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THE BOOKE

OF THE

UNIVERSALL KIRK OF SCOTLAND.

THE BOOKE

MAR 24 1932
THEOLOGICAL SEMINARY

OF THE

UNIVERSALL KIRK OF SCOTLAND:

WHEREIN

THE HEADIS AND CONCLUSIONIS

DEVYSIT BE THE MINISTERS AND COMMISSIONARIS OF THE
PARTICULAR KIRKS THEREOF, ARE SPECIALLY
EXPRESSED AND CONTAINED.

✓✓
Scotland, Church of

EDITED BY

✓
ALEXANDER PETERKIN, ESQ.

LATE SHERIFF-SUBSTITUTE OF ORKNEY.

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“ BOOKE OF THE UNIVERSALL KIRK.”

THE printing of this, the earliest Record of the Reformed Church in Scotland, has now reached a period in the history of that Church, which renders it fitting that this impression should be accompanied with a more precise statement than has yet been given of its character and its fate.

For many years past, Dr Lee, Principal Clerk of the General Assembly, made strenuous, but ineffectual, exertions, to recover for the Church, the original Record of the period extending from 1560 to 1616. That Record, which is known to historians by the title of the “Booke of the Universall Kirk,” had been surreptitiously purloined, and found its way into the hands of the Trustees of Sion College, in London; and although hopes were latterly entertained that their restoration to the Church might be effected, these hopes are now at an end. During the investigations which were instituted by a Committee of the House of Commons, on the subject of Church Patronage in Scotland, in the year 1834, three volumes of the Record were produced by the official custodier of them, for the consideration of that Committee. Their authenticity was established by the testimony of Dr Lee, and other competent judges; and the Committee having suspended its investigations, and made a report of the evidence which it had obtained, these Books were left in the keeping of the clerks, and perished in the great conflagration by which the Houses of Parliament were consumed, on the 16th of October 1834.

Such is briefly the history of the valuable Record of which these pages contain many of the earlier Acts and proceedings in the Church of Scotland.

It is natural to suppose, that, during the first century of its existence, the political and ecclesiastical revolutions which took place in Scotland subsequently to the year 1560, the Records of the Church could not escape unscathed amid the turmoils of conflicting factions in Church and State. It appears from the MS. *Abbreviates** still extant, that, betwixt the years 1580 and 1587, the earlier portions of the General Assembly's Registers, filling five volumes, had passed into the hands of Adamson, Bishop of St Andrews, and had suffered mutilation (were "mankit") by him, or, as has been alleged, by his Royal Master, King James VI., in order to destroy the proofs of submission by certain Prelates to the jurisdiction of the General Assembly. During a certain space, however, it is proved that they were not in possession of the Church or its Officers; and when, in the years 1586 and 1587, the custody of the Books was reclaimed by the Assembly, they were allowed by the King's Commissioner to be exhibited to that Judicatory,—but with a proviso, that at the close of each sederunt, they were to be redelivered to the Lord Privy Seal.† There is no satisfactory evidence known to us with respect to the custody of these Books during the space which elapsed till the year 1638, when they were again recovered by the Presbyterian Church—fully authenticated—and once more restored to the custody of the Clerk of Assembly as the legitimate custodier.‡

The subsequent history of these volumes—the best, perhaps, that can now be given—is to be found in a "Statement" con-

* These MS. copies are sometimes referred to as *Abstracts* or *Abridgments*. Neither of these characters, however, strictly speaking, is attributable to them; and *Excerpts* or *Abbreviates* are the more appropriate designation: for although in some instances there are chasms occasioned by mutilation of the original Record whence they were copied, and although they do not contain all the proceedings at every sederunt, there is the strongest presumption, arising both from internal and from authentic collateral evidence, that so far as these excerpts extend, they are substantially and truly fair transcripts from the original Record. This, however, is not the place to discuss this point.

† Vide pages 203, 207, 314, 315.

‡ See printed Acts of Assembly, 1638, 1639, and "Records of Kirk of Scotland," pp. 22, 23, and 205.

cerning them, drawn up by Dr John Lee, the present Clerk of the General Assembly, in 1828, and printed in 1829, with the view of effecting the recovery of these Registers from the Trustees of Sion College, who, as already stated, had obtained possession of them. Dr Lee having kindly communicated a copy of that "Statement," we gladly avail ourselves of the opportunity of embodying it entire on this occasion.

“ STATEMENT concerning three Volumes of the Earliest Records of the Church of Scotland, now deposited in Sion College, London.

“ A few years ago, a Committee of the General Assembly of the Church of Scotland was appointed for the purpose of collecting and recovering the various Manuscripts, connected with their Ecclesiastical Establishment; and, among other objects to which this Committee were desired to direct their attention, they were specially instructed to print the ancient Record, entitled, ‘ The Book of the Universal Kirk of Scotland.’

“ It has been discovered that this Book, extending to three volumes, is extant in the Library of Sion College, London. But after much correspondence, and repeated applications, not only do the Governors of the College refuse to restore the volumes upon any terms, but even to permit a copy of the work to be taken, or allow a collation with the partial *Abbréviate*s of it preserved in Scotland; the College stating, that they would not be justified in so doing, under the Deed of Trust by which the possession of these volumes was acquired by the College.

“ There is no difficulty in proving that the volumes in question were laid on the table of the General Assembly which met at Glasgow in 1638; and that they were pronounced by that Assembly to be true and authentic Registers of the Kirk of Scotland. The reasons proving their authenticity are inserted in the manuscript journals of that Assembly, and also, in a very satisfactory form, in the printed Acts of the General Assembly of the Church of Scotland, of that year. The de-

scriptions are so minute as to establish the identity of all the volumes which are still extant. The attestation of the Clerk is superscribed at the beginning, and subjoined to the end of the first volume, in these words:—‘ This is the great Volume aprovin be the General Assemblée at Glasgow, in November, 1638. A. Jhonston, Cl^s. Eccl.’ The autograph of this Clerk is to be seen on various documents in possession of the General Assembly, and particularly on the copy of the printed Acts of the Assembly of 1638, in the custody of the present Clerk. The other volumes have the well known signature of a Clerk, named ‘ Thomas Nicolson.’

“ It is understood, that, in 1649, the Books were transferred to the charge of Mr Andrew Ker, Clerk of the Assembly; and that, in 1652, most, if not the whole, of the originals were for some time entrusted to Lord Balcarras. During the troubles of the succeeding period they were concealed in the house of a private individual till the year 1677, when they were put into the hands of Bishop Paterson (of Edinburgh), who retained them till after the Revolution. The account of their discovery and subsequent fate may be seen in Keith’s History of the Church and State of Scotland; but it appears from a paper preserved in the Advocates’ Library in Edinburgh, and published in the Appendix to Dr M’Crie’s Lives of William Veitch and George Brysson, that Keith’s narrative is not altogether correct in every particular.

“ After the Revolution some of the volumes and papers were delivered up to a son of the former Clerk, Mr Secretary Jhonston, who lent some of them to his cousin, Bishop Burnet, and others to Mr George Ridpath, who, about that time, undertook to write a history of Scottish affairs. Three volumes fell into the hands of a person whose grandfather had been the intimate friend of Sir Archibald Johnston, and had, like him, been executed as a traitor. This person was the Honourable and Reverend Archibald Campbell, grandson of the Marquis of Argyle, and son of Lord Neil Campbell. Mr Campbell was several years known as an Episcopalian Clergyman, and subsequently as one of the non-juring Bishops in

Scotland. During the latter part of his life he resided chiefly in England, without being in communion with the Church of England, and without maintaining any intercourse with the Episcopalian body in Scotland, to which he had been originally attached.

“ About the year 1733, a correspondence was opened between him and Mr William Grant, Procurator and Clerk of the Church of Scotland (afterwards Lord Prestongrange), on the subject of the records in Mr Campbell’s possession. Mr Campbell offered to surrender these records on certain terms, which did not appear to Mr Grant to be reasonable or equitable. He demanded a large sum of money for the restitution of the volumes to which he never had acquired any right of property, and even this sum he would not accept till the Books had been published, as was proposed, under his superintendence, on the understanding that no member of the Church of Scotland was to be suffered to revise the sheets as they passed through the press.

“ It could scarcely be expected that these and other humiliating conditions would be acceded to without hesitation; and while the negotiation was still in progress, Mr Campbell, as he had sometimes threatened to do, took a step which was intended to put the Books for ever beyond the reach of the Church of Scotland, by entering into a deed of trust or covenant with the President and Fellows of Sion College, the terms of which do not appear to be accurately known to any member of the Church of Scotland, but the effect of which has undoubtedly been to detain these Records from their lawful owners for nearly a century past.

“ It is unnecessary to add, that the hardship is deeply felt by all the members of the Church of Scotland, who are aware of the importance of these Books, not merely as the only sure and satisfactory memorials of the course of Ecclesiastical affairs in the times immediately succeeding the Reformation, but also because they are capable of shedding additional light on a most interesting and instructive portion of our Civil history.

“ In these circumstances, the General Assembly have deem-

ed it necessary, as a last resource, to make an application to Parliament by petition, in the hope that some means may be devised by the wisdom of the Legislature, for relieving the Members of Sion College from the restraint under which they feel themselves, and enabling them to do that which they must, as an act of justice, wish to do,—to restore to the Church of Scotland these ancient Records, which, however acquired by the College, the Church of Scotland still consider to be their own property.

“ JOHN LEE, Cl. Eccl. Scot.

“ 55, PARLIAMENT STREET, WESTMINSTER,
June 20, 1828.”

The authenticity and authority of “ *The Booke,*” as now for the first time fully printed from the copies in the Advocates’ Library, (so far as it exists in a continuous and connected form,) becomes, since the originals are lost, a subject of grave inquiry. It is our purpose, in the Notes and Illustrations to be appended to the present Edition, to collect and point out all the evidence attainable on this point—to supply from other sources the portions which are wanting in the text—and to note any seeming discrepancies among the several transcripts and Abbreviates. This must necessarily be a work of careful research and considerable labour; requiring some time for its accomplishment. In the meanwhile, however, we may state briefly some of the leading evidences of authenticity on which we rely, in concluding, that what is now printed possesses a character of authenticity.

1. The Acts of Assembly, 1638, and subsequent years, (which are of unquestioned authenticity,) approve of, reiterate, and re-enact many of the most important statutes contained in the old Registers, which those Assemblies had in their possession; and these, as re-enacted, coincide, so far as they go, with the terms of the original Acts as now printed.*

* Vide Acts of Assembly, 1638, and “ Records of the Kirk of Scotland,” Acts, Sessio 7, Nov. 28, p. 22; Sessio 16, Dec. 8, p. 28; Sessio 23, 24, Dec. 17, 18, p. 34, &c.

2. In Collier's Ecclesiastical History of Great Britain, we find a most important corroboration to the same effect. He was a contemporary of Archibald Campbell, already referred to, and had access to the original Registers recently burnt, as appears from numerous marginal references to and quotations from them. Thus (vol. ii. p. 700) he refers to "MS. Acts of the Assembly, *penes* Mr Archibald Campbell, Armig.;" and there are very many other references to the same MS. record,* as the source whence he derived numerous Acts and documents embodied in his work. These, too, substantially and closely, coincide with the text as now published.

3. Archbishop Spottiswood, in his History, (and he had full access to the original records,) in like manner transfers many extracts to his pages.

4. Bishop Keith, in his History of the Church and State in Scotland, incorporates a great portion of the "Booke," during the first seven years of the existence of the Reformed Church—all agreeing (except trifling variations in orthography) with the extant MS. Abbreviates; and Knox's History coincides substantially with Keith's.

5. But David Calderwood, who had full access to the Registers, in his larger History and Collections, (MS.) gives the most ample transcripts from the originals that are any where to be found; and he further supplies many particulars from those Registers which the Abbreviates do not contain, but which are of material importance to the elucidation of the proceedings in the Assemblies of the Church.

6. Petrie, in his History of the Church (Universal) from 600 to 1600, embodies a very great portion of the Booke of the Kirk from the first Assembly downwards; and he refers expressly, as his authority for so doing, to "An *Extract* of the Acts of the Nationall Assemblies," (p. 242,)—the Acts, which he embodies very copiously, being identical in all respects with those in the present Edition. The copy of his work now before us was printed at the Hague in 1662, imme-

* Pp. 500, 507, 513, 523, 534, 558, 560, 562, 567, 572, 574, 589, 598, 668.

diately after the Restoration of Charles II.;—Petrie being “Minister of the Scots Congregation at Rotterdam,” when his History was published. That work is one of the most conclusive vouchers of the authenticity of the “Booke,”—his transcripts being given from an Extract, authenticated, of course, by the Clerk of Assembly.

We have thus, what is next to the best evidence (*viz.* the Registers themselves) in support of the authenticity of our publication—the concurrent testimony of three Episcopalian and two Presbyterian Historians, in proof of the general fidelity of the transcripts which remain; and the force of such evidence is strengthened by the consideration, that all their works were published while the originals were yet in existence, and could have been resorted to for the correction of any errors, whether wilful or accidental.

In justice to the Church of Scotland and to Dr Lee, the Editor of this publication feels himself called on to add such particulars with regard to the attempts made for the recovery of the Registers, as are to be found in the recent Acts of the General Assembly, within the last twenty years. Without pretending to enter into any detail of the great and zealous exertions of Dr Lee for the recovery of our Church Records, (exertions for which it owes him a deep debt of gratitude,) we shall merely note a few of the Minutes of the Assembly referable to this matter since the year 1820.

At the Assembly of that year, the “Report of the Committee upon the Manuscripts belonging to the Church [was] called for, which was given in at great length by Dr Lee, Convener of the said Committee. The Assembly highly approve of the Report, and of the zeal and diligence of the Committee. They renewed the appointment of the Committee, and recommended to their attention the written Report now laid upon the Assembly’s table.”—“Upon a motion, the unanimous thanks of the Assembly were given from the chair to Dr Lee, for the extraordinary labour to which he had submitted in prosecuting the inquiries of the Committee.”

The year following a similar approval took place; and in

1822, the Assembly “renewed the appointment of the Committee, and direct them to continue their labours; and in particular, they authorised them to continue their correspondence with the members of Sion College, respecting access to certain manuscripts in the said College, formerly belonging to the Church; and they direct the Moderator to convey to the Lord Bishop of London an expression of the sense which they entertain of his Lordship’s polite attention to the communication made to him by the Committee on this subject.”

At the Assembly of 1823, the Committee was approved and renewed; “and the Assembly instructed the Committee to get printed what is usually called ‘The Book of the Universal Kirk,’ if they shall find, upon inquiry, it can be done without encroaching upon the funds of the Church.”

Passing over some of the intermediate years, we find in the Acts of 1828, that the Report of the Committee on the MSS. of the Church was called for, and given in by Dr Lee, the convener. “The Assembly approve of the Report, and reappoint the Committee. It was moved, seconded, and unanimously agreed to, that with a view to the recovery of the ancient Records of this Church, which have long been deposited in Sion College, London, a Petition be presented to both Houses of Parliament, stating the claims of the Church to the property of these volumes, and praying that, in the wisdom of Parliament, some means may be devised, of securing either the restitution of the originals, or at least a complete and authenticated transcript of the whole. The draft of a Petition having been produced, was approved, and ordered to be extended, subscribed by the Moderator, and sealed with the seal of the Church,” &c.

In 1829, “it was moved, seconded, and unanimously agreed to, that, in addition to the former Committee, which is hereby renewed, the Assembly appoint a small Committee, to watch over and prosecute the very important object of recovering the interesting record, entitled ‘The Buik of the Universall Kirk of Scotland,’ and to take what steps they may find necessary

for this purpose. It was also moved, seconded, and unanimously agreed to, that the Moderator be instructed to return the thanks of the General Assembly to Dr Lee, for the great and unwearied zeal, attention, and exertions which he has bestowed on the subject of the MSS. of the Church, and in regard to the claims made for the Records in Sion College."

In 1833, the Committee was renewed, "with instructions to use their best endeavours to find accommodation for the Books and MSS. belonging to the Church under the roof of St Giles's Church, if possible; and to use all diligence to recover the Records in Sion College." And in the Assembly of 1834, Dr Lee, as convener, on giving in its Report, stated, "That there is now a near prospect of obtaining the restitution of the three volumes of the early records of the Church, which have long been deposited in the library of Sion College."

Only a few days previously to this favourable report being made, (viz. May 2, 1834,) the Assistant Librarian of Sion College, who had been summoned by a Committee of the House of Commons, appeared before it, and was ordered to produce the Books. On the 5th he produced them—Dr Lee, Principal Macfarlan, and others, having previously, in April, inspected and borne evidence to their authenticity.* They were burnt on the 16th of October following.

It were idle now to indulge in unavailing regrets and reflections on this unfortunate result; and the present attempt is made, in as far as that is possible, to repair the loss which has thus been sustained by the Church and the country. We take the liberty of deducing a practical inference from this calamity—that no time should be lost in securing for the remaining Records of the Church a place of safe deposit. This surely is attainable in the metropolis of Scotland; and we trust it will be one of the first acts of the ensuing General Assembly, to adopt the requisite measures for this purpose, and to order the List of MSS. in the repositories of the Church

* Report of Committee on Church Patronage—Scotland, pp. 355—375, 450, 451.

(which was given in by Dr Lee some years ago) to be printed, for the information of all its members, before the Assembly be dissolved.

We cannot conclude these notices more appropriately than by transcribing the following testimony, borne by Dr Lee to two distinguished Prelates of the Church of England, in connexion with this subject, and subjoining an extract from one of his admirable Reports:

“ The late Bishop of London, now Archbishop of Canterbury, and the present Bishop of London, through whom I made many applications, did all that was in their power to forward the object; and if their advice had been promptly followed by the College, we would have had the Books in our possession ten years ago. Indeed, the conduct of these Prelates reflected on them the highest honour.”

In concluding his Report to the Assembly in May 1820, in reference to these ancient Registers of the Church, Dr Lee thus remarks—

“ They exhibit the real character of the internal government of this national church. They display the operation of the principles by which the first Reformers and their immediate successors were actuated. They demonstrate that these men were not more distinguished by zeal for truth, than by loyalty to the head of the government, attachment to true principles, (I do not say of toleration—for that was a term which they certainly did not employ or approve)—of religious liberty and civil subordination. They bear testimony to the strictness and impartiality of ancient discipline. They vindicate the character of those illustrious men whose names have been unjustly aspersed, but who, both by their doctrines and their lives,—by their unwearied exertions and their patient sufferings,—left an example, not indeed of faultless excellence, but assuredly of the most noble, magnanimous, and fearless adherence to the standards of our constitution.

“ These Registers also contain much that is capable of correcting erroneous representations of historical facts with regard to the internal state of the kingdom—the institutions, habits, and customs, as well as the morals of the people, and the spirit which was most

prevalent at particular periods in various districts of the land. They prove, beyond all controversy, that our Reformers, instead of having been at first actuated by an unrestrained spirit of innovation, were rather, in some respects, disposed to retain too much than to reject too much of the practices of the church from which they had separated, and that this very circumstance prevented them from ever attaining that independence at which they aimed. At the same time, they prove, that from the very first moment, it was the determined object of the leaders of the Reformation, to establish such a Presbyterian Government, as was at last, with the utmost difficulty completed;—and that even when the name of bishop was introduced, the persons holding that title sat in the General and Provincial Assemblies in no higher rank than the humblest presbyter, and in the Kirk-Sessions were named after the parochial minister, under the designation of elder.

“ In addition to all this it may be stated, that, though these documents were less productive of instruction than they are, they well deserve to be preserved with care, as the most venerable remnants of a distant age—as the earliest annals of our infant church, as the (almost sacred) relics—not of canonized saints indeed—but of confessors and martyrs, who counted not their lives dear to them; and who, when they thought it necessary, never shrunk from sealing their testimony with their blood. And if I am again asked—What is the use of attending to these perishing monuments of a period of little refinement?—I have only to answer, that with all my antiquarian propensities, and all my admiration of what is great and magnificent in the works of art, and all my reprobation of the violence which impelled some of our Reformers to demolish the soleinn temples which they considered as the shrines of idolatry, and the receptacles of antichristian intruders,—I would much rather share in the disgrace of these acts of violation, than destroy or deface one shred or fragment of these frail memorials of despised and almost forgotten worth, which bear the impress of zeal for piety and learning, loyalty and patriotism, liberty and truth,—and which more conspicuously than even the uplifted banner of the Covenant, present the seal and superscription of glory to God, and good will to man—peace to the church, and happiness to the state.”

THE BOOKE
OF THE
UNIVERSALL KIRK OF SCOTLAND:
WHERIN
THE HEADS AND CONCLUSIONS

DEVYSIT BE THE MINISTERS AND COMMISSIONARIS OF THE PARTICULAR
KIRKS THEREOF ARE SPECIALLY EXPRESSED AND CONTAINED.

[FIRST GENERAL ASSEMBLY.]

THE Names of the Ministers and Commissioners of the particular Kirkes of Scotland, conveened to consult upon these things, q^{lks} are to set forward God's Glory and the well of his Kirk in this Realme, in Edinburgh, the twenty day of December one thousand ffye hundred and sixty years.

JOHN KNOX, minister, James Barone, and Edward Houp, Commissioners for Edinburgh;

Christopher Guidman, minister, David Spens, and Mr Robert Kynpont, for Saint Andrews;

Master Johne Rowe, minister, for the Towne of Perth and Kirke thereof;

William Darroch and William Norwell for the Towne of Striviling and Kirk thereof;

Charles Drummond, Provost, James Wotherspoone, and Andrew Milne, for Linlithgow;

Hew Wallace of Carnall, Johne Fullartone of Dreghorne, and Charles Campbell of Sheldome, for the Kirks of Kyle;

George Hoome of Spott for the Kirks of East Lowthiane ;
 David Lindsay, minister, Andrew Lambe, and Patrik Boyman, for
 Leith ;
 Williame Harlaw, minister, and Robert Fernelay of Braid, for St
 Cuthbert's Kirk ;
 Williame Christiesone, minister, George Lovell, and Williame Car-
 michael, for Dundie ;
 Alexander Guthrie of Halkartoune, and Williame Durhame of
 Grainge, for Forfar ;
 John Eskine of Dunne and Andrew Milne for Montrose ;
 The Laird of Tullyvaird and Fethereairne for the Kirks of Merns ;
 The Laird of Gairlies, Younger, for the Kirks of Nithsdaile ;
 Mr David Weyms for the Kirk of Carnbie ;
 Mr Walter Balfoure for the Kirk of Lintone ;
 Johne Browne, Thomas Boyd, and James Polwart, for Torphichen ;
 William Lambe, Williame Benole, for Dunbar ;
 Jame Douglas, James More, for Calder Comites ;
 Mr Robert Wynrhame for Ratho ;
 Johne Kincaid for Kirklistoune.

The Names of them quhilks the Ministers and Commissioners
 thinks most qualified for the ministring of the Word of God
 and Sacraments, and reading of the Commoun Prayers pub-
 licke in all Kirks and Congregations, and given up be
 theme every one within their own bounds.

In Kyle, for Reading,

Rankene Davidstone, Richard Bannatyne, Robert Campbell, Hew
 Wallace, Andraw Lokhart, Andraw Chalmer, James Dal-
 rymple, Adame Landals, all Readers ; and Johne Chalmer,
 appointed to teache.

In Saint Andrews, for Ministring and Teaching,

Master Johne Rutherford, Williame Ramsay, James Wilkie, Ro-
 bert Hammiltoune, Patrik Coustaine, William Rynde, Williame
 Skeene, Archibald Hammiltoune, Alexander Arbuthnet, James
 Kirkaldie, David Collase, Williame Scott, David Weymes,
 Thomas Buchanan, David Spense, Robert Pont, Johne
 Wynrhame of Kirkness, Alexander Spense, Johne Woode,
 David Guild, and Robert Patersone.

Uthers q^{lk} are thoght apt and able, be the Ministers and Commissioners foresaid, to Minister:—

Johne Erskine of Dunne, Johne Fullartoune of Kynnabie, David Forres, Patrik Kinmonth, Mr James Melvill, Richard Melvill, Mr Johne Kellow, Robert Mòntgomrie, Johne Hepburne, Thomas Hepburne, George Hepburne, and William Lambe, Mr Johne Ramsay, presentit be Sir Johne Borthwik, as Ministers for the Kirks of Aberdour and Torrie.

21st December 1560.

The Ministers and Commissioners forsaid being assembled,—Finds that the Ministrie of the Word and Sacraments of God, and assemblie of the people of the hail parochine of Restalrig, be within the Kirk of Leith; and that the Kirk of Restalrig, as monument of Idolatry, be razed and utterly casten downe and destroyed.

The questione being proponed anent marriage in second and uther degrees of consanguinitie, forbidden be the Pope to be solemnizat betwixt parties,—It is found, that, of the Law of God, mariage may be solemnizat betwixt parties, being of second, third, and fourth Degrees of Affinitie or Consanguinitie, and uthere sick as are not prohibited expresslie be the Word; and, therefore, to desyre the Lords and Estates to interpone their authoritie, approve the same, and make Laws thereupon.

27th December 1560.

The Kirk appointed the Election of the Minister, Elders, and Deacons, to be in the publick Kirk, and the Præmonition to be upon the Sunday preceeding the day of electione.

The Kirk appointed that, to the punishment of fornication, the Law of God be observed, publick repentance to be made be them that shall use carnall copulatione betwixt the Promise and Solemnization of the mariage.

That all such as hes been in the ministrie of the Paip's Kirk, good and well conditioned persons, that they shall live upon the almes of the Kirk with the number of the Poore.

Consented be the Kirk, that none be put in judiciable offices to be Magistrates, as Provist, Baillies, and Officers of Towns, exceptand

them who are knowne to be plain and true Professors of the Evangel. It is also thought expedient, that earnest supplication be made to the Estates of this Realme in Parliament, and to the Lords of Secret-Councill, that all judges ordinary, and officers judiciall, sick as the Lords of Secret Councill, Sheriffs, Stewarts, Baillies, and others Judges, be Professours of the Treuth, of the trew Word of God; and all Ministers thereof to be removet from sick offices, according to the Civill Law.

To ask at the Estates of Parliament and Lords of Secret Councill, for eschewing of the Wrath and Indignatione of the Eternall God, and reinoveing of the Plagues threatned in his Law, that sharp punishment be made upon the Persones underwritin, and others Idolaters and Maintainers thereof, in contempt of God, his true Religioun, and also of Parliament, whilk sayes and causes Masse to be said, and are present thereat, within the places following:—

IN NITHESDALE and GALLOWAY,

The Pryor of Whittorne and his Servants in Cruightoune;

The Laird of Carswell in Carswell;

The Laird of Carleil;

The Laird of Kirnichael, who causes Masse dayly to be said and Images to be holdin up, and Idolatrie to be maintained within his Bounds.

IN FYFE,

The Laird of Balwerie and Lathrisk; Mr Johne Scrymgeour's wife.

IN KYLE, CARRICK, and CUNNINGHAME,

The Erles of Eglintoune and Cassills; William Hamilton of Cambus Keith; the Abbot of Corsraguell; the Parochiners of Mayboll, Gariane, Oswald, and Divley, within the whilk kirks Masse is openly said and maintained.

IN EAST LOUTHIANE,

Johne Carbettle in Margill causes Masse daylie to be said; the old Ladie Hooome in Thornetoune; the Curat of Currie for abuseing the Sacraments.

IN the FORREST of ETRICK,

The Goodman of Gallowschields, who not only causes Masse to be said, but also maintains the sayers thereof, who are Enemies to God and his Truth, and therefore were exylit out of Edinburgh.

The Kirks conveened continows this their Assembly till the 15th day of Januarie nixt to come, and hes thought expedient that the said day ane commissioner at the leist be sent for every kirk, for requireing of such things of the Parliament as shall be thought for the well of the holy Kirk; and every Commissioner present permits to come themselves, or cause some others frae the Kirk the said day to the Burgh of Edinburgh, to the effect foresaid; and ordains every Commissioner, alswell of townes as of paroch kirks to landward, to bring ane roll with them of the hail teynds, lands, anwalls, profeits and emoluments of the paroch kirks nixt adjacent to them, and what persons hes tacks thereof, to whom the samen pertains, and their names to be speciallie named, and what dewtie they pay for the samen.

[SECOND GENERAL ASSEMBLY.]

Att Edinburgh, the 27th of May 1561.

THE whole Kirk, conveened in the Tolbooth of Edinburgh, hes decerned and thought good, that ane humble Complaint be made and givin in, in their names, touching the suppressing of Idolatrie, and uther points after following, to the Lords of Secret Councill.

In the First, For suppressing of Idolatrie throughout the whole Realme, and punishing of the Users thereof, Maintainers of the samen, Haunters and Frequenters therto.

Item, For maintaining ane speciall provisione to be made for superintendents, and disobeyers of them.

Item, For ordour to be taken anent the Abusers of the Sacraments, and Contemners of the samen.

Item, That no Letters of the Sessioune be givin to answer or pay to any persone their Teynds, without speciall provisione that the Parochiners retain sae meikle in their hands as is appointed to the Minister; and that all sick as are else givin, be callit in and discharged, and likeways that no Shreffs give precepts to that effect.

Item, That the Sessioune nor no uther Judges proceed upon sick precepts or warnings past at the instance of them that hes obtained Fewes of lait, of Vicarages, Persons' Manses, and Kirk-yards.

Item, That no Letters take place whill the Stipends, contained

in the Book of Discipline for the sustentation of the Ministers, be first consigned in the hands at least of the principall of the Parochiners.

Item, For ordour to be taken upon the punishment of such as purchases, brings hame, and executes within this Realme, the Pope's Bulls.

28th May 1561.

The Kirk conveened; after they heard the Supplication and Articles foresaid, being put in forme, read in the presens, at lenth advysed therewith,—ordained the samine to be presented to the Secret Councill; and for presenting thereof and obtaining of Answers therto, nominat and ordained thir Brethren after mentioned to wait theron, viz. The Maister of Lindsay, the Laird of Ferniehirst elder, Thomas Menzies, Proveist of Aberdeen, the Laird of Lochinvar, the Laird of Whittinghame, and George Lovell, Burgess of Dundie.

Upon the whilk Supplication, Articles, and sute thereof, was granted and followit be the Lords of Secret Counsell, ane Act and Ordinance therupon, with Letters thereupon, answering to every Head of the said Articles and Supplication at length specified in the Act of Secret Counsell made therupon, whilk is to be had in the hands of Johne Johnstoun, Scribe thereof, and Supplication past therupon.

May 29, 1561.

The whilk day, touching the selander taken be the horrible fault and impietic committed within this burgh under silence of night be Marquies Dalbuife and his Colleagues, in breaking up of Cutlbert Ramsay his zetts and doors, and searching and seeking of his daughter in Law to oppress her, as appeared: It is thought good be the whole Kirk that ane Supplicatione be made and given in to the Queen's Majestie, in name of the Professors of the Evangell, and the persons before nominat present the samen, to seek the answer thereof: the forme of the Supplication followeth:—

To the Q. Majestie, her Secret and Great Councill, her G. faithful and obedient subjects, Professors of Christ Jesus his holy Evangell, wishes the Spirit of Righteousness and Judgment.

The fear of God conceived of his holy word, the naturall and unfained Love we bear unto your G. the dewtie quhilk we owe unto our Countrey, and terrible threatenings quhilk our God pronounces against every realme and citie in the quhिल्s horrible crimes are openly committed, and then be the Committers obstinatly defended, compel us, an great part of your subjects, humbly to crave of your G. upright and trew Judgement against sick persones as hes done what in them lyes to kindle God's wrath against this realme. The impietie be them committed is so hainous and so horrible, that as it was a fact most vyle and rare to be heard of within this realme, principallie within the bounds of citie, so should we think ourselves guiltie of the samen if negligently, or yet for worldly fear, we pass it over with silence, and therefore your Grace may not think that we require any thing. All that we crave, open malefactors condignly to be punished, But that whilk God hes commanded us to crave, and has also commanded your G. to give to every one of your subjects; ffor be this Link hes God knitt together the Prince and the people, That as he commands honor, fear, and obedience to be given to the Powers established be him, so does he in express words command and declare what thing the Prince aught unto the subjects, To witt, that as he is the Minister of God his word, bearing the Sword for vengeance to be taken on evil doers, and for the defence of peaceable and quiet men, swa ought he to draw the samen without all partialitie swa oft as in God his name he is required thereto. Seeing so it is, Madame, that this crime so recently committed, and that in the eyes of your haill realme now presently assembled, is so hainous, ffor who heretofore hath heard within the bounds of Edinburgh, getts and houses under silence of night bruised up, houses ryped, and that with hostilitie seeking ane woman, as appeared, to oppress her:—Seeing, we say, this crime is so hainous, That all godlie men fear not only God's sair displeasure to fall upon you and your whole realme, But also that sick libertie breed contempt, and in the end seditiōne, if remeed in tyme be not goodlie provyded, quhilk in our Judgement is possible, if severe punishment be not execute for the cryme committed. Therefore, we most humbly beseech your Grace that, all affection laid aside, ye declare yourselfe so upright in this case that ye may give evident demonstratiōne to all your subjects, that the fear of God, joyned with the love of common tranquillitie, have principall seat and dominion in your Grace's heart. This further, Madam, of con-

science we speak, that as your G. in God his name does crave of us obedience, quhilk to render in all things lawful we are most willing, swa in the samen name doe we, the whole Professors of Christ's Evangell within this realme, crave of you and of your Councill sharp punishment of this cryme, and for performance thereof, that, without all delay, the principall actor of this most hainous cryme, and the persewars of this pretended villanie may be called before the Chief Justice of this realme to suffer ane assyse, and to be punished according to the Lawes of the samen, and your G. answer we most humbly beseek.

[THIRD GENERAL ASSEMBLY.]

THE Convention of the Kirk of Scotland, gathered in Edinburgh the penult day of Junij 1562, in the quhilk were present the Superintendants, Ministers, and Commissioners underwritten:—

Superintendents,

Mrs Johne Spottiswood of Louthiane, Johne Wyrhame of Fyfe,
 Johne Willock of Glasgow, Johne Erskine of Dun of Angus,
 Johne Carswell of Argyle.

Ministers and Commissioners,

Johne Knox, Minister of Edinburgh, James Barrone and Edward Hope, Commissionars;
 James Yong, Mr David Lindsay, Minister at Leith, Patrick Cockburne, and Johne Browne, Commissioners;
 Mr Johne Craig, Minister at Halierudehouse, Johne Hart and Williame Oswald, Commissioners;
 Williame Harlaw, Minister of St Cuthbert's Kirk;
 Johne Burne, Minister of Mussilburgh;
 Mr Thomas Cranstoune, Minister at Tranent;
 Alexander Forrester, Minister at Libbertoune;
 Mr George Furde, Minister at Dunnune;
 Mr David Weymis, Minister of Ratho;
 David Cunninghame, Minister of Lanarick;
 James Walker, Minister of Steinstoun;
 Christopher Goodman, Minister at St Andrews;

Mr George Leslie, Minister at Strathmiglow ;
 Richard Melvill, Minister at Inchbraok and Maritoun ;
 Johne Douglas of Pumfrestoun, and Johne Douglas in Howden,
 Commissioners of the Kirk of Calder ;
 The Laird of Spott, Commissioner for Dunbar and diverse in the
 Mers ;
 James Fleyming, Elder and Commissioner of Glasgow ;
 The Laird of Lye, Commissioner of Lanerick ;
 The Laird of Barre, Commissioner of Kyle ;
 Johne Cathcart of Cariltoun, Commissioner of Carrick ;
 Mr Robert Pont, Elder and Commissioner of St Andrews ;
 Thomas Scott of Hayning, Commissioner of Selkraig and Melros.

The quhilk day the fornameit convent in Mr Hendrie Lawe's House, and after prayer the Heids and Articles following were treated :—

That Unitie of Doctrine may be retained among the Ministers.

That errors may be avoided, that manners may be reformed, vyce punished without exception of persons, and so that vertew and knowledge may be universallie planted through this realme.

Because the Lives of Ministers aught to be sick as thereby uthers may be provoeked to Godliness, It becomes them first to be tryed, and therefore after the tryell of the Superintendants, if any man have to accuse them in life, doctrine, or execution of their office, The Elders of every Kirk most be charged in God's behalfe to declare their conscience of their Minister, touching their doctrine, life, manners, and conversatione: if any be accused and convict of any notable cryme, he must be subject to the censure of the Kirk, and suffer punishment and admonition, as they shall pronounce.

After the Ministers, the Elders of every Kirk must be tryed, if any hes to lay to the charge of any of them, the accused, whether he be Minister or Elder, aught to remove out of the Assemblie whill his cause be tryed: if he be conviet, he can have no voit whill the Kirk receive satisfacione.

After tryall be taken of the haill, then must every Superintendant, with the Ministers and Elders within his Diocie, expone to the Kirk the estate of the Kirk amang them, note the offences and crymes that they know, to the end that the haill may advise some wholesome remead, or at least make supplication to the superiour powers for the samen ; and lest that confusione should happen through

rashness and hastiness, lotts would be casten what Diocie should first be heard, what secondlie, and swa furth of the rest.

. That no Minister leave his flock for coming to the Assemblie except he have complaints to make, or else be complained on, or at the least be warned thereto be the Superintendant.

The Second Assembly, holden the last day of Junii 1562.

It is concluded be the whole Ministers assembled, that all Ministers shall be subject to their Superintendants in all lawful admonitions, as is prescryved as weele in the Booke of Discipline as in the election of Superintendants.

That Superintendants take compt what Books every Minister hes in store in the tyme of their visitation, and how the saids Ministers and every one of them does profite from tyme to tyme in reading and studying the same.

The Third Sessioune, holden the first of Julii 1562.

It is concluded that the Minister shall inquire his elders and every one of them to assist him in all his Lawfull Assemblies; In the whilk if they be found negligent, yet shall he proceed to all admonitiones according to the rule of Christ, whilk they or any of them obey not; then shall the Minister, with so many of the Kirk as will subscribe with him, notifie the matter to the Superintendent, and if he be his can profite nothing, then be his advyse that the inobedient be pronounced excommunicat, and the magistrat, subject to the rule of Christ, be not exceemed from the same punishment, being found guiltie or inobedient.

To make supplication to the hier powers for the Manss and aikers to Ministers to dwell in, according to the Book of Discipline, and the Kirks to be repaired that are decayed, conforme to the act of the Lords of the Secret Councill, pronounced before the Q. G. homecoming.

The Fifth Session, holden at Edinburgh, Julii 3, 1562.

The haill Kirk appoints and decerns Mr John Sharpe and Robert Wilson to minister in sick Kirks as shall be thought good be the Kirk.

The Sixth Session, 4th July 1562.

Touching the removing of Idolatrie, the Kirk now, as of before, concludes humble supplication to be given in to her hienes, but the manner how, they have referred to farther consultation of her Majesties Secret Councill.

That supplication be made to her hienes for punishing of all vyces commanded be the Law of God to be punished, and yet not commanded be the law of the realme, viz. blasphemie of God's name, contempt of his word and Sacraments, profanation of the samen be sick as were not lawfully called to the ministration thereof, perjurie and taking of the name of God commoulie in vaine, breakers of the Sabbath day, In keeping of common mercats, adulteries, fornication, filthie talking; and further, that punishment be execute upon the transgressors of the last proclamation made against massmongers or hearers.

Anent the actiones of divorcement, to make supplication to the Secret Councill, that either they give up universallie the Judgment of divorce to the Kirk and their Session, or else to establish men of good lives, knowledge, and Judgement, to take the order thereof; provyding allwayes that the saids Lords make provisione and ordinance how the guiltie persons shall be punished.

And sua dissolveth this Assembly, and appointed to conveen again the 25th day of December nixt to come in Edinburgh.

(Sic subscribitur) JOHN GRAY.

[FOURTH GENERAL ASSEMBLY.]

THE Generall Assembly of the Kirk of Scotland, conveened at Edinburgh the 25th day of December 1562, in the quhilk were present the Superintendants, Ministers, and Commissioners.

The whilk day the forenamed Assembly in the old Councill-house, Johne Knox, Minister of Edinburgh, called upon God's name for the assistance of his Holy Spirit.

In the second and third Session, Superintendants and Ministers

were tryed, every Superintendent is removed, and delations given in, and swa the Ministers.

Session Second, holden the 25th of the same moneth.

Anent the sustentation of the Ministers, exhorters, and readers within the burroughs, my Lord Comptroller required the hail Commissioners of Burroughs, presently convened at this Assembly, that they wauld signifie unto him be word or write, within ane competent space, what reliefe they would make to the sustentation of the ministrie forsaid, In respect that they were before burdened with diverse charges for upholding of sick as called themselves Ministers in the abused Kirk.

Session Third, holden December 29, 1562.

The Kirk presently assembled ordains, That inhibition shall be made to all and sundrie persons now serving in the ministrie who hes entered, being slanderous before in doctrine, hes not satisfied the Kirk: Secondlie, that hes not been presented be the people, or ane part thereof, to the Superintendent; and he, after examination and tryall, hes not appointed them to their charges; and this act to have strenth alsweel against them that are called Bishops as uthers pretending to anie ministrie within the Kirk.

Mr Archbald Keith, Minister of Logy and Balmerinoch, was decerned be the Kirk to be translated from the forsaid Kirks to sick place as that his stipend should be more abundantly given him, In eaise he be not reasonable satisfied be the Lords appointed to modify the ministers' stipends, provyding he change not at his owne private opinione, But to have therein the judgement and appointment of the Kirk, who shall give their judgement herein ere this Assembly be dissolved.

Session Fourth, holden December 30, 1562.

The Kirk presently assembled gives power to everie Superintendent within their own bounds, in their Assemblies Synodall, with consent of the maist part of the Elders and Ministers of Kirks, to translate Ministers frae ane Kirk to ane other, as they sall consider the necessitie. And in lyke manner chargeth the Minister sua translated to obey the voyce and commandement of the Superintendent; and ordaines further, That the Superintendants appoint their Synodall Conventiones twyse in the year, to witt, in the

moneths of Aprile and October, on sick days within the said moneths as the Superintendant shall think good; and that they give sufficient advertisements to the particular Kirks, that the Minister with ane Elder or Deacone may repare toward the place appointed be the Superintendants, at the daye that salbe affixed be them, to consult upon the common effaires of their Dioces.

Session Fifth, holden the last of December 1562.

The Kirk gives commission to the Superintendants of Angus, Lowthiane, Glasgow, and Fyfe, with David Forrester, to travell with the Lords of the Secreit Counsell to know what cause sall come in Judgement to the Kirk, and what Order of Execution sall be taken therein.

It is concluded, That ane uniforme order sall be taken or kept in ministration of the Sacraments, and solemnization of Mariages and Buriall of the Dead, according to the Kirk of Geneva. Attour ordains, That the Communion be administered foure times in the yeere within the Burrowes, and twyse in the yeere toward land-wart.

Forsamickle as it was heavilie lamentit be the maist part of the Ministers that they can have no Dwelling places at their Kirks, because the Manses ar either deteinit be the Parsons or Vicars of the samen, or else sett in Few or utherwayes to Gentlemen, The Clerk Register and Justice Clerk desyres the Superintendants to signifie to the Clerk of the Rentalls where the said Mansis are, and in what Countrey, to the Effect that the saids Mansis may be assignit to them * * * Third-part; and thereafter that the saids Ministers complimandand may be staked and helped to the samen for their commoditie and remaining with their Flocke.

Notwithstanding the proponing and nomination of the Superintendants for Aberdein, Bamf, Jedburgh, and Dumfries, appointed of before in the third Session, and the days appointed for election of the same, the whole Kirk remitts further advisement and Nomination of the persons to the Lords of Secreit Counsell, provyding allwayes that the Dayes appointed for the election be not prolonged.

[FIFTH GENERAL ASSEMBLY.]

THE Generall Assembly of the Kirk of Scotland, convened and holden at Johnstoun, the 25th day of Junii 1563, In the whilk were assembled the Superintendants, Ministers, and Commissioners of the Kirks.

Sess. 1^{ma}.

Prayer is made be Mr Johne Willock, Superintendant of the West: Superintendants and Ministers were tryed.

The same day Johne Knox, Minister of Edinburgh, having Commissioun given to him and certaine Elders and Deacons of the Kirk of Edinburgh, to take cognition of the Slander raisit agaius Paul Methven, late Minister at Jedburgh, anent Adulterie committed be the said Paul with ane his servant,— The said Mr Knox declared the haille cause quhat he had done in the foirsaid slander, viz. the said Paul to have committed the said abhominable Cryme of Adulterie, and therefoir, with advyse of the Kirk of Edinburgh, Superintendant of Lowthiane, and Collegues above written, have removed him frae all Ministrie, and also excommunicat him. And swa having put his said Commissione to Executioune, rendered up the same againe to the Generall Assemblie, fra quhom he received it.

Mr Johne Rutherford, Principall of Salvator's Colledge, complained, That Mr John Balfour usurpitt the Ministrie at Cultis, being unqualifiet to discharge the same; and seeing the Kirk pertaint to him as Principall, he offerit himself to minister, according to the talent given him be God. The Kirk, hearing his complaint and offer, ordainit the said Mr Johne to accept the office, who, in presens of the Assemblie, accepted the same.

The said day, David Fergusone, Minister of Dumfermling, declared in the publict Assemblie, That he had spoken to Paul Methven, lately excommunicat, quhom he fand verie sorrowful for his grievous offence committed be him in maner above rehearsed, and also sick repentance for the same, that he wald underly whatsoever punishment the Kirk of God would lay upon him, even if it were to lose any member of his bodie, to satisfie the same.

After long reasoning of the whole Assemblie of the said repentance and offer, reportit be the said minister, the Kirk condescendit that the said Paul sould have a comfortable answer, and attour that they in the mean tyme sould speake the Lords of the Privie Counsell thereanent.

Sess. 2^a. holden 26th Junii 1563.

The whilk day the Kirk pronounced, That no Contract of Marriage alledged to be made secretlie, carnall copulation following, sall have faith in judgement in time coming, untill the tyme the contractors suffer as breakers of good order and slanderers of the Kirk; and thereafter that faith sall not be given to that promise, untill sick tyme as famous and unsuspect witnesses affirme the same, or ells both the parties confesse it: And in case that Probation or Confession follow not, that the saids offenders be punished as Fornicators.

Concerning the order of appellations, it was statute and ordained, That if anie person find himself hurt be any sentence given be any Ministers, Elders, or Deacons of the Kirk, It sall be lesume to the persone so hurt to appeale to the Superintendent of the Diocie and his Synodall Convention, within ten dayes next after; and the said Superintendent sall take cognition whether it was weill appealed or not, and give sentence thereupon; and if the Partie yitt alleges himself hurt be the Superintendent and his Convention, it salbe lawfull to appeale to the Generall Assemblie of the whole Kirk, immediatelie following thereafter, within ten dayes as of before; and the said Assemblie to take cognitione of the said Appellation, whether it was weill appealed or not, and thereafter to pronounce sentence thereintill, frae the whilk it sall not be leisum to the said Partie to appeale, but the former sentence to have Execution, according to the tenor of the same.

Item, If the appellant justifies not his appellation before the Superintendent and his Convention foresaid, that he sall impute an Paine upon the said Appellant, as he sall think good, above the Expensis to the Partie; whilk Paine salbe delyvered to the Deacons of the Kirk where the first sentence was given, to be distribute to the Poore.

And in like maner, the Generall Assemblie, finding it evill appealed be the said Partie frae the foresaids Superintendent and Convention, sall, as of before, impose ane paine arbitrall, to be dis-

tribute as said is, together with the Expensis to the Partie, as is above specified.

Ordained, That supplication be made to the Q. Majestie and Secret Councill for Union of Kirks, that where two or three are within two or three myles distant, the same to unite, and cause the inhabitants to resort to ane of the saids Kirks to hear the word and receive the sacraments. Because the scarceness of Ministers permitts not every Kirk to have a severall Minister, and also the small number of sick parochins requires not the same.

Ordained, That the Instruction of Youth be committed to none within this Realme, nather Universities nor without the same, bot to them that professe Christ's trew Religion, now publiclie preached; and that sick as now occupie the places not professing as said is, be removed frae the samen, and to remember that some ordour be made for the sustentatioun of poore Scholars.

Sess. 3, 27th Junii 1563.

It is statute and ordained, That no work be sett forth in print, nather yet published in writt, tuiching Religion or Doctrine, untill sick tyme as it be presented to the Superintendent of the Diocie, advised and approved be him, and be sick as he sall call of the most learned within his bounds; and if they, or anie of them, doubt in anie point, so that they cannot resolve clearlie in the same, they sall produce the said worke to the Generall Assemblie of the Kirk, whill order salbe taken touching the resolution of the said doubt.

Sess. 4, 27th of Julij 1563.

Ordains, That everie Superintendent within his awne jurisdiction cause warne the shires, towns, and paroch kirks, to send their Commissioners to the Assemblie in times cuming, declaring unto them the day and place, and also that every Superintendent convene the forsaid day, appointed for the Assemblie, under the paine of fourtie shillings, to be distribute to the poore, without remission thereof.

[SIXTH GENERAL ASSEMBLY.]

THE Generall Assembly, convened at Edinburgh the 25th day of December 1563, in the New Tolbooth; the prayer and exhortation made be John Willock: In the whilk were present James Duke of Chaltherault, Archibald Earle of Argyll, James Earle of Murray, James Earle of Mortoune, Earle of Marshall, Alexander Earle of Glencairne, William Maitland of Lethingtoun, Secretar, Sir John Wishart of Pitarrow, Comptroller, Sir John Ballantine of Auchnool, Justice-Clerk, Lords of Secret Counsell, Superintendants, Ministers, and Commissioners of Kirks and Provinces.

Session First, 25th of December 1563.

Anent the Question moveit be Johne Knox, Minister of Edinburgh, to the haill Assemblie, whether he receivit charge of the haill Kirk, convenit in Edinburgh, after the beginning of the Reformation, to advertise the brethren to conveine at what tyme any member of the Kirk sould chance to be troublit, and that for thair counsell to be had?

To the quhilk the Lord Lindesay, the Lairds of Kolwood and Abbotshall, Cunninghamehead, the Superintendents of Angus, Fyfe, Louthiane, West, and Galloway, Mr Johne Row, Mr Christiesone, Mr Robert Hamiltoun, Mr Christopher Goodman, ministers, with the maist pairt of the haill Assemblie, made their declaration, That they rememberit verie well that the said Johne Knox wald have had himself exonoured of the foirsaid charge, and that the Kirk then present wald naways suffer him to refuse the same, bot that he sould continue as of befoir to advertise fra tyme to tyme, as occasion salbe given.

It was proponed be the haill Assemblie that ane Moderator should be appointed, for avoiding confusion in reasoning, but that every brother should speak in his own roome. The Lords of the Secret Council, with the haill brethren of the Assembly, appointed Mr Johne Willock, Superintendent of the West, Moderator during this Assemblie.

Session Third, 28th December 1563.

The hail Assemblie here present has farther concluded and finally consented, that for their own parts, the tennents and occupiers of the ground shall have their own teynds upon composition.

Session Fourth, 29th December 1563.

It was thought needful for farther confirmation of the Booke of Discipline, That the Erle Marshall, Lord Ruthven, Lord Secretare, Commendatare of Kilwinning, the Bishop of Orknay, Clerk of Register, Justice-Clerke, Mr Henrie Balnaves, David Foid, and Mr George Buchanan, anie three or foure of them, advise the said booke diligentlie, consider the contents thereof, noting their judgments in writing, and to report the same to the nixt Assemblie Generall of the Kirk; or if ane Parliament happen to be in the meane tyme, that they report their saids judgments to the Lords of the Articles that shall chance to be chosen before the said Parliament.

Session Fifth, 30th December 1563.

Forsamickle as Ministers, Exhorters, and Reiders, remains not at the Kirks quher their charge lyes, bot dwells in townes farre distant fra the saids Kirks, quherthrow the peiple wants the continuall comfort quhilk their daylie presence sould give, be mutual conference of the ministers with the flocke. Heirfor, the Kirk ordanes Ministers, Exhorters, and Reiders, haveing mansis to dwell in, that they make residence at the same, visite the flock as they may; and quher the parochin is great, that the Minister crave the supporte at the Eldars and Deacons to help him in the said visitatioun.

Touching the burial of the poore in every parochin to landwart, it is ordainit that a biere be made in every parochin to carry the dead corpsis to buriall; and that village or house quher the dead lyes, with the nixt adjacent house therto, or ane certaine number of every house, sall convey the dead to the buriall, and eird it sax foote under the eird; And that every Superintendent within his awin bounds requyre the Lairds and Barrones within the same to make ane Act in their Court touching this ordour, and cause their officers to warne the narrest neighbours quher the dead lyes, to convey the samen to buriall, as said is, according to their said act;

and farder, that the Superintendants take ordour heir as occasioun sall serve.

Session Sixth, the last of December 1563.

Anent the determinatioun of the Kirk tuiching Thomas Duncan-sone, Schoolmaster and Reidar in Striveling, quho had committed fornicatioun, and thereafter had made publick repentance, Whether he sould be restorit to his office or not after his publick repentance : It was ordainit that he sould abstaine frae the said office, until sick tyme that the Kirk of Striveling made request to the Superintendent for him ; and that he present the said sute or requeist to the nixt General Assemblie. Attour, if the woman was a maiden with quhom he had committed the said fornicatioun, that he sall marie her if she requyre the samen, in part of satisfioun to the Kirk.

Tuiching the question proponit be the Superintendent of Fyfe, anent Alexander Jarden, Minister of Kilspindie, Inchtur, and Raitt, quha had committit fornicatioun with a virgine, and thereafter had married her and had satisfiet the Kirk, Whether he sould be admittit agane to the ministrie or not? The Kirk suspended the said Alexander frae all functionis of the ministrie within the Kirk quhill the nixt Assemblie, and then to receive answer.

[SEVENTH GENERAL ASSEMBLY.]

THE Generall Assemblie, holden at Edinburgh the 25th Junii 1564, holdin and begune in the Neither Tobuith att foure houres Afternoone ; Exhortatioun and prayer made be Mr Johne Knox, Minister of Edinburgh : In the quhilk were convenit the Superintendants, Ministers, and Commissioners of Provinces of Kirks.

Sess. 2d, Junii 1564.

The Assemblie continowed Mr Willock Moderator of this Assemblie.

The Assemblie requestit Mr Robert Montgomerie, Minister at Couper, to support every uther Sunday the Kirk of Largo, quhill farther provision be made ; and ordainit the Superintendent of Fyfe to labour with the Towne of Coupar for License to the said

Mr Robert for the purpose foresaid; and to take ordour with the Schoolmaster of Couper to reid and exhort in the Kirk.

Sess. 4, 28th Junii 1564.

The hail Assemblie made, constitute, and ordainit their Commissioners under-written; for Fyfe, the Laird of Lundie and Thomas Scott of Abbotishall; for Lowthiane, the Lairds of Spott and Elphingstone; for the Westland, the Lairds of Carnall, Carse, and Kelwod; for the South, the Lairds of Wodderburne, and Andro Kar of Faudansyde; for Galloway, the Laird of Garlies, Zonger, and Mothine, with Mr George Gordoune; for Angus, the Provost of Dundee; and for the Northland, the Laird of Craig: They sall altogether repaire towards the Lords of Secreit Counsell, and there present the Articles underwritten, pertinand to Reformation of Maners, punishment of certain Crymes, maintaining of Justice, and others concerning the universall Kirk of this Realme; and to reason thereupon with the said Lords, and report the Answers thereintill to this present Assemblie.

TENOUR OF THE ARTICLES.

First, that it is thocht good, and alsweill conforme to the Act of Parliament, immediately before the Queen's Majestie's arrival, promittit as her Heiness owin Ordinance, with consent of her Nobilitie, decreit and appointit after her Grace's arrivall, Chryst's Religion be *de novo* established, ratified, and approved throughout the whole Realme, and that all Idolatrie, especially the Masse, be abolished over all; so that no other Face of Religion be permittit or thoilit to be erectit.

And for this effect, that the Ministers be provydit decentlie with an assurit appointment, where they sall receive their livings asweill bygane as to come, and not to live as Beggars, as presentlie they doe; and in lyk maner to desyre, and with all humilitie to requyre, that the Transgressours againis the Ordinances, asweill from tymes past as from this tyme forth, might be punished according to the saids Lawes and Ordinances, and especially againis them that contemnes and committis Inobedience againis the saidis Lawes, in Aberdein, in the Carse of Gowrie, in Seafieid, and in sundrie uther places, as salbe specifiet.

After the forsaidis Articles war notified and declared to my Lords the Erles of Murray, Argyle, Glencarne, and to my Lord Secritar,

being present, and send be the Quein's Hienes to the Assemblie, to know quhat things were proponit therein; thocht the saids Articles, as they were conceivit, not so convenient to be proponit as appertained, and therefor thocht it meitt to collect twa Heids thereof, quhilk they themselves wald propone to the Quein's Majestie; quhilk Heids follow:

And first, they wold declare to her the good mynds and obedience of them then assemblit.

And as tuiching the Estate of Religioun, seeing it tuitchit the said Lords most especiallye, being members of the said Kirk, they wold labour at her Grace's hands, that the same might be observit according to the ordour establishit at her Heiness arryvall, and doubtit not to obtaine siek gentle answer and agreement of her Majestie in that behalf as might satisfie the said Assemblie.

The uther Heid, tuiching the sustentatioun of the Ministers, the saids Lords in lyke maner promised to labour at her Hienes' hands that they might have appointment of the saids Stipends, and hoped to dresse her Hienes so that they sauld be ressonable satisfiet of their desyre in that point.

