now, that shee was set up by the Covenanters, to per-
 swade their ends with the people, there bee two reasons
 which may induce the Reader probably to beleieve : First, be-
 cause that they of best judgement, who were present at the
 time

2. time of her pretended raptures, did affirme, that they saw nor could observe nothing supernaturall in them ; they onely found she had a good memorie, especially of that which she had read in the Scripture, or had heard preached ; that shee had a very good expression of her selfe ; but yet they found that both shee knew that shee was speaking, and what shee was speaking (contrary to that report which went about of her) and that while shee was speaking, if she were interrupted by any questions, shee made very pertinent answers to them, which could not have been, if all that time shee had been transported with any supernaturall rapture. Secondly, because most of all that she spake, still tended to the Covenanters ends : when shee spake of Christ, she ordinarily called him by the name of Covenanting Jesus : The summe of her speeches for the most part was, that it was revealed unto her from God, that their Covenant was approved and ratified in Heaven, but that Our Covenant was an invention of Sathan ; that all the adherents to it should be confounded, as all the adherents to the former were and should be protected by God, the author of their Covenant, against all opposition whatsoever ; which speeches of hers were averred by the Covenanters with as great confidence, and admired by the people with as much veneration, if not more, as any other of their Pulpit Dictats : which presumptions did make very many (both Covenanters and others) think, that the crying up of this Maid, did look something like a Romish imposture.

Let all this rebellious behaviour, and these contempts of Our Commissioner and Councill, interveening betweene Our last gracious Proclamation of the indiction of the Assembly, and the day of the Assembly neere at hand, be laid together, and what judgement can any man make of them, but that they were devised and practised principally for this purpose, That Our Commissioner might prorogue or discharge the Assembly, from whence by these strange proceedings he could not have the least hope of any good : and if hee should discharge it, they were sure they should gaine some

Some credit with their partie, whom they had made beleve that hee never intended otherwise, as also, should indict an Assemblie themselves, which they made full accompt to doe; which appeareth both by the tenour of the Commilsions given to their severall Commissioners, both from Presbyteries and Burrowes, which run thus: *We give you full power to appeare for us at this Assembly now indicted the 21. of November next, wheresoever it shall happen to be, not naming the place, Glasgow, where Wee had appointed it, hoping that it should be prorogued; in which case they intended to hold it at Edinburgh, the seat of their Tables, As also by divers of the Covenanters Letters written to that purpose; the copie of one, written by the Lord of Balmerino, We here exhibit to you.*

Loving Cousin,

I Have lately received advertisement from severall friends that are chosen Commissioners for the Assembly, to help them to lodgings in Glasgow; I send you here a Roll of some of our particular friends, whereof you may give a Copie to the Provost and Magistrates, that they (being men of quality) may be accordingly furnished for themselves and their traine, with such roomes (at least) as you have provided for me. I hope your Magistrates have beene as carefull to provide for the Commissioners as for the Councillours, which are not so necessary members of the Assembly as the Commissioners: And if they be not well eased, it may be a great argument to the Assembly to remove it selfe elsewhere. I am of opinion, that of the three hundred necessary Commissioners of Assembly, the halfe of them have not provided themselves, as being farre distant and unacquainted, hoping in so good a towne to find all commodities for money. I would send a servant to take possession of those Lodgings which can be had, for my selfe and our friends, that we be not surpris'd with the Councillours followers, who are to be with you the 15 or 16 of this instant.

George Potterfield undertooke to my Lord Lindsey and other Noblemen, at his last being here, to bespeake throe or foure of the best Lodgings they designed for such Noblemen as was given him in list, we have heard nothing of his performance. My Lord Lindsey hath written

oft-times to me, and I would intreat you to desire George to write with the first occasion to John Smith, or any other he pleaseth here, that we may know his care and account of his undertaking. You will pardon me for this trouble I put you to, being for friends that will be very sensible of it, whereof none are more obliged, and lesse able to acquite all your favours, then

Your loving Cousin
to dispose of,

Edinb. Novemb. 8.

1638.

Balmerino.

I could wish our owne friends were as well bestowed neere one another as can be; and if I cannot come there the next weeke, I will send a servant.

BY these lines you may easily perceive, both the insolent contempts used by these men towards Our Councell, and the resolution which they had to keep the Assembly, or to remove it at their pleasures. But after they were once perswaded that Our Commisioner was resolved to hold the Assembly at the time and place appointed by Our Proclamation, the time of it approaching, they sent out from their Tables a second paper of publicke instructions throughout all the parts of the Kingdome, which were these.

1. **T**Hat all Noblemen subscribers of the Covenant (except the Noblemen of the West, who shall be ready upon advertisement) meet at Edinburgh the 12. of November, and stay there till they goe to Glasgow, where they shall all meet on Saturday the 17. of November at the furthest.
2. That the full number of these who are appointed Commisioners by the severall shires, to attend this common cause, with foure Gentlemen within the bounds of every Presbyterie at the least, out of the number of their Assessors, without excluding any voluntaries, That they come to Glasgow the 17. day of November, to attend constantly the Assembly, and give their advice in the common cause to the ruling Elders, Commisioners

missioners to the Assembly out of these Shires and Presbyteries.

That the Burrowes appoint (according to their quality and number) two, four, or six of most judicious men to come to Glasgow the 17. of November, and there constantly to attend the Assembly, and give their advice to their Commissioner in this common cause. 3.

That the Fast be observed the fourth day of November universally, with any other dayes they may conveniently: and if any bee repairing to the Assembly, that they keep the Fast where they shall be for the time. 4.

That now especially, seeing ruling Elders from particular Congregations are received in Presbyteries, that particular Congregations take such course that no Minister Commissioner be forced to be absent from the Assembly for want of necessary charges. 5.

That where any hath been deceived or compelled to subscribe this new Covenant, that the Ministers take their Declarations in writing, or by act in the books of Session, or before one witnesse, that they were forced, deceived, or mistaken: And that every Minister make known, and intimate publicquely to the people the printed protestation, containing the reasons against this new subscription; and where the Minister refuseth, that some well affected Gentleman do it. 6.

IN the first of these, there is a meeting appointed of all the Commissioners, first at Edinburgh, then at Glasgow, which was (no doubt) to agree upon the conclusions to be made in the Assembly, before the Assemblie should assemble. In the second and third you see a course taken, That both from Presbyteries and Burrowes, the severall Commissioners shall have numbers of Assitants, without whose advice the Commissioners were to conclude nothing; a thing never heard of before at any Assemblie of that Church; and by which multitude they meant to terrifie all those, who in Glasgow should offer to oppose or speake against them. In the fourth, to the high contempt of Our Authoritie and Proclamation, they appoint another day for the publique Fast then was by Us designed. In the sixth, they order that all these who had subscribed Our Covenant and Confessi-

sion, should bee presented as publique offenders.

These new instructions, especially that Article which appointed so great troupes to repaire to Glasgow, all which (as Our Commissioner was informed) meant to goe thither with Armes, and in hostile equipage, which is most severely prohibited by the Lawes of that Our Kingdome, moved Our Commissioner and Councill, by publique Proclamation at the Crosse of Edinburgh, severely to interdict any Commissioner for the Assembly of Glasgow to travell thither, or to continue there with more attendance then those of their own family and ordinary retinue; and that they should carry with them no other Armes, but such as were allowed by the Lawes of that Kingdome, under the pains and penalties contained in the said Lawes. This Proclamation they only answered with a Protestation, yeelding no obedience to it; for they travelled to Glasgow in great troupes, carrying with them prohibited and warlike Armes.

It is easie now to bee conceived, that Our Commissioner could expect no good from this Assembly, the preparations whereunto were so full of rebellion and tumult; and the precedent elections of the members whereof had induced many legall, unavoidable, and undeniable nullities of it: yet because Our people should clearly see the reality of Our royall intentions, and the Covenanters partie might understand how they had been abused by the reports which their leaders had dispersed, That Wee meant nothing lesse then to keepe this Assembly; and principally, that in that Assemblie We might fully make good to all Our subjects, whatsoever We had promised in Our last gracious declaration, (the heads of the Covenanters having mainly laboured with them that point, *viz.* that Wee never meant to performe what therein We had promised) Our Commissioner began his journey towards Glasgow, and arrived there on the 17. day of November in a quiet and peaceable manner, none of his traine carrying with them any prohibited armes: There met him at Glasgow all Our Councill by Our direction, according to a Letter which We had written unto them, requiring them to

assist

assift him all the time of his being there, with their best concurrence and counsell: Our Letter to them here followeth.

Right trusty and right wel-beloved Cousin and Councillour, Right trusty and right well-beloved Cousins & Councillours, We greet you well: As by your Letter We finde how well you are satisfied with Our gracious pleasure, expressed in Our late Proclamation and Declaration; so We do expect the continuance of your care by your best indeavours, to bring al Our good people to a true sense of Our Royal intentions, and reall care of preferring and advancing the good and peace of that Church and Kingdome, which hath alwayes been and still is one of Our chiefest cares. We give you hearty thanks for your affection and pains in this service, and do approve of your course in subscribing of the Confession and band, and order taken by you for publishing and requiring the like due and thankfull acceptance of Our gracious pleasure by all Our good subjects. And seeing the time of the Assembly doth now approach, We require you to attend diligently upon our Commissioner, untill the time appointed for the down sitting of the said Assembly, and further, to the finall ending thereof; that from time to time you may be assisting to him with your best opinions and advices, for preparing and digesting every thing that may conduce to bring this businesse, to be treated upon in the Assembly, to the wished peaceable and happy end. And although We will not doubt but that all Our good subjects will be carefull of every thing that may concern Us, or Our Sovereign Authority; yet because that at such publick and generall meetings, it is not to be expected that all mens dispositions will bee alike, and of one temper, We require you, and that in a more particular manner, according to the trust and confidence We have in your affections to Our Service, carefully to advert, that if any proposition shall be made, which may seem to derogate from Sovereignty, or that true estate of Monarchicall Government already established within that Kingdome, or which may impede the peaceable conclusion of this Assembly, that as good subjects and faithfull Councillours and servants to Us, you assift Our Commissioner to withstand the same to the uttermost of your power: To whom We will you to give absolute trust in every thing which he in Our name shall deliver or impart to you, or any of you, in publick or in private, And so we bid you farwell. From Our Honour of Hampton Court the first of October, 1638.

THe Citie of Glasgow being much filled and thronged with all sorts of people, on the 21. day of November, 1638. the day designed by Our Proclamation, the generall Assemblie begunne, and was opened; and the proceedings were as follow.

After Sermon in the morning, they assembled in the afternoon: The ancientest Minister of the Towne, who had preached in the morning, desired all present to beginne the Action with the chusing of a Moderatour: Our Commissioner (who sate upon a State raised in a place eminent above the rest, with his Assessors about him conveniently seated below) told them that there was something to be done before the choice of the Moderatour, viz. that his Commission was first to be read, that it might be known by what authority he sate there; which was done, and so Our Commission to him was publickly read, as followeth.

CAROLUS Dei gratia, Magnæ Britannia, Franciæ, & Hiberniæ Rex, fideiq; Defensor, Omnibus probis hominibus suis ad quos presentes literæ pervenerint, Salutem. Sciatis nos considerantes magnos in hoc regno nostro, Scotiæ non ita pridem exortos tumultus, ad quos quidem componendos multiplices regiæ nostræ voluntatis declarationes promulgavimus, quæ tamen minorem spe nostrâ effectum hæctenus sortitæ sunt: Et nunc statuentes ex pio erga dictum antiquum regnum nostrum affectu, ut omnia gratosè stabiliantur & instaurentur, quod (per absentiam nostram) non aliâ ratione melius effici potest quàm fidei aliquo Delegato constituto, cui potestatem credere possimus tumultus hujusmodi consopendi, aliq; officia præstandi, quæ in bonum & commodum dicti antiqui regni nostri eidem Delegato nostro imperare nobis videbitur. Cumq; satis compertû habeamus obsequium, diligentiam, & fidem prædilecti nostri consanguinei & consilarii, Jacobi Marchionis Hamiltonii, Comitæ Arraniæ & Cantabrigiæ, Domini Aven & Innerdail, &c. eundemq; ad imperata nostra exequenda sufficienter instructum esse, Idcirco fecisse & constituiisse, tenoreq; presentium facere & constituere præfatum prædilectum nostrum consanguineum & consiliarium Jacobum Marchionem de Hamiltoun nostrum Commissio-
narum

narium ad effectum subscriptum. Cum potestate dicto Jacobo Marchioni de Hamiltoun, &c. dictum regnum nostrum adeundi, ibidemq; prefatos tumultus in dicto regno nostro componendi, aliaq; officia à nobis eidem committenda in dicti regni nostri bonum & commodum ibi prestandi, eoq; Concilium nostrum quibus locis & temporibus ei visum fuerit convocandi, ac rationem & ordinem in præmissis exequendis servandum declarandi & præscribendi; & quæcumq; alia ad Commissionis hujus capita pro commissâ sibi fide exequenda, eandemq; ad absolutum finem perducendam & prosequendam conferre possunt, tam in Concilio quam extra Concilium, nostro nomine efficiendi & præstandi; idq; similiter & adeò liberè acsi nos in sacrosancta nostra personâ ibidem adessemus. Præterea cum plena potestate dicto Jacobo Marchioni de Hamiltoun, prout sibi videbitur nostro servitio & bono dicti regni nostri conducere, conventum omnium ordinum ejusdem regni nostri indicendi, ac publica comitia & conventus eorundem ordinum eorumve alterius vel utriusque quibus temporibus & locis sibi visum fuerit statuendi, & ibidem nostram sacratissimam personam cum omnibus honoribus & privilegiis supremo Comissionario nostri Parliamenti & publici conventus incumben similiter adeoq; amplè sicut quivis supremus Comissionarius quocunq; tempore retroactò gavisus est gerendi: Nec non cum potestate præfato Jacobo Marchioni de Hamiltoun Synodos nationales ecclesiæ dicti regni nostri tenendas temporibus & locis quibus sibi visum fuerit indicendi, & ibidem seipsum tanquam nostrum Comissionarium gerendi, omniaq; eisdem tenendis inservientia secundum leges & praxin prædictæ ecclesiæ & regni nostri præstandi: Et hac præsentis nostrâ Commissionis durante nostro beneplacito duratura, & semper donec eadem per nos expressè inhibeat. In cujus rei testimonium, præsentibus magnum sigillum nostrum unâ cum privato nostro sigillo (quia præfatus Marchio de Hamiltoun impræsentiarum est magni sigilli custos) apponi præcepimus, Apud Oatlands vigesimo nono die mensis Julii, Anno Domini millesimo sexcentesimo trigesimo octavo, Et anno regni nostri decimo quarto.

Per signaturam manu S. D. N. Regis suprascriptam.

NOW, this Our Commission was sealed both with Our great Seale of that Kingdome, and Our Privie Seale, because

cause the Archbishop of S. Andrewes, the late Lord Chancelour, had lately delivered up unto Us Our great Seale of that Kingdome, which being by Us for a time deposited into the custodie of Our Commisisoner untill We should otherwise dispose of it; it was thought fit that Our Commission to him should be attested, not onely by Our Great Seale, which he then had in his custodie, but by Our Privie Seale also, which was in the keeping of the Lord Privie Seale. After the Commission read, Our Commisisoner exhorted them to a peaceable and moderate carriage, touching a little (but with great discretion) the disorderly proceedings which had been used before their meeting: At which a Nobleman Lay-Elder presently took fire (an undoubted presage of their succeeding carriage) and answered sharply, That they had given his Grace content for all their proceedings; to which Our Commisisoner replied, That he had never yet received any satisfaction from them in any of their proceedings, and, by way of attestation, called God to witnesse to it: It had like to have growne to a hot contestation, but for that night the Assembly was dismissed. The next day, upon their first sitting down, they urged presently the choice of a Moderatour; but Our Commisisoner desired first Our Letter to the Assembly to be read, which was done, and it was thus:

Although We be not ignorant that the best of Our actions have bene mistaken by many of Our subjects in that Our ancient Kingdome, as if We had intended innovation in Religion or Lawes; yet considering nothing to be more incumbent to the duty of a Christian King, then the advancement of Gods glory, and the true Religion; forgetting what is past, We have seriously taken to Our Princeby consideration such particulars as may settle and establish the truth of Religion in that Our ancient Kingdome, and also to satisfie all Our good people of the reality of Our intentions herein, having indicted a free Generall Assembly to be kept at Glasgow the 21. of this instant; Wee have likewise appointed Our Commisisoner to attend the same, from whom you are to expect Our pleasure in every thing, and to whom We require you to give that true and due respect and obedience, as if We were

were personally present Our selves. And in full assurance of Our consent to what he shall in Our name promise, We have signed these, and wills the same for a testimonie to posterity to be registred in the Bookes of the Assembly. At White-Hall the 29. of October. 1638.

Then they called again for the choice of a Moderatour, at which time one Doctor *Hamilton* presented to Our Commisisioner a Declinator and Protestation in the name of the Bishops against the Assembly, containing the nullities of it, with a desire that it might be read, and a publique Act entred for the production of it: Upon this there arose a very great heat in the Assemblie, they alledging, that nothing could be done untill a Moderator was chosen; and they did directly refuse to reade the said Declinator: upon which both Our Commisisioner entred a Protestation in Our Clerk of Registers hands against the refusall of it, and took instruments thereupon; and so likewise did Doctor *Hamilton* in the name of the Bishops. At last they proceeded to the choice of a Moderatour, to which, before Our Commisisioner gave way, he entred (as before) another Protestation, that their Act of chusing should neither prejudice Our Prerogative and Authoritie, nor any Law or Custome of that Church and Kingdome, nor barre him (when he should see cause) from taking legall exceptions, either against the person elected, or the illegalitie of his election: And so they having put divers other stales upon the List, accordingly as it was resolved upon before at their Tables in Edinburgh, without one contrary voice, except his own, who could not chuse himselfe, one Master *Alexander Henderson*, the prime and most rigid Covenanter in the Kingdome, was chosen Moderator.

The third day, Our Commisisioner at their first meeting, required again that the Bishops Declinator and Protestation might be read, which he conceived they had promised after the Moderatour should be chosen: but they rejected it again, adding then, That the Assembly must be fully constituted of all its members, and be once an Assembly, before any thing

could bee presented to it: to which it was answered by Our Commissioner, That hee required it onely to be read, not to bee discussed untill the members of the Assembly were constituted by allowing of their severall Commissions, because this Declinator contained reasons why either all, or at least some elected, should not be admitted Commissioners in the Assemblie, because of the nullities of the elections expressed in the Declinator; which reasons containing the said nullities, might perswade (as they hoped) with them, for the rejecting their Commissions, which could not bee done after their approving and allowing of them, and so by vertue of these Commissions, admitting them for constituted members of the Assemblie. The reason why Our Commissioner did so earnestly urge the reading of that Declinator, was, because he did foresee the fallacy which they meant to use, *viz.* The Declinator cannot be read before the Assembly bee constituted; and they fearing that the Declinator contained reasons against the constitution of it by such members as were elected, and that after they were once admitted, it was too late to alledge any reasons; for then they were sure to answer that all elections were discussed, and the members of the Assemblie received, and therefore nothing then to bee heard against either; which indeed afterward was their very answer: There was nothing left here to Our Commissioner, but entring a Protestation as formerly, and solemnly calling themselves to witnesse, whether with any shew of justice the reading of the Bishops Protestation could be denyed before the elections were admitted, the principall aime of it being to shew reasons why they could not be admitted, wondering with what colour or face they (above all men) could doe it, who had read and published so many Protestations both against Our Proclamations and Acts of Our Councell; and so, how they could deny to Our Commissioner a thing required in Our name, and by Our authoritie, which they themselves had practised without any warrantie or authoritie at all: But all in vaine; for not the least resolution taken at Edinburgh must suffer any abatement: and therefore re-
jecting

jecting the reading of the Declinator, they first put by the Clerk of the Assembly his sonne, who by reason of his fathers sicknesse had a lawfull deputation from him, and whom (as it seemeth) they afterward wrought to a demission, and went on to the election of a new Clerk; whom without one contrary voice they did chuse, viz. one Master *Archibald Johnston* an Advocate, the Clerk of their Tables at Edinburgh; against whose election Our Commissioner likewise protested as formerly. At his admission he made a short speech, declaring (against his conscience) his unwillingnesse to accept that charge, but yet affirming, that at this time he would not be wanting to contribute his part towards the defence of the prerogative of the Sonne of God; as if that now had been in any danger.

The fourth day they begun the reading of the severall Commissions. Our Commissioner, as formerly, entred a Protestation to take exception against their elections, in his own due time; only he was content they should go on, that he might see their justice in allowing or disallowing the elections, of which he knew many to be very untoward, and made with violence: Now the Reader is carefully to observe their partiality in admitting or rejecting elections: for wheresoever there was a Non-covenanter cholen (of which number there were not above two or three) or any moderate Covenanter, not designed by them at Edinburgh, and chosen according to their secret instructions (with which the Reader shall afterward be made acquainted) them they either quite rejected, or suspended from voice, untill some exceptions made against their election should be discussed; which they were sure should never be done: as shall now appear in these particulars.

When the Commission from the Presbytery of Peebles was read, there was presently read a Protestation and Petition given in by a mean Minister of that Presbyterie, not against the election it self (for there did not appear the least shew of exception against it when the Act of the Presbytery was read) but against some violence pretended to be used by

Our Lord Treasurer, who, being an inhabitant within the precincts of that Presbyterie, was present at the election: The petition was conceived in very boisterous & uncivill terms: The Lord Treasurer answered all that was pretended so fully; that not any one in the Assembly seemed to be unsatisfied; there being not one election returned which was more punctually made, and that even according to their own publique instructions: yet because the Commissioners elected, though Covenanters, were not the same who had been designed at Edinburgh, nor such as another Lord, dwelling in that Presbyterie, who was a Lay-Elder and Covenanter, had a mind to, the approbation of that Commission, and admission of these Commissioners most shamefully was put off and respited, untill that Petition and Protestation might be examined; and so it was continued from time to time, though it were often called upon: Our Commissioner told them, That sure there were none present, who did not admire at these proceedings; and that if the Petitioner failed in his probation (which afterward he did, and asked pardon for it) he deserved some exemplary punishment to be inflicted upon him; who had dared to traduce so great an Officer of State: In this particular it was too plain, that the poor Minister was only set on to present this Protestation for the reasons now declared.

After this, there arose a very hot contestation, concerning the election of the Lay-Elder for the Presbyterie of Brichen: The Earle of Montrose presented one Commission in which the Laird of Dunn was chosen Lay-Elder by the voyce of one Minister, and a few Lay-Elders: There was another Commission presented by that Presbyterie, in which was returned the Lord Carnaegie, lawfully chosen by the voyces of all the rest of the Ministers and Lay-Elders; yet because the Earle of Montrose did oppose the election of the Lord Carnaegie; though his own brother in law, all the Covenanters in the Assembly sided with the Laird of Dunn, for whom the Earle of Montrose stood, both of them being rigid Covenanters, against the other Lord
who

who was a Covenanter likewise, but a more moderate one. And indeed, it was a wonder to see how openly all rules of justice without any fear or shame, were laid aside in this particular; for though they did not approve the election of the Laird of Dunn, who wanted voyces to his election, yet they would not admit of the other, whose election admitted not the least scruple. In the agitation of this business, there fel out a memorable passage, of which the Covenanters were very much ashamed, because it betrayed one of their secret Instructions, & it was this: There was written upon the back of that Commission which was tendered by the Lord Montrose, a Declaration wherein the lawfulness of that Commission, and the unlawfulness of the other was offered to be cleared, in which, among other things, it was objected against the Lord Carnaegie his election that it was made contrary to the directions of the Tables at Edinburgh; which the Clerk perceiving, stopped, and would read no further. Our Commissioner hereupon required the Moderatour to give him a copie or extract of that paper which was last read, and of the names of those who had subscribed to it, and that subscribed by the hand of the Clerk of the Assembly. The Moderatour absolutely refused it: Our Commissioner told him, that he desired it to help him in Our service, that by it he might be the better informed how to proceed in his objecting against such Commissions as he meant to challenge: The Moderatour again refused to do it, alledging, that the challenged Declaration was but accidentally written on the back of the Commission; Our Commissioner replied, That could not be written privately or accidentally, which was given in publick to the Assembly, and that by a member of it, of so great place and quality, for a justification of his proceeding in that election; and withall protested, That though he were not Our Commissioner, but the meanest subject of the land, he could not in justice be denied the copie of any thing exhibited in a Court of justice. But all in vaine: for after much cavelling by the Moderatour and other covenanting Lords, Our Commissioner desiring the

Mode-

Moderator to put it to voyces whether he could be denied a copie of it; even that was refused him likewise, they being afraid, that the Assembly would not deny so notorious an act of justice: upon which, Our Commissioner (though mildely, yet with some expression of distaste) did thus deliver himself: Let God Almighty judge if this be a free Assembly, in which is denied to his Majesties Commissioner that, which cannot be denied to the meanest of his subjects; and at last, he took instruments in the hands of our Clerk of Register, that he was refused the copie of a Declarator given in to the Assembly, delivered into the Clerks hands, and publickly read by him, in which, amongst other things, was contained, that the election of the Lord Carnaegie, Commissioner from Brichen, was invalid, as being contrary to the directions of the Tables of the Commissioners at Edinburgh; which occasioned the Moderator to say, That Our Commissioner needed no copie of it, he had so faithfully repeated all that was contained in it: Our Commissioner hereupon, since he could not obtain a Copie of it, desired all present to be witnesses of what the Moderator had spoken, and that he had acknowledged his faithfull repetition of that part of the Declarator wherof he was refused the copie, and thereupon again took instruments. In this businesse Sir *Lewis Stuart*, one of our Assessors to Our Commissioner, spake some few words; which when the Moderator was about to answer, the Lord of Montrose forbid him to answer one who had no place to speak there: Afterward there arose a great contestation between the Earle of Southesk, one of Our Assessors, and the Moderator, with so much heat on the Moderators side, and some Lords who sided with him, that Our Commissioner was put to moderate the Moderator, and quench the heat of the Assembly; for which many of them gave our Commissioner thanks, and so all businesse was continued till Munday.

On Munday, being the 5 day of their sitting, they went on in the rest of the controverted elections, refusing to hear the Lord Carnaegie his election discussed, but putting it off to a Committee,

Committee: Master *Andrew Logie* Minister of Red, but a Non-covenanter, being returned a Commissioner from the Presbyterie of Garrioch, was refused to be admitted, though they laid not the least exception against his election: their pretence was, There was a Petition presented against him to the Assembly, and no voice must be allowed him, untill he had answered that: A very easie device for putting by any Commissioner whom they liked not, since it was no hard matter to finde one to present a Petition against any man. Another Minister of the Channery of Rosse, and Archdeacon of Rosse, one M. *William Mackenzie*, Commissioner from the Presbyterie of the Channery, upon certain cavils both of his election and commission, which did bear, that he should continue there no longer then We or Our Commissioner should continue the Assembly, because the sole power of calling and dissolving of Assemblies did belong to Us, for the present was only suspended from his voice; the reason was plain, he was a Non-covenanter, and had openly averred in the Assembly, that at their election the Ministers of their Presbyterie were threatned by those who brought Letters from the Tables, if they should return the election of any, but such as they, who brought the Letters, desired. Two elections were returned from the Presbyterie of Aberdene, One of Covenanters, made by a few Ministers, but many Lay-Elders, at which neither the Moderatour nor the Clerk of the Presbytery were present; Another of Non-covenanters, which election was made only by Ministers, and at which the Moderatour and Clerk were both present; yet that other election, at the return whereof there wanted the Clerks hand, (without which no Presbyteriall Act can be taken for a Record) was allowed, and the other rejected, upon the bare relation of one of the Covenanting Ministers who was returned wrongfully, and the attestation of the other whom the Moderatour openly in the Assembly called up and desired to testifie whether the relation of his fellow was true: an excellent way of proof against a publique Record,

cord, to take the testimony of one who was as wrongfully returned as the Relator:

The University of Aberdene sent none of their Professors to the Assembly, not daring to trust themselves upon the way, having been so much threatned with the losse of their lives for writing against the Covenant: Onely they sent one of their number, no Divine, but a Professor of Humanity, to excuse their absence; his Commission being read, gave him only power to be there, and did constitute him their Agent in any thing which should concern their University; requiring him to continue there, and from time to time to give them advertisement of all that passed. The Moderatour did justly affirme, That that was no Commission, the party having no power by it to give any voice in the Assembly, and so there was no more to be said to it: but immediately something being transmitted by whispering from eare to eare, untill it came to the Moderatours eare, the Moderatour began presently to recant, and perusing his letter of credence, said, he perceived that there was only want of formality in the draught, which he might easily passe over; and so they allowed that for a Commission which was none, and admitted him to have a voice in the Assembly, though the University gave him no such power, nor would they have sent any Commissioner but a Divine. At this sudden change of the Moderatour, made in him by a whisper, many begun to smile, and to lay wagers that the partie admitted was a Covenanter, which the Moderatour did not expect from that University, and that this secretly conveyed intelligence of it had changed him; and indeed afterward it proved to be so.

And thus the members of their Assemblie were constituted, just as they had designed them; at which they were mightily over-joyed, being now assured, that they might conclude what they pleased: And although it might in common reputation have better suited with the principles of wisdom, not to have taken exceptions against these few elections, which were made contrary to their directions (for
thereby

thereby they had gained the opinion of impartialitie, and had lost nothing of their power; those few voices not being able to carrie any thing against their great number) yet such was their blinde obstinacy, that they scorned that any one should sit there who ranne not their rebellious courses; as holding it a disreputation to them if they should be thought to have abated any thing, not only of their power, but even of their will. Besides, not only their peevishnesse, but even their pride appeared notably in one particular: We, in Our Letters to the Assembly, had nominated for Assessors to Our Commissioner these six: The Earle of Traquair Lord Treasurer, the Earle of Roxburgh Lord Privie-Seale, the Earle of Argyle, the Earl of Lauderdale, the Earl of Southesk, Lords of Our Privie Councell, and Sir *Lewis Stuart* an Advocate; a far fewer number then ever Our royall Father called to assist any of his Commissioners; all which ever constantly had voices in the Assembly: But here, though these six suffrages were able to do nothing against their mindes; yet because they would be sure to clip the wings of Authoritie, they absolutely refused to let them have any voice at all, telling Our Commissioner, That he might consult with these Assessors if he pleased, but that they were to have no voice in the Assembly: affirming, with incredible impudence, That if We Our Self were there, We should have but one voice, and that not negative neither, nor more affirmative then any one member of the Assembly had: by which means they have published to the World this sweet and wholesome doctrine, That their King in their Ecclesiasticall Assembly hath no more power then any Town-Clerk, Taylor, or Sadler who shall sit as a Lay-Elder there: which desperate opinion of theirs, doth plainly shew the reason why in their last publick instructions preceding the Assembly, they ordered, That every Lay-Elder from Presbyteries should come attended with three or foure, and every Commissioner from Burrowes with five or six of their own rank and quality, who should continue with them all the time of the Assembly, without whose advice they should not give voice to any

thing ; a thing never heard of at any generall Assembly before. Sure they had heard and knew the number and names of the Assessors, whom We had appointed to assist Our Commissioner ; and therefore they would have every mechanicall Artizan, chosen by a Lay-Elder for the Assembly, (whom they held to have equall power with Us in it) to carrie the same badge of power and state with Us, and to have their Assessors as well as We, and those equall in number to Ours, and the same power with Ours, of consulting, though not concluding : All which, whether royall Majestie and supreme Sovereignty can or ought to digest, any reasonable man may judge.

The Assembly, being just now the same thing which the Tables were at Edinburgh in substance, but in condition far worse (for here were none now but the most obstinate Covenanters, whom the severall Tables had picked out of all their packs) and they meeting at the Town-house of Glasgow alwayes before they met at the Church (the place of the Assembly) the Moderator being the same materially who governed them at Edinburgh, though not so formally chosen as now ; the Clerk of the Assembly being the same, who was Clerk to their Covenant and to their Tables at Edinburgh ; the members of the Assembly being the same who sate at their Tables there, and those the most corrupted and distempered of them all : who could now expect lesse insolent conclusions from this Assembly, then they had found from their Tables ?

And indeed the very same were found : For immediately they bragged that now they were a constituted Assembly, and resolved to laugh at any who should quarrell with the elections which they had approved, and especially at the Bishops Declinator, if it should contain any arguments to that purpose. The first Cock who begun to crow upon this dunghill, though it were within night, no ordinary time of crowing, was Master *Andrew Ramsfey* a Minister of Edinburgh, who, getting up upon a stool or founn, made a very great brag, offering by dispute to prove against any man the

the lawfulness of lay-Elders, by Scripture, Antiquity, Fathers, Councils, the judgement of all the Reformed Churches, even of the Church of England, who admitted them into the High Commission. Our Commissioner seeing him crowd so much in a very little room, told him that he ranne no great hazzard or danger in his challenge; for he was sure the Judges would be his seconds: yet if it pleased him, he would finde one should enter into the Lists with him, either publicly or privately, upon that quarrell; but many of his brethren were not very well pleased with his glorious challenge, as making accompt that he would never be able to make good the greatest part of it: And with this brag the Assembly dissolved for that night.

The next day, being the 27. of November, after the Assembly was met, Our Commissioner urged once again that the Bishops Declinator might be read, which was accordingly done by the Clerk of the Assembly. It was entertained with much jeering and laughter, and by transmission of a whisper from one eare to another, they resolved when it was read out to have received it with a generall hissing; but yet by another generall whisper, transmitted as the former, that course was stopped. After it was ended, Our Commissioner spake home to them, for the necessitie of that Declinator, and the unavoidable strength of the reasons contained in the same, and in depressing, by way of paralell, their Libel against the Bishops: which he spared not to call infamous and scurrilous, both in the matter of it, and the manner of promulging it; and hereupon took instruments in Our Clerk of Registers hands, both for the production and reading of the Declinator. Some of the Lords of the Assembly offered to do the like in the Clerk of the Assemblies hands, but Our Commissioner told him it was needlesse, since it was not tendered to the Assembly but to himself: First, the Moderatour in a short speech deplored the obstinacy of the Bishops hearts, who in all that Declinator had bewrayed no signe of remorse and sorrow for their wicked courses; and then the Lords of the Assembly perceiving their error, that they who

found themselves to be Judges, had offered to take instruments in the Clerks hands of the production of any exhibits (which was never heard to be done by the Judge, but only by the actor or plaintiffe) prompted some young Noblemen, and Gentlemen Covenanters (but not members of the Assembly) then present, to demand instruments of the production of the Bishops Declinator, in whose name one *Gibson*, one of the Clerks of our Session (and so acquainted with Law terms) both demanded Instruments, and thundered out a verball Protestation, in such Law terms as was not easie to be understood by most of the auditors: The summe of what was understood, was this, That they would pursue their Libell against the Bishops so long as they had lives and fortunes, *etiam in foro contentiosissimo*, and required Doctor *Hammilton* their Proctor then present, to take notice that they cited him to compeere *die in diem* till sentence were given. Our Commissioner first protested against that Protestation, and then discharged the Bishops Proctor from appearance before the Assembly, to which he had presented no Declinator; but required him to appear before himself, to whom it was presented, when he should require him. The Declinator of the Bishops here insueth.



The Declinator and Protestation of the Archbishops and Bishops of the Church of SCOTLAND, and others their adherents within that Kingdome, against the pretended Generall Assembly holden at Glasgow, Novemb. 21. 1638.

WE Archbishops, Bishops, and other Under-subscribers for our selves and in name and behalf of the Church of Scotland: Whereas it hath pleased the Kings Majestie to indict a generall Assembly of the Church to be kept at Glasgow, Novemb. 21. 1638. for composing and settling of the distractions of the same, First do acknowledge and professe, That a Generall Assembly lawfully called and orderly convened is a most necessary and effectuall mean for removing those evils wherewith the said Church is infested, and for settling

setling that order which becommeth the house of God; And that we wish nothing more then a meeting of a peaceable and orderly Assemblie to that effect. Secondly, we acknowledge and professe, as becommeth good Christians and faithfull subjects, that his Majesty hath authoritie, by his prerogative Royall, to call Assemblies, as is acknowledged by the Assemblie at Glasgow, 1610. and Parliament 1612. and that it is not lawfull to conveene without his Royall consent and approbation, except wee will put our selves in danger to bee called in question for sedition.

Yet neverthelesse in sundry respects, we cannot but esteem this meeting at Glasgow most unlawfull and disorderly, and their proceedings void and null in Law, for the causes and reasons following :

First, before his Majesties Royall warrant to my Lord Comissioner his Grace to indict a lawfull free generall Assemblie, the usurped authoritie of the Table (as they call it) by their missives and instructions, did give order and direction for all Presbyteries to elect and chuse their Comissioners for the Assemblie, and, for seeking of Gods blessing to it, to keep a solemne Fast, Sept. 16. whereas his Majesties warrant for indicting of that Assemblie was not published till the 22. of that month: so that they preventing and not proceeding by warrant of Royall authority, the pretended Comissioners being chosen before the Presbyteries were authorized to make election, cannot be reputed members of a lawfull Assemblie.

A lawfull Assemblie must not only bee indicted by lawfull authoritie (as we acknowledge this to be) but also constituted of such members as are requisite to make up such a body. For if, according to the indictment, none at all doe conveene, or where the Clergie is called there meet none but Laicks, or moe Laicks then of the Clergie, with equall power to judge and determine; or such of the Laicks and Clergie as are not lawfully authorized, or are not capable of that imployment by their places; or such as are legally disabled to sit and decide in an Assemblie of the Church: a meeting consisting of such members cannot be thought a free and lawfull Assemblie: By that Act of Parliament Ia. 6. par. 3. cap. 46. 1572. *Every Minister who shall pretend to be a Minister of Gods word and Sacraments, is bound to give his assent and subscription to the Articles of Religion contained in the Acts of our Sovereigne Lords Parliament, and in presence of the Archbishop Superintendent or Comissioner of the Province, give his oath for acknowledging and recognoscing of our Sovereigne Lord and his authoritie, and bring a testimoniall in writing thereupon, and openly upon some Sunday, in time of Sermon or publike Prayers, in the Kirk where hee ought to attend, read both the Testimoniall and Confession, and of new make the said oath within a month after his admission, under the pain that every person that shall not doe as is above appointed, shall ipso facto bee deprived, and all his Ecclesiasticall promotions and living shall bee then vacant, as if hee were then naturally dead, and that all inferiour persons under Prelats be called before the Archbishops, Bishops, Superintendents and Comissioners*

missioners of the Dioceses or Province, within which they dwell, as the Act bears.

3

All of the Clergie conveened to this Assemblie pretend themselves to be Ministers of Gods Word and Sacraments, and have benefices or other Ecclesiasticall livings: yet neverthelesse the most part of them have never in presence of the Archbishop, Bishop, Superintendent or Commissioner of the Diocefe or Province, subscribed the Articles of Religion contained in the Acts of Parliament; and given their oath for acknowledging and recognoscing our Sovereigne Lord and his authoritie, and brought a testimoniall thereof: and therefore they are *ipso facto* deprived, and their places void, as if they were naturally dead; and consequently having no place nor function in the Church, cannot be Commissioners to this Assemblie: *hoc maxime attento*, that the said persons not onely have never given their oath for acknowledging his Majesties authority, nor can shew no testimoniall thereupon, as they are bound by the said Act; but also having as subjects comprehended in the representative body of this Kingdome, *Promised to acknowledge, obey, maintain, defend, and advance the life, honour, safety, dignity, soveraigne authority, and prerogative Royall of his soveraigne Majestie, his heires and successors, and priviledges of his Highnesse Crowne, with their lives, lands, and goods, to the uttermost of their power, constantly and faithfully to withstand all and whatsoever persons, powers and estates, who shall presume, prease or intend anywise to impugne, prejudice, hurt or impair the same, and never to come in the contrary thereof, directly or indirectly, in any time comming, as the Acts of Parliament Jacob. 6. Parl. 18. Cap. 1. Car. Parl. Cap. 1. doe proport.*

And moreover, being obliged at their admission to give their oath for performance of this duty of their alleageance, *and to testifie and declare on their conscience, that the King is the lawfull supreme Governour, as well in matters spirituall and Ecclesiasticall as Temporall, and to assist and defend all jurisdiction and authority belonging to his Majesty by the Act of Parl. 1612.* yet notwithstanding of the said bands, acts and promises, whereby the said persons are so strictly bound to the performance of the premises; his Majestie having ordained by Act of Councell at Holy-rood-house Septemb. 24. 1638. and Proclamations following thereupon, that all his Majesties lieges of whatsoever estate, degree or quality, Ecclesiasticall or Temporall, should swear and subscribe the said Confession, together with a generall band for defending his Majesties person and authority, against all enemies within this Realme or without; have not only refused to subscribe the said band and Confession; but have in their Sermons and other speeches, dissuaded, deterred, impeded and hindred others of the lieges to subscribe the same, and publiquely protested against the subscription thereof: and thereupon cannot conveene nor concurre lawfully to the making up of the body of an Assembly of the Kirk, as being deprived and denuded of all place and function in the same.

A generall Assemblie was condescended to, out of his Majesties gracious elemencie and pious disposition, as a Royall favour to those that so should acknowledge the same, and acquiesce to his gracious pleasure, and carry themselves peaceably as loyall and dutifull subjects; which the Commissioners directed to this Assemblie supposed to be of the number of those that adhere to the last Protestation made at Edinburgh, Sept. 1638. do not so account of, and accept, as appears by the said Protestation, whereby they protest, That it shall bee lawfull for them, as at other times, so at this, to assemble themselves notwithstanding any impediment or prorogation to the contrary; as also by continuing their meetings and Table, discharged by authority, refusing to subscribe the band according to his Majesties and Councils command, for maintaining his Majesties Royall person and authority, protesting against the same, still insisting with the lieges to subscribe the band of mutuall defence against all persons whatsoever; and remitting nothing of their former proceedings, whereby his Majesties wrath was provoked: thereby they are become in the same state and condition wherein they were before his Majesties Proclamation and pardon, and so forfeit the favour of this Assemblie, and libertie to be members thereof. And others of his Majesties subjects may justly feare to meet with them in this convention, for that by the Act of Parl. *James 6. Parliam. 15. cap. 31.* Prelacies being declared to bee one of the three Estates of this Kingdome, and by the Act of Parl. *James 6. Parl. 8. cap. 130.* *all persons are discharged to impugn the dignity and authority of the three Estates, or any of them in time coming, under the pain of treason.* And whereas the King by his Proclamation declares Archbishops and Bishops to have voice in the generall Assemblie, and calls them to the same for that effect, as constantly they have been in use in all Assemblies, where they have been present; as appears by many Acts of the generall Assemblie, ordaining them to keep and assist at the same, as in the Assemblie at Edinburgh, Decemb. 15. 1566. At Edinburgh, March 6. 1572. At Edinburgh, May 10. 1586. and by a Letter written by the Assembly, March 6. 1573. to the Regent, earnestly desiring his owne or his Commissiones presence, and the Lords of Councill, and the Bishops at the Assemblie: They notwithstanding, by the said Protestation, Septemb. 22. declared Archbishops and Bishops to have no warrant for their office in this Kirk, to bee authorized with no lawfull Commission, and to have no place nor voyce in this Assemblie; and withall do arrogate to their meetings a soveraigne authoritie to determine of all questions and doubts that can arise, contrary to the freedome of the Assemblie, whether in constitution and members, or in the matters to bee treated, or in manner and order of proceeding: which how it doth stand with his Majesties Supremacie in all causes and over all persons, we leave it to that judgement whereunto it belongeth, and do call God and man to witnesse, if these bee fit members of an Assemblie, intended for the order and peace of the Church.

4. Giving, and not granting, that the persons foresaid directed Commissioners in name of the Clergy, to this meeting, were capable of that authority, and that the said Presbyteries had the authority to direct Commissioners to the generall Assembly; yet have they now lost and fallen from all such right, if any they had, in so farre as they have deposed the Moderatours, who were lawfully appointed to govern them, by the Bishops in their Synods, and elected others in their place, contrary to the Act of the Assembly at Glasgow 1610. and Act of Parl. 1612. ordaining Bishops to be Moderatours at these meetings; and in their absence, the Minister whom the Bishop should appoint at the Synode. So these meetings having disclaimed the authority of Bishops, deposed their lawfull Moderatours, and chusing others without authority, cannot be esteemed lawfull convocations, that can have lawfull power of sending out Commissioners with authority to judge of the affairs of this Church.

5. And yet doth the nullity of the Commissions, flowing from such meetings, further appear in this, that they have associate to themselves a laick-ruling Elder (as they call him) out of every Session and Parish, who, being ordinarily the Lord of the Parish, or a man of the greatest authority in the bounds; doth over-rule in the election of the said Commissioners, both by his authority and their number, being moe then the Ministers, whereof some being ordinarily absent, and five or six, or so many of them put in list, and removed, there remain but a few Ministers to voice to the election; and in effect the Commissioners for the Clergie are chosen by lay-men, contrary to all order, decency, and custome observed in the Christian world, no wise according to the custome of this Church, which they pretend to follow: the Presbyteries formerly never associating to themselves lay-elders in the election of the Commissioners to the generall Assembly, but only for their assistance in discipline and correction of manners, calling for them at such occasions as they stood in need of their *godly concurrence*; declaring otherwise their meeting not necessary, and providing expressly that they should not be equal, but fewer in number then the Pastours, as by Act of Assembly at Saint Andrews, April 24. 1582. (where Master *Andrew Melvill* was Moderatour) doth appear. Like as these forty yeares by-gone and upwards, long before the re-establishing of Bishops, these lay-elders have not been called at all to Presbyteries. And by the act at Dundie 1597. (whereby it is pretended that Presbyteries have authority to send these lay-Commissioners) it doth no way appeare that those lay-elders had any hand in chusing of the Ministers: And this is the only Act of the Assembly, authorizing Presbyters to chuse Commissioners to the generall Assembly: nor have lay-elders fate ordinarily in presbyteries upon any occasion these forty yeares, and upwards, nor ever had any place nor voice in election of Ministers for the generall Assembly, and consequently those chosen by them to this assembly have no lawfull power nor authority.

Beside, the persons Ecclesiasticall; pretended to be authorized Commissioners to this Assemblie, have so behaved themselves, that justly they may be thought unworthy and incapable of Commission to a free and lawfull Assemblie.

1. For that by their seditious and railing Sermons and Pamphlets, they have wounded the Kings honour and Sovereigne authoritie; and animated his liedges to rebellion, averring that all authoritie Sovereigne is *Originally* in the *collective bodie*, derived from thence to the Prince; and that not onely in case of negligence, it is *Suppletivè* in the *collective bodie*, as being communicate from the Commontie to the King, *Cumulativè* not *Privativè*: but also in case of maladministratiõ; to returne to the *collective bodie*; so that *Rex excidit jure suo*; and that they may refuse obediencè.

2. Next, they are knowne to be such as have either beene schismatically refractorie and oppositè to good order, settled in the Church and State; or such as having promised, subscribed, and sworne obediencè to their Ordinarie, have never made conscience of their oath; or such as have sworne and accordingly practised, yet contrarie to their promise and practice, have refused, to the contempt of authoritie, and disturbance of the Church; or such as are, under the Censures of the Church of Ireland; for their disobedience to order; or under the Censures of this Church, or convened, at least deserving to beè convened before the Ordinaries, or a lawfull generall Assemblie, for divers transgressions deserving deprivation; As first, for uttering in their Sermons, rash and irreverent speeches in Pulpit against his Majesties Councell and their proceedings, punishable by deprivation, by the Act of Assemblie at Edinburgh, May 22. 1590. Next, for reproving his Majesties Lawes, Statutes, and Ordinances, contrarie to the Act of Assembly at Perth, *Maii* 1. 1596. Thirdly, for expressing of mens names in Pulpit, or describing them vively to their reproach, where there was no notorious fault; against another Act of the same Assemblie. Fourthly, for using applications in their Sermons, not tending to the edification of their present Auditorie; contrarie to another Act of the same Assemblie. Fifthly, for keeping conventions not allowed by his Majestie, without his knowledge and consent; contrarie to another Act of the same Assemblie. Sixthly, for receiving of people of other Ministers flocks to the Communion; contrary to order, Acts of Assemblies and Councels. Seventhly, for intruding themselves into other mens Pulpits, without calling or authoritie. Eightly, for usurping the authoritie to convent their Brethren, and proceed against them to the Censures of suspension and deprivation. Ninthly, for pressing the people to subscribe a Covenant, not allowed by authoritie; and opposing and withstanding the subscribing of a Covenant offered by his Majestie, and allowed by the Councell: Beside many personall faults and enormities, whereof many of them are guiltie, which in charitie we forbearè to expresse. But hereby it doth appeare, how unfit these

- persons are to bee members of a free and lawfull Assemblie.
7. Nor doth it stand with Reason, Scripture, or practice of the Christian Church, that Lay-men should be authorized to have decisive voice in a generall Assemblie. In that Act of Dundie, 1597. whereby these Elders pretend to have this place, there is no warrant expressed for them, to deliberate and determine. Their presence and assistance wee approve, being allowed and authorized by the Prince. The Kings Majesties presence in person, or by his delegates, wee hold most necessarie to see all things orderly and peaceably done; and that hee have the chiefe hand in all Deliberations and Determinations. Nor doe wee refuse that any intelligent or moderate man may make remonstrance of his opinion, with the reasons of it, in that way that becommeth him in a Nationall Assemblie, due reverence being kept, and confusion avoided. But that any Lay-man, except hee bee delegate by Sovereaigne authoritie, shall presume to have a definitive and decisive voice, we esteeme it to bee intrusion upon the Pastoral charge, and without warrant. May wee not therefore intreat my Lord Commissioner his Grace, in the words of the Fathers of the fourth generall Councell at Chalcedon? *Mitte foras superfluos.* Nor will a pious Prince be offended with it; but with *Theodosius* the younger will say, *Illegitimum est, cum qui non sit in ordine Sanctissimorum Episcoporum Ecclesiasticis immisceri tractatibus*—And *Pulcheria* the Emperresse commanded *Strategus, Vt Clerici, Monachi, & Laici vi repellerentur, exceptis paucis illis quos Episcopi secum duxerunt.* Upon this respect was *Martinus* in that Councell of Chalcedon moved to say; *Non esse suum, sed Episcoporum tantum, subscribere.*
8. If these pretended Commissioners, both Lay & Ecclesiasticall, were lawfully authorized, (as it is evident they are not) and for none other cause declinable, yet the Law doth admit, that justly a Judge may be declined, who is probably suspect. And of all probabilities, this is the most pregnant, when the Judge, before he come to judgement, doth give sentence of these things he hath to judge. This made our Reformers protestation against the Councell of Trent valide, & their not compearing justifiable, because Pope *Leo 10.* had precondemned *Luther*, as appeared by his Bull, dated 8. Junii 1520. renewed by *Paul 3.* dated in Aug. 1535. This was the cause why *Athanasius* would not give his appearance at some Councils, nor *Hosius* of Corduba, nor *Maximus* Patriarch of Constantinople. But so it is, the most part, if not all of the said Commissioners directed to this meeting have precondemned Episcopall Government, and condemned, at least suspended obedience to the Acts of the generall Assemblie and Parliament concerning the five Articles of *Perth*, have approven their Covenant as most necessarie to be embraced of all in this Kingdome; and not onely have given judgement of these things before hand, but by most solemne oaths have bound themselves to defend and stand to the same: as doth appeare by their Covenant, Petitions, Protestations, Pamphlets, Libels, and Sermons: and therefore by no Law nor equity can these pretended Commissioners

missioners bee admitted to determine in this meeting, concerning these persons and points, which before hand they have so unjustly condemned.