Thereafter the saids Lords declarit, be the mouth of my Lord Secretaire, how they had proponit the saids Heids to the Quein's Majestie, and how they were not only accepted be her Heiness in good part, but also gentlie answerit, and acceedit to the performance thereof; and therefore the saids Lords promised, in her Majestie's name, to the hail Assemblie, the accomplishment of the saids desyres, of the quhilk they need not in any wayes to doubt; for if they had been surely persuadit in their owin hearts that her Hienes had meant uther wayes nor they had declared, her Grace sauld have found uther Messengers then they to have shawin the same in her Hienes' name. Quhilk being be them declared, the hail number present first thanked God and her Majestie, that their reasonable desyres were so generallie answerit; and for recognoscing of their owin dutie, desyrit the saids Lordis reciprocallye to promise to her Majestie, in their behalf, all duetifull obedience, love, and submission, quhilk can be lookit for be any Christian Prince of most faithfull, humble, and loving subjects; promising therewithall, if any of their number sould happen to forget the duetie of a good Subject, or offendes her Majestie's Lawes, that they all afaldlie wold concurre to the punition of the offendour, according to the qualitie of that trespass, as they sould be commandit.

Anent the satisfeing of the Complaint of pure Labourers of the ground anent the unmercifull exaction of their Teynds, Johne Maxwell of Terriglis, Knycht, frielie promiseit that quhat time the Superintendent of the West sould resort towart the Pairts quher he hes any Teynds, he sauld choose unto himself sax, seven, or aucht of the most wise and discreit Persones within the saids Bounds quher he has the saids Teynds; and quhatsoever the said Superintendent and honest Persones sould advyse him to doe, alsweill tuiching the Intromissioun as prices of Teynds, he promises to fulfil the same, so that the pure labourers sould feile at his hands ease and support within his Rowmes.

In lyk maner my Lord of Murray was content, and for his teynds within Fyfe, namit the Laird of Lundie, that sall modifie either money or victuall.

Aleso Alexander Bischop of Galloway promised to doe [the lyke] how soone the tack of his teynds comes in his awin hand, and beis run out.

The Erle of Monteith, my Lords of Lindesay and Ochilttrie, my Lord Secretarie, the Superintendent of Fyfe, the Gentlemen in the West, and amang them the Laird of Kars, and the Goodman of Leathem, all of their awin frie will, promised to doe according as the said Maister of Maxwell had promiseid.

Tuiching the act of Parliament anent the gleibs and manses, the hail Assemblie requeist Mr James Macgill, Clerk Register, to extract the samein and subscryve it, to the effect it may be produceit before the Lords of the Secret Counsell the morne, or how soone guidlie he may doe the samen, that ordour may be tane thereanent for the ludging of the ministers.

Sess. Fifth, 30th Junii 1564.

Anent the causes of the whole kirk and jurisdiction thereof, the Assemblie appointit thir persons under-written, to wit, the Laird of Dun, Superintendent of Angus and Mernes, Mr Johne Wynrham, Superintendent of Fyfe, Mr Johne Spottiswood, Superintendent of Lowthiane, and Mr Johne Willock, Superintendent of the West, with the assistance of Mr John Row, George Hay, Robert Pont, Christopher Gudman, Thomas Drummond, Johne Knox, John Craig, Johne Rutherford, George Buchanan, Robert Haniiltoun,

Clement Littil, the Lairds of Lundie, Elphingstoun, Carnell, Kers, and Thomas Scott of Abbotishall, and ordained thir foirnamed persones to convene the morne after sermoun, and to reason and conferre anent the saids causis and jurisdiction pertaing to the Kirk, and to report their opinions again the nixt convention.

Anent the questioun moved, whether a minister anes lawfullie placed at a kirk, may leave his ministrie at the said kirk, and pass to another at his awn pleasure. It was concludit be the haill Assemblie, that he may na wayes leave the congregation, being anes placed, without knowledge of the flocke, his Superintendent, or haill kirk, and that the cause why he wold leave that kirk be considerit be the Superintendent or haill kirk, whether it be lawfull or not.

The haill Assemblie in ane voyce chose James Makartney to be solicitor for the Kirk.

Becaus Mr Alex. Jardin, minister of Inchtur, Kilspindie, and Rait, was in the last Assemblie suspendit from all function of office within the kirk, for causes containit in the Second Session of the last Assemblie to this conventioun, quher he sould receive answer, whether he sould returne to his office or not; the haill Kirk, in consideration of his marriage and publick satisfioun of the Kirk quher the offence was committit, ordainit to make humble request to my Lord of Murray, to be content that the said Mr Alexander sould be received againe to his ministrie in respect of the premisses; and thereafter, that the Superintendent of Fyfe sould restore him againe to his ministrie as of befor.

Anent the request of Mr Patrick Couston, minister of Syres, desyreing the licence to pass to France and other countreys, for augmenting of his knowledge for a tyme; the haill Assemblie in ane voyce dissentit therefra, and ordainit that he sould not passe out of this countrey, nor yet leave his congregatioun quher he travels without speciale licence of the haill Kirk, if they sall heirafter think it expedient or necessarie.

Forasmeikle as it was complainit be the Commissioner of Murray, upon William Sutherland, parson and exhorter at the Kirk of Moy, that he had not only disobeyit his charge, commanding him to marie the woman with quhom he befor had committit fornicatioun, but also had in despyte of the said Commissioner, ryveing his letters of charge thereto, and had not obeyit his summouds chargeing him to compeir to this General Assemblie; In con-

sideratioun of this despytefull ryveing of the Commissioner's letters, and also not compeiring to this Assemblie, the Kirk depryves him fra all Ecclesiastical functioun, and also ordaines the censure of the Kirk to proceed aganes him for his contempt.

[EIGHTH GENERAL ASSEMBLY.]

THE Generall Assemblie of the Kirke, gathered and convened at Edinburgh the 25th of December 1564, holden in the Over Tolbooth thereof; In the whilk were the Superintendents, Ministers, with the Commissioners of Shires and particular Kirkes,—the exhortation being made be Mr John Knox, Minister of Edinburgh.

First, for eschewing of confusione, and that everie brother should speak in his own roome with modestie, It wes thought good that ane Moderator should be appointed; and with full consent of all the brethren present was John Erskine of Dunn, Superintendent of Angus and Mearns, appointed to be Moderator for this Assemblie, who accepted it upon him.

Ordained, that no question be proponed be any brother unto the tyme the affaires of the Kirk and order thereof be first treated and ended, and thereafter, if any brother have a question worthy to be proponed, that the samen be proponed in write, and if the samen requyres hasty resolution, it shall be decyded in this present Assembly before the end thereof, otherwayes the decision of the samen shall be referred to every one of the Superintendents within whose bounds the question is proponed, and they and every one of them, with ane certaine number of the Ministers, as they shall think meet to appoynt, for assisting to hear the reasoning of the saids questions, and thereafter their reasons to be put in write, affirmative or negative, whilks every ane of them shall report to the next Assembly.

The same day, the hail Assembly caused to present to the Lords of Secret Councill the heads and articles following, and required their honors to obtaine answer thereof at the Q. Grace, and to signifie unto them her Majestie's good pleasure thereintill.

TENOR OF THE ARTICLES.

The hail Assembly requires humbly their Honors to signifie to the Queen's Majestie, that the transgressors of the proclamations past against the hearers and sayers of Masse, together with the abusers of the Sacraments, are now so common, that it may be greatly feared that judgements shall suddenlie follow, except remeid be provided in tyme.

2. To require payment to Ministers of their stipends for the tyme bypast, according to the promise made, and to let the Assembly know how the Ministers shall be sustained in tyme to come.

3. To require Superintendants to be placed where none are within this realme, viz. in the Merss, Teviotdale, Forrest, Twe Idall, and the rest of the Dealls in the South not provided, with Aberdeen and the uther parts in the North, likewise destitute.

4. To require punishment of sic as hes steiked the doors of the parochie kirk, and will not open the same to parochiners that presented themselves to have heard the word of God preached, sic as Pasley, Aberdeen, Corrie, Dopline, and Aberdagy.

5. Humbly to require the Q. Maj. what the Kirk shall look for, touching provision of benefices vaikand and to vaik.

6. To crave ane resolution and declaration of the Mause and Gleibs, whether they be set in feu or not, and be what means the Ministers shall come to the use and possession thereof.

7. The acts touching the reparation of the kirks to be put in execution.

The answer of every ane of the particulars the General Assembly humbly requires.

Session Second, holden December 26, 1564.

Anent ane supplication presented be Beatrix Livingstoun, touching ane promise made to her be Patrick Hardie to have solemnized the band of matrimonie with her ane lang tyme since, his wife Katherine Rutherford being in lyfe, and now divorcement had betwixt them, Bearing alse and making mention of ane decret and decisione of the said promise and nullitie thereof, given and pronounced be John Eskine of Dun, Alexander Guthrie of Halkertoune, Robert Campbell of Kingcomsleugh, and Mr Robert Hamiltone, for verification whereof the said Beatrix producit the said decret, subscryved be the forsaid persons, in presense of John

Willock, Superintendant of the West, Christopher Goodman, and Mr George Hay, of the date at Edinburgh the first of July 1563, bearing in effect, that the said promise made be the said Patrick to the said Beatrix on no wayes might be sustained be the law of the Evangell; and therefore the said Patrick to be quyte therefrae in all tyme comeing, In respect of the marriage standing betwixt him and his wife foresaid undissolved, and that the said promise was not only null in the selfe, but also unjust and unlawfull, and that the makers thereof had offended, and were worthy of punishment at the discretion of the Kirk: Quhilk supplication and decret being read and considered, the haill Assembly in ane voyce authorised and allowed the said decret, pronounced be the said brethren, and also pronounced the said Patrick and Beatrix to be free frae the said pretended promise in tyme comeing, Requiring that punishment for making of the said promise hereafter to the Kirk's discretion thereof.

Session Third, December 27, 1564.

Anent the supplication presented to the Assembly in name of Paull Methven, and touching diverse petitions therein contained, wherewith the said Assembly being well and rypelie advysed, and after long reasoning had therein, with mature deliberation, gave their answer as follows:—

Anent his receaving to repentance, the haill Assembly are content to reccave the said Paull to repentance, presentand him personallie before them, declareing evident signes of unfained repentance, willing to obey sic injunctions as the Kirk shall please to appoint him to doe and fulfill.

Touching his desyre to delate his proces of their books, thereto the Clark can noways condescend, neither think they that sick ane petition can proceed from the Holy Ghost, seeing David, ane notable servant of God, eschewed not to write his owne offence to God's glory and his own confusione. Anent his admission to the ministrie within the realme, that was thought no wayes sufferable unto sic tyme as the memorie of his former impietie be more deeplie buried, and some notable Kirk within this realme make earnest request for his new acceptation; and likewise the Kirk signifies unto him, that his entry in the ministrie in the parts of England, he being excommunicat and unreconciled, hes grievously offended them; as also the last part of his writeing, where he accuses false

witnesses, who hes deponed no other thing in effect nor he has confessed with his mouth in write. Farder, the Assembly required the brethren to whom the said Paull hes written, that amongst uthers their answers they signifie unto him that he may safelie repare toward this realme, notwithstanding lately proclaimed against adulterers.

Touching sic as are relapse the third tyme in any kinde of cryme, sic as fornication and drunkenness, it is statute and ordained, that no particular minister admitt sic persones to repentance, but to send them to the Superintendent of the diocie where the crymes are committed, with information, who shall give them sic injunctions as they think may make the offence to be holden in horror. But chiefly that they compell the offender to satisfie the Kirk where the offences were made moe dayes nor ane, as the Superintendent shall think good.

[NINTH GENERAL ASSEMBLY.]

THE Generall Assemblie, convened at Edinburgh, in the Nether Tolbooth thereof, the 25th Day of June 1565: In the whilk were present, the Superintendents, Ministers, and Commissioners of Shyres and Kirks, the invocation of the name of God being made be John Willock, Superintendent of the West.

First, For eschewing of confusione in reasoning, the whole brethren present, with ane consent, chuse John Willock, Superintendent of the West, to be Moderator, who accepted the office.

Sessio Second, holden Junii 26th, 1565.

The hail Kirk present for the tyme, humble requyred the nobilitie present to be humble suiters at her hienes for the execution of the Laws and Acts lately made against the violators of the Sabbath day, committers of adulterie and fornication, and desyred every Superintendent for to sute for commissions to judge within their jurisdictiones, givand power to them to execute

punishment against the committers of sic crymes, according to the tenor of the saids Laws and Acts, &c.

And in like manner to request her heines to cause thankful payment be made of the Ministers' stipends throughout this realme, as also to complain to her Majestie that where of before the Kirk of Candwell in L. Carrok was assigned for payment of the Ministers' stipends in Kyle and Carrick, is now given by her heines to the young Laird of Skeldrume, and in like manner the parochiners of Dalry shew that the lands of the Kirke was assigned to the minister of the parochine, and now was given to the Laird Provane, and to understand her heines will thereanent.

Ordains for ordering the articles to be sent to the Q. Majestie, John Erskine of Dunne, Superintendent of Angus and Mearns, John Willock, Superintendent of the West, Christopher Goodman, Minister of St Andrews, John Row, Minister of St Johnstone, to conveen after eleven houres, and set them forth and present them to the Assemblie this day afternoone; whilk ordinance the saids persones obeyed, and presented the Articles to the Assemblie.

TENOR OF THE ARTICLES.

Imprimis, That the Papisticall and blasphemous masse, with all Papistrie and idolatrie of Paip's jurisdictione, be universallie suppressed and abolished throughout the hail realme, not only in the subjects, but also in the Q. Majestie's awn persones, with punishment against all persones that shall be deprehended to transgresse and offend the same; and that the sincere word of God, and his true religion, now presently receaved, might be established, approven and ratified throughout the whole realme, alswell in the Queen's Majestie's owne persones as in the subjects, without any impediment, and that the people be astricted to resort upon the Sunday at least to the prayers and preaching of God's word, like as they were astricted before to the idolatrous masse; and thir heads to be provided be act of Parliament, with consent of the Estates and ratification of the Queen's Majestie.

Secondlie, That sure provisione be made for sustentation of Ministers, as well for the tyme present as for the tyme to come, and that such persons as are presently admitted to the ministrie may have their livings assigned unto them in the roomes where they travell, or at leist next adjaent thereto, and that they have

na occasione to crave the samen at the hands of any others, and that the benefices now vaikand or that hes vaiked since the moneth of March 1558, or yet hereafter shall happen to vaike, be dispensed to qualified and learned persones, able to preach God's word, and to discharge the vocatione concerning the ministrie, be tryall and admisionne of the Superintendents, and that no Bishopric, Abbacie, Priorie, Deanerie, Provestrie, or any other benefices, havand many Kirks annexed thereto, be disponed altogether in any tyme coming to any one man. But at the least the Kirks thereof be severallie disponed and to severall persones, so that every man having charge may serve at his awne Kirk according to his vocatione; and to this effect that the gleibs and manses be givene to the Ministers that they may make residence at their kirks, wherethrough they may discharge their consciences conforme to their vocatione, and also that the kirks may be repaired accordinglie, and that ane law be made and established herein be act of Parliament, as said is.

Thirdlie, That none be permitted to have charge of Schooles, Colledges, or Universities, or yet privately or publickly to instruct the youth, but such as shall be tryed be the Superintendents or visitors of the Church, sound and able in doctrine, and admitted be them to their charges.

Fourthlie, For sustentation of the poor, that all lands founded to hospitalitie of old be restored agane to this same use, and that all lands, annualrents, or any other emoluments pertaining any ways to the friers of whatsumever ordour, or annualrents, altarages pertaining to Priests, be applyed to the sustentatione of the poor, and uphald of Schooles in the towns and uthers places where they ly.

Fifthly, That horrible crymes as now abounds in the realme without any correction, to the great contempt of God and his holy word, sic as idolatrie, blaspheming of God's name, manifest breaking of the Sabbath Day, witchcraft, sorcerie, and inchantment, adulterie, incest, manifest whoredome, maintainance of Brodells, murther, reiffe, slaughter and spulzie, with many uther detestable crymes, may be severely punished, and judges appointed in every province or diocie for the executione thereof, with power to doe the same, and that be act of Parliament.

Last, That same order be devysed and established for the ease of the poor laborers of the ground concerning the unreasonable

payment of their teynds, taken over their heads without their advyse and consent.

The same day the Lairds of Carnall, Sornebeg, and Dreghorne, requesting humbly for support of a ministerie for their kirks of Rickartoune and Dundonald in Kyle, promised of their awn free will that they should provide stipends sufficient according as the Kirk would appoint, and that they should not remove from their Kirks for seeking payment of the samen; whilk request of theirs the hail Kirk praised, and promised satisfaction to their godlie desyre.

Sess. 3, Junii 27, 1565.

Anent the question proponed, whether Children may contract Marriage, and Marrie without consent of their Parents, and in speciall, whether the promise made betwixt Robert Patersone and Jonet Little, without the consent of the parents, may stand or not; it is found that the said Robert and Jonet hes not orderly proceeded in the said promise of marriage, in so far as they neither obtained the consent of the parents, nor yet, be the late order, repared to the Kirk of God to lament their cause, and seek the ordinary means thereat, be the word of God appointed: and therefore the Commissioners appointed be the Kirk for decision of Questions, determines that they have not lawfully proceeded in making of the said promise of marriage, and they should of dutie thus have proceeded: First, to require the consent of the parents, whilk being refused, then to make the sute unto the Kirk, to concurre with them in their lawfull proceedings, according to the order observed in God's word; and for the offence and unlawfull proceeding bypast, to make satisfaction to the Kirk, as they shall be appoynted thereto: and hereupon ane general order to be set forth, as the Generall Assemblie shall think good to be observed, in all particular Kirks in tyme comeing. This was subscribed be the Commissioners underwritten:—Mr John Dowglass, Rector of the Universitie of St Andrews, Christopher Goodman, George Buchanan, John Craig, Minister, John Row, Robert Pont.

Ane uther question, whether ane learned man, having ane benefice given in papistie, or lately since the word has been preached in this realme, may leave the parochine where he is persone, destitute of preaching the word, and enter Minister to serve in ane uther place for larger stipend? The foresaid Commissioners con-

cluded as follows: It is thought agreeable to the word of God that no faithfull preacher of God's word may enjoy any benefice or living pertaining to the Kirk, except he remaine at the said Kirk to discharge his office, for the whilk he received the said benefice; and that if he be transported be the Kirk or Superintendant to any uther place whereby he may not discharge his duty in both, That he be deprivyd of the ane, and it to be bestowed upon ane uther; provyding always, the foresaid persone be sufficiently answered of his stipend.

Ane uther question, whether if any man abusing his Cusings, his father's brother's daughter, seven years, and begottin childrcn, and presently married, marry her, and underly conviction, may marry or not? The degrees are second of Consanguinitie.

Though this be not found contrary to the word of God, yet because it has not been publickly revealed in this realme, and that diverse inconvenients are perceaved to insue of this Liberty, thinks it good that it be referred to the Civil Magistrates, or else to ane Parliament, for order to be taken therein, and that in the meantime, men take not libertie to their senses according to their filthie affections, not the lesse that the persons in whose name this question was proponed be joyned in marriage, after their publick repentance for the offences bygone, without any hope that uthers hold the like license, while farder order be taken be the Civill Magistrate, as said is.

Anent the complaint given in be the Superintendant of Fyfe, touching the wanting of a preacher at the Kirk of Kylmeny, pertains as ane common Kirk to St Salvator's College in St Andrewes; Mr John Rutherford, Provest, and Mr William Ramsay, one of the Ministers, was content that the Superintendants of Angus and Fyfe, Christopher Goodman and Mr George Buchanan, should consider this Complaint, and whatsoever they decyded therein, and ordained to be done therein, they should fulfill the same in sic sort that nae complaint should be heard hereafter.

Ane Complaint was given in be the Parochiners of Tunninghame who payes the Teynds to the New College of St Andrewes, and has no preaching nor ministrations of Sacraments. Mr John Douglas, Rector of the Universitie, and Master of the said College, promised to the Kirk to satisfie the Complainers reasonably, that hereafter the Kirk shall not be troubled with farther Complaint.

Sessio 4^{ta}. Junii 28, 1565.

Anent the Complaint given in be Mr Donald Munro against Mr John Robisone, Thesaurer of Rosse, Minister of Urquhart, and John Watsone, Minister of Awes, That where they both accepted the Ministrie on them, and received their Stipends therefore, and now has left their vocationes; requyred the Kirk to take order herein: The haill Assemblie ordained the saids persones to repair towards their charges in the Ministrie, and enter againe thereto incontinent, after they be charged, under the paine of disobedience of the Kirk, and discharginge of their allowance and Stipends.

The haill Assemblie, with ane voyce and minde, choose John Knox, Minister of Edinburgh, to receive the answers of the Articles sent from the Assemblie be the Commissioners thereof to the Queen's Majestie, and to advertise the Superintendants of the same, and also that he advertise the faithful of things necessar that shall happen betwixt this and the next Assemblie. Thanks being given to God be John Willock, Superintendant of the West, and the twenty fyve day of December next to come appointed for the next Assemblie to conveen in Edinburgh, this Assembly was dissolved.

[TENTH GENERAL ASSEMBLY.]

THE General Assembly of the Kirk, holden in Edinburgh, in the Ouer Tolbooth thereof, the 25th of December 1565, in the whilk were present the Superintendants, Ministers, Exhorters, and Commissioners of Towns and Kirks. The invocatione of the name of God was made be John Knox, Minister of Edinburgh.

Sessio 1^{ma}.

First, for eschewing of confusion in reasoning, and that every brother speak in his roome with modestie, as becomes the ministers of God's word to doe, with the haill consent of the brethren present, was chosen John Eskine of Dunne, Knight, Superintendant of Mearns and Angus, to be Moderator at this tyme, who accepted the office on him.

The Superintendent of Lothian complained upon Mr John Furd, Minister of Dummaine, that where, in the last Generall Assemblie of the Kirk, it was decerned that Robert Patersone and Jonet Little should have satisfied the Kirk of Edinburgh for the offence committed be them in contracting marriage without parents' consent, yet nevertheless the said Mr John had persuaded them to solemnize the said marriage, ther bands not being proclaimed, and no satisfaction made to the Kirk of Edinburgh, and also had caused Mr Patriek Craig, Minister at Ratho, to solemnize the said band of marriage betwixt the saids persons, in the Kirk of Dummaine, in great contempt of the decreet foresaid, and all good order heretofore observed in the reformed Kirk, desyring the Kirk presently assembled to take order herein, alsweill anent the saids paroches as the saids two ministers. The Kirk ordained to call both the saids parties and ministers to answer to the said complaint betwixt this and the end of the Assembly.

In like manner, Mr John Winrhame complained upon the said Mr John Furde, that be his counsell and persuasion the Ladie Kilconquer and John Weymes had contracted the *verba de presenti*, &c. notwithstanding that aue woman, called Elizabeth Poit, had claimed the said John Weymes before the Superintendent, whilk clame was not yet justified, and that Mr Andrew Kirkaldie had married the saids persons, after the minister was departed out of the Kirk where they were married. Ordained in like manner to answer to this complaint.

The haill Assembly appointed Mr John Row, minister at St Johnstoun, to put in write, answers to the answers given be the Q. Majestie to the articles presented to her hienes be the Commissioners of the last Assemblie of the Kirk, because her heines answers not fully satisfied the Kirk, as in the samen plainly appeareth, and the said Mr John to present them the morrow, after the preaching, to the Assembly, to advyse therewith, before their presenting to her Grace.

Follows the answers given be the Queen's Majestie to the articles presented to her Grace be the Commissioners of the Assembly last holden, the 25th of Junii 1565, and also answers and requests to their answers, now conceavned in this Assembly.

The Quen's Majestie's Answers.

To the first, desyring the masse to be suppressed and abolished, alsweill in the head as in the members, with ane punishment against the contraveeners, as also the religion now professed to be established be an Act of Parliament; it is answered, first, for the part of her Majestie's self, that her heiness is no wayes yet persuaded in the said religion, nor yet that any impietie is in the masse; and, therefore, believes that her loving subjects will no wayes preisse her to receave any religion against her own conscience, quhilk should bring her to perpetuall trouble be remorse of conscience, and therewith ane perpetuall inquietness; and, to deall plainly with her subjects, her Majestie neither may nor will leave the religion wherein she has been nourished and upbrought, and believes the samen to be well-grounded, knowing, besydes, the grudge of conscience if she should receive any change in her owne religione, that she should tyne the friendship of the King of France, the ancient allya of this realme, and of other great Princes, her friends and confederats, who would take the same in evil part, and of whom she may lake for great support in all her necessities; and having no consideration that may counterweigh the same, she will be loath to put in hazard the loss of all her friends in ane instant; praying all her loveing subjects, seeing they have had experience of her goodness, that she neither has in tymes past, nor yet means hereafter, to preasse the consciences of any man, but that they may worship God in sic sort as they are persuaded to be best, that they also will not preasse her to offend her own conscience.

As for establishing religion in the body of the realme, they themselves know, as appears well be their Articles, that the same cannot be done be only the consent of her Majestie, but reqyres necessarily the consent of the three Estates of Parliament; and, thereafter, so soon as the Parliament holds, that whilk the three Estates agrees upon among themselves, her Majestie shall grant the same to them, and alwayes make them sure that no man shall be troubled for using themselves in religion according to their conscience, so that no man shall have cause to doubt that, for religion's sake, many lyves or heritages shall be in hazard.

To the second artiele it is answered, that her Majestie thinks it no way reasonable that she should defraud herselfe of so great a part of the patrimony of her crowne, as to put the patronages of benefices furth of her own hands; for her own necessitie in bearing

of her great and common charges will require the retention of ane good parte in her own hands. Nottheless, her Majestie is well pleased that consideratione being had of her own necessitie, and what may be sufficient for her, and for the reasonable sustentatione of the ministers, ane speciall assignatione be made to them in places most commodious to them, with the whilk her Majestie shall not intromitt, but suffer the same come to them.

To the third article, her Majestie shall doe therein as shall be agreed be the Estates in Parliament.

To the fourth article, her Majestie's liberality towards the poor shall be also far extended as can be reasonably required at her hands.

To the fifth article, her Majestie will referr the taking order with that and also of the sixth article to the Parliament.

The answers of the Kirk to thir above written follows:—

First, Where her Majestie answers, That she is not persuaded in religion, neither that she understands any impietie in the masse, but that the same is well grounded, that is no small grief to the Christian hearts of her godly subjects; considering that the trumpet of Christ's Evengell hes been so long blowne in the countrey, and his mercy so plainly offered in the same, that her Majestie remains yet unpersuaded of the truth of this her religione; for our religion is not else but the same religion quhilk Jesus Christ hes in the last days revealed frae the bosome of his Father, whereof he made his Apostles messengers, and quhilk they preached and established among his faithfull, till the 'gainecoming of our Lord Jesus Christ; quhilk differs from the impietie of the Turks, the blasphemy of the Jews, the vaine superstitione of the Papists, in this, that only our religion hes God the Father, his only Sone Jesus Christ, our Lord, his Holy Spirit speaking in his Prophets and Apostles, for authors thereof, and their doctrine and practise for the ground of the same: the quhilk no uther religion upon the face of the earth can justly alleadge or plainly prove; yea, whatsomever assurance the Papists hes for their religion, the same hes the Turks for maintenance of their Alcorane, and the Jews fare greater for defence of their ceremonies, whether it be antiquitie of tyme, consent of people, authorietie of princes, great number or multitude consenting together, or any uther sicklyke cloaks they can pretend; and, therefore, as we are dolorous that her Majestie in this our religione

is not persuaded, most reverently we require, in the name of the Eternall God, that her heines would embrace the means whereby she may be persuaded of the truth whilk presently we offer unto her Grace, aleswall be preaching of the Word, whilk is the chief means appointed be God to persuade all his chosen children of his infalible veritie, as be publick disputation against the adversaries of this our religion, deceavers of her Majestie, whensoever it shall be thought expedient to her Grace. And, as to the impietie of the Masse, we dare be bold to affirme that in that idoll there is a great impietie ; from the beginning to the ending, it is nothing else but a masse of impietie ; the author, or sayers, the action itselfe, or opinion thereof concerned, the hearers and gazers upon it, avows sacrilege, pronounces blasphemie, and committs most abominable idolatrie, as we have ever offered and yet offers ourselves, most manifestly to prove. And where her Majestie esteems that the change of religion should dissolve the confederacy of allyance that she hes with the King of France and uther princes ; assuredlie Christ's trew religion is the undoubted meane to knitt us surely, perfyte confederacie and friendship with him that is King of kings, and who hes the hearts of all princes in his hands, whilk ought to be more precious to her Majestie nor the confederacie of all princes of the earth, without the whilk neither confederacie, love, nor kindness, can indure.

Concerning her Majestie's answer to the second article: Whereas, she thinks it nowayes reasonable to defraud her self of the patronage of benefices, whilk her Majestie esteems to be ane part of her patrimonie, and that her Majestie be minded to retain a good part of the benefices in her own hands to support her common charges :

As to the first point, [it is not our meaning,] that her Majestie or any uther patrone within this realme should be defrauded of their just patronages. But we meane, whensoever her Majestie or any uther patrone does present any persone to a benefice, that the persone presented should be tryed and examined be the judgement of learned men of the Kirk, sick as are presently the Superintendants appointed thereto ; and as the presentation of benefices pertains to the patrone, so ought the collatione thereof, be law and reasone, appertaine to the Kirk : of the whilk collatione the Kirk should not be defrauded more than the patrones of their presentatione ; for utherwayes it shall be leasume to the patrone, absolutely

to present whomsoever they please, without tryall or examination : what then can abide in the Kirk of God but ignorance without all order ?

As to the second point, concerning the retentione of ane good part of the benefice in her Majestie's own hands : This poynt abhors so far from good conscience, alsweill of God's law as frae the publick order of our common lawes, that we are loath to open up the ground of the matter be any long circumstances ; and therefore we most reverently wishe that her Majestie would consider the matter with her selfe and her wise counsell, That howsoever the patronages of benefices may appertaine to herself, or the retention thereof in her own hands undisponed to qualified persons, is both ungodly, and also contrare to all publick order, and brings noe small confusione to the poor soules of the common people, who be these meanes should be instructed of their salvatione. And where her Majestie concludes, in the second answer, that she is content that ane sufficient and reasonable sustentatione of the ministers be provided to them, be assignationes in places most commodious to them, consideration being had of her own necessitie ; as we are desirous that her Grace's necessitie be relieved, so our dewtie craves, that we should notifie to her Grace, the trew order that should be observed to her in this behalfe, whilk is this : The teinds are properly to be reputed to be the patrimonie of the kirk, upon the whilks, before all things, they that travells in the ministrie thereof, and the poor indigent members of Christ's body, ought to be sustained ; the kirks also repaired, and the youth brought up in good letters : whilks things being done, then wher necessitie reasonable might be supported, according as her Grace and her godly counsell thinks expedient : allwayes we cannot but thank her Majestie most reverently of her liberall offer of assignation to be made to the ministers for their sustentation, whilk not the less is so generally conceived, that without more speciall condescending upon the particulars thereof, no executione is likelie to follow thereon ; and so to conclude with her Majestie at this present, We desyre most earnestly the saids ministers' articles to be reformed, beseiking God that as they are reasonable and godlie, so her Grace's heart and the Estates presently convened may be inclined and persuaded to the performance thereof.

Sess. 2^d, December 25, 1565.

Anent the generall complaint of ministers, exhorters, and readers, for wanting of their stipends, and as touching them that hes put violent hands on ministers for reproveing of vyce, The haill Assemblie ordained ane generall supplicatiōne to be presented to her Majestie and Councill, and also required the Lord Lindsay and David Murray, brother to the Laird of Balvaird, to present the same, and to report the answer again to the Assembly; the tenor whereof follows:—

Unto your Majestie and most honorable Councill, humbly means and complains,

We, your Grace's most obedient subjects, the confessors of Christ Jesus and his holy Evangell within this realme, in name and behalfe of our ministers, exhorters, and readers; That where oft and diverse tymes promise hes been made unto us that our saids brethren, preachers and travellers in the kirk of God, should not be defrauded of their appointed stipends, neither yet should be in any wayes molested in their functions, yet notthelesse universallie they want their stipends appointed for diverse tymes bypast, violent hands are put in the same, for no uther cause, as they alledge, but for reproveing of vyce, and nane knaws what assurance he shall have of ane reasonable life in tyme to come: Our maist humble request is therefore unto your Majestie, that our ministers may be payed of their bygone stipend, that sic as have received assignatiōnes thereof from the former collectors may have execution of their assignation, that your Grace pleases to appoint them the assignation promised in your Hienes last answers to the petitiones of the kirk, so that we may know by what means our saids ministers shall be sustained in tyme to come; and, finally, how they may live without molestatiōne of wicked men; and your Grace's answer we most humbly beseik.

Anent the question, Whether any man might marry his wife's brother daughter, or his wife's sister daughter, or what order should be taken in any sic marriages were made; It was voted, and found be the word of God, that nane may marry his wife's brother daughter, or sister daughter, and if any sic marriages were contracted, to be null, and not to stand.

Persons revolting from the profession of the gospel, be offering

their children to be baptized after the papistical manner, or receiving themselves the sacraments of the altar, after admonitione, to be excommunicat if repentance interveen not.

Sessio 3^{ta}, December 27, 1565.

Anent the complaint given in be the Superintendent of Lowthiane, against Mr Patrick Craicke, minister of Ratho, for marrying of Robert Patersone and Jonat Little, in Dummaine kirk, neither the bands being proclaimed, nor yet satisfacione made to the Kirk of Edinburgh, according to the tenor of the decreet of the last Assemblie :

The said Mr Patrick granted publickly that he had offended, and submitted himself to the correction of the kirk. Therefore, be the haill Assembly, he was ordained to satisfie the will of the Kirk of Edinburgh, upon two severall Sundayes, be his own open confession, when the said Kirk of Edinburgh shall require him, and the third Sunday to satisfie the kirk of Dummainie, where the offence was committed; suspending for this present all farther correction, in hope of his better bearing in tyme to come.

The haill Assembly, with one voyce, statutes and ordaines, That no ministers hereafter receive the parochiners of ane uther parochine to be married, without ane sufficient testimoniall of the minister of the parochine wherfrae they came, that the bands are lawfullie proclaimed, and no impediment found, so that the order that has been taken be the kirk, in sic affaires, be dewlie observed under the paine of deprivation frae his ministrie, tinsell of his stipend, and uther paines, as the Generall Kirk shall hereafter think to be imponed.

Anent the complaint given in be the Superintendent of Fyfe, against John Melvill, minister of Carraill, alleadgeand the said John to proceed to the solemnizatione of marriage betwixt Robert Arnot and Euphame Corstorphine, notwithstanding ane uther woman claimes the said Robert: The haill Kirk Assemblie ordained ane inhibitione to pass against the said John, that he on nowayes solemnize the said marriage until sic tyme as Mr John Douglass, Rector of the Universitie, and Mr James Wilkie, Regent, hear the complaints to be given in be the said Superintendent, and also be any uther partie havand enteres, and the same be discussed be them; givand power to them to give forth sentence according to God's word, and use the censures of the kirk against the disobeyers.

Sessio 4th, December 28, 1565.

Mr John Furde, Minister of Dummanie, is ordained to satisfy, as is before sett downe in the 3d Session, anent Mr Patriek Craicke, for his offence, specifiet in the Act of the first Session, suspendand the said John from all function of the ministrie, in the meantime, whill the compleating of the said satisfaction, and thereafter to retorne to his vocation of ministrie.

It was asked if it be lawfull that ane minister, what title or honor ever he bear, receiving sufficient benefite and provisione off his flock, may leave them, and make his common residence in uther places, sae that his flock is destitute alswell of his doctrine and ministrie, as of uther comforts that the flock should receive of ane faithfull pastor—notwithstanding that worldly reasons may seem to excuse the absence of some? The answer; No minister of the Evangell of Jesus Christ, nor no persone receiving sufficient living for preaching of the Evangell, may, with safe conscience, leave his vocatione, together with his flock, and the place appointed for his ordinarie residence, what patrimonie and oversight that ever he hes, be corruption of tymes, or negligence of rulers, so to doc.

If sic as hes entred in the ministrie, been appointed be the Superintendants, and received of the people, may leave their vocation and follow the world, because they have not sufficient stipend? Answer: Seeing that our Master Christ Jesus pronounces that he is but ane mercenarie, who, seeing the wolf coming, fleeth for his own safeguard, and that the very danger of lyfe cannot be ane excuse for sic as shall fall back from Christ, we nowayes think it lawfull that sic as ance put their hands to the plough shall leave the heavenly vocation and return to the prophane world, for indigence or povertie; lawfully they may leave ane unthankfull people, and seek where Jesus Christ his Evangell may bring forth better fruit; but lawfully they may never change their vocation.

If known murtherers, or convict adulterers, together with sic as committ horrible crymes, may not, upon the notorietie of their fault, be once denounced excommunicat, for declaration that the Kirk abhors sic inpietie? Answer: The Kirk may and ought to purge herself of all sic notorious malefactors, provyding the offender be lawfully called and convict, either be their owne confessione or be witnesses. The order to call them for the sclander (for civil things we remitt to the magistrates) we judge to be this: Whensoever sic

fearfull crymes are committed, if it be in the countrie, the minister, reader, or exhorter of that place, or if there be none, the minister of the place next adjaecent, ought to give notice of the fact to the Superintendant of that diocie, who, without delay, ought to direct his summons, charging the persons sclanderred to compear before him at a certain day and place; or if it be done in towns where order is established, the Session thereof ought to call the accused offenders, who, if they compear, and either alleadge just defense, or show themselves unfainedly penitent, then must the Superintendant, or Minister and Kirk without the Superintendant, dispense somewhat with the rigour of the punishment, secluding only the offender fra participation of the sacraments till farder tryall of his repentance, and that both their diligence and sentence to be publickly pronounced in the kirks where the offence is known. But if the offender be stubborne, as if he compear not, or shew himself little touched with his offence, then ought the Superintendant, with advyce of the next reformed Kirk, to decerne him or them to be secluded from participatiōne of communiōne with the faithfull members of Jesus Christ, and to be given to Satan for the destruction of the fleshe, whoes slaves (be impietie committed and impenitence shoven) they declare themselves to be; and their sentence to be published in all places where the offence is knowne. If the person or persons secluded from the sacrament be negligent in seeking reconciliation with the Kirk, behave themselves insolently or utherways then it becomes penitent persones, the Kirk, after admonitiōne, may proceed to the uttermost; for wanton behaviour, after iniquitie committed, is ane plaine argument of impenitence, and negligence to seek reconciliation declares that contempt lurks in the heart.

If baptisme administrat be ane papist priest, or in the papisticall manner, shall be reiterat? When sic children comes to years of understanding, they should be instructed in the doctrine of salvation, the corruption of the papistrie might be declared unto them, whilk they most publickly damne, before they be admitted to the Lord's table; whilks if they doe, there needs not the externall signe to be reiterat; for no papist ministers baptisme without water and some forme of words, whilks are the principalls of the externall signe; we ourselves were baptized be papists, whose corruptions and abuses now we damne, cleaveing only to the simple ordinance of Jesus Christ, and to the veritie of the Holy Spirit, whilk makes

baptisme to work in us be proper effects thereof, without any declaration of the externall signe. If sic children come never to the knowledge of trew doctrine, they are to be left to the judgement of God.

What order ought to be used against sic as oppress children? As concerning punishment, the civill magistrate ought therein to decree. As touching the sclander, the offenders ought to be secluded from participation of the sacraments whill they have satisfied the Kirk, as they shall be commanded.

What punishment shall be used against them that ly in fornication under promise of marriage, whilk they deferr to solemnizat, and to satisfie be publick repentance for the sclander given? Answer: Asewell the man as the woman should be publickly [admonished] in the place of repentance; Likewise satisfie on ane Sunday before that they be married.

[ELEVENTH GENERAL ASSEMBLY.]

THE Generall Assembly of the Kirk, holden in Edinburgh, within the Councill-house thereof, the 25th day of Junii 1566: In the whilk were present Earles, Lords, Barrons of the Privie Councill, viz. Earle Huntly, Chancellour, and Earle of Argyle, Alexander of Galloway, Adam of Orkney, ane of the Session, John Commendator of Lindores, James Balfour of Pittendeth, Knight, with the Superintendants, Ministers, and Commissioners for towns, particular kirks: The Invocatione of the name of God be Mr John Craig, minister of Edinburgh.

Sessio 1^{ma}.

First, for eschewing of confusione in reasoning, and to the effect that every brother speak with such modestie and measure as becometh the ministers of God's word to doe, with consent of the hail Assembly, John Erskine of Dunn, Knight, Superintendant of Angus and Merns, was continued Moderator, who was content for the present to use the samen office.

Ordaines that some of the brethren, in name of the hail Kirk, make supplication to the Lords of Secret Councill and Session of

Justice, that no excommunicat person have proces before their honors, unto the tyme they be reconciled to the Kirk, chiefly when excommunication is notour and objected againes.

Anent the supplication presented to this Assembly be Robert Commendator of Haly-rude-house, showing in effect, how it was not unknowne to their wisdomes, That he had diverse godly learned men of his owne place of Halyrudehouse, sic as Alexander Forrester and Peter Blackwood, who are men of good conversation and literature, were admitted and received be the Kirk to the ministrie, and how he had diverse kirks pertaining to the Abbacie, as the kirks of Tranent and St Cuthbert's, and alleadged that most decent and convenient it were, that his said kirks should be served be the servants of the said Abbay: Herefore, requested most earnestly that the Kirk presently assembled should transport Mr Thomas Craunstoune and William Harlaw, now ministers of his said kirks, and place them at some uther kirks, as should be thought good be the haill Assembly to appoint them, and to place his saids servants at his saids kirks as ministers, there to be served be them in tyme comeing; as in the said request at length was contained.

The Kirk haveing ryply considered the said supplication and advysed thereupon, caused call before them some of the elders of the said parochines, and diligently inquired if they had any fault to lay against their ministers, or if they would be content they should be transported from them? Answer was given, that they had no cryme nor fault to lay against their ministers, but was better content with them then they would be with any uther that would be presented to them; and attour, on no wayes would be content that any of them should be transported from them: Therefore, the Kirk presently assembled on no wayes condescended to the transportation of them, for the reasons foresaid; But brotherly requested the said Lord Commendator to provide for some godly ministers for uthers of his kirks whilks are destitute of preaching of the true word of God, the speciall food of their souls, which they doubt not but his Lordship will doe, for discharge of his own conscience.

Sess. 2^a. Junii 26, 1566.

The haill Assembly, in respect of the perills and dangers wherewith the Kirk of God is assaulted, and that be mighty enemies, considered a generall fast to be published throughout this realme in all kirks reformed.

Anent the supplication given in be Paul Methven, makand a long rehearsall of his miserable estate, the supplication presented in his name to the Generall Assembly holden in Edinburgh in December 1564, of the estate of the answers thereto frome the said Assembly, of his long and tedious journey out of England to Scotland, and impediments that chanced him in the way; finally requests for ane of thir two, That is, either to suspend excommunication of the Kirk for ane tyme, and receive him in the fellowship of the same as ane poor sheep, upon ane condition, wherever he chances to be, upon half ane year's warning, he shall be bound to returne againe at command of the Kirk, and obey sic injunctions as they would comand him to doe; or if the Kirk pleased not this petition, then to committ his answer to such as the Kirk should appoint, who's judgement and determination (as his body might bear) he promised be God's grace to obey; Finally, all counsell that have followed heretofore, and himself most humbly, he submitted to the judgement of the present Assembly; as in the said supplication at length was contained: Last of all, it was ordained that he present himself personally before the Assembly; and being entered, prostrate himself before the haill brethren with weeping and howling, and commanded to ryse, might not expresse farther his request, being, as appeared, so farr troubled with anguish of heart, was desyred to be of good comfort, and to depart to his lodgeing whill order were taken anent his request. And forsumeikle as in the said Assembly holden in Edinburgh in December 1564, it was concluded to receive him to repentance, now rested to conclude upon the manner thereof that he should doe when and where; and for that purpose was appointed the Superintendant of Fyfe, Mr John Dowglass, rector of St Andrews, David Forrest, Mr Hugh Hay, minister of Ruthven, Mr John Craig, minister of Edinburgh, John Row of St Johnstone, William Christisone of Dundie, and Adam Herriot of Aberdeene, ministers, that they, seven or sex of them, should conveene the morrow, at seven houres before noone, and take order in the premises; and whatsomever they doe hereant, to signifie the same to the Superiutendant of Lowthiane and Session of the Kirk of Edinburgh, deliver the said ordinance to the Scribe of the Generall Assembly, that he may insert the same among uther acts of Generall Assembly for ane remembrance to the posteritie.

QUESTIONS AND THEIR ANSWERS.

First, It is asked, If any may contract marriage with ane woman once married, and her husband departing from her to other countries, and being absent nine or ten years together, the woman, having no testimoniall of his death or not?

Answer: That the woman desyreing to marrie ought to seek, or cause seek, whether her first husband be dead or not, and to report ane sufficient testimoniall of his death or ever she may joyne herself to ane uther husband.

Whether that any persone seek ane donation or confirmation of benefices at the Paip's Kirks, may be appointed to minister in the Kirk of God?

Answer: That sic a persone ought not to be admitted to the ministrie as the question is conceaved.

The Commissioners appointed be the Generall Assembly for ordering of Paull Methwen his repentance, In consideration of the said Paul's lamentable supplication to the kirk, humble submission of himselfe to the same, and his absence out of this realme the space of two yeares or more, Ordaines the minister of Edinburgh, that he, upon ane Sondag after sermone, notifie unto the people the said Paull his supplicatione, and how the Generall Assembly hes ordained to receive him to repentance, with the conditions underwritten; and therefore to admonishe all faithfull brethren that they, within the nixt eight dayes, notifie the said minister of Edinburgh, if any of them hes any knowledge, or are fully informed of the said Paull his conversation and behaviour since his departure furth of this realme, whilk might impeded his receaving to repentance, whilk shall be on this manner, viz. The said Paull, upon the said two preaching dayes, betwixt the Sondages, shall come to the kirk doore of Edinburgh, when the second bell ringeth, clad in sackcloth, bare-headed and barefooted, and there remaine whill he be brought into the sermone, and plantid in the publick spectacle above the people, in tyme of every sermone during the said two dayes; and on the next Sondag thereafter, shall compear in like manner, and in the end of the sermone, shall declare signes of his inward repentance to the people, humbly requireing that kirk's forgiveness: quhilk done, he shall be clad in his own apparell, and received in the societie of the kirk, as ane lyvely member thereof, and this same order to be observed in Dundie and Jedburgh, allwayes secluding him from

any function of the ministrie in the kirk, and also from participation of the table of the Lord, unto the 25th of December next to come, when the Generall Assemblie of the Kirk conveens, into the whilk they ordain the said Paull to resort, bringand with him sufficient testimoniall from authentick persons, of these places where he in the meanetyme shall chance to remaine, reportand his conversatione and behaviour; at the whilk tyme the kirk shall take further order what shall be done anent him.

[TWELFTH GENERAL ASSEMBLY.]

THE Generall Assembly of the Kirk, holden in Edinburgh, in the Nether Councill-House thereof, upon the 25th day of December 1566: In the whilk were conveened the Superintendants, Ministers, and Commissioners of Shyres, Towns, and Kirks: The invocacione of God's name made be Mr John Craig, Minister of Edinburgh.

In the first, for order to be observed in reasoning, and that every brother speak to his purpose, with sic measure as it becomes the ministers of God's word to doe, John Eskine of Dunn, Superintendent of Angus and Mernes, was continued Moderator, whereof he was content.

Sess. 2^a. December 26, 1566.

Anent the Assignation of the pensione of money and victualls offered be the Queen's Majestie, and her most honourable Councill, for the sustentation of ministers within this realme, the hail brethren present, required the ministers being in the Sessione, to pass furth of the Assembly, and with mature deliberation to consult and advyse, whether they think good to accept the same for reliefe of the present necessitie or not.

After long reasoning and mutual conference anent the said Assignation, returning againe in, the Assembly thought it good, for supporte of the ministers' necessitie, to accept the said offer of money and victuall, if they might be gotten hastilie; nottheless, in consideratione of the law of God, Ordaines the persones who heares the doctrine of salvatione at the mouthes of his ministers, and thereby

receaves speciall food to the nowrishment of their soules, to communicat temporall sustentation on their preachers: Their answer is, That having just title to crave the bodilie food at the hands of the saids persons, and finding no uthers bound unto them, they only require at their own flock, that they will sustain them according to their bounden dutie, and what it shall please them to give for their sustentation, if it were but bread and water, neither will they refuse it, nor desist from the vocatione. But to take from others contrare their will, whom they serve not, they judge it not their dewtie, nor yet reasonable; alwayes they most heartily thank the Lords that bestowed their labours and paines in purchasing the fore-said assignatione, most heartily requesting their honours to persevere, whill they bring it to some perfectione. Nevertheless, the haill Assemblie solemnly protested that the acceptance of the fore-said assignatione for the relief as said is, prejudices not the libertie of the kirk to sute for that thing that justly pertaineth to the patrimonie of the same, in tyme and place convenient, in any tyme hereafter.

The same day were proponed thir questions underwritten, and answers thereto as follows:—Whether if the teyndes properly pertaines to the kirk, and should only be applied to the ministers, sustentatione of the poor, maintainyng of schools, repairing of kirks, and uthers godly uses, at the discretion of the kirk?

Answered affirmative, without contradiction.

Secondly, If the teynd pertains to the Kirk, and ought and should be employed to sic godly uses as said is, Whether, if the ministers, who are the mouth of the Kirk, may, with safe conscience, keep silence, seeing the patrimonie of the Kirk maist unjustly taken up and wasted in vain things, be sic persons as bears no office in the Kirk of God; and, in the meantyme, the ministers ceisand for necessitie, the poor perishing for hunger, the schools decayand, and kirks falland to the ground?

Answered: They ought not to keep silence, but earnestly to admonische every man of his deutie, and desyre all men to suit for that whilk justly pertaines to the sustaining of the things forsaid.

Thirdly, Whether, if the Kirk may justly require of all possessors the teyndes to be paid to the Kirk only, and inhibite all uthers to intromitt therewith; and, in case of disobedience, what order shall be used be the Kirk against them?

Answered : After dew admonitione used, and no obedience found, rouse the censures of the Kirk.

Sess. 3^a. December 27, 1566.

Anent Mr Knox's request to passe to the realme of England to visit his children, and do his other lawfull business ; The haill Assembly granted gladly licence, with letters testimonialls of his honest conversatione and godly doctrine within this Kingdome, with provision, as is contained in saids letters, the tennor whereof follows :—

The Superintendants, Ministers, and Commissioners of Kirks within this realme of Scotland, presently assembled, to whais knowlege thir presents shall come, wisheth grace, mercy, and peace, from God the Father, and from our Lord Jesus Christ.

Witt your universities, That our loving brother, John Knox, bearer of thir presents, hes been and is, ane trew and faithfull minister of the Evangell of Christ Jesus, within this realme of Scotland, continually thir eight yeares bygone, or thereabout ; in doctrine pure, and sincere in life and conversation, to our sights inculpable ; and hes so fruitfully used that talent granted to him be the Eternall, to the advancement of the glory of his godly name, to the propagation of the kingdome of Jesus Christ, and edifying of them that heard his teaching, that, of dewtie, we most heartilie praise his godly Majestie for that so great ane benefite granted unto him for our utilitie and profit ; and because he, for the naturall love and affection whilk he bears to his children, now being within the realme of England, and favour to uthers his brethren and allya there, gentlie requested us to grant him licence for ane season to repaire toward the said realme of England for the causes abovementioned ; We, after mutual conference in full Assembly, thought this petition just and reasonable ; and, therefore, all in ane voyce, grants licence to our said brether, according to the Q. Majestie's conduct, to pass to the said realme, what tyme he shall think most commodious for his journey ; provideing alwayes, that he returne to this realme of Scotland before the 25th of the moneth of June next ensuing, to continue in his former vocatione, and no utherwayes ; and this we make it knowne to all and sundrie whom it effeirs be thir our letters testi-

monials, given at Edinburgh in our Generall Assembly, and third Session thereof. Subscribed be the Clerk of the same the 27th of December.

Attour, ordained ane Letter to be direct to the Bishops of England, that they would be content gently to handle the brethren preachers, touching the habits, supercloathes, and uthers abulziments, whilks appearantly tends more to superstitione nor edificatione; and requests Mr Knox to put the heads in write whilks he thinks necessare to be written to the saids Bishops; the tenor whereof follows:—

The Superintendants, Ministers, and Commissioners of Kirks within this Realme of Scotland, To their Brethren, the Bishops and Pastors of Ingland, who hes renounced the Romane Antichrist, and does professe with them the Lord Jesus in sincerity, desyres the perpetual increase of the Holy Spirit.

By word and write, it hes come to our knowledge, Reverend Pastors, that diverse of our dearest brethren, amongst whom are some of the best learned within that realme, are deprivyd from ecclesiasticall sunshine and forbidden to preach, and so by you are stayed to promote the Kingdome of Christ, because their conscience will not suffer them to take upon them, at commandment of the authoritie, sick garments as idolaters in tyme of blindnesse have used in their idolatrie, whilk bruit cannot be bot most dolorous to our hearts, mindfull of that sentence of the Apostle, saying, If ye byte and devowre one another, take heid lest ye be consumed one of another. We purpose not at this present, to enter into the ground whilk we hear of aither partie, to be agitate with greater vehemenie then well lyketh us, To witt, whether sic apparell is to be counted amongst things simple and indifferent or not. But, in the bowells of Christ Jesus, we crave that Christian charity may so prevaill in you; in you, we say, the Pastors and leaders of the flock in that realme, that ye doe not to uthers that quhilke ye would not have uthers doe to you. Ye cannot be ignorant how tender a thing the conscience of man is. All that have knowledge are not alyke persuaded, yet conscience reclaimis not at the wearing of sic garments, but many thousands, both godly and learned, are utherwayes persuaded, whose consciences are continually stricken with thir sentences—What has Christ to do with Belial? What fellowshid

is betwixt light and darkness? If surcloaths, cornet, cape, and tippet, hes been badges of idolaters in the very act of their idolatrie, what hes the preacher of Christian libertie and the open rebuke of all superstitione to doe with the dreggs of that Romish beast? Yea, what is he that ought not to feare either to take in his hand or forehead the print and mark of that odious beast? Our brethren that of conscience refuses that unprofitable apparell does rather now molest you that use sick vain trifles: if ye shall doe the like to them, we doubt not but therein ye shall please God, and comfort the hearts of many whilks are wounded with the extremitie that is used against these godly and our well-beloved brethren. Collour of Rhetoric or manly persuasion will we use none, but charitablie we desyre you to call that sentence of Peter to minde; Feed the flock of God whilk is committed to your charge, caring for it, not be restraint but willingly, not as though ye were lords over God's heritage, but that ye may be ensamples to the flock. And, farder, also we desire you to meditate on that sentence of the Apostle, saying, Give nane offence, neither to the Jews, nor to the Grecians, nor to the Kirk of God. In what condition of tyme ye and we both travell in the promovng of Christ's Kingdome, we suppose you not to be ignorant; and therefore we are more bold to exhort you to walk more circumspectly then that for sick vanities the godly should be troubled; ffor all things that may seeme lawful edifie not. Give the commandment of the authoritie urge the conscience of you and our brethren farther than they can bear, we unfainedly crave of you that ye remember ye are called the light of the world, and the salt of the earth. All civil authoritie hes not the light of God alwayes shyng before their eyes in their statutes and commandments; but their affections savour over meikle of the earth and of worldly wisdom, and, therefore, wee think you should boldly oppose yourselves to all that power that will or dare extoll itselfe not only against God, but also against all sic as dare burden the conscience of the faithfull farder then God hes burdened them be his own word. But herein we may confesse our offence in that we have entered farther in reasoning than we proposed and promised at the beginning; and, therefore, we shortly returne to our former humble supplication, whilk is, that our brethren, who amongst you refuse the Romish raggs, may finde of you the Prelats sic favour as our Head and Master commands every one of his members to show to one another, whilk we look to receive of your gentleness, not only

for that ye feare to offend God's majestie in troubling your brethren for sic vain trifles, but also because ye will not refuse the humble request of us, your brethren and fellow-preachers, in whom, albeit there appear not great worldly pomp; yet we suppose that ye will not so farr despyse us, but that ye will esteem us to be of the number of them that fight against that Roman Antichrist, and travell that the Kingdome of Christ may be universally advanced. The dayes are evill, iniquitie abounds, Christian charitie is waxin cold, and, therefore, we ought more diligently to watch, for the hour is uncertaine when the Lord Jesus shall appear, before whom ye, your brethren, and we, must give ane account of our administratione. And this, in conclusion, again we once crave favor to our brethren, whilk granted, ye in the Lord shall command us in things of double more importance. The Lord Jesus rule your hearts in true feare unto the end, and give unto you and us victorie over that conjured enemy of all true religion, to witt, over that Roman Antichrist, whose wounded head Satan preases by all means to cure again. But to destruction shall he and his maintainers goe, by the power of our Lord Jesus; to whose mighty protectione we heartily committ you. From Edinburgh, out of our Generall Assembly, and third Sessione thereof, the 27th of December 1566.

Your Loving Brethren and fellow-preachers
in Christ Jesus.

Ordains ane humble supplication to be made to the Lords of Secret Councill anent the Commissione of Jurisdictione supponed granted to the Bishop of St Andrews, to the effect that their honors stay the same, in respect that these causes for the most part judged be his usurped authority, pertaines to the trew Kirk; and howbeit, for hope of other things, the Kirk oversaw the Queen's Majestie's Commissione given therintill to sic men who for the most part were our brethren, yet can the Kirk no wayes be content that the Bishop of St Andrews, ane common enemy to Christ, to use that Jurisdictione, and also in respect of that colloured Commissione, he might againe usurp his old usurped authority, and the samen might be the meane to oppresse the whole Kirk be his usurped judgement.

The tenor of the supplication follows:—

The Generall Assembly of the Kirk of Scotland, convened at

Edinburgh the 25th of December 1566, To the Nobilitie of this Realme that professe the Lord Jesus with them, and hes renunced that Roman Antichrist, desyre constancie in faith, and the spirit of righteous judgement.

Seeing that Satan, be all our negligences, (Right Honourable,) hes so far prevailed within this realme of late dayes, that we stand in extream danger not only to losse our temporall possessions, bot also be depryved of the glorious Evangell of Christ Jesus, and so we and our posteritie to be left in damnable darkness, we could no longer contain ourselves nor keep silence, lest in so doing we might be accused as guiltie of the blood of sic as shall perishe for lack of admonishment, as the Prophet threatens. We, therefore, in the fear of our God, and with grief and anguish of heart, complains unto your honors, yea, we must complaine unto God and to all his obedient creatures, That that conjurit enemy of Jesus Christ, and cruell murtherer of our dear brethren, most falsly styled Archbishop of St Andrews, is reponed and restored be signator to his former tyrannie: ffor not only are his antient jurisdictions (as they are termed) of the hail bishopric of St Andrews granted unto him, but also the execution of judgement, confirmatione of testaments, and donatione of benefices, as more ample in his signator is exprest. If this be not to cure the head of that venemous beast whilk ance within this realme, be the potent hand of God, was so banished and broken downe that be tyranny it could not hurt the faithfull, judge ye. His antient jurisdictione was, that he with certaine his colleagues collateralls, might have dammit of heresie, upon probatione as pleased him, and then to take all that were suspect of heresie heretofore. Ye cannot be ignorant judges whether they remaine in their former malice or not: their states and travells openly declares. The danger may be feared, say ye; but what remedie? It is easie and at hand, Right Honourable, if ye will not betray the cause of God and leave your brethren, whilk never will be more subject to that usurped tyrannie then they will unto the Diuell himselfe. Our Queen belyke is not well informed. She ought not, nor justly may not, breake the lawes of this realme; and so consequently she may not raise up against us, without our consent, that Roman Antichrist againe: ffor in ane lawfull and free Parliament as ever was in the realme before, was that odious beast depryved of all jurisdictione, office, and authority within this

realme. Her Majestie, at her first arryvall, and be diverse her proclamations sinsyne, hes expressly forbidden all uther forme and fact of religione then that whilk she fand publickly established at her arryvall: Therefore she may not bring us the greatest part of the subjects of this realme back againe to bondage, till that also lawfull and also free ane Parliament as justly damned that Antichrist and his usurped authority have given decision betwixt us and him heirof, and of uther things that no less concerns yourselves then us, ye plainly and boldly admonishe our Sovereigne, and without tumult only crave justice. The tyrants dare no more be seen in lawful judgement, nor dare the howlats in the day light. Weigh this matter as it is, and ye shall finde it more weighty then to many it appears. Farther, at this present we complain not, but humbly craves of your honors ane reasonable answer, what ye will doe in case that sie tyrants, devowering wolves be given to invade the floek of Jesus Christ within this realme, under what title that ever it be; ffor this we boldly confess, that we will never acknowledge uther pastors to our saules, nor yet judges to our cause; and if that for denyall thereof, we either suffer in body or goods, we doubt not but we have not only ane Judge to punishe them that unjustly trouble us, but also ane Advocat and strong Champion in heaven, to recompense them who for his name sake suffer persecutione, whose Holy Spirit so rule your hearts in his trew fear unto the end. Your Lordships' answer yet again we crave. Given in the Generall Assembly, and third Session thereof, at Edinburgh, December 27, 1566.

QUESTIONS AND THEIR ANSWERS.

Ane certain married man past to the warrs of Denmark about four years since. His wife has joyned her self to ane uther man within this two years in whoredome; now they desire to be married, because they have the attestation of two unsuspect witnesses who spake with Captain Clerk, that her husband was slaine in the Castle of Baronebar in December, upon Paseshe day bygane ane year: *Queritur*, Whether the parties may be joyned in lawfull marriage or not?

Ordaines the names of the persons to be given up to the Session of the kirk where they dwell, to be accused eriminalie for their offences given in tyme of her husband's lyfe, or before the know-

ledge of his death, she ioyned her bodie to the uther man, that they both may be punished accordingly.

Ane man forewarned that he might not marry his father's sister, past in contempt of the kirk, and was married in the Chappel Royal, December 1566. *Quæritur*, What order shall be taken therewith ?

Ordaines to dilate the parties to the Justice Clerk and the Kirk, and to declare their names, that they may be punished.

And further, because diverse persons, alswell women as men, who are separate for adulterie, the partie offendand joyues himself in marriage againe, contrare the law of God, wherethrough great selander and inconveniences follows ; Ordains the Superintendant to admonishe all ministers within their jurisdictiones, that nane joyne any partie separate for adulterie in marriage, under the paine of removeing from the ministrie.

Sessio 4^{ta}, December 28, 1566.

Anent Bishops, Abbots, Priors, and uthers persons beneficed being of the kirk, who receaves teyndes, and waites not upon the flock committed to their cure, neither presents themselves to the Generall Assemblie: Ordains all Superintendants to warn all Bishops, Abbots, &c. that receaves teyndes within their iurisdictiones, and where no Superintendants are, that the Superintendant nearest send his letter to the minister next adjacent, to summond the forsaids persons to compear at the next Generall Assembly, to give their assistance and counsell to the said Assembly, in sie things as appertaine to the Christian religion and preaching of the true word ; and ffarther, to know the ordinance of the kirk to be made thereanent.

[THIRTEENTH GENERAL ASSEMBLY.]

THE Generall Assembly of the Kirk, convcened at Edinburgh, in the Nether Tolbooth thereof, the 25th of Junii 1567 : In the whilk were present, the Earles, Lords, Barrons, Superintendants, Ministers, and Commissioners of Towns. The invocation of God's name was made be Mr John Craig, Minister of Edinburgh.

Sessio 1^{ma}, Junii 25, 1567.

For eschewing of confusion in reasoning, the whole Assembly present named Mr George Buchanan, Principal of St Leonard's Colledge, in St Andrew's Colledge, Moderator dureing this Convention, who accepted the charge *hac vice*. The Kirk appointed the Lairds of Dun and Bargany to pass to the Lords of Secret Council, and to require their Lordships to conveen and concurr with the kirk presently assembled for hearing of sic articles as shall be thought good for establishing of God's word, the trew religion, and supporting of the ministers within the realm.

Sessio 2^{da}, Junii 26, 1567.

Forswameikle as it is thought good be all the brethren presently conveened, That ane Assembly Generall be appointed againe to conveene the 26th day of July nixt to come, in this towne of Edinburgh, for setting forward of sic things as shall at that tyme be proponed; and for that purpose, Ordaines to write Missives to all and sundrie earles, lords, barrons, and uthers brethren, requesting them to conveen the said day; and to that effect, appointed all commissioners to present the said missives, and require, according to their commissions.

Tenor of the Letters Missive sent to the said Earles, Lords, Barrons, and Commendators of Abbays, follows:—

My Lord, (or Worshipfull Sir,) after our most hearty commendationes of service in the Lord Jesus: Having now of lang tyme travelled both in publick and private with all the estates, craving of your honors in speciall, that the course of the evangell of salvation, now ance of the liberall mercy of God restored to this realme, might continue to all your comfort and your posterities; and that for the maintainance and furtherance thereof, and perfyte policie and full liberty, might be granted to this reformed kirk within Scotland; the ministrie, the poor and failzied provided for sufficiently, as God, good policy, and civill lawes, ordaines and requires, and that all superstition, idolatrie, and the monuments thereof, might be utterly removed and banished out of the realme, whilk God of his infinite mercy hes so lovingly called from darkness to light. This matter, indeed, was lyked of all men, but sic impediments gave the enemie of the kirk, in his members, to stay the good work of God, that

moyen could there nane be had ; but be contrare, at every light occasione the ministrie frustrate of all life and sustenatione, the lamed and impotent members of Christ lying in the strait of dying, perishing for hunger and cold—yea, and the haill flock of Christ Jesus within this realme continuallie threatened with the execution of that most cruell decreet of the late Councill of Trent, wherin was determined and decreeted to make ane sacrifice of the haill professors within all Europe, be the tyrannie of that Romane Antichrist. We are not ignorant how far the samen was attempted be way of deed within the realme of France, how farr now in Flanders and the parts near adjacent thereto, and also what practising to that effect hes been continually thir three years bypast, and even now, of late dayes within our own bowells, be our common conspired enemies, alswell within as without this realme ; how they went to their enterprize, if God had not of his meere mercy prevented, beyond all our knowledge and expectation, their cruell and crafty practises : Upon the whilk consideration, the Assembly, at this present Conventione of the Kirk, accustomed at the course of tyme occurrand, hes found it needfull and expedient to repaire the decay and ruine of the kirk so vertuouslie begune amongst us, be ane universall concurrence and consent of the haill professors of Christ Jesus within this realme, and be the same meanes to evite the foresaid danger hingand over our heads, proceeding from the craft of our implacable enemies, alswell within as without the same ; and to that effect hes ordained ane Generall Assembly of the haill professors of all estates and degrees, within the Kirk of Scotland, to be holden within the town of Edinburgh, upon the 20th day of the next moneth of July, whereby ane perpetuall order may be taken for the liberty of the Kirk of God, sustentation of the ministers, and failzied members thereof, and that ane sure union and conjunctione may be had for the liberty of God's Kirk, whereby we may be able to withstand the rage of violence of our foresaid enemies : And because it has pleased the goodness of God so to move your lordship's heart, that ye are become ane notable instrument and minister of his kirk, as our hope is, so shall our prayer be, that ye may continue increasing from vertue to vertue, unto life everlasting. We thought it our duty, in name of our haill brethren here convened, to notify to your lordship the foresaid appointment of the said Assembly, and in the name of the Eternall, our God, to recommend to your care and sollicitude the building of this ruinous house of God within this

realme; requireing also, in His name, that ye will give your personall presence, labours, and concurrences to that effect, as in the foresaid Assembly to be holden the said day; that the haill body may be comforted be the presence and good advyee of so notor ane member thereof: And because we doubt nothing but your lordship shall be present, showing so long experience of your good part in all tymes past, we cease to trouble you with longer letter, referring the rest to be declared be our brethren the commissioners of the kirk, who, to this effect, are direct to your lordship and uthers our brethren in these parts; and we, for our part, with earnest prayer before God, shall pray to augment in you his love and fear, and bless your lordship, to the comfort of his kirk. Amen. From Edinburgh, the 26th of Junii 1567.

Be your lordship to command, with service in Christ Jesus, in name and at command of the rest of our brethren here assembled. Sic subscribitur, John Erskine of Dun, Mr John Spotswood, John Dowglass, John Knox, John Row, and John Craig.

The names of the persons to whom this Letter was directed are, the Earles Huntlie, Argyll, Cassills, Rothes, Crawford, Menteith, and Glencairne; Lords Boyd, Drummond, Hereis, Catcart, Zester; Master of Grahame, Fleming, Livingstone, Forbes, Salton, Glames, Ogilbie; Master of Sinclare, Grey, Oliphant, Methven, Innermaith; Master of Flowrievail; Barrons Lochinvar, Garles, Shreff of Aire, Glenurchart, Sir James Hamiltone, Bonytoun; Commendators, Arbroth, Kilwinning, Dumfermling, St Colmes, Newbottle, Halyrudehouse. The Superintendants and quarters of countries were ordained to direct this letter to the forsaid persons severallie.

Tenor of the Commissiones given to every ane of the forsaid Commissioners within every one of their bounds respective, followes:—

Forsuameikle as Sataue, this lang tyme, in his members, has so ragged and perturbed the good success and proceedings of Christ's religione within this realme be craftie meanes, and subtill conspiracies, that the same from tyme to tyme doeth decay, in hazard altogether to be subverted, unless God of his mercy finds hastie remeid; and that chiefly through the extreme povertie of the ministers who should preach the word of life to the people, who therethrough

are compelled some to leave the vocatione allutterly, and some uther so abstracted be careful povertie that they may not insist so diligently in the exercise of the word as they would doe: And therefore the Kirk, presently conveened at Edinburgh in this Generall Assembly, hes thought it most necessare be thir presents to request and admonishe most brotherly, all sic persons as truely professe the Lord Jesus within this realme, of what estate or degree that ever they be, alswell the nobility, barons, and gentlemen, as all uthers trew professors, to conveen in Edinburgh the 20th day of July next in their personal presens, there to assist with the Councill and power for order to be taken, alswell towards the establishing of Christ's religione universallie throughout this realme, and abolishing of the contrarie, whilk is Papistrie, as the sustentatione of ministers, not only for the present tyme and instant necessitie, but also for ane perfect order to be taken in all tyme comeing, toward the hail libertie of the patrimonie of the Kirk, and the dew restoring of the same to the just possessors thereof according to the word of God: With certification to all and sundrie, of what estate or degree whatsoever they be, that compears not, due advertisement being made to them, that they shall be repute hereafter as hinderers of this most godly purposs, and as dissimulate brethren, unworthie to be esteemed hereafter of Christ's flocke; seeing God of his mercy at this present hes offered some better occasion nor in tyme hygone, and hes begune to tread downe Satan under foot, and for the due requisitione and admonitione, in name of the Eternall God, to the effect forsaid, of all and sundrie the brethren, alswell in burgh as to land, The Kirk presently conveened in this Generall Assembly be thir presents gives their full power and commission to their lovites (N. and N.) for the bounds of (N.) In verification hereof, thir presents are subscribed be the common clerk of the Kirk in the Generall Assembly, and second Session thereof, holden at Edinburgh the 26th of Junii 1567.

Sess. 3^a. Junii 27, 1567.

QUESTIONES AND THEIR ANSWERS.

Ane man being accused of notorious fornication, promised faithfully to the minister for the tyme to abstaine in all tyme comeing from all society with that woman, and in case he chance to have any dealings with her hereafter he should marry her—thereafter he

meddled with the same woman: *Quæritur*, whether this man may be compelled to keep the forsaid promise or not?

The Kirk ordaines all sic promises to be of none effect, and that none be compelled to marry upon sic promises; and ordaines this offender to be punished for his offence.

Whether if it be lawfull to marry her whom he before in his wife's tyme had polluted with adulterie, his wife now being dead?

The Kirk will not grant this thing to be lawfull that God's law damns; neither yet admitt any sic marriage for causes contained in the law.

Ane man being divorced for adulterie—*Quæritur*, whether he may marry again or not?

The Kirk will not resolve herein shortly, but presently inhibits all ministers to meddle with sic marriages, whill full decision of the question.

Sessio 4^{ta}, Junii 28, 1567.

Anent ane complaint given in be the brethren of the kirk of Machlin, That where they had, be the just law of God, pronounced the sentence of excommunication against John Spottswode of Foulde, sometyme ane Elder of the said kirk, for the horrible cryme of adultrie committed be him; Nottheless, Sir William Hamiltone of Sanquhair, Knight, now ane Elder of the said kirk, plainly maintaineth the said John in his house, notwithstanding the said John is excommunicat, to the greate sclander and offence of God his law: And albeit the said Sir William hes been diverse tymes admonished to withdraw his familiar company frae the said Johne, yet not abstract the same, to the offence of many; requireing the Kirk presently assembled to take order herein, according to the wisdom of the brethren present, that farder sclander ryse not therethrough.

The Kirk ordaines ane letter to be sent to the said Sir William, requireing him to remove the said John Spottswode out of his company, and the same to be subscribed be the Clerk of the Assembly; the tenor whereof follows:—

Right Worshipfull, &c.—Forsuameikle as we are informed be the minister and ane part of the elders of the kirk of Machlein, that ane called John Spottswode, sometyme an elder of the said kirk, for the adulteric committed be him in the tyme he was an elder, and the same beand sufficiently proven, hes been, and is publickly

excommunicat; Nottheless ye now, being ane elder of the said kirk, contrare to your charge and vocation, maintaines and keeps in your company the said John, notwithstanding diverse admonitions made to you to put him therefrae, to the great contempt of God's ordinance, and selander of the Kirk of Jesus Christ, whilk we looked not for at your hands, being placed in so honourable ane rowme within this kirk: Therefore, this is most heartily to require you, in the name of the Eternall God, and as ye look to reigne with [his] Son Jesus Christ for ever, to remove from you all manner of selander, and be not partaker of uther men's sins, but remove from your societie that wicked persone, who being abhored be the faithfull, may be God's grace repent his impietie, and returne to that company of the ffaithful, from the whilk be his hainous offence he lies so horribly fallen; in the whilk doing ye shall not only please God, but also have praise of us your brethren; utherwise we may not with safe conscience suffer sic maintaining of wickedness, but must oppose ourselves thereunto, and use the censures of the kirk, alsweell against the maintainer as the committer of manifest crymes: And this, wishing unto you the spirit of righteous judgement, committ you to the protection of the Omnipotent.—From Edinburgh, out of our Generall Assembly, and fourth Session thereof, the 28th of Junii 1567.

The haill kirk thought good that ane publick ffast should be proclaimed in the tonne of Edinburgh only, to begin on Sunday the 13th of July nixt, and on Sunday the 20th of the same; and so was the Assembly dissolved, and appointed the 20th day of July nixt to come to Edinburgh.

[FOURTEENTH GENERAL ASSEMBLY.]

THE Generall Assembly of the Kirk of Scotland, convened at Edinburgh, the 21st day of July 1567; In the whilk were assembled Earles, Lords, Barrons, whose names are written after the Articles be them subscribed, with the Superintendants, Ministers, and Commissioners of Townes. Thanks was given to God be Mr John Craig, Minister of Edinburgh.

Sess. 2^a, Julii 22, 1567.

Tenor of the Letter of Excusatione of the Earle of Argyle, of his absence from this Assembly, followeth :—

After our most hearty commendatione : We have received your writings. Understandand be the same your earnest travells and godly zeale in erecting of this our kirk within Scotland ; according to our dewties and your Assembly to this effect, wherunto ye have desyred us, yet somethings having admiratione that ye should have assigned your Assembly, whereunto ye desyre the principall members of the haill kirk, without their owne advyce and consent. Having concurred with them of before alsweell anent the places of Assembly as in matters to be treated in the same, be reasone the brethren else assembled in Edinburgh are in armes, and as we understand, the rest that is to come there comes in the lyke manner, whilk is far by the use and customed manner we have seen before ; and as it is not unknown unto you what varietie is presentlie in this realme, yet not doubting your intents and myndes to be only direct as ye have afore shoven : Nottheless, because our brethren else assembled in Edinburgh are in armes, accompanied by men of weir, we not being participant with their proceeding, neither yet hes adjoynded ourselves thereintill, cannot at this tyme be present at the tyme appointed, according to your desyres ; yet assuring you, likeas in tyme past we not only have bestowed our goods in the maintainance of God's cause, but also has hazard our life and our friends, in the same state we mynde to continew ; and since the impediment to our conveening, albeit willing to all godly proceedings, is for the causes after specified. In the mean tyme, we will earnestly request you that no novations nor alterations be made or attempted whill our meeting, whilk we trust in God shall be shortly, so that none of our brethren nor we in absence have occasion to mislyke any of your proceedings ; because sic grave matters requires ane common consent alsweell in their approveing as that they may the better be born with : for your awn wisdomes we doubt not will consider the factiones of our adversaries, that they will never allow our doings, and therefore it is more than necessar there be no diversitie of mindes amongst ourselves ; yea, we will finde all matters frame the better if we be all present when they are concluded : So, not willing to impasche you with long letters, hes

committed farther of our minde to this bearer your servitor, to whom please give credite; and so committs you to God. The 18th of Julii 1567.

Your assured in the Lord,

AR. ARGYLE.

The tenor of the Commendators of Arbroath, Kilwinning, and my Lord Boyd's excusations, agreeing in all poynts, follows:—

After most hearty commendationes in the Lord Jesus: We have received your writting, dated at Edinburgh, the 26th of Junii, schawand in effect, albeit God in his goodness hes sent the light of the Evangell of salvation within this realme, to the great comfort and prosperitie of all the faithfull within the samen, and their posterities; yet, nevertheless, Satane, with his ministers, at every light occasion hath frustrate, in tymes past, the ministrie of their life and sustentation, the lame and impotent members of Christ alsweel frustrate of their livings, dieing in the street for hunger and cold, and the hail flock of Christ Jesus within this realme continually threatened to be made sacrifice of be the practice of the enemies, as your writtings containes at length: ffor meeting of the whilk, and provyding remead thereto, ye desyre us to be in Edinburgh the 20th of this instant at the Assembly of the Kirk, whereby ane perpetuall order may be taken for the libertie of the Kirk of God, the sustentation of the ministrie, and the failzied members thereof, so that the hail members of the Kirk might be sure union and conjunction, be more able to gainstand the violence of the foresaids enemies.

For answer: It is not unknown unto you how the nobilitie of this realme is divided be reason of the Q. Majestie holden where she is, and that the towne of Edinburgh, where ye desyre us to convene, is kepted straitly be ane part of the nobilitie and men of warr of their retinue, to whose opinion we are not adjoined as yet; and, therefore, we cannot think ourselves sure to convene the said day and place ye desyre us to keep; and also thinks marvell the hail multitude of Protestants withiu this realme should have been desyred to have convened in sic ane place; the matter stand- and as it does. Nevertheless, we favour our party shall be willing to sett forward at all tymes the light of Christ's Evangell to be clearly preached, and the ministers thereof to be sustained, and the furthering of the policie concerning the Kirk in all sorts, so far as it

may stand be ane law. Likeas, we have been in all tymes bypast, since it pleased God to open our eyes and shew the light of his blessed word; and thus will cumber you with no longer Letter, but prayes God to have you in his eternall protectione. At Hamiltoune, the 19th of Julii 1567.

Your loving friend at power in all godliness,

AREBROTH.

ABERDEEN EXCUSATIONE.

Right Honorable and weel-beloved brethren, after our hearty commendationes in the Lord Jesus Christ: This present is to advertise you that we have received your Letter; and, at the requisitione of our minister and Provest, haveing commissione thereto, hes sighted, seen, and considered your witting and Act of the Generall Assembly, in the whilk is contained the great labours taken be Satane and his members making impediment to the proceedings of the Evangell and furthsetting of the glory of God, sustentation of the ministrie, the poor and needy, and the contraire now to be provided be the Assembly Generall of the Christian Kirk of this realme now to be conveyed, the 20th of July instant, craving of us our concurrence to the effect forsaid, together with our personal presence. It shall please your Wisdomes; understand, and most assuredly believe us professors of the Evangell of the Kirk, within the Burgh of Aberdeen, to be of ane minde, and, be the grace of God, to continue to the maintenance of the furthsetting of the Glory of God, teaching of the true Evangell and sustentation of the ministers, with help unto the poore, and unto the tyme your Wisdomes, with the nobilitie, find ane order universall for the ministrie, we shall, for our own part, God willing, sustaine our minister, so that of reason he shall have no cause to plaint, and to the poore after our power doe semblable, as uther burroughs shall take order; and, as to our personall presence to conveyen at this tyme, hes given and sent our minister, Adam Herriot, to concurr and assist in our name to the effect forsaid, and to declare unto your Wisdomes the impediment of our personall presence at this tyme; praying your Wisdomes, notwithstanding our absence, to credite us faithfullie to abide at your decree to be sett out be you and the Assembly, to the effect foresaid, and to maintain the samen with our bodies and goods as tyme shall reqyre. And, farther, having no occasione at this present to wryte, committs you to the protectione of the High-

est. Written at Aberdeene, the 12th of this instant, and subscribed with our Provost's hand, at our command, at Aberdeene, be them that are your assured,

THOMAS MENZIES.

Sess. 3d, Julii 23, 1567.

Certain brethren were appointed to conveen to sie and advyse upon the Assignatione of the Stipends of the Ministrie lately assigned be the Queen's Majestie, the good payment, who fand in effect as follows:—

We have seen the assignationes within the shreffdomes of Kincardine, Forfar, Perth, and Fyfe, and finds that all the hail contained therein, at least for the most part, hes been thankfully payed, and that the collector hes given his charges for payment thereof duly, and rests nothing but to put them to the horne, that there be letters direct, and commission given in the said letters, with consent of the thesaurer, to collect and uptake the hail fruits of the benefices of so many as past to the horne for the 1566 year, and sicklyke for the 1567 year instant, so long as they remane, and to make compt of the thrid to the ministrie, and so meikle of the two part as they intromett with to the thesawrer as escheat; and as to the victuall within the forsaid slyres, we finde that long before any letters raised upon this assignation, and before the baptisme of the prince, they were sold to the comptroller, and therefore he must be charged in his compts to rander sa meike of the prices heiroy againe to the ministers, as is contained in his assignation. Touching the thirds of the ministers' assignation beyond Die, except Orkney, findes be the collector that the 1566 yeares cropt is not used to be payed whill Lambes in the 1567 year after; and for execution given to him within bounds shall pass with the possible diligence, and charge that hail bounds according to the letters, of the whilks he supposes good payment, as hes been of before, except the bishoprick of Caithness, whilk the collector alleadges the bishop payes to his ministers of his own kirk, conforme to the book and compts made of before. *Item*, Deare, Dunnett, and Pilorthie, are given free to the Earle Marschell, and the friars of Aberdeen, to Captain Lauder; but it is understood that all the gifts are revoked, and therefore the collector is to charge them. *Item*, The victuall within the same bounds are sold *ut supra*, and therefore the comptroller in his compts shall render conforme to the first article. *Item*, Besouth Forthe

nothing gotten in ; but the collector alleadges that Duncan Livingstone hes taken up 11 sh. of xxxvij lb. 11 sh. ijd., as he hes granted be the particular receipt, and therefore he must be charged to deliver the same to the said collector. *Item*, Of the thirds contained within his collectorie, that it is alleadged discharged of the Abbay of Cambuskenneth, to 323 lb. 6 sh. 8d. 3 chalders beir, and 3 chalders meall. The thirds of Drybrugh, 304 lb. and 62 part boll qwhyte, 8 chalders, 2 bolls, two part boll beir, 7 chalders, 10 bolls, two part boll meill.

The thirds of Melros, Haddingtoun, and Northberrwick, the third of Kelso and Coldinghame ; as to Dumfries, Annandale, and Kirkeudbright, and Wigtoun, the Bishope of Gallaway hes deput certain collectors for satisfacione of the ministers within the samen.

Item, Within Kyle, Carrick, and Cunninghame, executiones past, and believes to have payment at the nixt ganging in the countrie. *Item*, Corsraguel is given frie, and the minister of Fairfurd is evill payd that the act be reised, made be the Queen's Grace and Secret Councill, discharginge the gifts and tacks of all the thirds, and that nane be given hereafter, without advyse of the Secret Counsell, to the effect the collector may charge, notwithstanding any sic gifts. Remember that ilk collector execute within his bounds, that letters be direct, with consent of the thesaurer, according to the first article.

The Noblemen, Barrones, and uthers undersubscryvand in this present Assembly of the Kirk of God, hes condescended and agreed to the articles following, at Edinburgh, Julii 20, 1567 :—

In the first : Forswameikle as there was ane Parliament holden in this realme, before the Queen's Majestie's arrivall in the same, be the estates conveyened for the tyme, authorized with her Heines own power and commissione ; in the whilk Parliament it was concluded, that the religione of Jesus Christ be universallie received within this realme, should be universally established and approved within the same, and all Papistrie, with the Papists usurped jurisdictione, all Idolatrie, and especially the blasphemous Masse, be abolished and put away ; as the acts made thereupon proports : Quhilk acts, together with the Queen's Majestie's power to hold the same Parliament, the Noblemen, Barrons, and uthers undersubscryvand, wills to be extract and putt in full executione as ane publick law, and that the transgressors thereof be punished accord-

ing to the same throughout the haill realme, without exceptione: Whilk Parliament in all things concerning the Religion, they shall defend and maintaine at their uttermost, in the first Parliament whilk shall be holden at all uther tymes and occasiones convenient: *Item*, That the act allready made towards the thirds of the benefices within this realme, principally for sustaining of the ministrie, may be dewly put to executione, according to the order of the Book of the appointment of ministers' stipends, allswell of them that are to be appointed, as for them already placed; and that the ministers be first duely answered and sufficiently sustained of the same, to the relief of their present necessitie, ay and whill ane perfect order may be taken and established toward the full distributione of the patrimonie of the kirk, according to God's word; and that also the ordinance made be the Queen's Majestie and her Councill towards the small benefices, now extending to the soume of three hundred merks, be dewly put to executione, alsweell toward the benefices whilks hes vaiked since the date of the said ordinance, as concerning them that shall happen hereafter to vake, and sicklike the act made towards the anuales, abies and altarages of burrowes.

Item, How soon ane lawful Parliament may be had, or that the occasione may utherwayes justly serve, the nobles, barrones, and uthers of the Kirk undersubscryvand, shall labour and prease at their uttermost, that the faithfull Kirk of Jesus Christ profest within this realme, shall be put in full liberty of the patrimony of the Kirk, according to the Booke of God and the order and practise of the primitive Kirk, and that nothing shall passe in Parliament unto the tyme the matters of the Kirk forsaid be first considered, approved, and established; and in the meantyme the professors undersubscryvand consents and offers to reforme themselves according to the Book of God, whilk they shall put in practise, and the refusers to be secluded from the bosome of the Kirk.

And, moreover, in the said next Parliament, or utherwayes at the first occasione, order shall be taken for ease of the poor labourers of the ground, toward the payment of their teyndes in reasonable manner, and how the samen shall not be sett over their heads, without their advyse and consent.

Item, That nane be permitted nor admitted to have charge over schoollis, colledges, or universities, or yet openly or privately to instruct the youth, but sic as hes been tryed be the Superintendants

and visitors of the kirks, shall be found sound and able in doctrine, and admitted be them to their charges.

Item, That all crymes and offences committed against God's law may be severally punished according to the word of God, and where laws are presently appointed for the punishment, and judges also deput to that effect, that the executione may be made there-upon as effeirs: And where neither laws nor judges are appointed for sic crymes as are to be punished be the law of God, that in the first Parliament the same judges may be appointed, lawes established, as God commands in his word.

Item, That since the horrible murther of the Queen's Majestie's husband is so odious not only before God, but also to the hail world, with continuall infamie and shame to this realme, if the same murther shall not be punished accordingly: Therefore the noblemen, barrones, and uthers undersubscryvand shall, with all their forces, strength, and power, concurr and assist to take plaine part together, to further and maintaine the punishment of the said murther on all and whatsumever persones that shall be found guiltie of the same; seeing the plague of God shall not depart from the countrey or towne where innocent blood is shed, before the same shall be cleansed be shedding of the blood of the offenders.

Seeing it hes pleased God of his mercy, to give ane native Prince to this countrey, appearand to be our Sovereigne, to the end he be not cruelly and shamefully murthered, as the King his father was, the nobilitie, barrones, and uthers uundersubscryvand, shall assist, maintaine, and defend the Prince against all that would doe him injurie.

Item, That all kings, princes, and magistrates, whilk hereafter in any tyme to come shall happen to reigne and bear rule over this realme, their first intres before they be crowned and inaugurat, shall make their faithfull league and promise to the trew Kirk of God that they shall maintaine and defend, and be all lawfull meanes sett forward the trew religion of Jesus Christ, presently professed and established within this realme, even as they are obliedged and ac-tricted in the law of God, alswell in Deuteronomie as in the second chapter of the Book of the Kings, as they crave obedience of their subjects; so the band and contract to be mutual and reciprocall in all tymes comeing, betuixt the Prince and God, and also betuixt the Prince and his faithfull people, according to the word of God.

Item, That the Prince whom God hes given us, alsewell for his surety as good educatione, shall be committed to wyse, ancient, godly, and learned men of the realme, to be brought up within the same, in the feare of God, and vertew, whereby he may so profite in his youth, that when he shall come to his yeares of maturitie he may be able to discharge himself sufficiently of that honor and place where he shall be called, and prove that good king whilks, with all their hearts, they wish him to be.

Item, The nobility, barrones, and uthers of the Kirk underscryvand, in the presence of God, hes faithfully promised to conveene themselves together with their power and forces, and here begine to root out, destroy, and allutterly subvert, all monuments of idolatrie, and mainly the odious and blasphemous Masse; and therefore to goe forward throughout this hail realme, to all and sundrie places, whatsomever idolatrie hes fostered, haunted, or maintained, and chiefly where masse is said, to execute the reformatione forsaid, without exception of place or persones; and shall to the uttermost of their power, remove all idolatrie and uthers that are not admitted to the ministrie any manner of way, of the Kirk, from all functione thereof, alsewell private as publick, that they hinder not the ministrie any manner of way in their vocatione; and in place of the premises, sett up and establish the true religion of Jesus Christ throughout this hail realme, be planting of Superintendants, ministers, and uthers needfull members of the Kirk, seeing the host of the Lord shall pass through the hail countrey to this effect; and also shall proceed to the punishment of idolaters according to the law thereupon pronounced: And sicklyke, shall punishe and cause be punished, all uthers vices that presently abounds within this realme, whilk God's law and the civill law of this realme commands to be punished, and chiefly the murther of the King lately committed; and in lyke manner promises faithfully to reforme schooles, colledges, and universities throughout the whole realme, and expell and remove the idolaters that hes charges thereof and uthers who hes not as yet joyned themselves to the trew Kirk of Christ, and plant faithfull ministers and instructors in their roomes, to the effect the youth be not infected be poysonable doctrine at the beginning, whilk afterwards cannot be well removed away.

Follows the subscriptiones of the Earles, Lords, Barrones, and uthers Commissioners present for the tyme:—
Mortowne. Glencairne. Marr. Home. William Lord Ruth-

ven. Sanquhair. Patrick Lord Lindsay. Grahame Lord Innermaith. Ochiltree. Sir James Balfour. James M'Gill. Tullibardine, Comptroller. William Maitland. John Erskine. John Wischart. Glenbervie. John Cunninghame of Drumquhassell. William Kirkecaldie. John Cathcart of Carloune. William Moncreiff. Drumlanrick. Bargavy. Andrew Wood of Largo. Andrew Stewart. Robert Fairlie of Braid. Archibald Wood. George Barclay of Mathirs. George Torry of Kelwood. George Home of Spott. Mr William Lundie. Gilbert Kennedy of Dalquhorne. James Melville of Reath. Qwhittinghame. Rassyth. Barrow. Pittencreiff. Andrew Ker in Fawdensyde. Thomas Scott of Harline. Henrie Grahame. John Fullertone of Dreghorne. Alexander Guthrie of that Ilk. William of Craigings. William Durhame of Grange. Thomas Dischingtowne. Thomas Scott of Thirlstane. George Straitoune of that Ilk. Alexander Chrichtoun of Carko. Mr John Wood. Alexander Ogstowne of Fethercairne. Patrick Kynninmouth. Robert Lindsay, Thesaurer. John Culless. William Menzies. John Melvill. William Edmonstoune of Drumleith. Robert Murray. John Shaw. John Stewart of Mynto. Gilbert Ogilbie of that Ilk. James Chalmers of Gaitgirthe. Commissioners of Townes—For Edinburgh, Alexander Clark, Bealie, Mr Clement Little, Mr John Prestowne, Mr Richard Strang: For Air, Paull Reid, Richard Bannatyne, Gilbert M'Millane: For Irving, Alexander Cunninghame, Alexander Commendator of Culross: For Glasgow, Mr David Weymes, James Boyd, William Howburne, Alexander Forrester: For Jedburgh, Chirnside, Kynnochie Mackenzie, Robert Monro of Souls.

THE CONVENTION of Brethren, holden in Edinburgh the 15th of December 1567, before the Generall Assembly of the hail Kirk, to beginne the 25th of the forsaid moneth.

First were nominat and chosen for every province, brethren to reason and conferr upon sic things as appearandlie sould be necessary for setting forward the affaires of the Kirk, without prejudice of the Generall Assembly and actiones thereof, December 27, 1567.

Anent the crymes of incest and adulterie, and punishment to be taken thereanent in the nixt Generall Assembly, the brethren presently conveyit thinks it necessar that every minister, with the elders and deacons, shall search out within their bounds at their sessions, the forsaid crymes if they be notore, thereafter to signifie

the samen to the Superintendent of the diocie at his Synodall Conventione, and he thereafter to notifie the same to the supream magistrate, requiring to ministere justice and punishe sic hainous offences according to the law of God, as he will answer to the Supream Judge at the day when no respect of persons shall be had; and where no Superintendants are yet placed, that the ministers, elders, and deacons, declare the saids crymes to the Generall Assembly, to the effect forsaid.

[FIFTEENTH GENERAL ASSEMBLY.]

THE Generall Assembly of the Kirk, conveened in Edinburgh, in the Nether Tobooth thereof, the 25th of December 1567: In the whilk were present Earles, Lords, Barrones, Superintendants, Ministers, and Commissioners of Townes and Kirks. The invocatione of God's name was made be Mr John Craige, ane of the ministers of Edinburgh.

For eschewing of confusione in reasoning in this present Assembly, was chosen Mr John Row, minister of St Johnstone, to be moderator.

Sess. 2^a. December 26, 1567.

The haill Kirk assembled thought it meet that certain brethren be appointed to concurr at all tymes with six persones of Parliament, or Secret Councill, as my Lord Regent's Grace hes nominat for sic affaires as pertaines to the Kirk and jurisdiction thereof, and also to discusse of questiones that may occur in the meanetyme, whais names followes:—Mrs John Knox, John Craige, ministers of Edinburgh; the Superintendants of Angus and Louthiane, David Borthwick, Thomas M^cCalzeane, Mr David Lindesay, minister of Leith, George Hay of Ruthven, and John Row.

Sess. 3^a. December 28, 1567.

Ordaines that Superintendants and Commissioners appointed shall plant ministers vaikand in sic rowmes where the parishioners will gladly sustaine them on their owne expenses, whill other order

be had ; and that they remove nane out of their rowme, being found qualified, without the advyce and consent both of the ministrie, and kirk-worthie of the place.

Sess. 4^a. December 30, 1567.

Anent the accusatiōne laid to my Lord Argyll's charge, touching the separation betwixt him and his wife ; declared that he was not the occasiōne thereof. As to other offences whatsoever, wherthrough he hes been anywayes sclanderous to the Kirk, he was content to subject himself to the discipline of the Kirk at all tymes maist willinglie ; and, therefore, the Kirk ordained the Superintendent of Argyle to take tryall of the saids sclanders committed be the said Earle, and thereafter to cause sic satisfaction be made, as God's Law appoints, and to report the order thereof to the next Generall Assemblie of the Kirk, together with his own diligence in executione of his office of Superintendancie.

Anent the marriage of the Queen with the Earle Bothwell, be Adam, called Bishop of Orkney ; the hail Kirk finds that he transgressed the act of the Kirk in marrying the divorced adulterer ; and, therefore, deprives him of all functione of the ministrie, conforme to the tenor of the act made thereupon, ay and whill the Kirk be satisfied of the sclander committit be him.

The same day Mr John Craige was bruitit for proclaiming the bands betwixt the Queen and the Earle Bothwell ; who answered be word, justifying his proceedings thereanent, and was ordained to give in his purgation in write, to the effect his good mynd and proceedings may be knowne to all and sundrie that hereafter would be satisfied thereanent.

TENOR OF THE FORESAID PURGATIONE.

To the end that all that feares God may understand my proceedings in this matter, I shall shortly declare what I did, and what moved me to defend the samen, leaving the finall judgement of all things to the Kirk. First, be the request of Mr Thomas Hepburne, in the Queen's name, to proclame her with Lord Bothwell, I plainly refused, because he had not her hand writ ; and also the common bruit that my Lord had both ravished her and kepted her in captivitie. Upon Wednesday last the Justice Clerk brought me ane writing subscribed with her hand, bearing in effect that she was neither ravished nor yet retained in captivitie, and, therefore, charged me

to proclaime. My answer was, I durst proclaime no bands, and chiefly such without consent and command of the Church. Upon Thursday next, the Kirk, after long reasoning with the Justice Clerk, and amongst the brethren, at length concluded that the Queen's mynde should be published to her subjects thrie nixt preaching dayes: But, because the Generall Assembly had inhibited all sic marriages, we protested we would neither solemnize, naither yet approve that marriage, but would only declare the Prince's mynde, leaveing all doubts and dangers to the counsellors, approvers, and allowers of that marriage: And so, upon Fryday thereafter, I declared the hail minde and progress of the Kirk, desyreing every man, in God's name, to discharge his conscience before the Secret Councill; and to give boldness to uthers, I desyred of the Lords there present in tyme and place, to speak my judgement before the parties, protesting, if I were not heard and satisfied, I either wald desist from proclameing, or else declare my minde publickly before the Kirk. Therefore, being admittit, afternoone, before my Lord in Councill, I laid to his charge the law of adulterie, the ordinance of the Kirk, the law of ravishing, the suspicion of collusioone betwixt him and his wife, the sudden divorcement and proclaiming within the space of four dayes, and last the suspicioune of the King's death, whilk his marriage will confirme. But he answered nothing to my satisfacione: Wherefore, after many exhortationes, I protested that I could not but declare my minde openly to the Kirk. Therefore, upon Sunday, after I had declared what they had done, and how they would proceed whether we would or not, I tooke Heaven and earth to witness that I abhorred and detested that marriage, because it was odious and sclanderous to the world; and seeing the best part of the realme did approve it, either be flatterie or else be their silence, I desyred the faithfull to pray earnestly that God would turne it to the comfort of this realme, that thing whilk they intended againes reasone and good conscience. I, because I heard some persones gangand againes me, used thir reasones for my defences: First, I had broken no law be proclaiming of thir persones at their request: Secondly, If their marriage was sclanderous and hurtfull, I did well for warning all men of it in tyme: Thirdly, As I had of dewtie declareit to them the Prince's will, so did I faithfully tell them be word and example what God craveit of them. But upon Tuesday last I was calleit before the Councill, and accuseit that I had passed the bounds of my commissioun calling the

Prince's marriage odious and sclanderous before the world. I answered, the bounds of my jurisdictione, whilk was the word of God, guid lawes, and naturall reasone, was able to prove whatsoever I spake; yea, that their owne conscience could not but beare witness that sic a marriage would be odious and sclanderous to all that should hear of it, give all the circumstances thereof were rightly considered: But whill I was comeing to my probatione, my Lord put me to silence, and sent me away; and so upon Wedensday I first repeatit and ratified all things before spoken; and after, exhorted the brethren not to accuse me give that marriage proceeded, but rather themselves, who would not, for feare, oppone themselves, but rather sharpeit their tongues against me, because I admonished them of their deutie, and suffered not the kankert consciences of hypocrites to sleep at rest; protesting at all tymes to them, that it was not my proclaiming, but rather their silence, that give any lawfullness to that marriage: ffor as the proclaiming did take all excuses from them, so my private and publick impugnatione did safe my conscience sufficiently; and this farr I proceeded in this marriage, as the Kirk of Edinburgh, lords, earles, and barrones that heard me, beare me witnes. Now, seeing I have been shamefully sclandered, both in Scotland be wrang informatione, and als report of them that hated my ministrie, I desyre first the judgement of the Kirk, and next the same to be published, that all men may understand whether I be worthie sick ane bruit or not.

Sess. 5^a. December ultimo 1567.

Anent the complaint give in against my Lady Argyle, declaring how sche once being at the table of the Lord Jesus, and professing his Evangell, had revolted therefrae, in giving her assistance and presence to the baptizing of the King in ane papistical manner. The said lady being present, grantit that she had offended to the eternal God, and been ane sclander to the Kirk in committing the premises; and therefore willingly submitted herself to the discipline of the Kirk and discretione of them. Therefore, the Kirk ordaines the said lady to make publick repentance in the Chapell-Royal of Stirling, upon ane Sunday in tyme of preaching; and this to be done at sick tyme as the Kirk hereafter shall appoint to the Superintendent of Lowthiane, provyding alwayes it be before the next Assembly.

APPENDIX

OF DOCUMENTS ILLUSTRATIVE OF THE PROCEEDINGS OF THE FIRST FIFTEEN GENERAL ASSEMBLIES.

THE period of time referred to in this *First Part* of the Booke of the Kirk, extending from the year 1560 to the end of 1567, embraces the earliest era of its existence as a National Church, recognized in the first instance, and ultimately established by the law of the State; and it has been deemed expedient, in this special portion of the present publication, to annex the various acts of Privy Council and Parliament, applicable to that period, as an Appendix to the actings of the first fifteen General Assemblies of the Church, many of which bear reference to these enactments of the civil authorities. These civil and ecclesiastical proceedings throw mutual light on each other, and, conjoined, they afford the most satisfactory view of its progress from the time that it was first sanctioned, until it was finally settled and endowed as the Established Church of Scotland. During the period referred to, it can only be viewed as a tolerated Christian society, but partially countenanced by the State, and struggling to obtain a permanent place among the settled institutions of the land. Thenceforward it is to be regarded as one of the integral elements of the constitution, blended and united with the monarchy and the supreme authority of the State in the Legislature. And hence arises the propriety of thus conjoining the civil and ecclesiastical proceedings during this, the first epoch of its history as the Kirk of Scotland.

ACTS OF PARLIAMENT.

I.

1560, Aug. 17.—The Confessioun of Faith professed, ratifiet, and approveit in Parliament.*

* Acts of Parl. vol. ii. p. 526.

II.

1560, Aug. 24.—Concerning the Jurisdiction and Authoritie of the Bischope of Rome, called the Paip.

The thre Estaitis, then being present, vnderstanding that the jurisdictione ande autoritie of the Bischope of Rome, callit the Paip, vsit within this realme in times bipast, hes bene verray hurtfull and preiudiciall to our Soueranis autoritie and commone weill of this realme: Thairfoir hes statute ande ordanit that the Bischope of Rome haif na jurisdiction nor autoritie within this realme in tymes cuming. And that nane of oure saidis Soueranis subiects of this realme sute or desire in ony tyme heireftir title or rycht be the said Bischope of Rome, or his sait to ony thing within this realme, vnder the panis of Barratrye—that is to say, proscriptioun, banishment, and neur to bruke honour, office nor dignitie within this realme. And the controvenaris heirof to be callit befor the Justice or his Deputis, or before the Lordis of Sessioun, and pvnist thairfoir, conforme to the lawis of this realme. And the furnissaris of thame with fynance of money and purchessaris of thair title of rycht, or mantearis or defendaris of thame, sall incur the same panis. Ande that na Bischop nor vther Prelat of this realme vse ony jurisdiction in tymes to cum be the said Bischop of Romeis autoritie vnder the pane foirsaide.*

III.

1560, August 24.—Anent the Abolition of Idolatrie, and all Actis contrair to the Confession of Faith publist in this Parliament.

Forsameikile as thair hes bene diuers and sindrie actis of Parliament maide in King James the first, secunde, thirde, ferde, and fyftis tymes, Kingis of Scotlande for the tyme, ande als in our Souerane Ladeis tyme, not aggreing with Goddis holie worde. And be thame diuers personis tuke occasioun of maintenance of idolatrie and superstitioun in the kirk of Gode, ande repressing of

* Acts of the Parliament of Scotland, vol. ii. p. 535. (Mr Thomson's Edit.)

sic personis as were professouris of the said worde, quhairthrow diuers innocentis dide suffir ; for eschewing of sic in time cuming, the thre Estaites of Parliament hes annullit ande declarit all sik actis maide in tymes bipast, not aggreing with Goddis worde, ande now contrair to the Confessioune of oure Fayth, according to the saide worde publist in this Parliament, to be of nane avale, force, nor effecte. And decernis the saidis actis and euey ane of thame to haue na effecte nor strenth in tyme to cum, bot the samyn to be abolishit and extincte for euir, insafer as ony of the saidis actis ar repugnant ande contrarie to the Confessioune and word of Gode foirsaidis, ratifit ande appreit be the saidis Estaitis in this present Parliament.*

IV.

1560, Aug. 24.—Anent the Abolitioun of the Messe.

Forasmeikle as Almichtie God, be his maist trew and blessit Word, hes declarit the reuerence and honor quhilk suld be gevin to him, and be his Sone Jesus Christ, hes declarit the trew vse of the sacraments, willing the same to be vsit according to his will and Word ; Be the whilk it is notoure and perfitelie knawin that the sacramentis of baptisme, and of the body and blude of Jesus Chryst, hes bene in all tymes bipast corruptit be the papistical kirk and be their ministeris. And presentlie, notwithstanding the reformatioun already maid according to Goddis Word, zit, noththeless, thair is sum of the same papis kirk that stubbornlie perseueris in thair wickit idolatrie, sayand mess and baptizand, conforme to the papis kirk, prophanand thairthrow the sacramentis foirsaid in quiet and secreit places ; regardand thairthrow nather God nor his holie Word. Thairfoir, it is statute and ordanit in this present Parliament, that na maner of persone or personis, in ony tymes cuming, administrat ony of the sacramentis foirsaidis secretlie, or in any vther maner of way bot thai that ar admittit, and havand power to that effect ; and that na maner of personis say mess, nor zit heir mess, nor be present thairat, vnder the pane of confiscatioun of all thair guds, movable and vnmovable, and pvneissing of thair bodeis at the discretioun of the magistrat, within quhais jurisdictioun sik personis happynis to be apprehendit ffor the first falt, Banissing the realme

* Acts of the Parliament of Scotland, vol. ii. p. 535. (Mr Thomson's edit.)

for the second, Justifying to the deed for the third falt. And ordainis all shreffis, stewartis, baillies, and thair deputis, provestis and baillies of burrowis, and vtheris jugeis quhatsunever, within this realme, to tak diligent sute and inquisition within thair bounds, quhair any sik vsurpit ministrie is vsit, mess saying, or thai that beis present at the doing thair of: Ratifyand and approvand the samyn, and tak and apprehend thame, to the effect that the panis abovewritten may be execut vpoun thame.

V.

1561, Dec. 22.—Act of Convention of Estates.

Sederunt apud Edinburgh, xxij. Decembris Anno lxxj.

The samyn day, forsamekle as the Quenis Majestie, be the advyse of the Lords of hir Secretit Counsale, foirseand the eminent truble quhilk appeirandlie wes to ryis amangis the lieges of hir realme for materis of religioun, to evaid the samyn, and to stay all inconuenientis that may follow thairupon, intercomonit with aue part of the clergie and stait ecclesiasticall, with quhome than ressoning being had, it was thot gude and expedient be hir hienes that ane generall conventioun suld be appointit the xv. day of December instant, quhairto the rest of that estate myt have repairit, and be the avise of the hale ane ressonable overture maid, and ordoure takin for staying of the apperand truble, and quieting of the hale cuntry: Quhilk conuentioun being be her Maiestie appointit, and sindrie dayis of counsale keepit, and the said ecclesiasticall estait oftymes requirit that the said ordoure myt be takin, and overture maid, for staying of truble and quieting of the cuntrie: Last of all, in presence of the Quenis Maiestie and Lords of Counsale foirsaid, and vtheris of the nobilitie of this realme, comperit John, Archbisshop of Sanct Androis, Robert, Bischop of Dunkeld, Patrick, Bischop of Murray, and Henry, Bischop of Ross, and, for thame selffs respectiue, offerit to the Quenis Grace to be content of thrie partis of the rentis of thair benefices, and the ferd part thair of to be employit as hir Grace thocht expedient. And becaus the certantie thair of was not knawin, nor zit quhat sowmes of money wald sufficientlie sustene the ministrie and ministeris of Goddis word within this realme, nor zit how mekle was necessar

to support the Quenis Maiestie abone hir awin rent for the common effaris of the cuntrie: thairfoir it is concludit, decernit, and determit be the Quenis Grace, and Lords of Counsale foirsaid, and vtheris of the nobilitie present, that gif the ferd part of the fruits of the hale benefices ecclesiasticall within this realme may be sufficient to sustene the ministeris throw the hale realme, and support the Quenis Maiestie to interteny and sett fordwart the commone effaris of the cuntrie; ffelzeing thairof, the third part of the saids fruits or mair, quhill it be fund sufficient to the effect foirsaid, to be takin up zeirlie in tyme cuming, quhill ane generale ordoure be takin thairin, samekle thairof to be employit to the Quenis Majestie, for entertenying and setting fordwart of the commone effaris of the cuntre: And samekle thairof to the ministeris, and sustentatioun of the ministerie, as may ressonable sustene the samyn, at the sy^t and discretioun of the Quenis Maiestie and Counsale foirsaid, and the excrescence and superplus to be assignit to the auld possessouris. And to that effect, that the rents and zeirlie avale of the hale benefices within this realme may be clearlie knawin to the Quenis Maiestie and Counsale foirsaid, it is **STATUTE** and **ORDANIT** that the hale rentalis of all benefices within this realme be producit befor hir grace and lords foirsaid, at the tymes vnderwritten; that is to say, of the benefices on this syde of the month,* the xxiiij day of Januar nixtocum, and bezound the month, the x day of Februar next thairafter. And ordainis letters to be direct to officiaris of the Quenis shreffis in that part, to pass, charge, and require, all and sindrie archbischoppis, bischoppis, abbottis, commendatoris, and prioris of this realme, on this syde of the month, personale, gif thai can be apprehendit, and failzeing thairof, at the saids archbischoppis, bischoppis, abbottis, commendataris, and prioris duelling places, cathedrale kirkis, or abbayis, and all denis, archidenis, subdenis, chantoris, subchantoris, prouestis, personis, vicaris, beneficent men, thair chalmerlanis and factoris, personalie or at their duelling places, or at thair parrocie kirkis, quhair they suld remane, to exhibit and produce befor the Quenis Maiestie, and lords foirsaid, the said xxiiij day of Januar nixtocum, the just and trew rentale of the avale and rentis of thair benefices, to the effect foirsaid; and to charge the prelattis and vtheris beneficent men on the zond syde of the month,

* That is, the *Mount* or Highlands; probably the Grampian range.

in maner respectiue foirsaid, to produce the just and trew rentale of their benefices befor the Quenis Grace and lords foirsaidis, the said x day of Februar nixtocum, to the effect above rehersit ; wt. certificatioun to thame that failzies, the Quenis Grace and Counsale will proceid heirin as accordis : And sicklyke to charge the hale superintendentis, ministeris, eldaris, and deaconis of the principale townis and schiris of this realme, to gif in befor the Quenis Grace and Lordis of Counsale foirsaidis, the said xxiiij day of Januar nixtocum, ane formale and sufficient roll and memoriall quhat may be sufficient and ressonable to sustene the ministrie and hale ministeris of the realme, that her Maiestie and Lords of Counsale foresaidis may tak order thairintill as accordis : And forder, that the Quen's Maiestie and Lordis of Counsale foirsaidis ryplie and digestlie wey and consider quhat necessar support is requirit to be takin zierlie of the frutis of the saids benefices, by her Grace's avn zeirlic rent to interteny and sett fordwart the commone effairis of the cuntrie agane the said xxiiij day of Januar nixtocum, that than it may be procedit in the said mater, all parties be satisfeit, and the hale cuntrie and lieges thereof set in quietnes.*

VI.

1567, April 19.—Act concerning the Religion.

The quhilk day the Quenis Maiestie having considerit the estait of hir Majestie's realme that it stude at the tyme of hir arryvale furth of France, and yet presentlie standis at, foirseing allsua the common weill of hir cuntrie gretumlie to be inressit and establishit be the keiping of the commone peax and quietnes amangis all her gud subiectis. And like as hir Hienes sen hir foirsaid arryvall hes attemptit na thing contrar the estait of religioun, quhilk hir Maiestie fand publictlic and vniuersallie standing at hir arryvale foirsaid, quhairby hir Maiestie is maist worthy to be seruit, honourit, and obeyit ; richtswa hir Hienes intendis to continew in the samyne gudnes and gouernment in all tyme cuming, quhairby all her gud subiectis, professouris of the religion foirsaide, sall haif occasioun to praise God for her gud, happye and gratius gouernement, and to crave of God from the boddun of thair harttis,

* Acts, vol. ii. p. 606.

that he wald of his infinite gudnes to prosper and blis her Maiestie, and hir posteritie, with lang lyf, gud and happye gouernment, to reull and regnne ouer thame. And to the effect alsua that all hir Hienes gud subiectis, professouris of the said religioune, may assure thame selfis to be in full suretie thairof, and of thair landis, lyves, benefices, offices, dignities, jurisdictionis, priuileges, gudis, fame, and honouris in time cuming, and with the better will, jeopard and hasard thair lyves and gudis in hir Hienes service aganis all inymeis to hir Maiestie and to the commone weill of this realme at all tymes neidful, as thair predecessouris hes maist frankly done heirtofore, and that without feir of ony pane, punishment, tynsell of landis, benefices and gudis, for professing, exerceeding, and vsing of the said religioune in tymes bygane, and to cum, to be impute vnto thame or thair airis, nochtwithstanding ony lawis, actis and constitutionis, and canone, ciuile or municipale, or vther quhatsumeuir ordinance heirtofoir institute in the contrar. And for thair greter suretie foirsaid, OUR SAID SOUERANE, with the awyss of the hail thre Estait of Perliament, hes thocht neidful and convenient to dispens, cass, abrogat and annull, like as hir Maiestie presentlie dispensis, cassis, abrogattis and annullis all and quhatsumeuir lawis, actis and constitutionis, canone, ciuile or municipale, with all vther constitutionis and practick penale introducit contrar to the foirsaid religioune and professouris of the samyne; and ordains thame and thair posteritie in all tymes to cum, to be fre and exemit from all pane corporall, infame, reproche, depriuing from benefices, dignitie or offices, or vther cryme or pane quhatsumeuir that may be incurrit or impute to thame be vertew of the saidis actis, lawis, ordinances, canone, ciuil or municipale, and praktik, for contravening of the samyne, renunceand the samyne and strenth thairof in favouris of our saidis subiectis to the effect foirsaid. And siclike the Quenis Maiestie of her auctoritie royall grantit to hir be God, with the awyss of the thre Estatis foirsaidis, takis to hir self and hir posteritie, all hir gude subiectis, thair benefices, landis, offices, guidis, and honouris, to be vnder hir sure salfgard, maintenance, protectione, and defence perpetuallie, aganis quhatsumeuir foirane auctoritie, pouer, jurisdictione, and persute, be it ecclesiasticall or temporall. Exemand hir foirsaidis subiectis from all compeirance, summonding, or obedience pretendit or to be pretendit, heirafter aganis thame for the caussis foirsaidis, be quhatsumeuir foirane persoune or vther pretendand jurisdictione or auctoritie throw thame; willing hir

subiectis to duell in perpetuall securitie and quietness within this realme, be making of thair maist humbill and faithfull obedience to hir Hienes and hir posteritie in all tymes coming heirafter allenerlie. Like as also hir Maiestie, God willing, heirafter in tyme convenient sall tak forther ordour, in all vther poinctis, concerning the estait of religioune, as may best serue for the glorie of God, commone weill of this realme, and continewing of commone peax and quietnes vniversallie amangis all hir subiectes: Commanding thame, and euerie ane of thame, in all tymes heirefter, to keep mutuale, perfyte and maist hartlie kyndnes, huiff, friendschip, and nychtboureheide, ilk ane to vtheris, vnder all hieast pane and charge, that heirefter may follow, for breaking of this present act of Parliament and her Maiestie's lauchful commandment.*

VII.