Further, with no Law nor reason can it subsist, that the same persons shall bee both Judges and Parties. And wee appeale the consciences of all honest men, if all, at least the greatest part of the pretended Commissioners, have not declared themselves partie to the Archbishops & Bishops of this Church: for in that they have declined the Bishops to be their Judges as being their partie, (as their Declinatories, Petitions, Declarations & Protestations do beare) have they not *simul & semel, & ipso facto* declared themselves to be partie against Bishops, whom they have not only declined, but persecuted by their calumnies & reproaches vented by word and writ, in publike and in private, by invading their persons, opposing and oppressing them by strength of an unlawfull Combination; for the subscribing and swearing whereof, they have by their own authoritie indicted and kept Fasts, not onely in their owne Churches, but where worthie men refused to be accessorie to these disorderly and impious courses, they have (by aid of the unruly multitude) entred their Churches, usurped upon their charges, reading and causing to be read that unlawfull Covenant; by threatning & menacing compelling some (otherwise unwilling) out of just feare to set their hands to it; by proccessing, suspending, & removing obedient & worthie Ministers from their places by the usurped authoritie of their Table and Presbyteries: And whereas by all Law and Justice, persons finding themselves wronged in judgement, have never beene denied the remedie of declinatorie & appellation; neverthelesse not a few of these Presbyteries have proceeded against sundrie worthy Ministers, who have declined & appealed from their judgements, without respect to this defence; by these meanes craftily intending to disable them to be Commissioners for the Church; directly or indirectly causing their stipends to bee kept back from them: By which meanes not the least part of the subscribing Ministers have beene gained to their Covenant.

But it is without example uncharitable & illegall, that under the pretext of summons (the like whereof was never used, nor in the like manner against the most hainous malefactors in the Kingdome) they have devised, forged, vented, and published a most infamous and scurrile Libell, full of impudent lies and malicious calumnies against the Archbishops and Bishops of this Church, and have first given out from their Table, the order prescribed in these subsequent Articles, which we have insert, that the world may be witness of the illegalitie and maliciousnesse of their proceedings.

TO desire the Presbyterie of every Bishop, especially where he keeps his residence, as also the Presbyterie where his Cathedrall seat is, to

have a speciall care of this Bill and complaint against the Prelats; and particularly against the Bishop of their Diocese.

II.

That some Noblemen (if any be within the Presbyterie) some Gentlemen and Barons, some Ministers, and some Commons, who are not chosen Commissioners to the Assemblée, in their owne Name, and in Name of all other Covenanters or Complainers, either within the Presbyterie, or Diocese, or whole Kingdome, who are not Commissioners to the Assemblée, will adhere and assist in this Complaint, that they present this Bill to the Presbyterie.

III.

That they who are Complainers have a particular care to fill up the Blanks left in the Bill, in the subsumptions of the particular faults committed by the Bishop of the Diocese, against these generall Rules, Canons and Acts: or if these Blanks will not containe the same, that the Complainers draw up in a particular claime, all the particular faults and transgressions of the Bishop of that Diocese, against these Rules, Canons, and Acts, or any other Law of the Church or Kingdome; and present the same to the Presbyterie with this generall complaint. And if they cannot get the particulars presently ready, notwithstanding they present without any delay, because of the scarcenesse of the time, this complaint as it stands with the Blanks: and in the meane time, may gather any other particulars against the Assemblée, to which this complaint is to be referred.

IV.

That the Presbyterie finding the complaint important, and the generall Assemblée so approaching, referre the same to the generall Assemblée, by an Act of this reference insert in the Books of the Presbyterie.

V.

That upon this reference of the complaint to the Assemblée, the Presbyterie admonish the complainers apud acta, to be present at the said Assemblée, for assisting and verifying of the said complaint.

VI.

That the Presbyterie ordaine all their Pastors, out of Pulpit on a Sabbath day before noone, to cause read publikely this whole complaint and the Presbyteries reference to the Assemblée, and so to admonish the Bishop of that Diocese, the delinquent complained upon, with the rest of his colleagues to be present at the generall Assemblée, to answer to the particular
complaint,

complaint, both in the particular and generall Heads thereof, given or to be given in, and to abide the censure and triall of the Assemblie thereupon. And likewise, out of Pulpit to admonish all others who have interest either in the pursuing or referring this complaint, to be present at the said Assemblie.

VII.

That the Presbyterie insert in their Presbyterie-Books the whole tenour of this complaint, both in the generall & particular Heads thereof, and that they have a care to cause deliver by their ordinarie Beadle, to the Bishop of the Diocese, a copie thereof, and a copie of an Act, referring the same to the Assemblie, and summon him to compeare before the Assemblie. And if he be within the countrey, and cannot be personally apprehended, to affix a full copie thereof upon each dwelling place, and upon the most patent doore of the Cathedrall Church and Episcopall seat.

VIII.

That the complainers within the Presbyterie where the Bishop is resident, or hath his Cathedrall, be carefull to keep correspondence with those in other Presbyteries within their Diocese, who best can specifie & verifie their Bishops usurpation and transgressions, and who had particular Articles to gather partienular Declarations & Informations of the same.

IX.

That some of these complainers in their owne name, & with Warrant and power from the rest, without failing attend the Assemblie with the generall complaint and particular verifications and specifications of the same.

X.

That in case the Presbyterie where the Bishop hath his residence, or where he hath his Cathedrall and Episcopall seat, refuse to receive this complaint, or referre the same to the Assemblie, or to admonish or cye the Bishop delinquent before the Assemblie, to answer to the complaint; that the Gentlemen & others who are complainers to the Presbyteries, upon their refusall take instrument in the hands of the Clerk of the Presbyterie, or any Notarie, and protest that their refusall of the ordinarie care of Iustice, procured (without doubt) by the Bishop of that Diocese delinquent complained of, the equivalent of Law & Reason, be a formall citation of him. Which Protestation they may affix upon the dwelling house of the said Bishop, or upon his Cathedrall Church, or the prime Church within the Presbyterie. And that they may deale with any other Presbyterie within the Diocese, who is better disposed, and upon their receipt of the complaint, will referre the same to the Assemblie, and cye the Bishop in manner above expressed, to compeare before the said Assemblie.

XI. Item,

X I .

Item, perhaps some Minister within the Presbyterie may thinke some Heads of this Complaint not to be relevant in his Opinion, or know the Bishop not to be guiltie of all the particular Heads contained therein: yet he in Justice cannot refuse to referre the triall of the Relevancie & Probation thereof to the generall Assemblie; especially seeing the Relevancie and Probation of moe or fewer Points against the Bishop of the Diocese is sufficient, and seeing the subsumption of every particular Head is against the Bishop of the Diocese, with his Colleagues.

X I I .

Item, To desire the Presbyterie, upon Complaints upon any persons within the same, against any scandalous Minister either in Doctrine or Life, either to judge the Complaint, or referre the same to the triall and censure of the generall Assemblie, & so to admonish & cyte the Ministers complained upon, to compeare before the generall Assemblie for that end.

According to which Articles, upon Sunday, Octob. 28. they caused read the said Libell in all the Churches of Edinburgh notwithstanding my Lord Commissioners command given to the Provost and Bailies to the contrarie, except in Holy-rood-house, where it was read the next Sunday, as it was in other Churches of the Kingdome; proceeding herein 1. Against all charitie, which doth not behave it selfe unseemely, nor delighteth in the discovery of mens nakednesse, nor take up a reproach, nor backbite with the tongue; much lesse to write a book against a brother. 2. Against the order prescribed by the Apostle *not to rebuke an Elder, but to intreat him as a Father*: and by the Act of Parliament, *Iam. 6. par. 8.* discharging all persons to impugne or to procure the diminution of the authoritie and power of the three Estates or any of them: 3. Against all lawfull and formall proceeding, especially that prescribed by the Act of generall Assemblie at *Perth, Martii 1. 1596.* whereby it is ordained, that all summons containe the speciall cause and crime; which the said Libell doth not; naming only generall calumnies; reproaches and aspersions, without instruction of any particular, but leaving these to be filled up by malicious delation; after they have defamed their Brethren by publishing this Libell; as appears by the 8. and 11. Articles of the said instructions: and against the order prescribed by the Assemblie at *Saint Andrewes, April 24. 1582.* whereby it is enacted, that in proesse of deprivation of Ministers, there be a libelled precept upon fortie dayes warning; being within the Realme, and threescore dayes being without the Realme, to be directed by the Kirke and such Commissioners thereof, as elects and admits the person complained of; summoning them to compeare and answer

swer upon the complaint. And in case of their absence at the first summons, the second to be directed upon the like warning, with certification, if he faile, the Libell shall be admitted to probation, and he shall be holden pro confesso.

Which forme not being kept in a summons inferring the punishment of deprivation, the same cannot be sustained by the order of that Assemblie. 4. Against common equitie which admit summons onely by the authoritie of that Judge before whom the delinquent is to compeare; whereby the summons directed by the authoritie of these pretended Presbyteries, cannot sustaine for compearance before the generall Assemblie, nor could reference be made from the Presbyterie to the generall Assemblie; the parties never being summoned to compeare before the Presbyterie, whereby either in presence of the partie, or in case of contumacie, the complaint might bee referred to the Assemblie. That there was no cytation before the reference, is cleare by the said instructions. And what a strange and odious forme it is to insert such a calumnious Libell in the Presbyterie books; without cyting of the parties to answer thereto: and to cyte Bishops before the generall Assemblie by the said Libell; by publishing the same at Churches; to which they had no relation and were many miles distant, Wee leave it to the judgement of indifferent men. 5. Against all decencie and respect due to men of their place; the said persons being men of dignitie, and some of them of his Majesties most honourable privie Councell, and knowne to bee of blamelesse conversation, and to have deserved well; thus to bee reviled and traduced, doth redound to the reproach of Church and State, and of the Gospell whereof they are Preachers. 6. Lastly, to omit many other informalities against their owne consciences, which we charge in the sight of God, as they must answer before his great and fearefull tribunall, if they suspect and know not perfectly, according to the judgement of charitie, them whom they thus accuse; to bee free of these crimes wherewith they charge them, at least of many of them; as appeares evidently by the 111. Article of the said instructions; having therein libelled the generall, and have yet to seek the specification thereof, from the malice of their neighbours, if so be they can furnish it. By which informall and malicious proceeding, it is most apparent; that our said parties do seeke our disgrace and overthrow most maliciously and illegally. And therefore we call heaven and earth to witnesse, if this bee not a barbarous and violent persecution, that all circumstances being considered; hath few or none to parallell it since the beginning of Christianitie; and if wee have not just cause to decline the said pretended Commissioners as our partie.

Moreover, can these men expect; but in a lawfull Assemblie they were to bee called and censured for their enorme transgressions foresaid? And will any man thinke, that they can bee judges in their owne cause? It is alleadged out of the Canon-Law against the Pope; that if the Pope be at variance with any man, he ought not to be Judge himselfe, but to chuse arbitrators. And this may militate against them,
except

except they be more untuly then Popes. *Ludovicus Bavarus* and all the Estates of Germanie with him, did plead this nullitie against the sentence and proceeding of Pope *John 22.* and of his Councell. And the Archbishop of Cullen 1546. did plead the nullitie of *Paul 3.* his Bull of excommunication; because he protested, that so soone as a lawfull Councell should be opened; he would implead the Pope as partie, being guiltie of many things censurable by the Councell.

10.

But the late protestation doth shew the authors thereof to be nolesse injurious to our place and authority, then they are over-weening of their owne. For it is against reason & practice of the Christian Church, that no Primate, Archbishop, nor Bishop, have place nor voice deliberative or decisive in generall Assemblies, except they be authorized & elected by their Presbyteriall meetings, consisting of preaching and ruling Elders (as they call them) and without warrant or example in the Primitive and purest times of the Church.

This also doth inferre the nullitie of an Assemblie, if the Moderator and President for matters of doctrine, and discipline, shall bee neither the Primate, Archbishop, nor Bishop, but hee who by pluralitie of Presbyters and Lay-mens voices shall bee elected: which happely may be one of the inferiour Clergie, or a Lay person, as sometimes it hath fallen out: Whereas canonically, according to the ancient practice of the Church, the Primate should preside according to the constitution of the first Councell of Nice Can. 6. of Antioch Can. 9. and of the Imperiall Law Novell. constitut. 123. cap. 10. and according to our owne Law. For what place in Assemblies Archbishops and Bishops had in other Christian Nations, the same they had (no doubt) in Scotland, and yet still doe retaine, except by some municipall Law it hath beene restrained, which cannot be shewne. For the restraint of their authoritie by the Act of Parliament 1592. is restored by the Act of Parliament 1606. and 1609. and all Acts prejudiciall to their jurisdiction abrogated. Neither doth that Act 1592. establishing generall Assemblies, debarre Bishops from presiding therein; nor the abrogation of their Commission granted to them by Act of Parliament in Ecclesiasticall causes, imply and inferre the abrogation of that authoritie which they received not from the Parliament but from Christ, from whom they received the spirituall oversight of the Clergie under their charge; whereto belongeth the Presidentship in all Assemblies for matters spirituall, alwayes with due submission to the supreme Governour: which is so intrinsically inherent in them, as they are Bishops, that *hoc ipso* that they are Bishops, they are Presidents of all Assemblies of the Clergie: as the Chancelour of the Kingdome hath place in Councell and Session, not by any Act or Statute, but *hoc ipso* that he is Chancelour. By Act of Parliament Bishops are declared to have their right in Synods and other inferiour meetings, but by no Law restrained nor debarred from the exercise of it in Nationall Assemblies: and the law allowing Bishops to bee Moderators of the Synods, doth present a list in absence of the Metropolitan,

Metropolitan, to whom of right this place doth belong, as said is, out of which the Moderator of the generall Assembly shall be chosen. For, is it not more agreeable to reason, order, and decency, that out of Moderators of Synods a Moderator of the generall Assembly should be chosen, then of the inferiour Clergie subject to them?

As concerning that Act of the generall Assembly 1580. whereby Bishops are declared to have no warrant out of Scripture, if corruption of time shall be regarded, the authority of that Assembly might be neglected no lesse then that at Glasgow, 1610. But it is ordinary that prior acts of Assemblies and Parliaments give place to the posterior: for *Posteriora derogant prioribus*. And there past not full six years when a generall Assembly at Edinburgh found, that the name of Bishops hath a speciall charge and function annexed to it by the word of God; and that it was lawfull for the generall Assembly to admit a Bishop to a Benefice, presented by the Kings Majesty, with power to admit, visite, and deprive Ministers, and to be Moderators of the Presbyteries where they are resident, and subject onely to the sentence of the generall Assembly.

As for that Act at *Mont rose*, let them answer to it that have their calling by that Commission. Wee professe that wee have a lawfull calling by the election of the Clergie, who are of the Chapter of our Cathedrals, and consecration of Bishops by his Majesties consent and approbation, according to the laudable Lawes and ancient custome of this Kingdome, and of the Church in ancient times, and doe homage to our Sovereigne Lord for our Temporalities; and acknowledge him *solo Deo minorem*, next unto God in all causes, and over all persons Spirituall or Temporall, in his owne Dominions supreme Governour. But now wee may take up *Cyprian* his complaint, *Lib. 3. Ep. 14. Quod non periculum metuere debemus de offensâ Domini, quando aliqui de Presbyteris nec Evangelii nec loci sui memores. sed neque futurum Dei iudicium, neque prepositum sibi Episcopum cogitantes, quod nunquam omnino sub antecessoribus factum est, cum contumelia & contemptâ prepositi, totum sibi vendicent? Atque utinam non prostratâ fratrum nostrorum salutē sibi omnia vendicarent. Contumelias Episcopatus nostri dissimulare & ferre possem, sicut dissimulavi semper & peruli; sed dissimulandi nunc locus non est, quando decipiatur fraternitas nostra à quibusdam vestrum, qui dum sine ratione restituenda salutis plausibiles esse cupiunt, magis lapsis obsunt.*

Lastly, it is most manifest by the premises, how absurd it is, and contrary to all reason and practise of the Christian Church, that Archbishops and Bishops shall be judged by Presbyters; and more absurd, that they should be judged by a mixt meeting of Presbyters and Laicks, conveening without lawfull authority of the Church. How, and by whom they are to be judged, according to the custome of ancient times, may be seene by the Councell of Chalcedon, *Can. 9.* and *Concil. Milevit. Can. 22.* and *Concil. Carthag. 2. Can. 16.* Nor doe wee decline the lawfull triall of any competent iudicatorie in the

Kingdome, especially of a generall Assembly lawfully constitute, or of his Majesties High Commissioner, for any thing in life or doctrine can be laid to our charge : onely wee declare and affirme, That it is against order, decencie, and Scripture, that wee should bee judged by Presbyters or by Laicks, without authority and Commission from Sovereaigne authority.

For the reasons foresaid, and many moe, and for discharge of our duty to God, to his Church, and to our Sacred Sovereaigne, left by our silence we betray the Churches right, his Majesties authority, and our owne consciences, Wee for our selves, and in name of the Church of Scotland, are forced to protest, That this Assembly bee reputed and holden null in Law Divine and humane, and that no Church-man bee holden to appeare before, assist or approve it; and therefore, that no letter, petition, subscription, interlocutor, certification, admonition, or other Act whatsoever proceeding from the said Assembly, or any member thereof, be any wise prejudiciall to the Religion and Confession of Faith by Act of Parliament established, or to the Church, or any member thereof, or to the jurisdiction, liberties, priviledges, rents, benefices, and possessions of the same, Acts of generall Assemblie, of Councill and Parliament in favours thereof, or to the three Estates of the Kingdome, or any of them, or to us, or any of us, in our persons or estates, authority, jurisdiction, dignity, rents, benefices, reputation, and good name : but on the contrary that all such Acts and deeds above mentioned, and every one of them are, and shall be reputed and esteemed unjust, illegall and null in themselves, with all that hath followed or may follow thereupon.

And forasmuch as the said Assembly doth intend (as wee are informed) to call in question, discusse, and condemne things not onely in themselves lawfull and warrantable, but also defined and determined by Acts of generall Assemblie and Parliaments, and in practice accordingly, to the disgrace and prejudice of reformed Religion, authority of the Lawes and Liberties of the Church and Kingdome, weakning his Majesties authority, disgracing the profession and practice which hee holdeth in the Communion of the Church where hee liveth, and branding of Reformed Churches with the foule aspersions of Idolatry and Superstition ; wee protest before God and man, That what shall be done in this kinde, may not redound to the disgrace or disadvantage of reformed Religion, nor bee reputed a deed of the Church of Scotland.

We protest that wee imbrace and hold, that the Religion presently professed in the Church of Scotland, according to the Confession thereof, received by the Estates of this Kingdome, and ratified in Parliament the yeare 1567. is the true Religion bringing men to eternall Salvation, and doe detest all contrary error.

We protest, that Episcopall government in the Church is lawfull and necessary : and that the same is not opposed and impugned for any defect or fault, either in the government or Governours ; but
by

by the malice and craft of the Devill, enaying the successe of that government in this Church these many yeares by past, most evident in planting of Churches with able and learned Ministers, recovering of the Church rents, helping of the Ministers stipends, preventing of these jarres betwixt the King and the Church, which in former times dangerously infested the same, keeping the people in peace and obedience, and suppressing of Popery, which, in respect either of the number of their professors, or boldnesse of their profession, was never at so low an ebbe in this Kingdome as before these stirres.

We protest that, seeing these who for scruple of conscience did mislike the Service Book, Canons, and High Commission, which were apprehended or given forth to be the cause of the troubles of this Church have now received satisfaction, and his Majestie is graciously pleased to forget and forgive all offences by-past in these stirres; that all the subjects of this Kingdome may live in peace and Christian love, as becometh faithfull subjects and good Christians, laying aside all hatred, envie, and bitterness; And if any shall refuse so to doe, they may beare the blame, and bee thought the cause of the troubles that may ensue: and the same be not imputed to us, or any of us, who desire nothing more, then to live in peace and concord with all men under his Majesties obedience; and who have committed nothing against the Lawes of the Kingdome and Church, that may give any man just cause of offence; and are so farre from wishing hurt to any man, in his person or estate, notwithstanding all the indignities and injuries we have suffered, that for quenching this present combustion, and setting peace in this Church and Countrey, wee could be content (after clearing of our innocencie of all things wherewith wee can bee charged) not onely to lay downe our Bishopricks at his Majesties feet, to be disposed of at his Royall pleasure, but also, if so bee it pleased God, to lay downe our lives, and become a sacrifice for this atonement.

Wee protest in the sight of God, to whom one day we must give account, that we make use of this Declinator and Protestation out of the conscience of our duty to God and his Church, and not out of feare of any guiltinesse, whereof any of us is conscious to himselfe, either of wickednesse in our lives, or miscarriage in our callings; being content every one of us, for our owne particular (as we have never shewn our selves to be otherwise) to undergoe the lawfull and most exact triall of any competent judicatory within this Kingdome, or of his Majesties High Commissioner.

And we most humbly intreat his Grace, to intercede with the Kings Majestie, that hee may appoint a free and lawfull Generall Assembly, such as Gods word, the practice of the Primitive Church, and Lawes of the Kingdome doe prescribe and allow, with all convenient speed, to the effect the present distractions of the Church may bee settled. And if there be any thing to bee laid to the charge of any of the Clergie, of whatsoever degree, either in life and manners, or doctrine, or exercise

exercise of his calling and jurisdiction, hee may bee heard to answer all accusations; and abide all triall, either for clearing his innocency, or suffering condigne punishment, according to his transgressions: declining alwayes this Assembly, for the causes above written: Like as by these presents, wee, and every one of us, decline the same, the whole members thereof, and Commissioners foresaid directed thereto, and every one of them.

Wee protest, that this our Protestation, in respect of our lawfull absence, may bee received in the name of us under-subscribing for ourselves, and in the name of the Church of Scotland that shall adhere to the said Protestation, and in the name of every one of them, from our welbeloved Dr. *Robert Hamiltoun* Minister at Glasford, to whom by these presents we give our full power and expresse mandate to present the same in or at the said Assembly, or where else it shall be necessary to bee used, with all submission and obedience due to our gracious Sovereigne and his Majesties High Commissioner: and upon the presenting and using thereof, acts and instruments to crave, and all other things to doe that necessarily are required in such cases: firme and stable holding, or for to hold, what he, or any of them, shall lawfully do in the premises.

In witnesse whereof, as wee are ready with our blood, so with our hand wee have subscribed these presents, at the Palace of Holy-rood-house, New-castle, and Glasgow, the 16. 17. and 20. dayes of Novemb. 1638. & sic subscribitur.

Io. S^r Andree Arch.
Pa. Glasgow.
Da. Edinburgen.
Tho. Gallovidien.
Io. Rossen.
Walterus Brechinen.

After these passages, there were read divers Protestations at Our Commissioners instance, from severall places against the lawfulnessse of this Assembly both in regard of the Lay-Elders present in it, and the Ministers Commissioners in it chosen by Lay-Elders: One sent from many Ministers, and read publicquely, doth here follow.

The

The Supplication and humble Remonstrance of the Ministers of the Church of Scotland, presented to his Majesties High Commissioner and generall Assemblie held at Glasgowe in November, 1638.

May it please your Grace,

ANd you right Noble, Right Worshipfull, and you most Reverend Brethren, conveyened by his Majesties Proclamation in this venerable nationall Assembly, to consult upon the most convenient wayes, and to enact such Ecclesiasticall Lawes, as to your wisdomes seemes most expedient, for preserving of peace and truth in this Church, for which ends wee from the bottome of our hearts (as feeling members of the same) earnestly intreat him, who hath promised to bee with his owne to the end of the world, by his Spirit and grace, so to direct and assist your wisdomes, that by this long expected meeting, glory may redound to his ever glorious Name, and peace to this rent Church, which all the members therof, with most earnest wishes, expect at your hands. For the present, we thought it our duty, as those whom it doth most clearly concerne (our great Shepherd having committed to our charge a part of that Flock which hee hath redeemed with his precious blood) to present unto you our just feares which arise from the sudden inroaching of the Laick (now called Ruling) Elders, in divers Presbyteries of this Kingdome, having chiefe hand in chusing of Commissioners there, lest they, with Commissioners thus elected, may bring upon the neck of the Ministry and Church heire, the heavy yooke of overruling Elders in all times comming, to the no small burd of us and our successors in the Gospel, except timely remedy be provided.

Our humble supplication therefore to your Grace, and members of this present Assembly, is that all these Commissioners thus chosen by the voice of laick Elders, & in whose Commissions they have had hand, may be removed, as men to whose voices and judgements wee cannot submit our selves in matter of Church government, for the just feares above exprest, they being justly suspect Judges not to bee admitted, and their elections and Commissions void for reasons following: First, there is no Law in this Kingdome wherby Laick Elders have any voice in chusing

- chusing Commissioners to generall Assemblies; the chusers therefore ha-
 ving no legall power to elect, those that are chosen by such, can have
 no place nor voice in this Assembly. Secondly, albeit there have been
 heretofore, and before Churches were fully planted, a custome that
 Laick Elders did sit in Presbyteries, yet that custome bath beene these
 35. yeeres by-past, universallly (and above forty yeeres in most Presby-
 teries) interrupted; which prescription is sufficient to make void any
 such custome: so that it can be no sufficient warrant for them to sit and
 voice in Presbyteries now; much lesse to intrude themselves (as they
 have done in many Presbyteries) contrary to the mindes and publicke
 protestation of the Ministry. Thirdly, when Laick Elders had place
 in Presbyteries, yet it was ordained that the voices should not be equall
 in number, with the voices of the Ministry, as is to be seene in the
 booke of discipline Chapter. But in this e-
 lection, their number were not onely equall, but in most parts more,
 because out of every Parish there was a Laick Elder, and so at least
 equall in number; and in election of these Commissioners, against whose
 election wee except, there was put upon the list six in some places, and
 in others foure of the Ministers, who being removed, in their absence
 the choice was made when the Laick Elders by six or foure at the
 least exceeded the Ministers in number of voices, yea in some Presby-
 teries the Laick Elders were twice so many in number; so that these
 Commissioners are mainly chosen by the Laity, and not by the Mini-
 sters, neither can wee acknowledge them for ours. Fourthly, these
 Laick Elders did of old onely assist in Discipline, not meddling with
 points of Doctrine (suffering the spirit of the Prophets to be subject to
 the Prophets, according to the Apostolicall rule;) but now they intrude
 themselves to sit and voice in the Presbyteries in matters of Doctrine,
 and have given Commission to those whom we except aganst, to voice
 in this venerable Assembly, in Doctrine as well as in matters of Di-
 scipline; which Commissions are null, as proceeding à non habente
 potestatem. For these and other most weighty causes; the election
 of such Commissioners, and their place in this Assembly being so dan-
 gerous to the Church, threaten the same with the most intolerable
 yolk of bondage to be laid upon the neck of the Presbyteries by Laick
 over-ruling Elders, to the prejudice of the liberties of the said Presbye-
 ries, and whole Discipline of this Church. We could not, out of conscience

to God, our callings, and flocks, but make humble remonstrance of the same to your Grace and members of this grave Assembly: withall protesting both in our own names, and in name of al the Ministry and body of this Church that will adhere to this present supplication, that all sentences, conclusions, Canons, Statutes, and Ordinances, which shalbe made in that Assembly wherein the foresaid Commissioners shall have determinative voice, to be void, null, and of no effect to oblige us or any of us to the obedience of the same: But if this our just supplication be not admitted (which we hope and earnestly pray may be graciously accepted) then this our protestation may bee of force against such Lawes and proceedings that may follow thereupon. Thus hoping for your charitable construction of this our necessary duty in so eminent a danger of the Church, and humbly intreating these presents may be put upon Record, We rest.

ANd when the Protestation of the Presbyterie of Glasgow (which was a very strong one) begun to bee read, the Principall of the Colledge there desired the forbearance of it for a time; to which the Moderator gladly yeelded: but our Commissioner, who had delivered it in with his owne hands, pressed the reading of it out; which the Moderator refused, alledging that any man might withdraw his owne Protestation, much more desire the forbearance of reading of it: to which Our Commissioner replied, That the Protestation was subscribed not onely by the hand of the Principall, but the *major* part of the Ministers of that Presbyterie, of whom many were Covenanters; that in all their names it was presented unto him, and therefore could not be re-called by any one of them, without the consent of the rest; praying him that it might bee read out to the end: but all in vaine; for no justice could bee had from them, especially in a point which so much concerned their reputation: for they conceived it would bee a great blurre to their businesse, if a Protestation (made by that Presbytery, in which was the seat of the Assembly) should bee knowne: and therefore they would neither reade it, nor did they deliver it backe againe,
against

against all rules both of justice and equity: After this contest the Assembly for that night was dismissed.

Our Commissioner wondring that the Principall of the Colledge should in publique desire the forbearance of publishing the Protestation of the Presbytery of Glasgow in the Assembly, used meanesto know the reason of it, and found by the averment of persons of good credit upon their owne knowledge, that the night before late at ten of the clocke, the Lord *Lowdan* and the Moderatour, with divers others Covenanting Ministers, had been with the Principall, and told him, that the Presbyteriall Protestation would make a great division amongst them, that unlesse hee did withdraw it, he must never looke to live quietly in Glasgow, nor any where in Scotland; that the Principall told them, it was presented to Our Commissioner, from whom it was not possible to recover it; that then by the same threatnings they adjured him to desire the forbearance of reading of it, if it should bee tendered to the Assembly; that after they were parted from him, his wife all in teares begged the like of him, affirming, that the Lord *Lindsey* had been with her, and sworn to her, that both he and his must be utterly ruined, if she could not prevaile with him for re-calling that Protestation. This and many other passages heretofore mentioned, banishing quite out of Our Commissioners mind, and the minds of all Our well affected Councillours there present, all hopes, not onely of just and faire, but even of formall proceedings in that Assembly, where not so much as the shew and countenance of justice was to be discerned, nor anything but the power and obstinate wilfulnesse of the Covenanters, and the unanswerable nullities of this Assemblie, in regard both of the members elected, and the manner of their election, being thoroughly considered, and the reasons of the Bishops Declinator presented to Our Commissioner being seriously weighed, by which they did not decline the judgement of a generall Assembly lawfully constituted, but onely of this Assembly, which was to be accounted farre rather a Laicall convention, then Ecclesiasticall, all the members whereof had barred themselves

themselves from being Judges by their solemn oath of combination for the rooting out of that Kingdome both the Bishops persons and callings; to whose sentence We or Our Commissioner could not deliver them over without betraying all courses of justice, and denying to Our Bishops that protection which cannot be denied by Us to any of Our subjects, *viz.* the benefit of the Lawes of that Our Church and Kingdome: And besides, Our Commissioner having certain and unquestionable intelligence of the Covenanters unmoveable resolution, that although the Assembly should be continued, and all things which they desired (even to their own wishes) should be granted and effected, yet that the quietnesse and peace of that Kingdome should be never a whit the more settled or established, but that they were determined to chuse at this assembly certain Committees, who, under the name of Commissioners from the generall Assembly, should keep up their Tables, and be chosen and continued from one Assembly to another, & so hold on the same rebellious courses which they have held ever since the first erection of their Tables, to the utter overthrow of Our royal Authority, and the authority of the Lords of Our Councill, and Lords of Our Session under Us: and Our Commissioner well weighing Our instructions, according to which he was to carry himselfe in this Assembly, if hee should finde that these mischiefes and courses of injustice could not bee stopped, resolved the next day (according to Our speciall commandment) in Our name, and by Our authority to dissolve that Assembly, whose aime was only to robbe Us of Our Sovereigne power, and to put it in the hands of their Commissioners.

According to which resolution, Our Commissioner the next day, being Wednesday the 28. of November, went betimes in the morning to the Church, and Our Councill (having warning over night) met him in the Chapter-house, where they sate in consultation before they went to the Assembly: He did then impart to them the resolution he had to dissolve the Assembly, and did aske their advice for the man-

ner of doing it : after hearing each of their advice severally, he was confirmed in his resolution. The reason why Our Commissioner held the Councell in that place, was, because some of Our Councell, who were present, should have no time to communicate his resolution to the Covenanters, nor to consult with them about the hindering it; the Assembly being fully set before the Councell came out, so that what had passed there, could not be communicated to them.

The first thing propounded there by the Moderatour that day, was this: A day or two before, there were brought into the Assembly three or foure great volumes by their new Clerke, which he alledged were the Acts of the generall Assembly from the very first reformation of that Church, which, by the speciall providence of God, and his own carefull industry, had been recovered, else they had been lost for ever, to the invaluable losse of the purity of the Religion and Discipline established amongst them; for they had beene throwne by for many yeares, untill he by some strange accident had light upon them: after which speech of the Clerke, the Moderatour had desired them to chuse a Committee to peruse these Bookes, and to report to the Assembly whether they conceived them to be the true and authentickall Acts of the generall Assemblies of the Church of Scotland: The day before this, these Committees had made their report that they had perused them, and had found them to be true and authentickall Records, and delivered in writing some reasons of this their opinion; which made the impartiall auditors wonder how in two dayes men could peruse, and make a judgement of such volumes, which other men (who took themselves to be no fooles) thought could hardly be done in one yeare: but that was all one, the Moderatour this day put it to the question and voices, Whether they would allow the copies of those Bookes of Assembly (which the Committees the day before had reported to be good and faithfull copies) to be reputed ever hereafter for the authentickall Records and Registers of the Church of Scotland: Our Commissioner prayed them to forbear doing any thing suddenly

in a businesse of so great importance, that nothing, especially if it were doubtfull, could bee made a publique Record of any Judicatory which was to oblige Our subjects, unlesse We first by Our Advocate and learned Councell were satisfied of the authentick authority of that Record; and therefore wished them to stay untill that course might bee taken; and before that time not to put it to voices: But all in vaine, for presently they of the Assembly (without one contrary voice) concluded these Bookes to be authentick Registers, and so to bee held and reputed for ever, without knowing what was in them: They were foure Bookes, and very large, and confessed not to be the Originals, but copies. Our Commissioner then remembring that at our Palace at Holy-rood-house hee was denied the sight of the Bookes of the Assembly (the Covenanters having threatned the former Clerke of the Assembly, if he should let Our Commissioner have the perusal of them) begun now to think, that there might be stufte enough in them against Our Regall authority, and perhaps a great deale of it of their own devising; which caused Our Commissioner to enter into Our Clerk of Registers hands a solemn Protestation against the validity of these Records, and against any of Our subjects being obliged by them, untill such time as they should be perused and allowed by such as We should authorize by Commission for that purpose.

Next, the Moderatour desired the Clerk to reade certaine answers, which upon the sudden had been drawne up (as he said) by certain Brethren to the reasons contained in the Bishops Declinator, which had been read the day before: And indeed, so soone as they were heard, it was easily believed that they were drawne up upon a sudden, without either feare or wit, being very poore and silly, stuffed full of cytations out of their own bookes of discipline, which did allow lay-Elders; and by these testimonies concluded the exception of the Bishops against Lay-Elders, & Ministers, Commissioners chosen by the for having voice in the Assembly, to be invalid; which made some admire by what conse-

quence it could be inferred, that because there had been Lay-Elders in particular Church-Sessions; nay and perhaps in Presbyteries, that therefore these Lay-Elders either had, or must now have voices in the generall Assembly, or in chusing the Ministers Commissioners to it: Yet the Moderatour caused another paper to be read in defence of Lay-Elders, of the very same tedious stuffe with the former: And, to magnifie those Bookes of Discipline, so often cyted in both these papers, the Moderatour desired the whole Assembly to heare himselfe reade a long Latine testimony, given in the *Syntagma* of the confessions of the Reformed Churches, to the purity of the discipline of the Church of Scotland. Our Commissioner called for the Book, & desired to see what he had read, and found it to be a private testimonie of one unknown, inserted by the Printer or setter out of that *Syntagma*, to make it sell the better, because it had some new thing in it; which made a good many laugh at that so much magnified testimonie. Then the Moderator, to take away that exception in the Bishops Declinator, that the Assembly was a declared party (and therefore could not be their Judge) alledged, that the Remonstrants had made the same objection against the Synod of Dort, but that it was repelled by all the Divines there present, and the invalidity of that exception declared by none better then by the Divines of great Britaine, whose judgment against that exception he then out of the publique Acts of that Synod did reade: Our Commissioner told the Moderatour, that he should have done well to have translated into Scottish that passage which he last read, and the former out of the *Syntagma*, that so many of the Lay-Elders, who were to judge of the fittest of these cytations, might understand him & them; which the Moderator passed over with a smile. ONE who stood by Our Commissioner, and had been present at the Synod of Dort, asked leave first of Our Commissioner, and then of the Moderatour to speake, which being granted him by both, he answered the Moderatours answer to the Bishops objection, thus: That the Bishops exceptiō against them of the Assembly, as *pars adversa*, differed

differed from that of the Remonstrants against the Synod of Dort two waies: First, in regard of the matter of it : For the Synod consisting of Divines, & the matters cōtroverted being points of divinity (& by some men thought to be fundamentall points of faith, though they were not so) in which Schollers use not to be neutrall, it was impossible for the Remonstrants to find Divines to be their Judges, if they would except against such Divines as had declared themselves to be of the one opinion or the other: But it was not so with Episcopacy in the judgement of the members of this Assembly; for they could not hold the allowing or rejecting of Episcopacy to be a point of doctrine, because points of doctrine are not alterable; but the Church of Scotland in her positive confession, *Article 21.* did hold Church policy or government alterable at the will of the Church; which opinion, whether he did allow or not, he was not then and there to declare: but sure in such points, which they themselves held alterable and indifferent at the will of the Church, being no points of doctrine, there was no necessity of pre-declaring their judgement, especially after they meant to be Judges: Nay, there was a necessity of not pre-declaring their judgement against Episcopall government, considering it stood now in force by Acts both of Church and Parliament; and therefore that the declaration of their judgement against it, (even since they intended to be Judges of it, but before they were actually so) did barre them from being Judges of it at all. But secondly, and that upon which he principally insisted, was this: That the Bishops case in their exception against this Assembly, differed from that of the Remonstrants against the other Synod, in the manner of the members of that Synods pre-declaration, and of the members of this Assemblies pre-declaration. Many of the members of that Synod had pre-declared themselves by discoursing, writing, preaching, &c. but not by any judiciall Act, nor by any Act equivalent to a judiciall Act, such as swearing against the other tenet, binding themselves by Oathes, Covenants, Combinations, Confederacies, Affociations against the abettors

abettors of it; all which being Acts analogicall to judiciall Acts, and being done by the members of this Assembly against the Bishops, absolutely barred them from being Judges in the question of these Bishops persons or calling. Some answer was made to this by the Moderatour and others, which required no reply; and therefore received none, that which was answered being no way against that which had been delivered: For the Moderatour conceiving that he who spake had affirmed that the five Articles treated of at the Synod of Dort, had been fundamentall points of Faith (of which opinion the speaker never was, nor is) fell upon a discourse of fundamentall and not fundamentall points of Faith; affirming that the Synod of Dort had never determined the five Articles to be fundamentall points of Faith, which the former speaker knew very well to be true: And it made many auditors thinke, that the Moderatour did deliver this only because he would have something to say, for they did conceive that he had been a man so rigid in these tenets, that he had held them to be fundamentall points of faith: But whether he did or not, there were many Ministers members of the Assembly, who did hold them to be fundamentall points, & most unchristianly and uncharitably had preached, that the Remonstrants tenets did destroy the very foundation of faith; and whosoever sided with them in the five Articles, could not possibly be saved. But now the other exception laid by him that spake, and in which he conceived the strength of his speech principally to lie, *viz.* That by their swearing, and combining by a Covenant against the Bishops (which was a plain pre-judging of them) they had barred themselves from being their Judges; the Moderatour was pleased to make no answer at all, though of all that was spoken it most principally required one. Another Minister, one of the gravest and learnedst in the Assembly, did conceive that he which spake had affirmed, that Councils and Synods were only Judges of points of faith and doctrine, but not of government or other matters; and instanced in *Novatus & Donatus*, who by Councils and Synods

nods had beene censured in points of schisme; which no man ever denied, nor ever came within the compasse of the thoughts or words of him that spake. Here a Lay-Elder, who was a Lord, conceived that he who spake had said something insinuating that Lay-Elders had given voices in some Councils; Thereupon the person that spake, unwilling to let that passe, asked leave to tell his Lordship that he was mistaken, & that if Our Commissioner and the Assembly would give him leave, he would maintaine it against any man in the Assembly, that neither the name nor thing of a Lay-Elder, was ever knowne to any generall or Provinciall Councell; nay, not to any particular Church in the whole Christian world, before *Calvins* dayes. To this no reply was made, save only by the Moderatour, who first said that it would be thought a strange thing in England, if any of this Assembly should stand up in the Convocation house, and speake against their Church government: to which was answered by him that spake, That he neither did speake, nor would have spoken there, without leave asked and obtained; nor would he have asked leave if it had not been to have cleared a passage of the Synod of Dort urged by the Moderatour, and in which he himselfe was interested. And it seemes here the Moderatour was brought very low, by telling the party that his father while he lived was of another opinion: to which the other answered, That that was a weak reason; for there were some members of the Assembly then sitting, whose Fathers had been Papists: And he who spake did very much wonder that the Moderatour should think it strange for him to differ from his Father in his judgement of these points of Ecclesiasticall government; for he did not apprehend it so great a matter for any man to differ from his Father in judgement, as to differ from himselfe: and hee was sure that the Moderatour knew well enough that many members of the Assembly, who were now fiercest against Episcopall government, within these few yeares had been as earnest maintainers of it as any, and more ambitious and earnest suitors for Bishopricks then any other. The Moderatour at last cut off all further contestation about these

Lay.

Lay-Elders, by affirming that the state of the question as it stood before them, was not whether Lay-Elders had ever been received in other Churches, but whether their office and place in the Assembly was agreeable with the constitutions of the Church of Scotland; and so no more was spoke of it.

The Moderatour from that speech which was made for justifying the Bishops exception against the competency of their Judges, *viz.* the Assembly, because the members of it had declared themselves parties, tooke occasion to speake thus to the Assembly: Since we see both the competency and constitution of this Judicatory and Assembly is thus openly impugned; it is high time to cleare this point, of which none can be Judge but the Assembly it selfe, and therefore I will presently put it to voyces, Whether this Assembly be the lawfull and competent Judge of the Libell against the Bishops, notwithstanding the reasons contained in their Declinator.

This gave our Commissioner the occasion (which hee neglected not) to do and declare that which by Our special commandement he had resolved on; for he presently made a speech of a competent length, the summe whereof was this: I should perhaps have continued a little longer with you, if you had not falne upon a point which doth inforce my deserting you: You are now about to settle the lawfulnessse of this Judicatory, and the competency of it against the Bishops, whom you have cyted hither; neither of which I can allow, if I shall discharge either my duty towards God, or loyalty towards my gracious and just Master. This is a day to me both of gladnesse and sadnesse; Gladnesse in that I have both seene this Assembly meete, which his Majesties subjects have been made beleve was never intended by Him, and in that I shall now in his Majesties name make good unto you all his most gracious offers in his last Royall Proclamation; which likewise his Majesties subjects were made beleve would never bee performed by Him: Of Sadnesse, in that you who have called so much for a free Generall Assembly, having one most free, in his Majesties intentions, granted you, have so handled and marred the

the

the Master, that there is not the least shadow of freedome to be discerned in this your meeting: for the former, which is the discharge and performance of your Sovereignes gracious promises, let this paper, which I deliver to the Clerke to be read, witnesse it to you all, which I am sure you cannot chuse but receive with all thankfulness and dutifull acknowledgement of his Maiesties piety, goodness, and clemencie, unlesse all Religion and goodnesse be quite banished out of this Land: Here the Clerk publicquely read the paper, which followeth.

THe Kings Majestie being informed, that many of his good subjects have apprehended, that by the introducing of the Service Book and Book of Canons, the in-bringing of Poperie and Superstition hath been intended, hath been graciously pleased to discharge, like as by these he doth discharge the Service Book and Book of Canons, and the practice of them or either of them: And annulleth and rescindeth all Acts of Councell, Proclamations, and all other Acts and Deeds whatsoever, that have been made and published for establishing them, or either of them, And declareth the same to be null, and to have no force nor effect in time comming.

The Kings Majestie, as he conceived, for the ease and benefit of his subjects, established the high Commission, that thereby justice might be ministred, and the faults and errors of such persons as are made liable thereto, taken order with and punished, with the more conveniency and lesse trouble to the people: But finding his gracious intentions therein to be mistaken, hath been pleased to discharge, like as by these presents he doth discharge the same, and all acts and deeds whatsoever made for establishing thereof. And the Kings Majestie being informed, that the urging of the five Articles of Pertbes Assembly hath bred distraction in the Church and State, hath been graciously pleased to take the same to his Royall consideration, and for the quiet and peace of this Countrey, hath not onely dispensed with the practice of the said Articles, but also discharged all and whomsoever persons from urging the practice thereof, upon either Laicke or Ecclesiasticall person whatsoever: And hath freed all his subjects from all censure and paines, whether Ecclesiasticall or secular, for not urging, practising,

or obeying them, or any of them, notwithstanding of any thing contained in the a^ct^s of Parliament, or generall assembly to the contrary. And his Majestie is further contented, that the assembly take the same so far into their consideration, as to represent it to the next Parliament, there to be ratified as the Estates shall finde fitting.

And because it hath been pretended, that oathes have been administered different from that which is conceived in the a^ct^s of Parliament, his Majestie is pleased to declare by Me, that no other oath shall be required of any Minister at his entry, then that which is set downe in the a^ct of Parliament.

And that it may appeare how carefull his Majestie is, that no corruption or innovation shall creepe into this Church, neither yet any scandall, vice, or fault of any person whatsoever (censurable or punishable by the assembly) goe unpunished, his Majestie is content to declare by Mee, and assure all his good people, that generall assemblies shall be kept so oft as the affaires of this Church shall require.

And that none of Our good subjects may have cause of grievances against the proceedings of the Prelates, his Majestie is content, that all and every one of the present Bishops and their Successors, shall be answerable, and accordingly from time to time censurable according to their merits by the generall assembly.

And to give all his Majesties good people full assurance, that he never intended to admit any alteration or change in the true Religion professed within this Kingdome, and that they may be truly and fully satisfied of the reality of his intentions, and integritie of the same, his Majestie hath been pleased to require and command all his good subjects to subscribe the confession of faith and band for maintenance thereof, and of his Majesties person and authoritie formerly signed by Our deare Father in anno 1580. and now likewise requireth all those of this present assembly to subscribe the same. And it is his Majesties will, that this be inserted and registred in the Bookes of assembly, as a testimony to posteritie, not onely of the sinceritie of his intentions to the said true Religion, but also of his resolution to maintaine and defend the same, and his subjects in the profession thereof.

Subscritur

HAMILTON.

After

After the reading whereof, Our Commissioner went on, and added: I have, you see, subscribed that paper with mine owne hand, and to make his Majesties Religion, Grace, Goodnesse, and the Zeale which he hath to settle the peace of this Church and Kingdome knowne to all succeeding generations, I doe require that it be entred into your ordinarie Bookes of Assembly; but with this provision, That this my assent to the Act of registring this his Majesties Declaration, shall be no approbation of the lawfulnessse of this Assembly, or of any other Act made, or to be made in it; but that all Protestations, made or to be made against this Assembly in all other acts and proceedings thereof, shall stand in full force and effect: And of the delivery of this paper, containing his Majesties gracious offers, into the hands of the Clerke of the Assembly, and of my requiring it to be registred in the Bookes of the same, as also of my Protestation against the lawfulnessse of this Assembly in all other Acts, I take publique instruments in the hands of the Clerke of Our Sovereigne Lord his Register, and require him to make an act thereof. Which being done, the Moderatour in a short speech acknowledged Our speciall goodnesse in granting the particulars contained in the paper, promising it should be registred in the bookes of assembly, and desired to goe on with the businesse of the assembly.

But Our Commissioner told them, he must goe on with them no more; for now the sad part was behind, *viz.* That since they had brought Lay-Elders to give voices in this assembly, a thing not practised before, or at least dis-used so long, that no man present had seen it; the Ministers sitting here as Commissioners were chosen by Lay-Elders, a thing never heard of before in this Church, all the persons having voices here, were before the elections designed by the Tables at Edinburgh, all others by their expresse directions barred, these few Commissioners sent hither, but not chosen according to their designation, were by their cavills, made for that purpose, set aside, and not admitted to have voices, the Bi-

shops cyted hither were to be judged by the very same persons who had pre-judged and condemned them at their Tables ; he attested heaven and earth, whether this could be imagined to be any way a free Assembly, and therefore called God to witnesse, that they themselves were the cause, and the only cause why this Assembly could not have that happy issue which We heartily wished; and why the Bishops could receive no censure from them, in regard of these their sinister proceedings : for how could any man expect justice from them, who had denied it to Us, in refusing voices to Our Commissioners assessors, which was never denied to Our royall Father, when he called farre more assessors then Wee did now? Much more to this purpose was delivered by Our Commissioner ; upon all which he commanded and required them not to proceed any further in this Assembly, and declared that whatsoever they should say or doe hereafter in it, he in Our name protested against it, and that it should never oblige any of Our subjects, nor be reputed for an Act of generall Assembly.

The Moderatour with a speech well penned, which hee had in readinesse whensoever the Assembly should be dissolved, seemed much to deplore Our Commissioners resolution for breaking up the Assembly ; he attributed very much to Our power in Ecclesiasticall causes and assemblies, said many things of Our power, quite contrary to much which they have since printed in their seditious Pamphlets and Protestations, and much more then was liked and approved by many of his fellow-Covenanters : towards the end of his speech he affirmed, That We were Universall Bishop over all Our Kingdomes, &c. which made Our Commissioner use means to have the copie of his speech, but it could not be obtained while it was fresh in the auditors memories: Many daies after Our Commissioner was gone from Glasgow, a copie of it was sent him, but all that which concerned Our Ecclesiasticall power, especially of Our being Universall Bishop in Our Kingdomes, was quite left out; by which it was plaine, that (as it was before coniectured) he had displeas'd
many

many of the Assembly, by giving more Ecclesiasticall power to Us in that speech, then they intended Wee should ever have. The conclusion of his speech was, That as Our Commissioner had served his Master carefully and faithfully, in preserving his Priviledges and Prerogatives, so they must needs likewise be faithfull and carefull in preserving the Priviledges and Prerogatives of the kingdome of the Sonne of God, which was his Church; That they should much grieve for his absence, whose presence had been so acceptable and comfortable to them, and who had carried himselfe among them with so much wisdome and moderation, that they should have a great misse of him; with many more words, tending to the very high commendation of Our Commissioner.

After the Moderatour, divers of the Lords spake much to vindicate the Covenanters from their prelimitations and sinister dealings in their elections: But Our Commissioner presently choaked their confidence, with the production of two papers, which they little supposed he had ever scene: They contained their secret instructions, with which the whole Tables were not acquainted, for they must then of necessity some way or other have come to the knowledge of all the covenanters, very many of whom by these secret orders were barred from being chosen commissioners to the assembly, as well as the Non-covenanters; and therefore they fearing to lose or displease such a considerable number of their own partie, did by these private advertisements (contrived onely by the chiefe Rulers of the Table, but never presented to the Tables themselves) take order that none who could fall within the suspition of moderation, should be chosen commissioner for the assembly.

The one of these papers was directed to one lay Elder of every Presbyterie, some speciall confident of theirs, containing these nine Articles ensuing.

Because all projects and purposes will faile, if they be not pursued with constant diligence to the end, the Devill sleeps not, and we
heare

*We desire the Reader to observe, that they were afraid of being overthrown in a free generall Assembly, and therefore they tooke a course by these private instructions to prevent all freedom in the Assembly, and to make sure that none should be chosen a member of it, but such of whom they were sure.

heare our adversaries are busie, and our miserie will be unexpressible great, and we * ludibrious if they shall prevaile over us in a free generall Assembly, for which we have been pleading so long; it were meet that so farre as may be a new warning should be given, to stirre up the best affected.

2 That every Nobleman be diligent with the Barons and Ministers neereest unto them, and that he write unto his best acquaintance, who are farre off.

3 That some one Minister and Gentleman in every Presbyterie meet oft together, to resolve upon the particular Commissioners to be chosen, and use all diligence with the rest of the Ministers and Gentlemen that such may be chosen.

4 Because nothing will avail so much for our purpose, where the most part of the Ministers are disaffected, as that the Gentlemen be present to vote in Presbyteries, it would be presently tryed whether this be put in execution; and if the Minister be slow in urging it, the Gentlemen themselves to urge it, and put themselves in possession.

5. Our adversaries in this cause are seeking their own ends, and will set our friends on work to deale with us; all would be warned to shut their eares, and in this case to forget parents, brethren, and friends, and without respect to any person, to doe what may most conduce for our good ends.

6. Much will be pretended that the Bishops be limited, They will be harmlesse in time comming; and on the other hand, that Ministers having all in their power will prove unruly; but it would be seriously considered, First, That Gods ordinance (except that we will mock him, and be wiser in his errands then himself) should have place: Secondly, That Ministers will be constrained to keep themselves within bounds, if Gentlemen resort to the Presbyteries, Synods, & Assemblies. Thirdly, That this order will both make Gentlemen more religious and more accomplished every way, and will make Ministers more diligent in their studies and calling, and take better heed to all their wayes; which no doubt will (through the blessing of God) make this a flourishing Church and Kingdome, which otherwise, of all nations will be most slavish, miserable, and contemptible to all our neighbours, when they shall perceive how by our own sillinesse and treachery we have lost so faire an occasion of our liberty, both christian and civill.

That

That they linger not, they would be urged againe to send their Commissioners to Edinburgh before the first of October; by this we shall know our owne strength the better at our next meeting. 7.

And the Gentlemen, at the least the greatest part of them, would be warned to be at Edinburgh the 20. of September; and that onely the Gentlemen who are named Commissioners to the Presbyterie, for chusing their Commissioners for the assembly, with some to assist them, that day stay at home, and those to come away immediately after the election. 8.

That in every Presbytery there be a particular care taken of the informations against the Prelates for instructing our complaints. 9.

THe other paper was directed to some Minister of every Presbyterie, in whom they put most speciall trust, containing these eight Articles ensuing.

Private Instructions, August 27. 1638.

These private Instructions shall be discovered to none but to brethren well affected to the cause. 1.

Order must be taken that none be chosen ruling Elders but Covenanters, and those well affected to the businesse. 2.

That where the Minister is not well affected, the ruling Elder be chosen by the Commissioners of the Shire, and spoken to particularly for that effect. 3.

That they be carefull no Chapter-men, Chappell-men, or a Minister Justice of Peace, be chosen, although Covenanters, except they have publicly renounced or declared the unlawfulnessse of their places. 4.

That the ruling Elders come from every Church in equall number with the Ministers, and if the Minister oppose, to put themselves in possession notwithstanding any opposition. 5.

That the Commissioner of the Shire cause conveene before him the ruling Elder of every Church chosen before the day of the election, and injoyne them upon their oath, that they give vote to none but to those who are named already at the meeting at Edinburgh. 6.

That where there is a Nobleman within the bounds of the Presbyterie, 7.

terie, he be chosen, And where there is none, there be chosen a Baron, or one of the best qualitie, and he onely a Covenanter.

8. That the ablest man in every Presbyterie be provided to dispute de potestate supremi Magistratus in ecclesiasticis, præsertim in convocandis Conciliis, de Senioribus, de Episcopatu, de Juramento, de Liturgia, & corruptelis ejusdem.

NOW both these were so closely carried, that the rest of the covenanting Ministers never suspected there had beene any other instructions, save the two publicke and avowed papers before related; nor would they ever have suspected any such close and double dealing, but that when they came to their elections, they found for the most part the ablest and most experienced Ministers passed by, and onely the rigidest and hottest men chosen; which made them (inquiring after the reason of it) come to heare of these private Instructions, at which they stormed exceedingly, but could not then helpe any thing. And now whether these two papers doe not containe prelimitations of the assembly, a thing against which they most fearfully cryed out, We leave it to the judgement of the Reader.

The Moderatour and some Noblemen lay Elders, went about to cleare themselves from the notice of these two papers of the secret instructions, but could not doe it: Our Commissioner when he delivered them to the Clerke to be read, told him, That surely they were papers which he had seene before, and with which he was well acquainted: The former of these, to a lay Elder of every Presbyterie, in which is that seditious Article, being the sixtin number (intimating their feare of the losse of their Civill libertie as well as Christian) he acknowledged he had seene, but denied that he had seene the other. One of the principall covenanting Lords affirmed, That these Instructions were not sent from the Tables, but that they might be some private advices from one friend to another; for prooffe whereof, he offered to produce the two papers of publique Instructions which

which had been sent from their Tables; and which are set down before by Us in this Narration. To this Our Commissioner answered, That the sending of these publike instructions, of which all the Kingdome had notice, was a weake argument to prove that they sent no other private ones; That he acknowledged these private instructions were not sent from their publike Tables, but he offered to prove that they were sent to the severall Presbyteries by the direction of some of the principall rulers of the Tables, who laboured by all means to conceale them from the rest of their party, who they were sure would take offence at them: That they were sent from one friend to another by way of private advice, he declared to be impossible for these two reasons; First, because it could not be imagined that severall men, writing to their private friends, should light upon the same words, and yet that the copies of these instructions sent unto him Our Commissioner from many parts of the Kingdome, very far distant one from another, were the very same: Secondly, because he and every man did finde that all the elections now returned, were made throughout the whole Kingdome according to these private instructions, and in pursuance of them: And, that these private instructions were undoubtedly sent, besides the two reasons last mentioned, it doth evidently appeare; First, because it is well known, that they who had never yet let any thing slip which they thought was advantagious to them, would not have let this passe unquestioned, but would have required Our Commissioner to prove the truth of these secret instructions, which brought so great a scandall upon their proceedings if they were not forged; and so great a scandall upon him if they were: and therefore their not urging of him to make prooffe of them, doth clearly evince their guiltinesse. Secondly, Our Commissioner, though he was loath to nominate unto them those severall Covenanters from whom he received copies of these secret instructions, unlesse he were put to it; yet he hath upon his Honour protested unto Us; that he received them onely by the meanes of Covenanters; who found themselves aggrieved by these sinister dealings;

1.

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and that he will justify the receipt of these papers from them whensoever he shall be put to it, as he would have done in the Assembly if he had been urged thereunto; which he expected they would have done, but did not, because they knew there were divers members of the Assembly there present; who were well acquainted with the truth of what he had delivered concerning these secret instructions. Thirdly, because in their protestation made against Our last Proclamation, they have confessed some of them, which were not in either of their publike instructions, and which never came to Our Commissioners notice; but by these private papers.

3.

After this, first divers of the Lords, and then some of the Ministers, intreated Our Commissioner to stay; adding many words both to that purpose, and for justifying their proceedings. To the Lords Our Commissioner answered, That for many monthes, only their Tables had been obeyed, but that We & Our Councill Table had received no obedience at all; he was therefore now to try their obedience in this point, whether they would dissolve themselves at our special commandement. To the Ministers he replied, That one of the chiefe reasons which had moved Us to dissolve this Assembly, was, to vindicate them from the tyranny of Lay Elders, who as they had gone about to suppress the Bishops, so now to oppresse them; and, if We did not protect them, would undoubtedly prove, not only ruling but over-ruling Elders: And withall added, That if they would now depart he would be a suitor to Us for the indiction of a new free generall Assembly, in which they might mend all the faults committed by them in their proceedings in this.

Here the Earle of Argyle, one of our Councillers and Assessors to Our Commissioner, desired to speake: his voice was low, his speech he directed to the Covenanters; the summe of it was, That he was surpris'd, and did not expect this sudden rupture, but that he was willing to say something, which was, That he held it fit the Assembly should consist of Lay-men as well as Church-men; because these two made up one compleate body, exhorted them to stand

by

by the Confession of Faith, as it was sworn in 1581. After he had done, Our Commissioner desired the Moderator to say prayer, and so to dismisse the Assembly; which hee was about to do, but was hindered by the Lords, who fell againe with new perswasions to urge Our Commissioners stay with them: which he answered with so much expression of griefe for there disdemeanours, which had necessarily enforced this rupture, that very many of the Assembly seemed to bee much moved with it. When nothing could perswade his stay, at last some of the Lords told him, that fearing this rupture they had a protestation ready against what he had said and done, which they desired him to heare read; which so soone as the Clerk begun to read, Our Commissioner repeated his former protestation, adding, in expresse words, that in Our name hee dissolved the Court under the highest paines: and so came out with the Lords of Our Councell, leaving the Clerk reading their protestation. When he came to the Church doore, he found it shut, so that some of his company were glad to force it open.

No sooner was he gone, but the Lord Areskyn, eldest son to the Earle of Marr, stood up and made this wise speech, not without teares: My Lords, and the rest, my heart hath been long with you, I will dallie no more with God, I begge to bee admitted into your blessed Covenant, and pray you all to pray to God for mee, that he would forgive me for dallying with him so long. Three others of meaner quality desired the same, and so all those foure were presently admitted into their Covenant. These men, at least the Lord Areskyn, were resolved to enter into their Covenant long agoe; but were reserved on purpose for doing of it at that houre, for the greater glory of their Covenant: For no sooner had they sworn, and the Moderator received them by the hand, but presently he desired the whole audience to admire Gods approbation and sealing of their proceedings, that even at that instant, when they might have feared some shrinking and back-sliding because of the present rupture, He had moved the hearts of these men to begge admittance into their blessed societie.

Immediatly after, divers stood up and spake, but all much about one, and to this sense: They had seene how carefull and punctuall Our Commissioner was, like a good servant, faithfully to serve Us his Master, and to observe Our instructions (speaking withall much to his singular commendation;) how much more then ought they to be carefull to be found faithfull in following his instructions, who was Master, as to all themselves, so even to him who was Our Commissioners Master? These speeches being ended, two things were immediatly put to the question: First, whether notwithstanding Our Commissioners departure and protestation they would adhere to their owne protestation, and continue the Assembly. They all voiced affirmatively, except the Lord *Carnaegie* Commissioner from the Presbyterie of Brichen, Sir *John Carnaegie* Commissioner from the Presbytery of Arbroath, two Ministers Commissioners from the Presbytery of Strabogie, the Lay-Elder and Ministers Commissioners from the Presbytery of Peebles, Doctor *Strang* Principall of the Colledge of Glasgow, Doctor *Baroune* Commissioner from the Vniversity of S. Andrewes, with some others, who refused to sit with them any longer. The second was whether the Assembly, though discharged by Our Commissioner, was competent Judge to the Bishops, and whether they would go on in their triall, notwithstanding the reasons contained in their Declinator: and this passed affirmatively without one contrary voice; and so for that night the Assembly was dismissed.

Our Commissioner after he had left the Assembly, that very night, though late, assembled Our Councill; none were absent except the Earle of Argyle, who made some excuse and pretence for his not comming, and the Lord Almond, who was then sick. Two things Our Councill resolved on; first, to write unto Vs a letter of thankes for those gracious proffers, which We by Our Commissioner had made at the Assembly; Next, to draw up a Proclamation for the dissolving of the Assembly. Their Letter here followeth.

Most

Most Sacred Sovereigne,

IN obedience to your Majesties Royall commands, we have attended your Majesties Commissioner here at Glasgow since the 17. of this instant, and according to our bound duty in so exigent occasion, have not been wanting with our humble and best advices : And although we doe remit the particular relation of what is past to his Graces self as best known to him; yet we cannot for truths sake be so silent, as not acknowledge to your Majesty, that never servant did with more industry, care, judgement and patience go about the discharge of so great a trust: And albeit the successe hath not answered his desires, neither yet his extraordinary pains, and (as we may confidently affirm) most dexterous & advised courses taken to compasse the just command of so gracious a King; yet his deserving herein merits to be remembered to posterity. And since your Ma^{ty} hath been pleased to renew to us your former act of grace expressed in your Proclamation & Declaration anent the maintenance of the true Religion, and we in the defence and profession therof; we do all in humility and hearty acknowledgment of so great goddness, return to your Ma: the offer of our lives and fortunes in defence of your Sacred person, and maintenance of your Royall authority: & shall in all our actions approve our selves your Ma^{ties} most loyall subjects and humble servants.

Sic subscribitur.

Traquaire, Roxburgh, Marre, Murray, Lithgow, Perth,
Wigtoun, Kingorne, Tullibardin, Haddington, Gallo-
way, Annandaile, Lauderdail, Kinnoul, Dumfreis,
Southesk, Angus, Elphinstoun, Naper, Dalyell, Hay,
W. Elphinstoun, Ja. Carmichael, Hamiltoun, Black-
hall.

From Glasgow, Novem. 28.

1638.

TO this Letter the Lord of Argyll refused to set his hand. Next morning the Proclamation was signed by
Our

Our Commissioner and Councill, but the Earle of Argyll refused to signe it, as before he had done the Letter. The Proclamation here followeth.

CHARLES by the grace of God, King of Scotland, England, France and Ireland, Defender of the Faith. To Our Lovits

Heraulds, Pursevants, Our Sheriffs in that part conjunctly & severally specially constitute, greeting. For sameikle as out of the royall & fatherly care which We have had of the good & peace of this Our ancient and native Kingdom, having taken to our serious consideration all such things as might have given cōtentment to Our good & loyall subjects: And to this end had discharged by Our Proclamatīō the Service Book, Book of Canons, and high Commission, freed and liberate all men from the practising of the five Articles, made all Our subiects both ecclesiasticall & civil liable to the censure of Parliament, generall Assembly, or any other Iudicatory competent, according to the nature and quality of the offence: and for the free entry of Ministers, that no other oath be administrate unto thē then that which is contained in the Act of Parliament had declared all bygone disorders absolutely forgotten & forgiven: and for the more full and cleare extirpating all ground & occasion of fears of innovation of Religion, We had commanded the confession of faith, and band for maintenance therof, and of authority in defence of the same, subscribed by Our deare Father, and his houshold, in anno 1580. to be renewed and subscribed again by Our subjects here: Like as for setting of a perfect peace in the Church & Commonwealth of this Kingdom, We caused indict a free generall Assembly to be holden at Glasgow the 21. of this instant, and thereafter a Parliament in May, 1639. By which clemēt dealing, We looked assuredly to have reduced Our subiects to: their former quiet behaviour & dutiful cariage, wherto they are bound by the Word of God, & Laws both national and municipal, to Vs their native and Sovereign Prince. And albeit the wished effects did not follow, but by the cōtrary, by Our so gracious procedure they were rather emboldened, not only to continue in their stubborne and unlawfull wayes, but also daily adde to their former procedures acts of neglect, & cōtempt of authority, as evidētly appeared by open opposing of Our iust & religious

ligious pleasure and command, exprest in Our last Proclamation a-
 nent the discharge of the Service Book, Book of Canons, high Com-
 mission, &c. protesting against the same, and striving by many indi-
 rect meanes to withdraw the hearts of Our good people, not only from
 a hearty acknowledgement of Our gracious dealing with them, but
 also from the due obedience to those Our just and religious commands,
 notwithstanding We had been formerly so oft petitioned by them-
 selves for the same. By their daily and houely guarding and watch-
 ing about Our Castle of Edinburgh, suffering nothing to be imported
 therein, but at their discretion, And openly stopping and impeding a-
 ny importation of ammunition, or other necessaries whatsoever to any
 other of Our houses within that Kingdome: Denying to Vs their So-
 veraigne Lord that liberty and freedome, which the meanest of them
 assume to themselves, (an act without precedent or example in the
 Christian world.) By making of Convocations and Councell Tables
 of Nobility, Gentry, Burrowes and Ministers within the City of E-
 dinburgh, where not regarding the Lawes of the Kingdome, they,
 without warrant of authority, conveene, assemble, and treat upon mat-
 ters, as well ecclesiasticall as civill, send their injunctions and dire-
 ctions throughout the country to their subordinate Tables, and other
 under-ministers appointed by them for that effect. And under colour
 & pretext of religion exercising an unwarranted & unbounded liber-
 ty, require obedience to their illegall and unlawfull procedures and di-
 rections, to the great & seen prejudice of Authority, and lawfull Mo-
 narchicall government. And notwithstanding it was evidently manifest
 by the illegall & unformall course taken in the election of their Com-
 missioners for the Assembly, whereof some are under the censure of
 this Church, some under the censure of the Church of Ireland, and
 some long since banished for open and avowed teaching against Mo-
 narchy, others of them suspended, and some admitted to the Ministry
 contrary to the form prescribed by the Lawes of this Kingdome, others
 of them a long time since denounced Rebels, and put to the Horn, who
 by all law and unviolable custome and practique of this Kingdome,
 are, and ever have been incapable, either to pursue, or defend before
 any Iudicatory, far lesse to be Iudges themselves; some of them con-
 fined, and all of them by oath and subscription bound to the over-
 throw of Episcopacy. And by this and other their under hand
 working, and private informations and perswasions, have given just
 ground

ground of suspicio of their partiality herein, & so made themselves unfit Judges of what concerneth Episcopacy. And also it was sufficiently cleared by the peremptory & illegall procedures of the Presbyteries, who at their own hand by order of law, & without due forme of processe, thrust out the Moderators lawfully established, & placed others, whom they found most inclinable to their turbulent humors, associat to themselves for the choosing of the said Commissioners for the Assembly, a Laick-Elder out of each Paroch, who being in most places equall, if not moe in number then the Ministry, made choice both of the Ministers, who should be Commissioners from the Presbyteries, as also of a Ruling-Elder; being directed more therein by the warrants from the foresaid pretended Tables, then by their owne judgements, as appears by the severall private instructions sent from them, far contrary to the Lawes of the Countrey, and lovable custome of the Church: by which doings it is too manifest, that no calme nor peaceable procedure or course could have been expected from this Assembly, for settling of the present disorders and distractions: Yet We were pleased herein in some sort to blind-fold Our owne judgement, and overlook the said disorders, and patiently to attend the meeting of the said Assembly, still hoping that when they were met together, by Our Commissioner his presence, and assistance of such other well disposed subjects who were to be there, and by their owne seeing the reall performance of all that was promised by Our last Proclamation, they should have been induced to return to their due obedience of subjects: But perceiving that their seditious disposition still increases, by their repairing to the said Assembly with great bands and troupes of men, all boddin in feare of war, with guns and pistolets, contrary to the laws of this Kingdome, custome observed in all Assemblies, and in high contempt of Our last Proclamation at Edinburgh the 16. of this instant: As also by their peremptory refusing of Our Assessors, authorized by Vs (although fewer in number then Our dearest Father was in use to have at divers Assemblies) the power of Voting in this Assembly, as formerly they have done in other Assemblies, and by their partiall, unjust, and unchristian refusing, and not suffering to be read the reasons and arguments given in by the Bishops, and their adherents, to Our Commissioner, why the Assembly ought not to proceed to the election of a Moderator without the, neither yet to the admitting of any of the Commissioners of the saids Commissioners from Presbyteries

ries, before they were heard object against the same, though earnestly required by our Commissioner in our name; And notwithstanding that our Commissioner under his hand, by warrant from us, gave in a sufficient declaration of all that was contained in our late proclamation and declaration, the same bearing likewise our pleasure of the registration of the same in the books of assembly for the full assurance of the true religion to all our good subjects; And yet not resting satisfied therewith, lest the continuance of their meeting together might produce other the like dangerous acts, derogatory to royall authority, we have thought good, for preveening thereof, and for the whole causes and reasons above-mentioned, and divers others importing the true monarchicall government of this estate, to dissolve and breake up the said assembly. And therefore

 **O**ur Will is, and we doe discharge and inhibit all and whatsoever pretended Commissioners, and other members of the said pretended assembly, of all further meeting and convening, treating and concluding any thing belonging to the said assembly, under the paine of treason, declaring all and whatsoever that they shall happen to do in any pretended meeting thereafter, to be null, of no strength, force nor effect, with all that may follow thereupon: Prohibiting and discharging all our lieges to give obedience thereto, and declaring them, and every one of them, free and exempt from the same, and of all hazzard that may ensue for not obeying thereof. And for this effect we command and charge all the foresaid pretended commissioners, and other members of the said assembly, to depart forth of this city of Glasgow within the space of xxiiii. houres after the publication hereof, and to repaire home to their owne houses, or that they goe about their owne private affaires in a quiet manner. With speciall provision alwaies, that the foresaid declaration, given in under our Commissioners hand, with all therein contained, shall notwithstanding hereof stand full, firm and sure to all our good subjects in all time coming, for the full assurance to them of the true religion. And our Will is, and we command and charge, that incontinent these our letters seen, ye passe, and make publication hereof by open proclamation at the market crosse of Glasgow, and other places needfull, wherethrough none pretend ignorance of the same. Given

under our signet at Glasgow the 29. of November, and of our reign
the fourteenth year. 1638.

Sic Subscribitur

HAMILTOUN,

Traquaire, Roxburgh, Murray, Linlithgow, Perth, Kingorne,
Tullibardin, Hadingtoun, Galloway, Annandaill, Lauderdaill,
Kinnoull, Dumfreis, Southesk, Belheaven, Angus, Dalzell, J. Hay,
W. Elphinstoun, Ja. Carmichael, J. Hamiltoun.

THis Proclamation being very solemnly made with
sound of Trumpets, and by Harolds, with coats of
Our arms on their backs, at the market Crosse of *Glasgow*,
was received with a Protestation read in the same place by
Iohnston the then Clerk of the Assembly, assisted by the Lord
Areskyn, and divers others, young Noblemen, and Gentle-
men. The paper which *Iohnston* read, was not, as it seemeth,
that very Protestation which they printed, for he read some-
thing out of a paper to that purpose, and offered it by the
name of a Protestation to him who read Our Proclamati-
on, which paper the Clarke of our Councell offering to re-
ceive, *Iohnston* refused to deliver it, saying, He must stay un-
till it were written. By which it is evident, that they who at
Glasgow protested against Our Proclamation, did protest and
desired their Protestation to be received, before it was pen-
ned, as it is now printed, and before they could so much as
send to them in whose name it was made, to know whe-
ther they would adhere to it or not. But a Protestation a-
gainst it they have since printed, which here now we doe
subjoyne, that the reader may see how groundlesse and un-
warrantable it is.

The Protestation of the generall Assembly of
the Church of SCOTLAND, &c. Made in the high
Kirk, and at the Market Crosse of *Glasgow*,
Novemb. 28. and 29. An. 1638.

VVE Commissioners from Presbyteries, Burghes, and
Universities, now conveened in a full and free Assem-
bly of the Church of Scotland, indicted by his Majesty, and gathe-
red

red together in the Name of the Lord Jesus Christ the only Head, and Monarch of his own Church; And we Noblemen, Barons, Gentlemen, Ministers, Burgeses and Commons, Subscribers of the Confession of Faith, Make it knowne that where We His Majesties loyall Subjects of all degrees, considering and taking to heart the many and great innovations and corruptions lately by the Prelates and their adherents intruded into the doctrine, worship, and discipline of this Church, which had been before in great purity to our unspeakable comfort established amongst us, were moved to present many earnest desires and humble supplications to his sacred Majestie, for granting a free generall Assemblie, as the only legall and ready meane to try these innovations, to purge out the corruptions, and settle the order of the church, for the good of Religion, the honour of the King, and the comfort and peace of the Kirk and Kingdome: It pleased his gracious Majestie, out of his Royall bountie, to direct unto this Kingdome, the Noble and Potent Lord, James Harques of Hammiltoun, with Commission to bear and redresse the just grievances of the good Subjects, who by many petitions, and frequent conferences, being fully informed of the absolute necessity of a free generall Assemblie, as the only Iudicatorie which had power to remedie those evils, was pleased to undergoe the paines of a voyage to England, for presenting the pittifull condition of our Church to his sacred Majestie; And the said Commissioner his Grace returned againe in August last, with power to indict an Assemblie, but with the condition of such prelimitations, as did both destroy the freedome of an Assembly, and could no wayes cure the present diseases of this Church; which was made so clearly apparent to his Grace, that for satisfying the reasonable desire of the Subjects, groaning under the wearinesse and prejudices of longsome attendance, He was againe pleased to undertake another journey to His Majestie, and promised to indeavour to obtain a free Generall Assemblie, without any prelimitation, either of the constitution and members, or matters to be treated, or manner, and order of proceeding; so that if any question should arise concerning these particulars, the same should be cognosced, judged, and determined by the Assembly as the onely Iudge competent: And accordingly by warrant from our Sacred Sovereigne, returned to this Kingdome, and in September last, caused indict a free Generall Assemblie to be holden at Glasgow, the 21. of November instant, to the unspeakable ioy of all good Subiects and Christian hearts, who thereby did expect the perfect satisfaction of

their long expectations; and the finall remedie of their pressing grievances: But these hopes were soone blasted: for albeit the Assemblie did meet and begin at the appointed day, and bath hitherto continued, still assisted with His Graces personall presence, yet His Grace bath never allowed any freedome to the Assemblie, competent to it by the Word of God, acts and practice of this Church, and his Majesties Indiction, but bath laboured to restraine the same, by protesting against all the acts made therein, and against the constitution thereof by such members, as by all law reason and custome of this Church were ever admitted in our free Assemblies, and by denying his approbation to the things proponed and concluded, though most cleare, customable, and uncontraverted.

And now since his Grace after the presenting and reading of his owne commission from our sacred Sovereigne, and after his seeing all our commissions from Presbyteries and Burghes produced and examined, and the Assembly constitute of all the members by unanimous consent, doth now to our greater grieffe, without any just cause or occasion offered by us, unexpectedly depart and discharge any further meeting, or proceeding in this assemblie, under the paine of treason; and after seven dayes sitting, declare all Acts made, or hereafter to be made in this Assemblie, to be of no force nor strength; and that for such causes as are either expressed in his Maiesties former proclamations, (and so are answered in our former protestations) or set downe in the declinatour, and protestation presented in name of the Prelats, (which are fully cleared in our answer made thereto) or else were long since proponed by the Commissioner his Grace in his eleven articles or demands sent unto us, before the indiction of the Assembly (and so were satisfied by our answers, which his Grace acknowledged, by promising after the receipt thereof to procure a free generall assembly, with power to determine upon all questions, anent the members, manner, and matters thereof,) all which for avoiding tediousnesse we here repeat: Or otherwise the said causes alleadged by the Commissioner, were proponed by His Grace, in the Assemblie; such as first, that the Assemblie refused to reade the Declinatour and Protestation exhibited by the Prelats, which nevertheless was publickly read and considered by the assemblie, immediately after the election of a Moderatour and constitution of the Members, before the which, there was no assemblie established, to whom the same could have been read: Next, that ruling Elders were permitted

to have voice in the election of commissioners from Presbyteries, which was knowne to His Grace, before the indictment and meeting of the assembly, and is so agreeable to the acts and practice of this Church, inviolably observed before the late times of corruption, that not one of the assembly doubted thereof, to whom by the indictment and promise of a free assembly, the determination of that question, anent the members constituent propertie belonged.

And last, that the voices of the six Assessors, who did sit with His Grace, were not asked and numbered, which we could not conceive to be any just cause of offence, since after 39. Nationall assemblies of this reformed church, where neither the Kings Majestie, nor any in his name was present, at the humble and earnest desire of the assembly, His Majestie graciously vouchsafed His presence either in His owne Royall Person, or by a Commissioner, not for voting or multiplying of voices, but as Princes and Emperours of old, in a Princely manner to countenance that meeting, and to preside in it for externall order; and if Wee had been honoured with His Majesties Personall presence, His Majestie (according to the practice of King James of blessed memorie) would have onely given his owne Iudgement in voting of matters, and would not have called others who had not been cloathed with commissiion from the church to carry things by pluralitie of voices.

Therefore in conscience of our duty to God and his truth, the King and his honour, the Church and her liberties, this Kingdome and her peace, this Assemblie and her freedome, to our selves and our safety, to our Posterity, Persons and Estates, We professe with sorrowfull and heavie, but loyall hearts, That We cannot dissolve this Assemblie, for the reasons following.

1. For the reasons already printed anent the necessity of conveening a Generall Assemblie, which are now more strong in this case, seeing the Assemblie was already indicted by his Majesties authority, did conveene, and is fully constitute in all the members thereof, according to the Word of God, and discipline of this church, in the presence and audience of his Majesties Commissioner, who hath really acknowledged the same, by assisting therein seven dayes, and exhibition of His Majesties Royall Declaration, to be registrate in the Bookes of this Assemblie, which accordingly is done.

2. For the reasons contained in the former Protestations made
in

in name of the Noblemen, Barons, Burgesſes, Miniſters, and Commons; whereunto We doe now iudicially adhere, as alſo unto the Confefſion of Faith & covenant, ſubſcribed & ſworn by the Body of this Kingdome.

3. Becauſe as We are obliged by the application and explication ſubioyned neceſſarily to the Confefſion of Faith ſubſcribed by Vs; So the Kings Maieſtie, and his Commiſſioner, and Privie Councell, have urged many of this Kingdome to ſubſcribe the Confefſion of Faith made in an. 1580. and 1590. and ſo to returne to the doctrine and diſcipline of this Church, as it was then profefſed: But it is cleare by the doctrine and diſcipline of this Church, contained in the book of Policie then regiſtrate in the books of Aſſembly, & ſubſcribed by the Presbyteries of this Church, That it was moſt unlawfull in it ſelfe, and preiudiciall to theſe priviledges which Chriſt in his Word hath left to his Church, to diſſolve or breake up the Aſſembly of this Church, or to ſtop and ſtay their proceedings in conſtitution of Aets for the welfare of the Church, or execution of diſcipline againſt offenders; and ſo to make it appeare, that Religion and Church government ſhould depend abſolutely upon the pleaſure of the Prince.

4. Becauſe there is no ground of pretence either by Aet of Aſſembly, or Parliament, or any preceding practice, whereby the Kings Maieſtie may lawfully diſſolve the Generall Aſſembly of the Church of Scotland, far leſſe His Maieſties Commiſſioner, who by his commiſſion hath power to indict and keep it, ſecundum legem & praxim: But upon the contrarie, His Maieſties prerogative Royall, is declared by Aet of Parliament, to be no wayes preiudiciall to the priviledges and liberties, which God hath granted to the ſpirituall office-bearers, and meetings of this Church; which are moſt frequently ratified in Parliaments, and eſpecially in the laſt Parliament holden by His Maieſtie himſelf: which priviledges and liberties of the Church, his Maieſtie will never diminiſh or infringe, being bound to maintain the ſame in integrity by ſolemn oath given at his Royal Coronation in this Kingdome.

5. The Aſſemblies of this Church have ſtill inioyed this freedom of uninterrupted ſitting, without or notwithstanding any contramand, as is evident by all the Records thereof; and in ſpeciall by the generall Aſſembly holden in anno 1582. which being charged with letters of Horning by the Kings Maieſtie his Commiſſioner and Councell, to ſtay their proceſſe againſt Maſter Robert Montgomerie, pretended Biſhop of Glasgow, or otherwiſe

to dissolve and rise, did notwithstanding shew their liberty and freedom, by continuing and sitting still, and without any stay, going on in that processe against the said Master Robert, to the finall end thereof: And thereafter by letter to his Maiesty, did shew clearly, how far his Maiesty had been uninformed, and upon misinformation, preiudged the prerogative of Jesus Christ, and the liberties of this Church, and did enact and ordain, that none should procure any such warrant or charge under the pain of excommunication.

6. Because now to dissolve, after so many supplications and complaints, after so many reiterated promises, after our long attendance and expectation, after so many referēces of proceses from Presbyteries, after the publick indictment of the Assembly, and the solemn Fast appointed for the same, after frequent Convention, formall constitution of the Assembly in all the members thereof, and seven dayes sitting, were by this act to offend God, contemne the Subjects petitions, deceive many of their conceived hopes of redress of the calamities of the Church and Kingdome, multiply the combustions of this Church, and make every man despair hereafter ever to see Religion established, Innovations removed, the Subiects complaint respected, or the offenders punished with consent of authority, and so by casting the Church loose and desolate, would abandon both to ruine.

7. It is most necessary to continue this Assembly for preveening the prejudices which may ensue upon the pretence of two Covenants, whereas indeed there is but one, That first subscribed in 1580. and 1590. being a Nationall covenant and oath to God, which is lately renewed by Vs, with that necessary explanation, which the corruptions introduced since that time contrary to the same, inforced: which is also acknowledged by the Act of councell in September last, declaring the same to be subscribed, as it was meant the time of the first subscription: And therefore for removing that shame, and all prejudices which may follow upon the show of two different covenants & confessions of Faith in one Nation, The Assembly cannot dissolve, before it try, finde and determine, that both these covenants, are but one and the self same covenant: The latter renewed by us, agreeing to the true genuine sense and meaning of the first, as it was subscribed in Anno 1580.

For these and many other reasons, We the Members of this assembly,

blie;

blie, in our owne name, and in the name of the Kirk of Scotland, whom We represent; and We Noblemen, Barons, Gentlemen, Ministers, Burgeses, and Commons before mentioned, doe solemnly declare in the presence of the everliving God, and before all men; And protest,

1. That our thoughts are not guilty of any thing which is not incumbent to us, as good Christians towards God, and loyall Subjects towards our sacred Sovereigne.

2. That all the Protestations generall or particular, proponed or to be proponed by the commissiонер his Grace, or the Prelates and their adherents, may be presently discussed before this generall Assemblie, being the highest Ecclesiasticall judicatorie of this Kingdome: and that his Grace depart not till the same be done.

3. That the Lord commissiонер depart not, till this Assemblie doe fully settle the solide peace of this church, cognoscing and examining the corruptions introduced upon the doctrine and discipline thereof: and for attaining hereof, and removing all just exceptions which may be taken at our proceedings, we attest GOD the searcher of all hearts, that our intentions, and whole proceedings in this present assemblie, have beene, are, and shall be according to the word of GOD, the lawes and constitutions of this church, the confession of faith; our nationall oath, and that measure of light, which GOD the father of light shall grant us, and that in the sincerity of our hearts, without any preoccupation or passion.

4. That if the Commissiонер his Grace depart, and leave this church and kingdome in this present disorder, and discharge this assemblie, that it is both lawfull and necessary for Vs to sit still and continue in keeping this present Assembly, indicted by His Majestie, till we have tryed, judged, censured all the bygone evils, and the introducers, and provided a solide course for continuing Gods truth in this land with purity and liberty, according to his Word, our oath and Confession of Faith, and the lawfull constitutions of this Church, and that with the grace of God, We and every one of Vs adhering hereunto, shall sit still and continue in this Assembly, till after the finall settling and conclusion of all matters, it be dissolved by common consent of all the members thereof.

5. That this Assembly is and should be esteemed and obeyed, as
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a most lawfull, full and free generall Assembly of this Kingdome: And that all acts, sentences, constitutions, censures and proceedings of this assemblie, are in the selfe, and should be reputed, obeyed, and observed by all the Subjects of this Kingdome and members of this Church, as the actions, sentences, constitutions, censures, and proceedings of a full and free generall assembly of this Church of Scotland, and to have all ready execution, under the Ecclesiasticall paines contained, or to bee contained therein, and conforme thereto in all points.

6. That whatsoever inconvenience fall out, by impeding, molesting, or staying the free meeting, sitting, reasoning, or concluding of this present assembly, in matters belonging to their judicatorie, by the word of God, lawes and practice of this Church, and the Confession of Faith, or in the observing and obeying the acts, ordinances and conclusions thereof, or execution to follow thereupon, That the same be not imputed unto us, or any of us, who most ardently desired the concurrence of his Majesties Commissioner to this lawfull assembly; But upon the contrary, that the Prelats and their adherents, who have protested and declined this present assemblie, in conscience of their owne guiltinesse, not daring to abide any legall tryall, and by their mis-information have moved the Commissioner his Grace to depart and discharge this assemblie, be esteemed, repute, and holden the disturbers of the peace, and overthrowers of the liberties of the Church, and guiltie of all the evils which shall follow hereupon, and condignely censured according to the greatnesse of their fault, and acts of the Church and Realme: And to this end, Wee againe and againe doe by these presents cite and summon them, and everie one of them, to compeere before this present generall assembly, to answer to the premises, and to give in their reasons, defences, and answers against the complaints given in, or to bee given in against them, and to beare probation led, and sentence pronounced against them, and conforme to our former cytations, and according to Justice, with certification as effects; Like as by these presents We summon and cyte all those of his Majesties Councell, or any other, who have procured, consented, subscribed, or ratified this present Proclamation to be responsable to his Majesty and three Estates of Parliament, for their counsell given in this matter, so highly im-

porting his Majestie, and the whole Realme, conforme to the 12. art. King James 4. Parliament 2. And protest for remedy of law against them, and every one of them.

7. And lastly wee protest, that as wee adhere to the former protestations all and every one of them, made in the name of the Noblemen, Barons, Gentlemen, Ministers, Burghes, and Commons; So seeing wee are surpris'd by the Commissioner his Graces sudden departing, farre contrary to his Majesties indiction, and our expectation, wee may extend this our protestation; and adde more reasons thereunto in greater length and number, whereby wee may fully cleare before God and man the equitie of our intentions, and lawfulnessse of our proceedings: And upon the whole premises the foresaid persons for themselves and in name aforesaid, asked Instruments. This was done in the high Church of Glasgow in publike audience of the Assembly, begunne in presence of the Commissioner his Grace; who removed and refused to heare the same to the end, the twenty eighth day of November: and upon the Mercate Crosse of Glasgow, the twentieth day of the said Moneth, the yeere of GOD 1638. respectivè.

THE Reader shall not need to looke after much reason in this protestation; for if he doe, he will be sure to lose his labour. Much is repeated in it, of that which hath bene delivered in their former petitions and protestations; all which shall now be passed by: what is new in it, the Reader shall doe well to cast his eye upon that, taking along with him this advertisement, That there is little or indeed nothing in it new, which is true. Towards the beginning you finde the Protestation made, not onely in the name of the generall Assembly, but in the name of the Noblemen, Barons, Gentlemen, Ministers, Burgeses, and Commons, Subscribers of the Confession of Faith: Now how this Protestation could be made at Glasgow in their names, who at that time neither were acquainted nor possibly could be acquainted with what passed at Glasgow, being in the severall parts of the Kingdome so farre distant from

it, and many parts having no Commissioners there, except those that were in the Assembly, Wee leave it to the Readers consideration. They affirme not many lines after, That it was made cleare to Our Commissioner, that the assembly which he meant to indict in August, was clogged with such prelimitations, that he undertooke another journey to Vs, and promised to endeavour to obtaine a free generall assembly without any prelimitation, &c. All which is so farre from truth, as nothing can be more; for he did never desire the assembly to be prelimited; for they themselves by their instructions both publique and private did prelimitate it, he did onely desire, that (according to the usuall custome before Assemblies) some previous meeting and consultation might be held concerning the formes of the Assembly; which might very well have been forgot, there having been no Assembly held for many yeeres before. Againe, in the last words at the end of the first section, one would wonder how any man could have the boldnesse to affirme, That this their Assembly was constituted of such members, as by all law, reason, and custome of that Church were ever admitted in their free Assemblies, since they in their own conscience doe know that there is no law extant for lay-Elders having voice in generall Assemblies: And if there be no law for it, We appeale to the judgement of every man indued with reason, whether there can be any reason found for it, and whether if such a proposition were to be propounded, and to passe into a law, he would give his voice unto it if he had power so to do, That lay-men (especially many of them, being ignorant and mechanicall persons) should sit in the highest Ecclesiasticall Judicatorie, and by their voices determine points of faith, and other highest points of doctrine, and to inflict the highest censures of the Church, even excommunication and deprivation, not onely of Ministers, but of Bishops, especially when in an Assembly the number of the lay-voices shall be equall or very neere equall to those of the Clergie, So that it may fall out, that the voices of the lay-men, having the voices but of twenty or thirtie Clergie men concurring with them in opinion, may carrie the determination of the highest point

point of doctrine against the rest of the Clergie, and those perhaps the holiest, ablest, and most learned, though their number exceed a hundred. Sure if such a proposition were to be past into a law, few voices would be found to enact it; and therefore if there be no law for it already (as undoubtedly there is none) they might have done well not to have talked of reason for it: And that which they averre of the custome of that Church, is as untrue as what they said either of law or reason: for We demand if there have been never a free Assembly in Scotland these last forty yeeres? Sure they will confesse there hath been; and yet in none of these, lay-Elders chosen by and sent from Presbyteries had voices in these Assemblies: nay, since the first Reformation, hath there been any free generall Assembly in that Kingdome? No question they will say there hath; and yet We challenge them to name but any one Assembly before this, in which the Ministers chosen Commissioners to it from the severall Presbyteries, were chosen by the voices and suffrages of lay-Elders: so that for that point it is impossible they should alledge either law, reason, or custome, or so much as any one instance; and yet the elections of all the Ministers present at this Assembly were carried by the voices of lay-men, and in many places in despite of the Ministers.

A little after the beginning of the second section they doe affirme that which they themselves doe know not to be so; for when they say that Our Commissioner *did unexpectedly depart and discharge any further meeting or proceeding in this Assembly*, how can that stand with the words of the Earle of Rothes, who when Our Commissioner was rising and departing out of the assembly, told him, that his departure and discharging of the assembly was a thing not unlooked for, but expected by them; and therefore they were provided for him, and had a Protestation ready written against his discharging of the assembly, which he desired him to heare (as is before mentioned?) But Our Commissioner refusing, the Clerke presently begun to reade it, and Our Commissioner and Councill at their departure left them reading it, and after
his

his departure it was read out to the end, and presently put to voices whether all the members of the assembly would adhere to it; and the very Title page of their Protestation affirmeth, that it was first read in the high Church, and afterward at the Market-crosse of Glasgow: Besides, the Moderatour made a speech to Our Commissioner upon his departure, which none of the auditors did conceive to be extemporarie; for when it was compared with any other speeches of his, delivered at any other time of the Assembly, it was agreed that it was so much better penned or premeditated and delivered then any of the rest of his speeches, that certainly it was provided against Our Commissioners departure; and yet these men protest, that Our Commissioners departure and discharging of the Assembly was to them altogether unexpected, when they knew that they had carried themselves, and meant to carry themselves so, that it was impossible but that he should discharge the Assembly. A great marke of the sinceritie of their proceedings.

That which immediately after they adde, That *they have fully cleared in their answer to the Bishops Declinator all the arguments contained in it against the assembly, as also those propositions made by Our Commissioner in his 11. Articles or Demands, sent unto them before the indiction of the Assembly, and that Our Commissioner acknowledged so much,* is all of equall untruth with the former; for neither have they satisfied the Bishops reasons propounded in their Declinator, nor gave they any satisfaction to Our Commissioner his eleven Articles or Demands: and that Our Commissioner acknowledged that hee had received satisfaction to them is so manifest an untruth, as they themselves doe know there is no colour for it: They affirme within a few lines after, that *Our Commissioner did know, before the indiction of the Assembly, that ruling Elders were to have voices in the election of Comissioners from Presbyteries:* He did know it indeed, but could not tell how to helpe it; and so soone as he did know it, which was immediately before the indiction of the Assembly, he did sharply expostulate it with them, and assured them, that it would

would induce a nullitie upon the elections made to the Assembly; That We would never allow any for members of the Assembly who were so chosen; That he had notice of this their intention by the complaints of many covenanting Ministers, who were resolved to protest against all such elections, but that he did know of any such elections with approbation of them, cannot be charged upon him. And whereas they say, that these elections *are agreeable to the acts and practice of that Church*, they have received already a sufficient challenge to make that good, which undoubtedly they cannot: And where they adde, that *not one of the Assembly doubted thereof*, it is well knowne that some of the Ministers of Edinburgh, and many more Ministers of the Assembly did grieve at it, but did not know how to remedy it.

The whole third Section is so derogatorie to Our Royall authoritie, and indeed doth so unworthily debase the authoritie of Monarchs, as it is not to be answered any way but by justice: for it giveth no more power to Us, if We had bene present and sitting at the Assembly at Glasgow, then *Thomas Patterson* a Taylor of Edinburgh had, who sate Commissioner there.

After, they subjoine some reasons for their Protestation: In the first, they affirme that the Assembly was constituted by the word of God; but they doe not prove it, and sure never will. Then they affirme, that Our Commissioner acknowledged the lawfulnessse of their *Assembly, by assisting therein seven dayes*; but they conceale that he solemnely protested, and entred his particular protestation against every thing they said or did in it; and if hee who protesteth against a thing, may be said to acknowledge the lawfulnessse of it, then it may be that they themselves doe acknowledge the justice and equitie of all Our Proclamations, and Our power and authoritie in discharging of this Assembly, notwithstanding all their Protestations made against these. And for Our Commissioner his *exhibition of Our Royall Declaration to be registred in the Bookes of this Assembly*, let the Reader remember the Protestatiō before mentioned, which Our Commissioner made when

when he did so, and that scruple is quickly removed.

Their second and third reasons are of their own fancies : They have lately sworne so, and to that sense they have explicated their Covenant, therefore it must so : But they did wrong in both, and therefore none must follow them in either, for every Oath unlawfully taken is unlawfully kept.

Their fourth reason hath not one true word in it, for there is Law for Our authority to dissolve the Assembly, there being an expresse Act of Parliament which giveth Us the sole power of indicting of an Assembly, *viz.* the first act of the 21. Parliament of Our Royall Father : and sure, *ejusdem est destituere cujus est instituere*, whosoever hath the power of indicting hath the power of dissolving. They adde that there is no preceding practice for it. We wonder they can or dare affirme it : Did not Our Royall Father discharge that Assembly at Aberdene ? and when some few turbulent Ministers did notwithstanding hold it, were they not convented before the Lords of his Councell for it ? who undoubtedly had punished them most severely, if by their declining of the Councells authority, and appealing to a Generall Assembly, they had not falne into an act of treason, and so by Our Councell were turned over to the Judges in criminall causes ; before whom, by a Jury or Assise, they were found guilty of treason, for that act of declining Our Royall Father and his Councells authority, all which we touched a little before. And that by claiming Our power to indict or dissolve the Assemblies of the Church, We doe infringe the priviledge and liberties of the Church, or doe any act not consistent with the Oath which VVe tooke at Our Coronation in that Kingdome, as is suggested in this fourth reason, is most falsly and most seditiously affirmed, only for drawing away of the hearts of Our good subjects from Us and our government. The Act of Parliament for Our sole power of indicting Assemblies here followeth.

A ratification of the Acts and conclusions set downe and agreed upon in the generall Assembly of the Church, kept in Glasgow in the moneth of June 1610 together with an explanation made

made by the Estates, of some of the Articles of the same.

C H A P. I.

The act is long and hath many branches, We only recite two: First, it confirms that Act of the Assembly, which acknowledgeth the indiction of the generall Assembly of the Church, to appertaine to his Majesty by the prerogative of his Royall Crown: and in the last branch of the act, Our Royall Father and the three Estates doe annull and rescind the 114. Act of the Parliament held in Anno 1592. which did give some power to the generall Assembly, in some cases, of themselves to indict a new Assembly.

Their fifth reason containeth an instance of an Assembly that would not stay a Proceffe which they had intended against Archbishop Montgomery the Archbishop of Glasgow, nor yet dissolve it selfe, notwithstanding they were charged by Our Royall Father and his Councell with Letters of Horning and Rebellion to doe one of the two: An excellent argument, Because one Assembly did wickedly, and that which they could not doe, we must doe so likewise; as if many yeeres hence, an Assembly being charged by one of Our Successours to dissolve, should not obey, but alledge for their defence, That this Assembly of Glasgow would not dissolve it selfe, notwithstanding the members thereof were charged by Us to doe so under paine of treason; as if one unjust act could justifie another. But they should doe well to remember, that those who did but offer to hold an Assembly at Aberdene, after it was discharged by Our Royall Father, were first convented before his Councell, and afterwards severely punished for it.

In their sixth reason there is no Reason to be found.

In their seventh reason they alledge, that they cannot rise untill they have found Our Covenant and theirs to be all one. If by their Covenant they meane the Confession of Faith and Covenant annexed, which was first enjoyned by Our Royall Father, and twice afterward by his authority renewed, then they needed not to have sit one hour longer for finding of that; for any man that can read may finde

the words and syllables of both, to be the very same without the least alteration : But if by their Covenant they doe understand their explications, additions, and glosses which destroy and corrupt the verie text of the first Covenant, then certainly they should not have risen yet, nor could have risen untill the end of the world; for they will never finde that these corrupt glosses, and apocryphall additions of their owne, can consist with Our Royall Father his Confession and Covenant, upon which they pretend they ground their owne. Besides; as shall presently appeare, they have discharged all men to subscribe the Confession and Covenant commanded by Our authoritie; which Wee suppose they would not have done if they had found them to be one; and therefore if they be men of their words, they should have sate still and not risen yet, because as yet they have not found them to be one.

After their seven reasons they adde seven protestations of the same piece with their reasons : The first, third, fourth, and fifth are not worth the reading, for they conteine nothing but their usuall tautologies and taking the sacred name of God in vaine. In the second, and latter end of their sixth reason, there is so much boldnesse expressed, as could never have beene expected from any men who had been acquainted with the names of King, Law, Authoritie, or Government : For who ever heard that subjects durst require their Kings Commissioner not to depart out of the Assembly, when he himselfe had pleased, although he had not been commanded by Us so to doe ? what greater command could they have laid upon the meanest member of the Assembly then this, by which they affronted Our Commissioner and in him Us and Our authoritie ? But their citation of Our Councell, who signed Our Proclamation, to appeare as offenders before Us and Our three Estates of Parliament, (which by the way Wee wonder how they can bee made up without Bishops) and to answer the subscription of Our Proclamation as a crime, is a boldnesse that calleth more for admiration then refutation. They cite for this their doing the twelfth act of the second Parliament of Our Royall Progenitor JAMES the

fourth. Wee wondered that in his dayes there should be any warrant found for the allowing the members of a generall Assembly in any thing, in whose time a generall Assembly had no existence: but when we looked upon the act, we wondered much more; for there is not so much as any word to bee read there, which can bee drawne to any shew of construction that way. That act attributeth rather too much to Privie Councillours, then diminisheth them; so that upon perusall of the act, We were almost inforced to excuse them, and lay the fault upon the Printer, who had mistaken the cytation, untill Wee remembred that in their cytations both of other acts of Parliament, and many passages of holy Scripture, they are as farre out as in this, hoping (belike) that the Reader would never peruse them. That which they affirme about the middle of the sixth Protestation, that the Prelates moved Our Commissioner to dissolve the Assembly, We must averre upon Our owne knowledge to be farre otherwise; for he did it by Our speciall commandement, when none of the Prelates were neere Us to give Us any such advice. Their seventh Protestation is usuall with them, and therefore now not to be taken notice of.

And now when the Reader hath perused both Our Proclamation for the dissolving of that Assembly, and their Protestation against that Our Proclamation, and hath well weighed all the precedent first violences, and then jugglings for their obtayning of such persons onely to be elected, as should be sure to stand for such conclusions as they had resolved upon at their Tables at Edinburgh, We doe leave it to the judgement of every man to consider whether Wee could any longer continue that Assembly without indangering Our owne Royall authoritie, which they intended to supplant, and betraying into the hands and power of their sworne and combined enemies the Bishops of that Church, who never declined, nor yet doe decline the tryall of a generall Assembly lawfully constituted.

They did long call for a free generall Assembly; Wee granted them one most free on Our part, and in Our in-

intentions : But as they have handled and marred the matter, let God and the World judge whether the least shadow or footstep of freedome can in this assembly of theirs be discerned by any man who hath not given a Bill of divorce both to his naturall light, that is, his Understanding, and to his connaturall light, that is, his Conscience. It is a great errour to conceive, that libertie and limitation are destructive one of another : for that freedome which admitteth no bounds and limits, is not libertie but licentiousnesse: When therefore they talked of a free generall assembly, We tooke it as granted that they meant not an assembly in which every one both in the necessarie preparations preceding it, and in the necessary proceedings in it, might say and doe what he would ; but such an assembly, in which no man having interest, should be barred either in the proceedings to it, or proceedings in it, of that libertie which the lawes or customes of that Kingdome and Church in which that assembly was convoked, doe allow him : which two bounds whosoever shall transgresse, though they pretend libertie and freedome, yet in all true intendment and construction, they must be taken either for professed and common, or clandestine enemies to the freedome of that assembly. What wresting and wringing was used in their last Protestation made at Edinburgh, to charge Our gracious Proclamation with prelimitations, is known; and it was detested by many even of their owne Covenant. Whether their courses, especially in the elections of the members of this assembly, were not onely prelimitations of it, but strong barres against the freedome of it, and such as did utterly destroy both the name and nature of a free assembly, inducing upon it many and maine nullities, besides the reasons contained in the Bishops Declinator, let these few particulars declare.