ARTICLES PRESENTIT IN PARLIAMENT, treatit and proponit be certane Baronis, Commissaris of Burrowis, and Ministeres, at Edinburgh.—Decr. 1—6, 1567.†

In Parlamento, apud Ediu. xv. die Decembris, A. D. M.D.LXVII.

Articlis to be presentit in Parliament.

BARONS,

Johne Erskin of Dvn,
 Williame Lislie of
 Symone Prestoun of
 Williame Dowglass

Ministeris—Maist

Johne

It is thocht expedient be this present assemble that thair be adjoinit vnto them, in treating of the thingis concernning the kirkis, thir personis vnderwrittin, to wit, Maister Johne Spottiswod, Maister Johne Craig, Johne Knox, Maister Johne Row, and Maister David Lindesay, or any thre or fowre of thame. And als

* Vide Acts, vol. ii. p. 54^c.

† Acts of Parl. vol. iii. p. 35.

the Baronis present, thinkis thame owir small ane nowmer to gif judgement in this actioun, and thairfoir desyris to be adioynit to the sick as my Lord Regent and Lordis of Secret Counsale sall think neidf And alsua for keping of ane certane ordoure in performing of the actioun, it is thocht gude be the Baronis and Commissionaris presentlie convenit thai convenit in the Provestis lugeing of Edinburgh, at xj houris befoir none, and to remane thar quhill foure houris efter none, and this done ilk day quhill the performyng thairof, and gif it sall happen thame to failze herein, he sall be put in the mendis of vs. to be distribu-
. . . . pure at the sight of the remanent. And this to be
. . . . Prestoun of that Ilk to my Lord Regent and Secret
. . . . be him thairof, the
. . . . secundo Decembris 1567.
. . . . erunt.

. lquhane

. . . . that ilk

. . . . of Qubittinghame

Provest of Aberdeene

Maister Johne Preston, } for Edr.
Ja. Barron,

Patrick Murray for Perth.

Richard Blyth for Dundee.

Maister Johne Spottiswod.

Johne Knox.

Maister David Lindesay—Juratus, &c.

. . . . hay, Clerk of the Secret Counsale, and reportit ans^r in
. . . . v^m to the provist of edinbur^t gisterday tueching the
. . . . ble of certane ma baronis, with certane ministeris,
. . . . as suld happin to be proponit, &c. with commissioun,
and and commissioners already convenit to begin and
proceed and c lowis: Apud edinbur^t, secundo die mens-
sis decembris fforsamekle as my Lord Regent, with
avyss Counsale, wrait to certane baronis and Com-
miss^{rs} in edinbur^t the xxij day of Nouember lastbi-
past the materis to be concludit in the parliament ap-
proacheand the quhilk commiss^{rs} and baronis divers ar
get absent, Quhairthrow large tyme is spent and nothing as git
done: Thairfoir, my Lord regent, with avyss of the lords of secret

Counsale, ordanis samony of the baronis and commissaris as ar already convenit to begin and proceed in the materis proponit before thame, Or to be Inwentit and fund out be thame selffis. And that in the place of Walter Lundy of that Ilk thai resaue and admitt amanges thame, Maister Williame Lundy his sone and appearand air, likewyse thomas Scott of abbottishall, And that they elect and nominat twa or thre ma quhilkis are present in this toun maist godlie and of gretaiست experience in politique effares quhilkis sal be commandit to adioyne with thame and assist thame. And that Maister Johne Spottiswod, Johne Knox, Maister Johne Craig, Maister Johne Row, and Maister David Lindesay, miuisteris, or any foure or thre of thame, be alsna present, and adioynit to the saids Baronis and Commissioners of burrowes in debatting, and treating, and ressoning of the materis to be proponit concerning the estat of the Kirk. Sic subscribitur de mandato domini Regentis et dominorum Secreti Concilii, &c., Alexander Hay.

FOLLOWIS certane articlis proponit [be the saidis ministers*] concerning the effares of the Kirk, with the said Assemblie's declarationis thairupon.

First, That the parliament haldin . . . [declarit] be act of this present parliament . . . parliament, and that all thingis thairin concludit co- . . . may be of new ratifit and confirmit, Alsweil, the Confessio- . . . fayth then red reasonit, and be publict voit of that parliament . . . As the act pronouncit agains the vsurpit Jurisdiction of the Paip- . . . the Mess, and the abolishment of the former wickit actis; The tennor quhair of followes :—

Appreuit (on margin.)

PETITION.

The . . . for abolishing the pape.

(The Acts 1560 recited.)

And becaus that lawis quhilk ar not cleir are often tymes occasioun of discord, We maist humilie desire that, for avoyding all debait, dout, and question that eyther may aryiss for the validitie

* The several passages enclosed in brackets were originally in the minutes, but are marked as delete in the printed Acts, conformably to the record.

and strenth of that parliament, as for the interpretatioun of the saids
 . . . present parliament pronounce and declare first,

First Article.

That the ministeris of the blesst evangill of Jesus Chryst, quh
 . . . God of his mercy hes now rasit vp amangis ws, or heirefter sall
 . . . aggreing with thame that now leif in doetrine and administra-
 tioun of the sacramentis, and that part of the people of this realme
 that professis Jesus Chryst, as now he is offerit in his evangell, and
 do communicat with his holie sacramentis (as in our reformit kirkis
 thai are publictlic ministrat) may be declarit the only trew Kirk of
 Jesus Chryst within this realme; And that all and sindrie quha
 outher gaynsay the word of the evangell, as it is now preachit, and
 of ws ressaut and approvit as the heids of the Confessioun of our
 Fayth mair particularlie do express, or that ȝit refuses the partici-
 patioun of the halie sacramentis as now thai are ministrat, Be de-
 ceruit na memberis of the kirk, within this realme, sa lang as thai
 keip thame selfis so dividit from the societie of Chrystis body.

2. Farther, we craiff, that na personis reclaimyng to the reli-
 gioun, or that do not profess it with ws in all pointis, be permittit
 to enioy benefice or proffitt quhatsumevir vnder the title of ecclesi-
 astical function, Notwitstanding title, possession or intrusioun
 quhatsumevir thai haue had or may claime to haue, be the paip,
 that remane antichrist.

Apprevit (on margin.)

3. That to this oure kirk foirsaid be grantit, and be this present
 Parliament confirmit, sick fredome, priuiledge, jurisdictioun, and
 autoritie, as justly apertene to the trew kirk, and immaculat spous
 of Jesus Chryst. And that na vther face of a kirk nor vther face
 of religioun (than presentlie be Goddis fauor, we haue establissit
 within this realme) be permittit. And that na jurisdictioun ecelesi-
 asticall be acknowlagit within this realme, vther than that quhilk
 as salbe within our kirk, or that flowis fra the same.

Apprevit.—[Bot desyris the jurisdictioun of the Kirk to be
 . . . and certane of the previe counsale to be appointit
 be my Lord Regent to the limitatioun thairrof.]

4. That the examinatioun and admissioun of ministeris within
 his realme be onlie in power of oure Kirk; the presentatioun res-

seruit to the just and aunceant patronis. The patronne present- and a qualifit persone within thre monethis, or vtherwyiss the Kirk to haue power to dispone, always to a qualifit persone.

Appreuit.

5. That all benefices having charge of saulis given be the Quene or ony vtheris, sen the foirsaid Parliament, otherwyiss then be the ordoure of the Buke of Discipline is appointit, may be decernit to vaik. And that the p̄atronis may haue priuilege to present *de novo*, personis qualifit and hable, sua that the Kirk may be deliuerit frome vuproffitable pastors.

Appreuit.

APUD Edinburt, tertio Decembris 1567.

Sederunt.

Barones.

Johne Erskine of Dvn.

Williamess Lesslie of Bal-
quhane.

Craigmyllar.

Quhittinghame,

{ Abbotshall,
George Stratoun of
Lawrestoun.

Jurati { Robert Fairlie of
Braid.

{ Robert Campbell of
Kingzeaclewch.

Provist of Aberdene.

Patrick Murray, for Perth.

Mr Johne Prestoun, } for Edr.
James Barroun, }

Richard Blyth, for Dundee.

Thomas Monypenny, for Perth.

Dauid Mar, for Aberdene.

Maister Johne Spottiswod.

Ministers— Johne Knox.
Maister Johne Craig.

Maister Dauid Lindsay.

FOLLOWIS vther Articlis concerning the Kirk.

6. That ordoure may be takin for all abbacyis, alsweill for the present as for tymes to cum, As als for benefices and kirkis annexat, and dissolutioun to be maid thairof, and ane act to be maid thereupon.

Findis, Separatioun to be maid To witt the teinds to pertene to the Kirk, and the temporale landis to be disponit be avyiss of the thre estaitis in Parliament.

7. That ordoure may be takin for sik as profess
and haif the patrimony of the Kirk in thair hands, and
thair dewtie to thair flok.

It is thoct expedient that sick as ar fund qualifiet be the
jugement of the Kirk, sall exerce their avne office in thair
awin kirk, and vtheris not qualifit, sall pay the third of
thair benefice for sustentatioun of the ministrie during thair
tymes.

8. That ordoure may be takin wt sick as haif pluralitie of benefices.

Ane persone beneficit, being qualifit, shall preche him self at
ane of his kirks, and sall sustene the ministeris of the remanent,
at the syt of the generale kirk, And the unqualifit, to
pay his third of the hale, Admittand na pluralitie in tyme
cuming.

9. That prouisioun may be maid for instructioun of the zouth,
for sustentatioun of the pure, and for sum releif to the lauboraris of
the ground, especiallie for the relief in leiding of thair teinds.

Answer to the first part of this article, That the lands of prebendaris
of college kirks in landwart be erectit for sustentatioun of bursaris,
And referris the vther tua heids to the estaitis in Parliament.

10. That [ordoure may be takin that] nane enter in the function
of ministrie, nether be retenit within the samyn, bot sik as salbe
fund qualifit, and of honest conversatioun.

Leif this. Referris this to the Generale Assemble of the Kirk.

11. That Superintendentis be appointit quhair need requiris,
and that ordoure be prouidit how thai salbe obeyit in thair office,
and how thai salbe hable to serue in the same.

Referris the nowmer of the Superintendentis to the roll maid
thairupoun, And the office and jurisdiction of the Superintendent
to be autorizat be the estatis in parliament.

12. That ordoure may be takin, how that the pure ministeris,
quha lang hes bene defraudit of thair just stipendis, may not onlie
be prouidit heirefter for a sufficient leving, Bot also that thai may

vnderstand how thai may lift vp the same be ourdour of law, and quhat redres thai sall haif for the bipast, and how thai salbe prouidit in the present. And, becaus all thir heids require deliberatioun, we offer owre selfis to commuicat wt. your L. as God sall communicat wt. ws.

It is thoct neidfull that, quhill the Kirk be put in full possessioun of the hale patrimony, the hale thriddis be assignit to the ministrie, and thai to vptak the samyn be thame selfis and thair collectors, and all v . . . to be dischargeit thairfra and Counsale find sum meane . . . dettis ellis.

13. That the act of Parliament concerning the mansses and gleibis may be maid so sensible, that the iniust possessouris find na caulatiounis to defraude the pure ministeris of thair ryt. and of the peaceable possessioun of that quhilk justlie appertainis thairto.

It is fund that the best manss sall pertene to the minister with the hale gleib, Providing the said gleib exceed not vj aikiris of land; And, gif the samyn be mair, the minister sall be content onlie with vi aikiris thairof nixt adiajacent to the manss; And, gif the samyn be within vi aikiris, he sall lykewise content him thairwith.

14. That the act for pvnishment of adulterie may be maid sa cleir, that the offenderis delude not the law be the ambiguitie thairof.

Desyris this act to be clerit be the thre Estaits in Parliament.

14. That na man beir publict office of jugement within this realme bot sik as professis the puritie of religioun with ws; that nane be permittit to procure to be admittit in notar, or creat in member of court, without he likewyis profes the Evangell wt. ws.

Aggreit wt.

15. It is thoct gude ffor stancheing of cumer and trouble within burrowis in tyme cumin, that nane of the inhabitantis thairof fra thyne furth, mak convocatioun within the samyn, or put thame-selfis in armes, without express command ayther of the autoritie, provest or baillies thairof, under sik panis as the thre Estaits in Parliament sall think gude.

Appreuit. And referris the pane to be modifiit be the Estaits in Parliament.

16. *Item*, That all scoles, alsweill to bur^t. as land, and colleges be reformit, and that nane be permittit nor admittit to haue charge thairof, or to instruct the youth priualie or publicklie, bot sic as ar, or salbe tryit be the Superintendent and visitators of the Kirk, and admittit be thame to thair charges.

Appreuit.

17. *Item*, That the ordinances maid for keping of the Saboth day, the pvnishment of fornicatioun, adulterie, inceest, swering and banying, be ratifit in this present parliament, and jugis appointit for executioun thairof, quhair nane is.

Appreuit.

18. *Item*, That the act of parliament, maid in King James the . . . tyme, towart the ordouring of the pure within thair avne parochin be *de novo* ratifit, and thaireeftir be decernit to be put in executioun.

Appreuit.

19. *Item*, It is fund expedient that the act maid, tueching the reparatioun of kirkis be ratifit and ordainit to be put to executioun is

VIII.

ACTA. Decr. 20, 1567.

5. Anent the Messe abolischit and punisching of all that heiris or sayis the samin.

Item, Our Souerane Lord, with auisse of his derrest Regent and thre Estatis of this present Parliament, ratifyis and appreuis the act vnderwrittin, maid in the Parliament haldin at Edinburgh, the xxiiij day of August, the ȝier of God anc thousand fyue hundreth thre scoir ȝieris. And of new, in this present Parliament, statutis and ordainis the said Act to be as ane perpetuall Law to all our Souerane Lordis lieges in all tymes to cum. Of the quhilk the tennour followis. [As already inserted at p. 76.]

6. Anent the trew and haly Kirk, and of thame that are declarit not to be of the samin.

Item, Forsamekle as the Ministeris of the blissit Euangell of Jesus Christ, quhome God of his mercie hes now rasit vp amangis

vs, or heirefter sall rais aggreing with thame that now liues, in doctrine and administratioun of the Sacramentis, and the pepill of this realme that professis Christ as he now is offerit in his Euangell, and do communicat with the holy sacramentis, (as in the reformat Kirkis of this Realme ar publicklye administrat,) according to the Confessioun of the faith, Our Souerane Lord, with auise of my Lord Regent and thre Estatis of this present parliament, hes declarit and declaris the foirsaid Kirk to be the onlie trew and holy Kirk of Jesus Christ within this realme, and decernis and declaris that all and sindrie quha outhir gainsayis the word of the Euangell ressauit and apprenit as the heides of the Confessioun professit in parliament of befoir, in the zeir of God 1560 zeirs, as alsua specifiet in the actis of this parliament mair particularlie dois expres, and now ratisfyit and apprenit in this present parliament, or that refusis the participatioun of the holy sacramentis as thay ar now ministrat, to be na memberis of the said Kirk within this realme now presently professit, swa lang as thay keip thame selfis sa deuydit fra the societie of Christis body.

7. Anent the Admissioun of thame that salbe presentit to Benefices hauand cure of Ministrie.

Item, It is statute and ordained, by our Soueraine Lord, with advise of his dearest Rêgent, and three Estaitis of this present Parliament, that the examination and admission of Ministers, within this Realme, be only in the power of the Kirk, now openlie and publicklye professed within the samin. The presentation of laick Patronages alwaies reserved to the Just and auncient Patrones. And that the Patroun present ane qualified persoun, within sex Monethes (after it may cum to his knowledge, of the decease of him quha bruiked the Benefice of before) to the Superintendent of thay partis, quhar the Benefice lyes, or uthers havand commission of the Kirk to that effect; utherwaies the Kirk to have power to dispone the samin to ane qualified person for that time.

Providing that in caice the Patron present ane person qualified to his understanding, and failzeing of ane, ane uther within the said six Moneths, and the said Superintendent or Commissioner of the Kirk, refusis to receive and admit the person presented be the Patron, as said is: It sall be lesum to the Patron to appeale to the Superintendent, and Ministers of that province quhair the Benefice

lyis, and desire the person presented to be admitted, quhilk gif they refuse, to appeale to the General Assemblie of the haill realme, be quhome the cause beand decyded, sall take end, as they decerne and declair.

8. Anent the Kingis Aith to be giuen at his Coronatioun.

Item, Because that the increas of vertew, and suppressing of idolatrie, crauis that the Prince and the peple be of ane perfyte religioun, quhilk of Goddis mercie is now presentlie professit with-in this realme; Thairfor it is statute and ordainit, be our Souerane Lord, my Lord Regent, and thre Estatis of this present Parliament, that all Kingis, and Princes, or Magistratis quhatsumeuir, halding thair place, quhilkis heirefter in ony tyme sall happen to regne, and beir reule ouer this realme, at the tyme of thair coronatioun, and ressait of thair princely authoritie, mak thair faithfull promise, be aith, in presence of the Eternall God, That induring the haill cours of their lyfe, thay sall serue the samin Eternall God, to the vttermaist of thair power, according as he hes requyrit in his maist haly word, reuelit, and contenit in the New and Auld Testamentis; and according to the samin word sall mantene the trew religioun of Jesus Christ, the preicheing of his haly word, and dew and richt ministratioun of the sacramentis now ressaifit and preichit within this realme. And sall abolische and gainstand all fals religioun contrare to the samin: And sall reule the pepil committit to thair charge, according to the will and command of God, renelit in his foirsaid word, and according to the louabill lawis and constitutionis ressaifit in this realme, nawyse repugnant to the said word of the Eternall God. And sall procure to the vttermaist of thair power, to the Kirk of God, and haill Cristiane pepil, trew and perfyte peice in all tyme cuming. The rychtis and rentis, with all the iust priuilegeis, of the Crowne of Scotland to preserue and keip inuiolatit, nouthar sall thay transfer nor alienat the samin. Thay sall forbid and repres in all estatis and degreis, reif oppressioun, and all kynde of wrang. In all jugementis, they sall command and procure that justice and equitie be keptit in all creatures, without exceptioun, as the Lord and Father of all mercyeis be mercifull to thame. And out of their landis and empyre they salbe cairfull to ruite out all heretykis and enemeis to the trew worschip of God, that salbe conuict be the trew Kirk of God of the foirsaidis crymis.

And that they sall faithfullie affirme the thingis aboue writtin be their solempnit aith.*

10. Anent thriddis of benefices grantit in the moneth of December, the ȝeir of God 1561 ȝeiris, for sustening of the Ministeris and vther effaires of the Prince.

Item, Because the ministeris hese bene lang defraudit of thair stipendis, swa that thay ar becum in greit pouertie and necessitie And notwithstanding hes continewit in thair vocatioun without payment of their stipendis, be ane greit space, Quhairthrow thay ar and salbe constraunt to leif thair vocatioun, without remeid be prouydit; Thairfoir our Souerane Lord with auise of my Lord Regent and thre Estatis of this present Parliament, hes statute and ordanit, that the hail thriddis of the hail benefices of this realme, sall now instantlie and in all tymes to cum, first be payit to the ministeris of the euangell of Jesus Christ and thair successouris, and ordainis the Lordis of the Sessioun, to grant and gif letteris, charging all and sindrie intrometteris, or that beis addettit in payment of the samin, to answer and obey to the saidis ministeris and their collectouris to be nominat be the saidis ministeris, with auise of my Lord Regent, in forme as effeiris, notwithstanding ony discharge geuen be our Souerane Lordis mother, to quhatsumeuer person or personis, of the saidis thriddis, or ony pairt thairof, ay and quhill the Kirk cum to the full possessioun of thair propir patrimonie, quhilk is the teindis; Prouyding alwayis that the collectouris of the saidis ministeris, mak ȝeirly compt in the Chakker, of thair intromissioun, swa that the ministeris may be first answerit of thair stipendis appertening to euerie ane of thame. And the rest and superplus to be applyit to our Souerane Lordis vse.

11. Anent thame that salbe teacheris of the ȝouth in sculis.

[By this act it is " Statute and ordanit that all sculis to burgh and land, and all vniversities and collegis be reformat; and that nane be permittit nor admittit to haue charge and cure thairof in tyme cuming, nor to instruct the ȝouth priuatlie or oppinlie, bot sic as salbe tryit be the Superintendentis or visitouris of the Kirk."]

* Acts, vol. iii, p. 23. renewed as passed in 1560.

12. Anent the iurisdiction of the Kirk.

Item, Anent the Artickle proponit and geuin in be the Kirk to my Lord Regent and the thre Estatis of this present Parliament, anent the iurisdiction iustlie apperteing to the trew Kirk and immaculat spous of Jesus Christ, to be declarit and expressit as the artickle at mair lenth is consaut: The Kingis Grace, with aise of my Lord Regent and thre Estatis of this present Parliament, hes declarit and grantit iurisdiction to the said Kirk: quhilk consistis and standis, in preiching of the trew word of Jesus Christ, correctioun of maneris, and administratioun of haly sacramentis. And declaris, that thair is na vther face of Kirk nor vther face of Religion, than is presentlie be the fauor of God establischeit within this Realme, And that thair be na vther iurisdiction ecclesiasticall acknowlegit within this Realme, vther than that quhilk is and salbe within the same Kirk, or that quhilk flowis thairfra concerning the premisses; and forther, our Souerane Lord, with aise of my Lord Regent and thre Estatis foirsaidis, hes geuein and geuis power and commissioun to Schir James Balfour of Pittindreich, Knycht; Priour of Pittinweeme; Mark, Commendatour of Newbottill, Johne Priour of Coldinghame; Lord Preuie Seal Maister James Mackgill of Rankillour Nether, Clerk of Register; William Maitland, zonger of Lethingtoun, secretar to our Souerane Lord; Schir Johne Belenden of Auchinoull, Knycht, Justice Clerk; Johne Erskine of Dune; Maister Johne Spottiswod, Superintendent of Lowthiane; Johne Knox; Maister Johne Craig; and Maister Dauid Lindesay, Ministeris of the worde of God, To seirche furth mair speciallie, and to considder, quhat vther speciall pointis or clausis sould appertene to the iurisdiction, priuilege, and autoritie of the said Kirk, and to declair thair myndis thairanentis to my Lord Regent and thre Estatis of this Realme at the nixt Parliament, Swa that thay may tak ordour thairintill, and authories the samin be act of Parliament, as salbe fund agreeabill to the word of God.

31. Anent priuilegis grantit to Kirkmen.

Item, Our Souerane Lord, with aise and consent of my Lord Regent and thre Estatis of this present Parliament, hes ratifyit and ratifyis all ciuile priuilegis grantit and geuin be our Souerane Lordis predecessouris, to the spiritual estate of this Realme, in all pointis efter the forme and tennour thairof.

ASSIGNATIOUN FOR THE MINISTERIE AND ACTS OF PRIVY COUNCIL
THAIREANENT.

IX.

Provisioun for Sustentatioun of the Ministeris in Burrowis.

Apud Striviling decimo die mensis Januarii anno 1^m. v^c. lxxvj.

Sederunt domini ut in die predict.

The quhilk day the Quenis Majestie and Lordis of Secret Counsall, being weill myndit that the Ministerie within this haill realme be interteneit alsweill to burgh and land as hir Majestie fand the samyn at hir arryvall in Scotland, and becaus the haill Lordis of Secret Counsall may nocht weill vaik at all tymes for the ordouring thair of, being occupiit with utheris wechtie materis; Thairfoir her lienes, with avyise of her Counsall foirsaid, hes constitute and namyt her lovittis underwrittin, my Lordis Huntly, Chancellor, Ergyle, Murray, Bothwell, Atholl, Cassillis, Craufurde, and Mar, my Lordis Bischopis of Galloway, Roise, and Orknay, my Lord Secretare, Maister Johnne Spens of Condy, advocat, Sir Johnne Bellenden, Justice Clerk, Sir James Balfour, Clerk of Register, and David Fores, generall of the Cunziehouis, to quhome, be thir presentis, the Quenis grace and hir Counsalle foirsaid, gevis thair full power and commissioun, or to ony fyve or sex of thame, to call before thame the haill burghis of this realme, generallie or particularlie, as thai, or ony fyve or sex of thame, sall think expedient. And to consider the habiliteis of the saidis burghis particularlie, and according thairto to appoint and imputt particular taxatioun or impositioun upoun everie burgh yeirlie, to be gadderit and upliftit for sustentatioun of the said ministerie, be thameselffis, thair collectouris or chalmerlanis, as the saidis Commissionaris, or ony fyve or sex of thame, sall think expedient, as thai will ansuer to God and the Quenis Majestie thairupoun. And quhatsumevir the saidis Commissionaris, or ony fyve or sex of thame, sall do in thir premises, the samyn to haif the lyke force and effect as gif the samyn wer done in plane counsall: And letteris to be direct thairupoun as effeires, as the said ministerie and thair collectouris will requeir. And alswa for relief of the saidis burghis, the Quenis grace, with advyise of her Counsall foirsaid, be thir presentis,

gevis and grantis to the saidis burghis, and everie ane of thame, the annuellis of alteragis chapellaneris and obittis within the samyn, quhairvir the samyn salhappin to vaik, be the deceise of the possessouris thair of, or utherweyis hes happynnit to vaik, sen the Quenis grace arryvall in Scotland, quhilkis as yit remanis ungevyn or distributit to ony persoun ; and that to relief the taxation and contributioun foirsaid. And the superplus of the saidis annuellis and obittis, gif ony beis, to be distributit to the pouer and hospitallis of everie burgh within thameselffis, be avyise of the minister and eldaris thair of, as thai will ansuer to the maist heast thairupoun. And letteris to be directit be the Lordis of Secreit Counsall and Sessioun, as thai salbe requirit, for publicatioun of thir premissis.

X.

Small Benefices for Ministers.

Apud Edinburgh tertio die mensis Octobris

Anno Domini Millesimo Quingentesimo lxxjo

THE QUHILK DAY Forsamekill as the King and Quenis Majesteis hes understand and considerit that the Ministeris stipendis quhilkis necessarlie mon be payit furth of the thridis of the benefices extendis to sic a sowme that the saidis thridis is nocht abill bayth to sustene the chargeis of thair Majesteis hous attour the rent of thair propirtie, as alswa to sustene the saidis ministeris. And eftir gude deliberatioun takin how thai may be sustenit with leist chargeis and expensis Thair Hienessis hes fund it maist convenient and als with avyise of the Lordis of thair Secreit Counsall Statutis and Ordanis, that in tyme cuming all small benefices personages vicarages and utheris extending in yeirlie rental to the soume of thre hundreth markis or within as thai salhappin to vaik Sall always be disponit to sic personages as the Superintendentis and Assemblie of the kirk eftir dew examinatioun sall find abill qualifit and sufficient And thaireftir nominat and present to their Majesteis quhilkis being sa nominat and presentit Thair Hienessis sall admit thame and be thair autoritie caus thame be ansuerit of the frutis and dewiteis of the saidis benefices : Attour quhensoevir ony bischoprik abbacie pryorie or uther prelacie that hes the patronage of sic small benefices salhappen to vaik and fall to thair Majesties dispositioun and

presentioun as likewyse of all thame that ar presentlie vacand Thair Hienessis promittis *in verbo Principum* That thai sall alwayis retene in thair awin handis the power and titill of the dispositioun of the saidis small benefices to the effect abonewrittin And sall caus the personis to quhome thair Majesteis disponis the saidis prelaciis and greit benefices Consent thairto befor thair Majesteis mak ony rycht of the principall to thame And in caise it sall happin thair Majesteis ignorantlie or utherwayis to gif or dispone ony of the saidis small benefices be gift presentioun or utherwayis contrair this present act and ordnance and ony wayis prejudiciall to the samyn Thair Majesteis expressitlie commandis thair Comptrollar present and tocum his clerk and collectouris the keparis of the signet previe seill and greit seill and all utheris thair Hienessis officiaris liegis and subdittis That they on na wayis admit allow obtempir or obey ony sic gift or presentioun or to pas the samyn throw the seillis Or grant letteris in the four formes thairupoun bot to hald repute and esteme thame as previe writtingis purchest in defraud and prejudice of this present lovabill act and publict ordinance Notwithstanding ony charge or command gevin or to be gevin in the contrair quhairunto thir presentis sall serve thame for a sufficient warrand And sicklike thair Majesteis ordanis and requiris the Lordis of Counsall and Sessioun on na wayis to admit allow or attend to ony gift provisioun or presentioun of quhatsumevir small benefice of the valu abonewrittin disponit be thair Majesties Or utherwayis quhair the samyn is repugnant or contrarious to this present act and ordinance And nocht disponit to qualifit personis apt for the ministerie examinat and admittit be the Superintendentis and kirk in maner foirsaid And that letteris be direct for publicatioun heirot in due forme as efferis.

XI.

ASSIGNATION FOR THE MINISTERIE BY THE QUEN.

20 Decr. 1566.

REGINA,

FORSAMEKILL as the Ministeris within our realme this hail ȝeir bigane hes wantit thair stipendis in respect of sindry occasionis that hes interuenit; ȝit becaus we ar myndit and weill willit that the said Ministerie be sustenit and interteneit in tyme cuming as efferis; Thairfoir with avyise of oure secreit counsale hes tane sic ordour

as we mycht best for the present, And hes assignit for sustentatioun of the said Ministerie certane victuales and money in sindry places and cuntreis to be tane up and disponit be the said ministerie and thair collectouris or chamberlanis as thai sall think maist expedient Extending to the soume of ten thousand pundis money and four hundreth chalderis victuale As the particular assignationis maid thairupoun mair fullelie proportis We thairfoir be avyise of our counsall foirsadis Ordanis and Decernis that the said ministerie and thair collectouris and chalmerlanis quhatsumevir be thankfullie ansureit and obeyit of the haill payment alsweill of money as victuale foirsaid throughout oure haill realme quhairsoevir the samyn or ony part thairof is assinit And lettris thairupoun to be decernit and gevin furth owther of horning or pouding respective As the said ministerie sall think expedient and requer Commanding expresslie oure Clerk of Register and Comptroller and all utheris quhome it efferis or salbe requirit thairto To deliver the attentik copyis and extract of the said assignatioun to the ministerie with expres inhibitioun to our Comptrollar or ony uther Chamberlanies to intromet or mell ony maner of way with the saidis assignationis or ony part thairof under all heich panis that may follow thairupoun Subscrivit with our hand At Strivling the xx day of December the 3^eir of God Im V^e lxxj 3^eris And our regune the xxiiij 3^eir.

- MARIE.

XII.

ACT OF PRIVY COUNSALE ANENT ASSIGNATIONS.

Apud Striviling xxj Decembris Anno Domini Millesimo
Quingentesimo lxxj.

THE LORDIS of Secret Counsale hes sene and considerit the Quenis Majesties writting within writtin And findis the samyn resonabill and convenient And thairfoir according to our Soveranis will and mynd within declarit Ordanis and requiris the Comptrollar and Clerk of Register To deliver the attentik copyis and extract of the assignationis within specifit to the Ministeris And sicklike Ordanis and requiris the Lordis of Counsale and Sessioun to grant letteris in the four formes with inhibitioun as is within desyrit And the Comptrollar present and tocum to consent thairto upoun the saidis assignationis in generall or particular as salbe desyrit in dew forme as efferis.

XIII.

ACT in favour of the Ministerie of Glasgw.

Apud Edinburgh vij Maij Anno Domini 1m. vc. lxxvij.

SEDERUNT.

Georgius Comes de Huntlie
 Adam episcopus Orchardensis
 Alexander episcopus Candidecase
 Clericus Justiciarie
 Clericus Registri.

Anent our Soverane Ladiis lettris rasit at the instance of the superintendentis ministeris eldaris and deaconis of the kirk of God with in this realme makand mentioun That quhair our Soverane Ladie being zealous to have the ministerie sustenit alsweill within burrowis as to landwart throw hir haill realme hes assignit be the self and separat a certane partis of the thridis of benefices to that effect And als for the relief of the taxatioun and contributioun to be gadderit and upliftit within everie burgh hes grantit and disponit to the same effect and purpos all annuellis rentis of alteragis chapellaneris obittis and sic utheris within burrowis As ane act maid be hir Majestie with avyise of hir secreit counsale thairupoun at mair lenth beris Quhairby it is ordanit that the Provost baillies and counsale of ilk burgh sall compeir befor certane Lordis of hir hienes secreit counsale To heir and se ane taxatioun and contributioun modifit set and imput be thame Or ony sex or fyve nominat thairin after the quantitie of the burgh for sustentatioun of the ministerie within the samyn And anent the charge given to the provist baillies and counsale of the citie of Glasgow To compeir be thame selfis or twa of thair nowmer auctorizat with thair commissioun befor the Lordis nominat in the said act or ony fyve or sex of thame At Edinburgh or quhair it sal happen thame to be for the tyme upoun the sext day nixt efter the charge To heir and se ane taxatioun or contributioun modifit appointed and set to be yearlie payit for sustentatioun of the ministerie within the said burgh Efter the forme and tennour of the said act With certificatioun to thame and thai failzeit the saidis Lordis wald proceed to the making modificatioun and imputting of the said tax and contributioun

upoun the said burgh efter the quantitie thair of As at mair lenth is contenit in the saidis letteris executioun and indorsatioun thair of The saidis Provest baillies and counsale of the cite of Glasgow foirsaid Comperand be James Flemyng and James Boyd quhais ressonis and allegationis being hard and understand to the saidis Lordis and thai ryplie avysit thairwith the Lordis of Secreit Counsale Decernis and Ordanis the provest and baillies of the said Citie To content and pay to thair minister resident within the samyn the soume of four scoir pundis money of this realme of thair awin propir gudis yeirlye in tyme tocum At twa termis in the yeir Witsunday and Martimes in winter be equall portions Begynnand the first termis payment at the feist of Witsunday nixttocum in this instant yeir of God 1^m ^{ve} thre scoir sevin yeris Or at the farthest within xx dayis efter ilk terme under the pane of rebelloun and putting of thame to the horne And gif thai failzie thairin to put thame to the horne Or to poind and distrenze thair reddiest gudis and geir thairfore And for relief of the saidis provest and baillies That thai imput ane taxatioun indifferentlie upoun al the inhabitantis of the said cite eftir thair habilitie And poind and ap-pryise thair reddiest gudis and gear in caise of non payment And that letteris be direct hereupoun gif neid be in forme as efferis And that the rest of the said ministeris stipend redaris and utheris effairis of the kirk be payit of the reddiest of the annuellis of the said burgh disponit be hir Majestie to that use.

[SIXTEENTH GENERAL ASSEMBLY.]

THE Generall Assembly of the Kirk convenit in Edinburgh, in the Nether Tolbuith thereof, the first day of July 1568: In the whilk was present the Nobilitie, Superintendants, Ministers, and Commissioners of Towns and Kirks. Thanks was gine to God, and supplicatioune maid for his assistance of his Haly Spirit be Mr John Willock, &c.

The same day for eschewing of confusione in reasoning, and that every brother speak moderately in his owne rowme, and that with reverence and licence, the hail brethren assembleit choose Mr John Willock, Superintendant of the West, to be Moderator for this present Assemblie, who, being chosen, acceptit the office under protestatione that obedience be gine.

Sess. 2a. Julij 6, 1568.

Anent the ordour hereafter to be usit in Generall Assemblies, to the desyre of ane letter presentit be ane brother, for receaveing of the ordour heirtofoir, they all votted and concluded as follows, viz. That giue the ordour already receavit pleases not, men be reason of pluralitie of voytes,

It was thought meit to reforme in this manner: First, That nane have place to voite except Superintendants, Commissioners appointit for visiting of kirks, Ministers brocht with them, presentit as persons able to reasone, and having knowledge to judge with the foirnamit, salbe joynt Commissioners of burghs and shyres, together with Commissioners of Universities.

Secondlie, Ministers and Commissioners of shyres shall be chosen at the Synodall Convention of the dioces, be consent of the rest of the ministers and gentlemen that shall conveine at the said Synodall Conventioun. Commissioners of burghs sall be appointit be the () Councill and Kirk of their owne townes.

Thirdlie, Nane to be admittit without sufficient commissione in writ, and on a venture: if this should come ane monopole and perpetuall electione of a few certaine ministers and commissioners, it is concluded that they be chaungit fra Assembly to Assembly.

Anent the questionne of murther upon suddentie, and for satisfaction to be made to the kirk theirfore: First, it was answerit that

the cryme being confessit, or convict lawfully, the offender shall be admonishit be the Superintendent, or be the nixt reformat Kirk where the slaughter was committit, to abstaine from all participatioune of the Sacraments, untill that he shall satisfie the Kirk as sall be appoyntit, and that their admonition sall be published where the cryme was committit, and where the recent bruite thereof was spread; to the end that men may understand that the Kirk winks not at the shedding of innocent blood. Secondlie, if the cryme be denyit, and that the bruit thereof be constant, and as it were publick, yet shall the suspect be commandit to abstaine from the use of the sacraments, untill sic tyme as farder tryall may be had, or else that he be solemnlie purgит of the bruit, as for the sudden murther; and that quhilk is committit purposlie we remitt the answer thereof to ane former act.

Anent the forme of receaving of the homicid or adulterer to the societie of the Kirk.

Nane that hes committit slaughter, adulterie, or incest, or hereafter shall committ the same, shall be receavit to repentance be any particular kirk, till that first they present themselffs before the Generall Assemblie, thair to receive their injunctions; and thereafter they shall keep the same order that was prescryved to Paull Methven in his repentance; this being addeit, that he or they shall beir in their hand at all the tymes of their publick repentance the same or lyke weapon wherewith the murther was committit.

Sessio 3^{tia}. Julii 7, 1568.

It was declared and fund, that Thomas Bassendie, printer in Edinburgh, printed ane book, intituled the Fall of the Roman Kirk, nameing our King and Sovereigne supream Head of the primitive Kirk. Also, that he had printit ane Psalme Book, in the end whereof was fund printed ane baudy song callit Wellcome Fortune; whilk books he had printed without licence of the magistrat or revising of the Kirk: Therefore, the hail Assembly ordained the said Thomas, to call in againe all the forsaid books that he has sauld, and keep the rest unsauld untill he alter the forsaid title, and also that he delait the said baudy song out of the end of the Psalme Book; and, farther, that he abstaine in all tyme comeing from further printing any thing without licence of the supream magistrate, and reviseing of sic things as pertaine to religione be some of the

Kirk appointit for that purpose. Attour, the Assembly appointit Mr Alexander Arbuthnot to revise the rest of the forsaid tractat, and report to the Kirk what doctrine he finds therein.

Sess. 4^a. July 8, 1568.

Anent the excommunication of Papists, and separation of them from the societie of Christ's bodie, after dew admonitione, refusing to joyne themselfes to the Kirk: It is concludeit, that, after they have receavit sufficient admonitions, according to the order established in particular kirks, and, they yet remaining obstinate, they shall be declareit publickly in all congregations necessar, to be out of the societie of Christ's bodie, to be excommunicat.

ARTICLES presentit to my Lord Regent.

First, That his Grace know the heavie and grievous complaints of ministers against them, to subscriye the assignatiounes through the quhilk they are altogidder disappointed of their stipends, for the assignationes standing, the thirds are not able, as they are ordered, to pay the ministers' half-year stipends; in some parts, not the quarter thereof.

It is thought ane thing very unreasonable that the Papists, enemies of God's Kirk and the commonewealth, and utheris that labours not in the ministrie, shall possess freely, without impositione, the third of the benefice, and the Kirk, whilk labours, shall not possess the third.

Herefore, the Kirk desyres that my Lord Regent's Grace will take sic order that the commone charges might be sustained upon the two parts of the benefice possessed be the Papists, and that the third may remaine frie to be disposit to the Kirk; not that the ministers desyres more nor thair reasonable stipends, but that the superplus might support schools and the poor, according to the will of God; and that the collectors of the Kirk shall yearly make compt thereof, so that my Lord Regent's Grace and the Councill shall know the dispositioun of the samen.

Item, To schaw to my Lord Regent's Grace, that there is sundrie benefices vaikand, and specially the benefices of the comunes pertaining to Cathedrall and Metropolitane Kirks, that his Grace would put them to qualified men, be the advyce of the Kirk, at this tyme, the Kirk being assembled; utherwayes the Kirk must dispone them as falling to them be reasone of sax moneths past, and

nane presentit; and also the kirks of the Nonreys presently vaikand, to put qualified persones to them, as in speciall to Northberrick.

Item, That my Lord Regent's Grace will give commissiōne and authoritie to certaine persones for reformatiōne of the Colledge of Aberdeene, that the corrupt office beirers, Regents and uthers be removit, and uther qualified persones placeit in their rowmes, so that the zouth may be instructed in godliness and guid literature.

Item, To desyre my Lord Regent's Grace, order to be taken for suppressing of vice; whereby the plague of God may be withdrawne from the countrie, and that his Grace will take diligent care anent the execution of justice againes sic odious crymes as shall be giue his Grace in writ, be the Superintendants and Commissioners of Countreys.

Item, That his Grace would cause sic as are appointed of the Councill, convene with them that are appointed of the Kirk, touching the jurisdiction of the same to decyde therein, that tyme and place may be condescended upon to that effect; and that it be done before the Parliament.

Item, To advyse with my Lord Regent's Grace and Councill, that in the rowmes and countreys where no superintendants are, they may be placed.

Item, To understand what may augment or appoynt ministers' stipends.

ANSWERS to the foresaids Articles be my Lord Regent's Grace.

Att Edinburgh, the 8th day of July 1568, being on the Secret Councill my Lord Regent's Grace, my Lord Simple, my Lord Glames, Secretar, Lord Ochiltrie, and my Lord Balmirrynoche.

Anent the complaint maid be the Kirk for default of payment of the thirds of benefices to the sustentation of the ministrie :

The persones addebtit for payment of the same, being at the horne, and no farther diligence to be usit for obtaining of payment, my Lord Regent's Grace, with advyce of the Lords of Secret Councill, ordayne the thesaurer to receive all letters of horning to be presentit be whatsumever collectors, either of the 1556 yeares crope, or of the 1557, or in tyme comeing; and upon the saids letters of horning, to direct letters of horning to officers of armes, or to the shreffs of the shyres, or uthers ordinaire judges, to uptake the

escheits of the persones denounced and put to the horne, and of the first and readiest escheats to pay to the collectors the soumes auchtand, for the quhilks the saids persons was put to the horne; friely taking up the remanent to our soveraigne Lord's use: At the leist takeing so meikle above the valour of the debt auchtand as will make the expenses upon the executione of the letters in uptaking the escheit; So that no expenses in execution of the saids letters be made utherwayes but of the escheit of the persone denuncit.

All commone kirks shall be gine to qualified persons, ministers and els within any prebendaries founded upon the fruits of the teinds of Kirks, as Dumberney, and Ormistoun in Lowthian, as the prebendarie vaiks, to be uptaken be the collectors.

Ordaines ane Commissione to be maid for the reformation of the Colledge of Aberdein, and for placeing of godlie persones masters thairin.

The row of the committers of vices to be presentit to my Lord Regent's Grace, wha shall cause the Justice-Clerk to proceed in forme of justice againes them.

Item, The Lord Regent's Grace shall giue warning to the persones nameit in the end of the parliament, to conveine the 8th day of August.

To the sixth head, That fforsumeikle as superintendants cannot be presently appoynted, the Kirk mann appoint commissioners for the same purpose, as they shall think guid to give commission, whill the next Generall Assembly.

To the seventh head, anent the advyse for augmenting of minister's stipends, was be aduyce of my Lord Regent's Grace and Councill, the Clark Register, the Laird of Pittarro, and Mr Henrie Balmewis, with foure of the Kirk, as they shall think meit, or any twa of them.

The Regent's Letters anent the Chaplenries.

Wee understand that there is some chaplenrie properly pertayning to the King's Majesties presentatioune, and some at this present to be disponit: We heirfore have thought good to require your opinione how we sall proceid in that behalfe presently and in tyme comeing, that ignorantly we doe nothing wherewith the Kirk may justly find fault hereafter. Sic subscribitur,

JAMES, REGENT.

Sess. 5^a. July 9, 1568.

Ane Reader was proven and convict for meddling with ane certaine woman, and afterward was verified that the same woman had ane husband livand when the same reader medled with her, but alleadges he knew not the same, and that he had not been in the uther man's companie ane certaine space before. Att command of the Kirk the reader put away the said woman, who hes been from him the space of ane year or thereabout. This reader desyres to be admittit to his office again, in respect of his bypast conversatione be the said space of ane year, and doe farther what the Kirk will injoyne him. *Quæritur?*

Answer: After publick repentance according to the order, receive him.

Ane minister convenit be contract with ane certaine vicar, and the vicar sauld his viccarage of the Kirk whill the minister servit, in favors of the minister, and the minister againe promised to pay him ane certaine small sowme at times and dayes for the goodwill of the viccarage, and that in manner of compositione, *nomine pensionis*; and now ane uther minister accuses this former minister before the Kirk, as ane man unworthie to bruik office, because of the said contract, whilk he alleadges to be simoniall, and the uther protests that he be convict in pena talonis in caise it be not fundine: *Quæritur, primum an predictus contractus sit simonis, et si sit, qua pœna puniendus est ille primus minister; Secundo, Si accusator cadet causa, qua pœna est ille puniendus qui illud scandalum suscitavit?* Answer: Publick repentance for the accusatione.

Sessio 6^a. July 10, 1568.

It is statute and ordained be the hail Assembly, that ministers, exhorters, readers, or uthers persones hereafter trouble or molest not the Generall Assembly with sic things as superintendants may and aught decide in their synodall conventiones; and if any chances to doe hereafter in the contrare, thir letters shall be receiptit.

Touching the Bishop of Orkney's suspensione from the ministry the last Assembly, and his obedience and submission: The Kirk restores him againe to his ministrie of the word, and also ordaines him upon some Sunday, when he best may for weakness of his body, to make ane sermone in the kirk of Halyrudehouse, and in the end thereof to confess his offence in marrying the Queene with the Earle

Bothwell, and desyre the Kirk there present for the tyme to forgive him his offence and sclander gine be him in doing the fore-named act; the whilk the Bishop promised to doe.

[SEVENTEENTH GENERAL ASSEMBLY.]

THE Generall Assembly of the Kirk, holdin at Edinburgh, in the Nether Counsell-house, the 25th of December 1568: In the whilk were assembled the Superintendants, Ministers, and Commissioners of Townes and Kirks; Thanks being gine and inuocatione for assistance of the Holy Spirit be Mr John Knox, minister of Edinburgh. No mention of ane moderator.

Auent the letters receavit from my Lord Glencairne, daited att Glasgow the 21st of December instant, bearing in effect the great zeall his Lordship beares to the glory of God, to the maintaining of an commone cause and instant necessitie of the ministers of Christ's Evangell, ffor support whereof his Lordship hes put the Kirk in possession of the thirds of the Bishopric of Glasgow, mair regairding the maintaining of the ministrie nor his Lordship's own profite and commoditie; shawing his Lordship's great desyre to have been at this present Assemblie if the urgent cause of the common weall now in hands, and als the distance of the place now impedit; promiseing whatsoever beis in this Assembly godlie concludit on, his Lordship will sett forward the same to the uttermost of his power: Requesting also for the placing of Mr John Porterfield, now banished from Dumbartone; as in lyke manner for ane godly learned Englishman, and for their reasonable stipends; off the quhilk his Lordship's godlie zeal and benefit bestowit on the Kirk, as also the earnest carefullness for supporting the pastors of Chryst's flocke, the hail brethren assemblit praisit God unfainedly, and thanks his Lordship maist heartilie, not doubting but the Spirite of the Lord Jesus Christ will strengthen his Lordship vnto the end. As to the two brethren requested for be his Lordship, the brethren assemblit hes gine commission to Mr Andrew Hay to place and appoint them according to his conscience.

Because of the rairness of this Assembly, the 25th day of Feb-

ruar nixt was appointed to conveen on, and letters of advertisement was ordained to be send to every superintendant, whais tennor follows:

The hail brethren presently assemblit, having consideration not only to the bruit and sickness within this burgh, albeit (God be praised) there is no occasione of feare thereof, but also of the great tempest and storme of weather, thought to be universallie within this realme, alswell in the north as in the south, that through feare of the ane and impediment of the other, the Brethren, Superintendants of Angus, Mearns, and Fife, Ministers, Commissioners, and uthers, alswell of these parts as of the west and south, might not compeir at this Assembly according to the appointment thereof in the last Sessione of the Assembly holden in July last, was thought meit to continow all actions whatsoever unreasonit and undecydit whill the 25th day of Februar nixt to come, and then to haue the hail brethren forsaid to conveen in Edinburgh be themselves, or giue any thing chances in the meanetyme, wherethrough justly they are impedit, thair commissioners sufficiently authorised: give the said day and place please not, the hail brethren or maist part thereof, to reason and conclude all actiones pertayning to the ministrie, to condescend and appoynt some other day and place, not only convenient for the ministers and commissioners of townes and kirks, but also apt for resorting of the nobilitie and privie councill, quhaise presence are very requisite for setting forward the affaires of the Kirk; and therefore exhorted the saids brethren, ministers, and commissioners of townes and kirks within their bounds respective, as was appointit in the last Assemblie, to conveen in Edinburgh the said 25th day of February nixt to come, as the brethren of the West and South shall be in lyke manner warned thereto. Given in the Generall Assembly and first Sessione thereof, subscribed be the Clerk of the same, day, year, and place foirsaid.

[EIGHTEENTH GENERAL ASSEMBLY.]

THE Generall Assembly of the Kirk conveened in Edinburgh within the Over Tolbooth thereof, the 25th day of February 1568[9], In the quhilk were assemblit the Superintendants, Ministers, and Commissioners of Townes, Kirks, and Universities.

As for eschewing of confusione in reasoning among the brethren convenit, presently, with ane voyce was present chosen Mr David Lindsay to be Moderator for this present Assembly.

Sess. 2^a. Februarii 26, 1568 [9.]

The hail brethren convent and assembled thocht meit that ane supplication be presentit to the Supream Magistrate anent sic persons as hes receavit their benefices in Papietrie, payand now allanarlie their thrids, thinkand themselves therethrough dischargit of all further cure in the Kirk; Requireing at his Grace what order shall be tane anent sic persones. *Item*, Qwhidder it be lawfull to ane minister of God's word having benefice, to sett tacks thereof to any particular persone within the parochine or without the same, and if ane law shall be made, that no minister shall sett his benefice to any particular persone.

Item, Ane supplicatione to be made be the Regent's Grace for reductione of all benefices gine to any persone contrare the act of Parliament or Secret Councill, grantit in fauours of the kirk, or ministers of the same.

The same day, Mr Andrew Blackhall, minister of Ormistoune, was accusit be the Commissioners of the towne of Edinburgh for marrying of ane callit James Hamilton, indwaller of the towne of Edinburgh, with ane Janet Hunter in Ormistoune, without letters testimonialls of their bands proclaiming; againes the qwhilk James, the Kirk of Edinburgh had something to lay for offences committit. After all defences made be the said Mr Andrew, the hail Kirk finds him to have broken the act, That no ministers shall marry the parochiners of ane uther parochine without ane sufficient testimoniall, and so guiltie of the paines containit therein; not the less the Commissioners and ministers of the towne of Edinburgh made supplication to the hail Assembly that the rigour of the act should not strike upon him, but that some satisfaction should be made to the kirk of Edinburgh at the discretione of the hail kirk: Whilk supplication the hail brethren acceptit, and ordained that the said Mr Andrew shall compeir before the Sessione of the kirk of Edinburgh on Thursday next to come, and there confess his awne offence, desyreing pardone thereof, with promise of never to offend in sic sort heirafter, under the paines containit in the said act, to be execute to the rigor thereof.

Sess. 4^a. Marche 7, 1568 [9.]

Tenor of the Letter sent be the Duke of Chattherault his Grace,
to the Generall Assembly.

Grace, mercy, and peace, from God the Father, through Jesus
Christ, we wische to you.

Brethren, We thocht it expedient to certifie yow that being in France, and hearing the great troubles in this our native countrey, of conscience and dewtie was compellit to come home, desyreous to helpe to pacifie the same at our utter power: First to the glory of God Almighty, and next to the relief of the right sair and lamentable oppressed trew subjects, quhais innocent blood and innumerable heirsehips, oppressiones, wrongs and slewths that hes been committit, and daily is upon them, is to us so grievous and intollerable a burden both in conscience and honor, that we refuse not only this our native realme, but also the hale world or it were not reformat; and albeit in my absence I have sustained wrong, I assure my owne particular naither in blood, lands, nor gear, is so heavie to me as the great danger this haill kingdome stands intill, giue be the grace of Almighty God, and help of the old and natiue Scotts blood, it be not foreseen and relieved in tyme. Heiring of your Conventione, brethren, at this tyme, I have send this bearer to you to declare this to be our full and determinit minde to follow be the grace of God; First, That the word of God may have free passage through this haill realme, and that the sacraments may be ministrat according to the institutione of Christ Jesus his Sone our Saviour: Next, That every true subject of this realme may live without feare upon that whilk is justly his owne, according to God's calling and commandement. In this cause of this present diversitie of our native Sovereigne and ane pairt of her subjects, ffor the qwhilk we are very heartilie sorrie, and as Almighty God knawes innocent of foirknowledge of any thing, so we would wische all uthers to be the lyke. Our desyre is, that all hostilitie and troubles might be pacified according to the command of God, and that the haill Estates in quiet and peaceable manner may continew, and first calling for his grace and Holy Spirite of righteous judgement, might consider the ground and beginning of this altogidder evill deid, I meane the slaughter of the Queen's late husband, what hes proceedet thereupon sinsyne, and what God wald of reasone sould be done therefore; and this to be devysed either be the haill estates or 25 of the

wysist of the nobilitie chosen be the haill, and to be followit be the whole people of the realme, whereunto we of the nobilitie and all that continews under our obedience to the Queen our Sovereigne, sall for God's and for the commone weall be found agreeable. I avoyde the wrongous judgement may be spoken that we wreit this to yow because of proclamations that the Earle of Murray hes made in diverse shyres of this realme, to have the people in Glasgow the 10. of March : We would ye should consider we doe it not for that cause : ffor first as ye knaw sen before thir troubles begane we have never been in this countrie before the 25. of this instant Februarii, wherethrough we might haue shawen our minde herein, and all the people of Scotland war gathered together, both for nativeness of blood and for good deserving of my forbears and my selffe, thairs the strenth of the world quhilk I could wishe myself and find me maist sure ; and giue the said Earle of Morray wold take upon him to invade me or any of my friends or dependars, or any trew man of this realme, (as I cannot think he will,) then trust I, that the nobilitie or people will not assist him thereto, whill first they finde ane cause worthy, and be declared be the antient lawes of the realme : And though we desyre thir conventions and forces of men of war to be turnit upon the thiefes and oppressors of the realme ; whereunto we shall be most ready with our bodies and gear to doe the devoure of noble and trew men ; yet, giue he will persevere to persew us, we doubt not in God and the justice of our cause, to finde all the noble and trew men so favourable to us, that it shall not be in his power to doe us wrong upon particular malice, altogether without deserving. Therefore, we require you in God's behalfe to make some of our affaires and mynde patent unto the people, and giue ye finde not on our pairt socht here, and offerit that our Christiane professione dewlie requireth, that ye come and reasone the same with us, where ye shall finde us reasonable in all causes according to God's word and equitie, on qwhaies divyne protectione we committ you. Off Hamiltoune, the 27th of February.

Your Christiane Brother,

JAMES HAMILTOUNE.

After reading of the said letter, the brethren being advysit thereupon answerit to the bearer of the letter, That the Kirk would send some of the brethren to my Lord Regent's Grace to knaw his pleasure, whidder they should wreit or send ane certaine of the Kirk

with Commissione frae the same to my Lord Duke's Grace, schawing and declareing the opinione of the Kirk touching his Grace's letter. As for that same, the hail Kirk gaue Commissione to the brethren, Mrs. John Spottiswood, John Wynrham, and John Row, to passe to my Lord Regent's Grace, and know his pleasure touching the said letter, and thereafter to passe according to his Grace command, to my Lord Duke's Grace, and conferr with him and uthers of the nobilitie whom they find present, and be all means possible to reconcile the nobilitie forsaid to the obedience of the King's Majestie and his Regent; and farder to doe as the said Commission proports.