First, whereas they refused so much as to heare from Our Commissioner of any precedent treatie for repairing and right ordering of things before the Assembly, alledging that it could not be a free Assembly where there was any consultation before, either concerning the chusers, or those to be

chosen, or things to be discussed in the Assembly, but that all things must be treated of upon the place, else the Assembly must needs be prelimited. Whether they did not transgress in all these particulars is easie to be discerned: For besides these instructions, which it may be are not come to Our knowledge, We have seen, and Our Commissioner at the Assembly did produce foure severall papers of instructions, sent from them, who call themselves the Table, all of them containing prelimitations, and such as are repugnant not onely to that which they called the freedom, but to that which is indeed the freedom of an Assembly: Two of these papers were such as they were content should be communicated to all their associates, *viz.* that larger paper sent abroad to all Presbyteries, before or about the time of Our indiction of the Assembly; and that lesser paper for their meeting first at Edinburgh, then at Glasgow some few dayes before the Assembly, and for chusing of assessors; These two papers Our Commissioner delivered not into the assembly, because they did publicly avow them: But their other two papers of secret instructions were directed, not from the Table publicly, but under-hand, from such as were the prime Leaders of the rest; The one of them was delivered or sent onely to one Minister of every Presbyterie whom they trusted most, and was onely to be communicated to such as he might be confident of, and was quite concealed from the rest of the Ministers, although Covenanters: The other paper was directed onely to one lay-Elder of every Presbyterie, to be communicated as he should see cause, and to be quite concealed from all others: These are the two papers which before you heard were delivered by Our Commissioner into the assembly, and they did containe directions, which being followed (as they were) did banish all freedom from this assembly; as doth appear before, by the reading of the papers themselves.

2. The second: Some Presbyteries did chuse their Commissioners before the assembly was indicted, and therefore those Commissioners could not lawfully have any voice there.

The

The third: Neither lay-Elder, nor Minister chosen Commissioner by lay-Elders, could have voice in the Assembly, because such elections are not warranted by the lawes of that Church and Kingdome, nor by the practice and custome of either; for even that little which seemeth to make for their lay-Elders, is onely to be found in these bookes, which they call the bookes of Discipline, which were penned by some private men, but never confirmed either by Act of Parliament, or Act of generall assembly; and therefore are of no authoritie: And yet in these elections they did transgresse even the rules of these bookes, there being more lay-Elders who gave voices at every one of these elections, then there were Ministers; contrary to their bookes of Discipline, which require that the lay-Elders should alwaies be fewer. But say there were an Ecclesiasticall order or law for these lay-Elders, yet the interruption of that order for above fortie yeeres, maketh so strong a prescription in that Our Kingdome against it, as that without a new reviving of that law by some new order from the generall assembly, it ought not againe to have been put in practice: For if We should put in practice and take the penalties of many dis-used lawes, without new intimation of them, it would be thought by Our subjects hard usage.

The fourth: In many Presbyteries these lay-Elders disagreed wholly in their election from chusing those Ministers whom their owne fellow-Ministers did chuse, and carried it from them by number of voices, although in all reason the Ministers should best know the abilities and fitnesse of their brethren.

The fifth: These men elected as lay-Elders to have voices in this assembly, could not be thought able and fit men, since they were never Elders before, all or most of them being newly chosen; some of them were chosen lay-Elders the very day before the election of the Commissioners to the assembly, which sheweth plainly they were chosen onely to serve their associates turne.

The sixth: Since the institution of lay-Elders by their own principles

principles is to watch over the manners of that people in that Parish wherein they live, how can any man be chosen a Ruling-Elder from a Presbyterie, who is not an inhabitant within any Parish of the precinct of that Presbyterie? And yet divers such, especially Noblemen, were chosen as lay-Elders Commissioners from Presbyteries, within the precincts whereof they never were inhabitants, against all sense or reason, even upon their owne grounds.

7. The seventh: They can shew neither law nor practice for choosing assessors to the Ruling-Elders, without whose consent they were not to give voice to any thing in the Assembly.

8. The eight: The introducing of lay-Elders is a burthen so grievous to the Ministers, as that many Presbyteries did protest and supplicate against them, and many Presbyteries (though they were in a manner forced to yeeld to it then) yet did protest against it for the time to come.

9. The ninth: In the election of Commissioners to this assembly, for the most part the fittest men were passed by, and few chosen who ever were Commissioners at any assembly before: the reason was, they conceived that new men would not stand much for their owne libertie in an assembly, of the liberties whereof they were utterly ignorant: Besides, some were chosen who were under the censures of the Church, some who were deprived by the Church, some who had been expelled out of the Universitie for reading to their Scholars against Monarchicall government, some who had been banished out of that Kingdome for their seditious Sermons and behaviour, some who for the like offences had been banished out of Ireland, some who were then lying under the sentence of excommunication, some who then had no ordination or imposition of hands, some who had lately been admitted to the Ministerie, contrarie to the standing lawes of that Church and Kingdome, and all of them were chosen by lay-Elders: Now what a scandall were it to the Reformed Churches, to allow this to be an assembly, which did consist of such members, and so irregularly chosen?

The

The tenth: Divers members of this Assembly, even whilst they sate there, were Rebels, and at Our Horne; and so by the lawes of that Our Kingdome uncapable of sitting as Judges in any Judicatorie. 10

The eleventh: Three oathes were to bee taken by every member of this Assembly: the oath to the confession of faith lately renewed by Our commandement, the oath of Allegiance, the oath of Supremacie, any of which three oathes whosoever shall refuse, cannot sit as a Judge in any Court of that Kingdome; and yet none of all these three oaths were sworne by any member of this Assembly. 11

Besides these nullities of this Assembly, what indecencie and rudenesse was to be discerned in it? not so much as the face of an Ecclesiasticall meeting to be seene, not a gowne worne by any member of it, unlesse it were by one or two Ministers who lived in the Towne, the appearance in a manner wholly Laicall; amongst the members of it were seven Earles, ten Lords, fortie Gentlemen, one and fifty Burgeses; many of them in coloured clothes, and swords by their sides, all which did give voices not onely in very high points of controversie (which We are sure very many of them did not understand,) but also in the sentences of excommunication pronounced against the Bishops and others: Nay and more, all things in the Assembly carried by the sway of these lay-Elders, insomuch that all the time which Our Commissioner stayed in the Assembly, it was a very rare thing to heare a Minister speake; for there was one Earle and one Lord who spake farre more then all the Ministers, except the Moderatour. And in the Assembly every thing which was put to voices, was so clearly discerned to have been resolved amongst themselves before by a palpable pre-agreement, that it was very tedious to the auditors to heare the List of the Assembly called, when the conclusion of it was knowne to them all, after the hearing of his voice who was first called; which made some present to envie no member of the Assembly but one, whose fortune it was ever to be first called, his name being set downe first in the List; his name was
Master

Master *Alexander Carse* Minister of Polwart, one of the Commissioners from the Presbyterie of Dunce: For if the Acts of this Assembly should come out in Latine, and be thought worth any thing in the Christian world, and withall it should be expressed that the List of the members of it was called to the passing of every Act, and his name should ever be found to be the first, there was never a Father nor Bishop, whose name is in any of the Greeke or Latine Councells, so famous as this man should now be: for he would be taken for a man of an unparalleled judgement both for soundnesse and profoundnesse, from whose judgement not one of the whole Assembly (except one, and that but once) did ever swervè in the least particular; for as he begun, all the rest did constantly follow.

All these things being well considered, what hope could be conceived of any good, either for the Church or Kingdome, from an Assembly thus miserably constituted? And therefore We resolved to dissolve it, as knowing that it would make that Church and Kingdome ridiculous to the whole World, especially to the Adversaries of Our Religion; that it would both grieve and scandalize all the other Reformed Churches, and make Our Justice to bee universally traduced, if We should have suffered the Bishops Our subjects, in that which concerned their callings, their reputations and fortunes, to be judged by their sworne enemies thus prepared against them.

After Our Commissioners departure from Glasgow, they still continued their Assembly notwithstanding Our dissolving it by Proclamation under paine of treason: And then immediately the Earle of Argyle, who indeed all this while had bene the heart of their Covenant, begun to declare himselfe openly to be the head of it; for he presently adjoined himselfe to them, sate continually with them in the assembly, although he were no member of it, nor had suffrage there, but sate onely as their chiefe director and countenancer, and indeed like Our Commissioner.

It was not to be expected that after We had dissolved the
assembly,

assembly, they would observe any greater moderation in their proceedings then they had done before: nor did they indeed, for all things passed in a hudling confusion, nothing argued publikely, but every particular referred to some few Committees, who were the most rigidest they could pick out of the whole packe: what they resolved on, was propounded presently to the assembly, swallowed downe without further discussing; Mr. *Alexander Carse*, was called up, what hee said first all the rest said the same. In one hour they declared six generall assemblies to bee null and void, though two of them were then and are still in force by severall acts of Parliament, and divers acts of the other foure are ratified and confirmed by Parliament. In another hour they condemned, upon the report of a few Ministers, all the Arminian tenets (as they call them) and, under that name, many things received by all the Reformed Churches: a strange way, to condemne the Arminian tenets without defining what those tenets were. In another hour, they deprived the Archbishop of Saint Andrewes, the Bishops of Galloway and Brechen, and so at other times all the rest of the Bishops, many of whom they likewise excommunicated: where it is observable, that in the printed acts of this their (now after Our dissolving of it) pretended assembly, the acts of the depositions of the Bishops beare no such odious crimes, as they had made Our people beleeve they were guilty of in that infamous libell which they caused to be read in the Pulpits against them; for prooffe whereof We have caused one of their sentences of deposition to be here inserted, whereby it may bee seene that not so much as one witnesse was examined, nor offered to bee produced against them for any one of those fearefull crimes with which they were slandered in the libell, but were onely deposed for their obedience to acts of Parliament, and generall assemblies.

Sentence of deposition against Mr. *Iohn Guthrie* pretended Bishop of Murray ; Mr. *Iohn Grahame* pretended Bishop of Orknay ; Mr. *Iames Fairly* pretended Bishop of Lismoir ; Mr. *Neil Campbell* pretended Bishop of Isles.

THe generall Assembly having heard the libels and complaints given in against the foresaid pretended Bishops, to the Presbytery of Edinburgh, and sundry Presbyteries within their Diocesse, and by the said Presbyteries referred to this Assembly to bee tried: The said pretended Bishops being lawfully cited, oftentimes called, and not appearing, proceeded to the cognition of the complaints and libels against them; and finding them guilty of the breach of the cautions agreed upon in the Assembly at Montrose Anno 1600. for restricting of the Minister voter in Parliament, from incroaching upon the liberties and jurisdictions of this Kirk, which was set downe with certification of deposition, infamy, and excommunication; and especially for receiving consecration to the office of Episcopacie, condemned by the Confession of Faith, and Acts of this Kirk as having no warrant nor fundament in the word of God; and by vertue of this usurped power, and power of the high Commission, pressing the Kirk with novations in the worship of God; and for their refusal to underly the triall of the reigning slander of sundry other grosse transgressions and offences laid to their charge. Therefore the Assembly, moved with zeale to the glory of God, and purging of this Kirk, ordaines the saids pretended Bishops to bee deposed, and by these presents doth depose them; not only of the office of Commissionarie to vote in Parliament, Councell, or convention in name of the Kirk; but also of all functions, whether of pretended Episcopall or ministeriall calling: And likewise in case they acknowledge not this Assembly, reverence not the constitutions therof, and obey not the sentence, and make not their repentance, conforme to the order prescribed by this Assembly, ordaines them to bee excommunicated, and declared to bee of these whom Christ commandeth to be holden by all and every one of the faithfull as Ethnicks and Publicans: and the sentence of excommunication to be pronounced upon their refusall, in the Kirks appointed, by any of these who are particularly named, to have the charge of trying their

t heir repentance or impenitency, and that the execution of this sentence bee intimate in all the Kirkes within this Realme, by the Pastours of every particular Congregation, as they will bee answerable to their Presbyteries and Synods, or the next generall Assembly, in case of negligence of the Presbyteries and Synods.

IN another houre they declared Episcopall government to bee inconsistent with the lawes of that Church and Kingdome, and so abolished it for ever, though it did then, and doth still stand confirmed by many Acts both of Parliaments and Assemblies: they deprived the Ministers, whose hands were at the Protestations against lay-Elders and elections made by them: some Ministers they deprived for Arminianisme; a course never heard of in any place where any rule of justice was observed, that a Minister should be deprived for holding any tenet which is not against the doctrine of that Church wherein he liveth, and that before it bee prohibited, and condemned by that Church: Now there is nothing in the confession of that Church against these tenets. At the Synod of Dort no man was censured for holding any doctrine against the conclusions of it, before the Synod had determined against them, nor was he to be censured for any thing he had preached or printed, before that Synod did tender unto him their Canons to bee subscribed: But at Glasgow no such course was taken, but Ministers were deprived without so much as ever being once asked the question whether they held any such opinion; or if they did, whether they would now recall their opinions, and conforme their judgements to the judgement of the Assembly in these points. Some of their Ministers being asked the question, With what conscience or justice they could deprive their brethren for holding opinions not condemned by that Church, who perhaps after their Church had condemned them, out of their love to the peace of their Church would have forborne any further meddling with them; They returned this weake answer, That these tenets were condemned by that Church under the generall name of

Popery: But they could make no answer when it was told them, That certainly these tenets could not be counted Popish, concerning which, or the chiefe of which, as learned Papists as any in the World, viz. the Dominicans and Jesuites did differ as much as the Protestants did; and that those who doe adhere to the Augustan confession, did hold that side of these tenets which the Arminians doe hold, and yet they were very far from being Papists, being the first Protestants; and therefore it was against all sense to condemne that for Popery, which was held by many Protestant Churches, and rejected by many learned Papists. But all would not serve; they would deprive Ministers for holding them, before they themselves had condemned them. In the deprivation of one of these Ministers there did fall out a memorable passage, which was this: The Moderator of the Assembly, after the sentence of a Ministers deprivation, was pleased to move this learned question to the Assembly, Whether, if this deprived Minister should baptize a childe, the childe must not be baptized againe? But he was presently taken off by one of his brethren, who it seemeth was much ashamed of such a question, and told him, That they did never re-baptize those who had beene baptized by Popish Priests; and so all further talke of it was hushed. What conclusions were to bee expected from an Assembly whose Moderatour moved such an ignorant and grosse question, is easie to be conjectured.

And the weaknesse of their conclusions would easily appeare, if all their severall Acts were printed; but because the Reader shall be able to make some judgement of them, We have here caused an Index of the titles of their Acts to bee inserted, by which may be seen what they hold.

*An Index of the principall Acts of the Assembly at
Glasgow, 1638.*

Sundry Protestations betwixt the Commissioner his Grace and the members of the Assembly.
Master *Archibald Johnston* his admission to bee Clerke, and his production

production of the Registers of the Church, which were preserved by Gods wonderfull providence.

An Act disallowing any private conference, and constant Assessors to the Moderator.

The Act ratifying the authenticknesse of the Registers, with the reasons thereof.

The Act registrating his M^ajesties will given in by his Commissioner.

The Act bearing the Assemblies Protestation against the dissolution thereof.

The Act deposing Master *David Michel* Minister at Edinburgh.

The Act deposing Mr. *Alex. Glaidstones* Minister at S. Andrews.

The Act annulling the six late Assemblies holden at Linlithgow 1606. and 1608. at Glasgow 1610. at Aberdene, 1616. at Saint Andrews, 1617. at Perth, 1618. with the reasons of the nullity of every one of them.

The Act declaring the nullity of the oath exacted by Prelats from Intrants [*id est, Such as are instituted to Benefices.*]

The Act deposing Master *John Creichtone* Minister at Paislay.

The Act condemning the Service Book.

The Act condemning the Book of Canons.

The Act condemning the Book of Ordination.

The Act condemning the High Commission.

The Sentence of deposition, and excommunication of the sometime pretended Bishops of Saint Andrews, Glasgow, Rosse, Galloway, Brichen, Edinburgh, Dumblane, Aberdene.

The sentence of deposition against the sometime pretended Bishops of Murray, Isles, Argyle, Orkney, Cathnes, and Dunkell.

The large Act clearing the meaning of the Confession of Faith made *Anno 1580.* as abjuring and removing Episcopacy.

The Act declaring the five Articles to have beene abjured and to be removed.

Sentence of deposition against Master *Thomas Forrester.*

Sentence of deposition against Master *William Abannan.*

Sentence of deposition against Master *Robert Hamiltoun* Minister at Glasford.

Sentence of deposition against Master *Thomas Mackeney.*

Act anent the Presbytery of Auchterardours present seat at Aberuskene for the time.

Act restoring Presbyteries, Provinciaall, and generall Assemblies to their constitution, of Ministers and Elders, and their power and jurisdiction contained in the Book of policie.

Act erecting presbyteries in Argyle.

Act referring to the Presbyteries the consideration of their meetings

Act concerning the Visitation of particular Kirks, Schooles, and Colledges.

Act against non-Residents.

Act concerning the planting of Schooles in the Countrey.

Act concerning the power of Presbyteries admission of Ministers, and choosing of their Moderators.

Reference to the Presbyteries anent the competency of Parochioners and Presbyteries.

Act concerning the entry and conversation of Ministers, ratification of the Act 1598.

Act of reference to Presbyteries concerning the defraying of the expenses of the Commissioners.

Act of reference concerning repressing of Popery and Superstition.

Act of reference to the Presbyteries concerning the more frequent celebration of the Lords Supper.

Act of reference concerning markets on Munday and Saturday within Burrowes.

Act against the profanation of the Sabbath for want of afternoones exercise.

Act against the frequenting the company of excommunicate persons.

Act setting downe the Roll of Provinciall Assemblies, and some orders thereanent.

Act of reference against milnes and salt pans.

Act anent the order of receiving the repentance of any penitent Prelates.

Act anent the excommunicating of the Ministers deposed, who do not obey their sentence.

Act against those who speake or write against the Covenant, this Assemblies and constitutions thereof.

Act of reference anent the voicing in the Kirk Sessions.

Act condemning * Chapters, Archdeans, preaching Deacons, and such like Popish trash.

Act against the obtruding of Pastors upon people.

Act against marriage without Proclamation of Banes.

Act against funerall Sermons.

Act anent the triall of expectants ; [*that is, such as are not possessed of any Benefice.*]

Act anent the admission of Master *Archibald Johnston* to be Advocate, and Master *Rob. Dalgleish* to be Agent for the Kirk.

Act anent the transplantation of Master *Alexander Henderson* from Leuchars to Edinburgh.

Act of reference to the Presbyteries and Provinciall Assemblies, to take order with Salmon-fishing.

Act of transporting Mr. *Andro Cant* from Pirfligo to Newbotle.

Act condemning all civill offices in the persons of Ministers separate to the Gospel, as to be Justices of peace, sit in Session or Councell, to vote or ride in Parliament.

Act concerning a Commission for complaints about Edinburgh.

Another

* Which offices were in the Church of Christ long before Popery was known or heard of in the world.

Another Commission to sit at Jedburgh.

Another Commission to sit at Irwin.

Another Commission to sit at Dundee.

Another Commission to sit at the Channeries and Forres.

Another Commission to sit at Kircubright.

A Commission for visitation of the Colledge of Aberdene.

A Commission for visitation of the Colledge of Glasgow.

Act against Salmon fishing, and going of milnes on the Sabbath day.

Act appointing the Commissioners to attend the Parliament, and Articles which they are to represent in name of the Kirke to the Estates.

Act ordaining the Commissioners from Presbyteries and Burrowes presently to get under the Clerks hand an Index of the Acts, and hereafter a full extract of them, which they are bound to take back from the Assembly to the Presbyteries and Burrowes.

Act ordaining the Presbyters to intimate in their severall pulpits the Assemblies explanation of the Confession of faith, the Act against Episcopacy, the Act against the five Articles, the Act against the Service booke, booke of Canons, booke of Ordination, the High Commission, the Acts of excommunication and deposition against some Prelates, and Act of deposition onely against some others of them.

* An Act discharging Printers to print any thing either anent the Acts or the proceedings of this Assembly, or any treatise which concernes the Kirke, without a warrant under Master Archibald Johnstons hand, as Clerke to the Assembly, and Procter for the Kirke, and that under the paine of all Ecclesiasticall censure to bee intimate with other Acts.

* A prety act, that We must print nothing concerning Ecclesiasticall policie and government, unlesse Johnston will give us leave.

Act ordaining the Covenant subscribed in Febr. now to be subscribed with the Assemblies Declaration.

* Act discharging all subscription to the Covenant subscribed by his Majesties Commissioner and the Lords of the Councell.

* A most traitorous act, for the very terms and words of it containe high treason.

Act ordaining all Presbyteries to keepe a solemne thanksgiving in all Parishes, for Gods blessing, and good successe in this Assembly, upon the first convenient Sabbath.

Act against those who are malicious against this Church, decliners or disobeyers of the Acts of this Assembly.

Act warranting the Moderator and Clerke to give out summons upon relevant complaints, against parties to compeere before the next Assembly.

Act renewing the priviledges of yearely generall Assemblies, and oftner, *pro re nata*, and appointing the third Wednesday in July next in Edinburgh for the next generall Assembly.

Act that none bee chosen ruling Elders to sit in Presbyteries Provinciall, or generall Assemblies, but those who subscribe the Covenant, as it is now declared, and acknowledges the constitution of this Assembly.

Act

* This *Blair* is he who was expelled the University of Glasgow by the Professors there, many yeeres since,

for teaching his Scholars, in his Lectures upon Aristotle, that Monarchicall government was unlawfull. Now for this man to bee made by them Professor of Divinity in the prime University of that Our Kingdome, whether We can or ought to endure it, We leave to the Reader to judge.

* Act to transport Master *Rob. Blair* from Aire to St. Andrewes.

Act for representing to the Parliament the necessity of the standing of the Procurators place for the Kirk.

There are many lesse principall Acts omitted, so the Index is not fully perfect.

A. Johnston.

BY these it is easie to be discerned what conclusions, tending to Sedition and Rebellion, and the overthrow of the lawes both of Church and Kingdome, were agreed upon; what false, nay and what foolish positions there were established; For instance, Had it not been enough to have removed Episcopall government, the five Articles of Perth, and the other pretended innovations, if they had been furnished with lawfull power so to doe? No, but they will have it concluded, that all these were abjured in the confession of faith when it was first sworne; which no reasonable man can beleve, and which they themselves did allow in many not to abjure when they first swore their Covenant, and to which many Ministers, members of this Assembly, had sworne at their admission into their Benefices, according to the Acts of Parliament, and Acts of generall Assemblie provided in that case; And so by swearing that these things were abjured in the first confession, they make them professe that they had perjured themselves in taking the other oath of their conformity to these pretended innovations: Upon which rocke one Minister of the Assembly finding himselfe to bee set fast, when that Act was voiced unto which declared Episcopall government, and the five Articles of Perth to have beene abjured formerly, and so to bee for ever removed: *Mr. Robert Baylie* voiced thus, *Removed but not abjured*, to the great scandall of the rest of the Assembly, hee being reputed for one of the ablest men in it: But the Act was drawne up in these termes, *Abjured and removed*, by the voices of all the Assembly, except his alone, who, knowing that all the Acts were particularly to be read and voiced to againe, had drawn up

up a supplication to the Assembly in the name of those Ministers, who before had conformed themselves to the five Articles of Perth, for a mitigation of that Act, at least that it might receive a publique hearing and arguing; which the rest having knowledge of, when that Act came to bee read and voiced to againe, one of the Lords, who was a lay-Elder, perswaded with the Clerke, that in calling the List this Minister his name should be omitted, and so the Act passed without so much as asking of his voice, who had his supplication ready when he should be called upō by his name, but perceiving that the omission of his name was purposely done, he durst stirre no more in it, for feare of publique envie; and some private mischief which might be done unto him; And yet you must think this was a most godly and free Assembly.

Towards the end of their Assembly, they divided themselves into severall Committees, which should after their rising see all their Acts put in execution; a thing never heard of before in that Church. The Moderatour concluded with thanks to God for their good successe, and then to the Nobilitie and the rest for their great paines, and last of all with a speech to the Earle of Argyle, giving him thanks for his presence and counsell, by which they had been so much strengthened and comforted: The Lord Argyle answered him with a long speech; first, intreating all present not to misconstrue his too late declaring himselfe for them, protesting that hee was alwayes set their way, but had delayed to professe it so long as hee found his close carriage might bee advantagious to their cause; but now of late, matters had come to such a height, that hee found it behoved him to adjoine himselfe openly to their societie, except hee should prove a Knave, (this was, as We are informed, his owne word:) Then hee went on and exhorted them all to unitie, wishing all, but especially the Ruling-Elders and Ministers, to keepe a good correspondence, intreated all the Ministers to consider what had brought the Bishops to ruine, viz. pride and avarice, and therefore willed them to shun these two rockes if they would escape shipwrack.

The Lord who delivered this speech, delivered indeed the true meaning and sense of the Covenanters: for it was neither the Bishops bringing in the pretended innovations, nor their suspecting them to be guilty of the odious crimes expressed against them in their Libell, which incensed this and the other Covenanting Lords against the Bishops, but their feare of their daily rising in dignity and place, which in this speech is called pride in them; and their feare that the Bishops might recover out of their hands by law some of the Church lands belonging to their Churches, which in this speech is called avarice in the Bishops. In the meane time, whether it be not pride in these Lords to envy any mans rising in the Church and Common-wealth, according to that worth and sufficiency which his Prince shall finde in him, and whether it be not avarice in them not to endure that other men should legally seeke to recover their owne from them, shall be left to the judgement of the indifferent Reader. But for this revolted Lord who made this speech, and professeth in it, That if he had now not adjoynd himselfe to them, he should have proved a Knave, VVe can give this testimony of him, That at his last being here with Us in England (at which time We had good reason to mis-doubt him) he gave Us assurance that he would rest fully satisfied, if VVe would performe those things which VVe have made good by Our last gracious Declaration (in which VVe have granted more then VVe did at that time promise) so that We had little reason to expect his adjoyning himselfe to them, who had given Us so great assurance to the contrary, besides that assurance which hee gave to Our Commissioner when hee was in Scotland. And now if by his owne confession hee carried things closely for the Covenanters advantage; being then one of the Lords of Our secret Councell, and that in the end he must openly joyne with them or be a Knave; what he hath proved himselfe to be by this close and false carriage, let the World judge.

Our Commissioner, after he had by Our commandement dissolved the Assembly, hearing that they who remained

Still

still at Glasgow under the name of an Assembly, went about to put such a sense upon that confession of faith and band annexed, which We lately had commanded to be renewed, as agreed best with those corrupt glosses and false interpretations, which by their owne Covenant they had put upon it, as if Episcopall government had now by our commandement been abjured; and so did begin to magnifie Our Covenant, and resolved to declare it to be all one with their owne, though they had in their Pulpits called it the depth of Sathan, and had assured their followers, that it could not be sworne unto without perjurie, and that even after that Act of Councell, upon which they did ground their interpretation, hee having perused Our instructions which required him not to suffer the confession of faith to be sworne in any sense, which might not consist with the lawes of that Church and Kingdome then in force; thought it convenient to print a Declaration of Our cleare meaning and intention in requiring that oath; which so soone as it was published, made them quite change their minds, and prohibit the subscription to Our Covenant, which they had immediatly before so much extolled: Our Commissioners Declaration Wee have here caused to be reprinted together with their printed answer to it, because Wee are confident both by Our owne judgement, and the judgement of others who have perused them both, that the five reasons contained in Our Commissioners Declaration stand yet unshaken for any thing delivered in their answer unto them; and that as strongly as the Divines of Aberdenes first Queries, Replies and Duplies doe. Our Commissioners explanation followes.

An Explanation of the Oath and Covenant.

WHereas some have given out that by the Act of Councell, which explaineth the Confession of Faith lately commanded to be sworne by his Majestie, to be understood of the Confession of Faith, as it was then professed and received, when it was made, and that in that Confession, defence both of the doctrine and discipline then established is sworn, at which time Episcopall government being (as they

say) abolished, it must needs follow, that the same government is by this late oath abjured.

And understanding that even amongst those who continue together still at Glasgow, under the name of a pretended and unlawfull generall Assemblie, this objection is held to bee of some moment, and used by them to the great disturbance of the peace of this Church and Kingdome, and to the great disquieting of the mindes of such his Majesties good subjects as have taken the said Oath, and yet never meant nor doe meane to abjure Episcopall Government; and to perswade others, that if they shall take the same Oath thus explained by the said Act of Councill, by so doing they must likewise abjure the said government.

Wee *James* Marquesse of Hamiltoun, his Majesties High Commisioner, wondring that any such scrupulous misconstruction should bee made of his Majesties gracious and pious intentions, and being desirous to remove all doubts from the mindes of his Majesties good subjects, & to keep them from being poysoned by such as by forced and forged inferences would make them beleeve, that they had actually by taking that Oath sworne that which neither virtually nor verily they have sworne, or ever intended to swear, or was required by Authoritie to be sworne by them, either directly or indirectly: considering that all Oathes must be taken according to the minde, intention & commandement of that Authoritie which exacteth the Oath, and that we, by speciall commandement from his sacred Majestie, commanded the said Oath to be administred, we doe hereby freely and ingeniously professe and declare our minde and meaning herein, as we have constantly heretofore done since our comming into this Kingdome about this employment: *viz.* That by any such words or Act of Councill wee never meant or intended that Episcopall government should bee abjured, nor any thing else which was established by Acts of Parliament, or Acts of the Church of this Kingdome which are now in force, and were so at the time of the taking of the said Oath.

Nor indeed could we have any other intention or meaning, being clearly warranted and expressly commanded by his Majesties instructions, to exact the said Oath, and take order that it should be sworne throughout the Kingdome in that faire and lawfull sense, and none other: Neither in this point did we deliver our owne words, or his Majesties minde ambiguously or doubtfully, so as any other sense, to our thinking, could bee picked or wrung out of either the one or the other, for wee doe attest the Lords of the Councill, whether wee did not to manie, or all of them upon severall occasions in conference with them ever since our comming into this Kingdome, constantly declare unto them; that his Majesties resolution was not to suffer Episcopall government to be abolished: Wee attest all the Lords of Session, whether before our tendering of that Oath to them, or their Lordships taking of it, wee did not fully and freely declare to them, that his Majesties minde in commanding us to see this Oath taken, and our owne minde in requiring them to take it, was onely to settle and secure the

Religion and Faith professed in this Kingdome, but was not to bee extended to the abjuring of Episcopall government, or any other thing now in force by the Lawes of this Church & State at the time of administering this Oath, which their Lordships, being the reverend and learned Judges of the Lawes, knew well could not be abjured; after which perspicuous predeclaration of our minde, their Lordships undoubtedly in that same sense and none other took the said Oath.

And now, good Reader, having heard his Majesties minde and intention, & in pursuance of them the minde of his Majesties High Commissioner concerning this Oath, the reasons to repell the former objection seeme to bee needlesse (the knowne minde of the supreme Magistrate who urgeth an Oath, being to be taken for the undoubted sense of it;) yet for as much as that objection hath of late beene mainly urged for alienating the mindes of many of his Majesties good subjects, and well affected to that government, from adhering unto it, be pleased to know, that the former objection hath neither shew nor force of reason in it, and that by the said Oath and that explanation set down in the Act of Councell, Episcopall government neither was, nor possibly could be abjured, and that for many reasons, but especially these five, which we having seene and approved, have caused to be here inserted, and leave them to thine impartiall consideration.

First, God forbid it should be imagined that his Majestie should command his subjects to take an Oath which in it selfe is absolutely unlawfull; but for a man to sweare against a thing which is established by the Lawes of Church & Kingdome in which he liveth (unlesse that thing be repugnant to the Law of God) is absolutely unlawfull, untill such time as that Kingdome and Church doe first repeale these Lawes; and therefore Episcopall government, not being repugnant to the Law of God, nay, being consonant unto it, as being of Apostolicall institution (which shall be demonstrated if any man please to argue it) and standing fully established, both by Acts of Parliament, and Acts of generall Assemblie at the time when this Oath was administered; to abjure it before these Acts be repealed, is absolutely unlawfull, and against the word of God: and it is to be hoped no man will conceive that his Majestie meant to command a thing absolutely unlawfull. And if it should be said, as it is said by some, (who not being able to avoid the force of reason, doe betake themselves to pitifull shifts and evasions) that these Acts of Parliament and Assembly, establishing Episcopall government, were unlawfully and unduly obtained; certainly if they have any reasons for this their bold assertion, which is of a more dangerous consequence then that it ought to bee endured in any well settled Church or Common-wealth; these reasons may be presented lawfully to these judicatories to entreat them to reduce the saids Acts, if there shall bee strength and validitie found in them: But to hold, that untill such time as these judicatories shall repeale the saids Lawes, they either ought to bee, or can possibly bee adjured, is a wicked position, and destructive of the very foundation of justice

stice both in Church and Common-wealth.

2. Secondly, it cannot bee imagined that this Oath should oblige the now takers of it farther then it did oblige the takers of it at first: for doctrine and points of faith it did oblige them then, and so doth it us now, perpetually, because these points in themselves are perpetuall, immutable, and eternall: But for points of discipline & government, and policie of the Church, that Oath could binde the first takers of it no longer then that discipline & government should stand in force by the Lawes of this Church and Kingdome, which our Church in her positive Confession of Faith printed amongst the Acts of Parliament, Artic. 20. 21. declareth to bee alterable at the will of the Church it selfe, and so repealable by succeeding Acts, if the Church shall see cause. When a King at his Coronation taketh an Oath to rule according to the Lawes of his Kingdome, or a Judge at his admission sweareth to give judgement according to these Lawes, the meaning of their Oaths cannot be that they shall rule or judge according to them longer then they continue to bee Lawes: but if any of them shall come afterwards to bee lawfully repealed, both King and Judge are free from ruling and judging according to such of them as are thus lawfully repealed, notwithstanding their originall Oath. Since therefore if the first takers of that Oath were now alive, they could not bee said to have abjured Episcopall government, which hath been since established by Lawes of this Church & Kingdome, especially considering that this Church in her Confession holdeth Church government to bee alterable at the will of the Church; certainly we repeating but their Oath, cannot be said to abjure that government now, more then they could be said to do it if they were now alive and repeating the same Oath.

3. Thirdly, how can it bee thought that the verie Act of his Majesties commanding this Oath should make Episcopall government to be abjured by it, more then the Covenanters requiring it of their associats, in both Covenants the words and syllables of the Confession of Faith being the same? Now it is well knowne that many were brought in to subscribe their Covenant, by the solemne protestations of the contrivers and urgers of it, that they might subscribe it without abjuring of Episcopacie, and other such things as were established by Law, since the time that this Oath was first invented and made; and the three Ministers in their first answers to the Aberdene Quæres have fully and clearly expressed themselves to that sense, holding these things for the present not to bee abjured, but onely referred to the tryall of a free generall Assemblie: And likewise the adherers to the last Protestation against his Majesties Proclamation, bearing date the ninth of September, in their ninth reason against the subscription urged by his Majestie doe plainly averre, that this Oath urged by his Majestie doth oblige the takers of it, *to maintaine Perth Articles, and to maintaine Episcopacie.* Why therefore some men swearing the same words and syllables should have their words taken to another sense, and bee thought to abjure Episcopall government, more then others who have taken

taken the same oath in the same words, must needs passe the capacitie of an ordinarie understanding.

It is a received maxime, and it cannot be denied, but that oaths ministered unto us must either bee refused, or else taken according to the knowne minde, professed intention, and expresse command of Authority urging the same: A proposition, not onely received in all Schooles, but positively set downe by the adherers to the said protestation *totidem verbis* in the place above cited. But it is notoriously knowne even unto those who subscribed the Confession of Faith by his Majesties commandment, that his Majestie not onely in his Kingdomes of England and Ireland, is a maintainer and upholder of Episcopall government according to the lawes of the said Churches and Kingdomes, but that likewayes hee is a defender, and intends to continue a defender of the same government in his Kingdome of Scotland, both before the time, and at the time when hee urged this oath; as is evident by that which is in my Lord Commissioner his Preface, both concerning his Majesties instructions to his Grace, and his Graces expressing his Majesties minde, both to the Lords of Councell, and to the Lords of Session; and the same likewayes is plainly expressed and acknowledged by the adherers to the said protestation in the place above cited: their words being these; *And it is most manifest that his Majesties minde, intention, and commandment, is no other but that the Confession bee sworne, for the maintenance of Religion, as it is already or presently professed (these two being co-incident altogether one and the same, nor onely in our common forme of speaking, but in all his Majesties Proclamations) and thus as it includeth, and continueth within the compasse thereof, the foresaids novations and Episcopacie, which under that name were also ratified in the first Parliament holden by his Majestie.* From whence it is plaine, that Episcopacie not being taken away or suspended by any of his Majesties declarations, as these other things were which they call novations; it must needs both indeed, and in the judgement of the said protesters no wayes bee intended by his Majestie to bee abjured by the said oath. Now both the *major* and that part of the *minor* which concerneth Episcopall government in the Church of Scotland, being clearly acknowledged by the Protesters; and the other part of the *minor* concerning that government in his other two Kingdomes being notoriously knowne, not onely to them, but to all others who know his Majestie, how it can bee imagined that his Majestie by that oath should command Episcopacie to bee abjured, or how could any one to whom his Majesties minde concerning Episcopall government was knowne, honestly or safely abjure it, let it bee left to the whole world to judge; especially considering that the Protesters themselves in that place above cited, by a *dilemma*, which wee leave to themselves to answer, have averred, that when that Act of Councell should come out, yet that it could not bee inferred from thence that any such thing was abjured.

5.

Fifthly and lastly, If the explanation in that Act of Councell be taken in that not onely rigid but unreasonable and senselesse sense which they urge, yet they can never make it appeare, that Episcopall government at the first time of the administring of that oath was abolished: The very words of that Confession of Faith, immediatly after the beginning of it, being these, *Received, believed, defended by many and sundrie notable Kirks and Realmes, but chiefly by the Kirk of Scotland, the Kings Majestie and three Estates of this Realme, as Gods eternall truth and onely ground of our salvation, &c.* By which it is evident, that the subscription to this Confession of Faith is to bee urged in no other sense then as it was then beleevd and received by the Kings Majestie, and the three Estates of this Realme at that time in being; and it is well knowne, that at that time Bishops, Abbats and Priors made up a third Estate of this Realme, which gave approbation to this Confession of Faith: and therefore it is not to bee conceived, that this third Estate did then abjure Episcopacie, or that Episcopacie was at the first swearing of that Confession abolished. But say that at that time it was abolished by Acts of generall Assemblie, yet was it not so by any Act of Parliament, nay by many Acts of Parliament it was in force, because none of them was repealed; some whereof are annexed in the sheet immediatly after these reasons, which wee pray the Reader carefully to peruse and ponder: and at the very time of the taking of this oath and after, Bishops, whose names are well knowne, were in being. Now it is to bee hoped that in a Monarchie, or any other well constituted republick, that damnable Jesuiticall position shall never take place, That what is once enacted by a Monarch and his three Estates in Parliament, shall ever be held repealed or repealable by any Ecclesiasticall nationall Synod.

By all which it is evident, that the explanation of that Act of Councell so groundlesly urged, can induce no man to imagine that by the Confession of Faith lately sworne by his Majesties commandment, Episcopall government, which then did, and yet doth stand established by Acts of this Church and Kingdome, either was, or possibly could be abjured.

And having now (good Reader) heard his Majesties minde in his instructions to us, our minde in requiring in his Majesties name this oath to be taken, and these few reasons of many which doe evidently evince the inconsequence of that sense, which without any shew of inference is put upon it by those who would goe on in making men still beleevd, that all which they doe or say is grounded upon Authority, though they themselves doe well know the contrary; we suppose that all they who have taken this oath will rest satisfied that they have not abjured Episcopall government; and that they who shall take it, will take it in no other sense.

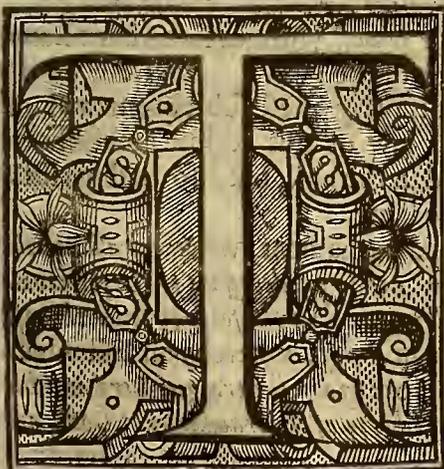
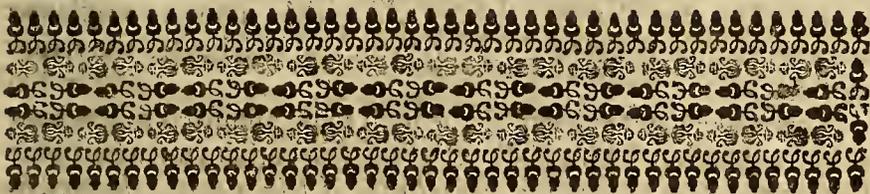
Which timely warning of ours, we are the more willing to give, because wee are given to understand, that even they who were wont to call the takers of this oath (notwithstanding of that explanation by

Act

act of councell) perjured and damned persons , and in their pulpits called the urging of it the depth of sathan , doe now meane to take it themselves , and urge others to take it in that sense which they make men beleeve (though wrongfully) that act of councell makes advantageous to their ends.

But we doe in his Majesties name require that none presume to take the said oath , unlesse they bee required so to doe by such as shall have lawfull authoritie from his Majestie to administer it unto them : being confident , that none either will or can take the said oath or any other oath in any sense , which may not consist with episcopall government, having his Majesties sense, and so the sense of all lawfull authority fully explained to them.

HAMILTON.



That episcopall jurisdiction was in force by acts of parliament , & no wayes abolished nor suppressed in the yeare 1580. nor at the time of reformation of religion within the realm of Scotland , doth evidently appeare by the acts of parliament after mentioned.

First by the parliament 1567. cap. 2. whereby at the time of reformation the Popes authoritie was abolished, it is enacted by the said act , *That no bishop , nor other prelate in this realme , use any jurisdiction in time coming by the bishop of Romes authority .* And by the third act of the same parliament, whereby it is declared , *That all acts not agreeing with Gods word, and contrary to the confession of faith approved by the estates in that parliament, to have no effect nor strength in time to come.* Whereby it is evident, that it was not the reformers intencion to suppress episcopacie, but that bishops should not use any jurisdiction by the bishop of Rome his authority, & seeing they did allow episcopacie to continue

in the church, that they did not esteeme the same contrary to Gods word and confession foresaid : as appeares more clearly by the sixth act of the said parliament, which is ratified in the parliament 1579. cap. 68. whereby it is declared, *That the ministers of the blessed Evangel of Iesus Christ, whom God of his mercie hath now raised up amongst us, or hereafter shall raise, agreeing with them that now live in doctrine or administration of the sacraments, and the people of this realme that professe Christ as hee is now offered in his Evangel, and doe communicate with the holy sacraments, as in the reformed kirks of this realme they are publickly administrate, according to the confession of the faith, to be the only true and holy kirk of Iesus Christ within this realme; without any exception by reason of policie and discipline, declaring only such as either gain-say the word of the Evangel according to the heads of the said confession, or refuse the participation of the holy sacraments as they are now ministrated, to bee no members of the said kirk so long as they keep themselves so divided from the societie of Christs body. Whereby it is manifest, that it was not the said reformers minde to exclude any from that societie by reason of discipline, and that they did not at that time innovate or change any thing in that policie they found in the said kirk before the reformation.*

This is likewise evident by the oath to be ministrated to the king at his coronation, by the eighth act of the said parliament, wherby he is to sweare *to maintaine the true religion of Iesus Christ, the preaching of his holy word & due and right ministrations of the sacraments now received and preached within this realme, and shall abolish and gainstand all false religion contrarie to the same; without swearing to any innovation of policie and discipline of the kirk.*

Secondly, it doth evidently appeare by these sublequent acts of parliament, that by the municipall law of this realme archbishops and bishops was not only allowed in the kirk, but also had jurisdiction and authority to governe the same.

1. First, by the 24. act of the said parliament, whereby *all civill priviledges granted by our soveraigne Lords predecessors to the spirituall estate of this realme, are ratified in all points after the forme & tenor thereof.* And by the 35. act of the parliament 1571. whereby all and whatsoever acts and statutes made of before *by our soveraigne Lord and his predecessors anent the freedome and liberty of the true kirke of God, are ratified and approved.*
2. By the 46. act of the parliament 1572. whereby it is declared, that archbishops and bishops have the authority, and are ordained to convene and deprive all inferiour persons being ministers, who shall not subscribe the articles of religion, and give their oath for acknowledging and recognoscing of our soveraigne Lord and his authority, and bring a testimoniall in writing thereupon within a moneth after their admission.
3. By the 48. act of the same parliament, whereby it is declared, that archbishops

archbishops and bishops have authority at their visitations to designe ministers gleibes.

By the 54. act of the said parliament, whereby archbishops and bishops are authorized to nominate and appoint at their visitations, persons in every parochin for making and setting of the taxation, for upholding and repairing of kirks and kirk-yards, and to conveene, try, and censure all persons that shall be found to have applied to their own use the stones, timber, or any thing else pertaining to kirks demolished. 4.

By the 55. act of the parliament 1573. whereby archbishops and bishops are authorized to admonish persons married, in case of desertion, to adhere, and in case of disobedience, *to direct charges to the minister of the parochin to proceed to the sentence of excommunication.* 5.

By the 63. act of the parliament 1578. whereby bishops, and where no bishops, are provided, the Commissioner of diocesses, have authority to try the rents of hospitals, and call for the foundations thereof. 6.

By the 69. act of the parliament 1579. whereby the jurisdiction of the kirk is declared *to stand in preaching the word of Iesus Christ, correction of manners, and administration of the holy sacraments;* and yet no other authority nor office-bearer allowed and appointed by act of parliament, nor is allowed by the former acts; but archbishops and bishops intended to continue in their authority, as is clear by these acts following. 7.

First, by the 71. act of the same parliament, whereby persons returning from their travels are ordained, within the space of twenty dayes after their returne, *to passe to the bishop; superintendent, commissioner of the kirks* where they arrive and reside, and there offer to make and give a confession of their faith, or then within fourtie dayes to remove themselves forth of the realme. 1.

By the 99. act of the parliament 1581. whereby the foresaid acts are ratified and approved. 2.

By the 130. act of the parliament 1584. whereby it is ordained, that none of his Majesties lieges and subjects presume or take upon hand to impugne the dignitie and authoritie of the three estates of this kingdome, whereby the honour and authority of the Kings Majesties supreme court of parliament, past all memorie of man, hath beene continued, *or to seek or procure the innovation or diminution of the power and authoritie of the same three estates, or any of them in time coming under the paine of treason.* 3.

By the 131. act of the same parliament, wherby all judgements & jurisdictions as well in spirituall as tēporall causes, in practice & custome, during these twenty foure yeares by-past not approved by his Highnes and three Estates in parliament, are discharged: and whereby it is defended, *That none of his highnes subjects of whatsoever qualitie, estate, or function they bee of, spirituall or temporall, presume, or take upon hand to convoke, conveene, or assemble themselves together for holding of counsels, conventions, or assemblies, to treat, consult, or determinate in any matter of estate,* 4.

civill or ecclesiasticall (except in the ordinary judgements) without his Majesties speciall commandment, or expresse licence had and obtained to that effect.

5. By the 132. act of the said parliament authorizing Bishops to try and judge ministers guilty of crimes meriting deprivation.
6. By the 133. act of the same parliament, ordaining Ministers exercising any office beside their calling to be tried and adjudged culpable by *their Ordinaries.*
7. By the 23. act of the parliament 1587. whereby all acts made by his highnesse, or his most noble progenitors anent the Kirk of God, and religion presently professed, are ratified.
8. By the 231. act of the parliament 1597. bearing, *That our Sovereigne Lord and his highnesse estates in parliament, having speciall consideration of the great priviledges and immunities granted by his highnesse predecessors to the holy Kirk within this realme, and to the speciall persons exercising the offices, titles, and dignities of the prelates within the same. Which persons have ever represented one of the estates of this realme in all conventions of the said estates; and that the said priviledges and freedoms have been from time to time renewed and conserved in the same integritie wherein they were at any time before. So that his Majestie acknowledging the same to be fallen now under his Majesties most favourable protection, therefore his Majesty with consent of the estates declares, that the Kirk within this realme, wherein the true Religion is professed, is the true and holy Kirk: And that such ministers, as his Majestie at any time shall please to provide to the office, place, title, and dignitie of a Bishop, &c. shall have vote in parliament, sikklike and als freely as any other Ecclesiasticall prelate had at any time by-gone. And also declares, that all bishopricks vaicking, or that shall vaick, shall be only disposed to actuall preachers and ministers in the kirk, or such as shal take upon them to exerce the said functio.*
9. By the 2. act of the parliament 1606. whereby the ancient and fundamentall policie, consisting in the maintenance of the three estates of parliament, being of late greatly impaired and almost subverted, especially by the indirect abolishing of the Estate of Bishops by the act of annexation: Albeit it was never meant by his Majestie, nor by his estates, that the said estate of bishops, being a necessary estate of the parliament, should any wayes be suppressed; yet by dismembriing and abstracting from them of their livings being brought in contempt and povertie, the said estate of bishops is restored, and redintegrate to their ancient and accustomed honour, dignities, prerogatives, priviledges, lands, teindes, rents, as the same was in the reformed kirk, most amply and free at any time before the act of annexation; rescinding and annulling all acts of parliament made in prejudice of the said bishops in the premisses, or any of them, with all that hath followed, or may follow thereupon, to the effect they may peaceably enjoy the honours, dignities, priviledges, and prerogatives competent to them or their estate since the reformation of religion.
10. By the 6. act of the 20. parliament, declaring that archbishops and bishops are redintegrate to their former authority, dignitie, prerogative, priviledges

wiledges and jurisdictions lawfully pertaining and shall be knowne to pertain to them, &c.

By the 1. act of the parliament 1617. ordaining Archbishops and Bishops to be elected by their Chapters, and no other wayes, and consecrate by the rites and order accustomed.

This is the Explanation, and now followeth their answer, which shall receive no reply, as being confident that there is nothing in it that hath weakened any thing contained in the five reasons. Onely, where there is any new or dangerous position of theirs, or any other thing which may seeme with any shew fit to be observed, you shall finde it noted upon the margine, as it here ensues.

AN ANSVVER TO THE PROFESSION AND DECLARATION

Made by JAMES Marquesse of HAMILTON,

His MAIESTIES high Commissioner,

at *Edinburgh*, An. 1638. in *December*.



His ancient Kingdome, although not the most flourishing in the glory and wealth of the World, hath been so largely recompensed with the riches of the Gospel; in the reformation and puritie of Religion from the abundant mercy & free grace of our GOD towards us, that all the reformed Kirks about us, did admire our happinesse. And King JAMES himselfe of happy memory, gloried that he had the honour to be born, and to be a King in the best reformed Kirk in the world. Those blessings of pure doctrine, Christian government, and right frame of discipline we long enjoyed, as they were prescribed by GODS own word; who as the great Master of his family, left most perfect directions for his own *aconomie*, and the whole officers of his house: till the *Prelats*, without calling from GOD, or warrand from his word, did ingire themselves by their craft and violence upon the house of GOD. Their craftie entry at the beginning was disguised under many cautions and caveats, which they never observed, and have professed since, they never intended to observe, though they were sworn thereto. Their wayes of promoting their course were subtile and cunning: as in abstracting the registers of the Kirk, wherein their government was condemned; in impeding yearly generall Assemblies, whereunto they were subject and comptable; and generally in enfeebling the power of the Kirk, and establishing the same totally in their own persons: whereby in a

short time they made such progresse, that being invested in the prime places of estate, and arming themselves with the boundlesse power of the high Commission, they made themselves lords over GODS inheritance: and out of their greatnesse, without any shew of order or Councell, without advise of the Kirk, but at their own pleasure enterprised to alter and subvert the former doctrine and discipline of this Kirk, and introduce many fearefull corruptions and innovations, to the utter overthrow of Religion; and to make us no lesse miserable then we were happy before. These pressing grievances did at length awake the good Subjects to petition his Majesty and his Councell for redresse. And albeit at last, after many reiterated supplications and long attendance, his Majestie hath been graciously pleased to grant a free generall Assembly; yet in the beginning by the credit of the *Prelates*, and their commoditie of acceffe, his Royall eare was long stopped to our cryes, and wee discharged under the paine of treason to meet for making any more remonstrances of our just desires.

* There is no divine commandement in Scripture, nor example of the Christian Church for subscribing any confession without the consent of the supream Magistrate if he be a Christian.

In this distresse none other mean, nor hope of redresse being left, wee had our recourse to GOD, who hath the hearts of all Kings and Rulers in his hand; and therefore taking to our heart, that GOD had justly punished us, for the breach of that nationall Covenant, made with GOD, in *Anno* 1580. We thought fit to reconcile our selves to him again, by renewing the same Covenant. And so, in obedience to his * divine Commandement, conforme to the practise of the godly in former times, and according to the laudable example of our religious Progenitours, warranted by acts of Councell, we again renewed our confession of Faith of this Kirk and Kingdome, as a reall testimony of our fidelitie to GOD, in bearing witnessse to the truth of that Religion whereunto we were sworn to adhere in Doctrine and Discipline, of our loyaltie to our Sovereigne, and mutuall union among our selves in that cause. Which Confession, with a sensible demonstration of GODS blessing from heaven, was solemnly sworn and subscribed, by persons of all ranks, throughout this Kirk and Kingdome, with a necessar explanation and application for excluding the innovations and corruptions introduced in the Religion, and government of this Kirk, since the yeare 1580. that so our oath to GOD might be cleare for maintenance of the doctrine and discipline then professed and established, and according to the meaning of that time.

The happie effects of this our resolution and doing, have been wonderfull: And since that time GODS powerfull hand in the conduct of this businesse hath evidently appeared. For after some time, upon the continuance of our groanes and supplications, our gracious Sovereigne was pleased to send into this Kingdome, The noble Lord JAMES Marques of *Hamiltoun*, &c. with commission to heare and redresse our heavie grievances: who after many voyages to his Majestie, and long conferences and treating with us, needlesse to be related in this place, did in end, by commandement from his Majestie, indict a free generall Assembly to be holden at *Glasgow* the twentieth one of *November* last, and

and proclaimed a Parliament to be holden at *Edinburgh* the fifteenth of *May* next to come, for settling a perfect peace in this Kirk and Kingdome: And further to give full assurance to the Subjects, that his Majestie did never intend to admit any change or alteration in the true religion, already established and professed in this Kingdome: And that all his good people might be fully and clearly satisfied of the realitie of his royall intentions for the maintenance of the truth and integritie of the said Religion, his Majestie did injoyne and command all the Lords of his privie Councell, Senatours of the Colledge of Justice, and all other Subjects whatsoever, to renew and subscribe the confession of Faith formerly subscribed by King JAMES of blessed memory and his household in *Anno* 1580. and thereafter by persons of all ranks, in *Anno* 1581. by ordinance of the Councell, and acts of the generall Assembly, and againe subscribed by all sorts of persons in *Anno* 1590. by a new ordinance of Councell, at the desire of the generall Assembly, with a band for maintenance of the true Religion, the Kings person, and each of other in that cause: as the Proclamation of indiction, being dated at *Oatlands*, the 9. of *September*, published at the Mercat crosse of *Edinburgh*, the 22. of the said moneth, more fully proporteth.

Upon the hearing of which Proclamation, These who were attending at *Edinburgh*, and expecting a gracious answer of our former desires, as out of bounden dutie they did with all thankfulnesse acknowledge his Majesties gracious favour: So out of zeale to GOD and Religion, they did protest, that they who had by the late Covenant and Confession condescended more specially to the innovations and errors of the time, could not after so solemne a specification, returne to an implicit and more generall confession enjoyned, conforme to a mandat, apparantly discrepant from the genuine meaning of the confession, and wanting both explication and application, and did most humbly and earnestly desire the Lords of his Majesties Councell, that they would not, in regard of the former reasons, presse upon the Subjects the subscription of this Covenant, but that they might be pleased to forbear their own subscribing of it, in respect of the inconveniences might result upon their subscribing thereof, in an ambiguous sense; but their Lordships not having subscribed that confession, containing our former explanation, and being required by his Majesties Commissioner, to subscribe the Confession, as it was drawne up, and presented to them, without our explanation, with a generall band for maintenance of the Religion in Doctrine and Discipline now presently protest, and of his Majesties person, least these words (*now presently*) repeated in this year 1638. should inferre any approbation of these innovations, introduced since the year 1580. whereof many did justly complaine, after deliberation for removing of this scruple and prejudice, and clearing of their own meaning; they caused make an act of Councell that their swearing and subscribing of the confession of Faith was according to the tenour and date the second of *March* 1580. according

as it was then profest within this Kingdome: whereupon they rested satisfied, being confident that the generall Assembly then indicted, would remove any doubt and differ which might arise anent the meaning and interpretation of the confession of Faith, and clear what was profest in the year 1580. Yet some having subscribed that Covenant in different senses, others forbearing to subscribe the same, as some of the Lords of Session, till the Assembly should declare the genuine and true meaning of the Confession, upon whose interpretation, as of the onely competent Judge, they might acquiesce, and rest satisfied: which now after accurate tryall of the acts of generall Assemblies, and mature deliberation, is fully cleared, and explained in this last generall Assembly by Gods mercy, and his Majesties gracious favour of indiction, holden at *Glasgow*: as the act made thereupon doth proport: whereby Episcopall government, mongst many other innovations is found upon undeniable evidences of truth and declared to be condemned and abjured in this Kirk, in *Anno* 1580. There is notwithstanding published in name of his Majesties Commissioner a declaration, tending to dissuade his Majesties Subjects from receiving the explanation of the confession made by this Assembly, and affirming that the confession subscribed by the Councill, doth no wayes exclude Episcopall government, nor any thing else established by laws standing in force, the time of the taking of the said oath, the ninth of *September* last; notwithstanding the foresaid act of Assembly, which as the decree of our mother Kirk ought to be received and revered by all her children, and act of Councill, whereof the words are so cleare, as they cannot admit any mentall reservation, which is acknowledged by such of the Councillers then present and subscribers, whose hearts GOD hath touched, to make the sense of their oath to GOD, preponder with them above all other worldly respects and fears.

THis declaration containeth five arguments, with a boundle of acts of Parliament, quotted and drawne up by some persons, whom we know not; but seen and approven by the Commissioner: whereby his Grace indevoureth to evince his conclusion, that *Episcopal government was not abjured by the Councill, nor the Covenant* 1580. Which is so repugnant to the acts of the Kirk; The act of Councill, and all reason, that wee are confident, the same will make no impresson in the judgement of any well affected Christian, as shall be evident by our following answers, which we offer to the readers consideration, after he hath first expended these generalls.

Fourre generall considerations of the Declaration.

* The Lords of

Councill did take and were to take this oath as well as any other in the knowne sense of us who commanded it, and therefore any Act of Councill for their explanation was unnecessary, and it is unjustly affirmed that this Declaration or explanation was made by Our Commissioner, for it was made by *Vs*, but published by him at Our Commandement, as is plainly expressed in the title of it.

admitting

admitting the variable cōmentarie of intentions, will losse all force & vigour in themselves. And yet it is evident that the Councillers have not only actually sworne to maintaine the Religion & Discipline established in *Anno 1580.* When Episcopacie was condemned; but likewise intended to doe so: because they have distinguished and opposed betweene the Religion presently professed, 1638. mentioned in the Proclamation, and the Religion professed in *Anno 1580.* mentioned in their act; and by that opposition of *now* and *then*, they reject the one; and swear the other: otherwise they needed no declaration: which notwithstanding accompanies their subscriptions, and is acknowledged by the Commissioner in the second line, to bee an act explaining the Confession, for obedience whereof all those who have subscribed that Covenant, have done the same. 2. Albeit his Majesty did not conceive any difference between the Religion, Doctrine and Discipline now profest, from that which was in *Anno 1580.* (wherewith his Majesty can hardly be acquainted, without perusing the records of Assemblies) yet his Majesties Reall intention was to maintaine the confession of Faith professed in *Anno 1580.* because his Royall disigne by that commandement was to maintaine true Christian Religion in puritie (whereunto Episcopacie by this Kirk was ever judged and condemned as prejudiciall) and to remove the fears of his Majesties good Subjects, complaining of by-gone innovations, and apprehending greater changes: which ends are only obtained by subscription of the Confession as it was *Anno 1580.* And no wise by maintaining the Religion now presently profest; because the corruptions now presently received in this Kirk, are the grounds of our just complaints, as being * contrary to the word of God, and foresaid confession in *Anno 1580.*

3. Wee must distinguish between oathes, tendered by the first framers of the Confession, * the whole Kirk, who have power to interpret and explaine the same, and oathes required, to bee renewed by the supreme Magistrat the Kings Majesty; who as *custos utriusque tabula*, and a true * Sonne of the Kirk, ought to receive the true meaning of the Kirk, and cause it to be received of those whom God hath subjected to him.

And wee are confident that his Majesty, in his just and pious disposition, will never take away the benefite of that holy nationall oath, and confession of Faith subscribed by his Majesties Father of blessed memorie 1580. and now lately renewed againe, & solemnely sworne by the

should now receive the meaning of it from the generall Assembly after it was subscribed by Our commande-
ment, wee cannot apprehend.

* But when shall they bee proved to bee contrarie to the word of God?

* They themselves doe know that this Confession was not framed at first by the Church as the positive Confession was, but by one Master *Iohn Crage*, and commanded by the Authoritie of our Royall Father, hee did advise with the Church concerning it, but they received it from him, not he from them.

* That the supreme Magistrate should as the Sonne of the Church onely receive the meaning of the Church, and cause it to bee received by his Subjects, is not only the Jesuiticall tenet, but their very words and syllables, and as they are alledged here very false, for the greatest part of this confession conteyneth not matters of faith, but of government, discipline and ceremonies: besides this confession was first enjoyned by Our Royall Father and his Councell before it was approved by the Church: how then Our Royall father, if hee were now living, should receive the meaning of it from the Church after hee had subscribed it, and commanded his h^{is} should to doe so; or wee

Subjects of this Kingdome, upon the pretence of any intentions repugnant to the true sense of that confession: which even as it is subscribed by the Councill, doth never import that his Majestie was framing or administering any new confession or oath, but only injoyning to renew the old confession 1580. and therefore unquestionably should be taken in the true meaning of that time. Fourthly, if there were any reall opposition betwixt his Majesties Proclamation and the act of explanation made by his Majesties Commissioner and Councill,

* Nay the first should be preferred: for if our Commissioner and Councill had explained it contrarie to Our meaning, Our declaration coming after should be preferred to their misinterpretation.

* Yet the last must be observed and preferred before the first, because the first is his privat will, the second his publick, and judiciall will. *Et posterior derogat priori,*

publica privata. And albeit we doe not now expresse that the Councill did subscribe the confession of Faith in obedience to a mandat, where there was any contrariety, repugnancie, or ambiguity betwixt the mandat and the Confession it self, which was commanded, yet the Councill making an act that they did subscribe it as it was professed 1580. and declaring publickly that this was their owne meaning, both they and such of his Majesties liedges, who did subscribe in obedience of their charge, are obliged to observe *rem juratam*, and the reall matter of the oath (more then the minde and mandat of the prescriber) especially seeing it is no new Confession, but the renewed Confession of the whole Kirk of Scotland; The meaning whereof cannot bee declared nor interpret by any, but the whole Kirk of *Scotland* who now upon unanswerable reasons, have clearly found that Episcopall governement, was then abolished and abjured: It followeth by good consequence, that the Councill did both virtually and verily swear, yea intend to swear the abjuration of Episcopacie, which is found by that confession 1580. and the discipline of the Kirk then established, to be a corrupt government in this Kirk, of human invention, wanting warrand from the word of God, tending to the overthrow of this Kirk: So that any declaration in the contrare hereof is *protestatio contraria facto*, and the reasons thereof cannot be forceable, to brangle the resolution of any judicious well affected Christian, if he will patiently read and ponder, without pre-occupation, these following answers to the five reasons insert in that declaration.

Answer to the first reason.

* The last part of the first reason is quite omitted, though in it lyeth the principall explicatiō of this first reason.

The first alledged reason is this, that his Majestie could not command an oath absolutly unlawfull: but it is absolutely unlawfull to swear against any thing established by the Laws of the Kirk and Kingdome, if the same be not repugnant to the word of God or repealed by posterioir laws. *

To this we answer, First. The Kings Majesty by commanding his subjects to renew the confession of Faith for maintaning the doctrine & discipline profest *in anno* 1580. hath commanded them to abjure whatsoever is found by the competent Judge to bee introduced since that time repugnant therto, albeit by the corruption of times it were couētenanced with some law interveening. Secondly, the Lords of Councill and Session

sion and other Subjects have subscribed the confession of Faith as it was 1580. not only without any restriction of it to the present laws, but in a direct opposition to what is presently established by returning from the present corruptions in the profession, *tanquam termino à quo*, to the profession 1580. *tanquam terminũ ad quem*: which a* great part of Councillours and other Subjects have declared to be their meaning. Thirdly, Episcopacie is found by the Kirk of *Scotland* in many Assemblies to be an office unwarranted by the word of God, unlawfull and repugnant thereto: so that the abjuration thereof in this Kirk is lawfull and necessary. Fourthly, Episcopacy was never* restored by any Assembly of this Kirk, nor these Assemblies where in it was condemned, repealed, without the which the same could not be established by a Parliament, whose power doth no more reach to the placing officers originally in the Kirk, then the Kirks power to the making states men in the common wealth. Fifthly, the lawes which any wayes contribute to the introduction of Episcopacy, doe only extend to civill privileges, and were alwayes protested against by the Kirk, as contrarie to the nationall Covenant of this land. Sixthly, if any Assembly can be pretended to countenance Episcopacie or other corruptions, it sufficeth to say that the same with all the acts thereof is declared to have been nul and void *ab initio* for undeniable reasons, as the act at more length proports. Seventhly, the breach of our national Covenant by introduction of corruptions therby abolished, hath undoubtedly in high measure offended God: and therefore at the renovation of that Covenant again with God, we ought not only to abjure all these innovations, but hereafter should be careful not to be relapse in our offence. Eightly, in no Covenant Episcopacie is expressly or *specificke* abjured, before all Ecclesiasticall lawes favouring the same was repealed, and declared null, but only virtually and generally, as being formerly abjured *in anno* 1580. And as the tryall hereof was referred to the Assembly, as the only Judge competent, so now when the Assembly hath declared & found Presbyteriall government to have been approved, & Episcopall government condemned, abolished and abjured *in anno* 1580. and in lieu of perceiving that Episcopacie is of an Apostolick institution, have clearly seen that it is justly condemned in our Kirk, as the invention of man wanting warrand or fundament in the word of God, tending to the overthrow of this Kirk, Therefore albeit Episcopacie had been abjured expressly in the renovation of this Confession commanded by his Majestie, it was not unlawfull, but most necessary and incumbent to us all, who are tyed by that nationall Covenant against that unlawful Hierarchicall government, albeit we had never renewed the same: But we are falsly calumniat to have condemned the name of a Bishop, even as it is used in Scripture, which the act of Assembly it selfe, sufficiently refutes, by allowing *S. Pauls* Bishops to-wit Pastours of a particular flock, and condemning only all other Bishops brought in without the warrand of Scripture.

* How many of the m have determined so? they know that they are not cõparable in number to those who have determined the contrarie.
 * Most false.

Answer to
the second
reason.

The second reason in the Declaration is, that the oath for preserving the discipline and government of the Kirk, cannot oblige after the alteration & change of that discipline & government: and seeing the Discipline and government of the Kirk is not only alterable, but changed in this Kirk, we are not tyed by that oath, after the alteration.

Wherunto we answer, first, that it is true, that policie and order in ceremonies is temporarie and may bee changed, as is meained in that article of the Confession cited in the declaration: But a Bishop, or his office, or the government of Gods house cannot be called a ceremony, nay, they will be loath to be vilified by that appellation: but if it be a ceremony, they are of no Apostolick constitution, as is mentioned in the first reason: so that if they be lawfull governours in Gods house, warranted by his word, they are not alterable: and so this second reason militats not for them, if their office be changeable, and accounted among alterable ceremonies: they are well exploded from our Kirks, & may be so by that second reason of the declaration. 2. One cause of generall Councils is, for constituting a good order and policie in ceremonies: which is grounded upon the last verse of the 14. Chap. to the 1. *Corinth.* willing that all things be done decently and in order, wherein the Lord giveth not power to institute new officers in his Kirk, but commandeth his owne officers to exerce their functions by his commandements without indecencie, or confusion, in the variable circumstances thereof, to be determined according to the present occasions of edification, 3. In the 15. Chap. of the same confession of Faith, all mens inventions in matters of Religion are condemned; And in the 19 Chap. Ecclesiasticall discipline uprightly ministred as Gods word prescribeth. *Matth.* 18. 1. *Cor.* 5. is set down as the third essentiall and unchangeable marke of the true Kirk of God; and so is not of that nature with temporarie, changeable ceremonies; though unwarrantably ranked with them in the declaration. 4. It is evident at our first reformation what policie was perpetuall, and what ceremonies changeable, for in the first booke of Policie compyled that same yeare with the Confession, 9 head is expressed a two-fold policie of the Kirke; The one absolutely necessary in all Kirks, the other not necessar, but changeable; such as, what day of the week sermon should bee, and the like; whereof they established no order, but permitted every particular Kirk to appoint their own policie, as they thought most expedient for edification, if parity of reason will make Episcopacie of this nature, let all men judge. 5. Our confession speaketh of an order in ceremonies; which cannot bee appointed for all ages, as is before said. But when they speak of the office-bearers in the Kirk, they acknowledge according to the truth, that *Christ* himselfe appointed an ordinarie constant government of his Kirk by his four ordinar office-bearers, The *Pastor*, *Elder*, *Doctour*, & *Deacon*, to administrat the same perpetually, as is set downe in the first booke of Discipline, and in the treatise before the *Psalmes*, which was drawn

up at that same time, and allowed by the same persons. Like as in the yeare of God, 1560. when that confession was made, & in the yeare 1567. when it was ratified, and by continuall acts of Assembly, and by the second book of Discipline; The government of Christs Kirk by these foure ordinarie office-bearers, is set down as founded only upon the Word of God, as constant unchangeable, and perpetuall; and as that holy discipline without which Gods word cannot be preserved; so that the intruding of any other officer in Gods house was accounted an offence against the Lord of the house. 6. By our oath, we are obliged to continue in obedience of discipline as well as doctrine, because they are both grounded on the Word of God, without the warrand whereof, all traditions that are brought in are abjured, and the discipline of the Kirk of *Scotland* is set down in the book of policy, as grounded on Gods word & commanded to continue to the worlds end, whereunto we have sworn, and cannot without perjury to God, gainsay it, like as the Assembly ordaines the discipline of the Kirk to bee subscribed as such, and the act of Parliament 1592. Ratifieth the discipline of the Kirk, as a privilege granted by God, whereinto the Kings prerogative cannot bee prejudiciall. 7. It carrieth no shew of argument or face of probabilitie, that the Kirk and reformers of Religion which condemneth all other ordinar officers in the Kirk, but these foure appointed by *Christ*, did mean under the name of variable ceremonies, to comprehend and admit Episcopacy, which frequently they condemne, as an invention of man, without the warrand of Gods word, tending to the overthrow of the Kirk and puritie of Religion. 8. * The *Prelats* themselves will not grant Episcopacie to be reckoned in the orders of ceremonies, which cannot bee unchangeably constitute for all ages, times and places, but are temporall as devised by man; and so changeable, when they rather foster superstition then edifie the Kirk, but herein they will disclaime the benefit of this second reason, and undoubtedly affirme, that Episcopall government, not only may be, but should be, and was appointed for all ages, times, & places; & that it is not the devise of man temporall & changeable, but deriveth its extraction from divine Apostolick, at the least Ecclesiasticall, perpetuall and necessary institution, as is averred in the first reason; and so should ever be unchangeable. 9. This Kirk hath ever condemned all such as held the discipline, and policie thereof, to be indifferent and changeable; & in particular in *An.* 1581. which is the year of the subscription of the confession of Faith, and book of policie, *Mr. Robert Montgomery* is accused and condemned for that doctrine. 10. In the Assembly 1596. upon the Kings Majesties proposition, and demand that it might bee lawfull for him to reason or move doubts, in any point of the externall policie; government; or discipline of the Kirk, which are not answered

* Because in the XXI. Article cited, the word Ceremony is used, therefore they would inferre that this reason supposeth Episcopall government to be but a ceremonic: But weakly, for the reason consisteth in the word policie which they take no notice of, and Episcopall government being a part of Ecclesiasticall policie, they hold the one alterable, (as all they doe who adhere to that XXI. article) must needs hold the other so too: nor can it be inferred from any thing in this reason that Episcopall government is mainteyned by it to be alterable, but that they themselves, and that XXI. article doe hold it to be so.

* The Assembly desired it, but did ever Our Royall Father doe so ?

wered, *affirmative* or *negative* in the Scripture. The Assembly concluded, that it might be lawfull for his Majestie, or his Commissioner, to propone any point to the generall Assembly, in matters of externall government, alterable, according to the circumstances; providing it be done in right time and place, *Animo edificandi, non tentandi*: But as for the essentiall discipline, in the book of Policie: * The same Assembly desireth the Kings Majesty to declare before his Estates, that he never intended to preiudge the same. 11. Albeit it were granted that discipline were changeable, yet now seeing by the Kings Majesties owne consent, we have sworne to maintain the discipline of the Kirk of *Scotland*, as it was 1580. we are obliged strictly, *interposito juramento*, to abide by that discipline *specificè*: at least till it be lawfully changed by the Kirk of *Scotland*, in her free generall Assembly, which can never be presupposed: because *in rei veritate*, the Discipline, as well as the Doctrine, is acknowledged and sworn to, as unchangeable, wherein we must continue all the dayes of our life: and defend the same according to our power under the penalty of procuring deservedly upon our selves, all the curses contained in Gods Word. 12. The doctrine of the Kirk of *Scotland*, condemned Episcopall, and re-established Presbyteriall government perpetually: which we have acknowledged by joyning our selves in the assertory part of our oath, unto the Kirk of *Scotland* in doctrine as well as in discipline, and in the promissory part thereof by swearing to continue in the obedience of the Discipline, as well as Doctrine: to show that Discipline as well as Doctrine, is not variable, nor so sworn to by us: but as an immutable law and constitution, which we are obliged to maintain perpetually.

Answer to the third reason.

The third reason is that we who subscribed the Covenant, acknowledged that Episcopacy was not abjured thereby, which is qualified by two instances. First that the Ministers in their answers to the *Quæres of Aberdeine*, expressed themselves in that sense, holding these things for the present not to be abjured, but onely to be referred to the tryall of a free generall Assembly. Next, that it is averred in our last reasons against the subscription urged by his Majestie, that this oath, required by his Majestie, doth oblige the takers of it, to maintain *Perth* articles, and Episcopacie.

This needeth no answer, if the preceding narration, and the whole passages of the businesse were considered and known; for in the application of our Covenant, we did not expressly & *specificè*, abjure Episcopacie, but onely generally and virtually, by abjuring whatsoever was abjured in the Confession, 1580. which we found to be a strong band, lying upon us to bind us straitly to the obedience of the discipline then established: wherein because there had intervined some alterations, we permitted justly the triall thereof to the Kirk, whether *Episcopacie*, *Perth* articles, and other innovations were not condemned and abjured by the said oath, which now the Assembly after carefull search and examination of the records have clearly found. This is the true meaning and substance of the answer made to the *Quæres of Aberdeine*, and ought

ought also to be the ingenuous meaning of the Councillours, who by their act declared they subscribed the Confession 1580. as it was then professed: which is consonant to our generall application, and which being now declared by their mother Kirk, they ought to reverence and obey, and not upon light and subtill pretences to neglect and contemne.

2. For the second instance: It is true that when the Councill was urged to subscribe the Confession, 1580. conforme to the warrands bearing (that they should maintaine the Religion now presently profest) wee justly feared, that the same being subscribed in 1638. would comprehend Episcopacie, *Perth* articles, and all other corruptions introduced since 1580. And therefore both in our written reasons against that subscription, and in our speeches at the Councill table, and to sundry Councillours in private, we dehorted them upon that reason from that subscription: which was the true cause why the Councill being convinced with that reason, made their explanatory act, declaring that they subscribed the Confession according to the meaning 1580. and as it was then profest, for removing of that doubt.

3. * Albeit by the meaning of the prescriber of an oath, the swearer were tacitly bound to maintaine *Episcopacie, Five Articles of Perth*, and such-like, yet according to the premitted considerations, he is more obliged to the realitie *rei juratae*, which is now declared and found to abjure Episcopacie, &c. Nor to the meaning of the prescriber or his owne either, being contrare to the explanation of the soveraigne Judge competent.

* We dese any man living to produce from any Jesuit or the greatest patron of equivocation yet ever heard of, such a wicked position as this, that the swearer is neither bound to the meaning of the exacter of the oath, nor to his own meaning who takes the oath, but to the realitie of the thing sworne, as it shall be afterward explicated by the competent Judge: For then no man can tell what he sweareth, when he sweareth; if the declaration of the competent Judge shall come after, it were to be wished that he who set downe this proposition, had set his hand to it, that the world might take notice of him for an ignorant foole and an arrand knave: In the meane time, till *Johnston* finde out another, he must be taken for the man, because his hand is at this foolish Pamphlet.

The fourth reason is Syllogistically urged thus: It cannot be denied but that oaths ministred unto us, must either be refused or else taken, according to the known minde, professed intention, and expresse command of authoritie urging the same. But it is notoriously known, that his Majestie, not onely in his Kingdomes of *England* and *Ireland*, is a maintainer of Episcopall government, but likewise is a defender, and ministres to continue a defender thereof in his Kingdome of *Scotland*. And therefore the oath being taken, and not refused, must be sworn conforme to his Majesties known meaning. The minor is confirmed from our own Assertions.

*Answer
to the
fourth
reason.*

To this it is answered first, that in contradictory oaths, * the swearer is more obliged to the true meaning of the oath, clearly exprest therein, then either to his own meaning, or any sense of the prescriber, being contrary thereunto. Especially in this case, where there is no new oath which may receive any new meaning, but the renovation of the old oath, which can admit no new destructive sense:

* This is directly contrary to the words of their owne protestation against Our Proclamation, dated the ninth of *September*: see their ninth Reason in that Protestation against the subscription to our Covenant, and you shall finde it flatly contradictory to this which they affirme now.

but must be sworn conforme to the genuine originall first meaning. 2. That oath was justly refused by us upon that ground of discrepance amongst many others; and such like, was not received by the Councell, till they declared their meaning by act *simul & semel* with their subscription. 3. We doe not meddle with the Kirks of *England*

* They doe not meddle with the Church of *England*, but yet in all their Writings declare that the government of the Church of *England* is against the Word of God, and the paterne shewed in the Mount: and that their new fancied government, contained in their imaginative books of discipline, is onely according unto it.

or *Ireland*, * but recommends to them the paterne shown in the Mount: all our arguments and proceedings being for the Kirk of *Scotland*, where, from the time of her more pure reformation then of her sister Kirks, Episcopacie hath ever been

abolished, till the latter times of corruption. So that though his Majesty hath hitherto maintained Episcopacie in *Scotland*, because his Majesty wanted the meanes to be informed of the acts of this Kirk, yet we know that God hath so richly replenished his Royall breast, with such justice and pietie, that when his Majesty shall receive perfect information, wee are confident that He will never desire any change or alteration in our ancient Kirk government and discipline. Especially now when his Majesty hath caused the maintainance thereof to be religiously sworn.

Answer
to the
fifth rea-
son.

The fift and last reason is, that we can never make it appeare, that Episcopall government, at the first time of administering the oath was abolished; the very words of that confession of Faith, immediatly after the beginning of it being these: *Received, beleevved, and defended by many and sundry notable Kirks and Realmes, but chiefly by the Kirk of Scotland, the Kings Majesty, and three Estates of this Realme, as Gods eternal truth, and onely ground of our salvation.* Whereupon is inferred that Bishops, Abbots and Priors, made up, at that time a third Estate of this Realme, which gave approbation to the confession of Faith: and therefore this third Estate did not abjure Episcopacie. And albeit it had bin abolished by acts of Assembly, yet it was not so by act of Parliament, but in force by many of them standing unrepealed, which are annexed to the reasons. Which being the acts of a Monarch, & his three Estates, are never repealeable by any Ecclesiasticall nationall Synod.

For answer hereunto, 1. It doth appeare and is manifest by the Registers and acts of Assembly, that before the subscription of the Confession at the time thereof, and thereafter: That *Abbots, Priors, and Bishops* were so clearly, evidently, and expresly condemned in this Kirk, That the best wits of this age opposers of Episcopacy cannot yet require one syllable to be added for farther assurance, and the most able maintainers thereof could not pick any quarrell to the clearnesse of the expression. 2. The clause citted in the reason, is onely anent the doctrine, and not anent the discipline, which thereafter is determined and the *Hierarchie* detested: And the Discipline of the Kirk sworn unto. 3. Albeit that clause were of discipline, yet it maketh nothing for Bishops except by inference, that they are comprehended under the name of the third estate: which cannot be so understood, for collections by way

way of inference or *ex consequenti*, cannot be adduced against the expresse acts of the time : wherein the makers signifie their minds in clear termes, & *apertissime dicendo*, leaveth no place to presume the contrare: especially in this kingdome, where these expressions of *stylus curia* are carefully observed without change: which may be seen in the same case by many Parliaments: where it is * not our that no *Prelate* was present, or allowed : and yet the acts propoing to be made by his Majestie and three Estates are interpreted by the quoter as made by the *Prelats* with others. 4. Episcopacie was abolished not only by acts of Assembly, but there is no standing laws for Episcopall government, but some against the same, as shall be evident in the answer made to the acts of Parliament, subjoyned hereto : but if there be any Acts of Parliament standing for Episcopacie, the Kings Majestie, his Commissioner, the Councill, the Collective-body of the Kingdome, hath actually renounced the same by returning to the doctrine and discipline, 1580. whereunto Episcopacie is contrare : which God-willing may also be enacted at the next Parliament, proclaimed to be holden by his Majestie in *May 5*. The acts of the Assembly, and the book of Policie in the 1. and 10. chapter, putteth clear merches betwixt civill and Ecclesiasticall jurisdiction; making every one independent in matters properly belonging to their owne judicatorie, and every one subject to the other in matters properly belonging to that other.

* But it is most notorious that at those Parliaments which were holden when the confession of faith was first sworne unto, Bishops had voyces and were present, and so then Episcopall government could not be abjured, for prooffe whereof We refer the reader to the Parliament Roll inserted at the end of this answer.

* So that as the Assembly cannot make civill laws nor repeal them, nor impede the Parliament from making or repealing civill laws, no more can the Parliament make Ecclesiasticall laws originally, nor repeal, or hinder the lawfull Assemblies to repeal the same. For albeit acts of the Assembly are, and may be ratified in Parliament, that is, only that the civill sanction may concur with the Ecclesiasticall constitution: But will not stop the Assembly to recall their owne act: which being adnulled by them, the * civill ratification and sanction fals *ex consequenti*. For to maintain that the Kirk may not repeal her own acts, ratified once in Parliament, is so derogatorie to Christs prerogative and ordinance, to the liberty of the Kirk, and freedome of the Assembly, to the nature, end, and reason of all Ecclesiasticall jurisdiction, (as we have more largely cleared in the Protestation 22 *September* last) that we beleeve few or none will be of that opinion. All these Five objections and many more was agitate and discussed in the Assembly, before the act anent Episcopacie was made.

* Let any kingdome which is acquainted with Parliaments consisting of a *Monarcho* and his three *estates*, digest this proposition, and then the Parliament can be no more the highest Court of the Kingdome.

* A most false position: As if the convocation in England, or the generall Assembly in Scotland had power to reconcole the two kingdomes to the Church of Rome, to reduce Poperie into them, and to restore to the Church all the Abbey lands; notwithstanding many Acts of Parliaments in both kingdomes to the contrary.

And seeing the generall Assembly of the Kirk of *Scotland*, indicted *Conclu-* by his Majestie now holden at *Glasgow*, which is the only Judge *Conclu-* sion.

petent and fit interpreter to remove and explaine all doubts, arising upon the confession of Faith, hath after long, religious and mature declaration, expounded the same, and clearly found that Episcopall government in this Kirk, amongst other corruptions, is abjured by the confession of Faith, as the same was profest within this Kingdome, hath discharged all subscription to the Covenant, subscribed and interpreted by his Majesties Commissioner, hath commanded the Covenant subscribed in *Februaire* with the application to be now subscribed according to her present determination: therefore wee trust that the knowledge hereof, will be a sufficient warning to all good Christians and Patriots, that they subscribe not the one, and that they subscribe the other, according to the genuine and true meaning thereof, declared by the Kirk allennerly, and of no contrary incompatible sense, as they would eshew the crime and danger of a contradictory oath, and we would most humbly and earnestly beg of his Sacred Majestie, from the bottome of our hearts, that his Majestie would be graciously pleased to command, that the same may be so subscribed, conforme to the declared explanation of the Kirk; which would prove the greatest happinessse and joy that ever befell these disconsolated Subjects of this nation, who (though unjustly branded with many calumnies) yet never have, nor ever shall swerve from our loyalty due to the Lords anoynted: But would readily imbrace any occasion to imploy our lives and fortunes for his Majesties service and honour: who (we heartily pray God) may long and happily ring over us.

*Anent acts
of Parliam-
ment.*

* For the cavils here made against the Acts of Parliament, cited in the explanation, they will be sufficiently confuted, if the reader will take the paines to reade the acts; for then he shall easily discover that these exceptions are not only weak, but none at all.

* There is annexed to this Declaration a quotation of sundry acts of Parliament, to prove that Episcopall government was not abolished in the yeare 1580. whereunto albeit there is no necessity of answer, seeing the meaning of the Kirk of *Scotland* in her Confession of Faith is onely to be sought from her self, and the registers of her Assemblies,

and not from the Parliament, yet the same shall be specially answered in the order that they are alleadged: after these two generals are offered to the Reader his consideration. 1. After the reformation of this Kingdome, the Kirk was still wrestling against all corruptions, and especially against Episcopacie. But though they clearly and frequently condemned the same, yet the power of the enemies of reformation withstood them long: so that her owne policy could not be obtained ratified expressly & *specificke* in Parliament, till the yeare of God 1592. which abrogateth all those preceeding acts, alleadged in the contrare. 2. That acts of Parliament can no more make Ecclesiasticall offices, nor give Ecclesiasticall priviledges, nor the acts of Assembly can establish civill offices of Estate, or grant to them civill priviledges; each Judicatorie being properly confined within their owne spheres.

But

But before the acts of Parliament be particularly marked and cited, there be two reasons prefixed: the one taken from some acts of Parliament 1567. cap. 2. 3. 6. and cap. 68. Par. 1579. The other from the oath ministred to the King, at his coronation, for the act of Parliament 1567. Bearing that no Bishop nor other Prelate in this Realme, use any jurisdiction in time comming by the Bishop of Romes authority, It is evident hereby that Episcopacy is altogether condemned, as all other Prelacie was: for before that time they had no jurisdiction but from the Pope: and therefore being discharged to execute that; they are discharged by the act to execute any at all. That this is the true meaning and scope of that act is manifest: because the Kirk in the book of common order, and in the first book of discipline at that same time, acknowledgeth no other ordinary office bearers appointed by Christ in *Ecclesia constituta*. But the *Pastor, Doctour, Elder* and *Deacon*: and in her Assemblies at that same time, was still censuring these who were called or designed *Bishops* by reason of their benefices, as is instructed by the acts printed before the book of discipline. And therefore in the act of Councell, 1560. made in the same yeare by these same persons, ratifying the first book of discipline, they provided only that *Bishops, Abbots, Pryors, &c.* Being protestants, brook their revenewes during their life-times: they sustaining Ministers in the meane time. 2. In the yeare 1566. which precedes that Parliament, the Kirk of this Kingdome approved the Confession of *Helvetia*; wherein the parity of Ministers is preferred as Gods ordinance warranded by his word, to *Episcopacy*, as an humane consuetude. 3. Because at that time the Queene had restored the Archbishop of S. Andrews; therefore the Kirk supplicated the Nobility of the Kingdome, against that restitution, which they condemne as the curing of the head of the beast once wounded within this land. Wherein they expressly ground themselves upon the said act of Parliament being before made in the year 1560. as a certaine abrogation of the Arch-bishops authority. 4. In the 2. book of discipline chap. 11. the Kirk useth the same act of Parliament as an abrogation of the Papisticall Kirk, and Papisticall jurisdiction, and thereby of Episcopall jurisdiction and power. 5. The Kirk thereafter in the same chapter declareth their uniformity of this meaning by urging the act of Parliament, 1567. printed amongst the black acts and renewed in the Parliament holden 1579. (which immediately followeth the act here cited) declaring that no other Ecclesiasticall jurisdiction shall be used within this Realme, but that which is and shall be in the reformed Kirk and floweth therefrom: and they urge that none under the abused titles in Papistry, of *Prelates, &c.* attempt to claime the benefite of any act of Parliament, having no commission of the reformed Kirk within this Realme. Whereby our Kirk declared all *Episcopall* jurisdiction to be *Papisticall*. Which is the true meaning of the word, his *Hierarchy* in the short confession. For their jurisdiction could flow from none other but from the *Pope*: Seeing it flows not from the Kirk: but was abolished and condemned by them: as is cleare by the Regi-

Answer
to the
acts
1567.

sters of the Assembly. 6. The acts doe abolish all *Papisticall* jurisdiction: And therefore all *Episcopall* jurisdiction, becaule *Episcopall* policy and jurisdiction is *Papisticall*: as is acknowledged by many, and specially by Doctor *Poklington* Chaplaine to the Bishop of *Canterbury*: who deduceth a continuall lineall succession from *Peter* through the whole *Popes*, unto the present *Arch-bishop* of *Canterbury*: and by the quoter himfelse, who alledgeth (albeit falsly) that this Kirk retained the *Papisticall* policy and government. 6. Where it is said in the reason; that our Kirk did not innovate any thing in that policy which they found in the Kirk before the reformation: the same is controlled by the book of Common prayer, first book of Discipline, and acts of the Assemblies.

Anent the sixth act 1567 And for the 6. act 1567. and the 68. act 1579. The same doth not only not mention Bishops, but declareth the true Kirk to consist only of Ministers of the Gospell then living, and these who thereafter should rise; agreeing with them, in doctrine and administration of the Sacraments, and the people, as the members thereof, which directly excludeth Bishops: against whom the doctrine and practise of this Kirk, continually founded: especially at that time. For in the government of this Kirk by weekly meeting of Ministers, Elders, and reformed townes from the year 1560. to the year 1576. (except the *interim* of the pretended convention at *Leeth* 1572.) and from the year 1575: to the year 1581. The Assemblies for the most part were employed in abolishing the corruptions of *Episcopacy*, and in establishing the settled Policy; which was agreed upon, 1578. In the second book of Discipline. In the which acts of Assembly and book of Discipline is set downe at large the doctrine of the Kirk of Scotland, anent that discipline, as grounded and well warranted in the word of God, and against *Episcopall* jurisdiction, as an unlawfull humane invention: So that *Episcopacy* being contrary to the doctrine of the Kirk of Scotland, 1579. The *Bishops* disagreeing from the Ministers of the Evangel then living, in doctrine and in the use and administration of the Sacraments, are declared by the said acts to be no members of this Kirk, and the same acts cited for them doe sufficiently evince that *Episcopacy* was still condemned, notwithstanding all opposition made in the contrare.

Anent the Kings oath. As for the Kings oath, the same containeth no mention of Bishops, but by the contrary, the King is obliged thereby to maintaine the true Religion of Jesus Christ, the preaching of his holy word, and right administration of the Sacraments, then received and preached within this Realme. And seeing it is cleared by the preceeding relation, that Bishops were never allowed, but oppugned by the Kirk of *Scotland*, that oath doth not allow, but exclude *Episcopacy* which is also more perspicuous in the short confession 1580. and 1581. when the Kirk set downe her constant policy in Doctrine and Discipline grounded upon the word of God, wherein the *Hierarchy* is abjured as contrary thereto; and craved an oath from his Majesty for maintenance thereof, which now also our gracious Sovereign in the judgement of the Kirk of

of *Scotland* is obliged to maintaine, as being founded upon the word of God, and exclusive of *Episcopacie* as repugnant thereto. The acts of Parliament thereafter particularly cited are these mentioned in order.

The 24. act 1567. ratifying all civill priviledges formerly granted to the spirituall estate, and the 35. act 1571. Ratifying all acts made anent the freedome, and liberty of the true Kirk: the same cannot be extended to the establishing of *Episcopacy*, because it is not mentioned in these acts, but by the contrary was abolished by the acts of the Assembly and Parliament, before mentioned, so that the priviledges therein mentioned, are granted to such Kirk-men as then were received by the Kirk and Kingdome: and the freedome of the Kirk must be interpret by her owne judgement: who thought ever *Episcopall* jurisdiction an heavy bondage: and yet those priviledges can infer no spirituall jurisdiction, but only civill priviledges; some immunities and exemptions granted for the goods and persons of Kirk-men as is cleare, 1. act *James* 1. Par. 1. and 26, act Par. 2. *James* 1. and 4. act Par. 3. *James* 2. with many others.

It is hereto be observed, that the carefull evolver of these acts of Parliament, hath omitted to cite the 7. act 1. Parliament of King *James* 6. bearing the examination and admission of Ministers, to be only in the power of the Kirk, then openly and publikely profest; and presentations to be made to *Superintendents*, or others having commission from the Kirk, and appealeth from them, to the *Superintendents* and Ministers of the Province; and appealeth from these to the generall Assembly: in all which gradations no mention of Bishops; but they in effect excluded by that contrare distinction of the Kirk then openly profest; because they were discharged by the foresaid second act 1567. and *Superintendents* were then permitted like temporarie *Euangelists* for the present necessity, declared in the first booke of discipline *ad ecclesiam constituendam*; but was abrogate from 1575. that the constant policy of *Ecclesia constituta* began to be established.

As for the acts of Parliament, 1572. and 1573. It is knowne by the records of the time, that the *Regent* then laboured hard to bring in *Arch-bishops*, and *Bishops*, who were not dead, but standing *de facto* provided to the power of these titulars of benefices, to fortifie his owne designs, and counter-ballance the authority of Ministers, pressing the purity of reformation: and so cannot be honourably alledged for the *Bishops* at this time: and yet it was done not by authority, but by warrant of some Ministers of his owne party convened at *Leeth*: and was onely done for an *interim*, and protested against by the next Assembly; and yet neverthelesse by the said acts of Parliament, the *Arch-bishops*, *Bishops*, *Superintendents*, or Commissioners of Dioces or Provinces, are joyned together (which is wrongously omitted in the quotation) to show that no *Archbishop* or *Bishop*, *quatales* had any power, but onely being *de facto* standing provided in the title, they were capable of a Commission from the Kirk, which sometimes they obtained, and in the book of Assembly are named such as are called *Bishops*, and were under

Anent
the acts
1572. &
1573.

the

the Discipline of the Kirk: and in the same *Superintendents* possessours and titulars of prelacies, as well as *Arch-bishops* and *Bishops*, are ordained to be called and conveened for that effect before the generall Assembly of the Kirk: And yet none can say, That the offices of *Abbots*, *Priors*, &c. were then retained; howbeit the benefices were not extinct; and few will grant that when the *Arch-bishops* and *Bishops* office was in vigour, they thought themselves subject to the generall Assembly: as they are by the said act which is also fraudfully omitted in the quotation.

Asent
the acts
1578.
& 1579

As for the acts of Parliament 1578. and 1579. It is answered that the Kirk in this meane time, from the yeare 1575. was busied in abrogating *Episcopacy*, and establishing the constant policie, as is cleare by the printed acts of Assembly before the book of Discipline, and unprinted acts of Parliament: The Kirk by her Commissioners daily reasoning and agreeing with the Kings Majesty and his Commissioners upon these heads of policie, whereupon the Parliament, by the said 69. act 1579. declareth there is none other jurisdiction ecclesiasticall to be acknowledged, but that which is in this reformed Kirk, and floweth there-from, which extinguisheth *Episcopacy*; because it doth not flow from this reformed Kirk: neither can produce its chartor from her: for besides that it was abolished by the foresaid acts 1567. It was condemned also in the book of Policie, and in the generall Assembly holden at *Dundie*, 1580. and their whole estate spirituall, and temporall condemned in the Assembly at *Glasgow*, 1581. and so acknowledged by his Majesties Commissioner in the Assembly at *Edinburgh*, 1581. so that by this act of Parliam. 1579. The *Bishops* are so abolished, that unlesse they be established by lawfull Assemblies of the Kirk, no act of Parliament since sen can conduce for their establishment: seeing this act with the other acts for their abolition, standeth yet unrepealed. And farther for the act of Parliament, 1578. if the same contribute any thing; for *Episcopacy*, it must either be because *Bishops* are there mentioned; or for the power thereby conferred upon them: But both these are weak grounds. The first because there is no *Bishop* there named, but such as stood provided *de facto* on life: which is an designation of the benefice, which was not then extinct; and not of the office which was extinct. The power conferred upon them by the said act can give no strength to the argument: because there is no jurisdiction granted thereby to them, but only power to visit Hospitalls: which the Parliam. might have granted to any person: but was most proper to these idle titulars of benefices, who might best attend the same, or imploy means for their reparation. And this charge is likewise communicate by act of Parliament to all Chancellours of this Kingdome for the time being: And as to the 71. act 1579. we repeat the former answers that *Superintendents* and *Commissioners* are there joyned with the *Bishops*; to show that no power is granted unto them as *Bishops*, but *Commissioners* from the Kirk, and the name is still used, because the benefice was not extinct, but they were knowne by that appellation.

The acts of Parliament 1581. were better alledged for Assemblies *Anent* then *Bishops*, for it is an expresse ratification of the former acts of abo- *the act* lition of *Bishops*, and abrogation of all acts or constitutions, cannons ci- *1581.* vill or municipall contrare to the Religion then presently profest with- in this kingdome: which is not only clearly exprest in the words: but if they were doubtfull (as they are not) were manifest for these rea- sons. First, the Assembly holden at *Edinburgh*, about the very same day, honoured with the presence of his Majesties Commissioner, is ac- knowledged by him to have condemned *Episcopacy* whereunto tempo- rall jurisdiction is annexed: and the Assembly declaring that function to be against the word of God and acts of the Kirk, thereupon did sup- plicat the Parliament, that they should make no acts. repugnant to the word of God, especially concerning *Bishops*. Secondly, the King and Estates by that act ratifieth all acts made for maintainance of the liberty of the true Kirk of God, presently professed within this Realme and purity thereof: which present profession can be no other, then that which was received by the Kirk and Assembly then presently sitting so near the Parliament at *Edinburgh*, which had approved the *Presbyteriall government*, condemned the *Episcopall*, and ratified *the short confession simul & semel*, wherein the Estates had sworn to the *Presbyteriall* and abjured *Episcopall* government. Thirdly, this ratification of the former acts of Parliament must bee interpreted, according to the words thereof, to be in all points, which are not prejudiciall to that purity of Religion and liberty of the Kirk presently professed within this Realm. And at this time the whole Estates had subscribed the short Confession: and so sworn to the discipline, set down in the book of discipline, which by this act is ratified in the first place, before any speciall enumeration of particular acts. Fourthly, it hath beene formerly showne that in the preceeding acts of Parliament where *Arch-bishops* or *Bishops* are named, the same hath beene by reason of their benefice, and not their office: which the Parliament could not give them being abrogate by Assem- bly: or having intended really to give them any place, would not have joyned *Superintendents* and other Commissioners with them: or other- wise they are named as having equall power with the *Superintendents* and other Commissioners, as in the convention at Leeth; and con- forme to the time, especially 1572. and 1573. Wherein some titulars or possessors of prelacies, so called in the 46. act of the Parliament 1572. had a commission from the Kirk like unto *Superintendents*, which was not fully abrogate until 1580. But all this was without prejudice of the Kirk her liberty, to recall her own commission from these who were provided to prelacies; and to condemne their *Episcopall* offices, whereunto they ascribed the power; which they really had by their commission: as the Kirk did upon good reasons abrogate the office of *Superintendents* without impunging of the saids acts of Parliament (which were never rescinded till 1592.) whereby it is evident, that though this act of Parliament 1581. ratifie the former acts wherein *Arch-bishops*, *Bishops*, *Superintendents*, or other Commissioners

of the Kirk are named, yet seeing the said acts are *alternative* conceived, the vigour and efficacy thereof subsists by this ratification in the last alternative; viz. Commissioners from the Kirk, Dyoces or Province: seeing the remanent were formerly condemned: especially by this Assembly of Edinburgh holden the time of the Parliament. Fifthly, this ratification 1581. of the former acts made in favours of the true Religion repeating only the titles of these acts and not themselves, cannot import any corroboration of the offices under the titles mentioned in these former acts: because this ratification, can only be extended to the matter, and not to the designation of the persons, exprest in the former acts, which is only personall and circumstantiall, as for instance, this act 1581. could not confer any power or employment upon *Superintendents*: because that office was then abrogate; and out of the Kirk. But the true meaning of the act is; that ratifying the substance and matter in favours of the Kirk and Religion, it doth intrust the execution to these whom the Kirk shall lawfully authorize with commission for that end, which is more manifest in the 114. act Par. 12. 1592. wherein this act 1581. and all the acts therein contained are ratified *quoad materiam*: and yet all *Arch-bishops* and *Commissioners* are discharged and all Ecclesiasticall matters subjected to Presbyteries. Sixthly, it cannot probably agree with reason that by this ratification the Parliament, above their power would endeavour to establish in the Kirk any function so recently condemned of before by the Assemblies at *Dundie* 1580. and at *Glasgow* and *Edinburgh*, 1581. immediately before this Parliament.

Anent
the act
1584.
and the
third E-
state of
Parlia-
ment.

The acts of Parliament 1584. are of severall natures. But they were protested against, by the Ministers of *Edinburgh* in the name of the Kirk of *Scotland*, at the mercate crosse of *Edinburgh*, when they were proclaimed and as they were made in that time which was called the houre of darknesse in this Kirk, tirrannized by the Earle of *Arran*, so are they expressly repealed 1592. cap. 114.

Anent the act of Parliament 1584. *For the three Estates*, and so furth. To answer: *Primo*, that the Kirk from the yeare of God 1580, 1581. that the Confession was subscribed, unto the year 1597. all this time was by continuall acts condemning the office of *Bishops*, their spirituall, their temporall, their whole estate, their confusion of civill and Ecclesiasticall jurisdiction, and craving in Councell and Parliament the dissolution of Prelacies and the erection of Presbyteries.

2. *De facto* the former *Bishops* being continually proccessed and sentenced by the Kirk, these who presumed to usurp that office condemned by the Kirk, namely Mr. *Patrick Adamson*, and Mr. *Robert Mountgomrie* in the yeare 1582. 1584. 1586. they were deprived and excommunicate by this Kirk before the Parliament, 1587.

3. *De facto* no Ecclesiasticall *Bishop* voted in Parliament but *Mountgomrie* and *Adamson*, who were taken in by the Earle of *Arran*, unto the Parliament holden in *May* at *Edinburgh* 1584. Wherein the *three Estates* ratifieth the honour and dignity of the *three Estates*, so that as these

two *Bishops* cannot be called the *third Estate* which doth ratifie, so the Estate of *Bishops*, cannot be called the *third Estate*, which is ratified: especially seeing by that same Parliament in the 132. act. *Bishops* of the Diocle are but nominate the Kings Commissioners. And in the last act of that same Parliament, printed of old in black letter, there is set downe the Kings Commission granted to the said pretended Bishop *Adamson*.

4. From 1581. till the yeare 1597. the quoter doth not cite nor can cite any act of Parliament expressly nominating any ecclesiasticall *Bishop*, but that in the 1584. wherein he is named as one amongst other the Kings Commissioners, whereof some were meere secular persons.

5. It is cleare by the first act of the ninth Parliament 1584. and the eleventh act of the 10. Parliament 1585. that *Bishopricks*, *Prelacies*, *Abbaies*, *Priories*, *Nunnies*, were then thought to be alike in the Kings hands, were granted to whatsoever persons being his subjects, albeit they brooked no office in the Kirk: so that some of these lordships and Baronies were erected before 1587. and excluded from the annexation.