Sess. 5^a. March 8, 1568 [9.]

It was concludeit be the hail brethren assemblit, that an generall fasting be proclaimit throughout all Scotland, and to begin in Lawthiane, Fyfe, and sic uther places as may receiue advertisement, the 13th day of this instant. Thereafter, the Superintendants and Commissioners of provinces to advertise and begine at sic tymes as they think expedient, and to continow from the first day to that day aucht dayes inclusive; and in the meane tyme to use the exercise accustomed in the Kirk of the first institutione, and als to use sobrietie in eating and drinking in tyme of the exercise.

Moreover, concludeit that all Superintendants and Commissioners of provinces shall hereafter institute and use the same order of fasting, so oft as just occasione shall serve and sall seem meit be their godlie wisdom, without any farther appointment by the Generall Assemblie.

That remedie may be provydit against the oppressione of the Earle of Huntlie and of uthers, who hes deposit the Collectors of the Kirk, and tyrannouslie placit their owne.

That it may please his Grace and the Secret Councill that the Kirk from admonitione may passe to farther censures against the said Earle and all uthers guiltie of the lyke oppression, unto publick excommunication, in case of his and their contempt.

That the Kirk, without offence of his Majestie, may appoint their brother Mr Robert Pont where that his labours may be more fruitfull than they can be for this present in Morray.

That order may be taken that sic odious crymes as this day provoks God's displeasure against the hail land, may be punished as God hes commanded: giue his Grace send us to the Justice

Clerk, experience hes teached us sufficientlie what he hes done in any sic matters.

The Kirk requyres that aines the jurisdiction thereof may be separate from that whilk is civill.

That the questione of adulterie may once take effect ; at leist a decisione in that heid—whether the adulterer shall be admittit to the benefite of marriage or not.

[NINETEENTH GENERAL ASSEMBLY.]

THE Generall Assembly of the Kirk conveynt in Edinburgh, and Nather Counsell-house of the same, the 5th of July 1569: In the quhilk were present the Superintendants, Ministers, Barrons, and Commissioners of Townes and Kirks.

For eschewing of confusione quhilk might chance in reasoning amongst the brethren presently conveynt, with ane voyce was choysen for Moderator, William Chrystesone, minister of Dundie, for this Conventioun, who being present acceptit the office on him.

Sess. 2^a. July 6, 1569.

Anent the defence gine in the Assemblie halden in December 1567, be Mr John Craige, ane of the ministers of Edinburgh, touching the proclaiming of the Queene and Earle Bothwell, the said defence being publickly read, the hail poynts therein conteint be the hail Assembly maturely considerit ; It was funde be the hail brethren that he had done the dewtie of ane faithfull minister, and had committed nothing sclanderous to sic as hes righteous judgement, in respect of the defence forsaid, quhilk was fund both godlie and sufficient for declaration of his innocencie thereanent, quhilk the hail Assembly declarit and testified, and ordained the same to be notified to all and syndrie.

Sess. 3^a. July 7, 1569.

Anent the punischment of adulteries, murther and uthers criminal and capitall crymes quhilk deserves death, &c. Whether the

supreame Magistrate aught first to declare his minde of his satisfactione and admisionne, or if the Kirk shall receive them to repentance before the declaratioune of the Magistrats will?

Anent persones guilty of capitall crymes fund the Superintendants, Ministers, Elders or Deacons of reformat Kirks, to compeir to this Assembly or any uther hereafter, and the saids persons fund not compeirand, the Kirk ordaines the saids Superintendants or Ministers to proceed to excommunication against them, and to notifie to the Supreame Magistrate so many as for the offences are alreadie excommunicate, that further punischment may be execute.

Certaine of the Articles presented to my Lord Regent.

That order may be tane for the sustentation of the poor, and that ane portion of the teynds be appointit for that effect. And in like manner, that the labourers of the ground may have introumission to lead their owne teynds upon reasonable compositione.

Item, That sic as hes pluralitie of benefices may be compellit to dimitt all save one.

Item, That remedie may be provided for chaiping and changing of benefices, and selling of the same, dimminishing of the rental, of setting of lang taks in defraud of the Kirk, and that all taks sett sen the assumption of the thrids may be disannullit, with express inhibitionne agains the same in tyme to come.

Item, That the jurisdiction of the Kirk may be separate from that quhilk is ciuill.

Anent this article, my Lord Regent's Grace ordaines the persones nominat in the act of Parliament to conveine the tyme of the nixt chekker, and defyne and limitat the said jurisdictione according to the word of God and the said act. Extract. ex libro actorum secreti concilii.

ALEX. HAY.

The tenor of the Act made for Assignatioune of Stipends.

Forsuameikle as this lang tyme bygane the ministers hes been universallie defraudit and postponit of their stipends, and now at last it hath pleasit God to move the hearts of the superiour power and Estates of this realme to grant the thrids of the hail benefices within this realme to the ministers of Christ's religione be plaine and publick proclamation, as at mair lenth is conteinit in the said

Parliament, holden at Edinburgh in the moneth of December 1567; In respect quhereof the Kirk presently convenit finds it maist needfull and expedient, that all Superintendants, Ministers, Exhorters, and Readers, shall have their owne particular assignationes appointit to them, to receave the same frae the hand of the laborers, taxmen, or uthers addebtit in payment of the saids thirds: And therefore the Kirk in ane voyce, be this act, gives their full power and commissione to every Superintendant and Commissioner of Kirks within their owne bounds, as they shall find the same expedient, under the Superintendant's subscriptione and ministers foresaids, with all clauses needfull and expedient thereto, quhilks sallbe also sufficient as if the same were specifiet be the Generall Assembly of the Kirk. And as concerning the Superintendants and Commissioners of Kirks, their provisione and assignatione to be made be the Generall Assembly of the Kirk.

And to the effect this act may take full perfectione, the Assembly present requyres maist humbly, my Lord Regent's Grace and Secrett Councill, to interpone their autoritie thereto, that the assignations forsaid, generall and particular, as they shall be presentit to his Grace, may be specifit in forme of provisione ad vitam, under the Privy Seal, with ordinance thereupone, that Letters may be direct at every man's instance, under all the four formes, as is grantit to the possessors of the twa part; and also to the same end, that his Grace and his Counsell forsaid wald decerne the thirds of the benefices forsaid within this realme, to be separate and devydit reallie and with effect, from the twa part, so that the Kirk may intromitt with the thrid part, as the possessors does with the twa part, the superplus always to be comptable to the commone effaires, conforme to the act of Parliament.

Sess. 5^a. July 9, 1569.

My Lord Regent's Letter to the Assembly.

After our maist hearty commendations; Seeing we are not able to be present at the Assembly now approachand, as our intentione was, We thocht it convenient, brieflie to give you significatioune of our meaning in wreit, of the quhilk we pray you to take good consideration, and, accordingly, to give your advertisement. Ye are not ignorant, as we suppose, what has beene the estate of the Kirk of God within this realme, baith before we acceptit the burding of regiment and sinsyne: How, first, the thirds of benefices war grantit to

the ministrie, thereby partlie relievit and sustainit in sic sort, that nothing inlaikit that our travells could procure. The first order, indeed, was divers wayes interruptit and brokin in, but chiefly in that year when we were exyled in England, qubairthough that year the hail ministers war frustrate of their livings. Shortly, in the estate of Government altering at God's pleasure, and the King our soveraigne being inaugurat with the crowne of this kingdome, the first thing we war careful of was, that the trew religion might be established, and the ministers of the Evangell made certain of their livings and sustentatione in tyme comeing: ye know, at the parliament we war maist willing that the Kirk sauld haue been put in full possessione of the proper patrimonie, and toward the thrids we expeded in our travel, and inlaikit only a consent to the dissolutione of the prelacies, whereunto, although we were earnestly bent, yet the estates delayit and wold not agree thereunto; and sen that tyme to this houre, We trust we will affirme, that we have pretermittit nothing that may advance the religione, and put the professors thereof in surtie, whereanent the hail and only inlaike hes been in the ciuill troubles that God hes suffered the countrie to be plagued with. Now, the matter being, after so great rage, brought to some stay and quietness, it was convenient that we returne where matters left and prease to reduce them to the estate they stand in. Ane thing we must call to remembrance, that at sic tyme as we travellit in the parliament to cause the estates to agrie, that the thrids should be decernit to pertaine to the ministrie, they plainly opponit them to us in respect of the first act, alleadgeand, that, with the sustentation of the ministrie, there was also regard to be had to the support of the puire, in sustaining of the public chaarges, quhilks, if they had not some reliefe be that meine, the revenue of the crowne being so diminisched, and the ordinare charges cume to sic grytnes, on force they wold be burdenit with exactions; and so this dangerous argument compellit us to permitt to the estates, that we wold take upon us, the act being grantit to the Kirk, they should satisfie and agrie to ony thing sould be thocht reasonable, for supporting of the public charges of the prince. And, according to this, the Commissioner Deput for the affaires of the Kirk agriet to certaine assignations of the thrids for supporting of the King and us bearing autoritie; quhilk order had been sufficient for the hail, give the ciuill trouble had not occurrit; yet the disobedience growand so universallie, we are

content to sustaine ane part of the inlaik and loss for the tyme past. But because there hes bene murmure and grudge for that thing assignit to the King's hous and ours, and some other needfull things in the State, as that thereby the Ministers were frustrate of their appointit stipends, some communicatione was had at St Androis, and nothing yet concludit qwhill the Generall Assembly of the Kirk, quhilk now moves us writ to yow in this forme, prayand yow richtlie to consider the necessitie of the cause, and how the same hes proceeded frae the beginning, haveing respect, that the Kirk will not be very well obeyit without the King's authoritie and power, and that now the proprietie of the Crowne is not able to sustaine the ordinarie chairges. How in the beginning the thrids had not been grantit giue the necessitie of the prince had not been ane of the chief causes; and at the parliament, the estates, as we have before written, stak to consent that the hail thrids sould be declarit to pertaine to the ministrie, whill first we take in hand, that they being made without conditione in favours of the Kirk, the same wold againe condescend to so meikle as wold be sufficient to the support of the publick affaires, in furthsetting of the King's authoritie, and that therefore we will agrie and condescend to ane certaine and speciall assignatione of it, that sall be imployit to this use: The quantity qwhairof, diverse of your selves and the beirer heirof, Mr John Wood, our servant, can informe you, that after ye may distribute to everie ane haveing charge in the Kirk of God his stipend, according to the conditione of the place he serves in, according to your wisdomes discretione. Hereby, all confusione that lang hes troublit the estate of the Kirk toward the stipend, shall be avoidit, and some speciall provision being made for sustaining of their publick chairges, we may the better hald hand to sie the Kirk obeyit of that whereon the ministers should live, as ye shall reporte. That dureing our travells in the north countrey, they have found our effectious good will, and travellit in their furtherance. Farder, we man put yow in minde briefie of ane matter that occurit at our late being in Elgine. Ane Nicoll Sudderland in Forres was put to the knowlege of ane assyse for incest, and with him the woman: the assyse hes convict him of the fault; but the question is, whether the same be incest or not, so that we behovit to delay the executione whill we might have your resolutione at this Assemblie. The case is, that the woman was harlot of before to the said Nicoll's mother brother. Herein Mr Robert Pont can informe

yow mair ampie, to whais sufficiencie we remitt the rest. Mair over, at our coming at Aberdeen, there came ane named Porterfield, minister, provydit of before to the Viccarage of Ardrossane, and required also of us, that he might also have the viccarage of Steiusone, seeing both was ane matter meine aneuch to sustaine him, and because the kirks war neir, he might discharge the cure of both. We haveing him commendit be diverse great men to the same, but thocht guid to advertise yow that this preparati-
 one induce not evill example and corruptione; alwayes, in caice sic things occur hereafter, let us understand what ye would have us to doe, as in lyke manner, towards the chaplanries shall happen to vaike; whereanent, because there is no certaine order, and some confusione stands, some desyrand them for lyfytyme, some for infants that are not of the schooles, and some for seven yeares. We are sometyme preasit to receave or confirme assignationes or admisiones of benefices, the preparature whereof appears to bring with it corruptione, and so we would be resolvit how to proceed. Before our coming from Fyfe, and sinsyne, we have beene very willing to doe justice on all suspect persones of witchcraft, as also upon adulterers, incestuous persons, abusers of sacraments, quherin we could not have sic expeditione as we would have wisched, because we had no uther probabilitie whereby to try and convict them but ane generall delatione of names; the persones suspect not being, for the maist part, tryit and convict be order of the Kirk of before. This hinderit many things that utherwayes might have been done; and therefore we pray you appoynt and prescryve, how the judgement of the Kirk may proceed and be execute against all sic trespassers, before complaint be made to us, that when we come to the cuntrie, we may cause execute the law, and be relievit of the tryall of inquisitione heiranent. We thocht expedient to give yow this for advertisement; and so remitts the hail to your care and diligence, committs yow in the protectione of Eternal God. Aberdeene, July ultimo, 1569. Your assurit ffriend,

JAMES, Regent.

Articles and their Answers.

To the Questione, whether the cryme before specifiet, committit be Nicoll Sudderland, be incest or not? Answerit, The Kirk finds it incest, and so hes resolvit.

Item, Anent the Chaplanries that shall happen to vake? Ann-

swerit, The Kirk agrees that they be disponit to Colledges or to the puire, conforme to the act of Parliament, and no utherways.

[TWENTIETH GENERAL ASSEMBLY.]

THE Generall Assembly being appointit in Strevilling, February 25, be reason of troubles falling out be the slaughter of my Lord Regent's Grace, was continuait till the first of Marche, and begunne in Edinburgh the said day, 1569[70], in the Tolbuith thereof; where was present the Nobilitie, Superintendents, Commissioners to plant Kirks, Ministers, and Commissioners of Kirks and Townes. The Sermon and Prayers made be William Christisone, Minister of Dundee, last Moderator.

Ordour to proceed in the Assemblies.

First, That he who is moderator in the last Assemblie, shall make the prayer and exhortation in the Assembly thereafter following; whilk endit, the Kirk proceedit to the chusing of a new moderator, quho shall continue make prayers and exhortations as said is, and so furth, from Assembly to Assembly.

Secondlie, The tryall of Superintendants and Commissioners for planting of Kirks, with the accusationes, if any beis, be Superintendants, Commissioners, or any uthers, against ministers.

Thirdlie, The penitent committit to the Superintendants or ministers at the last Assembly, to be receavit according to the ordour appointed be the last Assembly, and als to give injunctions to uthers notorious criminall persones, that aither are fund be the Superintendant, Commissioner of the Kirk, or of their own freewill, moveit be hatreit of their cryme, presents themselfs in the Generall Assembly.

Fourthlie, To decerne upon sic things as aither was undecydit at the preceidand Assemblie and remittit to this, or else referrit hitherto, be the Lords of Sessione, Auditor of Chekker, or any uther wayes.

Sessio 2^a. March 2, 1569[70.]

The hail brethrene convenit, in ane voyce, for eschewing confu-

sione in reasoning, chuse Mr John Craige, ane of the ministers of Edinburgh, to be Moderator in this Assembly, and to make the prayer and supplicatione in the beginning of the next Assembly, according to the order appointit.

Anent the complaint gine in be Thomas Smith in Ochiltrie, againes Mr John Smyth, minister in Ochiltrie, for debarring the said Thomas from the Lord's table, because he removeit ane shoe off ane horse upon ane Sunday afternoone in Ochiltrie, where neither preaching nor publick prayers was. After long reasoning, the said Thomas was ordainit to be receavit to the participatiōne of the Lord's table, and uther benefites of the Kirk, hereafter, notwithstanding of the alleadgit fault abovementionat.

The Kirk ordaynes sic persones as are convict of incest or adulterie, and hes not stubbornly contemnit the admonitions of the Kirk, nor sufferit the sentence of excommunication for their offences, shall make publick repentance in sackcloath, at their owne kirks, bairheaded and barefooted, three severall dayes of preaching, and after the said third day, to be receavit in the societie of the Kirk, in their owne cloathes. The uthers that hes been excommunicat for their offences shall present themselves bareheaded and barefooted sax preaching dayes, and the last, after sermone, to be receavit in their owne cloathes, as said is.

Sessio 3^a. March 3, 1569[70.]

Anent homicids, incestuous persones, and adulterers not fugitive from the lawes, but continuallie suteing to be receavit be the Kirk to publick repentance; after long reasoning, with mature deliberatione, the hail brethren presently assembleit, concludit, that all sic persones, humbly suing, shall be receavit, to give the signes of their repentance in their awne kirks, according to the order ap-
 poyntit before, at qwhilk tyme the minister shall publickly notifie their crymes, that thereby the civill magistrates may know the crymes, and pretend no ignorance thereof.

Give they be excommunicat for their offences, they shall stand bareheaded at the kirk doore, every preaching day, betwixt the Assemblies, secluded from prayers before and after sermone, and then enter in the kirk, and sit in the publick place bareheaded, all the tyme of the sermons, and depart before the latter prayer.

The uthers that are not excommunicat shall be placeit in the publick place where they may be knowne from the rest of the people,

bareheaded the tyme of the sermones, the minister remembering them in his prayer in the tyme after preaching; all the saids persons to bring their ministers' testimonialls to the next Assembly of their behaviour in the meantyme, according to the act made thereupon be the Kirk in the 2d Sessione, halden July 7, 1569.

Anent the complaynt of the parochiners of the kirk of Kilmenie for wanting of ane minister to preach God's word and minister the sacraments, the haill Kirk concludes, that in respect of the number of qualified and learnit men of the auld Colledge able to preach, and also the nearness of the said Colledge to the said kirk, That some of them shall either preache and minister the sacraments to the people, or else injoyne uthers to doe the same qwhill farder order be taine.

Sess. 7^a. March 3, 1569[70.]

Anent Robert Lickprivick his supplicatioune for support of the Kirk in his office of printing: The Kirk haveing respect to his povertie, the great expenses he hes made in bying printing irones, and the great zeal and love he beirs to serve the Kirk at all tymes, hes assigned to him, ffyftie pundis yearly, to be payeit to him out of the thrids of the Kirk, be the Collectors underwritten, viz. the Collector of Lowthiane 20 lb., the Collector of Fyfe 20 lb., the Collector of Angus 10 lb.; Quhilk soume the auditors of the compts for the Kirk shall thankfully allow to every ane of them.

Sessio 8^a. March 9, 1569[70.]

It is statute and ordanit that no minister, provydit or heirafter that shall be provydit to benefices, sett in tack any manner of way, their gleib or manse, neither yet any part of the fruits or emoluments thereof, in diminutione of their rentalls, under the paine of depryving from the benefice for ever; decernyng also the tacks sett in manner forsaid, to be null and of none effect as done be him that hes no power.

Sessio 9^a. March 11, 1569[70.]

Quhat shall be done to them that will not forbear the company of persones excommunicat, after dew admonitions? To be excommunicat except they forbear.

The children of the excommunicat persones to be receavit be ane faithfull member of the Kirk to baptisme.

Ane single woman committing adulterie with ane married man should be equally punished.

Quhair a man repudiats his wife and bairnes without ane cause, and no wayes will receive her againe, the minister should labour for reconciliatione, and the partie offendit complaine to the judge competent.

Ane promise of marriage made before the readers and elders in ane reformat kirk, the parties contractit compeirs before the Minister and Sessione, requires their bands to be proclaimit; quhilke beand done, the Kirk finds carnall copulatione to have followit, be confessione of baith parties: when the Kirk requires them to proceed to the solemnizatione, the woman refuses.

Admonische the refusand to solemnize the marriage, or else to gett ane decret from the judge competent, that they should not marrie, under the paine of excommunicatione.

Persones, after promise of marriage and proclamation of the bands, desyraud to be frie from the bands, no carnall copulatione following, should be free, *si res est integra*, and their inconstancie punishit.

It is not lesum for ministers to leave their vocatione and use other offices and chairges within the commone weill, without consent of the Kirk; and in tymes cumeing, it is needfull that all them that serves in the ministrie be publickly inaugurat.

[TWENTY-FIRST GENERAL ASSEMBLY.]

THE Generall Assembly of the Kirk, halden at Edinburgh in the Nether Councill House, the 5th day of July 1570, quhair was assembleit the Nobilitie, Barrones, Superintendants, Commissioners of Kirks, Provinces, Townes, and Ministers: the prayer made be Mr John Craige.

The hail brethren presently convent, chuse Mr Robert Pont Moderator for this Assembly.

Penitents that, for their offences, resorts to the Generall Assembly, either to receive injunctions for to schaw signes of their repentance, or that sould present themselves before the same in linnen cloathes and receive farther injunctions, that they be warnit to compeir the second day of the Assembly peremptorie.

Ministers, at their publick inauguration, shall protest solemnlie that they sall never leive their vocatione any tyme thereafter under the paine of infamie and perjurie.

Anent the tryall of young children, and how they are brought up be thair parents in the trew religion of Jesus Christ: It is ordainit, that ministers and elders of kirks shall, universallie within this realme, take tryall and examine all young children within their parochines that are come to nyne years, and that for the first tyme; thereafter, when they are come to twelve yeares for the second tyme; the third tyme, to be examined when they are of fourteen years, wherethrough it may be knowne what they have profited in the schoole of Christ from tyme to tyme.

Sessio 3^a.

It is ordained, be reasone of the great troubles fallen out lately in this realme be defectione of some from the King's Majestie's lawfull authoritie, that certaine brethren be sent from the Kirk to all sortes, Earles, Lords, Barrones, and gentlemen whatsumever, that hes made the foresaid defectione, and travell with them be all meanes possible, to reconcile them to the lawfull obedience of his Majestie, and to certifie them that disobeys, that the hail Kirk will use their sword against them, quhilk God's word hes committit to them. Commissioners for that effect—Mr Andrew Hay and Mr David Lindsay, to my Lord Duke's Grace, the Earles of Argyll, Eglintoune, Cassills, the Lord Boyde, and uthers barrones and gentlemen that they can gudlie meit with within the wast parts; The Laird of Dunn, Superintendent of Angus and Mernes, to the Earle of Crawford, the Lord Ogilvie, and their assisters: Qwhilk Commissioners war commandit to report their answers to the next Generale Assemblie.

Sessio 4^a.

The controversie in St Androis betuixt Mr Robert Hamiltoune, minister there, and his Colleges on the ane parte, and Mr James Carmichael and his Colleges on the uther parte, is traitit and discussit be the Assembly of the hail Kirk, because the same concerns doctrine, sclander that may rise therein, or discipline of the Kirk.

Cloakers of adulterie sould be callit and convict; and if it be fund that they have cloakit publick adulterie after their knowlege, then

let the law haue place. *Consentientes et agentes pari pœna puni-
antur.*

Quhen a woman beares a bairne to a certain man, and, in the tyme of her birth, before the midwife, alleadges the bairne to be this man's, and beand callit before ane judge, beand readie to sweir the same, and this man is ready to swear the contrare, and that he never had carnall dealings with this woman, and there is no other witness, Whether shall credence be gine to the man's oath or to the woman's ? and shall the bairne be left without ane father knowne ?

Answer, *Neutri credendum.*

All things being done that the civil ordour requires of them that withholds the dewtie of the Kirk, whereby the ministers wants their stipends, the Kirk may proceed to excommunication for their contempt.

Sessio 5^a.

Compeirit Mr James M'Gill of Rynkelour Nather, Clark of Register and Counsellor to our soveraigne Lord L., John Ballantyne of Auchnouchill, Knight, Justice Clark, and Mr Archbald Douglass, ane of the Lords of the Colledge of Justice, who, in presence of the hail Assembly, proponit in my L. Chancellor's name, how his L. had understand that in the contraversie amongst them in St Androis there was continwet some healds tending to treasons and against the King's Majestie's authoritie, Therefore requirit the Kirk presently assemblit to superside all devisiōne in that matter concerning the King's Majestie, untill the tyme the nobilitie conveine, qwhilk will be within ten days, before whom that heid aucht to be sighted ; nottheless that the Kirk proceed to sic things therein as pertayns to their owne jurisdictione ; unto the qwhilk protestation the Kirk agriet.

The said day the hail Kirk presently assemblit, in ane voyse and mynde, gives full commissiōne and power to the honorable their brethrene, John Erskine of Dunn, knight, superintendant of Angus and Mernes, Mrs John Wynrham and Spottiswood, superintendants of Fyffe and Lawthiane respective, Mr James M'Gill, Ranelour Nather, Clark of Register and Counsellor to our soveraigne Lord, Mr John Knox and John Craige, David Lyndsay of Edinburgh and Leith, ministers, the proveist of Dundie, Mr Thomas M'Allzean, The Lairds of Balvaird, Spott, Braid, Carnaill, Dreghorne, Lundie, Howstowue, Drumqwhassell, Coldenknows,

Carden, Fawdensyde, Thorntowne, Inchbrakie, David Forrest, Generall of the Conzie, David Ramsay of Dundie, Patriek Morray in St Johnstowne, and Robert Campbell of Kinzeunclewghie, or any eight or seven of them, To compeir in Edinburgh the vi of this instant moneth of July, with continuacione of dayes, so oft as the nobilitie of this realme shall conveine betwixt this and the next Generall Assembly of the Kirk; and there, in name and behalf of the haille kirks of Scotland, propone and present to the said nobilitie, articles, heids, supplicationes, and complaints, such as the said Kirk hes pennit and delyverit to the said brethren, or hereafter shall, before the next Generall Assembly, delyver maist humbly in their names, to require answer and grant to their articles and supplicationes, and with redress of their complaintes according to equitie and justice, To assist, concurr, and consent to all and whatsumever shall be treatit in the said conventione tending to the setting forward of the glory of God, preaching and maintaining of trew religion within this countrie, King's Majestie authoritie, commonweall and authoritie of this realme: As also to take cognicion in all and whatsumever complaints, supplications, and requests of brethren speeciallie remittit to them be this Assembly; and whatsumever beis done be them in the præmises, to report the same to the nixt Generall Assembly of the Kirk to begine in Edinburgh the first day of March nixt to come, ffirm and stable haldand and for to hald, all and whatsumever the saids brethren any aucht or sevine of them in the premises leads to be done. The Kirk presently assemblit, for certaine causes moving them, discharges all and sundrie assignationes and pensiones grantit be the Kirk dureing their will, to whatsumevir persone or persones before the date heirof, and ordaines the Collector of the Kirk to intromett therewith heirafter, and to put inhibitione to all them that heretofore hes had any sic assignationes or pensiones, except that whilk is assignit to the King's Majestie's hand allanerly.

[TWENTY-SECOND GENERAL ASSEMBLY.]

THE Generall Assembly, halden at Edinburgh the 5th of Marche 1570[71], In the qwilke war present the Barrons, Superintendants, Commissioners to plant Kirks, Commissioners of Provinces, Universities, Towns, Kirks, and Ministers, Mr George

Hay was chosen Moderator be the suffragis, to make prayers in this Assembly and exhortation in the beginning of the next.

Sess. 1^a.

The Kirk assemblit ordains all superintendants and commissioners to plant kirks, to present hereafter, their books of their visitationes, every one within their province respective, to every Assembly heir-after following, to be sighted and considerit be sic brethren as shall be appointit thereto, fra Assembly to Assembly, To the effect the Kirk may knaw their diligence in executing their offices within their provinces. The Kirk finds fault that Mr John Rutherford, minister at Cultis, hes not done diligence in serving the said cure at leist certaine tymes in the year, admonisching him therefore to amend the said fault in tymes comeing, wtherwayes the Kirk will proceed against him as ane neglector of dewtie.

Sessio 2^a.

Articles pertayning to the Jurisdictione of the Kirk, to be proponit to the Regent's Grace and Secret Councill, and socht to be appointit be them.

1. Ffirst, that the Kirk have the judgement of trew and false religion or doctrine, heresies or sicklyke, annexit to the preaching of the word, and ministrations of the sacraments.

2. Electione, examinatione and admisione of them that are admittit to the ministrie, or uther ffunctions in the Kirk, charge of sawls, and ecclesiasticall benefices, the suspensione and deprivation of them therfrae for lawfull causes.

3. All things concerning the discipline of the Kirk, whilk stands in correctione of manners, admonitiones, excommunicationes, and receaving to repentance.

4. The judgement of ecclesiasticall matters betwixt persones that are of the Kirk, and speciallie among them that are constitute in the ministrie, alseweell concerning beneficiall causes as uthers.

5. Jurisdictiones to proceid be admonitiounes, to the process of excommunication, if neid beis, against them that robs the patri-monie of the Kirk pertaining to the ministrie, or utherwayes intromitts therewith unjustlie, whereby the ministrie is in danger to decay, be occasion of the povertie of the ministers.

6. And because the conjunctione of marriages pertaynes to the

ministrie, the cause of adherents and divorcements aucht also to pertaine to them, as naturallie annexit thereto.

Adulterers, incestuous, and homicids, war ordainit to repair towards their own ministers, there to receive their injunctions, whill the next Convention Synodall of the Superintendants or Commissioners of their own provinces respective, and there to present themselve in linnen cloathes, bareheaded and barefooted, humble requestand the Kirk there assemblit to receive them to the societie of the faithfull, with farther injunctions, and to bring their testimonials from their ministers of their behaviour in the mean tyme.

Sessio 3^a.

Forsuameikle as it hes been ordainit be the Generall Assemblies, that all adulterers, murtherers, incestuous persons, and uthers committers of hainous crymes, first sould present themselves to the Generall Assembly, there to resave their first injunctioun, and at the next thereafter following, to present themselves in linen cloathes, &c.; And forsuameikle as diverse of the saids offenders partly are far distant frae the places of Generall Assemblies, uthers for povertie and deidlie feids may not nor dare not travell through the countrie to present themselves before the saids Assemblies: for thir causes and uthers considerationes moveing the Kirk presently assemblit, they statute and ordaynit that all sic offenders sall be callit heirafter be the Superintendants and Commissioners of provinces, to compeir before them in their Synodall conventions, to be halden be them twyse in the yeir, to receive and take their injunctions, conforme to the order usit before the Generall Assemblies in all sorts.

The hail Kirk assemblit ordaynes, that all questions heirafter be proponit and presentit to the Superintendants and Commissioners forsaid in the saids Synodall Conventions, there to receive their solutions; and gif any questione happius to be hard for them that shall happen to be at the said convention, then, and in that case, the Superintendant or Commissioner of Kirks, present the said hard questions to the Generall Assemblie, there to receive solutione in their roome, according to the rule; with certification that no questions hereafter shall be receavit in Generall Assemblies from particular ministers.

Sessio 4^a.

The Kirk assemblit statutes and ordaynes, that all marriages be made solemnly in the face of the congregation, according to the ordour published; and also inhibits all ministers and exhorters, that nane of them solemnize marriages of any persones of uthers congregations nor their awne, without sufficient testimonialls from their ministers, or else licence askit to obtaine it be the contractors, under the pains establishit before, against the ministers and contractors, with their parents, to make publick repentance at the com-mone pillar of repentance, at the discretione of their awne kirks.

Sessio 5^a.

The Kirk assemblit ordayns all ministers to inhibit all civil magistrates to hald their courts within Kirks; if need bees, to admonishe.

The Kirke ordaines all Superintendants and Commissioners to plant kirks in their first Synodall conventions hereafter following, with the advyse of their ministers, to reason and appoint publick fasting if it shall be thought necessar; and also that they appoint certaine brethren to creat unitie and concord among the nobilitie of this realme.

Compierit in Assemblie, Mr Robert Wynrahame, collector of Fyfe, and schaw how he was purgit be ane condigne assyse before the civill magistrat, for the slauchter of Thomas Kinries, citicen in St Androis; nevertheless, because the blood was sched against his will, allwayes he willingly offerit himself to the Kirk for satisfaction of the Kirk.

The Kirk ordaines Mr Robert Hamiltone, minister of St Androis, to declare, after the sermone upon ane Sunday, the purgation of the said Mr Robert of the slaughter, and, therefore, call upon him to repaire before the pulpit, exhorting him to enter in consideration with himself, according as is contenit in the book of excommunication, and thereafter to humble himself, ask God, the congregation, and the partie, pardon, and to uthers that were sclanderit with the fault, &c.

Anent excommunicat persons for now adhereing to the established religion, and not joynt thereto of before, yet nottheless, presently of their awne frie will, submitts themselves, and requires to be receavit in the societie of the faithfull. The Kirk ordaines the

said persons to be received by the minister in low and humble habit, with sackcloth, observing the order prescribed in the book of excommunication in all other points.

Quhair ministers are not in practise of excommunication, or will be contemnit in their executions, it is necessar that the Superintendant, or some uther sufficientlie qualified and authorised, use the same.

If it be lisum to the minister to proceed against the magistrats who will not put to execution the acts of Parliament concerning discipline, and uther particular acts universallie agreed upon be their owne particular congregations, with the sentence of excommunication?

This is else concludit; admonitions passing dwely before, against them.

Promise of marriage, *per verba de futuro*, shall be made, according to the ordour of the reformat Kirk, be the minister, exorter, or reader, takand cautione for abstinence till the marriage be solemnizat.

If ane man ravishe a woman against her will, and her parents, and strike her parents under silence of night, and the magistrat will put no correction thereto, Qwhither if the Kirk sould proceed with monitors and excommunicatione to satisfie the sclander? It is lawfull.

Qwhat order shall be taken with her, who, committing fornication with a man, does suffer the same man heirafter to marrie her own sister, and, hearing the bands proclaimit, wad not reveall the impediment, but, be concealing of the cryme, was guiltie of the incest following? Answer, Baith he and she to be punishit according to the discipline of the Kirk, but chiefly the man, and the second cannot be his wife.

Qwhat order shall be taken with them that impugnes proclamation of bands, and chieffie be infamie, and proves not? Let sic persons be punishit according to the discipline of the Kirk as infamous.

It is altogether unthankfull be any minister of God's word, to receive any benefice be the presentation of a laick persone patrone, under pactione and condition made with the patrone thereof, tending to simonie, viz., that the patrone have the great part of the teinds and the minister the small portione thereof.

What order shall the Superintendant take with a man that lies

suitit libertie to marrie thir three or four yeares, being, before his owne particular kirk, inhibited to marrie, because he deflorit a virgine, being his own servant, lest he wald take her to his wife, seeing the judicial law is not yet receavit, and also the man hes her discharge of marriage under the forme of instrument before the decret was pronuncit against him be his awne particular kirk, all things being trew according to the narrative? It is thocht the decret gine for sic ane cause may be reduced be the Superintendent, and the man may obtaine liberty to marrie: yea, and there is injurie done to him alreadie.

[TWENTY-THIRD GENERAL ASSEMBLY.]

THE Generall Assemblie, begun and holdin at Striviling the 6th of August 1571: In the qwhilk war present the Superintendants, Commissioners to plant Kirks, Barrones, Ministers, Commissioners of Provinces, Townes, Universities, and Kirks. Mr Gilbert Gairden chosen Moderator.

Sessio 1^a.

MR JOHN KNOX EPISTLE.

The mightie Spirit of comfort, wisdome, and concord in God, remaine ever with yow.

DEARE BRETHREN—If abilitie of bodie would have sufferit, I sould not have troubled yow with this my rude inditement. I have not forgot what was layed to my charge, be famous lybells, the last Assembly, and what a brag of adversaries maid personall to accuse at this Assembly, qwhilk I pray you patiently to heare, and judge of me as ye will answer to God; ffor unto yow upon that heid, submit I myself, being assurit that I neither offendit God nor good men in anything that litherto hes beene layed to my charge. And now, brethren, because the decay of naturall strength threatens unto me certaine and suddaine departure frae the miserie of this life; of love and conscience I exhorte yow, yea in the feare of God I charge and command yow, that ye take heed to yourselfis, and to the flock over the qwhilk God hes placit yow pastors. To discourse of

the behaviour of yourselfis, I may not ; but command yow to be faithfull to the flock, I dare not ceass. Unfaithfull and trytors to the flock shall ye be before the Lord Jesus, if that with your consent, directly or indirectly, ye suffer unworthie men to be thrust into the ministrie of the Kirk, under what pretence that ever it be. Remember the Judge before whom ye must make account, and resist that tyrannie as ye wald avoyd hell fyre. This battell, I grant, will be hard ; but, in the second poynt, it will be harder ; that is, that with the lyke uprightness and strength in God, ye withstand the merciless devourers of the patrimonie of the Kirk. Give men will spoyll, let them doe it to their owne perrell and condemnacione ; but communicat ye not with their sins, of what estate that ever they be ; neither be consent nor yet be silence, but, with publick protestatione, make this knowne unto the world, that ye are innocent of sic robbrie, qwhilk will, or it be lang, provock God's vengeance upon the committers thereof, whereof ye will seek redress of God and man. God give you wisdome and stout courage in so just a cause, and me ane happie end. Att St Androis, 3d August 1571.

Your brother in Christ Jesus,

JOHNE KNOX.

Sessio 2^a.

The hail Assembly concludit that certaine brethren, Commissioners shall passe to my Lord Regent's Grace, Councill, and Parliament, to reasone and conclude upon the heids, articles, and desynes, presentit in his Grace's name to this Assemblie, to propone, humblie requiest and desyre, in the Kirk's name, the granting of sic heids, articles, and redress of complaints, as shall be given to them be the Kirk ;—the ane and the uther to be concludit alwayes on, conforme to the instructions to be delyverit to them. Commissioners, John Erskine of Dunne, Knight, Superintendant of Angus and Mernes ; Mr John Spottiswood, Superintendant of Lawthiane ; John Wynrahame, Superintendant of Fyffe ; John Row, Commissioner of Nythsdale and Gallaway ; Andrew Hay, Commissioner of Ranfrew and Lennox ; George Hay, Commissioner of Aberdeene and Banmff ; David Lindsay, Commissioner of Kyle, Carrick, and Cunninghame ; David Fargysone of Dumferling, John Dunkesone of the King's Majestie's house, ministers : John Ogilbie, Ennerquharetie, Knight ; Mr William Lundie of that Ilk ; James Johnston of Elphinstoune ; William Cunningham of Cunningham-

heid; Hew Wallace of Carnvairl; Thomas Kennedie of Bardgavie; John Schaw of Grinock; Alexander Forrester of Carden, or any elevine of them, to compeir in Striviling, the 22d of this instant, at nine howres before noone, to counsell and reasone in the commissiōne given in the last Assemblie.

[TWENTY-FOURTH GENERAL ASSEMBLY.]

THE Conventiōne of the Kirk, halden in the Kirk of Leith, 12th Januar 1571[2]: In the quhilk war present the Superintendants, Barrones, Commissioners to plant Kirks, Commissioners of Provinces, Towns, Kirks, and Ministers. Mr Gilbert Gardin, continued Moderator.

Sessio 1^a.

The brethren presently convenit, all in ane voice concludit that this present conventiōne shall have the strenth, force, and effect, of ane Generall Assembly, and that all things be treatit and endit herein, that may guidlie be done, and usit to be concludit in ane Generall Assemblie, nottheless that all sic brethren as may guidlie travell, conveyne to the Generall Assembly, to begin in St Androis the saxt day of March nixt to come, and the Moderator to continue to that tyme, and make exhortation according to the rule.

Sessio 3^a.

The Kirk undirstandand that my Lord Regent's Grace and Counsell was desyreous that Mr Robert Pont sould accept the place of ane of the Senators of the Colledge of Justice, quhilk he would on no wayes accept, without the advyse of the Kirk; Therefore the haill brethren assemblit, gives licence to the said Mr Robert, to accept and use the said place of a Senator of the said Colledge of Justice, what tyme he shall be required thereto: Providing alwayes, that he leave not the office of the ministrie, but that he exercise the same, as he sould be appoyntit be the Kirk; and this their licence to the said Mr Robert, to be no preparative to no uther minister to procure sic promotiōne, unless the Kirk's advyse be had of before, and license obtained thereunto.

[TWENTY-FIFTH GENERAL ASSEMBLY.]

THE Generall Assemblie, haldine and begun in St Androis, the saxt of March 1571[2]: In the quhilk were present the Superintendants, Barrons, Commissioners to plant Kirks, Commissioners of Provinces, Townes, Kirks, Universities, Ministers, and Mr John Doglass, Archbishop of St Androis: Mr Robert Hamiltoune, Minister of St Androis, Moderator for this present Assemblie.

Sessio.

Anent the complaint gine in be Mr John Rutherford, Proveist of St Salvator's Colledge, against Mr John Wynrahame, Superintendent of Fyfe, for the wrangons disponyng of the viccarage of their commone Kirk of Kilmeny, pertaining to the said Proveist, and his collegs, brether of the said colledge, as also for obtayning of the gift, and giving of ane altarage in the same colledge, situat at St John's altar, the gift quhereof, the said Mr John, as proveist, alleadged to haue pertaynit to him, be vertew of foundatione of the same; as at length in the said complaynt was containit: requeistand the Kirk presently convenit to take sic order in the premisses, as godliness and equitie requireth in sic sorte, the Colledge and brethren forsaid be not put to expenses in seeking remedie before uther judges. The kirk having consideration of the said complaint, thocht meit to haue inspectione of their foundatione of the colledge, and what the same conteinit anent the presentation and collatione of the said viccarage of Kylmenie, and for that purpose gaue commissioun to their brethren, Mr John Row, Gilbert Gardin, William Chrystisone, Andrew Hay, and David Lyndsay, to passe to St Salvator's Colledge, consider and sie the foundatione thereof, and what they find touching the said viccarage of Kilmeny, and to whome the presentatione and collatione thereof pertaineth; and what they happen to finde, to report the same to the nixt Assemblie.

The said brethren return and reportit what they had fund in the said foundation; the tenor whereof follows in thir words:—

Vicarie de Kilmany electio et presentatio ordinaria facienda ad Dominum, prepositivo et ceteros de dicto Collegio graduatos de-

bent pertinere ; Quiquiden vicarius omnia onera ordinaria subire tenetur in fundatione Collegii Sancti Salvatoris, ita invenimus ad verbo scriptum testautibus nostris chirographis Subscriptis, ex commissione ecclesie adie numeris destinatis, 7. Mensis Martii, 1571. Gulielmus Chrystesone, David Lyndsay, Jacobus Row, Gilbertus Garden.

In respect of the premisses, the Kirk ordayned to wryte ane letter to the Senators of the Colledge of Justice, testifying what they had funde in the said fundatione, anent the presentatione and colatione of the forsaid viccarage of Kilmeny.

Item, Mr John Wynrahame, Superintendent of Fyfe, was accused that he had giuen the Viccarage of Kilmeny to ane that is no minister, nor yet has any functione within the Kirk, where-through the minister of the Kirk plantit be himself, is frustrate thereof.

Sessio.

It is concludit that the persone should find bread and wyne to the communion, unless the viccarage exceed the soume of fourtie punds, and in that eaise, the Viccarage to furnische the same in tyme cumeing. The Kirk ordayns the Superintendent of Fyfe, to use his awne jurisdiction as of before, in the provinces not yet subject to the Archbishop of St Androis ; and also requests ane to concurr with the said Arch Bishope when he requires, in his visitatione or utherwayes, within his own boundes, whill the next Generall Assembly : And the said Superintendent to have his stipend as of before ; and, in lyke manner, the Superintendants of Angus and Lawthiane, without prejudice of the said Archbishope, except be vertue of his commissione.

[TWENTY-SIXTH GENERAL ASSEMBLY.]

THE Generall Assemblie, begun and halden in the Tolbooth of Perth, the Saxt of August, 1572 ; In the qwhilk war present the Earles, Lords, Superintendants, Barrones, Commissioners to plant Kirks, Commissioners of Provinces, Universities, and Ministers : John Eskine of Dun, Knight, was chosen Moderator be the hail voice of the Assemblie.

Sessio 2.

To the effect that obedience be given to the Moderator presently and hereafter, the hail brethren assemblit, in ane voyce, statuts and ordaynes, that no persone, of what state or degree soever he be of, take in hand to speak without licence, askit and gine, be the Moderator; and after licence obtainit, that the persone speakand, keep moderatione in reasonyng and answering, and also keep silence when he shall be commandit be the Moderator, under the paine of removeing out of the Assemblie, and not to re-enter therein dureing that conveyeing; and this to be a perpetuall act for all Assemblies hereafter.

Sessio 3.

Forswameikle as in the Assembly halden in Leith in January last, there was certaine Commissioners appointit to trauell with the Nobilitie and their Commissioners, to reasone and conelude upon diverse artieles and heads, then thoct good to be conferrit upon; according to the whilk Commissione they have procedit to diverse dyatts and conventions, and finallie concludit for that tyme upon the saids heads and artieles; as the same product in this Assemblie reports: In the qwhilks, being considerit and read, are found certain names, sic as Arch Bishope, Deane, Archdeane, Chamber, Chapter; qwhilks names war thoct selanderous and offensive to the eares of many of the brethren, appeirand to sound to Papistrie; Therefore the hail Assembly, in ane voyce, alsweell they that was in Commissione at Leith as uthers, solemnly protests, that they intend not be using sic names, to ratifie, consent, and agree to any kinde of Papistrie or superstitione, and wisches rather the saids names to be changit in uthers, that are not selanderous or offensive; and, in lyke manner, protests that the saids heids and artieles agriet upon, be only receavit as ane interim, untill farther and mair perfect order be obtaynit, at the hands of the King's Majestie's Regent and Nobilitie, for the whilk they will preass, as occasion shall serve: And the hail Assembly, in ane voyce, ad-

[TWENTY-SEVENTH GENERAL ASSEMBLY.]

THE Generall Assemblie haldin in the Councill House of Edinburgh, the 6th of March 1572 [3]: In the qwhilk war present Barrons, Superintendants, James Bishop of St Androis, Commissioners to plant Kirks, Ministers, Commissioners of Provinces, Townes, Kirks and Universities. David Fargy-sone Moderator.

Sess.

Mr John Row complanit upone for solemnizing the band of matrimonie betwixt the Master of Craufurd and the Lord Drummond's daughter, without proclamation of bands, and in lyke manner out of dew tyme, viz. upon ane Sunday afternoone at prayer. Answerit, that he did nothing but the command of the sessione of his kirke, and my Lord Ruthven, ane speciall elder of the said kirk.

The Kirk, presently assemblit, for certaine good considerations moving them, statutes and ordaines, that no collections for the poor be made in the tyme of the ministrations of the table of the Lord Jesus, nor yet in tyme of sermones heirafter within kirks, but only at the kirk doore.

The Kirk, presently assemblit, ordains the act made against ministers that marries uther parochiners without proclamation of bands, to have effect and strength against Mr John Row, and underly the samen dureing the Kirk's will.

Sessio 3.

The Kirk assemblit, statuts and ordayns all ministers and uthers beneficed persones, that hes received benefices sen the Reformation, to make residence at the kirks where their benefices lyes, and use their office according to the tenor of thair admisionne; and if any beis found to doe in the contrare, that they be callit to particular dyats before the Superintendent, or the Commissioners of the provinces where sie benefices are, to whom the Kirk giues power to depose the saids persones, in their visitationes, for non-residence; and whatever any of the saids Superintendants or Commissioners happins to doe in the premisses, to report to the next Assembly.

The Assembly, considering that the traueils of umqwhill John Knox, merits fauourably to be remembrit in his posteritie, Giues to Margaret Stewart, his relict, and her three daughters of the said umqwhill Johne, the pensione qwhilk he himself had in his tyme of the Kirk; and that for the year next approachand, and following his deceis of the year of God 1573, to their education and support, extending to ffyve hundred merks money, twa chalder wheat, sax chalder beir, four chalder eats.

The Kirk requestit the kirk of Edinburgh to provyde and appoint some learnit, to support Richard Bannatyne to put John Knox historie, that is now in scrolls and papers, in good forme; and because he is not able to await thereupone, upon his awne expenses, appoynts to him the soume of ffourty pound, to be payit of the 81 years crompt.

Sessio 6.

Ordaines all and sundrie Superintendants and Commissioners to plant kirks, to proceed summarly to excommunicatione against all papists within their provinces; and that within eight dayes after they be admonischit, to joyne themselves to the religione presently established within this realme, be hearing of the word of God, partaking of the sacraments, subscribe and giue their oath according to the act of Parliament, and acts agreit upon, betwixt my Lord Regent's Grace, Secret Councill, and the Kirk.

Sessio 7.

It is statute and ordainit be universall order of this Assembly, that all Bishops, Superintendants, and Commissioners to plant kirks, present themselves in every Generall Assemblie that hereafter shall be halden, the first day of the Assembly before noone, and that they remaine whill the end of the same, under the paine of tinsell of ane halfe of their stipend for ane year, and also to serve in the mean tyme of the wanting of the said portion of their stipend.

Anent my Lord Regent's Grace desyre, twiching some of the jearnit ministers to be Senators in the Colledge of Justice; The hail Kirk presently assemblit, having at lenth reasonit, whether a minister were able to discharge himself of both the vocations; votit throughout, that nane was able nor apt to bear the said twa charges; and therefore inhibites, that any minister occupying the vocacione

of the ministrie take upon him to be a senator, Mr Robert Pont only exceptit, wha is already placit with advyce and consent of the Kirk.

Articles presentit be the Superintendant of Lawthiane, and Ministers within his jurisdictione.

1. First, that a copie of the acts of the Generall Assembly be-gine every exercise.

2. That sic matters as falls out betuixt the Synodall Conventione and Generall Assemblies, shall be notit at every exercise, 20 dayes before the Generall Assemblie.

3. That sic matters as are referrit to the Generall Assembly, fra the particular, be pennit be the Superintendant's clarks, faithfullie reportit to the Generall Assembly be the said Superintendant.

4. That the Generall Assemblie be frequent with the nobilitie and barrons, alsweell as ministers, that the face of the Assembly may be had in reverence as afoirtymes.

5. That sic ministers as have not wherwith to buy books, may have books lowsit to them be the collector, and to allow the pryces thereof in their stipends.

¶ The Kirk approves and ratifies all the forsaidis articles as necessary and profitable.

It is thocht maist reasonable and expedient, that Bishops, Superintendants, and Commissioners, purches generall letters, without delay; commanding all men to frequent preaching and prayers, according to the order receavit in their congregations; and also to charge the magistrate, to put the acts concerning the observation thereof, alsweell grantit be parliament as friely, with uniforme consent, the congregations hes condescendit upon, and for executione of discipline and punisching of others.

Giue any man leave his wife and pass out of the countrie, and tarries away the space of seven yeares and marries ane uther woman in ane strange countrie, and else his first wyfe be married upon ane other man in his absence, both are adulterers, unless the sentence of divorcement had been pronouncit be the judge.

It is neither agricable to the word of God, nor to the practise of the primitive Kirk, that the speciall administration of the word and sacraments, and the ministration of the eriminal and ciuill justice, be so confoundit, that ane persone may occupy both the cures.

[TWENTY-EIGHTH GENERAL ASSEMBLY.]

THE Generall Assembly, begun and halden in Edinburgh, the saxt day of August 1573: In the whilk war present the Earles, Lords, Barrones, Bischops, Superintendants, Commissioners to plant Kirks, Commissioners of Provinces, Townes, and Kirks, with the Ministers. Mr Alexander Arbuthnot was chosen Moderator.

Sessio.

Because it is understand that certaine of the nobilitie of this realme and Secret Councill are to repare to this Assemblie, Therefore the hail brethren ordayne, that the hail nobility and councill, with commissioners of provinces, townes, and kirks, having power to vote, shall sitt within the barr of the said Over Tolbooth, and all others without the same.

Sessio 2.

The Books of Visitatione of Bischops, Superintendants, and Commissioners to plant kirks, aught to be seen and considerit, and their diligence in their offices; and commissioners were appointit to that effect.

Touching them that receaves excommunicants and order taking thereanent; the hail Kirk presently assemblit, ordains all Bischops, Superintendants, Commissioners to plant kirks, and Ministers of particular kirks, to proceed to excommunicatione againes all receivers of excommunicat persones, if, after dew admonitione, the receivers rebell and beis disobedient, conforme to the order conteinitt in the booke of excommunicatione: and whosoever knaves and yet receaves and intertains excommunicat persones, albeit he desist after admonitione, yet shall he underly the discipline of the Kirk, be making of publick repentance, except sic as are except of the law. And to the effect that nane pretend ignorance of the saids excommunicat persons, the Kirk ordayne and statutes all bishops, superintendants, and commissioners, in the synodall conventions, shall take up in row, the names of the excommunicants within their jurisdictions, and bring their names to the Generall Assemblies, to be published to others Bishops, Superintendants, and Commissioners,

that they, be their ministers in their provinces, may divulgat the same in their haill countries where the excommunicants haunts.

Sess. 6.

Alexander Hay, clark of the Secret Councill, presentit certaine heids to the Assembly concernyng the provisione of ministers' stipends be particular assignationes.

Sessio 7.

Touching the changinge of situation of the parochie kirks, their gleibs, and manses, for the commoditie of the parochiners, The Kirk gives licence to the Bishops, Superintendants, and Commissioners to plant kirks, with the advyce and consent of the parochiners and ministrie of the countrie, to change the parochie kirks, manses, and gleibs frae ane place to another, for the commoditie of the saids parochiners; provyding allwayes, that the charge thereof be not hurtfull to the ministrie, and suretie sufficient be made of the lands in quantitie and qualitie as they were before, to remaine with the Kirk for ever, with mortificatione thereof to the King's Majestie.

Anent them that consults with witches: The Kirk presently assemblit, ordaynes all Bishops, Superintendants, and Commissioners to plant kirks, to call all sic persones as shall be found suspect to consult with witches before them at their particular visitationes or utherwayes; and if they have been found to have consultit with the saids witches, that they cause them make publick repentance in sackcloth, upon an Sunday in tyme of preaching, under the paine of excommunication if they be disobedient, dew admonitions preceeding.

Anent the uniformitie to be observit in proces of excommunication: It is ordainit that Bishops, Superintendants, and Commissioners to plant kirks, shall direct their letters to ministers where the persones that are to be excommunicat dwells, commanding the saids ministers to admonische accordingly; and, in caise of disobedience, to proceed to excommunication, and pronounce the sentence thereof upon ane Sunday in tyme of preaching; and, thereafter, the ministers to indorse the saids letters, makand mention of the dayes of their admonitiones and excommunication for disobedience forsaid, and to report to the saids Bishops, Superintendants, and Commissioners, according to their directione conteinit in the said letters.

Greit men offending in sic crymes as deserves sackcloath; they should receive the samen as well as the puire.

No Superintendent nor Commissioner, with advyce of any particular kirk of their jurisdictione, may dispense with the extremitie of sackcloath prescryvit be the acts of generall discipline, for any pecuniall soume *ad pios usus*.

Ane man willing to dimitt his benefice simpliciter, sould dimitt it in the hands of the just patrone.

[TWENTY-NINTH GENERAL ASSEMBLY.]

THE Generall Assembly, begun and halden at Edinburgh the saxt of March 1573[4]; In the qwhilk war present, Earles, Lords, Barrones, Bischops, Superintendants, Commissioners to plant Kirks, Commissioners of Provinces, Townes, Kirks, Universities, and Ministers. Mr Andrew Hay was chosen Moderator.

Sessio.

The Kirk ordaynes all Commissioners of townes and provinces, that they seek out the hail rentals of the hospitalls within their bounds respective, and give the same in to their Bischops, Superintendants, or Commissioners, schawand how the samen are usit and abusit, to the effect that my Lord Chancellor may receive the same, and report to my Lord Regent's Grace; and this to be done betwixt and the tenth of April next to come.

Unto the Lord Regent's Grace, of Privie Councill, with uthers of the Estates conveint with his Grace, the Kirk Generall, now assemblit, wishes everlasting health in Christ.

It is not unknowne that holy ministrie of God that hes chosen to himself a kirk, and that frae the beginning, whilk shall continow for ever, and the same is the congregatioun and companie of the faithfull professors of Christ; and in his kirk God hes appointit his ministers to ministrat, and calls men to be ministers of the same, that be the samen ministrie, the elect of God may be callit, regenerat, and nourishit to everlasting life. For preservation of the holie minis-

trie and kirk in puritie, the Lord has appointit Assemblies and Conventions, not only of the persons appointed to the ministrie, but also of the haill members of the kirke professing Christ; the whilk kirk of God hes continwallie used and still uses the same assemblies, sanctified be the word of God, and authorised be the presence of Jesus Christ. It is also knowne unto your Grace, that sen the tyme God blessed this countrey with the light of his evangell, the haill kirk maist godlie appointed, and the same be act of parliament authorised, that twa godlie Assemblies of the haill general Kirk of this realme sould be ever ilk year; alsweil of all members thereof in all estates as of the ministers: the qwhilk Assemblies hes been sen the first ordinance, continuallie kept in sic sort, that the maist noble thereof, the hiest estate, hes joynit themselves be their owne persone, in the Assemblies, as members of one bodie, concurrand, votand, and authorizand all things there, proceeding with their brether: And now, at this present, the Kirk is assemblit according to the godly ordinance, and looks to have concurrence of their brethren in all estates, and wisches of God that your Grace and Lords of Privie Councill, will authorize the Kirk in this present Assemblée, be your presence, or be uthers havand your commissionne in your Grace and Lordship's name, as members of the Kirk of God; ffor, as your Grace's presence and the nobilities should be unto us most comfortable, and so most earnestlie wished of all, so your Grace's absence is to us most dolorous and lamentable; whereof follows the want of ane great part of the members that weill cannot be absent from the treiting of these things that pertains to the Kirk and policie thereof, in assembly altogether, to be handlit be the advyce of all, and to the qwhilk end the Assemblies are appointit, the authoritie thereof your Grace knowes to be sic as the contempt of it tends to the dishonour of God; and, therefore, as ye esteem yourselves to be members of Christ and of his Kirk, schaw the fruits thereof; of the qwhilk it is not the leist to joyn yourselves to the Kirk, not only be hearing the word and receaving the sacraments, but also in conveying with your brether in the holy assemblies: The qwhilk to doe we giue you admonitione in the name of the Lord; extending this admonitione to every persone, of whatsoever estate, that are present with your Grace; and specially we admonishe the Bishops, and sic as are of the ministrie, to joyne themselffs with us, according to their ministrie and dewtie, urtherwayes they will be thoct unworthy of office they beare. The tyme the Kirk will sitt

will be short, and tyme would not be neglected, and yet the Kirk is not so rigorous but that men may, after their presence gine in the Assembly, have libertie, as tyme requires, wait upon their laifull business; and this admonitione we giue your Grace with all reverence and humility; and that chiefly in respect that your Grace, be your awne articles and questiones sent to the Kirk, where your Grace desyres first to be admonished charitably whensoever offences arys, before the same be utherwayes traducit.

Certain war appointit to penn the heids concerning the jurisdictione of the Kirk, and to present the same to the Assemblie.

Anent the jurisdiction of Bishops in their ecclesiasticall functione; the Kirk presently assemblit hes concludit, that the same shall not exceed the jurisdiction of superintendants, whilk heretofore they have had and presently hes, and that they shall be subject to the discipline of the Generall Assemblie, as members thereof, as the superintendants hes been heretofore in all sorts.

That no Superintendants nor Commissioners for kirks planting, haue nor shall giue collatione of benefices, nor admitt ministers, without the assistance of thrie of their qualified ministers of their province, who also shall give their testimonialls to the said Superintendant commissioners, subscrivit with their hands in signe of their consent thereto; and in like manner, that no Bishops giue collatione of any benefice within the bounds of Superintendants within his diocie, without their consent and testimonialls, subscriv'd with their hands; and that Bishops, within their awne dioces, visite be themselues where no superintendants are, giue no collatione ordinarie upon benefices, without consent of three weell qualified ministers, as said is, of superintendants and commissioners to plant kirks.

Sessio 5.

Commissioners war appointit to conveyn with my Lord Regent's Grace and Lords of Secret Councill, to conferr and reason upon the heads concerning the policie and jurisdictione of the Kirk, and sic uther heads and articles as shall be proponit be his Grace and Councill to them.

Sessio 7.

As concerning the appointing of syndrie kirks to ane minister; to the end the matter may be plainer, and the mynde of the Kirk knawne to all men herein, the Kirk hes declarit, that howbeit syn-

drie kirks be appointit to ane man, yet shall the miinster make his residence at ane kirk, qwhilk shall be properly appointit to his charge, and he shall be callit principallie the minister of that kirk; and as concerning the rest of the kirks to the qwhilk he is nominat, he shall haue the oversicht and help therein, in sic sort as the Bischop, Superintendant, and Commissioner shall think expedient, and as occasion shall serve from his awne principall charge: The qwhilk on no wayes he may neglect; and this order only to remane qwhill God of his mercie shall thrust out moe labourers unto his harvest.

[THIRTIETH GENERAL ASSEMBLY.]

THE Generall Assembly, halden and begun at Edinburgh the 7th of August 1574: In the whilk war present, Barrones, Bischops, Superintendants, Commissioners to plant Kirks, Commissioners of Provinces, Townes, Kirks, Universities, and Ministers. Johne Dunkansone, Moderator.

Sessio 1.

The Assembly, understanding that be deceiss of John Gray, their late Clark, the said office of clarkship is vacand, and nane as yet is provided thereto; and therefore before that any proceeding be, it is necessar the said rowme be filled, hes appointit their brethren underwritten, viz. My Lord Deane of Aberdeen, Andrew Hay, James Lowsone, Alexander Arbuthnot, Principal of the Colledge of Aberdeen, James Melvill, Clement Little, and David Lyndsay, Minister at Leith, (all Ministers,) to appoint the leitts of them of qwhais number the clark is to be chosen: Qwhilk brethren, all in ane voyse, nominat Mr James Ritchie, George M'Esone, William Patersone, wryter, Patrick Fylder, servant to Alexander Hay, Clark of the Secret Councill, to be the leits, of qwhilk number the Clark of the said Assembly is to be electit; and in the meane tyme, qwhill the Clark be chosen and receavit, the said Assembly hes ordainit Mr Andrew Milne to supply the place.

Sessio 3.

Anent the creation of ane Clark of the said Generall Assemblie

of the Kirk, it was Votit through the haill Assemblie and concludit, that of the four persons appointit on the leits, Mr James Richie, be reasone the greatest part thereof gave their consent to him, sould be clark, who, in presence of the haill Assembly, solemnly beand sworne to use the said office of clarkship of the Kirk faithfully, made promise to doe the same, and acceptit the said office upon him.

Forswameikle as it is understand to the said Assembly, that diverse ministers within this realme, used the office of Collectorie and Chamberlanrie under bishops and uthers beneficed persones, wherethrough they are avocat from their cures, and giues great occasione to selander the Kirk ; Therefore it is statute and ordainit in this present Assemblie, that from this tyme furth, no minister within this realme, use or exercise the office of Chamberlanrie or Collectorie, under whatsumever beneficed men, whereby they may be abstractit from their vocatione ; and the contraveeners heirof to be depryvit of their office, and secludit therefrae.

Sessio 6.

Articles proponit to my Lord Regent's Grace.

1. That stipends be grantit to Superintendants in all tyme coming, in all countries destitute thereof, Qwhether it be where there is no Bischops, or where there is Bischops, and may not discharge their cure, as the Bischops of St Androis and Glasgow.

2. That in all Burrowstounes, where the ministers thereof are displacit and serves at uther kirks, that their ministers who servit them before be restorit againe to wait on their cures, and they be not oblidged to any uther kirk, or else that uthers be plantit in the saids touns.

3. That his Grace will giue commissiione to certaine gentlemen in euery countrie, that incest, adultrie, witchcraft, and uther sic odious cryms qwhairwith the haill countrey is replenischit, may be punischit.

4. In euery kirk destitute of ministers, sic persons as are present and readie to be plantit, be placit, and stipends grantit unto them qwhais names shall be gine up be the Bischops, Superintendants, and Commissioners.

5. In respect that the ecclesiasticall functione is only distinct offices, of teaching, the Doctor that interprets the Scriptures, and

the Minister, to preach and apply the same; his Grace will take order that Doctors may be placeit in Universities, and stipends granted unto them, wherby not only they who are presently placeit may have occasion to be diligent in their cure, but also wher learnit men may have occasion to seek places in Colledges within this realme.

6. That his Grace will take ane generall order with the puire, and speciallie in the Abbayes, sic as Aberbrothoc and uthers, conforme to the act made at Leith; and in speciall to discharge teind sybows, leeks, kaill, onzions, be ane act of Secret Councill, whill ane Parliament be conveint, where they may be simpliciter discharged.

7. That his Grace will grant commissiōne to certane persons in every diocie to sit in causes of divorcement where the parties are poore.

8. That his Grace wald provide qualified persones to vaikand Bishopricks.

9. That his Grace wald cause the buiks of the Assignatione of the Kirk to be delyvered to the Clerk of the Generall Assembly.

Sessio 7.

Forsuameikle as it is understand to the Generall Assembly of the Kirk, that there is diverse persones who, dureing their wyfe's tyme committs adulterie with other men's wyfes, and thereafter, after their wyfe's decease, marryes them wham they of before have polluted in adulterie; Therefore it is statute and ordainit be this present Assembly, that Bishops, Superintendants, and others Commissioners of provinces, charge all sic persones, so joynit in that selanderous and unlauffull band, to separate themselves and abstaine from others, unto the tyme it be decydit be the Judge Ordinar, if the said marriage be lawfull or not, under the payne of excommunicatione to be execute against disobeyars.

Sessio 8.

Touching the complaint made upon the Bischop of Dunkeld for ministratiōne of the holy supper upon wark-dayes at the kirks within his jurisdictione; It is thought good be the Generall Assembly that the said Bischope forbear the ministratiōne of the said sacrament upon wark-dayes, and cause it to be ministrat upon

Sabbath dayes, after the order of the rest of the kirks within this realme.

Sessio 9.

Commissioners war appointit to visit warks that shall be heif-after proponit to be printed. *Item*, Uthers were appointit to sicht the history of Job compylit be Mr Patrick Adamson in Latine verse.

For avoiding of Simonie within the haill kirks, the haill Assemblie of this Kirk, as in ane voice, hes votit, concludit, and decreitit, that all sic persones as either bys or sells benefices, or using any uther kind of copping thereof, directly or indirectlie, sall be deprivit of all kinde of functione within the Kirk, and the discipline of the Kirk strike upon them with all kinde of rigour and extremitie;—and the buyers, sellers, or utherwayes cowpers of the benefices, to tyne the same for ever.

Sessio 10.

Qwhither if the parochiners of a towne, or the provest and bailies thereof, aucht to have the election of their own belman and clark? It is answerit, that sic as payes them sould choose them.

The brethren hes thought good, that, in case of any Parliament to be halden, or any uther weightie cause requirand necessary the presence of the bodie of this haill Assemblie, That the Superintendant of Lawthiane, Mr James Lawsons, minister of Edinburgh, Mr David Lyndsay, minister of Leith, make lawfull premonition and advertisement to their brether to be present upon sic competent space before as they sall think needfull; Qwhilk conventionie of before shall be recountit for ane Assemblie.

That absents of this Assemblie be summoned to the next Assemblie, to hear them convict of absence, and punishment to be joynit to them at the sicht of the Kirk.

[THIRTY-FIRST GENERAL ASSEMBLY.]

THE Generall Assembly, begun and halden at Edinburgh, the 7th of Marche 1574[5]: In the qwhilk war present Earles, Lords, Bischops, Superintendants, Commissioners to plant Kirks, Commissioners of Provinces, Townes, Kirks, Universities, and Ministers. James Bishop, of Glasgow, Moderator.

Sessio.

Forsuameikle as the greatest part of the doctors, and interpretars of the Scriptures that hes travellit in the interpretation and exposition of the same, hes written and comentit in the Latine tongue, and therthrow it is thocht necessar for sic as enters in the function of the ministrie, to have nderstanding and knowledge of the same; Therefore, the Generall Assembly of the Kirk hes votit and concludit, that, frae this tyme furth, nane shall be admittit in the functione of ane minister within the Kirk be the Bishops, Superintendants, and Commissioners of cuntries, but sic as have understanding of the Latine tongue, and are able to interpret the Commentars written in the same language, and speak congruous Latine, except sic as, be exemption of the Generall Assembly of the Kirk, for their singular graces and gifts of God, sall be fund also be them to use their functione without knowledge of the Latine tongue.

It is thocht meet, and concludit, that no clark-playes, comedies, or tragedies, be made of the Canonick Scriptures, also weell new as old, on Sabbath day nor wark day, in tyme comeing; the contraveiner heirof, (if they be ministers, to be secludit frae their functione, and, if they be uthers,) to be punischit be the discipline of the Kirk; and ordains ane article to be gine in to sic as sitts upon the policie. That, for uther playes, comedies, or tragedies, or uthers profane playes as are not made upon authentick pairts of the Scripture, may be considerit before they be proponit publickly, and that they be not playit upon the Sabbath dayes.

Sessio 8.

Anent ministers proceeding to the marriage of parties, lawfull impediment being proponit unto them, whilk, after hand, is tryit and fund to be of veritie: The haill Assembly refers the discipline

to be usit against sic persones, to the Bischops, Superintendants, and commissioners of the countries where they serve.

Sessio 9.

Anent difficultie proponit upon the presentatione of Mr Andrew Grahame, presenting him to the bishoprick of Dunblane, under the name of ane preacher, although he had been nane ; The Kirk finds that finall conclusion is not yet had, that all Bischops should be first preachers, and alwayes, if he be qualified, the presentation to be obeyit ; and yet, for farther tryall, appoints to him Wednesday to exercise in the Magdalen Chappell before the Bischops, Superintendants, and ministers, that may be present, and speciallie the ministers of Edinburgh, and so many of the Chaptir as may be there at ten hours before noune, upon the beginning of the fifth to the Romans.

The Assembly hes willit their lovit brother Mr Robert Maitland, Deane of Aberdeene, Robert Pont, proveist of the Trinitie Colledge, John Brand, James Carmichael, to take travell in visiting and perusing of the saids acts, and sic as are generall with the Generall Assemblies, to mark and nott the samen, that thereafter they may be drawne and extractit out of the books, that all pretext of ignorance may be tane away.

Sessio 12.

It is ordaynit that the Bischops, Superintendants, and ministers in all parts, admonische sic as were Papists, and hes sen the act of Parliament, maid confession of their faithes, and, notwithstanding, hes no wayes yet participat the holy supper of the Lord, participat the sacrament with the rest of the congregation ; and if they disobey, their admonitione to be halden as relapse, and to proceed against them as relapse, with the sentence of excommunicatione.

It is thocht meet be the haill brethren that the ministers of Edinburgh and Leith give warning and advertisement to the Bishops, Superintendants, and Commissioners of countries, aucht dayes before the Parliament, to the effect that they may warne the rest of their brethren to be present, to consult and put in deliberatione sic things as shall be thocht, after good advyce, to be proponit to Parliament ; qwhilk convention shall be accountit for ane Assemblie.

[THIRTY-SECOND GENERAL ASSEMBLY.]

THE Generall Assemblie, halden and begun the saxt of August 1575, in the Over Tolbuith of Edinburgh, where there was present the Bischopes of Galloway, Dunkeld, Brechine, Dumblane, Glasgow, and Isles; Superintendants of Angus and Lawthiane, Commissioners of Countries and Townes, with the Ministers. Mr Robert Pont, Moderator.

Sessio.

According to the order and custome of the Assembly, it was proceeded to the examinatione and tryall of the lyfes, conversation, and doctrine of the Bischopes, Superintendants, and Commissioners of provinces. John Durie, one of the ministers of Edinburgh, protests that the tryall as Bischope prejudice not the opiniones and reasons qwilk he and uthers brethren of his mynde hes to oppone against the said office and name of Bishop.

The Generall Assembly ordaynes the Bischope of Dunkeld, betwixt and the next Assembly, to resorte himselfe and his family to Dunkeld, and make his residence there, under the paine of excommunicatione.

The brethren in ane voyce finds great fault with the dilapatione of this benefice; and ordaines the acts of the Assembly to be usit and considered, if there be any penaltie appoyntit for the said dilapatione, betwixt and the saxt day of this instant, and continwes their farder determination to the said day.

Sessio 2.

The Bischope of Dunkeld compeirand in the Assembly, desyrit that he might have Mr John Grahame, advocat, to reason for him in the matter of dilapatione; qwhilk beand thocht a new thing, and, by custome of the Assembly, was finally votit and concludit to be ane novatione, and to introduce some contradictione; and fand him not to be admittit nor no uthers who are not of the functione of the Kirk; and, therefore, ordaynes him to answeare, in his awne persone, the 9th of this instant, or to cluse any of the brether of the functions of the Kirk to reasone for him.

Because certaine of the Bischopes and Superintendants compearit

not, the first day of this Assembly, it was thocht good to call them and thir absents to be notit.

Complaint that nane of the Universitie of St Androis is present, nor nane to cum here.

Sessio 3.

The brethren appointit to give their judgement anent the habite of the ministers and their wyfes, presentit the same to the Assemblie, qwhilk was found good, and all the brethren serving the functione of the Kirk, ordaynes to conforme themselves and their wyfes thereto, and ordained effectuously to follow the same; qwhair of the tennor follows in thir words :

Forsuameikle as ane comely and decent apparell is requisite in all, namely in the ministers, and sic as bearis function in the Kirk ; First, we think all kinds of broidering unseemly, all bagaries of velvet on gowns, hoses, or coats, and all superfluous and vain cutting out, steiking with silks, all kinde of coastlie sewing on pasements, or sumptuous and large steiking with silks ; all kinde of costly sewing or variant hewis in sarks, and kinde of licht and variant hewis in cloathing, as red, blew, yellow, and sicklyke, qwhilk declares the lightnesse of the mynde ; all wearing of rings, bracelets, buttons of silver, gold, or other mettal ; all kinde of superfluitie of cloath in making of hose ; all using of plaids in the kirk be readers or ministers, namely in tyme of their ministrie, and using their office ; all kinde of gowning, coating, doubletting, or breitches of velvet, satine, taffetie, or suchlyke ; all costly guilting of whingers or knives, and sicklyke ; all silken hatts, and hatts of diverse and light colloures : But that their hail habitie shall be of grave collour, as black, russet, sad gray, sad browne, or serges, wirsett, camlet, growgrame, lytes, worsett, or sicklyke ; and to be short, that the good word of God be them and their immoderateness be not sclanderit ; and their wives to be subject to the same order.

It appeared to some of the brethren that the lang continuance of Commissioners in their office, should induce some ambitione and inconvenience within the Kirk, and therefore was thocht a matter to be consultit in this Assemblie, Whether it was best that Commissioners of provinces should be changit from year to year from the countries where they travell to uthers ? After lang reasoning, the greatest part of the Assemblie thocht best, where men may be

had able to use the Commissione, that ane yearly exchange should be.

Ordaines Mr James Lawsons, James, Bischope of Glasgow, Mr Andrew Hay, Mr George Hay, with Alexander Hay, Clerk of Privie Councill, to concive ane article in wreit, concerning the union of parochie kirks, to be presentit the morne to the brethren, to be condescendit be them.

Articles to be presentit to my Lord Regent's Grace.

1. Imprimis, for planting and preaching the word through the whole realme ; It is desyrit that so many ministers as may be had, qwhilks are yet unplacit, may be receivit, alswell in the countrie, to relieve the charge of them that hes many kirks, as utherwayes throughout the whole realme ; with Superintendants or Commissioners within these bounds where Bischops are not, to help sic Bischops as hes uther great charge, and reasonable livinges to be appointed to the forsaides persones ; and also payment to them that hes travellit before Commissioners in the years of God [15]73-74, and so furth, in tymes comeing, without the qwhilk the trauels of sic men will ceise.

2. That sic impediments be removit away as makes hinderance to the progress of the doctrine, sic as abundance of vice in all parts of this realme unpunischit, marketts upon the Sabbath-day, and ministers troublit in the exercise of their office.

3. That the order already tane toward the poore may be put in full executione to that effect, that anie portione of the teinds qwhilk is their awne patrimonie, alswell of the twa part as of the thrids, may be imployit for their sustentatione, according as necessitie craves ; and to this effect, that the hospitalls qwhilks hes been of old, may be restorit to their awne use, notwithstanding any tytle made thereof to uther persones ; and also that sic ordinarie almes as hes been appointed furth of abbayes or uther benefices, be lang consuetude, may be payit to the poore as of before.

4. Because the schooles are the fountaines frae the whilks ministers must flow, that provisione be made for them, not only for sic as remaynes within the realme, but also for men of good ingyne, qwhilk be the Kirk should be funde to visite uthers countries and universities for their furtherance in learning, and chiefie for Glasgow, because it is new erectit, and hes not sic provisions as uther universities.

5. That sic assignationes as hes been appointed be the Prince and the Kirk, and alterit without the advyce of the Kirk, may be repairit, and that in tyme cumeing sic assignationes shall be appointit not to be alterit without the advyce of the Kirk, utherwayes no minister shall be sure of his assignatione.

6. Qwhair ministers produces letters of horning to the Generall Collector, upon sic persones as are assignit to them for payment, the said Collector may be causit make payment to the saids ministers.

7. That all dayes that heirtofore hes been keepit holy, besydes the Sabbath dayes, sic as Zuill day, Saints' dayes, and sic uthers, may be abolischt, and ane civill penaltie against the keepers thereof be ceremonies, banquetting, fasting, and sic uther vanities.

8. That all sic ministers and readers as, either be infirmitie or age, becomes unable, may have their stipends dureing their life-tymes.

9. That the Clark of the Assemblie be answerit of the ordinarie stipend appointit to the Clark of before; namely, in respect of his laboures multiplied in wrieting of the haill ministers' and readers' letters, alswell for answering them of their stipend as of their gleibs and manses, graces, and that his name may be insert in the book of Assignationes, with his stipend, as use was; and sicklyke be answerit of the year bypast that he hes servit.

Anent the question proponit be certaine brether of the Assemblie of the haill Kirk, Qwhither, if the Bischops, as they are now in Scotland, hes their functione of the word of God or not, or if the Chapters appointit for creating of them aucht to be tollerated in this reformed Kirk? For better resolution thereof, the Generall Assemblie of the Kirk appoynts their lovits brether, Mr John Craige, James Lawsons, Andrew Melvill, Principall of the Colledge of Glasgow, on that ane pairt; George Hay, John Row, and David Lindsay on the uther pairt, to conveyne, reasone, and confer upon the said questione, and to report their judgement and opinione thereupon to the Assemblie, before the dissolving thereof, if they be resolvit betwixt and the same.

Sessio 5^a.

Ordaynes ane article to be made to the Lords of the Sessione for the ministers and readers, that they may have expeditione of their

proces pursuit before them, that they be not abstractit from their charges.

Sessio 6^a.

The brethren appoyntit to reasone and conferr upon the functione of the Bischopes as they are now in this realme, and of their Chapters, appoyntit for creating of them, be tollerable, and to return their judgment to the Assemblie, gave in their opinione as after follows in wreit, viz., They think it not expedient presently to answer directly to the first questione; but, if any Bischope beis chosen who hes not fit qualities as the Word of God requires, let him be tryed be the Generall Assembly *de novo*, and so deposit.

The poynts wherein they agree concernyng the office of ane Bischope, or ane Superintendant: First, the name of Bischope is injurie to all them that hes a particular flock over the quhilk he hes ane peculiar charge alsewell to preach the word as to minister the sacraments, and to execute the ecclesiasticall discipline with consent of his elders, and this is his chiefe functione of the Word of God. Attour out of this number may be chosen some to his power, to oversie and visite sic reasonable bounds besyde his awne flock as the Generall Kirk shall appoint; and in these bounds to appoint ministers, with consent of the ministers of that province, and consent of the flock, to whom they shall be appoyntit; also to appoynt Elders and Deacons in every principall congregacione where there is nane, with consent of the people thereof, and to suspend ministers for reasonable causes, with the consent of the ministers foresaids.

Qwhat punishment deserves that minister that marries persones refused be their ordinarie minister, and that in respect they keepit open houses together uncontractit, and wald obey nae discipline, and, qwhair their ordinarie minister desyreit them to obey the discipline, they woundit him to the death; upon the morne the said minister married them, who without satisfacione made to the Kirk for wounding their minister? Referrs the punishment of this minister to the punishment againes Mr Patrick Craig.

Parties to be married sould come before the Assemblie, and give in their names, that their bands may be proclaimit, and no farther ceremonies usit.

The Kirk hes power to cognosce and discerne upon heresies, blasphematione of God's name, witchcraft, and violacione of the

Lord's day, not prejudgeand the punishment of the civill magistrate.

There is no law establischt, that, after a young man hes lyen with ane young woman that is esteemit a virgine, na marriage proceedand, nor promise alleadgit to hir, may be compellit be any particular kirk, at the suit either of the woman or of the parents, aither to marry her or pay her tocher gude.

Bairnes gotten before marriage, the lawfull marriage following, are lawfull.

Qwhat punishment shall be for that minister that baptises ane murtherer's bairne not of his owne paroche, on an Munday, not being ane day of preaching, and without repentance of the murtherer, remainand at the King's Grace's horne? Answer, he [de]serves deposition.

Gine it be lawfull for any minister to dispense with the number of dayes appoyntit for the repentance of adulterous and incestuous persones, in respect that the lyke obedience cannot be obtained in all places? No answer.

[THIRTY-THIRD GENERAL ASSEMBLY.]

THE Generall Assembly of the Kirk, conveynt in the Over Tolbooth of Edinburghe, the 24th of Apryle 1576, qwhaire there war present Lords, Barrones, Bischopes of Glasgow, Dumblaine, Dunkeld, Ross, Brechine, Morray, Superintendants of Lawthiane and Angus, and Commissioners of Countries, Townes, Kirks, and Ministers. Mr John Row, Moderator.

Sessio 2^a.

Anent the pluralitie of offices objectit to Mr Robert Hamilton, minister of St Androis: The said matter being lang debaittit with reasons on every side, and riply advyset, The present Assemblie, in respect of the circumstance of place and congregacione of St Androis, finds and declares the twa offices joynit in his persone to be impatible in him. Anent the advyse and opinione of the brethren gine in the last Assembly concernyng the questione movit, Qwhitlier

if Bishops, as they are now in Scotland, hes their functione out of the word of God? The hail Assemblie, for the maist pairt, after reasoning and lang disputatione upon every article of the saids brethrene, opinione and advyse, resolutely approvit and affirmit the same and every article thereof, as the same is given be them, quhairof also the tennor is here reportit.

First, the name of a Bischope is commone to all them that hes ane particular flock over the qwhilk he hes a particular charge, alsewell to preach the word as to minister the sacraments, and to execute the ecclesiasticall discipline with consent of his elders, and that is his chief functione in the word of God.

Attour of this number may be chlosen some to have power to oversie and visite sic reasonable bounds besides his awne flocke, as the Generall Assemblie shall appoyut, And, in these bounds, to appoyut ministers, with consent of the ministers of that province, and the consent of the flock whom to they shall be appointed; alseweel to appoyut elders and deacones in every congregatione where there is nane, with consent of the people thereof, and to suspend ministers for reasonable causes, with consent of the ministers forsaid; And to the effect that the saids articles condescendit upon be the said Kirk, may be better followit out and ready executione thereupon as appertaineth, Ordaynes the Bishop, who hes not receivit the charge yet of a particular congregatione, to condescend on the morne what particular flocks they will accept to take the cure thereof.

Sessio 5.

Mrs James Lowsone, Robert Pont, Alexander Arbuthnot, William Chrystisone, John Row, and John Craig, with the Laird of Dunn, are ordaynit Commissioners to visite the Colledges of the Universities of St Androis, and to consider the same, the manner and estate thereof, and what they finde to report to the next Assemblie.

The hail Assembly concludit affirmatively, that they may proceed against any unjust possessors of the patrimonie of the kirks in respect of the notorious sclander; and sicklyke that they may proceed against them, be doctrine and admonitione; and last of all, if no remeid beis, with the censures of the Kirk: and, farther, that the patrimonie of the Kirk qwhairupon the Kirk, the puire, the schooles sould be sustained, *ex jure divino*, leaveand the farther disputation of sic matter to the first of May next; and then the de-

scriptione of the patrimonie of the Kirk to be inquiryt at that day, and farther reasoning had for resolution of the questione.

Sessio 6.

Certane brethren appoyntit to oversee the booke writtin by Mr George Hay contra Tyrie.

Brethren appoyntit to make ane overture of the policie and jurisdiction of the Kirk: For the wast countrie, the Bishop of Glasgow, Mrs Andrew Melvill, Andrew Hay, James Greige, David Cunnynghame: ffor Lawthiane, Mrs Robert Pont, James Lawsons, David Lyndsay, Clement Little, and Alexander Syme: ffor Fyfe, the Superintendant thereof, with the principall masters of the Universitie: for Angus and Merns, the Laird of Dunn, William Chrystisone, John Row, William Rynd, John Duncansone: ffor Aberdeen, Mr John Craig, Alexander Arbuthnot, George Hay; and thir persones to conveyne, ilk cuntrie and rank in the places following, viz. The wast in Glasgow; Lawthiane in Edinburgh; Fyfe in St Androis; Angus in Montrose; the first Tuesday of June nixt to come, to confer and advyse upon the said matter, and make generall meeting or convention, twa, or ane at leist, of ilk countrie above written, in Striviling, the last day of July thereafter, to communicate and cognosce upon their hail travells and labours taken therein, and to conferr universallie together heirupone, and report what they have fund and conteinit in the said matter, to the nixt Assemblie, qwhilk is appoyntit to be in Edinburgh the 24th of October nixt to come. In case a parliament, the Kirk ordaynes the ministers of Edinburgh to make intimation heirof to the Bischops, Superintendants, and visitors of countries, that the Kirk may be conveynt four dayes before the said parliament, and that the barrones and gentlemen be exortit to be present with the commissioners appointit in the provinciall assemblie.

[THIRTY-FOURTH GENERAL ASSEMBLY.]

THE Generall Assembly, convenit at Edinburgh the 24th day of October 1576, where there war present Bischopes of Glasgow and Dumblane, Superintendants, Commissioners of Provinces, Townes, and Universities. Mr John Craig, Moderator.

Sessio 2^a.

Mrs John Row, David Lyndsay, Patrick Adamson, qwha war direct fra the Assembly to suit my Lord Regent's Grace's presence at this conventione, or qwhilks authorized be his Commissione, Reportit, That the charge of the Kirk came so suddenly that he could not be present, nor address his Commissioners thereto; always, if the Kirk thinks meit, he shall appoint certaine of the Councill to conveye with the Commissioners, qwhilks the Kirks shall appoynt at sic tymes as the Kirk shall thinke guide, to confer upon sic things as may further God's glory.

It is thought guide be the Kirk, that sic persones as are alreadie pennit anent the policie of the Kirk as were ordayned the last Assemblie, sould revisit all uthers things qwhilk shall be presently gine in, sichtit and put in guide forme; and to that effect the Kirk requests my Lord Chancellour, the Laird of Lundie, Mrs Andrew Hay, Andrew Melvill, James Lawsons, John Durie, Robert Pont, James Wilkie, rector of the Universitie of St Androis, John Row, George Hay, Clement Little, to conveye at afternoone, and daily duringe the Assemblie, to conferr the things already pennit, with uthers whilk will be gine in and advysit thereupon, collectit together in good forme, and present the same to the Assemblie, before the dissolving thereof.

Because of the multitude of the books of Commissioners qwhilks are to be examinitt in the Generall Assemblies, and large tyme spendit therein, besydes sic as are deput thairto knowis not the proceedings of the said Commissioners, sa weil as their Synodall Assemblies: Therefore, it is decreitt and statute be the Kirk present, that the Books of the Visitors or Commissioners be trytt and seene in their Synodall Assemblies, and subscribed be the clerks thereof, and the maist part of the said Assemblie, and reportit againe to ilk Generall Assemblie be the Commissioners, that the Kirk may consider their diligence in their affaires.

The Assemblie present hes ordaynit, that all ministers and readers within eight mylles, or wtherwayes at the discretione of the visitor, shall resort to the place of the exercise ilk day of exercise, and namely the ministers that should prophecie, and that should adde: Qwhairin if aither of these twa failzie, that for the first fault, in presence of the brethren of the exercise, upon their knees, they confesse their offence; for the second, that they make the lyke

submissioun before the Synodall Assemblie; if they incurre the third, that they be summoned before the Generall Assembly, and receive discipline for their offence: and if they fall in the fourth fault, that they be deprivit of their offices and functions of the ministrie.

The Kirk giues commission to the Laird of Dun to summond Mr James Fotheringhame before him, and to take tryall of the haynous sclander of adulterie betwixt him and Margaret Lyndsay, and of ane pretendit marriage alleadgit solemnizat and compleit betwixt them, and to report his proceedings hereintill to the next Generall Assemblie; with power also to him, to chaarge the said Mr James and Margaret Lyndsay, to separate themselves from uthers, qwhill tryall be takin of the said sclander, under the paine of excommunicatione; and giue they disobey, to excommunicate them: and, in the meantyme, in respect of the contempt of the Kirk, in not making his purgatione of the said sclander before the said Superintendent, being thereto summoned, the Assembly present suspends him from all sunshine and office within the Kirk.

Sessio 3.

Anent the propositione of certaine brethren of the Assemblie, declareand that the Regent's Grace hes presentit Mr Patrick Adamson to the Bishopric of St Androis; and that be ordinance of the Assembly, Bischops sould be tryit before them, or they be admittit to the chaptor, Requyrand baith the counsell and advyse of the Kirk herein: The said Mr Patrick answerit, that my Lord Regent's Grace had discharged him to proceed farther in this matter, in respect the said act and ordinance of the Kirk is not accordit on; and therefore he wald not medle further and make instance therein; qwhilk answer the Kirk thocht sould be gine to my Lord Regent's Grace be the chapter.

Sessio 4.

Mr Patrick Adamson, John Row, and David Lyndsay, desyrit provisione to be made for the visitors of countries, according to the division and order takin in the Assembly, &c.

His Grace auswerit concerning the visitors, that he would be advysit with the rowes and the Collector, &c.

Alexander Hay, clarke to the Secret Councill, presented to the Assembly certaine questiones, qwhair of he craveit decesioun for

the better expeditioun of the platt ; declaring it to be my Lord Regent's Grace will, at the least so many as may now have resolutione.

It is thocht meit that the haill readers within this realme sall be examinitt and try it *de novo* in their Synodall Assemblies ; and if, after examinatione, they be fund to want the qualities preseryvit in the Booke of Discipline, to be deposit, and removit from their offices : And sicklyke, that no reader within this realme minister the holy sacrament of the Lord, except such as hes the word of exhortatione.

Sessio 6.

It is thocht meit that in every parochine there be persones to make sepulchres, quha sall notifie the names of the persones deceased to the readers, that they may present the same to the commissioner to be reportit to the Generall Assemblie.

Forswameikle as the Kirk and Commissioners present, advysidly considering the greit prejudice and hurt done to the Kirk of God be beneficed persones within the ministrie, that settis taks and feus of their benefices and ecclesiasticall livings, lands, rents, tynds, and fruits of the samen, defraudand not only their successors of that qwhilk justly sould pertayne to them, and quhairupone they ought to be sustainit ; but also bringand upon the Kirk be their inordinat and corrupt dealing, infinite sclanders and inconvenients : Therefore, with uniformitie of votes and mynd, they have resolvit and concludit, that no beneficit persone within the ministrie, Bischops, or uthers, sall sett fewes or tacks of their benefices, or ecclesiasticall livings, lands, rents, teinds, and fruits of the samine, or any part thereof, to whatsumever persone or persones, without the advyce and consent of the Generall Assemblie of the Kirk ; and sicklyke, that no minister subscriyve nor give their consent to the said fewes or tacks, in any wayes, qwhill he sie the consent of the Assemblie.

For better resolutione of the questiones gine in be Alexander Hay, clerk of the Secret Councill, and expeditioun of the matter of the policie, the Kirk present hes ordaynit Mr John Craig, William Chrystisone, George Hay, David Cunninghame, John Row, James Greige, James Lawsons, David Lyndsay, Robert Pont, David Fergusone, Robert Hammiltone, John Robertsons, John Erskine of Dunne, ane of the visitors of Angus and Mearnes, if he beis present, to conveine the next day after the dissolutione of this Assembly, and visite and consider the heids of the policie, advyse and

consult diligently thereupon, and upon the saids questiones, and to report their judgements thereanent, conceivit formerly in writ, to the next Assembly.

Anent the summonding of the Moderator, and Mr Andrew Hay, Commissioners of Clyddisdaill, to compear before my Lord Regent's Grace and the Privie Councill, bringand with them the act of ordinance, made be the Assembly for excommunicatione of the Captaine of Crawford, with the act qwhairupon the same proceedit, that the verity might be knawne ; The Kirk ordaynes their brethren to appear before my Lord Regent's Grace and Councill, and give obedience, and to report what beis done in that matter.

Returnand to the Assembly fra his Grace and Councill, they declarit, that in respect they producit not the acts and ordinances forsaid, qwhilks they excused be schortness of the charge and occupation of the clark, His Grace and Councill hes suspendit the said sentence of excommunicatione qwhill the productione of the saids acts ; Qwhairfore they protestit for the liberty of the Kirk.

The Assembly refuses to give libertie to the Bailzie of Dunfermling to play upon the Sondag afternoone, ane certaine play qwhilk is not made upon the canonically parts of the Scripture, in respect of the act past in the contrair.

Sessio 7^a.

The Assembly ordaynes Mr Robert Hamiltone to remaine still with the ministrie of St Androis, and to leave the Provestrie of the New Colledge as ane impediment and hinderance to his calling of the ministrie, under the paine of the censures of the Kirk. Mr William, Commissioner of St Androis, in name of the New Colledge and electors of the said Mr Robert to the said Provestrie, dissentit from this sentence : qwhairunto the said Mr Robert adherit, in respect, as he alleadgit, the Kirk could not discharge him of the Provestrie, and that he could not bear the burden of the hail Kirk of St Androis in his owne persone.

Anent the Article teachit and professit be Mr Thomas Hepburne, That never saull went to heaven before the latter day ; The Kirk, after publickly reading of the said Article, of ane mynde and ane voyce, but exceptione, altogether damnit and detestit the said Article, and adjudg it to be hereticall, false, and erroneous, contrarious to the plaine and evident word of God, reveiled in his sacred Scriptures ; and, therefore, inhibits all and whatsumevir persones, publickly or

privately, to maintaine the said error, under the paine of the censures of the Kirk; levand alwayes the said Mr Thomas to privie conference with sic brether of the ministrie as he thinks good for his resolutione in the said matter: and alwayes for consideratione movand the Kirke presentlie, discharges the said Mr Thomas from entering in the ministrie, qwhill the Kirk be farder advysit.

Anent the propositione of the brether of the Chapter of St Androis, Declarand that my Lord Regent's Grace hes presentit Mr Patrick Adamson to the Bishoprick of St Androis, and they beand of the Chapter, in respect of the act and ordinance of the Generall Assemblie, delayed their proceeding therein, desyrand the Assembly present to proceed to the tryall of him, conforme to the said Act of Generall Assemblie: The said Mr Patrick Adamson being present, and requyrit be the Assembly if he wald submit himselfe to the tryall and examinatione of the Assemblie, and receive the office of a Bischope according to the injunctiones of the Kirk? He answered, he could not doe the same.

Salt-pannes, mylnes, and uther labouring, qwhilk drawes away innumerable people from hearing the word of God, sould not be permittit, and the violators to be debarrit from the benefites of the Kirk, qwhill they make their repentance, and the continuers therein to be excommunicat.

The Kirk will not presently resolve the questione, If a man or ane woman divorcit for adulterie, aucht to be admittit to the second marriage; But inhibites all ministers and readers to marrie sic persones, under the paine of deprivatione *simpliciter*, without any restitution in tymes cuming; and the persones so joynit, to be chargit to separat themselves, conforme to the Act of the Assemblie in Angus 1574.

Ane man that commits both adulterie and incest, sould be dowbly punished.

Ane minister or reader that tapis ale, beir, or wyne, and keeps ane open taverne, sould be exortit be the Commissioners to keep decorum.

Qwhither if burrialls sould be in the Kirk or not? Answer, not; and that the contraveeners be suspendit from the benefites of the Kirk, qwhill they make publick repentance.

Relapse in adultrie dowbly punischit.

Sessio 8.

Anent requisitione of the Assembly made to James, Bischop of Glasgow, to give his answer if he will accept the charge of ane particular flock and visitatione of sic bounds as the Kirk shall think good to appoint to him, conforme to the acts concludit in the Assemblie. The said Bischop beand present, exhibite to the Kirk his answer thereto in writ as follows:

Forswameikle as it is not unknowne to your wisdomes that ye gauē Commissiounē and charge to certaine learnit, godly, and discreet brether of the ministrie and uthers, elders of the Kirk, to comone, treate, conclude, and agrie, with certaine uther noblemen, Commissioners from the King's Majestie, John umquill Earle of Marr, his Regent; att the qwhilk conference it was agriet be the hail Commissioners, alsweil of the King as of the Kirk, anent the name, style, and jurisdiction of the Bischopes, with the forme and manner of their institution, ordaynit to stand and remayne qwhill the King's yeares of minoritie, or at leist qwhill ane parliament sould utherwayes decyde, and conforme to the order thairin containit, he was received in the said Bischopriek of Glasgow, and made his sermone to the King's Majestie in things pertayning his highness; and swa giue he sould change or alter any thing pertayning to the order, manner, or priuiledges, or power of the samen, I sould be afrayed to incurr perjurie, and might be callit be the King's Majestie for changing any member of his estate. But to the effect their wisdomes may know he desyres not to be exemit to travell, and bestowing sic gifts as God hes committit to him, he is content, at their command, to haunt to ane particular kirk, and teach thereat when he dwells in the sheriffdome of Aire, and that be discretione and sicht of the brethren of that countrie; and, when he is in Glasgow, to exercise lykewayes at some part where the brethren there thinks maist necessarie, and to abyde their judgement of his diligence in that behalfe, without binding him any wayes or prejudging the power of jurisdictione qwhilk he receavit with the Bischopriek, unto the tyme preseryvit in the conference that farder order be tane be the hail estates thereuntill; at the qwhilk tyme he shall be content with all reformatione as shall be fund expedient: Qwhilk answer beand read, the Kirk continuet and continues the said Bischope in the visitatione of the bounds qwhilks he had of be-

fore, to the next Assemblie, and as to the particular flock, as is mentionat in his answer, to the next Generall Assembly.

Anent the forme of repentance of the fornicators, the Kirk and Commissioners present hes votit and concludit, that ane of the dayes of their appearance to make repentance for their offence on ane Sunday at ten houres before noon, in tyme of preaching, in presence of the congregatioun, and that double fornicators receive double punishment for their offence.

[THIRTY-FIFTH GENERAL ASSEMBLY.]

THE Generall Assembly, conveyit att Edinburgh, in the Councill House, the first of October* 1577, qwhair war present the Bischopes of Glasgow and Dumblaine, Superintendants, Commissioners of Countries, Kirkes, and Universities, Ministers, and uthers: Mr Alexander Arbuthnet, Principal of the Colledge of Aberdeen, Moderator.

Sessio 1.

Because the said Mr Alexander, Moderator, was absent from the last Assemblie, in that respect not foirseene of the things done therein, at his desyre, the Kirk appoyntit the Laird of Dun, Mrs James Lawsons, Robert Pont, David Lyndsay, Andrew Hay, John Craig, Andrew Melvill, to conveye the morne with him at sevine houres in the morning, and advyse upon sic matters as sall be thoct good to be handlit in this Assemblie. The principall argument to be intreatit in this Assemblie is this, The Policie of the Kirk. The brethren deput to the conceiving and forming of the heids thereof, being callit to give ane account of their diligence, presentit the same as they had made partitione thereof at their Assemblie at Streviling.

The heids pennit be Mrs James Lawsons and John Row were read, and nothing again said, except ane of the said Mr Johnes articles referrit to further disputatioun; all men being requirit, that had gude reasone or argument to propone in the contrarie, to al-

* Calderwood and Crawford make this Assembly in *April* 1577.

ledge the same ; or, if he wald not publickly reasone upon the said heid, to resort to the saids Commissioners, where travell should be taken to satisfie them, leivand to them to make argument as they think guide against the same.

The Laird of Dunn thocht the heid gine to him obscure. The Kirk desyrit him to conferr with the remanent Commissioners the morne at seven houres, that he may be resolvit of the meining thereof. The remnant heids beand prolix, were thocht good to be contracted in short propositiones to be presentit to publick reiding.

Sessio 2.

The heid committit to Mr Andrew Hay read in face of the Assembly. Nothing was opponit against the same, except the article anent the suspensioe of Ministers, referrit to farther reasoning.

David Fargusone his part read : The 18th article was referrit, and nothing spoken against the rest.

The pairs committit to Mr Andrew Hay, Robert Pont, David Lindsay : nothing alleadgit in the contrare.

The heids remittit to Mr Johne Craige : some things were desyrit to be contractit, and uthers referrit to farther reasoning.

The haill labours of the brethren tane upon the matter and argument of the policie beand haillelie read in publick audience of the Kirk, It was thocht expedient that their haill travells and wark in this matter, being now dispersit, should be revysit and pervysit be some brethren, digestit and disposit in convenient order, to be thereafter presentit to the Assemblie ; and for that effect, the Kirk appoynts their brethren Mrs James Lawsons, Andrew Melvill, Johne Craige, and George Hay, to convene together, appoint the houres and place thereto, and to remaine thereat whill the matter be brought to an end ; and in the meane tyme, if it please any man to reasone with them in the matter, to have access thereto.

Sessio 4.

Anent the accusation laid against Mr Patrick Adamsone, callit Bischope of St Androis, that he had enterit in the said Bishoprick againes the Acts of the Generall Assembly, and usurpit the office of Visitatione within the bounds of Fyfe, unauthorised be the Commissione, or power of the Kirk, and left his ordinar office of ministrie, The Generall Kirk, in respect of his absence to answer hereto, Gives their full power and Commissione to Mr Robert Pont, James

Lawson, David Fergusone, and Superintendant of Lawthiane, conjunctlie; and, in caise of the said Superintendant's inability, to Mr David Lyndsay, or John Brand, to direct out summonses against the said Mr Patrick, summonding him before them at sic day or dayes as they shall thinke good, within the towne of Edinburgh, to try and examine his entrie, and proceeding to the said Bishoprick, usurpation of the said office of Visitation, and deserting his said office of ministrie quhill he had of before; with power to them to summond the Chaptor of St Androis, or so many of them as shall seem to them expedient, if need require, and the ordinarers or inaugurers of the said Mr Patrick, as they shall think good, for the better tryall of the premisses: And what herein they finde be proces of excommunication, to report againe to the next Generall Assembly; and, in the mean tyme, in the name of the Kirk, to discharge him of farther visitation of the saids bounds quhill he be admittit be the Kirk.

Sessio 5.

The Kirk fand, that James Blackwood, because he brookit twa benefices, the personage of Sanquhair and viccarage of Saline, should demitt the ane of the saids benefices.

Sessio 6.

It was thoct expedient be the Kirk, that certaine of the brether be direct to the Regent's Grace to informe him that the Kirk is travelling in the matter and agreement of the policie, and what beis farther proceidit theirin, his Grace shall receive advertisement, before the end of the Assemblie. In this meane tyme, sundrie inconvenients may fall out before the same be perfytit, quhilks it wald please his Grace to consider ane remeid; and for this effect was dispatchit from this Assembly, Mrs David Lyndsay, and John Duncansone, who returnit and reportit, his Grace lyked well of their travells and laboures tane in that matter, requireing expeditione and hastie outtred thereof: As for the particulars they informe wald be occurred, let them be gine, they shall have good answer.

Sessio 8.

The particulares of sic things as are desyret to be ordainit by my Lord Regent's Grace before the wark of the policie cam out, being conceivit in a few articles, quhilk after shall appear, were delyvrit

to the Kirk be thair brether Mrs David Lyndsay, Andrew Polwart, and John Duncansone, to be proponit to his Grace to that effect, to await afternoone for his Grace answer; quho returning, reportit his Grace answer to us, That if the articles might be resolvit be himselfe without the councill, they should receive his answer the morne, in the morning, wtherwayes the Councill should be convenit the morne afternoone, and thereafter answer should be gine to sik as the Kirk direct to receive the same; for the quhilk effect, the Kirk direct Mr John Craige and David Lyndsay.

The tenor of the Articles above specifit.

1. First, that provisione may be had for the visitors of the countrie.

2. That order may be taken that persones depryvit be the Kirk for not doing their offices, may be depryvit of their benefices.

3. That his Grace will take order with such as receives benefices and thereafter cowps them.

4. That when benefices vaiks, they may be disponit rather to sic as hes servit at the Kirks thereof, than to uthers not so well qualified.

5. That the Acts of Parliament made against adulterers may be put to executione, namely, against William Cochrane, notorious adulterer.

6. That his Grace would discharge playes of Robine Hoode, King of May, and sic uthers, on the Sabbath day.

7. Because there is diverse readers not enterit in the Booke of Assignation, pairtly by inlaike of Commissioners, and pairtly be their negligence, that order may be provydit therefore.

The Proces persewit be the Laird of Tullyallane, against John Dykes, minister of Culross, was sichtit be some brether, and the heid of the bill was not found provine. The debait was finallie endit be the travells and persuasions of the brether appoyntit thereto.

Sessio 9.

Anent the complaint made be David Fergusone, upon Mr James M'Gill, Clark of Register, to the young Laird of Rossythe, that against the acts of the Kirk they causet burye the umquhill Laird of Rossythe in the Kirk of Dumfermling, albeit the said David made them foirseene of the said act; The Kirk ordaynit John Du-

rie to warne the Clark Register to answer heirto, the first day of May next to come.

Ordayns the brethrene to wait on my Lord Regent's Grace answer, to make sute for Mr John Davidson's libertie to come in the countrie, for his favour, when he likes to come.

The brethrene appoyntit to collect the heids of Policie presentit of before, reportit the same collectit in order, and digestit in an body ; and all men requyrit that had good reasone to argument, to proponit, to offer them thereto.

Thrie heids were callit in doubt ; ane *de Diaconatu*, ane uther *de Jure Patronatus*, the third *de Divortiis*, wherein they were not resolvit nor satisfiet. As to the rest, nothing was thocht in the contrair, nor proponit.

Thir thrie heids standing in contraversie, and disput *in utramque partem*, yet farther disputation was reservit till the morne, to any man that likit to take the pairt of reasoning upon him against the saids heids.

The Commissioners appoyntit to await upon my Lord Regent's Grace's answer, report, because they had no commission in wreit, his Grace gave no answer to them.

The Clark Register beand present, declareit that the Proveist and Baillies of Dumfermling agriet to burie the said Laird of Rossythe in the Kirk ; that he was not the causer thereof, submittand himselfe allwayes to the judgement of the Kirk, if any offence be found done by him.

The Generall Assemblie of the Kirk of this Realme, considering the grit abundance of iniquitie overflowing universallie the hail face of this commoneweill, now in so great licht and revelation of the trew and Christiane religione, justly provocking and steiring up the justice and equitie of God to take judgement and vengeance on this unworthie nation ; Seeing also the many and perilous strifes and raiges of persecutione daily invading the Kirk and Spouse of Jesus Christ, the sound and extreame troubles of the trew and zealous members thereof in the parts of France and elsewhere, professing with them ane Saviour, Lord, and Messias, the wark also of establishing a perfyte order and policie in the Kirk being presently in hands, hes thocht it good, for the same reasones and good causes, that earnest and speedy recourse shall be had to God, with commonne supplicationes and prayers ; And to that effect ane generall fast be observed universallie, throughout all the kirks of the realme,

with doctrine and instruction to the people, to begin the second Sunday of July nixt to come, qwhilk is the ninth day thereof, and to continue to the nixt Sunday thereafter, using, in the meanetyme, exercise of doctrine according to the accustomed order ; and to that effect, that intimation be made by the Commissioners of Countries to the ministers within their bounds, as appertaines. Give in the Generall Assembly.

Because the matter of the policie of the Kirk collectit be the brethren, is not yet in sic perfect forme as is requisite, and syndrie things largely intreatit, qwhilk will be mair summarly handlit ; others requireing further dilatioune for the re-collecting thereof, and putting the same in good order and forme, and for avoiding superfluitie and obscuritie, the substantialls beand keptit ; The Kirk presently hes willit their belovit brethren, Mr Robert Pont and James Lawsons, to take travells and laboures in the premisses ; and to the effect the wark may the better be compleitit and in readiness against the next Generall Assemblie, qwhilk is ordaynit to begin at Edinburgh the 25th of October nixt to come, the Kirk hes ordaynit their brethren, the Laird of Dunn, Mrs Alexander Arbutnot, Andrew Melvell, John Craig, Andrew Hay, George Hay, John Row, David Lyndsay, John Duncansone, to conveye and assemble together, the nyneteine day of October nixt in Edinburgh, to revise and consider the travells of the said brether, that the samine may be the mair advyседly proponit publickly, as said is : In this meane tyme, sic as pleases to reason in the matter to have access to the saids brether ; and lykewayes ordainit the Visitors of Countries to make intimatione to the Barrones, that the said wark is in hand, and to be treattit in the nixt Generall Assembly ; desyrand their presence and concurrence thereto.

[THIRTY-SIXTH GENERAL ASSEMBLY.]

THE Generall Assembly of the Kirk, convent att Edinburgh, in the Laigh Tolbooth thereof, the 25th of October 1577, where there was present the Commissioners of Countries, Provinces, Townes, and Universities, with the Ministers : Mr David Lyndsay, Moderator.

Sessio.

Because of great confusione heirtofore in Assemblies qwhilk fell

out be casting in of purposes unfoirseene afoire, and be the multitude of proponers thereof; It was thoct meet, dureing this Assembly, that certaine brethren sould conferr with the Moderator upon matters to be intreatit on at this conventione, viz. Mrs John Row, Alexander Arbuthnot, Andrew Melvill, William Christison, James Lawsons, Robert Pont, Andrew Hay, John Duncansone; and sic lyke it is thoct good that the acts made in the Assemblie be considerit be the saids brethren, joynit to the Moderator, and thereafter read in open Assemblie.

The Kirk thoct meet that my Lord Regent's Grace should be desyrit to be in this Assemblie in proper persone, or be Commissioners; and to that effect war direct Mrs John Row and James Lawsons, qwha immediatlie returnit, with answer that his Grace had no leisure to talk with them for occupation.

The haill Assemblie ordaynit Mrs John Craig and John Brand to gang to his Grace for the same effect, and to report his answer the morn at nyne hours, qwhilk was, that he was so occupied in earnest effairs of the Councill, that he had no leasure to confer with them. The Kirk hes thoct it meet that the said brethrene pass againe to him, and require his personall presence in this Assemblie, or Commissioners authorized with his commissione.

Because the matter of the policie and jurisdictione of the Kirk committit to the recollecting, forming, and dispositione of certaine brethren being now present, be them was thoct expedient to be proponit and intreatit the morne; efter the reading of the generall heids thereof, the haill brether was requyrit to advyse with themselves gif they fand any uther heids necessary to be disputit then this, and to signifie the same to the Assemblie the morne.

Sessio 3.

Johne Brand returnit my Lord Regent's answer, that in respect of sundry important businesses, and that he could not leave the Councill sa soone conveint, he could not satisfie the petitione of the Kirk, desyring that the brethren qwhilk war send down to him before, sould come downe and speik with his Grace; and because the Kirk is labourand in the policie, prayand them earnestly to gang forward and put the same to end, The Kirk wills Mrs James Lawsons and John Row to pass to his Grace the morne, according to his desyre.

Mr Patrick Adamsons, in my Lord Regent's Grace name, ex-

hibits in the Assembly ane Letter direct from the Queen Majestie of England to his Grace, making informatione of a certain Councill to have been halden at Magdeburgh for establishing of the Augustane Confession, with ane Letter written from the Cassumire to her Majestie of that same argument, desyrand the Assemblie to advyse if they thocht meit that any of the learned ministers of this natione sould repaire thither, and whom they will name and find good to this effect: To the qwhilk desyre the Kirk continuit to giue answer to the 28. day of this instant.

Sessio 5.

The Assembly present in ane mynde resolvit and adjudgit it to be very necessarie, that some of the Kirk sould be direct to the Councill to be halden at Magdeburgh, and hes nominat any twa of the brethren following that shall be thocht most meet be my Lord Regen's Grace, viz. Mr Andrew Melvill, Patrick Adamson, David Cuninghame, George Hay, David Lyndsay, William Chrystison, Alexanler Arbuthnott, and Robert Pont; qwhais names the Kirk ordayns to be presentit to his Grace be Mr Craig, and to report his ansvver againe.

Comjeirit John Andersone in linnen cloathes, in presence of the hail Asemblie; and beand prostrate upon his knees, confessit he had offendit Mr Robert Boyde, minister, in drawing of his blood, whereof he repentit with his heart, and askit God and his Kirk forgiveness—promiseing, be the grace of God, not to fall in the lyke wikedness in tyme cuming.

Sessio 6.

This session being hallilie imployit in reasoning the heids of the jurisdictione of the Kirk, the same argument was ordaynitt to be followit at the morne, so far as tyme may serve thereunto.

Sessio 7.

Concerning the number of the brethren gine in to his Grace, it lyked hin well that the Kirk had gine him choise out of so reasonable ane umber, and that, in his opinione, Mr Andrew Melvill, George Hay, and Alexander Arbuthnott, were meitest for the purpose; allayes desyres the advyce and judgement of the Kirk heirto, tha after, he may take resolutione with his Councill.

The Kk willed the said Mr Patrick Adamson, with Mr Johne

Craig and William Chrystisone, to travell with his Grace, to know further his Grace's mynde in this behalfe, and sicklyke to desyre his Grace for to appoynt the modifiers to conveye to the ordering of the rolles of the ministers, and to report his Grace's answer to the Assemblie.

Sessio 8.

The persones directit to his Grace reportit, that he lykit well Mr Andrew Melvill and Mr George Hay to be direct to the said Councill, alwayes he wold know the advyse of the Councill therein, qwhair of he wold make them to be informed: And, concerning the rolls of ministers, had appoyntit the Abbot of Dumfermling, George Auchinleck, Mr Nicoll Elphingstone, and Thomas Nicolson, to take order therewith.

Sessio 9.

Thomas Mortoune, ffir of Cambo, and Mr Thomas Ramsay, gave in ane bill of accusatione against Mr Thomas Kynneir, minister of Craill, contaynand sundrie heids of sclander against him, as, namely, suspicions of adulterie with Agnes Guidland, spouse to Sir John Barone, drunkenness, tulziesumness, selling of the sacraments. The said Mr Thomas being present, denyit the haill points thereof; and the said bill being referrit to the accusers' probatine, for proving thereof they produced David Fermor, David Monpennie, Mr James Hallyburtone, provest of Dundie, John Herries, and Mr Thomas Fermour, qwha being admittit, and nothing opponi against them, the said Mr Thomas was ordaynit to be examinat be William Chrystisone and John Durie, and their depositiones to be presentit againe to the Assembly, to be considerit what they import

Sessio 10.

The depositiones of the witnesses examinat in the said cause being reportit at afternoone, the Assemblie continueit the pronouncing of the sentence in the matter till the morne, and warnit baith the parties thereto.