6. As the Kirk had ever been craving the dissolution of Prelacies, and condemning the temporall as well as the spirituall estate of *Bishops*, by their act of the Assembly 1581. and by their censure of the Presbyterie of *Striviling* for admitting *Montgomrie* to the temporality of the Bishoprick of *Glasgow*, and censure of *Mountgomrie* for aspiring thereto, contrare to the word of God and acts of the Kirk in the Assembly 1587. *Iuni*. So in the 11. Parl. of King *James* the sixt 29. of *July* 1587. 29. act. The three Estates of Parliament annexeth to the crown, all Lordships and Barronies pertaining to whatsoever, *Archbishops*, or *Bishops*, *Abbots*, *Pryors*, *Nunnes*, and *Munkes*: reserving alwayes to *Archbishops*, *Bishops*, *Abbots*, *Pryors*, *Pryoreffes*, *commendators*, and others possessours of great Benefices of the estate of *Prelates*, and which before had or hath vote in Parliament, the principall Castles and Fortalices: whereby it is cleare, that the *stylus curie* naming three Estates did no wayes include Ministers being *Bishops*: seeing no ecclesiasticall *Bishops*, late in that Parliament, nor could sit: because the only two *Bishops* of the time *Adamson* and *Montgomery*, were before deprived and excommunicat, and certainly they neither would nor could have sitten as an Estate in Parliament to abrogate their owne estate and lordships, and temporall land, whereupon that act acknowledgeth any right they had, did depend. 2. It is cleare that *Archbishops* or *Bishops*, *Abbots*, *Pryors*, &c. all alike voted in Parliament of old, not by reason of their ecclesiasticall office, but by reason of their great benefices and lordships: which here is said to have had vote in Parliament: for that cannot be relative to the persons, as unto *Pryoreffes*: but unto the benefices. So that Ministers voted not as Ministers in name of the Kirk, but as possessours of these great benefices or Baronies: and others who were not Ecclesiasticall persons being titulars, and possessours of these great benefices both *communi stylo* were called *Bishops*, *Ab-*
Z z
bots,

bots, &c. by vertue of the benefice without any office, in the rolls of Parliament, and in the act of Assembly 1587. The *Bishoprick of Carhnes* is said to vaik by decease of *Robert Earle of March*, the Kings Uncle: And the Assembly in their letter to the King declareth, to be against the word of God and acts of the Kirk, to present and admit any Minister to that Bishoprick, as also some of these titulars, and possessours of the benefices, albeit they had no ecclesiasticall office, did some times ryde and vote in parliament. 3. It is cleare that the three Estates by taking away from *Archbishops*, and *Bishops*, their Lordships Barronies, and temporall lands, they took away their vote in parliament, which doth not subsist, but in and by the benefice, and therefore ecclesiasticall persons separat to the Gospel for want of their great benefices, had no vote in parliament, till the 1597. (albeit all the interveened acts are made by the three Estates,) wherein the Kings Majesty restoreth Ministers to the titles and dignities of Prelacies, which showeth that before they were disponded to others then Ministers; and provideth that Ministers presented to these titles and dignities, and to the benefice of *Bishopricks*, shall have vote in parliament; which sheweth that the benefice and not the office giveth right to vote in parliament, like as the very act of parliament 1606: acknowledgeth, that by the act of annexation of the temporality of benefice to the Crown 1587. the estate of *Bishops* were indirectly abolished; and therefore they behoved to rescind the act of annexation anent the benefice, and restore them to these titles and dignities, before Ministers could vote in parliament, but these acts also are hereafter answered. 7. But as for 130. act 1584. no *Bishop* is therein mentioned; and yet it is adduced for *Bishops*, because the three estates are therein named, under one of which the *Prelate* claimeth to be comprehended, but why more he then *Abbots*, and *Pryors* formerly abolished, as well as *Episcopacy*? why more by that act, then many former made when *Bishops* neither rode, sate, nor voted in parliament; but were expugned out of this Kirk, and yet the acts were all made by the three estates, which albeit it needeth none other demonstration then that it is *stylus curiae*, carefully observed in this Kingdome; Yet the truth is, that the Nobility, Barrons, and Burrows were the three estates of this Kingdome, many hundred yeares after Christianity, before any Bishops was in this Kingdome, as is observed by *Buchanan* and *Boetius*, and acknowledged by *Leshy* in his Chronicles; and after the Bishops were abrogate expressly the three estates of parliament did continue, and make all acts of parliament. Yea, after the 1592. where Bishops were discharged, for if Bishops were an estate, there behoved to be foure estates of parliament; as there are so many named in the Commission granted by King JAMES, and King CHARLES, viz. The Clargie, Nobility, Barons, and Borrows, and that as ecclesiasticall persons separate to the Gospel, since the reformation, were never warranted to voice in Parliament, while 1597. So on the other part, the Barons are, and have beene, as an estate of parliament in uncontravered possession of voting in parliament, conforme to the

the 101. act Parl. 7. King JAMES the first, renewed again in the parliament 1585. and 1587. act 113. wherein precepts of the Chancery are ordained to be directed to the Barons as unto an Estate of parliament: even as they shall be direct unto other Estates, to wit, The Nobilitie and Barons; which in that act is mentioned. So in this same act of parliament (which in the narrative relateth the bygone great decay of the ecclesiasticall Estate) There are exprest three compleat Estates in Parliament, The Nobility, Barons, and Barons. And as in law the three Estates are intire without Bishops or Ministers voters in Parliament, So also, it is most expedient, and necessar for the liberty of the Kirk, honour of the King, and peace of this kingdome: That no Ministers vote in Parliament, as is more clearly and largely proved in the reasons of the protestation, given into Parliament against the same, 1606. And in the act of this Assembly against civill places of Kirk-men.

As for the 131. act 1584. no Bishop is therein mentioned to get any benefite thereby, and far lesse can the same reach to the prejudice of the late Assembly, which was indicted by his Majesty, and is an ordinarie judicatory allowed by the lawes of God and man: like as it is answered in our protestation, more largely.

And for the 132. and 133. act of the said Parliament 1584. there is no Ecclesiasticall priviledge or authority thereby granted to Bishops as Bishops; but only a power of cognition: wherein the Parliament hath joyned others the Kings Commissioners with them, only as the Kings Commissioners: and granted the same unto seculare persons with them: but the King could never provide them to the office and jurisdiction of Bishops, which was abolished by many acts of Parliament and Assemblies before written.

The 23. act 1587. worketh directly against Bishops: being a generall ratification of all acts formerly made anent the religion presently profest in this kingdome: which must include the acts abolishing *Episcopacy*; but especially, seeing in the same Parliament 1587. temporall livings are taken from the Bishops, as well as the office was 1567. And the same act undoubtedly was granted in the same meaning, wherein the Kirk did crave it; who that same yeare had often condemned *Episcopall* government, as contraire to Gods word, and the liberty of the Kirk, and approved *Presbyteriall* government, as flowing from the pure fountaine of Gods word.

It falleth in here to be remarked that the act 114. anno 1592. is never alleadged: and that because it not only revocks in particular the foresaid acts 1584. but in generall all other acts contrary to that discipline then established, and in particulare, the Assemblies, Presbyteries and Synods, with the discipline and jurisdiction of this Kirk, are ratified and established, as most just and Godly, notwithstanding whatsoever statutes, acts, canons, civill or municipall lawes made in the contrare: whereunto his Majesties prerogative is declared to be no wayes prejudiciall. Further the said act abrogates all acts granting commission to Bishops, and other Judges constitute in Ecclesiasticall causes; and ordaineth

Anent
the act
1587.

Anent
the act
1592.

presentation to benefices to be direct to Presbyteries; with power to give collation thereupon: And so containeth a ratification of the heads of Policy set downe in the second book of discipline. Which act is renewed act 60. anno 1593. and the power of Presbyteries acknowledged 1594. act 129. and was never rescinded expressly *in totum*; but only in part by the ratification of the act of *Glasgow*. Which now cannot be respected; but falleth *ex consequenti*: seeing that Assembly of *Glasgow* is now upon just and infallible reasons declared to have been null *ab initio*: and so this act of Parliament, wisely omitted by the collector to the Commissioners grace might serve alone, without our preceeding speciall answers, for clearing the whole preceeding acts.

Anent
the acts
1597.

The 23. act 1597. granteth the priviledge of a voyce in Parliament to the whole Kirk; and under that name to Abbots, or other persons provided to prelacies, as well as *Bishops*: even as in time of papistry. So as Sir *Robert Spottiswood*, Abbot of *New-abbay* road thereafter in Parliament: which was both unwarrantable and unusuall. Which doth nothing contribute for the *Bishops* advantage, because albeit the benefice was not extinct, yet neither the King nor the Parliament might give them the office so oft condemned by this Kirk: which is also acknowledged in the same act; because after the granting to them of the said voyce, the Parliament remitteth them to the King and the Assembly, concerning their office in their spirituall policy and government in the Kirk. 2. The said act beareth expressly to be but prejudice of the jurisdiction and discipline of the Kirk, established by acts of Parliament made in any time preceeding, and permitted by the said acts to all provinciall and generall Assemblies, and other whatsoever Presbyteries and Sessions of the Kirk: and so the same cannot derogate from the former acts ratifying the present discipline of the Kirk, especially the said act 1592. nor yet from the acts of the Assembly abjuring *Episcopacy*. 3. The priviledge is granted upon condition they be actuall Pastors and Ministers. And so we referre to the world and themselves, if with good consciences they may claime the benefice of that act. 4. That priviledge was obtruded, and pretended to be introduced in favours of the Kirk: who may and hath renounced the same, as being incompatible with their spirituall function: as the act of the Assembly at more length beareth, upon undeniable reasons. 5. When voyce in Parliament was first plausible obtruded upon the Kirk, it was neither proponed nor tolerated in other termes then that onely such should have vote in Parliament, as had Commission from the Kirk. So that not as *Bishops*, but as Ministers, Commissioners from the Kirk, they had vote in Parliament. Like as the Assembly at *Montrose*, 1600. being so hardly prest by authority, that they could not get it altogether refused (albeit in their conference at *Halyrud house*, 1599. they proponed unanswerable reasons against this, and all other civill places of pastours) set downe cautions, binding the Ministers voters in Parliament, to be insert in the act of parliament subsequent: which was omitted notwithstanding of the *Bishops* oath and duty in the

contrare ; for the breach whereof they are now most justly censured. 6. The ratificatory acts of the priviledges of the Kirk and Discipline thereof then profest, are not thereby abrogate, but notwithstanding thereof must stand in force, because it is ever understood, and frequently provided in Parliament, that all acts thereof are made *salvo jure cuiuslibet* ; far more *salvo jure ecclesie & sponsæ Christi*, when she is robbed of her right without audience : especially seeing her right, is usually ratified in the first act of every Parliament. 7. Albeit it were granted, that by this Act of Parliament, or any whatsoever the *Preslates* had voice in Parliament, yet that doth not exeime them from Ecclesiastick censure, nor forefault the Kirks right, whereby she may condemne them for their transgressions : as now this Assembly most justly hath done, for by their own caveats, whosoever is ecclesiastically censured by Presbyteries and provinciall Assemblies, *ipso facto* loseth his benefice and vote in Parliament. 8. Further the *Bishops* in their declination professe they never had commission from this Kirk to voice for her in Parliament, according to the cautions set down in the Assembly at *Montrose*: for the which cautions that Assembly was never challenged, as trenching upon the third estate.

The act of parliament 1606. is coincident with the nature of the preceeding acts, for albeit the King and parliament might have reposed them to their rents, teends, lands, &c. which were annexed to the Crown ; yea, might have disponed to them any part of the patrimony of the Crown, If lordly titles and civill places in the persons of pastors separat to the Gospel, had been lawfull, yet could not give them the spirituall office, and jurisdiction spirituall, which was abolished and abjured by many preceeding acts of Assembly and parliament forecited. *Et quod illud tantum agebatur*, is evident by the whole straine of the act, reponing them, for remeed of their contempt and poverty to their dignities, priviledges, livings, rents, lands, and teinds : and this alwayes limited, as was competent to them, since the reformation of Religion in the reformed Kirk : From which time their office and jurisdiction spirituall was alwayes extinct. Which is evidently acknowledged in the act of Parliament 1592. and expressly in the act of parliament 1597. granting voice in parliament to Ministers. Which albeit it was the first step to *Episcopacy*, yet the parliament thereby hath remitted the office of Bishops in their spiritual policy and government (as not pertaining to their civill place and jurisdiction) to the King and the generall Assembly of Ministers, as properly belonging to them, but prejudice alwayes of the jurisdiction and discipline of the Kirk, permitted by many acts of Parliament, (whereof that 1592. forecited is one) to generall provinciall Assemblies, Presbyteries and Sessions of the Kirk, which were never prejudged neither by the act 1606. nor by the act 1609. albeit corruption was then fast advancing ; till the yeare 1612. at which time first, and never before, the King and Estates had taken the advice of the pretended Assembly at *Glasgow*, anent their office and spirituall jurisdiction formerly remitted to them ; as is cleare in the act of Parli-

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ment 1612. relative to that remit in the Parliament 1597. which for that cause is also omitted by the quoter.

Anent
the act
1609.

Like as also the act of parliament 1609. restoreth them only to temporall jurisdiction, and priviledges, lawfully pertaining to them and flowing from his Majesty, as any other ordinarie jurisdiction doth; with reservation of the Kings supremacy and prerogative therein; which can no wayes comprehend their ecclesiasticall office, because the same is not a temporall jurisdiction, neither did lawfully pertain to them, but by the law of God, and acts of this Kirk after reformation; and by the act 1592. was abrogat and taken from them; and the ecclesiasticall power established in presbyteries. So that if it be an ecclesiasticall office, it cannot flow from the King, who cannot make a Minister, Doctor, Elder or Deacon in the Kirk; albeit hee may present a Minister made by the KING of Kings to the Kirk; neither can the parliament institute originally any ecclesiasticall office in the Kirk, as is before said. Further the intended scope of that act is only the restitution of Commissariats and temporall jurisdiction flowing from his Majesty; as is cleare by the act it selfe, bearing that they shall brooke all priviledges and jurisdictions granted to them by his Majesty, and reintegrates them to their former authority and jurisdiction, lawfully pertaining to them, alwayes flowing from his Majesty (from whom only temporall jurisdiction doth flow) which is only the jurisdiction of Commissers in temporall causes, and no waies any spirituall jurisdiction competent *ratione officii*: which by Gods word and the lawes of the Kingdome was abjured in them, and established in assemblies, presbyteries, &c. as is many times before repeated. But to convince them further it is notor that both 1606, and 1609. they road in Parliament, and by their own voices and the iniquity of the time, made the said acts without inserting the cautions made at *Montrose*, without any commission from the Kirk, contraire to the said cautions and their owne oath given for observance thereof, against which the Kirk of Scotland did protest solemnly, clearing unanswerably, not only the unlawfulness of their Ecclesiastick *Episcopall* function; but also of the civill places in persons of Pastors, from Gods word, our confession of Faith, 1580. acts of this Kirk and Kingdome; but this protestation being rejected by them was printed to the view of the world.

Anent
the act
1617.

And as for the act of the Parliament 1617. it cannot set down consecration to the office, without a preceeding act of the Kirk: which is not alleadged: but by the contraire, the Kirk, had before condemned that office, and did particularly protest against that act of Parliament. Moreover this act is builded upon the supposed ground of *Glasgow* Assembly 1610. which for infallible reasons is now annulled: and so not only this act 1617. but all after acts, ratifying the same, fall *ex consequenti*; both by the light of reason, law and practise of this Kingdome. For when the principall act or right ratified doth fall, the subsequent ratification falleth *eo ipso*: especially in this case, when civill laws in ecclesiasticall matters, cannot be made originally, nor subsist
after

after the abolition of the ecclesiasticall constitutions, which they ordaine under civill sanction to be obeyed: and yet being once annulled they cannot be obeyed. And further even that corrupt Assembly of *Glasgow* 1610. which is now declared to have been null *ab initio*, did never restore the office of a dioceſſian Biſhop before condemned in this Kirk; but did too far enlarge and extend the power of theſe who were provided to the benefice of *Biſhops*; and yet alwayes under cautions and limitations ſworn unto: which they never obſerved; and upon condition of their ſubjection for cenſure to yearly generall Aſſemblies: which they have not kept, but impeded, and ſo they ought not to claime the benefice of theſe acts of Parliament concluded by their own voyces, and proteſted againſt by the Kirk of *Scotland* and violated by themſelves.

And laſt, for answer to all acts of Parliament whatſoever, let the *Conſe-* Christian Reader conſider, if, as the Aſſembly lately convened by his *Sen.* Majeſties indiction in the name of Jeſus Chriſt, ſhould judge (and hath proceeded) by the word of God alone; and not by acts of parliament: ſo we are obliged by our oath made to God, to return to the doctrine and diſcipline of this Kirk 1580. and renounce all ſubſequent acts contrary thereunto, and prejudiciall to the purity of reformation and the Kirk, in whoſe favours any pretended priviledges is granted, and that out of experience of reall prejudice, and the pungent ſins of our oath and danger of perjury; under which this Kingdome lyeth: for the which we ardently deprecate Gods wrath, and beg mercy to every one of us who are guilty; and muſt ſtill continue our earneſt and humble ſupplications to his Majeſty for redreſſe; as we ſhall do our petitions to God, for preſerving the ſacred perſon of our dread Sovereign; and perpetuating his reigne and his Royall poſterity over this land ſo long as the world endureth.

Reviſed according to the ordinance of the generall Aſſembly, by mee
M^r. A. Ihoſton Clerk thereto

Edinb. 14. of
Feb. 1639.

BEcause the Reader shall not need to doubt of the vanity of all these exceptions against the Acts of Parliament here cited, and of the impertinency of their Citations of some Acts of Parliament to the contrary : Wee shall demonstrate to the Reader, that when this Confession of Faith was first framed, and enjoyned to be subscribed; Episcopall government was then in force and strength, which doth appeare by the most unquestionable and irrefragable Record of that Kingdom, viz. The Bookes and Rolls of Parliament. And therefore Wee have here caused to be inserted out of the Sederunt Rolls of Parliament, the names of such Bishops as sate in Parliament, and represented the third Estate since the Reformation, beginning no higher then the year 1579. In which the Reader must note that the Abbots were secular men who had got the Abbey-lands, but yet retained their names and places in Parliament.

Parliament 23. Octob. 1579.

Sederunt pro Clero	}	Archb. S. Andrews.
		Glasgow.
		Dunkell.
		Murray.
		Orknay.
		Brechin.
		Abbots 15.

Parliament 22. May 1584.

Sederunt pro Clero	}	Archb. S. Andrews.
		Dunkel.
		Brechin.
		Orknay.
		Abbots 11.

Parliament penult. Octob. 1581.

Sederunt pro Clero	}	Archb. S. Andrews.
		Brechin.
		Orknay.
		Abbots 12.

Parliament 26. August 1584.

Sederunt pro Clero	}	Archb. S. Andrews.
		Dunkel.
		Brechin.
		Aberdene.
		Abbots. 4.

Parliament 2. Octob. 1583.

Sederunt pro Clero	}	Archb. S. Andrews.
		Dunkell.
		Aberdene.
		Brechin.
		Orknay.
		Dumblane.
		Argyl.
		Iles.
		Abbots 13.

Parliament 1. Decemb. 1585.

Sederunt pro Clero	}	Archb. S. Andrews.
		Dunkel.
		Brechin.
		Orknay.
		Abbots. 9.

Parliament

Parliament 13. July 1587.

	Archb. S. Andrews.
	Aberdene.
Sederunt pro	Dunkell.
Clero	Orknay.
	Brechin.
	Abbots 13.

Parliament 3. Aprill 1592.

Sederunt pro	Orknay.
Clero	Dunkell.
	Abbots 6.

Parliament 3. Aprill 1593.

Sederunt pro	Aberdene.
Clero	Brechin.
	Abbots 6.

Parliament 22. Aprill 1594.

Sederunt pro	Dunkell.
Clero	Aberdene.
	Brechin.
	Abbots 5.

Parliament 1. Novemb. 1597.

Sederunt pro Clero—Abbots 5.

Parliament 1. Novem. 1600.

Sederunt pro	Dunkell.
Clero	Brechin.
	Abbots 6.

Parliament 12. Aprill 1604.

Sederunt pro	Glasgow.
Clero	Dunkell.
	Rosse.
	Brechin.
	Caithnes.
	Abbots 3.

Parliament 3. July 1606.

Sederunt pro	S. Andrewes.
Clero	Glasgow.
	Dunkell.
	Rosse.
	Galloway.
	Orknay.
	Abbots 1.
	Priors 1.

Parliament 3. August 1607.

Sederunt pro	St. Andrewes.
Clero	Glasgow.
	Murray.
	Brechin.
	Caithnes.
	Orknay.
	Abbots 3.

ABout this time Our Commisſioner reſolved to aſke Our leave for his returne to Us, ſeeing there was no good to be expected from Our faire and gracious proceedings with them of the pretended Aſſembly, and wrote unto Us accordingly. When he had received Our leave for his returne, hee hearing of the great ſtirres which were now raiſed at Edinburgh, and the ſtrong and great guards which were ſince his leaving of Glasgow put upon Our Caſtle there, repaired thither to Our Palace at Holy-rood houſe, where he found the people of that Citie horribly abuſed by the miſ-reports of all the paſſages of the Aſſembly, whiſt he continued at Glasgow; eſpecially with a falſe information that We had there made good nothing of all which was contained in Our laſt gracious Declara-

tion made at Edinburgh the 22. of September last past: here-
with he made Us presently acquainted, which moved Us by
a very speedy dispatch to command him by Our Proclama-
tion to make knowne to all Our subjects at Edinburgh, the
summe of his whole proceedings at Glasgow; which Our
Commissioner presently performed, by causing this Our en-
suing Proclamation to be published at the Market Crosse of
that Our Citie.

CHARLES R.

CHARLES by the grace of God, King of Scotland, Eng-
land, France, and Ireland, defender of the Faith. To Our
Lovits

Maissars, Heraulds, Pursevants, Our Sberiffes in that part con-
junctly and severally specially constitute, greeting. Whereas for
the removing of the disorders which had happened of late within
this Our Kingdome, and for setling of a perfect peace in the
Church and Common-wealth thereof, We were pleased to cause
indict a free generall Assembly, to be holden at Glasgow the one
and twentieth of November last: And for Our subjects their bet-
ter content and assurance that they should bee freed of all such
things as by their petitions and supplications given in to the Lords
of Our Privie Councill, they seemed to be grieved at, We in some
sort preveened the Assembly, by discharging by Our Proclamation
the Service Book, Booke of Canons, and high Commission,
freed and liberate Our subjects from the practising of the five
Articles, eximed all Ministers at their entry from giving any
other oath then that which is contained in the act of Parliament,
made all persons both Ecclesiasticall & Civill lyable to the censure
of Parliament, generall Assembly, or any other judicatorie com-
petent, according to the nature of their offence: had declared all
by-gone disorders absolutely forgotten and forgiven: and last for
securing to all posteritie the truth and liberty of Religion, did com-
mand the Confession of Faith, and band for maintenance there-
of, and of Authoritie in defence of the same, subscribed by Our
deare Father, and his heushold in anno 1580. to be renewed
and subscribed againe by Our subjects here: And albeit that this
Our gracious and pious command, in stead of obedience and sub-
mission, rancountred open and publicke opposition and protestation
against

against the same: And that they continued their daily and houely guarding and watching Our Castle of Edinburgh, suffering nothing to be imported therein, but at their discretion, stopping and impeding, any importation of Ammunition, or other necessaries whatsoeuer to any of Our houses within this Kingdome: Denying to Us their Sovereigne Lord that libertie and freedome, which the meanest of them assume to themselves (an act without precedent or example in the Christian world.) Like as they spared not boldly, and openly to continue their conventions and Councel tables of Nobilitie, Gentry, Ministers and Burgesses within the Citie of Edinburgh, where, not regarding the Lawes of the Kingdome; without warrant of Authoritie, they conveened, assembled, and treated upon matters, as well Ecclesiasticall as Civill, sent their injunctions and directions throughout the countrey to their subordinate tables, and other under-Ministers appointed by them for that effect. And under colour and pretext of Religion, exercising an unwarranted libertie, required obedience to their unlawfull and illegall directions, to the seen prejudice of Authority, and lawfull monarchicall government. And notwithstanding it was evidently manifest by the illegall and unformall course taken in the election of the Commissioners for the Assembly, whercof some of them were under the censure of this Church, some under the censure of the Church of Ireland, some long since banished for open and avowed teaching against Monarchie, others of them suspended, and some admitted to the Ministerie contrary to the forme prescribed by the lawes of this Kingdome; others of them rebels, and at the Horne, some of them confined, and all of them by oath and subscription bound to the overthrow of Episcopall government. And by this and other their under-hand working, and private informations and perswasions, have given just ground of suspicion of their partialitie, and so made themselves unfit Judges of what concerneth Episcopacie. And als albeit it was sufficiently cleared by the peremptory and illegall procedures of the Presbyteries, who at their owne hand by order of Law, and without due forme of proesse, thrust out Moderatours lawfully established, and placed others whom they found most inclinable to their turbulent humours, associate to themselves, for chusing of the Commissioners to the Assembly, a Laick-Elder out of each Parish, who being in most places equall, if not moe in number

then the ministerie, made choice both of the Ministers, who should be Commissioners from the Presbyteries, as also of a Laick-Elder, (which in time will prove to be of a dangerous consequence, and import a heaوية burthen to the libertie of Church and Churchmen) being more directed therein by the warrants of the foresaid pretended Tables, then by their owne judgements; as appeared by the severall instructions sent from them (farre contrarie to the Lawes of this Countrey, and lawable custome of this Church) some whereof were produced and exhibit by Our Commissioner, and publikely read: One whereof, direct to the Noblemen and Barons of each Presbyterie, doth among many other odde passages; require diligence, (lest say they) by our owne sillinesse and treacherie wee lose so faire an occasion of our libertie both Christian and Civill; a strange phrase to proceed from dutifull or loyall hearted subjects: The other to the Moderatours of the severall Presbyteries, under the title of Private Instructions, August 27. first, containeth that these private instructions shall be discovered to none, but to brethren well affected to the cause: secondly, order must be taken, that none be chosen ruling Elders but Covenanters, and those well affected to the businesse: thirdly, that where the Minister is not well affected, the ruling Elder be chosen by the Commissioners of the Shire, and spoken to particularly for that effect: fourthly, that they be carefull that no Chappellmen, chaptermen, or Minister justice of peace, be chosen, although Covenanters, except they have publikely renounced, or declared the unlawfulnessse of their places: fifthly, that the ruling Elders come from everie Church, in equall number with the Ministers; and if the Minister oppose, to put themselves in possession, notwithstanding of any position: sixthly, that the Commissioner of the Shire cause conveen before him the ruling Elder of every Kirk chosen before the day of the election, and enjoine them upon their oath, that they give vote to none but those who are named already at the meeting at Edinburgh: seventhly, that where there is a Nobleman in the bounds of the Presbyterie, he be chosen, and where there is none, there be chosen a Baron, or one of the best quality, and be onely a Covenanter: eightly, that the ablest man in every Presbyterie be provided to dispute de potestate supremi magistratus in Ecclesiasticis, præsertim in convocandis Conciliis, &c. Whereby it is most evident what prelimitations, indirect and partiall

partiall courses, and dangerous propositions have beene used in
 the preparations and elections to this pretended Assemblie. By
 which unlawfull doings, although Wee had sufficient reason to
 have discharged the meeting of the said Assemblie, yet We were
 pleased patiently to attend the same, still hoping that when they
 were met together by the presence of Our Commissioner, and assi-
 stance of some well affected subiects, who were to be there, and by
 their own seeing the real performance of what was promised by Our
 Proclamation, they should have bin induced to return to the due o-
 bedience of subiects. But when we perceived that their turbulent
 dispositions did increase, as was mainifest by their repairing to the
 said pretended Assemblie with great troupes and bands of men, all
 boddin in fear of war, with guns, & Pistolets, contrary to the lawes
 of this Kingdom, and in high contempt of Our Proclamation at E-
 dinburgh the 16. day of Novemb. last: And also by the peremptory
 refusing to the assessors, authorized by Us (although fewer in num-
 ber then Our dearest Father was in use to have) the power of voting
 in this Assemblie, as formerly they had done in all others, openly a-
 verryng that We, nor Our Commissioner had no further power there
 then the meanest Commissioner of their number: & by their par-
 tiall and unjust refusing, & not suffering to be read the reasons &
 arguments given in by the Bishops, & their adherents to Our Com-
 missioner, why they ought not to proceed to the election of a Modera-
 tor, neither yet to the trying and admitting of the Commissioners,
 before they were heard, though in Our name they were earnestly
 required thereto by Our Commissioner: and notwithstanding that
 Our Commissioner by warrant from Us gave in under his hand a
 sufficient Declaration of all that was contained in Our late Pro-
 clamacion, bearing likewise Our pleasure of the registration of
 the same in the books of Assemblie, for all assurance of the truth
 and puritie of Religion to all Our good subiects, as doth clearly ap-
 pear by the declaracion it self; wherof the tenor follows. The Kings
 Majestie being informed that many of his good subiects have ap-
 prehended that by the introducing of the Service Book, and Book
 of Canons, the inbringing of Superstition hath been intended, hath
 beene graciously pleased to discharge, like as by these he doth dis-
 charge the Service Book, and Book of Canons, and the pra-
 ctice of them and either of them, and annulls and rescinds all
 Acts of Councell, Proclamations, and other acts and deeds what-
 soever;

soever, that have beene made or published for establishing them, or either of them, and declares the same to be null, and to have no force nor effect in time comming. The Kings Majestie, as he conceived, for the ease and benefit of the subject, established the high Commission, that thereby justice might be administrate and the faults and errours of such persons as are made lyable thereto, taken order with, and punished with the more conveniencie, and lesse trouble to the people. But finding his gracious intention therein to be mistaken, hath beene pleased to discharge, like as by these Hee doth discharge the same, and all acts and deeds whatsoever made for establishing thereof. And the Kings Majestie being informed, that the urging of the five Articles of Perth Assemblie hath bred distraction in the Church and State, hath beene graciously pleased to take the same into His royall consideration, and, for the quiet and peace of this countrey, hath not onely dispensed with the practice of the saids Articles, but also discharged all and whatsoever persons from urging the practice thereof, upon either Laick or Ecclesiasticall person whatsoever, and hath freed all His subjects from all censure and paines whether Ecclesiasticall or Secular, for not urging, practising, or obeying them, or any of them, notwithstanding of any thing contained in the Acts of Parliament, or generall Assemblie in the contrary. And his Majestie is further contented, that the Assemblie take the same so farre to their consideration, as to represent it to the next Parliament, there to be ratified as the Estates shall finde fitting. And because it hath beene pretended, that oaths have been administrate different from that which is set downe in the acts of Parliament, his Majestie is pleased to declare by me, that no other oath shall be required of any Minister at his entry; nor that which is set downe in the act of Parliament. And that it may appeare how carefull his Majestie is, that no corruption nor innovation shall creepe into this Church, neither yet any scandall, vice, or fault of any person whatsoever, censurable or punishable by the Assemblie, go along unpunished, his Majestie is content to declare by me, and assure all His good people, that generall Assemblies shall be kept so oft, and als oft as the affaires of this Church shall require. And that none of His good subjects may have cause of grievances against the proceedings of the Prelats, his Maiestie is content that all and every one of the present Bishops, and their successors,

cessors, shall bee answerable, and accordingly from time to time censurable, according to their merits by the generall Assembly. And to give all his Majesties good people full assurance, that Hee never intended to admit any alteration or change in the true Religion profest within this Kingdome, and that they may be truly and fully satisfied of the reality of His intentions and integrity of the same, his Majestie hath been pleased to require and command all His good subjects to subscribe the Confession of Faith, and band for maintenance thereof, and of his Majesties person and Authority, formerly signed by His deare Father, in ann. 1580. and now also requireth all these of this present Assembly to subscribe the same. And it is his Majesties will, that this be insert and registrate in the books of Assembly, as a testimony to posteritie, not onely of the sincerity of His intentions to the said true Religion, but also of His resolutions to maintain and defend the same, and His Subjects in the profession thereof.

Which Declaration was by Our speciall command and direction given in, and subscribed by Our Commissioner, upon protestation made by him, that his assenting to the registration hereof, should be no approbation of the lawfulnessse of this Assembly, nor of any of the acts or deeds done, or to be done therein. And finding them in like sort no wayes to be satisfied therewith, and that nothing else was able to give them contentment, except at their owne pleasure they were permitted to overthrow all Episcopall government in the Church, and thereby to abrogate Our publike lawes standing in vigour by the space of many yeares by-gone, and to alter the fundamentall government of this kingdom, in taking away one of the three Estates, contrary to expresse acts of Parliament: And lest the continuance of their meetings might have produced other the like dangerous acts so derogatory to Royall authority, We were forced for preveening thereof, and for the reasons and causes above-mentioned, and divers others importing true monarchical government, to dissolve and breake up the said pretended Assembly, and to discharge them of all farther meeting, treating and concluding any thing therein: And yet in that calme and peaceable way, as Our Commissioner before his removing desired their pretended Moderator for that time to have said prayer, and so concluded that dayes session, that so they might have had time to thinke upon the just reasons of his refusing to assist, or be any

any longer present at the said pretended Assembly, & of the causes moving Us to the dissolving thereof: and notwithstanding his earnest urging the same, and being willing to returne the next morning to heare their answer; in place of all other satisfaction to his so reasonable and moderate desires, it was refused, and met with a protestation of an high and extraordinary straine, thereby presuming to cyte and call Our Councell in question, for their dutifull assistance and obedience to Us and Our Commissioner. And finding their disobedience thus to increase, We were constrained to discharge them of new againe the next day thereafter, by publike proclamation, under the paine of treason. And albeit that their contumacie is such as hath not been heard of in former times, yet they shall never move Us to alter the least point or article of that We have already declared by proclamation, or declaration under Our Commissioners band: All which was publikely read, and by Our Commissioner required to be insert and registrate in the books of Assembly, therein to remain as a testimonie to posterity, not onely of the sinceritie of Our intentions to the true Religion, but also of Our resolution, to maintaine and defend the same, and Our subjects in the profession thereof: And perceiving likewise that in contempt of Our proclamation at Glasgow the 29. of November they goe still on to conveene, meet, and to make illegall and unwarrantable aets, We have conceived it fitting to forewarne all Our good subjects of the danger that they may incurre by being insuared by these their unlawfull procedures. And to this purpose doe not onely liberate and free them from all obedience to any of the pretended aets, made, or to be made at the said pretended assembly, or Committees direct therefrom, but do also free them from all pain and censure which the said pretended assembly shall inflict upon them, or any of them. And therefore doe discharge and prohibit all Our subjects, that they nor none of them acknowledge nor give obedience to any pretended aets nor constitutions made, or to be made, at the said pretended meetings, under all highest paines. And We command, charge, and inhibit all presbyteries, sessions of Kirkes, Ministers within this Realme, that none of them presume nor take upon hand privately nor publikely in their sessions and meetings, nor in their conferences, sermons, nor no other manner of way, to authorize, approve, justifie, or allow the said unlawfull meeting or assembly at Glasgow: nei-

ther

ther yet to make any Act thereupon, nor to do any other thing private or publike, which may seeme to countenance the said unlawfull Assemblie, under the paine to bee repute, holden and esteemed and pursued as guiltie of their unlawfull meeting, and to bee punished therefore with all rigour : And siclike Wee command all and sundrie Noblemen ; Barons, Gentlemen, Magistrates, and all other Our lieges who shall happen to bee present and heare any Ministers either in publike or private conferences and speeches, or in their Sermons, to approve and allow the said unlawfull Assemblie, raile and utter any speeches against Our Royall commandments, or proceedings of Us, or Our Councell, for punishing or suppressing such enormities, that they make relation and report thereof to Our Councell, and furnish probation, to the effect the same may bee accordingly punished, as they will answer to Us thereupon : Certifying them who shall heare and conceale the said speeches, that they shall bee esteemed as allowers of the same, and shall accordingly bee taken order with, and punished therefore without favour. And to this effect We likewise straightly charge and command all Judges whatsoever within this Realme, Clerks and Writers, not to grant or passe any Bill, summons, or letters, or any other execution whatsoever, upon any Act or Deed proceeding from the said pretended Assemblie, and all keepers of the signet from signetting thereof, and that under all highest paines. And because Wee gave order and warrant to Our Commissioner to make open declaration, not onely of Our sense, but even of the true meaning of the Confession of Faith, in Anno 1580. by which it may clearely appeare, that as Wee never intended thereby to exclude Episcopacie, so by no right construction can it bee otherwayes interpreted, as is more nor evident by the reasons contained in the said Declaration, and many more, which for brevitie (the thing in it selfe being so cleare) are omitted. Herefore Wee do not onely prohibit and discharge all Our subjects from subscribing any band, or giving any writ, subscription, or oath to, or upon any Act, or Deed that proceeds from the foresaid pretended Assemblie, but also do require them not to subscribe, nor sweare the said Confession in no other sense then that which is contained in

the said Declaration, and manifestly emitted by Our Commissioner, under all highest paines. And that none of Our good subjects, who in their duty and bound obedience to Us shall refuse to acknowledge the said pretended Assemblie, or any of the pretended Acts, constitutions, warrants, or directions proceeding therefrom, may have just ground of feare of danger or harme by doing thereof, Wee do by these promise, and upon the word of a King oblige Our selves by all the Royall authoritie and power wherewith God hath endowed Us, to protect and defend them, and everie one of them in their persons, fortunes, and goods, against all and whatsoever person or persons who shall dare or presume to call in question, trouble, or any wayes molest them, or any of them therefore. And Our will is, and Wee charge you straitly and command, that incontinent these Our Letters seene, you passe, and make publication hereof by open Proclamation at the market crosse of Edinburgh, and other places needfull, wherethrough none pretend ignorance of the same.

Given from Our Court at Whitehall the eighth day of December, and of Our Reigne the fourteenth yeere, 1638.

Per Regem.

THIS Our Proclamation, published onely to make Our people acquainted with Our gracious proceedings at Glasgow, which by the malice of their Leaders had either beene concealed from them, or misreported to them, was received, as all Our former gracious proffers, with a verie undutifull, windie and blustering Protestation, so full of words, but withall, so void of truth and sense, as We were once resolved not to have inserted it here, neither indeed is it necessarie it should, for it is stuffed with the idle and superfluous repetitions of those things which are contained in their former Protestations, especially their last Protestation made at Glasgow, with which indeed it is for the most part the same *verbatim*: Yet, because We know that if it should be left out they would not stick to assure their followers, that it was omitted

ted because of the unanswerable pregnancie of the reasons contained in it, here you shall have it, but without any answer to it, as to their former Protestations hath beene given, there being verie little in it which is new, and so not answered before, or what is in it new being either verie false or verie impertinent, both which falsities and impertinencies shall onely bee observed on the margent, being assured that the Reader will easily finde that there is nothing in it wor-
thie of any larger answer.

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The Protestation of the generall Assemblie  
of the Kirke of Scotland, made at the Market  
Crosse of Edinburgh the 18. of  
December, 1638.

WE Commissioners from Presbyteries, Burghes, and \* Universities, now conveened, and yet sitting in a full and free Assemblie of the Kirk of Scotland, indicted by his Majestie, and gathered together in the name of the Lord *Jesus Christ* the onely Head and Monarch of his owne Kirk; And We *Noblemen, Barons, Gentlemen, Ministers, Burgeses* and *Commons, Subscribers of the Confession of Faith*, make it knowne; that where We his Majesties loyall subjects of all degrees, considering and taking to heart the many and great innovations and corruptions lately by the Prelats and their adherents introduced into the doctrine, worship, and discipline of this Kirk, which had been before in great purity, to our unspeakable comfort, established among us, were moved to present many earnest desires and humble supplications to his sacred Majestie, for granting a free generall Assemblie, as the only legall and readie mean to try these innovations, to purge out the corruptions, and settle the disorder of the Kirk, for the good of Religion, the honour of the King, and the comfort and peace of the Kirk and Kingdome: it pleased his gracious Majestie out of his Royall bountie, to direct unto this Kingdome, the Noble and Potent Lord *James* Marquesse of Hamiltoun, with Commission to heare and redresse the just grievances of the good subjects: who, by many Petitions and frequent conferences being fully informed of the absolute necessitie of a free generall Assemblie, as the onely judicatorie which had power to remedy those evils, was pleased to undergo the paines of a voyage to England, for presenting the pitifull condition of our Kirk to his sacred Maiestie: And the said Commissioner his Grace returned againe in August

\* False; for there was not, after Our Commissioners leaving of the Assemblie, any one Commissioner from any Universitie of that Kingdome, which did not desert it.

\* False.

\* More false  
then the other,  
if it were pos-  
sible.

last, with power to indict an Assembly, but with the condition of such \* prelimitations, as did both destroy the freedome of an Assembly, and could no wayes cure the present diseases of this Kirke: Which was made so clearely apparant to his \* Grace, that for satisfying the reasonable desires of the subiects, groaning under the wearinesse and prejudices of longsome attendance, hee was againe pleased to undertake another journey to his Maiesty, and promised to endeavour to obtaine a free generall Assembly, without any prelimitation, either of the constitution and members, or matters to bee treated, or manner and order of proceeding: so that if any question should arise concerning these particulars (whereof the power of ruling-Elders as a part of the constitution, and the examination of Episcopacie as a present question to bee moved, was exprest, albeit now the Commissioner hath pretended the famine for the greatest causes of his rising and away going from the Assembly) the famine should be cognosced, iudged, and determined by the Assembly, as the onely iudge competent: And accordingly by warrant from our sacred Sovereigne returned to this Kingdome, and in September last caused indict a free generall Assembly to bee holden at Glasgou, the 21. of November last, to the unspeakable ioy of all good subiects and Christian hearts, who thereby did expect the perfect satisfaction of their long expectations, and the finall remedy of their pressing grievances. But these hopes were soone blasted; for albeit the Assembly did meet and begin at the appointed day, and for the space of seven dayes sitting was countenanced with his Graces personall presence, yet his Grace did never allow any freedome to the Assembly, competent to it by the Word of God, Acts and practice of this Kirke, and his Majesties indiction, but did labour to restrain the famine during the time of his abode there, by protesting against all the Acts made therein, and against the constitution thereof by such members, as by all Law, reason, and custome of this Kirke, were ever admitted as members constituents of our free Assemblies, and by denying his approbation to the things proponed and concluded, though most cleare, customable, and uncontroverted.

\* False, and  
sufficiently be-  
fore dispro-  
ved.

† It is a won-  
der that men

can be found who dare averre such an untruth, when the Proclamation at Glasgou is subscribed by the hands of our Councillours: let the Reader turne backe to it and be iudge.

warrant

warrant of an Act of Councell, contrary to the Law and custome of this Realme: wherunto we answered by our Protestation of the 29. of November, or otherwise for such reasons as his Grace thought meet to alledge, which are since superadded in this late Proclamation, now made at Edinburgh, this 18. of December, wherein, for our greater surcharge of sorrow, we are heavily and wrongously blamed and taxed of many great offences.

And first for making Protestation against the Proclamation made at Edinburgh the 22. of September last, whereas our reasons contained in that our Protestation are so forcible and just, to demonstrate the necessity and lawfulness of our Act, that wee judge all good men and Christians will be satisfied therewith; whereanent we remit our selves to our Protestation printed, and will not for shortnesse repeat the same reasons here.

*Anent our Protestation.*

And where we are reproached and blamed in this new Proclamation for guarding and watching the Castle of Edinburgh, and impeding to import ammunition, or other necessaries to any of his Majesties houses; an Act which is exaggerat to bee without an example in the Christian world, seeing we deny that libertie to our Sovereigne, which the meanest of us doe assume to our selves: For answer hereunto, wee confidently affirme that wee are unjustly challenged of all the said points, except for preventing dangers evidently threatned unto us by circumspect attendance about the Castle of Edinburgh; which afterward we shall shew to be warrantably done: \* For we declare that wee have never made the least stop or hinderance to the importation of any ammunition, victuall, or thing whatsoever, into any other of his Majesties Houses, or Castles; nor for carrying all necessary sustentation into the Castle of Edinburgh; neither hath any of us fortified, or provided any of our private houses for warlike defence; so that all those are heavie and unjust imputations: But wee confesse and grant, that there being some provision and ammunition quietly imported into this Kingdome, for furnishing the Castle of Edinburgh, and intended secretly to have bene put therein, we have carefully prevented the same by our diligent attendance, And that for such reasons, grounded upon equity, the Law of nature, and municipall Lawes and Acts of Parliament of this Kingdome, and the lawfull example of our predecessours: For the truth is, that having petitioned his Majesty for redresse of our iust grievances, and a legall triall thereof, before we received any answer thereunto, all possible meanes were used to dissolve that union which was made amongst us for that good cause, and to impede all our meetings from deliberating thereupon, wherein the town of Edinburgh made a considerable part, not only as an important member of this conjunction, but as a most commodious and ordinary place of our meetings; so that when all other meanes of perswasion had failed, the meanes of terrour was not left unassaid: And for that effect a great quantity of ammunition was brought by sea from forraine parts to have bene clandestinely imported into the Castle of Edinburgh, as no

*Anent our watching the Castle of Edinburgh.*

\* They confesse it within eight lines after this.

doubt

doubt it was intended, seeing the famine was unloaded in the dead time of the night: And we considering that in case the famine had bin imported into the castle, with other provision and store formerly therein, the famine might have bin used & imploied for the overthrow of that place, and tended to our great prejudice, by with-drawing them, upon that terrour, and displacing us from our ordinarie meetings; upon these reasons and considerations we preveened the famine by such a loyal way as cannot be offensive to Authoritie: \* *For the safetie of the publike is the end of all lawfull power, and supreme Law.* And the adversaries of our Religion having formerly boasted, by that provision so to furnish the Castle, that it might beat down the town of Edinburgh, and bar the supplicants from meeting therein, we had just reason to hinder that fetter of slavery to be put upon the towne; and that the Castle of Edinburgh, which is amongst the first strengths of the land against forraine forces, might bee turned as a speciall engine of constraint against the subjects, to hinder their lawfull meetings, or to force the towne of Edinburgh to separate from the rest of the supplicants: Which great prejudice the Law of nature teacheth us to avoid, And yet we have not proceeded therein without the warrant of the Act of Parliament.

\* True: but We, and Our Councell, and Our Judges, and the rest of Our loyal subjects are the publike; mutiners and rebels are but a private and schismaticall part, though never so many.

\* But not without or against the Kings command; his Generall (much lesse any Lieutenant of his) cannor do that

For first, where there is any violent presumption of spoyling of the Countrey, it is ordained that the \* Lievtenant raise the Countrey, and passe to such Castles and fortalices where there is any unrulie men; and take sovertie of the persons within these houses, that the Countrey and all the Kings lieges bee unharmed and unskathed of the saids houses, and of them who inhabits the famine from time forth: And if any make difficultie to bee arrested, and finde sovertie as Law will, they shall bee streined thereto, *James 2. Parliament 2. Act 3.* And therefore now seeing there is not onely violent presumption, but great menacing, from the adversaries of the truth and Countrey, and their adherents, of the breaking of the Countrey and harming of the famine; and especially his Majesties lieges within Edinburgh, by the extraordinarie provision of munition to the Castle of Edinburgh, and that by the saids Bishops plots from his Majesties prime officers, who in his Majesties absence should preveene that inconvenient by the ordinance of that Act: Therefore upon their default the Countrey it selfe and the Kings lieges, in whose favours the Act is made, may provide for their owne safetie, and keep themselves unharmed by that Castle, or any inhabitants thereof, and so preveen the importation of ammunition thereunto, conforme to the said Act of Parliament.

\* All this which followeth, concerning the guarding of Our Castles and Forts, and keeping us out of them, containeth no lesse then treason, and is not to be answered with a pen.

\* Secondly, as the Castle of Edinburgh and certaine other Castles and lands are the Kings undoubted annexed propertie, so it is to bee considered for what cause they were annexed, by whom annexed, upon what condition, and how to be disposed upon. For the onely cause exprest in the annexation thereof *41. Act. James 2. Parliament 11.* is, that the povertie of the Crowne is oftimes the cause of the povertie of the Realme: Which Act makes no mention that the

King

King was annexer of the Castles and Lands to the Crowne, but on-ly that by the advice of the full Councell of the Parliament it was so statute and ordained, And appoints that they may not bee disponed upon, without advice, deliverance, and decreet of the whole Parliament, for great, seene, and reasonable causes of the Realme: So that being thus annexed to the Crowne by the Realme it selfe, for avoyding an inconvenient to the Realme, and being annexed with condition not to be disponed upon without the advice and decreet of the whole Parliament, and for great, seene, and reasonable causes of the Realme; justice and equitie will require, that these Castles should not be made an instrument of the poveritie and desolation of the capitall towne of the Realme, and of the harme of the most considerable part of the bodie of the Realme there conveyed for supplicating his Majestie and the Councell, and preparing overtures to the future Parliament, for redresse of our just grievances. But now by this extraordinarie provision to the Castle, being threatned with ruine and exterminion, they may stop the misemploying of that benefit granted to the Realme *eo animo & ad hunc finem*, for the well of the Realme, while the Parliament of the Kingdome give their humble advice to his Majestie thereanent.

Thirdly, by the 9. Act. 9. Parl. *James 6.* it is acknowledged that the Castle of Edinburgh, Dumbartane, Stirling, and Blakness, are foure chiefe strengths of the Realme which ought to be safely kept to the Kings behove, and wel-fare of the Realme: And for keeping the Castle of Edinburgh, there is assigned, with consent of the Estates, both money and victuall, a great part whereof is forth of the thirds of benefices, which thirds in December 1561. were decerned and ordained by Queene *Marie*, with advice of her Councell and others of the Nobilitie then present, to bee up-taken and imployed for these two uses: *viz.* Sustaining of Ministers, and entertaining and setting forward the common and publike affaires of the Countrey and Common-wealth of the Realme: which was also enacted, A & 10. Parl. 1. *James 6.* and thereafter ratified A & 12 1. Parl. 12. *James 6.* Whereby it doth appeare that as the Castle is the Kings undeniable annexed propertie, so it is also a strength of the Realme, which should be safely kept to his Majesties behove, and wel-fare of the Realme, having for the keeping thereof rents assigned with consent of the three Estates of the Kingdom forth out of the thirds of benefices, estimate by the Estates *in eum usum*, for entertaining and setting forward the publike affaires of the Countrey and Common-wealth of the Realm. And consequently the most loyall part of the body of the Realme hath maine interest to divert the converting of this strength to the weakning or ruine of the Realme or any member thereof, threatned by this unusuall provision, and openly denounced by our said enemies.

Fourthly, by the 125. A & 7. Parl. *James 6.* it is acknowledged that the Kings Castles and strengths are the keys of the Realme: and the onely use of keys is for keeping together in safetic and preservati-

\* Which the  
Covenanters  
are not.

on,

on; and not for spartling, dispersing, or perdition. So that the Realme and collective bodie thereof can hardly be disallowed for contributing their loyall endeavours to the good keeping of their \* owne keyes, when contrarie to the right end these keyes are used against the Countrey and Realme, whereof they should be, and are the keyes of safetie: as by the said Act is declared.

\* Whether should the King or his subjects keep the keyes of his owne Kingdome?

Fifthly, by the same Act, all violent detainers of the Kings Castles from him, or constrainers of the Kings regents do redeeme his owne houses, and all makers of any such bargaine, merchandise, or market of the Kings Castles, are onely ordained to rander and deliver againe what they have received for reddition of the saids Castles, and that the King shall have action for repetition thereof as necessarily given for the time, and wrongously received for unlawfull causes. And our proceedings being compared with the subject of that Act of Parliament, cannot deserve so harsh constructions, where the \* best part of the bodie of the Realme being constrained for indemnitie of their persons and goods, do neither take nor detaine the Castle, but onely withhold importation, first clandestinely intended, and thereafter openly threatened, of all kinde of warlike and invasive furniture, which could be usefull to no purpose, but to the harm and annoyance of those who were convened for the just occasions foresaids, who deserve and expect

\* But the Covenanters are the worst part.

\* Wee do not take them to be such fooles as to expect thanks from us for their proceedings; if they do, they are like enough to go without them.

approbation and \* thanks from his Majestie in his own due time, for keeping his evill Counsellours, and bad Patriots, from putting hand in his best subjects.

Sixthly, by the 25. Act 6. Parliament *James 2.* sundry points of treason are ennumerate: And amongst the rest, one is the assailing, without consent of the Estates, the Castles or places where the Kings person shall happen to bee: And now the Kings person not being in this Castle, but out of the Countrey, and the \* best and most loyall part of his subiects both for number and fidelitie, imploring his Maiesties authoritie, for convocating the Estates to take order with these, who, presuming upon his Majesties absence, are bold to give him sinistrous information and counsell, these who do no wayes assaile the Castle, but barrs these evill Patriots from putting in execution their damnable suggestions by their supercherie violence and terrifications from that Castle, before the convention of Estates, cannot in Law and equitie bee challenged in their carriage, so necessarie to them in the *interim*, while the Estates convene in a Parliament, which now his Majestie hath bene graciously pleaded to proclaime.

\* The worst and most disloyall part of all Our subiects.

Seventhly, it is knowne by our Chronicles and Records, that the Castle of Edinburgh was given in keeping to the house of *Erskine* by the King and Estates of Parliament, \* *hac lege expressa & conditione, ut nulli nisi conventui ordinum reposcenti traderent.*

\* In what historie be these words? is it not Regi as well as conventui ordinum? or can there bee a convention of the three Estates called without the King or his Authority?

Eighthly, this Act is not unexampled in the Christian world: but

hath

hath many presidents both in the History of other Kirks and Kingdomes, and of our own, which hath many such examples even done by the Estates themselves : whose fact doth make our right, and whose authority is ratified conforme to the ancient and loveable custome, in punishing rebellious subjects, and preserving the faithfull, Act 130. Par. 8.

*James 6.*

In the next place we are upbraided for our meetings, which in the Proclamation are called Councill Tables only by that name which by ordinary expression is due to judicatories, to make it beleevd, that we have arrogate to our selves some unwarrantable power and authority; (which we neither have nor intends to doe God willing) whereas the truth is, that in a matter so highly importing all of us, as the preservation of Religion and purity of Gods worship, it was most necessary for us to meet, and that in a sober, modest, and quiet way, for deliberating with joynt advice upon those weighty busineses for the good of the Kirke, his Majesties honour, and peace of the Kingdome : And those \* meetings did never emit nor send forth any authoritative command or injunctions, but conclude upon such advices as might be most expedient for advancing that great businesse, and facilitating the way of supplication to his Maiestie, and overtures for the Assembly and Parliament; which was an Act lawfull and approvable in the selfe, albeit the conclusions thereof did not carry the force or validity of a binding law or command, which was never aimed at, nor intended: Which meetings they might warrantably keepe for that end, being for Gods glory, and removing the just grievances of the subiects; no waies prohibited by any of our municipall Lawes, which disapproveth such conventions as are for disturbance of the peace, or usurpation against Authority, whereof neither of the two can bee alledged against these meetings: Not the first, because no invasion, violence, offer of wrong by word or deed, to any person, no even to those, upon whom they justly complaine, enswed upon the same, notwithstanding of their provocations, and their feares falsly represented to his Maiesty, and maliciously pretended for their stay out of the Countrey: Not the second, because their meetings was to consult in manner foresaid upon the most fitting and humble way of supplicating his Maiestie, and for the most convenient propositions to bee represented to his Maiesty, the Parliament, and Assembly: all which acts are most compatible with the loyalty and duty of good subjects, and doe no waies intrench upon Authority, seeing they can never be challenged to have assumed to themselves any judiciaall determination in any matter of State, Civill nor Ecclesiasticall, but by voluntary instructions and opinions every one to another in a common cause of Religion, did resolve what might be most conducible to their lawfull and iust ends; And yet those conventions want not the warrant of Law and Authority, because they consist of the Nobility, Barons, Burrows, and Ministerie, which by the fundamentall Lawes of the Land, have place of proposing, reasoning, and voting in Parliament and Assemblies, Act 113. King

*Avant our meeting and alledged Councill Tables.*

\* Many letters have been sent down from Commissioners of Shires then resident at Edinburgh to them living in the Countrey, requiring them to doe such things, as they would answer the contrary to the Table.

† But was ever that previous meeting or convention of the Estates without the calling and authoritie of the King?

James the 6. Parl. 11. wherein is acknowledged that it is necessary to the King and his Estates to be truly informed of the needs and causes pertaining to His loving subjects in all estates, and therefore ratieth the Act made by King James, 1, anno 1427. Giving power to Barons, to propone all and sundry needs, and causes, and to heare, treat, and determine all causes to be proponed in Parliament: which necessary and true information cannot be made to his Majestie and Estates, † without privy meeting and consultation: and consequently it being granted to them, to informe the King and Estates, and to propone, heare, treat, and finally determine all needs and causes to be proponed in Parliament, there must be necessarily understood to be a sufficient power granted to them for meeting and advising upon that information: *Quia aliquo concesso, omnia concessa videntur, sine quibus concessum expediri nequit.* And as to the Ministers they have likewayes power granted to them, not onely by the word of God and constitutions of the Kirke, but by the King and laws of this land, to propone, reason, and vote in Assemblies, and by the samine parity of reason to keep preceding meetings, not to determinate or execute, but to consult upon their necessary propositions: So that these lawfull meetings, for the religious end, suffer wrongously the invidious designation of Councell tables: which is onely done for procuring misconstruction against them; because at these meetings and consultations they sat about a table, which posture is no wayes prejudiciall to Authority, the meanest of mechanik crafts having their own tables where about they sit, when they consult upon the smallest businesse importing their trade. And farder, these same meetings, consisting of Commissioners from each Sheriffedome and body of this Estate, were allowed by his Majesties \* Council first, and thereafter by the Commissioner his Grace; In so farre as the whole subjects of this kingdome out of their resentment of the weight of this cause, having numerously convened at Edinburgh, from all the parts of the kingdome, that confluence of people was desired to be dissolved, and directed to make choose forth of that great number of some Commissioners from each Shire who might meet to represent their just grievances and desires, and attend the answers thereof.

\* Most false.

Asent some members of the Assembly alledged to be under censure.

The third particular challenge in the Proclamation, is for the illegall and unformall course taken in the election of Commissioners to the Assembly, whereof some are alledged to have beene under the censure of this Kirke, some under the censure of the Kirke of Ireland, some banished for teaching against Monarchie, others being suspended, some admitted to the Ministry contrary to the laws of this kingdome, others at the Horne, some confined, and all by oath bound to the overthrow of Episcopacie: Whereunto although no answer be requisite, seeing the persons thereby meant, are not specially condescended upon, yet for clearing all mens mindes, and showing the warrantableness of our proceedings, it is of truth that the Assembly, after particular triall which they took upon some such surmises,

surmises, could not find any censured by the Kirke of Scotland, or  
 Ireland, by a lawfull manner, in a lawfull\* judicatorie, or for a lawfull  
 cause: but on the contrary, the Assembly, after carefull searching  
 and examination, found, that any censure inflicted upon any of these  
 persons in Scotland was onely by a Bishop ( who ought to be punished  
 for taking arrogantly on him the name of the Kirke of Scotland ) and  
 that without the advice of any Presbyterie, but sitting in his high com-  
 mission ( which was condemned by the lawes of this Kirk and King-  
 dome, is discharged by the Kings Proclamation, is one of our just grie-  
 vances, and a part of the Bishops dittie ) and that onely for refusing the  
 innovations and corruptions abjured by the Confession of Faith 1 580.  
 For the censure of the Kirk of Ireland, it was not notified to the Assem-  
 bly by any such objection, and yet out of their zeal and care to satisfie all  
 these misinformations, whereof they heard some whisperings, they fand  
 after triall, that these censures inflicted were for the same causes fore-  
 saids, and yet could not militate out with the bounds of that diocie  
 where they were censured in their own law and practicke, and none of  
 them were ever banished for any cause, let be for that odious cause pre-  
 tended in the Proclamation, wherein the mention of Horning against  
 some of the Commissioners could not bee a lawfull exception against  
 them, because Horning can neither take away their Ministeriall function,  
 nor deprive the Presbyteries of their voice by their Commissioners:  
 But in speciall this Horning against the Commissioners to the Assem-  
 bly cannot be respected, because it was done in Edinburgh upon a † sud-  
 denty ( upon what intention wee permit every one to consider ) after  
 all the members of the Assembly were gone to Glasgow, and yet Pro-  
 testation was taken against the same, and suspension craved upon the  
 reall offer of consignation, which, contrary to the common law and  
 practice of this Kingdome, was unexampledly refused, and publike in-  
 struments taken thereupon: All which objections are onely now  
 remembred to blemish the proceedings of this Assembly, but were  
 never urged nor proponed in the Assembly; but on the contrary, the  
 Commissions of all persons were produced, examined, discussed,  
 and approven in my Lord Commissioners owne audience, without  
 any contrary voice of the Assembly: And yet upon these challenges  
 much is built against the Assembly, and the same are aggravated  
 from a preceding oath, whereby it is alledged that the Commissio-  
 ners were bound to overthrow Episcopall government, which is of  
 the same stamp and mettall with the rest: For the truth is, that there  
 was never any oath given, nor exacted, but that which is contained  
 in the Covenant, whereby all was abjured, onely in generall, which  
 was contrarie to the Confession of Faith 1 580. leaving to the tryall and  
 determination of the Assembly, whether Episcopacie and some other  
 innovations were repugnant to the said confession, or not. And at the  
 best, it is a bad inference, that one who hath maintained ortho-  
 dox opinions, and preached against heresie, and error, may not in  
 the lawfull judicatorie voice for condemnation of these errors. And as

\* Who have  
 made the Co-  
 veninters  
 Judges of the  
 lawfulnessse  
 either of the  
 judicatorie  
 or the cause?  
 especially,  
 what an into-  
 lerable pre-  
 sumption is it  
 in them to  
 judge Our  
 judicatories  
 in Ireland?

† But they  
 know that  
 many mem-  
 bers of that  
 Assembly  
 were denoun-  
 ced Our re-  
 bellis, and put  
 to Our Hornes;  
 long before  
 Our Assem-  
 bly was  
 thought on.

for the election of moderatours, admission of Ministers by Presbyteries, and restitution of Elders; the same needeth no answer in this place, being sufficiently cleared by us before in our answers to the 11. Articles exhibite unto us by the Commissioner his Grace: Which answers were so satisfactory, that after the receipt of the same, his Grace promised to procure a free general Assembly, with power to determine upon all questions anent members, matter, and manner of proceeding; And are further cleared in the booke of Policie, and other acts already cited in our particular answer to the Declinator of this Assembly, produced by the Bishops. All which is approven by this generall Assembly, and all acts carrying appearance of contrariety thereto upon undeniable grounds are declared to be null *ab initio*.

*Anent the al-  
luded instru-  
ments sent from  
the Tables.*

\* Nor from their publick meetings, (for they durst not for feare it should be known) but from a cabinet meeting, consisting of them who led the rest by the nose, & whose names we know, and shall be knowne to all in due time

† If it be forged, it is forged by none but Covenanters, who from many severall Shires in the kingdome did send copies of the same, written in the same words to Our Commissioner and others, and yet those Covenanters did not know one of anothers sending.

\* There was no man in the

Assembly who offered any such oath as is here alledged. Wee doubt not but there were many members of the Assembly who might have taken that oath safely, because they were indeed never acquainted with these papers; but Our Commissioner (if he had beene put to it by the Assembly) could have named many, especially some of the Nobilitie, Gentrie, and Ministers, who could not have taken that oath without perjurie; and since it is now denied, they shall be named in due time and place.

The fourth act rubbed upon us to our prejudice by the Proclamation, is the sending from the Tables of instructions, whereof the heads are summarily exprest, which his Grace indeed did show to the Assembly, and then the members of the Assembly declared, that neither of these papers were ever sent from the \* meetings at Edinburgh to any man in their knowledge; and yet for the first (which possibly might have been some private direction of one friend to another, without common advice) it doth not containe any thing offensive or partiall. For the phrase of losing of our Christian and Civill liberty might be warrantably exprest in relation to our former bondage and slavery under the Prelats, tyrannizing in their High Commission, whereby most summarily, at their own pleasure, they deprived, fined, and confined all persons and professours, with such an high hand as justly we might affect deliverance from that servitude, which was likely more to entereffe by the unlimited power usurped in their Canons: So that the desire of this liberty cannot be judged an affectation of licentious living without subjection to lawfull authority, which in our solemne Covenant with God wee have sworne to maintaine. And as for the other paper, the † same is the forgerie of our enemies presented to the Commissioner his Grace, of deliberate purpose to make a pretext for discharge of the Assembly, which we are sorry was so readily embraced, notwithstanding that when the same was produced by the Commissioner, the same was not onely cleared to be no draught sent by publicke advice, but the members of the Assembly, and even those whom his Grace most suspected, denied the same, and offered to controll it by production of the true paper of their instructions, altogether disagreeing from that other produced by the Commissioner, except in the two points following, which had been craftily intermixed with the saids untruths, to give them some countenance of probability. Likeas they professed to his Grace, upon their \* oath, that they had never seene the same before, nor ever read any of the Articles therein contained in any other paper, except the

fourth and the eighth Articles, whereof the fourth was for eschewing (as farre as might be) Chappel-men, Chapter-men, and Ministers Justices of the peace, from being chosen Commissioners to the Assembly: which was so reasonable, that none could be offended thereat, because

\* Chappel-men had approven, and without warrant of this Kirk practised the innovations introduced of late; the Chapter-men had practised the booke of ordination, and (contrarie to the Acts of the Kirk discharging Chapters and their election of Bishops 1578.) had approven the corruptions of Kirk government, and Ministers Justices of Peace had likewise accepted that civill office upon them, whereunto they were promoted for the most part as creatures and dependers of Bishops. And the eighth, wherein some are desired to study the points which were likely to bee agitate in the Assembly, as *de Episcopatu*, *de senioribus*, and among other points, *de potestate supremi Magistratus in Ecclesiasticis, praesertim in convocandis conciliis*; whereat none can take just exception, because it was the duty of every member of that Assembly to instruct and enable themselves for agitating every point, which might occurre to bee spoken of there by any, or been proponed by the Doctors of Aberdene, who were expected there, and commanded to study these points: So that this ought not to be wrested to their prejudice, seeing it was incumbent to the Assembly to know the precinct of the Kirks jurisdiction, especially anent their owne Assemblies, and to distinguish it from the civill jurisdiction of the supreme Magistrate, giving to God what is Gods; and to Cesar what is Cesars, whereby the Sovereign Magistrate hath no prejudice, but great benefit, to know the extent of his power in matters Ecclesiasticall, lest either he should come short of what is due to him, or, for want of true information, incroach upon the liberties of Christs Kirk; Whereby it is most evident, that no indirect nor partiall courfes, nor dangerous propositions, have beene used in the preparations and election to this Assembly, but such as are most legall, peaceable, ordinarie, and warrantable.

In the next place the Proclamation charges our innocency for repairing to the Assembly with great troupes and bands of men boddin in feare of war, and furnished with forbidden armes, in contempt of a preceding Proclamation: whereas the truth is, that our going and repairing to Glasgow was in the most peaceable, quiet, and single way which might serve for our security and indemnity against sundry outlawes, *Clanregors*, and their followers, who shortly before the meeting of the Assembly had done sundry outrages, and committed many insolencies upon the Kings good subjects in these Westerne parts, both to private men,

\* First, this (nor the eighth) was not published in their publicke instructions (for it would have offended many Covenanters who were both Chapter-men and Chappel-men) and therefore they acknowledging it to be one of their instructions, must needs confesse it to be amongst their private ones. But a wonder it is that men should not be ashamed to avow in print their false and partiall dealing; for this instruction concerning Chapter-men and Chappel-men was onely given to barre some moderate covenanting Ministers from being chosen Commissioners; for, notwithstanding this instruction, Master *Ramsay*, who both was one of the Chapter of Edinburgh, and Subdeane of Our Chappell, and *Kollock*, who was Prebend of the same Chapter, and one of our Chaplains, who duely preached his turnes in Our Chappell, and some others, fierce and fiery revolted Chaptermen and Chappel-men, were chosen Commissioners, though the reason here expressed was as strong against them as against the rest.

Anent our going to Glasgow with alledged numbers and weapons.

men, whom by their number they might enforce, and by exacting monyes at publike mercats neere Glasgow, whereof many were advertised by their private friends from these places, and to come thither prepared for eviting all affront or hazzard which they might incurre by that rascally multitude: So that being firmly resolved of before to goe thither every one accompanied with his own ordinary private train, wee yet continued in that resolution, and went thither in most sober and quiet way, onely with this change, that for preveening that hazzard we went not every man alone with his owne ordinary servants, but some few together went in company; which is not onely ordinary in going out the way, but was most expedient at that time for avoiding the foresaid hazzard and prejudice: which moved us all so to carry with us some offensive weapons, wherewith not onely these rebels were provided, but likewise such who went to Glasgow with his Majesties Commissioners, who upon that same necessity were likewise \* provided with those prohibited weapons, and yet their carriage nothing thought to deboird from the duty of good subjects. Upon these reasons some of the supplicants being present in Edinburgh, at the making of the said Proclamation 16. of November last, did protest that it might be lawfull for them to carry weapons for their owne defence, and preservation against any such lawlesse invasion or violence as might threaten them, and that they might incurre no prejudice by carrying such weapons as those who followed Councillours and many others did, promising to carry themselves peaceably and irreproveably during the time of the Assembly, which accordingly they have done: and seeing our said carrying of weapons was for defence of our lives, against the invasion of these barbarous forners, wee are not censurable therefore by the act of Parliament prohibiting the saids weapons, because wee was repairing to, or returning from the Assembly at command of his Majesties letters and authority, which is in speciall words exprest in the act of Parliament, act 18. Parliam. 1. *James 6.* which is thereafter ratified with the same provisions, act. 87. Parliam. 6. *James 6* and thereafter also ratified, act. 248. Parliam. 15. *James 6.* Likeas by the 227. act, Parliam. 14. *James 6.* all honest men, and good subjects free holders are authorized with a commission to take and apprehend the persons and goods of those forners and thieves, keep themselves in prison, and execute them to the death: And therefore farre more to carry weapons for resisting of savage violence.

*Auent our refusal of Assessors, and of the Bishops Declinator.*

And where the formall and orderly proceeding of this Assembly is challenged in the Proclamation, as peremptory, for refusing voice to the six Assessors assumed to himselfe by the Commissioner, and for not suffering the Declinator by the Bishops to be read before the electing of a Moderator, Wee cannot conceive the same to be a just cause of offence, because albeit according to our bound duty, Wee deferre all humble respect to his gracious Majesties Commissioner, and to the persons and places of the prime Noble men, and Councillours

cellours his Graces Assessors, yet for preservation of the liberty of the Kirke of Jesus Christ, We did in all humility remonstrate that his Majesties Commissioner and Assessors, how many soever ( whose place is not to vote, but to assist the Commissioner by their counsell for his orderly proceeding ) could have but onely one voice in the Assembly : Since after thirty-nine nationall Assemblies of this reformed Kirke, where neither the Kings Majesty, nor any in His name were present, at the humble and earnest desire of the Assembly, his Majestie graciously vouchsafed His presence; either in His own royall person, or by a Commissioner, not for voting or multiplying of voices, but, as Princes and Emperours of old, in a Princely manner to countenance that meeting, and to proceed in it for externall order : And if we had been honoured with his Majesties personall presence, his Majesty ( according to the practice of King *James* of blessed memory ) would onely have given His own judgement in voting of matters, and would not have called others who had not been cloathed with commission from the Kirke, to carrie things by plurality of voices : Which is also imported by his Graces Commission produced, wherein hee is nominate sole Commissioner. Like as also his Majesties Father never had Assessours voicing in † lawfull Assemblies, nor challenged the same to his Commisioners, but onely of late dayes in these corrupt Assemblies, which for undeniable reasons are declared to have beene null *ab initio*. And as to the refusing of the reading of the Declinator, and Protestation, exhibite by the Prelates, The same was publickly read, and the first Act of the Assembly, immediately after the election of a Moderator and constitution of the members, before the which time there was no Assembly established, to whom the same could have beene read, or by whom it could be judged ; Like as we desired his Grace to bring in the Prelates themselves, and we should both answer for their safety, and give them a full audience.

And further, whereas his Grace under his hand, gave in his Majesties declaration, mentioned in this Proclamation, the same being considered by the Assembly, gave them matter of great joy, to finde his Majesties royall heart so farre enlarged towards them, as willingly to untie some of those grievous bands wherewith they had beene fettered by the meanes of some who abused their own places, and trust with his Majesty ; But the same was not found satisfactory, nor sufficient for establishing of a legall security of the points therein mentionate, nor yet for purging the corruptions, and settling the peace of this Kirke, as was promised ; whereof the Commissioner his Grace would not stay to be informed, but did unexpectedly and suddenly remove, to the great grief of the Assembly, who thereby was necessitate to use the power God had put in their hands, for removing all innovations, and settling the purity, and

† It is a bold and impudent speech to affirm that Our royall Father kept unlawfull Assemblies, especially when some of them are confirmed by Parliament.

Anent his Majesties declaration wherein it is not satisfactory.

\* God never put it in their hands, but the Devill, who is the author of all sedition and rebellion.

and peace of this Kirke. And seeing in this Proclamation his Majesties declaration is insert *ad longum*, and the Assembly taxed for not being fully satisfied therewith, we are enforced to repeat here the reasons which moved the Assembly not to think the same satisfactory, in hope that they, comming to his Majesties sacred eares, may procure the continuance of his benigne favour, so acceptable to this Kirke, by the indication of this Assembly, and production of the said declaration, and obtain his Royall approbation to the whole acts and proceedings of this Assembly, which is heartily wished, and would replenish the hearts of all good subjects with abundant joy and contentment. And first, where his Majestie hath discharged the Service Book, and Book of Canons, and practice of both, and all Acts, Proclamations, and ordinances made for establishing thereof, upon information that by the introduction of them, the subjects have apprehended the inbringing of Popery, & superstition to have beene intended: Neither the discharge nor the ground thereof are satisfactory; Not the first, because as some Acts and Proclamations did serve for their establishing, so others gave them an high approbation, as fit means to maintaine religion and beat down all superstition: And therefore though those which established them be rescinded, yet those which approved them do remaine, and may bring forth other Acts and Proclamations for restoring them or the like hereafter, if these books receive not a publick censure by the generall Assembly as the only judge competent to bar them and the like in all time comming: Seeing Acts of Councill, and Proclamations, are frequent and variable, and yet are no legall valid meane either to introduce or abolish any thing concerning the doctrine and discipline of the Kirke, wherein they neither can meddle nor secure the subjects, Next, seeing by the constitutions of this Kirke \* the generall Assembly hath onely power to determine concerning the matters of Gods publick worship; And that the framers of these books, who called themselves the representative Kirk, made them to be practised in sundry places of the countrey by their own authority, and that which they borrowed from † the Lords of secret Councill: Therefore it was most necessarie that the same should be discharged by the generall Assembly ( the onely true representative Kirk of this nation ) for vindicating her just right from violent usurpation, and preventing the like in time comming; Not the second, for the subjects have just grounds of perswasion that the Prelats & their followers ( the framers & followers of those books ) intended the inbringing of Popery and superstition by the introducing thereof, because, 1. Many grosse points of Popery and superstition are not onely closely couched under the cover of ensnaring ambiguities ( the most insinuating way of errors and best mask to superstition ) but also expressly contained in the Books themselves; as was made manifest by sundry treatises read and considered in the Assembly, and is now so declared by the Assembly. 2. The framers and favourers of these Books in their sermons and conferences have vented sundry Popish errors, and approved Popish super-

\* But never without the authoritie of Us and Our Successours.

† The confession of faith and band annexed, upon which their covenant is grounded, were enjoined at the first onely by the authoritie of Our royall Father and his Councill, and so these Books were commanded by as good Authority as those.

superstitions: which fully detecteth and leaveth no doubt of their intention, in the introducing of Books so full of Popery and superstition.

Secondly, the discharge of the high Commission by his Majesties Proclamation or Declaration, cannot be sufficient; because first, his Majestic declareth that he established the same for the ease and benefit of the subjects, that justice might bee administrate with the more conveniencie and lesse trouble of the people, And now dischargeth it, because the subjects have mistaken his gracious intention: So that if the mistaking be removed, that which is conceived of it selfe to serve for administration of justice, with ease and benefit to the subjects, may bee established upon pretention of the removeall of all such mistakings. Secondly, though the acts and deeds made for establishing thereof bee rescinded, yet the acts past heretofore by the high Commission are not rescinded, and so the subjects censured by it are still esteemed under these censures, as appeareth by the tenour of the Proclamation, wherein the Assembly is taxed, as consisting of some members that are under the censures of this Kirke, meaning the Bishops censure in the high Commission. Thirdly, it being found contrary to the acts of Parliament, and acts of generall Assembly, and extremely derogatory to them and all other subalterne iudicatories both Civill and Ecclesiasticall (which is made clearely manifest by a treatise presented to the generall Assembly,) and it being devised and brought in by the suggestion of Bishops, as a meane whereby they might and have unlawfully tyrannized over all the subjects, Therefore it is necessary that the Parliament and generall Assembly, the highest Civill and Ecclesiasticall iudicatories that have been wronged, should by their severall sentences utterly abolish it as unlawfull and hurtfull.

Thirdly, whereas his Majesty dispenseth with the practice of Pearth Articles, dischargeth all from urging the practice thereof, freeth from censures for not urging or practising them, notwithstanding of any thing contained in the acts of Parliament, or generall Assembly to the contrary, and is content that the Assembly take the same so far to their consideration; as to represent it to the next Parliament there to be ratified as the Estates shall finde fitting: These cannot satisfie; because first, a dispensation with the practice, without a simple discharge, leaveth it still arbitrary to those who will practise, and so continueth the rent and distractions in this Kirke. Secondly, although his Majestic had discharged the practice of them by his Proclamation or Declaration, yet the subjects had not been put in security thereby, except the generall Assembly (to whose triall they belong and were referred by all the subscribers of the Confession in March) doe either repell the Articles of Pearth, or upon good reason declare that Assembly null, since his Majesties Proclamation or Declaration is not a sufficient warrant to infringe an act of Assembly or Parliament made to the contrary. Thirdly by tying the Assembly to take the same no further unto their consideration then to represent it to the next Parliament, the Assembly is both prelimitate (whereanent refers to the six reasons against prelimitation

\* It may not; and the holding of the contrary is a false and Jesuiticall position.

tation insert in our Protestation September 22.) and weakned in power, \* as if it might not judge and determine in matters meerely Ecclesiasticall without a licence from his Majestie, or a reference to the Parliament, whereas the generall Assembly is supreme and independent in matters Ecclesiasticall, as the Parliament is in Civill; so that when the acts of Assembly are ratified in Parliament, the same is for adioyning the Civill sanction to the Ecclesiastick constitution for the great terrour of transgressors.

Fourthly, anent the oaths administrate to Ministers at their entry, it hath not onely beene pretended, but is certaine, and will be made manifest to the Assembly, (which also now is done) that oaths have been exacted different from that which is set downe in the acts of Parliament, and in many severall wayes according to the pleasure of the Prelats: And where his Majestie declares that no other oath shall be required of a Minister at his entry, nor that which is set down in the act of Parliament, \* the same is of fearefull consequence, because the act beares an oath to be given unto the Bishop by Ministers intrants, and so supposeth the office of a Bishop to be unchangeable and uncontroverted, whereby the Assembly is prelimited (against the reasons before mentioned) which may finde that office uselesse and unlawfull in this Kirk, and which now they have found upon most infallible reasons.

\* A fearefull proposition indeed it is, to hold Episcopall government to be an uncontroverted government, which hath continued in the Church ever since the time of Christ and his Apostles, without the least suspicion of controversie until within these few yeeres.

Fifthly, that his Majesty assureth generall Assemblies shall be kept as oft as the affaires of this Kirk shall require, doth not satisfie, because first, by leaving the time indefinite, it prejudgeth the liberty of the Kirke of holding yeerly generall Assemblies at least, and oftner *pro re nata*: ratified by the act of Parliament 1592. the disuse whereof hath beene a maine cause of our evils, which should bee prevented in time coming, by renewing that ancient necessarie custome and liberty: Secondly, by the same Act of Parliament it is provided that the King, or his Commissioner being present, shall appoint the time and place of the next Assembly: And in case his Majesty or his Commissioner be not present for the time in the towne where the Assembly is holden, it shall be leasome to the said general Assemblies by themselves to appoint the time and place of the next Assembly, as they have bin in use in times past: But this Declaration not only leaves all indefinite, but totally everts that power and liberty competent to them by law and custome: Thirdly, As it doth not determine how oft the ordinary affairs of this Kirke require an Assembly (which the custome of this Kirke and act foresaid evidently manifest to bee yeerely once at least) so neither doth it determine who shall judge when the necessity of extraordinary affairs require an Assembly *pro re nata*: whereas undoubtedly the Kirk will be most sensible of her owne necessities, and is the most proper Judge of her owne affairs: And therefore should have freedome to appoint her owne times when she finds her selfe pressed with present exigencies, as his Majesty hath also power when hee perceives any necessity requiring the same.

Sixthly, whereas his Majesty is content that all the present Bishops,

shops and their successours be answerable to, and censurable by the generall Assembly; it doth not satisfie; because, First, it beares a prelimitation of the Assembly in the matter of trying that Office, and presupposes the continuance thereof by succession as unquestionable. Secondly, They have beene formerly made censurable by the generall Assembly in the straightest way that the Kirke could enjoyn, or they could assure: And yet these thirty yeeres they have shunned all censure (though all their actions deserved it) by procuring generall Assemblies to be prorogate, and then suddenly indicted when they had cunningly prepared both persons and purposes to their minde: Likeas now they have by their Declinator refused to answer, and be censured by this present Assembly indicted by his Majestie, convened in the name of Christ, and perfectly constitute in the members thereof: And therefore it lyeth upon this present Assembly to take some solide course, for securing the Kirke, in all time comming, against the prejudices of their former and frequent breaches contrary to their oathes given.

Seventhly, whereas his Majestie requireth this present Assembly to subscribe this Confession of Faith formerly signed by his Royall Father 1580. and lately commanded by his Majestie to be subscribed by all his Majesties subjects: The reasons contained in the Protestation September last 22. (whereto we adhere and repeats the same) do sufficiently evidence that we cannot subscribe the same: to which we adde, First, that his Maiesties Commissioner hath declared to the Lords of Session when their subscriptions was required, that it might subsist with the innovations introduced since the yeere of God 1580. which\* some of the said Lords then did, and all of us doe now conceive to repugne to the genuine and true sense of the Confession of Faith as it was first made: Secondly, That his Grace hath protested divers times in this Assembly, that nothing done or to be done therein prejudge the Archbishops and Bishops in their priviledges, places, power and jurisdiction: whereby he declareth that these may subsist with the Confession of Faith, notwithstanding they be novations introduced upon this Kirke, contrary to the same, since the yeer foresaid, as is now found by the Assembly: Thirdly, That to the Assembly presently convened and perfectly constitute in the members thereof, it pertaineth properly according to the word of God, constitutions of this Kirke, and booke of Policie, ratified in divers Assemblies, to determine what is the true meaning of the Confession of Faith, and to make the same knowne to all the members of this Kirke, who thereafter without scruple or danger may subscribe the same. And although the Assembly could not finde this Declaration satisfactory for these and the like weighty reasons, yet were they willing the same should be insert in their books for obedience to his Maiesties desire: and thankfully acknowledging his Maiesties pious affection to true Religion, and Royall resolution to defend the same and his subiects in the profession thereof, exprest in the closure of his Royall Declaration, they were confident that when his Maiestie shall bee fully informed that the novations introduced since the

\* But they do not declare all the truth; for of twenty Lords of the Session, onely foure did it, but the rest who were present did the contrary.

yeere 1580. are incompatible with the Confession of our Faith, he will be pleased graciously to vouchsafe his comfortable protection upon those, who ( adhering to the true meaning of that Confession now fully cleared by the Assembly) have abjured all the innovations introduced, and by their great oath and subscription have bound themselves to maintaine the true Religion, and his Majesties person and authority in defence of the same. And thus true Religion being the channell which convoyeth both duties to their proper object, the evidence of Gods image in our dread Sovereigne his Depute shall bee terrible to all the enemies of his Majestie, and of his loyall subjects who stand for the Confession of Faith, and the true meaning thereof, and shall raise up the affections of his Religious subjects towards his Majestie above all earthly respects.

*Anent Episcopall government, and the other generall reasons.*

And where it is subjoynd in the Proclamation, that nothing was able to give contentment, except we were permitted to overthrow Episcopall government, and to abrogate publicke Lawes standing, and take away one of the three Estates, wee are sufficiently cleared thereof by the Acts of the Assembly, abrogating, and abolishing Episcopall government in this Kirke for\* infallible reasons contained in the said Act, and also by our answer published to the Declaration emitted in the Commissioners name. (which for brevity we forbear to insert herein) whereby wee have sufficiently evinced that our proceedings are not contrary to the Lawes of the Kingdome, or destructive of any lawfull third Estate, and which part of the Proclamation doth close with an undeserved imputation to our loyalty, bearing, that for the like dangerous Acts so derogatory to Royall authority, and for other reasons importing true Monarchicall government, the Commissioner was forced to dissolve the Assembly; but the same is so generally expressed, that it appeares evidently to be done of plaine purpose to make us hatefull, which we hope will not worke that end, unlesse some speciall Act of disloyalty or malversation could bee specially condescended upon (which undoubtedly had not benee omitted if it had been possible) otherwaies that darke cloud of general termes cannot obfuscate the pure brightnesse of our sincere intentions, unlesse our true representation of grievances, and earnest humble pressing legall redresse thereof at his Majesties hands, may deserve that aspersion in the eyes of these Councillours, who thinke themselves obliged rather in absolute obedience, then a dutifull representation to their Sovereigne of what is just and warrantable; wherein wee appeale to all the world, if either our proceedings, or opinions bee any wayes derogatory to the true power of Monarchicall government or his Majesties authority, which wee are obliged to defend with our lives and fortunes by our Covenant.

\* The reasons contained in that Act are infallibly true.

*Anent his Graces intention to returne.*

And where in the Proclamation, in that part thereof anent the Commissioners discharge of the Assembly, is insinuate some expression of his Graces willingnesse to returne the next morning to the Assembly, wee declare, That we were most sensible of the benefit of his Graces presence,

presence, and received great contentment by that countenance of Royall authority in representation, whereof we would never have deprived our selves if we had had the least signification of any such intention: but the truth is, that having called our selves to our best remembrances, we heard no word or expression tending that way; but by the contrary\* we did humbly require his Grace to give in the reasons of his discontentment in writ, and to returne the next day againe, at which time wee should give in sufficient answers thereto, which might wipe away all his Graces objections, and move him to continue his wished presence to that Assembly, whereat hee had publickly professed he could no longer assist: but this being refused, and the Assembly discharged by him, we were necessitate to protest both that day and the day following upon the Mercate Crosse of Glasgou, and to shew, that in conscience of our duty to God and his truth, the King and his honour, the Kirke and her liberties, this Kingdome and her peace, this Assembly and her freedome, to our selves and our safety, to our posterity, persons, and estates, we could not dissolve the Assembly for the reasons following: First, for the reasons already printed anent the conveneing a generall Assembly, which are now more strong in this case, seeing the Assembly was already indicted by his Majesties authority, did convene and is fully constitute in all the members thereof, according to the word of God and discipline of this Kirke, in presence and audience of his Majesties Commissioner, who hath really acknowledged the same by assisting therein seven dayes, and exhibition of his Majesties royall Declaration to be registrate in the books of this Assembly, which accordingly was done. Secondly, for the reasons contained in the former Protestations made in name of the Noblemen, Barons, Burgeesses, Ministers, and Commons, wherunto we did then iudicially, and doe now actually adhere, as also unto the Confession of Faith and Covenant subscribed and sworn by the body of this Kingdome. Thirdly, because as we are obliged by the application and explication subioyned necessarily to the Confession of Faith subscribed by us, so the Kings Maiestie, and his Commissioner, and privie Councill, have urged many of this Kingdome to subscribe the Confession of Faith made *in anno* 1580. and 1590. And so to returne to the doctrine and discipline of this Kirke as it was then professed; but it is cleare by the doctrine and discipline of this Kirk, that it was most unlawfull in the selfe, and preiudiciall to these priviledges, which Christ in his word hath left to his Kirke to dissolve or breake up the Assembly of this Kirke, or to stop and stay their proceedings in constitution of Acts, for the well-farre of the Kirke or execution of discipline against offenders, and so to make it appear that Religion and Kirke government should depend absolutely upon the pleasure of the Prince. Fourthly, because there is no ground of pretence, either by Act of Assembly, or Parliament, or any preceding practice, whereby the Kings Maiesty may dissolve the generall Assembly of the Kirke of Scotland, farre lesse his Majesties Commissioner, who by his commission hath power to indict, and keepe it

\*Most fallc

*Anent our sitting still after the Commissioners discharge.*

*secundum legem & praxim*, but upon the contrary his Maiefties prerogative Royall is declared by Act of Parliament to be no wayes prejudiciall to the priviledges and liberties which God hath granted to the spirituall office-bearers and meetings of this Kirke, which are most frequently ratified in Parliaments, and especially in the last Parliament holden by his Maieftie himselve; which priviledges and liberties of the Kirke, his Maieftie will never diminish or infringe, being bound to maintaine the same in integrity by solemne oath given at his Royall coronation in this Kingdome. Fifthly, the Assemblies of this Kirke have still enjoyed this freedome of uninterrupted sitting, without or notwithstanding any contramand, as is evident by all the records thereof, and in speciall by \* the generall Assembly holden *in anno* 1582. which being charged with letters of Horning by the Kings Maieftie his Commissioner, and Councill, to stay their proces against M. *Robert Montgomerie* pretended Bishop of Glasgow, Or otherwaies to dissolve and rise, did notwithstanding shew their liberty and freedome by continuing and sitting still; and without any stay going on in that proces against the said M. *Robert*, to the finall end thereof, and thereafter by letter to his Majestie did shew clearly, how farre his Majesty had been mis-informed, and upon mis-information prejudged the prerogative of *Jesus Christ* and the liberties of this Kirke, and did enact and ordaine that none should procure any such warrant or charge under the paine of excommunication. Sixthly, because now to dissolve after so many supplications and complaints, after so many reiterated promises, after our long attendance and expectation, after so many referenes of processees from Presbyteries, after the publike indiction of the Assembly, and the solemne Fast appointed for the same, and after frequent convention and formall constitution of the Assembly, in all the members thereof and seven daies sitting, were by this Act to offend God contemne the subjects petitions, deceive many of their conceived hopes of redresse of the calamities of the Kirke and Kingdome, multiply the combustions of this Kirke, and make every man despair hereafter ever to see Religion established, innovations removed, the subjects complaint respected, or the offenders punished with consent of Authority, and so by casting the Kirke and Estate loose and desolate, would abandon both to ruine. Seventhly, it was most necessary to continue this Assembly, for preveccing the prejudices which might ensue upon the pretence of two Covenants, whereas indeed there is but one: that first subscribed in 1580. and 1590. being a nationall Covenant and oath to God, which is lately renewed by us, with that necessary explanation which the corruptions introduced since that time contrary to the same, inforced: which is also acknowledged in the Act of Councill in September last, declaring the same to be subscribed as it was meant the time of the first subscription; and therefore, for removing that shame and all prejudices which may follow upon the shew of two different Covenants and Confessions of Faith in one Nation, the Assembly could not dissolve before it had tryed, found, and determined that both these

\* That Assembly is but one instance and a very reprobable one. The Ministers of the pretended Assembly at Aberdene did the same, and were most severely punished for it.

these Covenants are but one and the selfe same Covenant : The latter renewed by us, agreeing to the true genuine sense and meaning of the first as it was subscribed *in anno 1580.*

And further in the said Proclamation, the straine of our Protestation is taxed, because we have thereby presumed to cyte those of his Majesties Councill who have procured, subscribed, or ratified this Proclamation, to bee responfall to his Majestic and three Estates of Parliament; whereas the same cannot be justly quarrelled, because it is grounded upon the Law of the Kingdome, and warranted by the act of Parliament therein cyted 12. act. Par. 2. *James 4.* which act is grounded upon good reason : for it were strange to thinke that Councillours giving bad counsell, to the evident prejudice and ruine of the Countrey, and publike detriment of the good subjects, should not be countable therefore to his Majestic and his Estates: and it is not without instance in our Lawes, that perverse counsell hath been given in misguiding the Kings and common good of this Realme, act 6. Par. 1. *James 4.* which is also acknowledged by the reduction of grants made by Kings to these perverse Councillours, act. 3. Par. 4. and act. 5. Par. 1. *James 4.* The perverseness of which misguiding counsell, hath been assuredly the cause why in the next Parliament in the yeere immediately subsequnt, the Kings Councill was chosen in Parliament, and sworne in presence of the King and three Estates, and ordained to be responfall and accusable to the King and three Estates for their counsell : Which cleareth that both evill counsell may bee given, and that the Councill may be accused before the King and Parliament for malversation in their charge. Like as his Maiestie in the Proclamation, makes all persons lyable to the Parliament and generall Assembly, and so giveth way to this previous cytation, which may serve for a forewarning and intimation that they may bee accused if they bee guilty, as wee know all are not, and wish that none were.

*Anent our cytation of Councillours.*

All which heave objections and imputations are premitted in the Proclamation to the conclusion and command thereof, which resolveth into two heads; the first discharging obedience to the acts of Assembly, and liberating all, who shall disobey, from censure, and promising protection to the disobeyers, and inhibiting all Presbyteries, Sessions of Kirks, Ministers within this Realme in their Sermons, Sessions, and meetings, or any otherwaies, to authorize approve, or allow the Assembly at Glasgow, or doe any deed which may countenance the same, under paine to be punished with all rigour. And commanding all who shall heare them, to delate the same, under paine of the like punishments; likewise straitly charging and commanding all Judges within this Realme, Clerks, and Writers, not to grant or passe a bill, summond, or letters, or any other execution whatsoever, upon any act, or deed proceeding from the said Assembly; and all keepers of the Signet from signeting thereof, under all highest paine. And the second head, commanding all subiects to subscribe and sweare the

*Anent the injunctions and Proclamation, and our answer thereunto.*

Confession

a They should do well to try if they can answer it, and the Queries of Aberdene better; for the common opinion is, that neither of them yet are answered at all.

b All these texts of Scripture are profaned and abused; for no such thing can either possibly or probably be inferred from them.

\* It is well that they will cite the Pope his Law whom they call Antichrist; for when any thing is objected against them out of the Canon Law, it is usuall with them to reject that as Popish and Anti-christian.

Confession commanded by his Majestie, conforme to the sense and meaning of the Declaration published by the Commissioner, whereunto we need not here make any answer, but remits the same to a speciall answer, published in print made to that Declaration. But for the first, the same is so farre repugnant to the word of God, practice of the primitive Kirk, the Lawes Civill and Canonick, the custome of all Nations, the constitutions of our generall Assemblies, Acts of Parliament, practice of other judicatories within this Kingdome, to the Confession of Faith and discipline of this Kirke, as we cannot believe any such commandments to proceed from our gracious King, but from the malice and mis-information of our adversaries, the conscience of whose guiltinesse affrighteth them to undergoe their deserved censure; which is cleare, first, That the same is contrary to the Law of God, from that place of Scripture, *Mat. 18.* wherein the Kirke is commanded absolutely to inflict censures. *1. Cor. 5.* wherein the Kirke did execute that commandment. And the Kirks of *Pergamus* and *Thyatira*, are reprov'd for not executing Ecclesiasticall censures against those who held the doctrine of *Balaam*, or of *Jezebel*, *2. Rev.* So that the power of the keys in Ecclesiasticall censures is so intrinsically and so essentially competent to the Kirke and generall Assembly *jure divino*, as obedience to her decreets and executions thereof, cannot be suspended, far lesse taken away and discharged by humane authority, more nor the power of preaching and administration of the Sacraments. Secondly, it is contrary to the practice of the Apostolike and Primitive Kirks, whose constant practice was to execute the spirituall functions, and censures; and, notwithstanding humane prohibitions, to obey God rather then man. Thirdly, It is contrary to the civill Law, *si contra jus vel utilitatem publicam, vel per mendacium fuerit, aliquid postulatum vel impetratum ab Imperatore. Et titulo de diversis rescriptis & pragmaticis sanctionibus.* Fourthly, the same is contrary to the \* Cannon Law *decret. decretal. extr. avagan. titulo de rescriptis.* Fifthly, it is contrary to the universall custome in all Nations, ordaining their Judicatories, to doe justice, notwithstanding their Princes prohibition, as is cleare by *Convarnvia in Spaine*, *Pappon in France*, *Suedwyne in Germanie*, &c. upon the title *de rescriptis aut constitutionibus principum.* Sixthly, to the constitutions of generall Assemblies, because in sundry generall Assemblies upon complaints made that the Kings Majestie and his Councell by their letters offered some stop to the Kirke from going on in her Ecclesiasticall censures, especially by act of the generall Assembly convened in the new Colledge of *Sanct androms* 20. April 1582: it is ordained that none being received to any Ecclesiastical function, office, or benefice, seek any way by the civill power to exeeme and withdraw themselves from the jurisdiction of the Kirke, or procure, obtain, or use any letters, or charges, either by themselves, or any other in their name, or at their command and instance, to impaire, hurt, or stay the said jurisdiction, discipline, correction of manners, or punishment of their offences & enormities, or to make any appellation from the general Assembly, to stop the discipline,

discipline, and order of the Ecclesiasticall policie, and jurisdiction granted by Gods Word to the office bearers within the said Kirk, under the paine of excommunication summarily, without any proceffe, or admonition to be pronounced by the judgement of the Eldership, by the Minister, or Ministers which shall be appointed by them, how soon it is known that any of the saids heads are transgressed; Likeas both the Kings Majestie and his Councell promised that none thereafter should have that cause to complaine, as is manifest by the Act of Assembly at *Montrose* in July 1597. and in the Assembly holden at Saint Andrews, 24. April 1582. being charged with Letters of Horning not to proceed against Master *Robert Montgomrie*; the Assembly did write to his Majestie that this discharge was extraordinary, as a thing that was never heard nor seen since the world began, and was directly against the word of God, and Lawes of the Kingdome: And yet notwithstanding of the said charge the Assembly did proceed and excommunicate the said Master *Robert*. Further, In the Assembly at Edinburgh, the 27. of June 1582. Sess. 7. amongst the grievances presented by the Kirk to the King; The first is, That his Majestie by device of some Councillours is moved to take upon Him that spirituall power and authority which properly belongeth to Christ as only King and Head of his Kirk, the Ministry and execution whereof is onely given to such as bear office in the Ecclesiasticall government of the same; so that in his Majesties person some men prease to erect a † Popedome, as though his Majestie could not be full King and Head of this Commonwealth, unlesse aswell the spirituall as temporall sword bee put in his Majesties hands, unlesse Christ be rest of his authority, and the two jurisdictions confounded, which God hath divided; which directly tends to the wrack and overthrow of all true Religion, &c. And in the Assembly holden at Edinburgh in Octob. 1582. Sess. 15. summons are direct by the generall Assembly against the Kings Advocate, for drawing up the Kings Proclamation of that straine. 7. The foresaid command is also contrary to the Acts of Parliament; because as the Acts of Parliament appoint every matter for its owne Judicatorie, and to all Judicatories their owne freedome, so much more doth this liberty belong to the nationall Assembly, being the supreme Judicatorie Ecclesiastick of this Kirk, and onely competent Judge in matters so important, and so nearly concerning Gods honour and worship immediately, the salvation of the peoples soules, the settling of the purity of Gods worship, the purging away the corruptions thereof, and right constitutions of the Kirk, whose liberties and priviledges are confirmed, Parl. 12. King *James 6.* and Parl. 1. King *Charles*. Likeas by the 12. Parl. 114. Act K. *James 6. ann. 1592.* the liberty and discipline of the Kirk, especially in her Presbyteries and Assemblies, are fully and firmly ratified, with declaration that the act of the Kings Majesties prerogative Royall over all Estates and persons, shall no wayes be prejudiciall to the priviledges which God hath given to the spirituall Office-bearers in the Kirk, concerning heads of religion, matters of heresie,

† Nay, but the pretended Assembly hath erected a Popedome, and for their authority goe upon the same grounds, and use the very same arguments, and abuse the very same places of Scripture which the Pope and the learnedst Patrons of the Pope doe for robbing of Princes of their Authority over all Ecclesiasticall persons, and causes, in their several Dominions: The words which next follow are mere babbling.

excommunication, collation, and deprivation of Ministers, or any such like essentiall censures, especially grounded and having warrant of the word of God, with full power, even to the particular Presbyteries, to put order to all matters and causes Ecclesiasticall within their bounds, according to the Discipline of the Kirk. 8. The Lords of Councill and Session by act 92. Parl. 6. King *James 6.* are ordained to proceed in all Civill causes intended or depending before them, or to be intended, and to cause execute their Decrees, notwithstanding any private writing, charge, or command from the Kings Majestie, or his Councill in the contrary, and by the 47. act, 11. Parl. King *James 6.* all licences and superfederees purchas'd from his Majestie, are discharged as contempt done to the Law, as great hurt to the lieges, and contrarie to iustice, and declareth the same to bee null of the Law, and not admissibly by any Judge, nor effectually to the purchaser any waies, and ordaineth all Judges within this Realme to proceed and doe justice, siclike and in the same manner as if the said superfederees and licences never had benee purchased nor produced. Likeas by the 106. Act Parl. King *James 6.* all licences granted by his Majestie to hinder the execution of acts against Papists and other adversaries of the true Religion, are discharged and declared to be of no force: According to which it hath benee the ordinary custome both in Civill and Ecclesiasticall Judicatories (notwithstanding of privie warrants or prohibitions contrary to Law which commonly are impetrate from his Maieftie upon misinformation) to proceed and minister justice. 9. To discharge obedience to the acts of the Assembly, stop the execution thereof, protect and defend such as are delinquents and under the Kirks censure, doth directly repugne to the large Confession of Faith of this Kirk; where in cap. 19. the third mark of the true Kirk is affirmed to bee upright ministration of Ecclesiasticall Discipline, as Gods word prescribes, for establishing good order and repressing of vice: and so no more can bee impeded nor justly taken from the Kirk then any of her other two marks, *viz.* the right preaching of the word, and ministration of the Sacrament: And therefore in the Oath at the Kings Coronation, he sweareth to maintaine this Confession, and these three marks of the Kirke; and particularly that hee shall be carefull to root out of his Empire all Hereticks and enemies to the worship of God, that shall bee convict by the true Kirk of God of the foresaids crimes. 10. In the short Confession of Faith sworne, 1580. and 1590. and renewed by the greatest and best part of this Kirk and Kingdome, with an explication renewed also at his Maiefties command by his Councill, all are bound to continue in obedience of the Doctrine and Discipline of the Kirk, and defend the same according to their vocation and power: So that seeing this generall Assembly hath proceeded in their Constitution; Acts, and whole proceedings according to the Discipline of this Kirk of Scotland 1580. and 1590. contained in the second booke of Discipline; which in both these yeeres were ordained to bee registrate and sworn to by all the Ministers of this Kirk, as the Discipline thereof, and wherein

\*By the greatest, but the worst part of the Kingdome.

wherein the Civill and Ecclesiasticall jurisdiction are so clearly distinguished in the 1. c. l. 2. as the power of the sword may no wayes stop or impede the power of the keyes : and in the 7. c. the Eldership and Assemblies hath power to execute Ecclesiasticall punishment upon all transgressours and proud contemners of the Kirke: and in the 10. c. the office of the Christian Magistrate is described to assist and maintaine the Discipline of the Kirk, and punish those civilly who will not obey the censures thereof, without confounding alwaies the one jurisdiction with the other : and this order of Ecclesiasticall Discipline, descended upon in generall Assemblies, as warranted by divine authoritie to be execute notwithstanding any humane inhibition, is set downe before the Psalmes in meeter : and therefore we can never expect that his Maieitie, who out of his pious inclination to justice by a late Proclamation 22. September last hath declared and ordained that all his subiects both Ecclesiasticall and Civill shall be lyable to the tryall and censure of generall Assembly or any other Judicatorie competent, will now stay the execution of the \* lawfull and grave sentences of this nationall Kirk, so comfortable to us, and so necessarie for maintaining the puritie of Religion : which his Maieitie in the end of the Articles before mentioned hath promised to defend, and his subiects in the profession thereof, which is incompatible with the defence of excommunicate and obstinate persons. But therefore we are assured that his gracious Maieitie will be pleased to allow, that reverence and all ready obedience may bee deferred to the whole Acts, Constitutions, and censures of the said generall Assembly, by all his subiects ; who undoubtedly and necessarily are obliged to obedience of all the lawfull commands and iniunctions of the mother Kirk if they would be accounted members or sonnes thereof.