Mr Andrew Polwart was decernit to be frie and at bertie fra the kirk of Paslay, that he may serve uther where it plased God to call him; because of the contempt of the discipline, the manifest vices, minacing and boasting of him in doeing his dewe, his labours cannot be profitable to them, besydes some priat causes

qwhilks were considerit be Mrs Alexander Hay, Alexander Arbuthnot, George Hay, and Andrew Melvill, and they reportit their judgement; qwhairupon decretit past.

Sessio 11.

Anent the grievous accusatione layd against Mr Thomas Kynneir be the Laird of Cambo, and Mr Thomas Ramsay, concernyng his sclanderous and ungodly life, the hail Assembly, after publick reiding of the witnesses and probatione deducit in the matter, and dew consideration thairof, and after taking aith of the accusers that they accusit naither of malice nor choler, but for conscience cause, knawand the accusatione qwherwith they accuse him to be trew, Decerns, all in ane voyce, the said Mr Thomas to be depyvit, lykeas they deprive him of the ministrie in all tyme cuming; debarring him also from the participacione of the holy supper of the Lord, ay and whill his repentance be testifyt to the Generall Assemblie be the visitor of the countrie where he remaynes, and humble supplicatione to be made be the said Mr Thomas to the hail Assemblie, to be admittit thereto, and their answer to that effect: That this sentence be intimat in the Kirk of Carraill in the pulpit thairof be the commissioner of the countrie.

Sessio 13.

The heads of the Policie and Jurisdictione of the Kirk beand halilie read in the audience of the hail Assemblie, and thoct good that the same sould be presentit to my Lord Regent's Grace, as agried be reasoning amang the brethren, savand the head *de Diaconatu*, qwhilk is ordaynit to be gine in with a nott, that the same is agriet be the maist part of the Assembly, without prejudice of farther reasoning, to the effect the saids heids may be put *in mundo*, disposit, and set in good order, according to the mynd of the Assemblie; The Assembly hes willit Mrs James Lawsons, Robert Pont, David Lyndsay, and the Clerk of the Assemblie, to travell with diligence therein: And the same being put *in mundo*, that according to the originall, to be seen and revysit be John Duncansone, David Fargysone, the Laird of Dun if he be present, Mr James Carmichael, and John Brand, and being found be them according to the said originall, to be presentit be the saids Mrs James Lawsons, Robert Pont, and David Lyndsay, together with the supplicatione pennit and delyverit to them, be the Clerk, unto my Lord

Regent's Grace; and in caise conference and reasonyng be socht be his Grace upon the saids heads presentit to his Grace, The Assembly hes appoyntit Mrs Patrick Adamson, the Laird of Dun, John Craig, John Row, Alexander Arbuthnott, Andrew Melvill, James Lawsons, Robert Pont, David Lyndsay, Andrew Hay, George Hay, and John Duncanson, to concurr and await upon the said conference as they shall be advertised be his Grace.

[THIRTY-SEVENTH GENERAL ASSEMBLY.]

THE Generall Assemblie, conveint att Edinburgh the 24th day of Aprile, in the Magdalen Chapell, 1578, quhair thair was present Commissioners of Countries, Kirks, Townes, and Universities, with Ministers: Mr Androw Melvill, Moderator.

Sessio.

Att the Moderator's instance, the Assembly appointit Mrs John Row, Robert Pont, James Lawsons, and David Lyndsay, to concurr and conferr with him at extraordinar houris, to advyse upon sic matters as shall be thocht best to be proponit to the Assemblie.

Sessio 2.

It was thocht good be the Assemblie, that Mrs Andrew Hay, John Craig, and John Duncanson, sould be direct to the King's heines Counsell, requyrand the Councill to direct some of the same as Commissioners from his heines to assist the Assemblie with their presence and councill, who returnit their answer, that be reason of urgent affaires they could not be present this day; but the morne there should be twa deput to be direct to the Kirk.

Sessio 3.

That Bischops and all uthers beirand ecclesiasticall functions be callit be their awne names, or brethren, in tyme cumeing.

Anent the ordinance made in the last Assembly concernyng the presenting of the Booke of Policie of the Kirk to my Lord Regent's Grace; The brethren havand commissione thereto declarit that

they had presentit the same to him with the supplicatione appoyntit, and ane day being appoyntit to conferrence, the alteration of the authoritie hes intervenit ; and allwayes, for to stay corruptione in the entrie of the King's Majestie's Government, they had presentit to his hieness councill, ane supplicatione with four articles, and for observacione of the Act of Parliament, touching sic as bears publick office within this realme ; ane uther for putting order to the late murther in Strivling and Edinburgh ; the third for the policie of the Kirk ; the fourth for supporte of the appearand famine—of the qwhilk as yet no answer.

The haill Assemblie thoct the same meit to be cravit of the Councill, and desyrit my Lord Herreiss and the Abbot of Deir, present, of their opinion concerning the saids matters ; qwhais answer was, they came not to vote nor conclude, but were direct be the Councill to hear and sic the proceedings of the Assemblie, and alwayes sould insist at the hands of the Councill for answer to the saids Articles.

Anent the complaynt made upon David Fargysone, that he had overseine the executione of the act made anent Mr Thomas Biggar and George Boswell anent their resorting to the exercise of Dumfermling, the said David being present, declareit that upon their promise to erect ane exercise in Kirkaldie he stayit, qwherin they have failziet. The Kirk ordaynes the said act to be put to executione be him as accords.

It was thoct meet be the brethren, that certaine sould be direct to my Lord Herreiss and the Abbot of Dier, to put them in remembrance of the answer to the articles gine in to the Councill, and lykewayes to demand of the Councill, whether they be direct to the Assembly to giue their advyce in all things tending to the glory of God and weell of his Kirk, or to hear allanerlie ; and giue the brethren finds it expedient to propone the ane and the uther to the Councill themselves ? And to that effect were direct Mrs Andrew Hay and David Lyndsay, who returning, reportit, that some difficulties are in the articles, and for reasoning thereof with sic as the Kirk will appoynt thereto, they have ordaynit twa of the Counsell to concurre the morne at aucht hours. As to the persones they direct to the Assemblie, they giue them no power as Commissioners of the King to vote in Assemblie ; for they had not spoken the King in this behalfe : Alwayes, as brether and members of the Kirk, they shall giue advyce, counsell, and vote. The Kirk ap-

poyns Mrs Robert Pont, John Row, James Lawsons, Andrew Hay, Andrew Melvill, and David Lyndsay, to concurr with the deputs of the Council, to reasone upon the saids articles the morne at aucht houres.

Forsuameikle as the heads of the policie beand concludit and agreit in the last Assemblie of the Kirk, be the maist part of the brether; certain of the brether fand some difficultie and questione in that head *De Diaconatu*, qwhairthrow farther reasoning was reservit to this Assemblie thereanent: It was therefore requyrit that if any brother had reasonable doubt or argument to propone, that he sould be readie the morne to offer his reasons, qwhair he shall be heard and resolvit.

Ordaynes ane Generall ffast to be observit universallie within the Kirk within this realme, to begine the first day of Junii nixt to cum, and to continow whill the next Sabbath thereafter inclusive, with the accustomed exercises of doctrine and prayer; intimation heirof to be made, with the tyme and cause, to the King and Council, supplicating his Grace and Council to discharge be opin proclamatione, all kynd of insolent playes as King of May, Robine Hood, and sic uthers, in the moneth of May, aither be bairnes or utherwayes.

Sessio 5.

The brether appoyntit to conferr with the deputs of the Council touching the difficulties they had to propone againes the Articles gine in to the said Council, reportit, that the said deputis willed the Assemblie to name the persones they suspect of Papistrie, and to direct from the number of the Kirk, certain brethren to admonische them to subscriyve to the Articles of the Religione presently allowed be act of Parliament, and to particiopat the communion, and giue they find disobedience, to intimat the same to the Council; and lykewayes to proceed against the disobedients with the censures of the Kirk.

The Assembly nominat my Lord Chancellour, the Earles of Caithness and Mountgomrie, my Lord Ogilbie, and ordaynit Mr John Row and James Lawsons to communicat with the Chancellour and Mrs John Craige and John Duncansone, with the remanent, and to report their answer at fyve houres to the Commissioners of Countries.

Sessio 6.

According to the ordinance made yesterday, all persones that hes any reasonable doubts or argument to propone against the head of the Policie, were requyrit to propone the same, and nane offerit any argument in the contrarie.

Sessio 7.

Forsuameikle as there is great corruptione in the estate of Bischops, as they are presently maid in this realme, qwhairunto the Kirk would provide some stay in tyme cuming, so far as they may, to the effect farder corruptione may be brydlit ; Therefore the Kirk hes concludit that no Bischopes shall be electit or made hereafter before the next Generall Assemblie ; discharging all ministers and chapters to proceed any wayes to electione of Bischopes in the meanetyme, under the paine of perpetuall deprivatione from their offices ; and that this matter be proponit first in the next Assemblie, to be consultit what farther order shall be taken thereanent.

Anent benefices vaikand of the Kirks where there is no qualified ministers serving ; The Kirk hes determinat and ordaynit, that no visiter of countries give collatione of the saids benefices to any uther persone by the minister of the Kirk qwhairof the benefice vaicks, qwhill the next Generall Assemblie of the Kirk, under the paine of deprivatione from their offices ; and gif they be urget be the Prince's letters thereto, to shaw this ordinance for their defence, and that this same matter be proponit in the next Assemblie, that order may be taken theirin.

Sessio 8.

Forsuameikle as the Generall Kirk has thocht meet that the travells taine be them upon the Policie be presentit to the King's Majestie and his heines Council : It was found good, that before the copies thereof were delyverit, they sould be yet reueisit and overseen be Mrs Robert Pont, James Lawsons, and David Lyndsay, and being written over according to the originall copie, to be presentit be them to his heines with a supplicatione pennit be them to that effect, with ane uther copie to the Council ; the tyme to be at the discretion of the said brether, provyding it be before the generall fast : And in case conference and reason be cravit upon the said heids, the Kirk hes nominat Mr John Craige, Alexander Ar-

buthnott, the Laird of Dun, William Chrystisone, John Row, David Fargysone, Robert Pont, James Lawsonsone, David Lyndsay, John Duncansone, Andrew Melvill, Andrew Hay, and James Greig, to concurr and conveine at sic tymes appoynted be the King and Council, advertisement being made to them be the said thrie brether, and that the saids Commissioners at the said conference reason also on the head of the ceremonies, and how far ministers may meddle with civill affaires, and gife they may vote in Council or Parliament.

The Generall Assemblie of the Kirk, finding the universall corruptione of the haill estates of the bodie of this realme, the great coldness and slackness of religione in the greitest part of the professors of the same, with the daily increase of all kynd of fearfull sinnes and inormities, as incest, adulterie, murders, and namely, recently committit in Edinburgh and Striviling, cursed sacriledge, ungodlie seditione and divisione within the bowells of the realme, with all manner of disorderit and ungodly living, qwhich justly hes provokit our God, although long-suffering and patient, to stretch out his arme in his anger to correct and visite the iniquitie of the land, and namely be the present seueritie of famine and hunger, joynt with the civill and domestick seditiones, qwhairunto doubtless greater judgements must succeed gif his correctiones work no reformatione nor amendment in men's hearts: Seeing also the bloodie conclusions of the cruell counceill of that Roman beast, tending to exterminat and raze from the face of all Europe, the light of the blessed word of salvatione: ffor these causes, and that God of his mercy wald bless the King's heines and regiment, and make him to haue ane happie and prosperous government, as also to put in his heines heart and in the hearts of his noble Estates of Parliament, not only to make and establishe good and politick lawes for the weel and good government of the realme, but also to settle and establishe sic ane policie and discipline in the Kirk, as is cravit in the word of God, and is conteinit and pennit alreadie to his heines and counceill, that in the ane and in the uther God may be glorified and haue his dew praise, and the age to come ane example of upright and godlie living and dealing: Therefore the Kirk hes ordainit the act preceeding heiranent to be preceislie keepit in all poynts.

Sessio 9.

The brethren appoyntit to speak with the suspect Lords reportit, that the Earle of Caithnes desyreit to sie the articles of religione: My Lord Ogilvie declareit that he had subscriyvcit the articles of religione, and participat the communion before the pastour of the countrie, and was willing to doe the same againe. They had not the commoditie to meet with the Chancellour and Montgomerie. The Ministers and Sessiones of these townes where they shall happin to repaire, were ordaynit to admonische them; and if they fand disobedience, after dew admonitione, to proceed against them with the censures of the Kirk.

Mr Thomas Sincloure was nominat among the brethren to answer the bills.

Sessio.

What shall be the punishment of communicants that violats the generall fast? Answer: They shall make repentance twa severall Sondayes, and according to the contempt in the violatiōe, the paine to be aggravat.

The conventione nixt appoyntit at Edinburgh the 7th of July next to come, in caise the parliament alreadie proclaimit hald fordward; utherwayes, in caise the same halds any uther tyme betwixt and the 24th day of October nixt to come, that the brethren conveine in the place where it shall be halden for the tyme, four dayes before the same; and failzieand of both, upon the 24th day of October nixt to come, within the towne of Edinburgh.

[THIRTY-EIGHTH GENERAL ASSEMBLY.]

THE General Assembly, conveint at Striviling, and begun the 11th of Junii 1578, where there was present the Commissioners of Countries, Commissioners from Synodall Assemblies, Towns, and Universities.

Sessio 1.

In respect of the raritie of the Assemblie, the brethren that were

conveint thocht best to meit at twa houres afternoone, and to sitt till fyve houres at noone.

Sessio.

Exhortation beand made be Mr Andrew Melvill, Moderator of the last Assemblie, before farder proceeding, questione beand proponit, if this Assemblie be ane continuation of the last or ane new Assembly? It was reasonit and concludit to be ane new Assembly. For electione of ane Moderator, Mrs John Row, David Fargysone, and John Duncansone, was proponit in leets, and be pluralitie of votes, Mr John Row was chosen Moderator.

Mrs Robert Pont, James Lawsons, Andrew Melvill, John Craig, and Andrew Hay, direct to give their counsell, and communicat with the Moderator sic matters as shall be thocht best to be resolvit at this conventione.

Forsuameikle as it hes pleisit the goodness of God to indew the King's Majestie with zeal of his trew religione, it was thocht very meit that the Laird of Lundie, Mr John Craige, James Lawsons, Robert Pont, and John Row, should be direct to his Grace to crave that some be direct be his Grace to assist this Assemblie the morne, at aucht houres in the morning, and to report his hienes answer.

Sessio 2.

Anent the Act made in the last Assemblie concernyng the election of Bischops, suspedit whill this Assemblie, and the farder order resolvit thairinto, The Generall Assemblie, all in ane voyce, hes concludit that the said act sall be extendit for all tyme to come, ay and while the corruptione of the Estates of Bischopes be allutterlie taine away, and that all Bischopes already electit, be requirit particularly to submit themselvis to the Generall Assembly concernyng the reformatione of the corruptione of that estate of Bischopes in thair persones, qwhilk if they refuse, after admonitiones, excommunicatione to pass against them: qwhilk submission the Bishop of Dumblane willingly offerit to the Assemblie.

Anent ane act made in the last Assembly, the 28th of Aprile 1575, concernyng the collatione of benefices to uther persones nor the ministers of the kirk quhair of the benefices vaikes, and the farther order to be taine in this Assembly, the Kirk present hes farther concludit, that neither Bischops, visitors, nor uthers beiring com-

missione of the Kirk, give collation of benefices, by and against the tenor of the said act, Under the paines therein content, quhill the nixt Generall Assembly of the Kirk, at quhilk tyme this matter shall be proponit againe, that farther order may be tane therein.

Anent the penaltie of hischopes, ministers, and uthers beand functione in the ministrie, that setts fewes and tacks of their benefices and ecclesiasticall livings, or any pairt thereof, or ministers in chapters that gives their consents thereto, without the consent of the Generall Assemblie of the Kirk, against the tenor of the acts made in Assembly before, the Kirk and Assemblie present hes concludit that the saids persones quhilk shall happen to contraveene the said act, shall be depyvit from their offices and functione in tyme cuming.

Forsuameikle as in the last Assemblie, commissione was give to certaine brethren to present to the King's Grace and Council the heids of the policie of the Kirk, with a supplicatione unto his Grace, the Kirk desyrit the report of the brethren's proceeding; who exponit and schew, that according to their commissione they exhibite to the King's Majestie a copie of the heids of the policie, with the supplicatione unto his Grace, quho gave a very comfortable and good answer, that not only wald he concurr with the Kirk in all things that might advance the trew religione presently professit within this realme, but also wald be a protector of the Kirk; and thereafter his Grace presentit the supplicatione to the Council, who nominat persones to conferr in the matter, and be his Majestie's procurement obtained of the Council that they might choyse so many ministers to conferr, as was at lenth agreit upon: Quhilk conference is readie to be schawen.

Sessio 3.

The report of the Assemblie had be the Commissioners appoyntit be the King's Majestie and Council beand exhibite to the present Assemblie, it was thoct meet to be read over.

As to the supplicatione devysit in the beginning of the conference touching those that shall vote in parliament in name of the Kirk, the Assembly thoct the advyce good, and ordaynit Mrs John Row and Robert Pont to penne the same, and to present it to the Assemblie on Monday.

Concerning the remanent observationes, ordourly the Kirk proceedit as follows:

Cap. 1. The aucteine article thereof whilk in conference was desyrus to be made plaine, the Assembly thinks it sensible enough.

Cap. 2. The third article agreit conforme to the conference. The 7th article to be farder considerit.

Cap. 3. The 10th article thought plain in the selfe: as to the 12th article, agreit it be framit conforme to the conference. Touching the advyce, craeit what paines shall be put to non-residents, The Kirk thought meet and civill law cravit, decernand the benefices to vaick through non-residence.

Cap. 4. The 9th article agreit conforme to the conference and the penaltie of persones excommunicat, desyrit to be hornyng or captione be speciall act of parliament to be execute be the Thesaurer, Justice Clark, or uthers, that the King's Majestie and his Council pleis to appoynt.

Cap. 5. Agreit with the twa supplicationes desyrit.

Cap. 6. The perpetuitie of the persones of the elders agreit conforme*

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. . . . patrimonie of the Kirk, to the hurt and diminutione of the rentalls thereof, and to the prejudice of the old possessors of the same; certificing them and every ane of them that does in the contrare, that the censures of the Kirk and excommunication sould proceid against them, and this act to be extendit to all Chapters of every sorte and conditiones that is usit presently in this realme; and sicklyke against these that are receivers, directly or indirectly, of the saids fews, tacks, or uthers dispositiones whatsumever, and the contraveners to be accusit before the Generall or Synodall Assemblies and their Commissioners appoyntit be other of them to that effect, and intimation to be made heirof to all Commissioners and ministers in every Paroche Kirk, and that in respect of the great inconvenients knawn to the Kirk, against the Kirk, schooles, and the multitude of the poore, qwhilk dayly increases and dies miserably through the occasione forsaid.

The nixt Assembly to be in Edinburgh the 24th day of October nixt to come; and, if there be ane parliament betwixt and the said

* Note in an old hand on the copy transcribed,—“Here in ane old folio MS. I find y^r ar two leaves and a page blank, q^{ch} I suppose is pairt of that which was torn out by Adamson, B. of St Andrews. I mark the after blanks as I find them.”

day, the Assemblie to be where the parliament beis, twa dayes before the samme.

[THIRTY-NINTH GENERAL ASSEMBLY.]

THE Generall Assembly, convenit at Edinburgh, the 24th of October 1578, in the Nether Councell-house, where there was present the Commissioners of Countries, Provinces, Townes, and Universities.

Sessio.

Exhortation made be Mr John Row. Leets, Mr Andrew Hay, Thomas Smetone, David Fargysone: The said David was chosen Moderator be pluralitie of votes. Mrs James Lawsons, Andrew Melvill, John Row, Andrew Hay, Thomas Smetone, John Craige, Robert Pout, Assessors.

The Noblemen in the Towne for the present were desyrit to be present in the Assembly.

Sessio 2.

In respect that at the desyre of the Assemblie, certain of the nobilitie were convenit, viz., my Lord Chancellour, the Earle Moutrose, my Lord Setone, my Lord Lindsay, it was exponit and schawne be the Moderator of this Assemblie in name of the Kirk, qwhat care and studie the Kirk of God had taine to intertaine and keep the puritie of the sincere word of God unmixt with the inventions of their awne heids, qwhilk their speціаль care was to reserve to the posteritie heirafter; and, seeing that the trew religione is not able to continew nor indure lang, without a good discipline and policie, in that part have they also imployit their witt and study, and drawne furth of the pure fountaines of God's word sic a discipline as is meet to remayne within the Kirk, whilk they presentit to the King's Majestie with their supplicatione, at whais discretion certain Commissioners were appoyntit to reasone with sic as were deput be the Kirk, where the haill matter beand disput was resolvit, and agriet, to a few heids, and thereafter againe presentit to the Lords of the Articles, that the said discipline may take place and

be establishit be the actes and lawes of the realme, qwhairin, notwithstanding, their travells hes not succeeded; prayand, therefore, the nobilitie present, alsweel openly to make profession to the Kirk if they will allow, affirme, and maintaine the religion presently establishit in this realme, as also the Policie and Discipline already spoken of, and labour at the King and Councill's hands for ane answer to the heads after following, to witt; That his Grace and Councill will establish such heids of the policie as was alreadie resolvit and agreit upon be the saids Commissioners, and cause sic uthers as was not fully agreit to be reasoned and put to ane end, and that his Grace and Councill will restore the Kirk to the act of parliament concerning the thirds, and that nane vote in parliament in name of the Kirk, except sic as shall have comissionne of the Kirk to that effect, and that presentationes of benefices be direct to the Commissioners of Countries where benefices lye: And to the effect that the matter may be the better and sooner exped, that their Lordships wald appoynt sic tyme convenient thereto as they may best spare, that sic of the brether that beis namit thereto may await upon their honors. Theirunto the said Noblemen answerit, that a pairt of them had made publick professione of this religion before, and alwayes now they declare they confesse the religion presently profest within this realme, and shall maintaine the same to their power. As to the rest, they think good the King and his Councill be suitit, and they shall insist with the Kirk for answer thereto;—the tyme to that effect, to the Kirk, the morne.

Sessio 5.

Anent the Act made in the last Assembly concerning the Suspension of Visitors fra giving collatione of benefices to any persone by the ministers serving actuallie at the Kirks where the saids benefices lye; The Kirk ordayns the said Act to stand in full effect and strength whill the next Assemblie, where the matter being newly proponed may be farther resolvit.

Anent the Submissiōe of Mr James Boyd, Commissioner of Kyll and Carrick, to the Generall Assemblie, conforme to the Act made in the last Assembly, and the reasoning had be him be the Moderator and brethrene appoyntit thereto, the forsaid brether being present thought best he sould publish his awne answer to the hail brether for satisfactiōe of them, who gave in his answer in wreit as follows:

I understand, the name, office, and modest reverence borne to a Bischope to be lawfull and allowable be the Scriptures of God; and, beand eleetit be the Kirk and King to be Bischop of Glasgow, I esteem my calling and office to be lawfull: And, as anent my executione of that charge committit to me, I am content to in-deavour at my outermost abilitie to performe the same and every poynt thereof, and to abyde the honourable judgements of the Kirk from tyme to tyme, of my offending by my dewtie; craving alwayes a brotherly desyre at their hands, seeing the charge is weichtie; and in the laying to be lait to my charge to be examined be the cannone left be the apostle to Timothie, 1 and 1 cap., seeing that place was appointit to me at my receipt.

To understand therefrom the dewties of a Bischope: As toward my living, and rents, and uthers things grantit be the Prince to me, I reckon the same lawfull: As to my dewtie to the supream magistrat; in assisting his Grace in Councill or parliament, being cravit thereto, I esteem my subjection compels me to obey the same, and no hurt but an well to the Kirk that some of our number be at the making of good laws and ordinances; in the doing whereof I protest before God never to doe any thing but that I believe shall stand with the puritie of the Scripture and a weill reformit countrie, as also a good part of the living I brook being gine for that only eause.

Qwhilk being read in open Assemblie and considerit, after vot-ing of the hail brethren, was adjudged to be no answer to the Act, nor to satisfie the desyre thereof, alwayes was requyrit that after-noone he sould returne with better advyce as the Kirk wished at God he sould do.*

Sessio 8.

The Assembly hes votit and concludit that all sic persones as are alreadye, or heirafter shall be deposit for their offences from their functions of the ministrie, shall be chargit be the Commissioners of the countries to dimit the saids benefices and livings possesst be them, to the effect uthers may be provydit thereto that may travel in the said functione, under the paine of excommunication to be execute against them, qwherein if they faillie, after admonitiones, to

* "In an old folio MS. I find 2 leaves here blank." Note on copy, in an old handwriting.

proceed with the sentence of excommunicatione against them, under the paine of suspensioe of them from the ministrie dureing the will of the Kirk, and that this act be execut against the Bischope of Dunkeld and minister of Saline be the Commissioners of the countrie where they dwell, betwixt and the next Assemblie, under the paine forsaide.

Forsuameikle as the Bischops are to be chairgit to remove their corrupciones in that estate, the Kirk nominat the speciall corrupcions whilk they desire sic as will submitt them to the said Assembly to correct, with promise, that giue the Generall Kirk hereafter shall find farther corrupciones in the said estate, nor heirto is exprest, that they be content to be reformat be the said Assemblie according to the word of God when they shall be requyrit thereto: 1. That they be content to be pastors and ministers of ane flock: 2. That they usurp no criminall jurisdictione: 3. That they vote not in parliament in name of the Kirk without commissione from the Kirk: 4. That they take not up for the maintenance of their ambitione and covetousness, the emoluments of the Kirk, whilk may sustaine many pastors, the schools, and the poor, but be content with reasonable living according to their office: 5. That they claime not to themselves the titles of Lords temporall, neither usurp temporall jurisdictione, quhairby they are abstractit from their office: 6. That they take no farther bounds of visitatione nor the Kirk committeth to them: 7. That they impyre not above the particular elderschipes, but be subject to the same: 8. That they usurp not the powers of the pastors.

The Assembly depyvit Mr Hector Douglass from his office of function of the ministrie as woundit and unable therefor, and ordaynes him to be chargit be the commissioners of the countrie to dimit his benefice, and if he refuses after admonitiones, to proceed with excommunicatione against him, under the paine of suspensioe of the said commissioner from his office of the ministrie dureing the will of the Kirk.

Forswamikle as there is diverse persones within this realme that send their children, being within age, furth of the countrie over sea to places where superstition and Papistrie is mayntainit, upon pretence of seeking farther instructione and learning, as also uthers, beand of perfect age, transports themselves out of the realme upon the same pretence, whairthrow they become for the maist part corrupt in religione, as be evident experience is daylie seen; For re-

mied heirof, the Generall Assembly hes advysit and concludit, that the parents of sic children as within their minoritie sends them to the saids places, or heirafter shall send them where the said Papis-trie is teachit and maintaint, shall be chargit be their own ministers to call back their children from the saids places with all convenient expeditione, under the paine of excommunicatione; and if they disobey, to proceed against them; and sic as are of perfect age, that already are past out of the countrie to the saids places, or in tyme comeing, shall pass thereto, shall in like manner be chargit to remove themselves therefra under the semblable forme to be execute against them; and if they disobey, to be excommunicat be the minister of the place where they remainit before their departing out of the countrie.

[FORTIETH GENERAL ASSEMBLY.]

THE Generall Assembly, convenit at Edinburgh in the New Kirk, and begun the seventh of July 1579, wherein there was present the Commissioners of Countries, Provinces, Towns, and Universities.

Sessio.

Exhortation made be David Fargysone. Leitts, Mrs Andrew Hay, Thomas Smetoune, and John Duncansone: be plurality of votis the said Mr Thomas was made and chosen Moderator *hac vice*, at whais desyre the Laird of Dunn, Mrs John Row, Andrew Melvill, Andrew Hay, James Lawsons, Robert Pont, David Fargysone, and John Greig, were appoyntit Assessors.

Sessio 2.

In the face of the Assemblie, Mr John Duncansone, the King's Majestie's minister, presentit his heines Letter direct to the Assemblie, qwhilk was read and humblie receavit, and ordayned to be registrat in the Register of the Kirk, quhairof the tenor followis:

Richt trusty and welbelovit, We greet yow hartilie well. Understanding of your present Assemblie at Edinr. and frae the rumors that passes of some things to be intreatit amanges you, that may seeme prejudiciall to that good order of the Government of the Kirk

and ecclesiasticall policie heretofore lang travellit in and hoppit for, We have taken occasione to schaw yow our mynde in this behalfe to the minister of our awne house and some uthers of your awne number hapining to be present with us, whom in this caus we have thocht meitest to use as our owne Messengers to carrie our Letter, whereby we will heartily desyre you and effectuouslie wische yow, that in this our young age, the tyme being subject to so many difficulties and imperfectiones, to bestow your common cares and good willes, to intertaine peace and qnytness in God's feare and our dew obedience, forbearing any proceeding at this tyme that may touch matters heirtofore not concludit be any lawes and receivit in practise. But whatever in the former conferences touching the policie of the Kirk was remittit to be resolved and decyded be our estates in parliament, let it so rest without prejudging the same be any of your conclusiones at this tyme, since our parliament now so schortly approaches, and that we are weill pleasit and content, that before the same sic matters as are not yet reasonit may be farther consultit upon and prepared to pass in forme of lawes, and the meitest for that wark to be expresslie imployit therein; to the end that the things conferrit and agreit upon may be presentit to our estates, to be approvit in our said parliament, and dew executione to follow thereupon for the advancement of God's trew religione and the repose of yow and uthers our good subjects the members of the Kirk of God within our realme: and for this cause we will not only be the authors and perswaders of common peace amang all of your owne functione, but amangst all others our good subjects, alsweell generallie as in the particular Kirks where ye travell, that some men overbussie to work the contrarie effects may finde themselves disappointit, and that our hail estate, be your good example, may be rather disposit to conforme themselves to a godly and peaceable course of living, qwhilk we are assured shall be pleasing to God and to us most acceptable, as ye may perswade yourselves of our willing inclinatione to set forward this actione according to God's will and word, with all the diligence and good meanes that may be used; and so looking to be informed of the success of this our reasonable request, and admonitione, We committ you to the protection of God. Att our Castle of Striviling the 5 of July 1579.

Sic subscribitur, JA. REX.

Direct to our trusty and well-belovits the Ministers and uthers of the Kirk presently assemblit at Edin^t., &c.

Sessio 4.

Twiching the epistle presentit be Alexander Arbuthnott to be prefixit to the Bible, the brether hes desyrit the Moderator and his Assessors to read and consider the same, together with the Kalendar to be presentit to Mr Robert Pont, and to give their judgments thereof the morne.

Sessio 5.

Anent the buriall of the Earle of Atholl of good memorie, the Kirk thocht meit to direct from the Assembly Mrs John Row and Johne Durie to desyre of them that all superstition be avoyded thereat; quho reportit that they had made information to their honors, that the bruit was of some superstitious rites qwhilks ware prepared for the buriall, as ane qwhyte cross in the mort-cloath, lang gownes with stroupes and torches: quhair answer was that it was not ane crosse, and grantit the gownes and denyit the torches; alwayes desyred the Kirk to direct two to sie if sic things as was prepared were superstitious, and they sould be re-formit: according qwhairto war immediately sent to them David Fargysone, John Braid, and John Durie, to declare, The Kirk thocht the crosse and stroupes superstitious and ethineque lyke, and to desyre them to remove the same; who returnit with answer, that the Lords should cause cover the mortcloath with black velvet, and the stroupes should be removit.

Anent the act made in the last Assemblie concernyng the suspensione of visitors fra giving collation of benefices to any persones by the ministers serving actuallie at the kirks where the saids benefices lye; The Assembly ordayns the same act to stand in full effect and strength whill the nixt Assembly, qwhere the matter being newly proponit, may be farther resolut.

The brether thocht good that the late conferrence haldin at Strivling to sic as the King appoynted thereto sould be read, seen, and considerit, with the booke of the Policie, to see wherein the said conferrence agries with the conelusione already of the Kirk. Cap. 1.

Concerning the doubt made upon the second article of the said chapter, the Kirk explaines that article, and declares it is understand baith of the particular presbyterie and generall Kirk. 4. Article is thocht plaine anouch. 6. Agreit to the dilatione containt in

the 6th article. The 9 article the Kirk thinks good—it stands as it is in the Kirk, and the 12 sicklyke. 3. The Kirk eiks to the word government, this word discipline. The 10 article to remaine unalterit.

Sessio 7.

The Kirk present willed Mrs Andrew Melville, Andrew Hay, John Craige, William Chrystisone, and the Laird of Dun, to convein in the place of the Assemblie, and to visit the answer gine in be Mr Patrick Adamsone; to remove the corruptions in the estate of Bischops, and to giue their judgement thereupon the morne.

Sessio 8.

The Assemblie weyand the apostasic of Mr Niniane Dyell, master of the Grammar School of Dumfries, deposed him *simpliciter* from the functione of the ministrie in tyme cunning, and suspends him from teaching the schoole and youth, qwhill also good experience be had of them of his lyfe as they have had of his defectione; and in the meanetyme ordayus ane of the Doctors of the school, if he be sound in religione, to teach the schoole of Dumfries dureing that tyme; and farder ordaynes him publickly, in face of the hail Assemblie, to confess his offence, and thereafter to pass to the towne of Dumfries, and uther parts of the countrie where he hes abused the simple people, and likewise publickly in presence of the commissioners confesse the same, revockand the saids errors and professand the contrarie, craving God and his Kirk pardon therefore; and that immediately after his and the commissioners' hame passing, under the paine of excommunicatione.

Sessio 9.

Anent the Bischops or Commissioners of Countries that absents themselves from Generall Assemblies at the tyme appointit; The Kirk hes ordainit the act made the 12 of Aug. 1575 to be execute against them, and namely against St Androis, Morray, and Aberdeen, all absent; and the said act to be understand of Bischops haveand office appoyntit of Visitation appoyntit to them be the Kirk, but sic also as hes not the said office.*

* “ In the old folio MSS. there is here a leafe blank.” Note on copy.

Anent Jesuits repairing in this countrie ; the Assemblie present hes votit and concludit, that the Commissioners of Provinces take tryall and diligently inquire if any sic persones resorte within the bounds of their office ; and if any be found, to charge them straitlie to give confession of their faith, revoek their errors, subscribe the articles of religione presently established be the mercie of God within this realme ; and if they refuse, to proceed with the sentence of excommunication against them, beside the civill punishment to be askit of the King's heines, and that this act be execute against Mr John Hay.

Ordaynes ane supplication to be made to the King and his Counsell that good order may be taken with the Universities of St Androis, and the corrupcionnes reformat and taken away ; and to that effect that his heines with his Councill wald direct some wyse, godlie, and learnit men to consider the estate thereof, and direct letters chargeing the Masters and Regents of the said Universitie to produce before sic as his heines and Councill sall nominat with the brethreñ efter specified in name of the Kirk, viz. Mrs Robert Pont, John Row, Andrew Hay, Andrew Melvill, Thomas Smetoune, and Thomas Buchanan, ministers ; the fundationes of the colledges to be seine and considerit be them : To the qwhilk brether the Kirk for their pairt gives commissiõne to censure with the King's Majestie's Commissioners, to take order, and redress all such corrupcionnes and defaults as pertaynes to the Kirk, and in so far as they may do.

Sessio 10.

Mr Ninian Dalzell producit to the Assemblie his opinione concerning the heads of religion qwhilks are in controversie subseryvit with his hand, agrieing in all poynts with the opinion and judgement of the Kirk ; protestand before God for no favour or feid of flesche, he affirmed the doctrine contained therein, and is alwayes mynded to live and die in the same.

The Generall Assemblie gives full power and Commission to their honourable brether the Lairds of Lundie, Braid, Elphinstoune, Carnal, Bargany, Carltowne, Abbotshall, Soffurd, Coldenknowis, Patrick Kynnymont, with the Commissioners appointit over the hail provinces within this realme, be the said Assemblie, Mrs Robert Pont, James Lawsons, John Craige, John Duncansone, ministers, Andrew Melvill, Alexr. Arbuthnot, with sic as shall have commis-

sione to be direct from the burrowes, or to the maist part of the said number, to convene where it shall happen the parliament to be holden two dayes before the holding thereof, and with their advyce, conceive and forme sic heids and articles as they shall think meit to be proponit thereto, in name of the Kirk, ffor the weill and maintainance of God's Glory and Policie of the Kirk of God to desyre; with all humilitie and reverence to crave the samen to be grantit; to conferr and reasone thereupon the saids heids and sic as shall be proponit there, sicklyke and as the said Assemblie might doe if they were present, firme and stable.

The Generall Assemblie gives full power and comission to their lovit brethren John Erskine of Dun, John Duncansone, Andrew Hay, John Craige, Thomas Smetone, ministers, and Andrew Melville, principall of the Colledge of Glasgow, to passe to the King's Majestie and Councill to Striviling with convenient expeditione, and to present unto his heines and Councill sic heids, articles, and complaints as are gine and already delyvirit to them be the Kirk, with humble instance and reverence to crave and receive answer thereof, and therein to travell effectuouslie and with diligence, and namely to make sute for the reformation of the Universitie of St Androis, and that tymes may be appoyntit thereto: qwhair of the said Assembly willed their breither to make dew advertisement to sic as the said Assembly hes namit for their part, and what beis done to report againe to the next Assembly, firme and stable holden and for to hald, whatsumever their said brether in the premisses righteouslie leids to be done.

Articles presentit to the King's Majestie be the saids Commissioners.

1. The Kirk craves of the King's Majestie wald make generall prohibitions that nane of the inhabitants of this realme send their children to Paris or any uther universitie or toune, professing papistrie, under sic paynes as his heines and his councill think expedient.

2. That his heines wald cause and compell the Provest and Masters of the Colledges of the Universitie of St Androis to produce and exhibite the erection and foundationes of the colledges within the said Universitie, to be considerit be his heines, and sic as his Grace shall appoynt; also that the saids foundatione may be sichtit, and reformation made thereanent as effeirs.

3. Because some Jesuites are presently within this countrie, that order may be taken with them as effeirs.

4. Because ane minister is not sufficient at all tymes to await upon his Grace and his heines's house, to preache, exhort, admonische, and preserve discipline within the same; Therefore the Kirk craues that his heines will be content to name ane uther minister within this realme, of best qualities, to be joynit with John Duncansone, that they may both be mutuall, await upon his Grace and the hail ministrie of his house.

5. That because in the last conference, halden in Striviling be his Grace's command, concerning the policie of the Kirk, certain articles thereanent remaines yet unresolved and referred to farther conference, therefore the Kirk craves at his Majestie, that persones unspotted of sic corruptions as are desyrit to be reformit, may be nominat be his Majestie to proceed in the farther conference of the said policie, and tyme and place to be appoyntit for that effect.

6. Because the Kirk understands that his Majestie, be advyce of his Secret Councill, directs letters oftentymes to stay the executione of the acts of the Generall Assemblie, as also summons ministers to take tryall of excommunicatione pronouncit be them according to the word of God and discipline of the Kirk, staves the producing of the same, as the Commissioners of the Kirk in particular will declare; that therefore his gracious Majestie heirafter wald suffer the acts of the Generall Assemblie to be put in executione, and namely that excommunicatione being pronouncit, may haue the dew executione, without controlling thereof before his Majestie and Secret Councill.

Questiones proponit be the Synodalls to the Generall Assemblie.

In respect of great inconvenients that hes ensewit, and daily does ensew, be readers in using their office, the hail brethren hes inhibite all readers from ministring the sacraments and solemnization of marriage, permitting nothing unto them but the proclamatioun of the bands, simple reading of the text, desyreing ane uniforme order to be establischt be the acts of Generall Assemblie throughout all provinces.

Responsio: So manie readers as the Commissioners and Synodall Assemblie findes unmeit to solemnize marriage to be inhibit be them, in respect that syndrie brethrene besydis their ministrie hes

particular benefices, whereby the kirks where their benefices lyis are disappoyntit of service, that ane uniforme order may be tane that men may serve either at the kirk where the benefices lyis, or provisione to be made for the same.

Answer: Agreit heirto.

Presbyteries wald be erectit in places where publick exercise is used unto the tyme the policie of the Kirk be established be law.
Answer: The exercise may be judged a presbyterie.

If any aucht or may be sufferit to read within the Kirk in tyme of necessitie, without admissioun, althoch they be elders or deacons. Resp.: Negatur simpliciter.

If all kirks have not the same equall power to marrie on an owk-day by the Sabbath, havand ane sufficient number, and joyning preaching thereto, as certaine particular kirks alreadie practises the same.

Responsio: It is agreit that they may marrie on feriall dayes.

What order shall be put to them that bides from the communion, allcading invy that they beare towards their neighbour:— the cause thereof and uthers that neither will speak, salute, nor bear familiar company with their neighbours, beand requyrit be the ministrie, will not obey—ought they to be admittit?

Responsio: Ordaynes the persones lyand under invy to be admonischit, and the uthers not to be sufferit without reconciliatione and testificatioun of brotherly love.

What ought to be done to sic persones that after admonitioun will pass to May playes, and speciallie elders and deacons and uthers wha beirs office in the Kirk?

Responsio: They aucht not to be admittit to the sacrament, and specially elders and deacons.

May marriage be solemnizat any day in the weik?

Responsio: Bands being three severall Sondays lawfullie proclaimit, the marriage may be any day of the weik solemnizat, sua that ane sufficient number and witnesses be present.

What order shall be taken with those persones that passes to ane popish priest to be married, their bands not beand proclaimed: shall they be esteimit as married; and if not, what discipline shall be nsit agaiust them?

Answer: The conjunctione is no marriage, and therefore ordayns the persones before their particular Assemblies to be callit to satisfie as fornicators; and upon new proclamation to be married

according to the order of the reformed Kirk, and the papist priest to be punischt.

Ordaynes the commissioners of countries and their assessors to try within their bounds, sic of the ministric as hes pluralitie of benefices and offices, and to inquyre the reasons thereof, to be reportit be them to the nixt Generall Assemblie, with their names that bruikes the saids benefices and offices, that the Kirk may take order for removinge thereof.

Anent the act made anent the apparell of the ministers and their wyfis; ordayns the same to be put to executione in all poynts, according to the tenor thereof.

The nixt Assemblie to be the second Tuesday of July nixt to come, in Dundie. The hail brethren present warnit thereto.

[FORTY-FIRST GENERAL ASSEMBLY.]

THE Generall Assemblie, conveynt at Dundie, and begune the 12th of July 1580, where there was present the Laird of Lundie, Commissioner for his Majestie, Commissioners of Provinces, Townes, and Universities.

Sessio.

Exhortation made be Mr Thomas Smetone, minister of Pasley: Leitts, Mrs Robert Pont, James Lawsons, Andrew Hay, John Duncansone. The said Mr Thomas, be pluralitie of votes, was chosen Moderator, who desyrit certaine brether to be appoyntit wham he would nominat to conferr with him: Upon whais desyre, because that certaine brether were offendit with the order of Assessors as though some tyrranuie or usurpatione might creep in thereby, or liberty taken from the brether, Questione was movit to the hail Assemblie if the said order was worthie to be continued as it hes been before, or to be rejectit as prejudiciale to the libertie of the brether; and to the effect that all occasione of murmure may be taine away, all that wald reasone in this questione being requyrit publickly, in fine, the hail Assemblie concludit the said order to be good and necessar, and to be keepit as it was before, without any hurt or prejudice to the libertie of the brether.

The Assessors, Mrs Robert Pont, Thomas Smetone, Andrew Melvill, George Hay, William Chrystisone, David Fargysone, John Young, Patrick Auchinleck, Thomas Buchannan, the Laird of Braid, and John Johnstoune.

Sessio 3.

Mr John Craig, ane of the ministers of the King's houss, presentit his heines wryting, which was opinly read in the face of the hail breither, with all humilitie, and praised God in his heines good zeal. The tenor:—

Trustie and well beloved Friends, We greet you weill. We haue direct toward yow our traist friend, the Prior of Pittenweyme, and the Laird of Lundie, instructed with our power to that effect, for assisting yow with their presence and counsell, in all things that they may, tending to the glory of God, and preservatione of us and our estate; desyrand yow heartilie accept them and our good will committit to them for the present, in good part: So, we commend yow to God's protectione. From our Palace of Falkland, July 12, 1580. *Sic subscribitur,*

JAMES REX.

Sessio 4.

Forsuameikle as the office of ane bischope, as it is now wsit, and commonlie taken within this realme, hes no sure warrand, auctoritie, or good ground, out of the Scripture of God, but is brought in by the folie and corruptione, to the great overthrow of the Kirk of God; The hail Assemblee of the Kirk, in ane voyce, efter libertie gine to all men to reasone in the matter, nane opposing himself in defending the said pretendit office—Finds and declairs the said pretendit office, usit and termit as is above said, unlawfull in the selfe, as haveing naither fundament, ground, nor warrant, within the word of God: And ordayne that all sic persones as bruiks, or shall bruik heirafter, the said office, shall be chairgit simpliciter to dimitt, quyte, and leave of to the samen, as ane office whereunto they are not callit be God; and sicklyke to desist and cease from all preaching, ministracione of the sacraments, or wsing any way the office of pastors, whill they receive *de novo* admissioun from the Generall Assemblee, under the payne of excommunicatione to be wsit against them, qwherin if they be found disobedient, or contraveine this act in any poynt, the sentence of excommunicatione,

after dew admonitiones, to be wsit against them. And for better executione of the said act, it is statute that ane Synodall Assemblie shall be halden in euerie province where any wsurpiti bishopes are, and begine the 18th of August nixt to come, whereto they shall be callit and summoned, be the Visitors of the saids countries, to compeir before their Synodall Assemblies; and namely, the Bischope of St Androis to compeir in St Androis, the Bischope of Aberdeen in Aberdeen, the Bishop of Glasgow in Glasgow, the Bischope of Morray in Elgine, to giue obedience to the said act; qwhilk if they refuse to doe, that the saids Synodall Assemblies shall appoynt certain breither of their ministrie to giue them publick admonitiones out of the pulpitt, and warne them in caise they disobey, to compeir before the next Generall Assemblie, to be halden at Edinburgh, the 20th day of October nixt to come, to heir the sentence of excommunicatione pronouncit against them for their disobedience; and to this act the Bischope of Dunblane agreit, submitting himself to be reulit thereby.

As to the order to be taken with the patrimonie of the Kirk, bruikeit and possessit be the saids bishopis, the Kirk referres the reasoning thereof to the nixt Assemblie.

Sessio 5.

Forsuameikle as, albeit there be diverse acts concludit in sundrie Assemblies of before, to stay unjust alienatione, dispositione, and wasting of the Kirk rents, and patrimonie thereof, be sic persones within the ministrie as are cled with benefices; and not the less, naither respect nor feare of God, nor reverence to his Kirk, nor good lawes set out in the contrare, hes repressit their insatiable and cursed avarice from sic inordinat dealing, to the great prejudice of the Kirk of God, and common grieffe and regrait of all good men: For better remeid whereof the brethren assemblit, after reasoning and mature deliberatione in the matter, in uniformitie of votis, hes thocht meit, and concludit, that all persons within the ministrie, alsweell they that wsurpiti the stylls of Bischops as uthers that shall be tryit heirafter, to diminische the rents of their benefices aither be diminution of the old rental, be setting of victuall for small pryce, and within the worth, or wther wayes unjustlie dilapidating and putting away of the rent thereof, be the sicht and judgement of the Generall Assembly, shall underly the sentence of excommunicatione, but funder proces.

For purgatione of the Kirk from selander : the Kirk requyrs, and in the name of God desyres, all men, alsweill gentlemen as uthers convenit at the tyme, if they knaw any within the ministrie scandalorous in lyfe, unable to teache, unprofitable or curious teachers, negligent in preaching, non-residents or deserters, havers of plural-ity of benefices and offices, dissolute in manners, havand mixt jurisdictiones, givers of pensiones out of benefices, or receavers thereof, to give in their names in a tickett to the Moderator, and that order may be taken with them be the Moderator and his assessors, if present order may be had therewith, wtherwayes to report to the Assembly.

Anent the office of Readers, that hes no farther gift of God but simple reading of the Scriptures : The Generall Assemblie hes concludit, after lang reasoning, that their office is no ordinar office within the Kirk of God; and because some of the brether movit the cause and questione, qwhither, in their necessitie or circumstance of tyme, they should be sufferit to continow, the disputation heirof remittit to the morne.

Sessio 7.

William Stewart, brother to the Laird of Traquair, presentit ane wryting unto the Assemblie in name of the Earle of Lennox. Tenor thereof :

It is not, I think, unknowen unto yow, how it hes pleisit God of his goodness to call me be his grace to the knowledge of my salvatione sen my coming in this land, qwhairfore I rander maist earnestly humble thanks unto his divine Majestie ; finding my voyage towards thir pairts maist happilie bestovit in this respect : And, although I have made open declaration of this my calling, first by my owne mouth in the kirk of Edinburgh, and secondly by my hand wreit in the King's kirk at Striviling, qwhair I subscribed the confessione of my faith, yet I fand it was my dutie, ye being generally convenit, to send this gentleman, my cousine and friend, accompanied with my Letter towards yow, to make yow, in my name, ane frie and humble offer of dew obedience, to receive your will in anything it shall please yow, I did farther anent the accomplishing of my said confessione ; assuring yow that I shall be ready to performe the same with all humilitie, as also to procure and advance all wther things that may farder the glory of God and increase of his Kirke, the commonwealth of the countrie, and of the King's Majes-

tie's service at my utter possibilitie: And so houping to be participant in all tymes coming of your godlie prayers and favour, I salute yow maist lovingly in Jesus Christ our Saviour. From St Andrews, the 14th of July. *Sic subscribitur,*

Your humble and obedient at all power,

LENNOX.

The Generall Assembly hes concludit that all Readers within this realme shall be tryed and examined *de novo* be the Commissioners of the countries, with the advyce of their assessors, so far as possible they may, betwixt and the nixt Generall Assemblie; and so many as beis sound and travellit in reading be the space of twa yeares, and hes not profited that they are able to be pastores and to preache the word of God, shall be deposit from the reading be the saids Commissioners, with assistance of their saids assessors, and the diligence to be done herein to be reportit again to the nixt Generall conventione of the brether. Sicklyke because Readers hes no ordinarie office within the Kirk of God, The Generall Assemblie declares that no simple Reader sall be capable of any benefice, or bruik or possesse the same in tyme euming, nor yet bruik or joy the manss or gleib, where there is any minister actuallie serving.

The Assembly hes recommendit the executione of the King's proclamacione concernyng papists, unto the hail Commissioners, as they will answer unto his heines and unto the Kirk.

It is thocht meit to be cravit of his heines, that the Kirk of God within this realme may be restorit to the benefice of the act of parliament made concerning the thirds, in respect of the many and grievous hurts qwhereby the Kirk recognises to have receavit be the takeing away of the said act from them; Therefore it is thought expedient the Moderator, with sic as are assessors to him upon the articles, and, namely, upon the article of repositione and restitutione to be presentit againe to the Kirk, and considerit be comone advyce and consent of the Kirk.

Sessio 8.

Compeirit Mr Henrie Keir, servitor to the Earle of Lennox, and declareit, that albeit he had lang remainit in blindness and papistrie, it pleasit God to illuminat him and call him to the knowledge of the trew word qwherein be his grace he is now resolutit, acknauledging the same word to be trewlie preached and professit within

this realme, and be act of parliament established, and to be the only trew religione of God, qwherin he is content aither now or when the King's Majestie's house beis settled, with his heart to subscrieve at the will of the Kirk as they sall think best.

It is, be vote of the hail Assembly, after lang disputatione, resolvit and concludit, that it is not lawfull be the word of God, that ane pastor be burdenit with the charge of feeding of twa particular flockes or mare congregationes nor ane, nor yet bear the name or be callit pastor of moe kirks nor ane.

The Generall Assemblie of the Kirk hes statute, that the Commissioners of Countries shall call persones who hes, after their professione of religion within the country, declynit to idolatrie, and now returnit within the countrie, ilk ane within their awne bounds, before their Synodall Assemblies, and accuse them thereof: if they be tryit to have committit the said defectione, to charge them to make repentance thereof, under the paine of excommunicatione; and gif they disobey, to be excommunicat be sic persones to be appoyntit be the Synodall Assemblie to that effect, lawfull admonitiones preceeding; and if they offer obedience and repentance, to superceid the taking thereof, the forme of the same be advysed on the next Generall Assembly, suspending them, in the meantyme, from the participtione of the sacraments qwhill the said Assembly; and heirin to report their diligence thairto, as they will answer to God—and the same order to be observit with them that willinglie æknowledges the said defectione, and comes and offers their repentance.

Compeirit Captaine Anstruther, and lamentit to the Kirk, that he beand in France, and certaine years bypast had gine his bodilie presence to the Masse, albeit in conscience he hated the same as idolatrie, and keepit alwayes upright mynde towards the religione profest in this realme, and feeling grief in his conscience for his defectione, is come to utter his repentance unfainedly for the same, submitting him to whatsumever correctione the Kirk will injoyne him, desyrand to be reconcillit thereto; and, in token of his sincere meining, held up his hand as to the boutcherie and massacre of Paris, declares he keepit the King's gett of Lovar, the tyme thereof, but past no farther.

Because some breither meaned, that the transporting of Mr Andrew Melvill and Thomas Smetoune sould be many wayes hurtfull, and aucht not to be permittit; at the desyre of their breither

Mr Andrew Hay, alleadgeand that he had many greit reasones privatly to propone, if the Kirk wald agrie thereto, appoynted the Moderator with his assessors to the heiring thereof.

Sessio 9.

Anent the act made in the last Assemblie, concerning the suspension of Visitors from giving collatione of benefices to uthers nor serves actuallie at the kirks where the samen vaiks, under the paines expressed in the said act; The Kirk ordaynis the said act to stand in full strenth, with this additione, That if any collatione or admisione beis gine be any Visitor againes the tenor thereof, shall be null and of nane availl; and sicklyke declares all collations and admissions that shall be gine heirafter be any pretending the style of bischops, shall be null in the selfe, in tyme cuming.

Sessio 10.

The Generall Assemblie of the Kirk gives full power and commisionne to their honorable and welbelovit brethren, the Lairds of Lundie, Braid, Colluchie, Ryress, and Carltoone, Mrs James Lawsonsone, John Craige, John Duncansone, Thomas Smetoune, David Lyndsay, Robert Pont, Andrew Hay, Andrew Melvill, George Hay, Thomas Buchanan, John Brand, ministers of God's word; John Johnstoune, Commissioner of Edinburgh, Richart Blyth, Ccmmissioner of Dundie, George Elphinstoune, Commissioner of Glasgow, or any sax of them, to passe with all convenient diligence to the King's Majestie and his noble Councill, and that with dew humilitie and reverence present to his Heines and Councill sic heids, articles, and supplicationes, as are conceivit in wreit, and delyverit unto them be the Kirk; most humbly supplicand and requyring his Majestie and Councill's good answer thereto, and to travell effectuously and with earnest suite for granting of the same; as also, if need beis, to conferr and reasone upon every article and petitione proponit therein; and what here beis done, to report againe to the next Generall Assemblie.

Forsuameikle as throw a great part of this countrie, the afternoone exercise and doctrine upon Sabbath dayes is not usit, and speciallie to landwart, and therefore the people are not dewlie instructed in the Catechisme and Rudiments of Religione; The Kirk hes ordaynit that all pastors and ministers sall diligently and zealously travell with their flocks, to conveye to the afternoones ser-

mones, alsweill they that are in landwart as they that are in burghs, as they will answer to God.

It is concludit be the Generall Assembly, that in every principall Assemblie, there shall be certaine assessors nominat to them, to concurr with the Commissioners of the Countrie, who shall subscribe with them in all weightie and greit matters.

Articles proponit be the forenamed Commissioners to his Majestie and Councill.

1. First, That order may be taken with sick as puts violent hand in ministers, or troubles them in exerciseing of their offices.

2. That they who for just cause are deposit from the ministrie may losse alsweill their benefices as other qualified persones provide thereto, the Kirk may be servit.

3. That punishment may be made for sic as passes in pilgrimages to kirks or walls; and that order may be tane with them that past to the Holie Rude of Peblis, and sic uther places.

4. That no presentatione of benefice be directit to any persones but sic as beirs commissioun from the Generall Assembly, according to the act of Parliament; and if any be utherways receavit, that their admission be declairit null.

5. That all benefices vaikand, where ministers are plantit, be gine to ministers serving the cure where they vaik, they beand able therefore; and that no presentatione gine to any wther person be receavit, unless the minister serving the rowmes be first found able.

6. That order be taken with Alexander Arbuthnott that the Bibles may be delyverit according to his receipt of money from every paroche; and to that effect that he and his soverties may be comandit be letters of hornying for delyverance thereof, and no suspensione to be grantit without the same be delyverit.

7. In respect of the good and godly zeall of James Lord Arrane, always schawine in defence of God's cause and commone wealth, it will please your heines and councill to resolve upon some good and substantiall order that may serve both for the health and curing of his bodie and comfort of his conscience.

8. That the Book of Policie may be established be ane act of Privie Councill, qwhill ane parliament may be had, at qwhilk tyme it may be confirmed.

9. Because there is great necessitie of a printer within the coun-

trie, and there is ane stranger banished for religione, called Vantrolier, who offers to employ his labours in the said vocatione, for the weill of the countrie, It will plesse your Grace and Council to take order herein, as your Grace thinks meit, and to give licence and priviledge to him to that effect, if it shall be thoct expedient be your Grace and Council.

[FORTY-SECOND GENERAL ASSEMBLY.]