By all which \* cloud of weightie reasons the warrantableness of our iust proceedings doth evidently appeare, notwithstanding of all the arguments of challenge adduced against us in the said Proclamation: And therefore for these and many other reasons, Wee the members of this Assembly, in our owne names, and in the name of the Kirk of Scotland whom wee represent, And we, Noble-men, Barons Gentlemen, Ministers, Burgeses, and Commons ; before mentioned, doe solemnly declare in the presence of the everlasting God, and before all men, and protest <sup>a</sup> That our thoughts are not guiltie of any thing which is not incumbent to us, as good Christians towards God, and loyall subiects towards our sacred Sovereigne : And we attest God the searcher of all hearts, that our intentions and whole proceedings in this present Assembly have beene and shall continue according to the word of God, the Lawes and constitutions of this Kirk, the Confession of Faith, our nationall Oath, and that measure of light, which God the Father of light hath granted unto us, and that in the sinceritie of our hearts, without any preoccupation or passion.

That it was and is most lawfull and necessary for us to sit still

\* The sentences of this pretended Assembly were most unlawful, light, and mad sentences.

\* It seemes indeed that these reasons are wrapped up in a cloud, for both they are so dark as they cannot be discerned, and they doe portend a storme, but have no weight in them at all. a These particular Protections are the very same formerly made by them, and so often repeated even unto tediousness; and therefore the Reader needeth not to be troubled any more with them.

and continue in keeping this present Assembly indicted by his Majesty, untill after conclusion of all matters it bee dissolved by common consent of all the members thereof, and that for trying, judging and censuring all the by-gone evils, and the introducers, and providing a solide course of the continuance of Gods truth in this land with puritie and liberty, according to his word, our Oath and Confession of Faith, and the lawfull constitutions of this Kirke.

3. That this Assembly is and should bee esteemed and obeyed as a most lawfull, full and free generall Assembly of this Kindgome, And that all Acts, sentences, constitutions, censures, and proceedings of this Assembly (whereof the generall and principall Acts are to bee published,) are in the selfe, and should bee reputed, obeyed, and observed, by all the subjects of this Kingdome, and members of this Kirke, as the Acts, sentences, constitutions, censures and proceedings of a full and free generall Assembly of this Kirke of Scotland: And to have all ready execution, under the Ecclesiasticall paines contained or to bee contained therein, and conforme thereto in all points, and such like, that whosoever presumeth to utter any undutifull speech against the same, may be duly censured and condignly punished.

4. We protest that all and every member of this reformed Kirk efoldly and faithfully joyne and concurre in their severall callings and stations, to advance, further and assist the execution and obedience of the whole Acts of this Assembly, by all meanes which their abilitie can afford, as they affect the advancement of Gods glory and the worke of reformation in this land.

5. We protest against all the challenges and aspersions laid upon us in the said Proclamation, and that our whole answers are not onely true in every point, but likewise sufficiently forcible to deliver us from all unjust imputations, and to justify the lawfulnessse and necessitie of our whole proceedings and carriage, which hath bene so unreasonably blamed. Likeas by these presents we summond and cyte all those of his Majesties Councell, or any other, who have procured, consented, subscribed, or ratified this present Proclamation; to bee responsible to his Majesty and three Estates of Parliament for their counsell given in this matter, so highly importing his Majesty, and the whole Realme; conforme to the 12. Act. Parl. 2. King *James* 4. And protest for remead of Law against them and every one of them.

6. We protest that it is, and may be lawfull unto us to defend and maintaine the Religion, Lawes, and Liberties of this Kingdome, the Kings authoritie in defence thereof, and every one of us another in that cause, according to our power, vocation, and Covenant, with our best counsell, bodies, lives, meanes, and whole strength, against all persons whomsoever; and against all externall, and internall invasions, and that in the obedience and observance of the Acts of this Assembly and nationall mother Kirke.

That

That whatsoever inconvenients shall fall out by impeding, molesting, or staying the observance and obedience due to the Acts, Ordinances and Conclusions of this Assembly, or execution to follow thereupon, that the same be not imputed unto us, or any of us in our lawfull defence and maintenance thereof, who most ardently desired the concurrence of his Majesties Commissioner to this lawfull Assembly, and doe yet still with humble vehemencie beg his Majesties gracious approbation thereunto, but on the contrarie that the Prelats and their adherents, who have protested, and declined this present Assembly, in conscience of their owne guiltinesse, not daring abide to any legall tryall, and by their mis-information did move the Commissioner his Grace to depart and discharge this Assembly, be esteemed, repute and holden (as they truly are) the disturbers of the peace, and overthrowers of the liberties of the Kirke, and guilty of all the evils which shall follow hereupon, and condignly censured according to the greatnesse of their faults, and Acts of the Kirke and Realme.

7.

We protest that none hereafter subscribe the Covenant formerly subscribed by the Commissioner his Grace in Councell, as they will eschew the danger of a contradictorie Oath, but that all and every one subscribe the Covenant renewed in Februarie last, And that with this sense, meaning, and condition, that they subscribe the same conforme to the determination and declaration of this Assembly at Glasgow al- lannerly.

8.

We protest that as we adhere till all former Protestations and every one of them made in the name of the Noblemen, Barons, Gentlemen, Ministers, and Commons *respectivè* for the time, So wee may have his Majesties royall approbation to this present Assembly, whole Acts and constitutions thereof, and all our proceedings and behaviour in this businesse, which wee assuredly expect from his Majesties im- bred pietie, justice, and bountie, notwithstanding the sinistrous, untrue informations, whispering in his Royall eares in the contrarie.

9.

Upon all which Premises and Protestation foresaid (which is the same with the former made by us at Glasgow, the 29. of November last, but so farre differing as was necessarie for answer to the new additions contained in this Proclamation; and clearing us of the aspersions wherewith we are charged therein, which wee might lawfully do, having protested for this liberty in respect of our surprisall) one certaine number of all qualities and ranks for themselves, and in name foresaid, asked instruments. This was done in presence of a great con- fluence of people upon the mercate crosse of Edinburgh the 18. day of December.

FINIS.

Revised, according to the ordinance of the generall Assembly, by me Master *Archbald Johnston* Clerk thereunto.

At Edinburgh 8. Jan. 1639.

Not

NOT long after this Our Proclamation and their Protestation, Our Commissioner ( seeing all things tending to a present rupture ) begun his journey, according to the leave which We had granted him, for his returne: After which time, and ever since, they have throughout the whole Kingdome by threatnings made the acts of their unlawfull Assembly to be received, in many places have perswaded the reception of them by force and armes, have levied souldiers, and imposed taxes upon Our subjects for payment of them, have required of Our Judges or Lords of the Session to approve their acts, though none of them consented to it, have threatned and menaced them for refusing of it, have raised divers fortifications in Our Kingdome, have blocked up Our Castles and Forts, and now at last forcibly taken Our Castle of Edinburgh, have at home got their Preachers most seditiously and rebelliously to teach Our people, that there is a necessitie of their carrying armes against Us, under paine of perjurie and damnation, have scattered abroad, especially here in England, divers infamous Libels justifying their own wicked and rebellious courses, inciting Our people here to attempt the like rebellion, and to deface Our Ecclesiasticall government.

When the contrivers of that wicked Covenant first framed and devised it, and perswaded others who were well perswaded of their pietie, to enter into it, We dare appeale even to their owne consciences whether they did ever make the seduced people acquainted with their intentions of abolishing Episcopall government, and introducing of Lay Elders, which are the onely two things they make the seduced people beleieve they now stand upon: And We doe wonder there should be any man found in the world, who can hold it a sufficient warrant for Our subjects, to take armes against Us their lawfull Sovereigne, because we will not give them leave to abolish some things which stand fully established by Our Lawes and acts of Parliament of that Kingdome, and to introduce other things which are interdicted and prohibited by

by the same : But much more have Wee reason to thinke Our subjects did then no whit beleeve , that though Wee should relieve all their grievances, just or pretended (as now Wee have done) they should yet bee forced to acts of rebellion, and carrying of armes against Us, as now they are. But such hath ever bene the constant course of the Heads of all rebellions, to ingage their followers by degrees, to conceale from them their maine and wicked ends (which being at the first discovered, would bee abhorred and detested) untill they have gone on so farre in following their Leaders, as afterward they are easily perswaded by them, that there is no hope of pardon left, and so nothing but danger, if they shall offer to retreat : The very same course hath bene held in this rebellion for seducing of Our subjects of that Kingdome. The specious pretence, used by the contrivers of the Covenant to the people, was Religion, but that which was intended by them was a Rebellion, grounded upon the discontents of some few : And the very meanes whereby they have fomented their factious wayes, and kept up in Our people a beleife that they intended onely Religion as they pretended, have bene the very same which have bene usually practised by other discontented mutiners. But yet Wee finde, that the principall meanes used to foment this Rebellion by the Heads of it, have bene these three :

First, the seditious prayers and sermons of some Preachers, suborned by them for that purpose, who made the people still beleeve, that all they said was Gospel; and they crying up in their Pulpits that Covenant, and most bitterly exclaiming against all opposers of it with the most vile and reproachfull termes they could devise, wrought the people to an incredible good opinion of all that favoured the Covenant, and a bad one of all those who opposed it : So that such things were delivered in their Pulpits, as cannot be related without both shame and horreur. One of them upon Our Commissioners coming home, prayed God to deliver them from all craftie Compositions. Another refused to pray in the Church for *Sir William Nesbett* late Provost of Edinburgh, when hee

was

was lying upon his death-bed, onely because hee had not subscribed the Covenant. Another prayed God to scatter them all in Israel, and to divide them in Jacob, who had counselled Us to require the Confession of faith to bee subscribed by Our authoritie. Many Ministers would not admit to the Communion those who had not subscribed their Covenant, but in their exhortation before it, barred them in expresse termes with adulterers, slanderers, and blasphemers, &c. Others would not suffer children to bee baptized in the Churches of those Ministers who were not of the Covenant, though they were their owne Parish Churches, but carried them sometimes many miles to be baptized by Covenanting Ministers. One preached, That all the Non-subscribers of the Covenant were Atheists; and so concluded; That all the Lords of Our Councell, and all the Lords of Our Session were such: for none of them had subscribed it. Another preached; That as the wrath of God never was diverted from his people, untill the seven sonnes of Saul were hanged up before the Lord in Gibeon; so the wrath of God would never depart from that Kingdome, till the the twice seven Prelats (which makes up the number of the Bishops in that Kingdome) were hanged up before the Lord there: which is extreme foule and barbarous. Another preached, That though there were never so many Acts of Parliament against the Covenant, yet it ought to be maintained against them all. Another delivered these words in his Sermon: *Let us never give over till wee have the King in our power, and then Hee shall see how good subjects we are.* Another in his Sermon delivered this, that the bloudest and sharpest warre was rather to bee endured, then the least errour in doctrine or discipline. Another in his Sermon wished, That he, and all the Bishops in that Kingdome, were in a bottomlesse boat at sea together; for he could be well content to lose his life; so they might lose theirs. Thousands more such beastly, barbarous and prophane speeches were delivered by them, not onely in their Pulpits; but in their Sermons: For the Reader must know, that in these times of tumult, where the Churches were not able to con-  
taine

taine the great multitudes, they did usually preach in common and profane places, in roomes which are yet in building, and not finished (intended for Lawyers to plead in) in the Halls of the Taylors, and other mechanicall tradesmen of Edinburgh; in some private houses, in the Hall of the Colledge of Edinburgh, where one Sunday *Rollocke* being to preach, but finding the crowds of people to be too great for that place, mounted upon the top of a paire of staires which went up to an upper ground, in an open place which was onely covered by the heavens, and from thence preached to a great troupe or multitude, whose breath is the onely aire hee desireth to live in, being shot quite through the head with popularitie. Others preached in the free-Schoole at Edinburgh, where boyes use to play and bee punished. If these speeches, and many as bad or worse then these, and delivered in such places, be fit to perswade the people that their Covenant comes from God, the Reader may easily discern.

The second meanes which they used for blind-folding the eyes of the people, were, their many false reports, which both in their Pulpits and out of their Pulpits they vented amongst the people, which their Leaders knew in their owne consciences to be most false. They gave it out that We intended to bring in Poperie in all Our Kingdomes, or at least a toleration of it. It was preached that the Service-Book was framed at Rome, and brought over by a country-man of theirs, when they doe know that every Papist by the Popes Bull is prohibited to heare the Service Booke read. Others preached that all England was of their opinion and judgement, and that they had good intelligence from hence, that no man would adhere to Us against them. Another preached that no man would have protested against the generall Assembly but for money, and that none had protested but they who had received some, when they did know that many had protested who had received none. It is true indeed, that some poore Ministers being thrust out of their Benefices by them for adhering to Us, were petitioners to Our Commisioner for relieving the necessities of them and their families; some of

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those who were most necessitated, he did a little relieve; but some of that number were none of the protesters, and many who were protesters were none of that number. It was preached ordinarily in their Pulpits, that neither We nor Our Commisfioner in Our name did ever intend to hold the generall Assembly, or if We did hold it, did never intend to performe any thing which We had promised in Our gracious Declaration; though they now know that We have performed both. Within these few daies some desired the people publicly in their Pulpits to give thanks to God for that overthrow which the Hollanders had given to the Spanish Fleet before Dunkirke; assuring their Auditours that it was no lesse to be celebrated by them, then their deliverance from the Spanish Invasion in 88. because all that Fleet was prepared at Our charge for their ruine and subversion: Besides many thousands more such reports and counterfeited letters scattered by them, of which some no doubt were devised by themselves, whereby they kept Our people in that ignorance in which at the very first they had resolved to involve them. Now what a fearfull and terrible thing is it for men in the house of God, and in those places of these houses of God which they call the chaires of truth, to deliver such things as either they doe not know to be true, or doe know to be false? Besides these dictates of the Ministers, the lay-Elders, since they came to thinke themselves Ecclesiasticall persons (for so now they doe, and will not be called lay, but ruling-Elders) they have found new inspirations, and delivered doctrines as like their Divines as may be: one of them We cannot chuse but rehearse. An ancient Knight and a lay-Elder intruded himselfe and his fellowes upon a Presbyterie for chusing the Ministers Commisfioners for the Assembly, and the Ministers of that Presbyterie not being able to keep them out, though they earnestly desired it, fell to intreat these lay-Elders, that if they would needs intrude themselves in their election, they would have a speciall care to chuse the ablest Ministers, and who were most inclined to moderation and peaceable courses; because the Church at  
this

this time stood in great need of such Commissioners : The old Knight in great zeale replyed , That whosoever at this time gave his voice to a moderate or peaceable minded Minister , hee was a betrayer of Christ and his cause ; because these times required no luke-warme Commissioners ; which barbarous and unchristian speech of his being related by way of complaint to the Tables at Edinburgh , was so far from being censured , as it was approved for a high and hericall ejaculation.

The third meanes whereby they have perverted Our people , and continued them in their disobedience to Us and Our Lawes , have beene their strange and damnable positions , whereby they have impoysoned Our subjects ; some whereof We shall now declare unto you.

First , What subjects doe of their owne heads is much better then what they doe in obedience to Authoritie ; the one favouring of constraint , but the other being voluntarie and cheerfull obedience. This proposition is delivered in their Protestation , bearing date the 22. of September , 1638. made against Our gracious Declaration ; it is in their fifth reason against the subscription to the Confession of faith urged by Us.

A second , The Parliaments power doth no more reach to the placing of Officers originally in the Church , then the Church hath power to make States-men in the Commonwealth. This position is in their answer to Our Commissioners Declaration , concerning Our sense and meaning , in commanding the Confession of faith to bee subscribed : Where they have added the word *Originally* onely to puzzle the Reader : For certainly their meaning must bee , That the Parliament hath no power for confirming of Officers placed in the Church by the Church it selfe ; for no Act of Parliament in that Kingdome doth make any Officers in the Church originally , but onely ratifieth and confirmeth such as were established by the Church in her generall Assemblies.

A third position is this , The Parliament can make no law

at all concerning the Church, but onely ratifie what the Church decreeth: and after it hath ratified it, yet if the Assembly of the Church shall prohibit it, and repeale that decree of the Church, all the subjects are discharged from yeelding obedience to the Act of Parliament which either made any such law, or ratified any such decree of the Church. This position they deliver in their answer to the 5. reasons in the said Declaration; and would be well weighed.

4. A fourth position is this: The Assembly hath power to discharge all subscription to the confession of faith commanded to be subscribed by Us, and as it is interpreted by Us or Our Commissioner, so leaving Us no power at all in Ecclesiasticall causes, which all Reformed Churches give their Princes, according to Gods Law: This position is in the same place in their conclusion of their answers to the five reasons.

5. A fifth position is this: The Assembly without Us is the Church, and the onely Judge competent fit to interpret and explaine all doubts arising upon the confession of faith commanded by Us, which they put in practice, by explicating Our confession of faith against Our owne meaning, and after We had dissolved the assembly. This position is set down in the beginning of their conclusion after their answers to the five reasons.

6. A sixth position is this: Though the law be interpreted, yet if it be interpreted in a sense disliked by most of the Kingdome, the body of the Kingdome, for whose good the Law was made, may crave the lawfull redresse of the grievances sustained by that Law. This position is in the fifth of their ten Articles propounded before the indiction of the assembly. A strange position, that they shall crave redresse of a Law, and before a Parliament which onely can redresse it; and though they call it a craving to redresse it, yet they meane an actuall redressing of it: for they (before a Parliament was at this time indicted) have actually done many things against Acts of Parliament, and stand upon their justification that they may lawfully doe so.

The seventh position is this: The assembly is independent either from King or Parliament in matters Ecclesiastical. This position is in their Protestation against Our Proclamation of the 18. of December 1638. in their third reason against Our gracious offers delivered into the Assembly by Our Commissioner; and is a position delivered not onely in the sense, but in the very words of the Jesuites. The other positions following generally dispersed throughout their Protestations and Pamphlets, are so obvious to any one who hath read them, as the particular cytation of them may be forborne; such as are these following.

An eighth position is: That in all matters determined in an assembly, Wee are to receive them as the son of the Church, and have no further interest in them, though they be not matters of faith but matters of government, and those concluded by them against Acts of Parliament established by Us and Our three Estates; nay, though they concern secular business, as making of Salt, and fishing for Salmons on Sundaies, changing of Markets from one day in the weeke to another, and such like: for in their late pretended assembly they have determined of many such things, as doth appeare by the Index of their Acts. They will not finde many Papists who have said so much for the Church of Rome, nor any Jesuites which have said more.

A ninth position is this: It is lawfull for subjects to make a Covenant and combination without the King, and to enter into a band of mutuall defence against the King and all persons whatsoever, though by two Acts of Parliament before cyted, all such persons as shall be found either contrivers of, or adherers to any such league, are punishable with death.

A tenth position is this: That it is lawfull for themselves sitting in an assembly, to indict a new assembly without Our consent, as they have now indicted a new assembly to be held in July next, or out of the assembly when they please, as they professed that now they would have done, if We had

not

not indicted one, though this be directly and expressly against two Acts of Parliament before cyted.

11. An eleventh position is this : If subjects be called before Us and Our Councell for any misdemeanour, if they who are called doe any way conceive that the matter for which they are called, doth concerne the glory of God, or the good of the Church (and a wonder it is if any cause can bee found which doth not concerne one of these two) then they may appeale from Us and Our Councell to the next generall Assembly and Parliament; and in the meane time, before these appeales bee either heard or discuffed, they may disobey Us and Our Councell, although by an Act of Parliament before cyted, it is expressly made treason : and the Ministers who appealed from Our Royall Father and his Councell, were upon that Act arraigned and found guilty of treason.

12. The twelfth position is this : That when We are intreated to indict a generall Assembly, it is not that there is any need of Our indiction, but rather to doe Us honour, and to beget some countenance to their proceedings; alledging that the power of indiction is in Us but *cumulative*; not *privative*, which if We shall refuse, then that power is *suppletive* in the collective bodie of the people, as it is alwayes (say they) in all other cases, if the Prince shall either neglect or refuse to doe his dutie : Nor are they ashamed to averre, that all Sovereigne authoritie was originally in the collective bodie of the people, by them conferred with their owne consent upon the Prince, and therefore if the Prince shall omit to doe his dutie, he either falls from his right, or his right is interrupted, untill he returne to his dutie : but that in the meane time the Sovereigne right and authoritie doth returne to, and remaine with the people, from whom it was at the first derived upon the Prince : A prettie matter it were if Princes Crownes and Sovereignties should depend upon such notionall and pedanticall distinctions, and wonder it is that these men who professe themselves to be the greatest enemies to Poperie in all the World, should borrow the very words and termes of this  
this

this ridiculous distinction from the Jesuites; which distinction, if it had ever been used in those primitive and purest Councils of the Church; all of which were onely called by the Emperours, and in which all matters were ordered and disposed by their Presidents and Deputies; it would have made those Emperours out of love with the Councils and Assemblies of the Church: But they were never robbed of that speciall prerogative of their Crowne untill the Bishops of Rome by their tyrannie and usurpation, and by animating and arming their owne subjects against them, dispossessed them of it: And now We and Our Successors being repossessed of it againe by the Lawes of that Our Kingdome, and the usurpation of the Pope, in that very particular, being by many of Our Acts of Parliament excluded, wonder it is to see these men take upon themselves that usurped and cashiered Papall authoritie.

The thirteenth position is this: If We or Our Commissioner sitting in Assemblie shall denie Our voice to any thing which to us appeareth to be unjust and repugnant to Our Lawes, yet if that shall be concluded by most voices of the Assembly, that then we are bound *jure divino* to see all these conclusions, made in despite of Us, obeyed by all Our subjects, and by Our authoritie to inforce obedience to these Acts; and if Our Councillors or Judges shall refuse to do the like, then they shall be lyable to the sentence of Excommunication, and so be deprived not onely of their places, but of their estates: A position to which We suppose they will never gaine the consent of Princes, or Magistrates put in authoritie under them. 13.

A fourteenth position is this: An Assembly may abrogate Acts of Parliament; and discharge Our subjects from obedience to them, if they any way reflect upon businesse of the Church; which We wonder that the Nobilitie, Gentry, and Burrowes can endure: for as it doth derogate principally from Our authoritie; so doth it proportionably from theirs when they are assembled in Parliament: and indeed it is to be wondred at, how any man that is acquainted with govern- 14.

government can endure it : for it destroyeth not onely the nature , but the very name of *the high Court of Parliament* ; For how can that be called the Highest Court of the Kingdome, if a generall assembly may rescind the acts of it ? And that power which may repeale one act of it, may repeale more, nay all acts of it ; when it shall be pleased to exercise that power, and say it is in order to the glorie of God, and the good of his Church.

15. A fifteenth position is this : The Protestation of subjects against Lawes established, whether it be made *coram Judice*, or *non Judice*, before the Judges of the people, or the people themselves who are borne to be judged, doth void all obedience to these lawes, and dischargeth all the protesters from any obligation to live under them, before ever these Protestations and the validitie of them shall come to be discuffed before the competent Judges of them ; nay, although they bee repelled by the Judges before whom they are made : all which (since these troubles begun in that Kingdome) have beene usually practised by the Covenanters, who having sometimes made Protestations against Our Lawes before Our Councell, sometimes before Our Commiſsioner, sometimes before the Lords of Our Session who repelled them all, then they made them before the people their owne associates in the publicke Market-places, and by that meanes held these Protestations sufficiently admitted, and themselves discharged from obedience to all these Lawes against which they protested, alledging (perhaps) that they were unjustly and unduely enacted : which course, if it may be allowed in any Common-wealth, and that Protestations before they be discuffed, may discharge subjects from obedience to Lawes, what subject will yeeld obedience to any Law, by which he findeth himselfe pressed or inconvenienced, when the remedie of a Protestation, whether admitted or not admitted, is so readie at hand ?
16. A sixteenth and last position is this ; which indeed is the worst of all : for it is both the mother and nurse of all the rest, and is such a shamefull one, that they have not printed

it *in terminis* ; but it followeth by an unavoidable consequence upon many of their printed positions , as all of them doe follow upon , and flow from it : And the practice of it is so current with them , as it appeareth almost in everie one of their particular actions ; And it is thus : A number of men being the greater part of the Kingdome , because they are the greater , (and in that sense (say they) the more considerable part) may doe any thing which they themselves doe conceive to be conduceable to the glory of God, and the good of the Church, notwithstanding of any lawes standing in force to the contrary ; and that this greater part , especially met in a representative assembly, may, without the authoritie of Us, against the expresse commandement of Us and Our Councell, and Our Judges declaration of it to be against the lawes of Our Kingdome, chuse some few Noblemen, Gentlemen, Ministers and Burgesses, who, under the name of Committees or Commissioners from the generall assembly , to bee chosen from assembly to assembly , shall sit and determine of things concerning the Church and State, as if there were neither King , Councell , nor Judge in the land. They complain of a High Commission erected by Us and Our authority, but whether this be not a higher Commission then that, We leave it to every impartiall judgement.

They answer for themselves onely this, That they doe it as being put in authoritie by the generall assembly , which is (say they) a Court independent from Us , and therefore may erect what Court it will without Us , and may appoint what Commissioners they will to sit for that Court , so they meddle with nothing but Ecclesiasticall businesse. But let the Reader consider how many wicked and insufferable absurdities this their answer carrieth along with it.

First , By what authoritie did they doe the same things which they now doe , before the assembly was indicted ? They could not bee then Commissioners from the generall assembly.

Next, Who gave the generall assembly power to erect any

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such

such Table of Commissioners? They found themselves aggrieved with the High Commission established by Us, upon this ground, that there was no such Court established either by acts of generall assembly or Parliament: And now We desire them to shew any act of Parliament giving the assembly power to erect any such Table of Commissioners.

3. Thirdly, in the erection of this Table, they out-doe any thing which yet hath been either said or done by the Jesuites in defence of the Churches authoritie, and the authoritie of her visible Head over Kings and Princes; for they did never yet affirme, that the Ecclesiasticall authoritie could bee exercised but by Ecclesiasticall persons; but these men doe hold that Noblemen, Gentlemen, and Burgessees may execute this authoritie: But they say, they doe not exercise it as any such lay-men, but as ruling-Elders, and so in the capacitie of Ecclesiasticall persons; But can there any childe be found who will not laugh at this, if ever he have heard but the common names of Church-men and Lay-men? Can these two be confounded? Can the calling of a man by the name of an Elder make him an Ecclesiasticall person, if by his place and calling hee is never to discharge any office of a Church-man? They have declared it to be unlawfull for Bishops to have voices in Parliament, Councell, or any secular Judicatorie, because these places are incompatible with the places of Ecclesiasticall persons: And shall not lay-persons be as incapable at least to meddle with Divine and Ecclesiasticall busineses? Or if they shall, then let these Ecclesiasticall Elders renounce their places in Parliament, and other secular Courts of justice, and become ruling-Elders onely.

4. Fourthly, they alledge that they meddle onely in Ecclesiasticall causes: Although it bee unlawfull for them to doe that, yet it were the more tolerable, if they did as they say: but they doe make good what they say, by telling the world what they meane by things Ecclesiasticall, and their meaning they doe expresse in the very termes of the Jesuites; for by Ecclesiasticall they meane, as their practice sheweth, any thing

thing which is *in ordine ad Ecclesiastica* : nay more, *in ordine ad Spiritualia*, whatsoever may bee thought conducible to the good of the Church, or to any spirituall good, and yet more vastly, to the glorie of God; by which latitude of the word *Ecclesiasticall*, Wee would know what they have left without the compasse of their cognifance : Just nothing. For in this sense they may set the price on victuals, they may censure the actions of all men in what kinde soever, because Saint Paul biddeth us, *Whether we eate or drinke, or whatsoever we doe, do it all to the glorie of God.* And truly, from this fallè and Jesuiticall interpretation of this word *Ecclesiasticall*, have issued most of all their acts of sedition and rebellion : They have provided armes for Our subjects, they first blocked up all Our forts and castles, and since have taken them, stopped Our Officers from carrying victuals or ammunition into them, they have raised Forts, taxed Our subjects, levied souldiers against Us, not onely turned Us out of the possession of Our Castles, but, so farre as in them lies, defeated Our title to them, by declaring that they are not Our Castles but the Kingdomes; they have incroached upon the undoubted bounds and markes of Our Soveraigntie, by sending warrants to Our Sheriffes for chusing Commissioners for the Shires for the next Parliament; they have discharged Our owne Printer for printing any thing which concerneth these troubles, or may make against them; though commanded by Us and by Our Councell, so that if Wee have any thing to print there, Wee must first be a suiter to *Jhonston* their Clerke for his hand to it, else it cannot passe; they have injoynd or at least suffered the Preachers of their owne side to pray and preach most bitterly against Us and Our authoritie: those Preachers who continued in their loyaltie towards Us, they have most unjustly against Our lawes deprived of their Benefices, and most unmercifully and unchristian-like exposed them to miserie and beggerie; they have most contemptuously and rebelliously used Our Councillours and Judges : When they are asked, why they doe these things, and by what authoritie they doe them :

1. To the first, they answer onely, That they doe them for the good of the Church, and the glorie of God, that Religion may bee preserved, the honour of God maintained, and his glorie increased: Who would thinke that there should be men found in the world, who call themselves after the name of Christ, and invoke the name of God, and yet dare profane and abuse the names of Religion, God, and his glorie, and to entitle those glorious names to such leud actions of treason and rebellion, as can proceed from none but the Devill?

2. To the second: By what authoritie doe they these things, which are expressly against the Acts of Parliament, Acts of Councill, and Acts of generall Assemblies? They answer, that these Acts of Assembly were unduely obtained, and that now they have rescinded them. For Acts of Parliament and Acts of Councill, they expresse great wonder and admiration, that any man should question their authoritie over them: For that question they use to answer with another of their owne, *viz.* Whether any man doth hold Christ or Us to be supreme? and being answered that Christ is supreme, then they conclude, that they being his Councill must likewise be supreme; That the Parliament is but the Councill of the Kingdome, That Our Privie Councillours and Judges are but the Councill and Judges of the King; but that they themselves are the immediate and independent Councillors of, and Judges under Christ, who is the King of all Kings and Kingdomes; and that therefore in all causes which they conceive to concerne Christ and his Kingdome, which is his Church, they are supreme and independent, above Us, Our Parliament, Our Councill, Our Judges: And that if Our Councillours or Judges doe not obey their commandments, they will proceed to the sentence of Excommunication against them; and by the same reason (though as yet they have not said it) they may proceed against Us with the same sentence: for Wee acknowledge Christ to bee the supreme King, as much as Our Councillours and Judges doe acknowledge him to be the supreme Lord and Judge. These  
 furious

furious frensies have not been heard of in the world, since the  
 Anabaptists madnesse reigned in Germanie in *Charles* the fifth  
 his time, which was most strongly and vehemently opposed  
 by the Protestant Princes, who adhered to the Augustan  
 confession, and if *Luther* and *Melancthon*, whom God used as  
 the chiefe instruments in reforming the abuses of the Church  
 of Rome, had not shewed themselves in their Sermons, Lectures  
 in the Universities, and publique writings which they  
 published, stout Champions against them, and thereby had  
 drawne all Protestants to detest and persecute them, undoubtedly  
 the Reformation of the Church, falling out to bee about the same  
 time when these Anabaptists raged most in their madnesse, had  
 laboured and suffered extremely under the scandall of their  
 frensies, in the opinion of all those who were attending and  
 looking after the issue of that Reformation: And yet these  
 same fooleries and frensies are daily acted by these who  
 call themselves Commissioners of the Table, and presented to  
 the Readers of their Pamphlets and Protestations, with the  
 titles of irrefragable, undeniable, convincing, unquestionable,  
 Sun-shine truths, and twenty more such false impudent  
 epithets, as one would wonder from whence they fetch the  
 faces that can beare them out in saying so, when the whole  
 Christian World who shall read them, upon the very first  
 view or reading, must discern that there is not the least  
 step or shadow of truth to be found in them. We confesse  
 We were amazed at, and aggrieved with their horrible  
 impudence, expressed in their last Petition sent unto Us,  
 in which they did invoke the name of God, calling him not  
 onely as a witnesse, but as an approver of their actions;  
 at their pretended assurance of Our justification of them  
 all, when they undoubtedly know, that We doe abhorre  
 and detest them all as rebellious and treasonable; at their  
 shamelesse asseveration of their confidence that their  
 neighbour Churches will approve all their proceedings; that  
 they are affraid they should bee thought to have offended  
 in nothing so much as in lenitie, when they have proceeded to  
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the deposition and excommunication of the Bishops and others their opposers; which is the utmost of that power which ever any Church did yet challenge to it selfe; and many more such audacious untruths, which after Wee once heard read, We resolved never to answer, and now doe answer it onely thus, That in the maine points of it there is not one true word: To say nothing of the boldnesse of this petition, which expecteth Our answers in such termes, as it doth not onely seeme to require Our approbation of their wicked proceedings, but almost to command it: and lastly, it is subscribed onely by the hands of the Moderatour and Clerke of the Assembly, as if it were an ordinariè cytation served upon the meanest subject of that Our Kingdome. And besides all these, We would know what Ecclesiasticall assembly; just or pretended, did ever use any coercive power, but that which was Ecclesiasticall, *viz.* suspension, deprivation, degradation; or excommunication: But this pretended Assembly hath besides all these enforced her acts with armes, and all manner of violence both against the persons and fortunes of such as doe not agree unto them, but continue

loyall to Us.

BY



**B**Y this time Wee hope the Reader is well satisfied that We have been from time to time well acquainted with, and rightly informed concerning all the particular passages of these troubles: For since We produce their owne originall foule and blacke acts, and the counsels which We tooke, and courses which We held for meeting with them, and hindering them, so farre as then on the sudden We could, every man will now hold their ordinarie and so often repeated calumnie sufficiently confuted, *viz.* That all the proceedings and proffers on their parts were quite concealed from Us, That their petitions, remonstrances, and grievances were kept from Us, That We understood no more of the estate of the affaires of that Kingdome, then the malice of their adversaries and bad patriots were pleased to impart unto Us, That Our Commissionner in his severall journies betweene Us and them never made Us acquainted with the true state of the businesse, or with their requests and protestations, That he at his severall returnes did do that which he thought fittest to be done, and not what We had commanded him, or, that if We did command him, Our commandments were according to the information which hee had given unto Us of their counsells and courses; which information was never true nor right, but onely such as hee and the Bishops had contrived for mis-informing of Us: All which most wicked calumnies, invented onely to keep Our people unsatisfied, as they are attended with want of truth, so they are accompanied with a most undeserved ingratitude: For We doe professe, that there was no man since the time of these troubles, who hath more zealously stood between Our wrath and them, then Our Commissionner, and who hath more constantly laboured Us to admit any probable construction which might be made of their actions, ever untill such time as they came to that height, that they could neither probably nor possibly receive any good construction, and yet

yet even then all his perswasions were to pardon and forgivenesse, if they should acknowledge their errours, and with a submissive humilitie returne to Our obedience. And here We must needs justifie all his proceedings with them, as being punctually and exactly ordered and performed according to Our instructions and commandements to him, and condemne their ingratitude to him, not doubting but ere long they will heartily wish that they had some such about Us, who might sollicite Us for their peace and pardon so carefully as hee did, so long as hee had any hope of their amendment.

The same course which they held with him their owne cuntry-man, they held likewise with some of this Kingdome of great place, especially some of the Prelates neere Us, and intrusted with the greatest businesse of this Church and Kingdome: For, during the time of all these troubles, they have likewise slandered them amongst Our subjects of that Kingdome, both for mis-information of Us, and giving Us counsell and advice to shunne all wayes of peace; Whereas We must professe that those Prelates, whom (in their last seditious and treasonable information to the good Christians of England) they have traduced for their greatest enemies, and chiefly some of them whom they especially glance at with Our Commissioner, have been their greatest friends; their counsels were alwaies counsels of peace, and their solicitations to Us were vehement and earnest, for granting unto them those unexpected and undeserved favours, which We were graciously pleased to bestow upon Our people, published in Our Proclamation at Edinburgh the 22. of September 1638. and afterward made good to them in Our name by Our Commissioner at the Assembly in Glasgow: These Prelates and Our Commissioner advising Us rather to condescend to these particulars, then to be put to the effusion of any drop of Our subjects blood.

But the miserie and misfortune of many of Our well meaning subjects in that Kingdome, hath in all this businesse  
 been

been this, That they trusted the mis-informations of their Leaders, even in those things of which their Leaders themselves did not beleve so much as one word; Such were their false reports of Our inclination to Poperie, of Our intentions never to hold an Assembly, although We had indicted it, of Our intention of never performing any thing in that Assembly which We had promised in Our gracious Proclamation of the indiction of it: All which false reports We have since sufficiently confuted by Our commanding the renovation of the subscription of that Confession of faith which cannot subsist with Poperie, by Our indicting a free generall Assembly (the freedome whereof they quite destroyed by their proceedings both before it and in it) by Our making good in that Assembly (such as it was) all Our gracious promises; and therefore We cannot now but hope and expect, that all Our good and loyall subjects of that Our ancient and native Kingdome will, by their former experience of the falshood of their Seducers and Leaders, learne to give no trust or credit to their posteriour and new mis-informations, which by their last seditious Pamphlets printed or written, and by many intercepted letters We find to be these three especially, but all of them most notoriously false.

First, they goe about to perswade Our good subjects, that We intend an invasion of that Our Kingdome: But they must have a great power over the faith of such as they can make beleve that a King would invade his owne Kingdome: Invasions made by Princes of other Princes dominions have been usuall; but for a Prince to invade his owne Kingdome is a prodigious untruth. But they tell Our people that We are coming thither attended with English troupes: We wonder if they should bee affraid of them whom Our people in their Pulpits, and elsewhere, have been made beleve were all of their owne partie, and would take armes with them in their defence against Us. But the truth is, these English troupes goe along to secure this Our Kingdome of England from invasion by them, which they have so frequently

quently threatned, and if for the securing of Our person they should offer themselves to bee Our guard wheresoever We goe, what doe they else but shew themselves to be true and loyall subjects, and lay an obligation on Us to continue in Our breast that full assurance of their loyaltie and fidelitie towards Us, of which We have alwaies by unanswerable demonstrations been fully perswaded; as also upbraid the disloyaltie of many of Our subjects of that Our native Kingdome, amongst whom they are loath to trust Us without offering their persons to be Our guard?

1. But these two things We doe desire all Our good subjects of that Kingdome firmly to beleve: First, We are confident that We shall not much stand in need of English troupes to chastise the Heads of this late Rebellion, as being fully perswaded that Our loyall subjects, who have all this while adhered unto Us; and Our mis-led subjects, who upon this Our Declaration wil adhere unto Us, but above all the justice of the cause of God and of Us his Anointed, shall be strength enough to bring those principall Rebels to undergoe the tryall of Our Lawes. Next, Wee desire all Our good subjects there, to beleve that We are so farre from intending any invasion of that Our native Kingdome, as that according to Our dutie and oath taken at Our Coronation, We shall by the grace of God alwaies be ready with Our whole power, estate, and expense of Our bloud (if the case shall so require) to defend that Our Kingdome and subjects thereof against all invasions whatsoever. For We doe at this time onely intend to reduce the principall Heads of these tumults to the obedience of Us and Our Lawes, and in case of their Rebellious obstinacie, to bring them to those deserved punishments, which in such cases the Lawes of that Our Kingdome have provided: nor can this either bee called or accounted an invasion, more then the Judges sentencing malefactours to punishment, can bee called an invasion of them.

2. The second mis-information whereby We find the Heads of this Rebellion goe about to keep Our people from returning

turning to Our obedience, is this : They make them beleeve, that since they have not accepted of Our gracious offers made in Our Declaration at Edinburgh the 22. of September last, and made good by Our Commissioner in Our name at the Assembly in Glasgow, that now We will certainly performe none of them : But these wicked mis-reporters speake both according to their owne deserts (as knowing that their rebellious misdemeanours have indeed deserved no such favour at Our hands) and likewise, according to their owne desires (as fearing that if We should make them good, then Our people might and must receive satisfaction thereby) but they doe not speake according to Our Royall intentions, which are to assure Our subjects, that (as We have before expressed in Our Preface) their faults and disloyall courses shall not make Us goe backe from any thing which We have promised in either of those two Our gracious Declarations made at Edinburgh and Glasgow, but that We will performe them all for the securing of all Our good subjects from any further feares of these pretended innovations.

The third mis-information whereby the Heads of this Rebellion goe about to continue Our people in disobedience to Us, is this : They would make them beleeve, that if they shall now yeeld, We doe intend to make that Our native Kingdome a Province, and to dispoile them of all their lawes and liberties, and to give them new lawes, as if they were a conquered Kingdome : A most divellish and false suggestion ; for We professe We never harboured any such thought in Our Royall breast, but doe intend by the grace of God to continue that Our native Kingdome in the government of Our lawes, and confirme unto them all their liberties, and when it shall please God to translate Us, to leave the same in charge to Our Successour.

These foule but false aspersions being thus wiped off, We are now desirous to remove their grand and maine calumnie, whereby they doe at once endeavour both to disparage Our just, and to justify their owne most unjust proceedings.

They give out that We have no quarrell against them but Religion; and when they are asked in what points of Religion We will not yeeld to them, they doe not name any one of which they have complained in their Petitions, and which in them they called innovations in Religion (for they know, that in Our gracious Declarations We have given full satisfaction concerning them) but they instance in other

1. two particulars: First, Our not admitting the introducing of lay-Elders into their Presbyteries, and that in equall number with the Ministers, and that these lay-Elders shall have voices, and alwaies the casting voice in the election of the Ministers Commissioners from the Presbyteries to the
2. generall Assembly. The second, That We will not give way to the abolishing of Episcopall government. For the former, We professe that We cannot give way to it, it being a course unheard of, not onely in that Church of Scotland, but in any Church in any age: for how can We yeeld that Noblemen, Gentlemen, Commoners shall be made Ecclesiasticall persons, which must needs bring in a confusion of these two, *Ecclesiasticall and secular persons*, which have alwaies been distinguished? Next, how can We betray the Ministers of that Kingdome unto perpetuall slavery? for if Episcopall government should bee gone (which they intend) and the Ministers in their Presbyteries shall be over-swayed by the voices of the lay-Elders, what face of Ecclesiasticall government can remaine, when it shall be quite pulled out of the hands of Ecclesiasticall persons? And therefore We cannot chuse but account it a great ingratitude in those Ministers who oppose Us, for whose maintenance as We first stood against the laitie, so We are now resolved to stand against them for their libertie. For the second, which is the abolishing of Episcopall government, We professe We cannot yeeld unto it (though it were not warranted by Apostolicall institution at the first, and since by the perpetuall practice of the Church of Christ in all ages and places, as We hold it is warranted by both :) First, because it is established in that
1. Kingdome, and hath ever been by Acts of Parliament, and

is so now, and hath been for many yeeres by Acts of the generall Assembly. Next, because of the course which they have taken to abolish it, to wit, by an Assembly, holding that an Assembly may abolish Acts of Parliament; a proposition which must not bee endured in any Monarchie; for then the Convocation in England, or generall Assembly in Scotland, might introduce in either of these Kingdomes, Poperie, and the Popes authoritie if they had a mind to doe so, notwithstanding the Acts of Parliament in both Kingdomes which have ejected them, and which Acts of Parliament were posteriour to the Acts of these Ecclesiasticall Assemblies, and were confirmations of what was passed before in them. Thirdly, We cannot destroy Episcopall government without destroying one of the three Estates of Parliament, which Wee will not doe: but these men in an Ecclesiasticall Assembly, without Our consent, or consent of Parliament, have gone about to destroy the first of the three Estates of Parliament.

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But say that none of these things were so, yet Wee would be satisfied in this point, Whether Our refusing of the intrusion of lay-Elders, and the extrusion of Episcopall government, can bee to the conscience of any man a sufficient warrant or ground for his taking armes against his lawfull King and Sovereigne? for now their very Leaders, acknowledging that We have given them satisfaction in the rest, make these two the onely ground of all their armes. And Wee appeale to the consciences of most of Our subjects Covenanters, if, when they entered into that Covenant at the first, they did ever imagine that they should be perswaded to take armes against Us, for these two points of lay-Elders and Episcopall government, if they should receive satisfaction from Us in their other grievances, and feared innovations, as We have before declared. Wee are confident that no such matter was then within the compasse of their thoughts: We then having fully removed those pretended feares which occasioned their Covenant, Wee cannot but hope that Our

seduced subjects will returne to their former obedience ; but for their seducers , Wee know that some of them from the very first were resolved never to receive any satisfaction.

This grand imposture and calumnie, with the other three, being removed, We will now declare fully and freely to all Our subjects of Our three Kingdomes, and to all forrainers besides, the true and onely causes which doe inforce Us at this time to use force for the repressing of the insolencies of such of Our subjects in that Kingdome as shall stand out against Us ; first protesting that none of the causes before mentioned, suggested by their Leaders , have settled in Us this resolution , but onely these causes which now follow.

1. First, We will never endure that any of Our subjects, nay that all Our subjects (if they could possibly bee all of one mind) out of Parliament shall ever abolish or destroy any Act of Parliament, especially not Noblemen and others assembled in an Ecclesiasticall Assembly : for to hold that any Assembly of subjects out of Parliament , or in Parliament without Our consent , may abolish any Act of Parliament, destroyeth the very foundation of government and justice in all Monarchies ; and the doing of it by Ecclesiasticall persons in their Councells and Synods, hath been the cause of infinite calamities and miserable wars and devastation of Kingdomes in the Christian World, since the Pope and his Conclave did usurp that unlawfull and unlimited power, which, being in that Our Kingdome in all these late troubles practised against the expresse lawes of the same , Wee are resolved to punish , unlesse the offenders betake themselves to Our mercie.

2. Secondly, We are resolved not to endure that any of Our subjects, without Our consent , and the consent of the Parliament, shall destroy any of the three Estates of Parliament ; which they in their late pretended Assembly have gone about to doe.

Thirdly,

Thirdly, We are resolved not to endure that any generall Assembly shall be called but by Our indiction, according to an expresse Act of Parliament in that case provided; or that it shall continue after that Wee by Our authority have dissolved it; and are resolved to punish them who shall doe so, as Our Royall Father punished those who did the like at Aberdene.

3.

Fourthly, We are resolved to punish those who have imposed taxes upon Our subjects, levied men or armes, raised any fortifications in that Our Kingdome without Our leave, and first blocked up; and then taken Our Castles and Forts, and by violence dispossessed Our loyall subjects of their houses and castles, detaining them by force; for all these, by the expresse Lawes of that Our Kingdome, are acts of treason and rebellion.

4.

Fifthly, We are resolved not to endure that the Protestations of subjects against Us, Our Councill, Our Judges and Lawes, shall discharge the obedience of the protesters unto these Lawes, unlesse they be admitted before the competent Judges, and legally discussed before them; the contrarie whereof hath been practised by the Covenanters all the time of these tumults.

5.

Sixthly, We are resolved not to endure that Our subjects shall enter into any covenant or band of mutuall defence, without Our leave asked and obtained, it being expressly forbidden by divers Acts of Parliament of that Our Kingdome; for this hath been, and still is, the ground of all this Rebellion.

6.

Seventhly and principally, We are resolved not to endure that any of Our subjects, under the name of a Table, or Committees of the generall Assembly, or under any other name, title or pretence whatsoever, shall sit without Our consent and authoritie, and order businesse of the Church and Kingdome at their pleasure; and if they shall be called in question for the same by Us, Our Councill, or Judges, shall appeal from Us and them, and refuse to be judged by either, alledging that they will be judged by none but by the generall

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rall Assembly, which is Christs owne immediate Councell, and therefore hath no dependencie from , or subordination either to Our Councell or Judges, or Our Parliament, which is the Councell of Our Kingdome, and so that both Churchmen and lay-men under Ecclesiasticall names shall exempt themselves from the authoritie of Us and Our Lawes , and the Assembly it selfe shall hold the members of it free from being judged in all matters of Assembly by any but by it selfe; which by the Lawes of that Our Kingdome is treason, as appeareth by the Act cyted in the bodie of this narration : Now all this hath been practised , and is practised by those which call themselves of the Table.

From all which We hope it is evident , that the offences which We resolve to punish in some of Our subjects, doe not concerne Religion : So that the question is not , Whether there shall be a Service Booke, Booke of Canons, high Commission, nay, nor whether there shall be no lay-Elders in Assemblies, or no Episcopall government, (though We are resolved to reject the one, and retaine the other :) But the question indeed is neither more nor lesse then this, Whether We and Our Successours shall be any more Kings of that Kingdome : for if these traiterous positions shall bee maintained and made good by force of armes, then We and Our Successours can bee no more Kings there , Our Parliament, Councell, and Judges have no more authoritie there ; So that unlesse We will give over to be King , and so betray and desert that charge wherewith God hath intrusted Us, We must use that power which God hath put in Our hands, and by faire, just and legall waies, to Our great grieve, force them to obedience.

These are the true reasons which have forced Us to undertake this journey , and to make use of the armes and aide of Our loyall subjects here , for the securitie of this Kingdome, and safeguard of Our person, as likewise of the armes and aide of Our subjects of that Kingdome for the same purposes.

1. And here first We call God to witnesse what an unwelcome

come journey this is unto Us, and how unwillingly We doe undertake it.

Secondly, We doe professe and protest, that as We (like God himselfe, whose Vicegerent We are) have showne Our Selfe all this while flow to anger; so now like him We shall shew Our selves ready to forgive, upon the repentance of such of Our subjects as have been misled, their deserting the Heads of their Rebellion, and returning to Our obedience.

Thirdly, that We intend to use no armes against that Our Kingdome, but onely against some Rebels in it, for their apprehension and bringing them to justice.

Fourthly, that such even of those who shall be apprehended, shall have their faire and legall tryalls according to the Lawes of that Our Kingdome, without the denyall of the least favour which can be allowed them by the course of justice, if they will offer and submit their persons to a legall tryall.

Fifthly, that all Our subjects of that Kingdome, who shall now adhere unto Us, shall be protected and defended by Us in their persons and fortunes, with the uttermost of Our power: For We professe that We doe not hold it a nationall defection, but a revolt of some Rebels, who have misled a great many of the rest; We having a great many subjects of all rankes in that Our Kingdome, who for their constancie in their loyaltie and fidelitie towards Us, shall justly expect both protection and rewarde from Us.

Sixthly, that whosoever shall goe about to make any of Our subjects beleve that this is a nationall quarrell between these two ancient Kingdomes, both now being under Our government, shall be punished as a disturber of the peace of both: and therefore We exhort and require all Our subjects of both Kingdomes, who shall accompanie Us in this journey, to live and converse peaceably and lovingly, whereby as they shall doe Us most singular and acceptable service, so they shall notably disappoint the Heads of that Rebellion, who now labour no point so much as this, to make Our subjects of that Kingdome beleve, that this journey of Ours bringeth  
along

along with it a nationall invasion; and if Our subjects of both nations shall keep that friendly and loving correspondence in their attendance upon Us in this journey, We doe not doubt but it will be a meanes to tye them in a stronger band of love for ever hereafter, when Our Scottish subjects shall here see the alacritie and forwardnesse of the English, and the English shall there perceiue the alacritie and forwardnesse of the Scottish, both of them meeting in this point and center, viz. the defence of Our person, and of Our Royall Crowne and Dignitie.

To conclude: As We have found the aide and assistance of Our loving subjects here towards this journey, so We doe heartily desire their prayers all the time of Our absence for a good successe unto it, and that if it be possible We may returne with peace, and without the effusion of any drop of Our subjects bloud: And We doe require all Our good subjects of that Our Kingdome of Scotland, especially the Ministers who should bee the messengers of peace, to frame and settle Our subjects minds to the courses and waies of peace, and to lead them on in the way of returning to Our obedience, who doth resolve to maintaine them in the Religion now established amongst them, that so We be not forced to draw Our sword of justice against any of them, which in case of their obstinacie how unwillingly We shall doe, We call the King of kings to witnesse: But if nothing else will serve it must be, and their bloud will rest upon their owne heads.

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*FINIS.*

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