THE Generall Assembly, convcint in the Over Tolbooth of Edinburghe, and begune the 20th of October 1580 ; Qwhaire there war present the Commissioners.

Sessio.

Exhortation made be Mr James Lawsons. Leitts, Mrs Robert Pont, Andrew Hay, Andrew Melvill: the said Mr Andrew Hay, be plurality of votes, was chosen Moderator *hac vice*.

Assessors Mrs Robert Pont, James Lawsoie, Andrew Melville, Thomas Smetowne, David Fargysone, George Hay, Thomas Buchannan, Wm. Rynd, and the Commissioners of Edinburgh, all desyrit and nominat be the Moderator.

Sessio 2.

The Bischops of St Androis, of Glasgow, of Aberdeine, and Morray, beand callit, nane compeirit.

Sessio 3.

Anent the report of the King's Grace and his Council's answer to the petitions proponit be word be the brethren of the kirk yesterday ; the brethren returnit answer to the articles. His Heines and Council promittit to giue resolute answer to the same the 15th day of the next moneth, and to stay the place whill then.

In name of my Lord Lennox compeirit Mr Henry Keir, and saluted in his name the whole Kirk, declairing that his Lordship was maist willing to have ane minister in his awne house, for exercise of the trew religion ; and albeit he had promised at the subscribing of the articles of religion to send for ane minister that had knowledge of the French tongue, yet be reasone Mr Bower had promised that he should cause him be provydit of ane qualified minister, accord-

ing to his desyre, qwhilk took no effect, and wtherwayes also, because his desyre was that rather the Kirk should chuse him ane sufficient pastor, the matter hes sensyne lyen over; willing hartilie that the Kirk should write to some pastor of the French Kirk of London, for whais provisione and good entertainment he should be carefull: promising also in his name, that in the effaires of the Kirk, either in generall or particular, he should employ his good affectione and labour as he sould be chargit; desyring that no uther opinione sould be conceived of him nor of any man that meines trewly towards God. The Kirk present hes willit their brother Mr James Lawsons to pen ane wryting in their names, to the minister of the French church of London, to the effect foresaid.

Anent the transporting of Mr Andrew Melvill, Principall of the Colledge of Glasgow, and Mr Thomas Smetoune, Minister of Pasley, to the Universitie of St Androis, conforme to the King's Grace's writting direct to that effect; after some publick wrytings in the matter had on ather syde, the Kirk referrit farther disputatione thereof qwhill afternoone. In the meane tyme, the questione being movit, if the Kirk might concurr with the King's Majestie in transporting of Doctors from ane Universitie to ane uther for weightie and necessar causes, The Kirk and Assemblie present for the maist pairt votit to the affirmatiōne of the said questione.

Sessio 9.

Anent the act made in the last Assemblie concernyng the damning of the pluralitie of kirks in ane minister; The Kirk ordains the same to be put in executione be the Commissioners of provinces after the tenor thereof, under the paine of disobedience.

Anent the act made in the last Assemblie touching the Bishops; In respect that the order of the said act hes not been followed out against Bishops of Morray and Aberdeene conforme to the tenor thereof, The hail Kirk, as of before, ordaynes the Commissioners of the countries to put the said act to executione in all poynts, sa far as concerns thair pairt thereof, and the ministry so far as is appoyntit be the said act unto them, under the paine of making publick repentanee in face of the hail Generall Assemblie, in caice they be found to contraveine the said act: And as to the warning and suiting of the saids Bishope of Morray, ordaines him to be warnit in Elgine publickly in the kirk; ordaynes Mr Thomas Buchanan to summound the Bishop of Cathnes, and Johne Hep-

burne to summond the Bischop of Brechine to compeir in the nixt Generall Assemblie, to giue their submission and assent to the speciall heids conferrit and agreit upon be the Bischops of St Androis, Glasgow, and the Isles, with the Assembly, to be convenit expressly in the summons; Certifying them and they compeir not, the Kirk will proceed with farder admonitiones against them. And in caise that the saids Mrs Thomas and Johne fulfillis not this ordinance, the Kirk hes decernit against them that they shall make publick repentance in face of the hail Assemblie.*

The Generall Assemblie gives full power and commissione to their lovit breither of the Exercise of Edinburgh, with Mr John Craige, minister of the King's house, if he be present, to call the Bischop of Orknay before them, and to chaarge him in name of the Kirk, to give submission and assent to the articles and heids greit upone betwixt the Bischops of St Androis, Glasgow, and Isles, and to receive his answer thereupon, to be reportit with the hail proceeding therein to the nixt Generall Assemblie.

Ordaynes Mr Andrew Hay to summond the Visitor of Argyll to compear the next Generall Assembly to answer upon the usurpatione of the office of visitation within the saids bounds, under the pain of disobedience.

Anent the request made be the Commissioners of Perth to the hail Kirk, that in respect of the inlaik of umquhill Mr John Row, their late minister, ane notable man within the Kirk, and of the greit necessitie that the towne had to be prouydit of a singular good man both for doctrine and good discipline, That the Kirk would favourably grant to the placing of Mr Thomas Smetoune and John Craige there. The Assembly considering the many impediments why their said breither might not be plantit there, Giues to the said towne any of the ministers following, viz. Mrs Andrew Symson, James Andersone, John Davidstone, and ordaynes any of them that shall be best lykit of the said Towne, the said minister to be placit at the said kirk.

* " Here in the foresaid MSS. there is a leafe blank. Calderwood remarks here as followis, p. 92:—' There wanteth here in this Register, if my copy be conform, a part of the third Session—the whole 4, 5, 6, and part of the 7, riven out as the rest of the minuts by the sacrilegiouse hand in the year 1584, q^r the submissions of the Bischops of Glasgow, St Andrews, and the Isles, were set down; yet I find in Mr James Carmichael his Observations, who was present as Commissioner to this Assembly, that they agreed, &c. Vide Print.'—Note on copy of Book transcribed.

Sessio 10.

Qwhither if any minister may be removit be the Generall Assembly of the Kirk from his particular flock by consent of his flock for good and reasonable causes? The Kirk answerit therto affirmative.

Qwhither in respect of the present necessitie that there is no Doctors within the realme, ane minister may superceid the office of pastorschip for a tyme and use the office of a Doctor? It was answerit be the Kirke that it may be, be command of the Generall Kirk upon good considerations.

Sessio 13.

Forsuameikle as be evident experience it is knowne to the Kirk, that of late dayes syndrie apostates are returned within the countrie, and are spread in diverse provinces, as in Angus and in wther pairtes, and no kynde of discipline as yet used against them, to the great sclander of the Kirk of God, grieff of the consciences of good men, and contempt of the acts of the Kirk; The Generall Assembly ordaynes the Commissioners of countries to put the act of the last Assembly to dew execution against them in all poynts, and to use the forme of discipline against them, as is used against adulterers, and this act and ordinance to be followit out be the Laird of Dun against the 10th day of November nixt to come within his province, against the Master of Gray, and uthers suspect of the said apostacie.

Anent the order of Visitors, Forsuameikle as it is considerit be the Kirk to be ane corruptione and to sound to tyrannie, that sic kinde of office sould stand in the persone of ane man, qwhilk sould flow from the Presbyteries, and not the lesse the estate of tyme and laike of present ordour for establishing and constituting of Presbyteries, suffers not the present alteratione of Visitors; It is considerit and thocht meit that my Lord Clerk of Register sould be requestit, with the Laird of Dun, Mrs Robert Pont, James Lawsons, David Lyndsay, John Craige, or John Duncansone, or any thrie or foure of them, to lay and devyse ane Platt of the Presbyteries and Constitutions thereof, as best appearit to their judgements, to be reportit be them against the nixt Generall Assembly; and as to the present, appoyntit the Visitors to have the oversight of the provinces whill the next Assembly.

The Assemblie giues full pouer and commissione to the Laird of Lundie, Bredhaltoune, Andrew Kar of Fawdonsyde, Mrs John Craig, John Duncansone, ministers of the King's house, Robert Pont, James Lawsons, David Lyndsay, John Craige, Patrick Adamsons, James Boyde, Thomas Smetonne, George Hay, Andrew Hay, Adam Johnstoune, David Fargysone, David M'Gill, John Prestoune, elder, Commissioner of Edinburgh, or any sax of them, to compeir before the King's Majestie and Counsell, the 15th of November next to come, and with all reverence crave answer to the articles gine in sen the last Generall Assembly unto his Hienes and honorable Councill, and to reasone and conferr thereupon; with power to thir hail nominat in this commissione, or the maist part of them, to resolve, decerne, and finallie conclude, in name and behalfe of the hail Kirk, with the King's heines and Councill thereupon, as shall be maist necessar and expedient for the advancement of the glory of God, intertainment of the Evangell of Jesus Christ; sicklyke and also freely as if they were personallie present, firme and stable haldand and for to hald, whatsomever their said breither or the maist part of them in the premisses leids to be done.

The Generall Assemblie ordaynes their breither the Lairds of Lundie, Seagie, Colluthie, and Mrs Robert Pont, James Lawsons, and Williame Christisone, to passe with Mr Andrew Melvill to the New Colledge and sie him plantit there, conforme to the directione and decretit of the Kirk; and sicklyke to call the papists that are within the universitie before them, and put order unto them, according to the acts of the Kirk.

Forswameikle as the Generall Assemblie, according to the King's Majestie's wreiting, and for the weill and universall profite of the Kirk of God within this realme, hes thocht meet and expedient and also concludit and ordaynit, that Mr Andrew Melvill be transportit from the Universitie of Glasgow to the new Colledge of St Androis for erectione and planting thereof: Nottheless that the good beginning and labours taine be the said Mr Andrew be not frustrate, The hail Kirk hes found good, necessare and expedient that the said Thomas Smetowne occupy the said Mr Andrew his place and office in the said Universitie of Glasgow, and ordaynes him to accept the charge thereof upon him: and ane wreiting to be direct in name of the hail Kirk to the Rector and Principall of the Universitie, requesting them to receive him in the said Mr Andrew his place, for the weill and comfort of their Universitie: Mr An-

drew Hay, as Rector of the said Universitie, in name thereof, dissenting from the removall of Mr Andrew, many wayes made protestation as of before.

Qwhither if ane minister entering in the functione of a ministrie, serving there in divers years by past, and thereafter leaves his vocation, and applys him to a civill office, may be admittèd to be ane elder of the kirk? It is answerit, that this man is *desertor gregis*, and sould not be admittit to be ane elder, but rather aught to be callit for his desertione.

Ordaynes Mr Braid to delyver to my Lord Justice Clark, at the King's Majestie's command, gine in writ, for raying of letters against Mr Nicoll Browne.

[FORTY-THIRD GENERAL ASSEMBLY.]

THE Generall Assembly, convent at Glasgow, the 24 of Aprile 1581, where there was present the Commissioner for the King, the Laird of Capringtowne.

Sessio.

Exhortation beand made be Mr Andrew Hay; Mrs Robert Pont, David Lyndesay, and William Chrystisone, were put in leits, and the said Mr Robert, be pluralitie of votis, was chosen Moderator. Assessors, Mrs Andrew Hay, James Lawsons, David Lyndsay, Thomas Smetowne, William Chrystisone, the Lairds of Braid, Downrod, and Pilrig.

Forsuameikle as, for purgatione of the ministrie from unworthie persones that had enterit in the functione thereof, to the greit sclander of God and his Kirk, Ordour was taken in the last Assemblie, that all men, alseweell Barrones, Gentlemen, as uthers of the functione of the said ministrie, sould giue up the names of the saids persones unto the Kirk, as they will answer to God upon their consciences, not the less be schortness and inlaike of tyme, no greit effect followit, so that yet the sclander lyes upon the heid of the Kirk; Therefore, yet as of before, the Assemblie requires all men, as they tender the glory of God and the weill of his Kirk, that they delate and giue up the names of sic persones in writ,

the morne afternoone, that order may be taken for removeing of the greit sclander aryses to the Kirk be sic unworthlie persones.*

Sessio 5.

Anent the act made in the Assemblie at Dundie against the Bischops beand, some difficultie appearit to some breither to aryse be the word of office conteinit in the said act, what sould be meint thereby: The Assemblie present for the maist pairt of them that votit and was present at the Assemblie in Dundie, to tak away the said difficultie and resolve men of the trew meining and understanding of the said act, declareit they meant haillilie to condemne the estate of Bischopes as they are now in Scotland, and that the same was the determinatione and conclusion of the Kirk at that tyme.

The Laird of Capringtoun presentit the King's Majestie's Letter unto the Assemblie concernyng also ane Commission from his heines to concurr with the Assemblie, together with certain rowes containing the planting of the kirks, and the number of the presbytries, with the kirks of every presbytrie, qwhilk the Kirk ordaynit to be considerit be Mrs John Ross for Rosse, John Ines for Morray, the Commissioners of Aberdeene for Aberden, William Chrystisone for Merns and Angus, Duncan M'Call for Dunkeld, Thomas Buchanan and David Fergusone for Fyfe, John Johnstoune and Mr Adam Johnstoune for Edinburgh, James Carmichel for Haddingtoun, George Johnstoune for Jedburgh, the Laird of Luce for Lanerk, Androw Hay for Glasgow, John Young for Dier, John Clappertoune for the Merse, William Duncansone for Gallaway, and to conveyne the morne at sax houres to sicht the samen, and to report their judgement thereof to the Kirk.†

Mr Patrick Gallaway transportit to Perth, Mr Alexander Arbuthnot transportit to the ministrie of Aberdeene, and ordaynit to demitt the principalitie of the Colledge in the favours of Mr Nicoll Dalglish.

Anent the King's Majestie's Petitioun presentit in writte and exhibite to the Assembly this day be his Grace's Commissioners,

* "Here Cromarty's Copy, and the originall, wants three or four leaves." Note on MS. copy.

† "Here in the MSS. there is a blank of a leafe, and on the margine this— 'Condemnation of Bischops reiterat.'" Note on copy.

with the answer unto the Articles gine in be the Kirk unto his Heines, and the copie of ane Letter to be direct to the Barrones, Gentlemen, and Ministers, for unione and discipline of the Kirks, with the names of the persones to be chargit to take travells therein. The Kirk, understanding thereby the godly zealous meaning of his Majestie, praisit God greatly, that had movit his heart to have ane care of his Kirk; and first entering to the consideration of the Answers made to the Articles of the Kirk, thoct good that thir Articles be insistit in at his Heines hand and Councill; his Honor and Councill to be earnestly desyrit to appoynt a Judge in Edinburgh to cognosce and judge upon injuries and wrangs done to ministers in executione of their office, and to punishe according to the qualitie of the crymes, according to the forme of punishement to be gine in be the Kirk; and that his Heines wald appoynt Mr John Skeene procurator for the ministers that are so injured: 2^o, That an act of Parliament may be made concernyng the deposition of ministers, and the causes at lenth to be specified in this article: 3, That the benefices vaikand be disponit to the ministers where the benefice vaiks, if they be able, according to the meaning of them that conferred at Striveling.

Anent the King's Petitions.

As to the first petitione concerning the forming of the Articles agreit upone in the conference, The Kirk appoynts Mrs Robert Pont, David Lindsay, John Skene, Thomas Craige, and John Craige, to that effect. As to the second, delayit quhill afternoone; as to the 3d, reasonable, and agreit upon: the hail rest referrit to the reasonyng at afternoone.

The Tennor of the King's Majestie's Petitions gine in be his heines Commissioners.

Instructions to our trustie and well-belovit William Cunningham of Capringtoun, direct be us with advyce of the Lords of our Secret Councill.

To the Generall Assemblie of the Ministers of the Kirk convenit at Glasgou, the 20th of Aprile 1581.

Ye shall delyver our letter unto them, and let them understand that sic of their number as travellit with us, having desyrit of us

answer to their articles sent from the Assembly holden in Dundie, 3d July last, We causit sum of our counsell conferr with them severall tymes in October last, as also now of late, qwhilks all finds the matter towards the thirds of benefices mentionat in the first of the saids articles, as the same is there requyrit, not to be the readiest meine, either to make the ministers assured of their stipends and livings, or yet to make us to have any reasonable support thereby, for reliefe of the commone chairges of our estate, there being so great alteratione and diminutione of the rents, and so great confusione utherwayes enterit in that matter, dureing thir 20 yeares and mair now bypast; and that thereby their believes ane forme and order be preseryvit unto, mair licklie to have continuance to the posteritie to come: To the removeing of all occasions of complaint for the furtherance thereof, there is be commandment and advyce of sic of our councill and the ministrie as conferrit in this purpose, some forme drawne, how Elderschips may be constitute of a certaine number of parochines, lyand together; small parochines to be united, and the greit dividit, for the better sustentation of the ministrie, and the more commodious resort of the common people to their kirks. There is also the forme of letter of ours to be written to some of the principall noble and gentle men, and certaine of the ministers within the bounds of every Elderschip, to conveyne, advyse, and reporte unto us their advyce in all things requyred be us in our said Letter, betwixt and the 24 of Junii nixt. This we thoct convenient to communicat with yow to the Assemblie now to be convenit at Glasgow, requyring them in our name to consider thereof, and to send to us their judgement and opinione aent this intendit wark, and of any thing they wald wische aither to be added or dimminished in the forme of our Letter utherwayes, before the same shall be directed: qwhairnent, if care and diligence shall be taken be them, as our intention, God willing, is to doe, to the forderance thereof, as becomes ws, We have no doubt, but God shall send fruitfull success of our travells, to the removeing of the greit disorders and confusions now standing for want of reformatione.

These grounds advysit weill and agreit upon appearandlie, it shall not only really, with reasonable tyme, make the ministers to be surelie provydit of their livings, but it shall bring the ecclesiasticall discipline to be farre better exercisit and execute over all this realme nor it is presentlie; it beand declarit first, what every Presbyterie

may cognosce upone; nixt, what shall be in every Synodall Assemblie; and last, what causes shall be devolvit to the Generall Assemblie, and what persones shall orderlie neid to repair thereto, and to have vote therein. The reporte of thir our Letters returning againe the sooner, it may be provydit with diligent travells, in the good order now intendit, may take beginning at the first day of November nixt without delay, and if our Parliament upon any necessar occasione shall be conveyit. In the meane tyme, the said ordour, or sa meikle thereof as shall be in readiness, may be past and approvit in forme of law.

The second article was answerit in sic sort as we trust they were satisfied therewith.

To answer the third article, the desire thereof must be more speciall before it receave ane speciall answer: they have to consider in qwhais default and negligence the persons complaint upon in their forsaid article, remaynes unpunished. Our answer to the first article is sufficient, qwhill upon farder advyse it may be made more speciall.

We doubt not also but our answer to the saxt article shall be found reasonable upon speciall conference had thereanent, and that their desyre, if it were grantit in the forme requyrit, could not but induce inconvenients.

There is order taken anent the desyre of the sevent article.

There is same order alreadie begune for the farther help of the Earle of Arrane, qwhilk shall be followit as occasione shall serve.

We have causit and yet will cause, the conference to be keepit, for furthsetting of all things requisite, that may set fordwart the Policie qwhill the same may be establischit be law.

Our former answers are reasonable, and no insisting has been in the contrare in the matter sensyne.

Mairover, ye shall lat the Assemblie understand, that in the particular conference bygane, syndrie matters hes beine agriet upon in generall termes as they were talkit and put in memorie, but yet are not put in sic forme and termes as war meit to put them in Articles in Parliament, to be past and approvit as particular Lawis; and therefore let the Assemblie appoynt some of their number to extend and put thir articles in sic forme and order as they wald wische them to be past in Parliament, specially in thir heads, viz. That the Assemblie will cause inquiryre and cause informe us of the speciall names of the persons culpable in the faults nottit in their last As-

semblie halden at Dundie, viz. That the Bischopes and Commissioners may be admonished to refuse Readers the titles of benefices vaikand since the first day of November last bypast, although presentatione have happinit or happine to be ; that the Assemblie declare how many sufficient and weill qualifiet ministers there is presently in Scotland, and in what place they wische them ratherest to serve.

And that they give their advyce how the remanent kirks, whereunto ministers cannot be had presently, may be servit, qwhill mair ministers may be had, and that the present auld possessors of the benefices be departit this life.

That they give us thair opinione and advyce of that portione of the rents pertayning to the kirks before the alteratione of Religion, qwhilk they think shall fall to us in case all benefices were now vaikand ; and in the meine tyme qwhill they be, qwhat We shall have yearlie for the supporte of our estate and publick affaires of our realme.

That they consider the forme and proceeding, how the taxt for the speciall meins pairt shall be payit in tyme cuming.

As also to make us some lickle and good overture for the personages that shall occupy the place of the speciall estate in our Parliament in tymes cuming, after the decease of the present possessors of the place, in respect of the greit decay of the rents thereof.

That they send us their good advyce how ane forme of Judgement may be established, qwhill a Parliament, for calling of persones provydit to benefices sen our coronatione, to be deprivit therefrae upon the clauses irritant conteinit in their provisiones, for not doing their dewties in their vocationes, but leaving their charges and medleing with their secular benefices.

That the Assemblie giue their advyce upon the forme of presentation that We shall giue to these to be provydit to benefices, if this order take effect ; qwhom to our presentatione shall be direct ; qwhat shall be the forme and order of the tryall ; and how shall the persone presentit be tryit, and what forme of admisionne or collatione ?

For ane grund thir heads are to be considerit.

That besyde the Diocie of Argyll and the Isles, of qwhilks boundes never rentalis war yet gine up, there is in Scotland about nyue hundred and twenty-four kirks, countand fyve score to the hundreth. Of thir, syndrie are pendicles and small parochines,

and many kirks demolishit. Some parochines also are of greater bounds nor the parochiners may conveniently conveye to their parochie kirks. It hes bein thocht meit, therefore, to reduce thir nyne hundreth and twenty-four kirks to vj^e. and at every kirk to have ane minister, their stipend and living to be in four degrees.

Ane hundreth at	.	.	.	500 merks the piece.
Ane hundreth at	.	.	.	300 merks the piece.
Ane hundreth at	.	.	.	100 pundis the piece.
Ane hundreth at	.	.	.	100 merks the piece.

Or somewhat mair or less, as it may be neir thir soumes, beneath or above; all stipends and livings to be modified according to the possibilitie of the rent in that place. Thir considerations are to be taken in, although all the benefices were presently vaikand.

Qwhair the parsonage and viccarage pension at any kirk are now severall benefices, to be all unitit and annexit in ane, for the better sustaining of the minister there.

Thir six hundred kirks to be devydit in fyftie Presbyteries, twenty to every presbytrie, or thereabout.

Thrie of thir Presbyteries, or moe or fewer, as the countrie lyes, to make ane dioecie, according to ane forme after following, to be considerit of.

Of thir number, certaine of the Presbyteries shall be the Synodall Assemblie, and ilk Synodall Assemblie shall appoynt the place within that province for thair nixt Synodall.

Of persones direct from the Synodall Assemblies, shall the Generall Assemblie consist.

Kirks devydit in quarters shall be provydit to ane man:—And if these quarters be annexit to any uther benefices, the quarters to be disseverit out of the provisiones of the persones to be provydit to these benefices when they vaik.

The Kirks devydit unto Prebendaries, to be gine to the ministers as they vaik. All benefices provydit to ministers, to be devydit the yeir of their deceis, equallie betwixt their wyfes, children, or executors, and the intrant minister.

Young men new come from schooles, shall only be promotit to the benefices and stipends in the low degree; and the eldest, of the greatest learning and judgement, to be promotit to the highest rank; and so to ascend *gradatim*, as they shall be judgit and tryed worthiest, from three year to three year, for the better eschewing

of ambition and avarice ; and that the chairges of the greater congregations shall not be committit to young ministers at the first, nor shall they be preferrit to the eldest, of greater gravitie and judgement, at the first.

The estate of all prebendaries to be agnoscit and considerit, qwhilks are foundit upon the teynds of the parochie kirks, and qwhilks are temporall lands, To the effect that sic Prebendaries as are foundit upone teynds, may access to the living of the ministers serving at the kirks, and the uthers to be provydit for the helpe of the schooles in the best forme that may be devysit.

And always the Laik Patronages to remaine haill and unjoynit or provydit, except it be with consent of the patrones.

ANE FORME OF THE PRESBYTRIES AND DIOCIES.

<i>Orkney</i> , . . .	{ Tingwell. Kirkwall.	<i>Dunkeld</i> , . . .	{ Perth. Dunkeld. Creiff.
<i>Kathnes</i> , . . .	{ Wick. Dornach.	<i>St Androis</i> ,	{ St Androis. Falkland. Dumfermling.
<i>Edinburgh</i> , . . .	{ Striveling. Lynlithgow. Dalkeith.	<i>Jedburgh</i> , . . .	{ Chirnsyde. Dunse. Kelsoe. Jedburgh.
<i>Hadingtowne</i> ,	{ Hadingtowne. Dumbar.	<i>Peblis</i> , . . .	{ Melros. Peblis. Bigger.
<i>Rosse</i> , . . .	{ Channonrie. Tayne. Dingwell.	<i>Glasgow</i> , . . .	{ Lanarick. Glasgow. Dumbartane.
<i>Murray</i> , . . .	{ Forress. Elgen. Innerness.	<i>Aire</i> , . . .	{ Aire. Irving. Mayboll. Cammonell.
<i>Bawmfe</i> , . . .	{ Aberdeene. Innerowrie. Kyncardinonell.	<i>Gollaway</i> , . . .	{ Qwhitterne. Kirkeudbright.
<i>Angus</i> , . . .	{ Dundie. Keremure. Kethenis.	<i>Drumfries</i> , . . .	{ Drumfries. Penpont. Lochmaben. Annand.
<i>Mernis</i> , . . .	{ Fordoune. Bernoy.		

Sessio 8.

Anent the report of the breither appoyntit to consider the platting of the kirks gine in to them in rows, and to report their judgement what they think meit to be reformat therein; a greit part of the saids rows beand reproducit with their judgement qwhilk they could presently resolve upon in sic schortness of tyme qwhill they be farther resolvit with advyce of their countries; The hail Assemblie thocht meet that ane beginning be had of the Presbyteries instantly in the places after following, to be exemplator to the rest that may be established heirafter.

The Presbytrie of Edinburgh.

Edinburgh.	Corstorping.
Halyrudehouse.	Cramond.
Castle of Edinburgh.	Gogar.
The West towne of Dudinstowne.	Ratho.
Leith.	Kirknewtowne.
Restalrig.	Currie.
Mussilburgh.	St Bothomes.
Natoune.	Hayles.
St Cuthbert.	Libbertowne.

The Presbytrie of Dundie.

Dundie.	Lundie.
Balumbie.	Benun.
Maines.	Auchterhouss.
Strethmartane.	Inchesturie.
Monoswith.	Rossie.
Murrois.	Langforgund.
Logiedundie.	Foulis.
Liff.	Inneraritie.
Innergowrie.	Kirkbriddoll.
Tealing.	

The Presbytrie of St Androis.

St Androis.	Carrail.
St Leonards.	Anstruther.
Seress.	Carnbie.

Newbirne.	Forgownd.
Dymminow.	Balmerinoch.
Kylconquhar.	Logiemurth.
Abercrombie.	Kylmaine.
Largo.	Darsie.
Cowper.	Kenbege.
Auchtermoosie.	Kylrinne.
Lewchars.	

The Presbytrie of Perth.

Perth.	Duppline.
Kynnowll.	Abernethie.
Kynfauns.	Dron.
Methven.	Arngask.
Pittwarror.	Mucarsie.
Kynelevine.	Forgundine.
Logybryd.	Aberdagie.
Auchtergowine.	Fortiviet.
Scoone.	Monzie.
Cambsmitchell.	Regortowne.
Tibbermure.	Loncardie.
Dumbarnie.	Trinitiegask.
Rynde.	

Presbytrie of Striveling.

Cambuskenneth.	St Ninian's Kirk to be uevyait.
Logy.	Larbarr.
Dumblaine.	Dunnipace.
Lycrope.	Kirk of Mure.
Kylbride.	Kyppey.
Aberfull.	Alvethie.
Port.	Tillicultrie.
Clackmanan.	Kylmahugo.
Tulliebodie.	Leney.
Tullieallane.	Callendrech.
Kylmaddock.	Airthe.
Kyncarden.	Brothkenner.

The Presbytrie of Glasgow.

Glasgow.	Campsie.
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Fintrie.	Schottis.
Strabrane.	Paislay.
Caldar.	Merines.
Monkland.	Neilsone.
Lenzie.	Kilbryde.
Ranfrew.	Torreiss.
Inchynnane.	Gowane.
Cambuslaing.	Blantyre.
Rutherglen.	Eistwoode.
Carmanock.	Cathcart.
Bothwell.	Monyabrock.

The Presbytrie of Aire.

Aire.	Auchinleck.
Alloway.	Mauchlen.
Tarboltowne.	Gastowne.
Barnwell.	Qwiltoune.
Cumnock.	Cragy.
Monktoune.	Riccartowne.
St Kenockis.	Dundonald.
Prestick.	Symontoune.
Wchiltrie.	

The Presbytrie of Irwing.

Irwing.	Dunnalop.
Large.	Kilbirney.
Kylbryd.	Beith.
Ardrossan.	Kilmauers.
Kylwynning.	Prestowne.
Kilmarnock.	Dreghorne.
Lowdon.	Stevinsone.
Dalry.	

The Presbytrie of Hadingtowne.

Hadingtowne.	Morhame.
Elstarfred.	Ormstowne.
St Martine's Kirk.	Aberladic.
Bowden.	Gulane.
Sowtrey.	Northbervick.
Bothaines.	Paintland.

Saltowne.
Tranent.
Seatone.
Barraw.

Garwont.
Fala.
Rothinschell.
Keithhumbie.

The Presbytrie of Dumbar.

Dumbar.
Spott.
Lyntone or
Prestonekirk.
Innerweik.
Auldhamsteiks.
Coldbrandispeth.

Awld Cammous.
Qwhittinghame.
Stentowne.
Qwhytkirk.
Bass.
Auldham.
Tinnynghame.

The Presbytrie of Chirnsyde.

Chirnsyde.
Foulden.
Mordingtowne.
Coldinghame.
Ayttowne.
Lammertowne.
Wintowne.
Fischweik.
Horneden.
Wpsettlingtowne.
Lainell.
Hirsell.
Simprem.

Hiltoune.
Qwhitsone.
Eldrem.
Bonkle.
Prestoune.
Ellana.
St Bothanes.
Dunns.
Langformagus.
Cranschaws.
Langtowne.
Foggow.
Swintoune.

The Presbytrie of Linlithgow.

Linlithgow.
Bynnie.
Caldercott.
Caldercleir.
Strabrock.
Inchmachame.
Kirklistoune.
Auld Cathie.
Drummaine.

Torphichen.
Bathcat.
Levingstowne.
Kynnell.
Carridden.
Slamannane.
Abriecorne.
Falkirk.

The Presbytrie of Dumfermling.

Dumfermling.	Dysert.
Carnock.	Weymes.
Innerkething.	Methell.
Ressythe.	Ginglassie.
Auchterdirie.	Culrosse.
Ballingarie.	Crumbie.
Aberdour.	Torrie.
Dalgatie.	Saline.
Auchtertool.	Cleisch.
Kirkaldie.	Muckart.
Ginghorne Eister.	Dolor.
Ginghorne Waster.	Glendovan.

And to the effect this ordour of Elderschips may be establisched in the saids townes with the better expedient and mair convenient forme, they have namit the breither underwritten, to take care and travells, and to sie the same constitute betwixt and the last day of May nixt to come, viz. For Lawthiane, Mrs Robert Pont, Adam Johnstowne, James Carnichael: ffor Fyfe, David Fargysone, Thomas Buchanan: ffor Angus, the Laird of Dun, Mr Chrystiesone, James Andersone, James Melvill: ffor Striviling and Linlithgow, Robert Montgomrie, John Duncansone, the Bischope of Dumblane: ffor Glasgow, Andrew Hay, Thomas Smetoune, Andrew Polwart, and the Bishop of Glasgow: for Aire and Irving, John Porterfield, John Young, John M'Corie: ffor the Merss, John Clappertoune, Patrick Gaitts: ffor Perth, the Minister there, William Rynd, and William Edmestoune; Ordayning every Elderschip in the first Assemblie to be halden, to chuse out of their numbers ane Moderator to continew till the nixt Synodall Assemblie.

Sessio 9.

Forsuameikle as travells hes been taken in the forming of the Policie of the Kirk, and diverse sutes made to the Magistrate for approbatione thereof, qwhilk, albeit as yet, hes not taken the happie effect qwhilk good men would crave; yet that the posteritie sould judge well of the present age, and of the meining of the Kirk, the Assemblie hes concludit that the Book of Policie agriet upon in di-

verse Assemblies before, sould be registrate in the acts of the Kirk, and to remaine therein, *ad perpetuam rei memoriam*, and the copies thereof to be taken be every Presbytrie: of the qwhilk Book the tenor follows :

HEADS AND CONCLUSIONES OF THE POLICIE OF THE KIRK.

[The Book of Policie, or Second Book of Discipline, has been already so often printed, in Dunlop's Confessions, the Compendium of the Laws of the Church, and separately, along with the First Book of Discipline, that it is deemed unnecessary to encumber the present work with a reprint of it from the Assembly's Register.]

Anent the CONFESSION OF FAITH lately set furth be the King's Majesty's proclamacione, and subscribed be his Heines, The Kirk, in ane voyce, acknowledges the said Confessione, to be ane trew and Christiane Confession to be agriet unto be such as trewly professe Christ and his trew religion, and the tenor thereof to be followit out as the samin is laid out in the said proclamacione.

Ane method of Preaching to be printed and putt in Scotts be Mr Thomas Smeton.

Forsuameikle as Abbots, Commendators, Priores, and Bischops, provydit of auld, under the name of Ecclesiasticall, bruiks the rents and revenews of the Kirks, without exercising any spirituall functione thereof, or recognoscing the true Kirk, devowring the patrimonie of them, and daily diminisching the rents of their benefices ; The Kirk and Assembly present, hes determined and resolved, that all such persones before named, shall be cited before the Presbyteries, to compeir before the next Generall Assemblie of the Kirk, to submitt themselves thereto, as they will answer unto the Kirk.

Anent Readers ; Forsuameikle as in Assemblies preceeding, the office thereof was concludit to be no ordinar office in the Kirk of God, and the admisionne of them suspendit to the present Assemblie : The Kirk, in ane voyce, hes votit and concludit farther, that in no tymes comeing any Reader be admittit to the office of Reader, be any haveing power within the Kirk.

Ordaines the Commissioners of Countries to give in the names at afternoone with the persons they think meit, to the union and divisione of the Kirks.

Certaine appoyntit to forme the Articles agreit on in conference.

The advyse of the Kirk concerning the direction of Presentations, that they be directit to the Presbyteries.

To crave of his Grace for performance of the wark intendit, that prelatz be dissolvit.

Sessio 10.

Anent the place of repentance to be appoyntit to Captaine Anstruther for his fearfull defectione from the trew religione in the parts of France; the haynousness and gravitie of his defectione being weill weyt and considerit, qwhilk requyrit solemne and notorious repentance,—The Kirk hes thocht meit, and be voteing concludit, that his repentance be made in the city of St Androis, after the forme of discipline sett out against the apostates.

[FORTY-FOURTH GENERAL ASSEMBLY.]

THE Generall Assembly, conveint at Edinburgh, the 17th of October 1581, qwhair there was present the Commissioners.

Sessio.

Exhortatione made be Mr Robert Pont. Leitts, Mrs John Craig, Andrew Melvill, David Lyndsay, and John Duncansone; the said Mr John, be plurality of votis, was chosen Moderator *hac vice*, whose absence before noone, the said Mr Robert was ordaynit to supplie. Assessors, Mrs James Lawsons, Robert Pont, Andrew Hay, Andrew Melville, David Lyndsay, Thomas Smetowne, Alexander Arbuthnott, Andrew Polwart, and David Fergusone.

Sessio 2.

The Assemblie ordaynit Mrs Adam Johnstone and John Durie to pass to the King's Majestie in name of the Assemblie, desyring his Heines to direct Commissioners from his Grace to see the proceedings of the Assemblie, and continew therein; quha returning, declareit that for sundrie affaires of Counsell he could direct nane qwhill Thursday, and that day his Grace sould send some instructed with his commissione.

The haill Bishops being called, nane was present but Dunblane.

Anent the constitution of Presbyteries appoyntit in the last Assembly; The persones to whom the charge thereof was committit, being callit to giue ane account of their diligence herein: ffor Lowthiane they had not proceedit: anent Lynlithgow, be reason that thir diverse yeares bygane, no Exercise hes been there, besyde the inlaike of ane good moderatour, and therefore thocht it meitest that the Presbytrie sould have bein in Calder, where the Superintendent might be had to be Moderator; allwayes refers that to the brether.

After voting, the Kirk concludit that the Presbytrie be still in Linlithgow qwhill the next Assemblie, and no transporting nor change of the place of the Presbytrie, without the determinatione of the Generall Assemblie, as lykewayes of all uther Presbyteries; admonishing also the towne of Lynlithgow be their Commissioner, that if good concurrance be not had be them therunto, that the Kirk wald transport the Presbytrie from them. The rest of the Presbyteries referrit to farther deliberatione and diligence.

Sessio 3.

For eschewing of sic misorder as fell out in the persones of Alexander Mure, minister at Falkland, quha married persones divorced for adulterie, and Alexander Foster, minister at Tranent, who baptized ane bairne in ane priuate house, as lykewise ministracione of the Lord's Supper and celebratione of marriage in priuate houses; It is concludit be common consent of the haill brethren, that in tymes comeing, no marriage be celebrate, nor sacraments ministrat in priuate houses, but solemnlie according to good order hitherto observit, under the paine of deposition of the persones that wses the said ministracione from their office and functione of the ministrie in tyme cuming.

Sessio 4.

The Assemblie of the Kirk gives full commissione to the Eldership of Dundie to call the Maister of Gray before them, to give ane account of his professione, and to give confession of his fayth, and to proceed against him according to the acts of the Kirk, and that with all possible diligence.

Sessio 5.

His Majestie's Commissioners inquyrit of the Commissioners of the Kirk, in caice the Kirk damned the office of Bischops, qwherunto also is annexed ane temporall jurisdiction, wherin the Kirk is servit be voting in Parliament, assisting in his Hienes counsell, contribution in taxations and sicklyke,—qwhat overture they wald shew, qwhereby the King be not prejudged be the taking away of that estate?

For advysing of this head, qwhilk the Assemblie thocht very weighty and of great consequence, they have nominat Andrew Ker of Fawdonsyde, the Lairds of Coldenknowes, Keir, Cardoune, Segey, the Proveists of Edinburgh and Striveling, the Commissioners of Edinburgh, Striveling, Leith, Perth, Montrois, Mrs Andrew Hay, Andrew Polwart, John Porterfield, William Rynde, David Fargysone, John Rutherford, David Lyndsay, William Edmes-towne, with the sax brethrene on the conference.

Forsumeikle as the King's Majestie, with advyce of his counsell, hes sett out and proclaimit ane godly Confessione of Fayth, to be imbraceit be all his trew subjects, and be the same expressly giving commandment to the ministrie to proceid against whatsumever persones that will not acknowledge and subscribe the same, qwherein great negligence hes been seen, far by the dewtie and office of trew pastors: Theirfore the Kirk and Assemblie present, hes enjoynit and concludit, that all ministers and pastores within their bounds, with all expedient and possible diligence, execute the tenor of his Majestie's proclamacione betwixt and the next Synodall Assemblies of every Province, and present before the Synodall Assemblies to the Moderator thereof, the dewtiefull diligence in this behalfe, to be reportit to the next Generall Assemblie of the Kirk, under the paine of deprivatione of the saids ministers from the functione of the ministrie, that beis negligent herein.

Sessio 6.

The brethren appoyntit to conferre upon the overture to be made to the King's Majestie's Commissioners concernyng Bischops, Reportit, That after lang reasonyng, they had agreit in this far, that twiching voting in Parliament, assisting in Counsell, Commissioners from the Generall Kirk sould supply the place of bishops: And as to the exercising of the ciuill or criminall jurisdictione anent the of-

fice of bishops, the Heritable Bailies sould use the same ;—referring to the judgement of the haill Kirk to consider of their answer, if they thocht the same meit to be communicat be the said brether to the King's Commissioners: qwhilk the Kirk altogether thocht meit, and allowit the judgement of their brether.

Sessio 7.

Compeirit James Melvill, Gentleman of the King's Chalmer, and presentit unto the Kirk, his Majesties writting concerning tryall to be taken of certaine words alleadged spoken be Mr Walter Balcanquell in his late sermone against his Heines cousine, Duke of Lennox, with credit to the bearer, who schew that in this far he had credit to speak, that because at the last calling of John Durie and the said Mr Robert before the Privie Counsell, upon accompt of their sermones, offence was taken in the Kirk, therefore his Grace laments the matter to the Assemblie, willing them to try the matter and to putt order therein.

The words wherein the Duke's Grace is offendit are thir ; That the said Mr Walter had spoken in pulpit, that within this four years, Papistrie had enterit in the countrie, not only in the court but in the King's hall, and maintained be the tyrannie of a great campione, who is callit Grace ; and if his Grace vald oppone himself to God's word, he sould haue little grace. Further, concernyng the Bischope of Glasgow, the King's Majestie desyrit they sould stay any proceedings against him as bishop ; yet if there be any uther thing the Kirk hes to lay to his charge, let them use their order.

Hereunto the said Mr Walter answerit, Seeing in the King's Majesties letter and credite gine to the bearer thereof, he is accusit, —praying the Moderator to suffer him to give his answer thereto ; the sum quhair of schortly shall be this : First, he praisit God that he is not accusit of any thing wherein ather civilie or criminallie in his life or conversatione, he hes offendit the King's Majestie, or his laws, whereunto with all reverence and all tymes he is readie to submitt himself as effeirs, but is accusit of these things whilk he hes spoken publickly in the pulpit, qwherein he hes been mair plaine in reproveing of vice then sum men can goodlie suffer, qwhilk is a very point of his doctrine ; qwhilk, howbeit, he heir there callit open selander, yet he man so justifie the same, that although all the kings of the earth wald call it erroneus, yet he is ready here be good reasone to prove it to be the very trewth of God ; and if neid sall requyre,

to seall it with his blood. Secondlie, he praises God for this, that of his last accusation, God hes giuen this meikle victorie to this Kirk, that howbeit then it was callit in questione, to whom the judgement of the doctrine sould appertayne, yet as then be good reasone it was concludit and promised be the King's Majestie, Counsell, and Commissioners appoyntit therfra, to conferr with the ministers in that matter, That in all tymes cuming the tryall of the ministers' doctrine sould be referrit to the judgement of the Assemblie of the Kirk, as the only competent judge thereto; so now it is performit, and for that he sies that promise now keepit, he thanks God, and is so meikle the more glad to give his answer before their godlie wisdomes of the Assemblie present, as his competent judges in this matter, and that after this manner. As concernyng these things qwhilks he spake in his sermon the last Wedensday, he spake them not quyetlie, but all his breither and all the hail Assemblie heard them, and so, of all wthers, can best judge of the same. Wherefore, with all reverence, he will submitt himself simply unto their godly judgements, alwayes neither being aschamitt of his doctrine, neither yet being myndit to giue advantage to his enemies, so far as he may, whose purpose he knaws against him in this matter. He will only requyre this conditione,—that the canone of the Apostle Paul be keepit to him, qwhilk is this: Against ane elder receiue no accusatione, but under two or three witnesses; according to the qwhilk forme of proceeding, he craues in this matter here.

Are ye, the Assemblie of the Kirk, as competent judges unto him? Here is he ready before your Wisdomes to answer to all accusationes that sall be layd against him, and underly your judgments therunto. Let any man, therefore, according to the canone of the Apostle, qwhilk on no wayes ye can break, stand up here before yow, and say he hes any thing to accuse the said Walter off, either in lyfe or doctrine, and hes two or thrie witnesses readie with him to prove his accusatione: then the said Walter shall answer him as effeirs; for seeing James Melville heard not his doctrine, and therefore will not take upon him to accuse the said Mr Walter, he will superseid farther answer, qwhill he sie his accuser qwhatsumever, to qwhom be the grace of God he sall be ready to answer as accords.

The Assemblie ordayns Mrs Thomas Smetone and Daidid Fargysone to passe to the King's Grace with this answer;—That seeing Mr Walter is ane brother in the ministrie, the canon of the Apostle

must be kept unto him ; and therefore the accuser, with his two witnesses, ocht to be had. Farther, that in respect of the last calling of John Durie before the Privy Counsell, upon ane compt of certaine words alledgit spoken in his sermone, ordour was taken be certaine Commissioners of Counsell and brether of the Kirk, that in case such accusationes afterwards should fall out in the Kirk, sould haue the judgement thereof; and if the King's Majestie please to send any Commissioners to be present at tryell, they sould see the proceedings of the Kirk; Therefore desyres his Majestie to send Commissioners to sie this matter tryed, seeing the Kirk is most willing to try the same.

Sessio 9.

Anent the establishing of Presbyteries, the Kirk assemblit hes nominat certaine brether to travell diligently in erection of Presbyteries, as they shall be severallie devydit, betwixt and the next Assemblie; and ordayns their brother, Mr James Lawsons, to penne the forme in proceeding in erectione thereof, that the brether being informit of the order, may uniformlie proceed therein. For Falkland, Mrs Walter Balcanquall, Patrick Adamsons, my Lord Rothes, Balvaird and Creich.

Sessio 10.

Articles qwhair of Mr Robert Montgomrie, minister at Striveling, was openlie accusit in the Generall Assemblie, anent his doctrine.

1. That publicklye preaching in the kirk of Striveling, he proponit a questione touching the circumcisiōe of women, and in the end concludit, that they war circumcisit in the foreskin of their forehead:

2. In Glasgow, he openlie taught that the discipline of the Kirk is a thing indifferent, and may stand this way or that way.

3. He accused the ministers that they used fallacious arguments and captious, and that they were curious braines.

4. So far as he could, he travellit to bring the originall languages, Greek and Hebrew, in contempt, abusing thereto, the words of the Apostle, 1 Corinth. 14—and tauntinglye askit in what schoole were Peter and Paul graduit?

5. To prove the corrupt state of bishops in our tyme, he brocht furth the examples of Ambrose and Augustine.

6. It is sufficient to baptize in the name of the Father only, or in the name of the Sonne, or in the name of the Holy Ghost, because they are all one God, and to that effect alleadgit 19 of the Acts.

7. The matters of Discipline and lawfull calling in the Kirk, he callit trifles of policie.

8. He accused the ministrie of seditiōne and leise Majestic, saying, exhorting them not to be seditious, nor meddle with his matters, to leave off, to put on crownes and off crownes, for if they medlit any farther therewith, they wald be reprovit.

9. He condemnit the application of the Scripture to the particular manners and corruptions of men, mockingly asking, in what Scripture they may finde a bishope for a 1000 pund, horse, corne, and pultrie, and when they teache of luife, how cold they fund Judas?

10. He oppugnit the doctrine of Christ, quho pronounces that the most part are rebellious and perische.

11. He denyed, that in the New Testament any mentione was made of the Presbytrie or Elderschip.

12. He accusit the ministers of pasquils, of grudging and murmuring, of trouble and confusiōne, of lying and backbyting, saying, where is it? who will do it? what fault can they find with the Court? As for myself I find nane.

13. The Kirk being traducit be pasquilles and infamous libells, not onlie purgit he not the Kirk or himselfe thereof, having good occasione, but rather approvit the same.

14. He used his preaching against the ministrie, the very words of the lybell that was cast in the King's chamber against them.

15. This quarter year bygane, he hes been negligent in doctrine, discipline, and assisting of the Elderschip.

Sessio 12.

Heads referrit from the Synodall of Lawthian to the Generall Assemblie.

1. First, That ane universall order be taken and made be the Generall Assembly, for excommunicatione, tryall, admissiōne, and ordination of ministers.

2. To inquire what personē of the ministrie shall designe gleibs and manses; and seeing that the Synodall Assemblie of Lawthiane

hes thocht good that every Presbytrie sall direct some of their owne number, to designe gleibs and manses within their awne bounds, we crave the consent of the Generall Assemblie that the same may be universall; and, where there is no presbytrie, to appoynt who shall designe the same.

3. Qwha shall await upone the plat for modifieing of the ministers' stipends.

4. Qwhat answer shall be gine to the King's Majestic concerning the union and disiunctiōe of Kirks.

5. That ane uniformitie be used for summonding of persones before the Presbytrie, and proces that is to be led before the same.

6. To suit that the tryall and admissiōe of all masters of schools be now joynt to the Presbyteries.

7. Seeing we of the Synodall of Lawthiane, hes agreit that disputatiōes sall be every day of the exercise in every Presbytrie, and speciallie upon such articles as are in contraversie betwixt us and the Papists, for avoyding of negligence of ministers, and to the end we may the better withstand the adversar, that the Generall Assemblie will appoynt the forme thereof.

8. What order shall be used with Ministers and Readers that setts their gleibs and manses, as ye oversie the same.

9. That ane article be suitit be the Generall Assemblie at the Parliament, that all marriages without consent of parents, proclamations of bands, or utherwayes without the awne solemnities according to the order of the Kirk, be decernit null.

10. To crave that ane act of Parliament be made against them that pass in pilgrimage, and uses superstitione at wells, crosses, images, or uther Papistieall idolatrie, or observes feasts and dayes dedicated to Sainets, or setts out beanefyris for superstitione.

11. Seeing the act of Parliament appoynts them that are conviet of notorious adulterie, and throw the ambiguous expositione of this word notorious, no execution is used thereupon; therefore, for avoyding the plagues of God hingand above this hail countrie for this cryme, That the Generall Assemblie wald crave that ane act be made in Parliament for punishment of all persones to the death, whosoever are lawfully conviet of adulterie.

12. Seeing ane act of Parliament is made anent discharging of mercats upon the Sunday, and no executione hes followit thereupon, qwherthrow the people absenting themselves from the Kirk, and

waiting upon the mercat, continews in ignorance, and be these means, Atheisme increases, desyre that sum order may be taken in this Parliament—The execution of the said act, that sum puni-chment may be appoyntit againes the magistrates that puts not the same in executione, notwithstanding any private dispensation in the contrarie.

13. That ane act of Parliament be made for provisione of gleibs and manses to such ministers as teaches at Abbay Kirks, lyke as they are provydit for others.

14. Because there is ane act of Parliament that all Presbytries and prebendaries shall be gine to scholers to hald them at the schools, and it is of veritie that there is verie many of these sorte that is of cure of saules and parochie kirks, notwithstanding, be reasone of the act of Parliament, they are gine to courteurs; therefore we desyre that there be ane act of Parliament, that all presbytries and prebendaries that hes cure of saules, may be gine to none but to ministers, and that if any be gine, to be null in all tyme cuming. Sicklyke, Prebendaries foundit to schools and masters teaching the same be gine, conforme to their foundatione, to schoolmasters for instructing the youth; and if the same be dispoit wtherwayes, the dispositioun to be null.

Answers made to the saids Headis.

Anent the first article the Kirk hes ordaynit William Chrystesone, Mrs Andrew Melvill, Thomas Smetowne, Alexander Arbuthnott, and James Lawsons, to consider the ordinar and extraordinar houres, and to report their judgement to the Kirk, and Mrs Andrew Hay and Nycoll Dagleische to assist them.

As to the second, the first part is agreit upon; and qwhair Presbytries are not yet, nor cannot be erectit, the Commissioners qwhilks were before appoyntit to remaine Commissioners yet to that effect.

For satisfying of the third, the Kirk hes nominat the Commissioners underwritten, viz. The Commissioners of Orknay and Zeitland.

For answering to the fourth concerning the King's Letter, ordayns the Clark Register to be consultit upon the answer.

To the fifth, refers the forme thereof to be conceivit in writ be Mrs David Lyndsay and Patrick Adamsone betwixt 6 and 9.

As to the saxe, agreit to be proponit in article to the Parliament.

The 7. referrit to the Elderschips, and allwayes where thir disputationes may be had, the Kirk thinks them good.

For answer to the 8, the acts of the Assemblie to be put in executione against such persones be the Elderschips.

The 9. Ordaynes this article to be cravit at the Parliament, be and first well qualifiēt and presented to the Kirk.

The 10 sicklyke—11 agreit—12 sicklyke; and the Kirk to proceed likewise against the violators of the Sabbath day and maintainers of them. The 13 and 14 agreit.

Sessio 12.

Forsnameikle as be the great and many divisiones and deidlie feids rysing in all the quarters of the realme, not only is the word of God and trow Religione burdenit with sclanders, but also the commone weill enormlie woundit and hurt, discipline and all good order confoundit, brotherlie charitie and amitie aluterly contemnit, to the grief of good men's consciences: Heirfore the Kirk hes injoyuit to their lovit brether John Durie, Mrs David Lyndsay, Andrew Polwart, Andrew Hay, Thomas Sinctoune, the Ministers of Aire and Irvine, to travell in the Wast; James Lawsons, John Braid, David Lyndsay, to travell betwixt my Lord Gowrie and Olyphant; the Lairds of Culluchie, Kynnaird, the Baillie of Arroll, Pattick Adamsone, William Chrystisone, and Mr James Balfour, to travell in Angns, betwixt my Lord Crauford and Glames, and effectuonslie interveine for reconciling of the saids pairties and uthers falling out in all thir quarters: requyring them, in the name of God and of the hail Kirk, to live in unitie and peace with uthers as brether and members of one body, and not to giue occasione, be their divisione, of sclander, and open the mouthes of the enemies, to burden the evangell with calumnies, as they will schaw themselves the sonnes of peace.

Sessio 13.

The Kirk, both for provisione of St Androis and uthers burghs wanting pastores, hes nominat certaine brether, out of qwhais number so many shall be electit, to be placeit in the saids rounnes qwhais names follows: Mrs James Greig, Alexander Hoome, William Rynd, George Hay, George Patersone, Gilbert Gardine, Alexander Denmure, James Hammitone, James Melvill, James Balfoure, John Knox, David Lyndsay, Thomas M'Gie, Michael Cranstowne, James

Andersone, and William Auchmoutie, Ordayning the breither that knowis any uthers persones qualified of the ministrie, to giue in their names afternoone.

Anent the corruption of Burialls within the towne of St Androis; the Assemblie hes ordaynit Mr Patrick Adamson, to put the act of the Kirk to executione against the persones that hes contraveint the same.

Sessio 14.

The hail brether are admonished to observe the act made alreadie anent the marriage of pairties divorcit for adulterie, under the paine therein conteint, qwhill the questione be fullie resolvit, upon the advyce and consent of the hail Kirk.

Sessio 15.

Anent the desyre of Mr Walter Balcanquall, minister of Edinburgh, desyrand, that according to the King's Majestie's directione to the Kirk, his accusatione may be lawfullie tryit, and his accuser and witnesses brocht before; or else, seeing he spak nothing but publickly in face of the hail brethren, that they sould giue their judgment and determinatione in the matter, submitting him reverently unto their wisdomes.

The Brethren present, ordayned Mrs David Lyndsay and Thomas Smetone to pass to the King's Majestie, and schaw their good will to haue the matter tryed conforme to his writing; desyring his Grace for that effect, that the accuser, with his two witnesses, be brocht before the Kirk, as also if it be his heines pleasure to send some Commissioners from the Council, to sie the matter rightly judgit and procedit in be the Kirk.

Anent the supplication gine in be John Craig, appearand of Ramuscraig, and Agnes Irving his spouse, desyrand that the Commissioners of Edinburgh sould be requyrit to superceid the cause of Barbara Keith against them before the said Commissioners; the saids Commissioners being present, the Kirk requyrit them in this particular, as also in uther things that appears to towch the Jurisdictione of the Kirk, that no wayes they proced qwhill they conferr with the Prior of Pittenweyme, Mrs Robert Pont, Alexander Arbuthnott, who sall concurre with them the morne at nyne houres, and reasone both anent their jurisdictione and the jurisdictione of the Kirk, that neither of them usurp uthers jurisdictions; and herein

to report their judgement to the Kirk; requestand also the saids Commissioners, that dureing the dependance of this conferrence, no farder be proceeded in the said cause; unto the qwhilk conferrence the said Commissioners agreit.

Sessio 16.

The Brethren direct to the King's Majestie and Councill, reportit, that be reasone of the greit affaires of the King and Councell, they could gett no answer of such things as they were direct for.

Sessio 17.

The Kirk consentit to the supplicacione of Alex^r. Borthwick, minister at the kirk of Livingstone, quho being an actuall minister and of meine literature, humbly desyrit the Kirk to grant him licence to gang to some universitie within this countrie, where he may study theologie, and haue sum kirk near adjacent to travill there in the ministrie; in the meane tyme so meikle the rather as he hes obtainit leave of his flock quho may at this tyme be easilie provydit.

Ordaynes Mr David Lyndsay to passe to the Session of Edinburgh, and desyre them to declare, if they, or any of them, fand any errors, selander, or offence in the sermone preached be Mr Walter Baleanquall, upon Wodensday was aucht dayes.

Sessio 18.

Anent the accusatione gine in be Mr Androw Melvill, Principall of the new Colledge of St Androis, against Mr Robert Montgomerie, minister of Striveling, and his answer made thereto *verbo* before, and gine in this afternoone in his name; the Kirk being resolutit therewith, admitts to the said Mr Androw his probatione, the contents of the saids articles, assigniug to him the morrow to prove the samen: And ordaynes the offieer of the Kirk to warne Mr Robert to compeire the morne, at ten houres, in the Assemblie, to hear witnesses and probatione recevit.

The hail Assembly being of good mynde, and well affectionat to try the poynts of the accusatione gine in be James Melvill, Gentleman of his Majestie's Chalmer, in name of the Duke of Lennox; and haveing diverse tymes travellit with his Majestie that the Rules of the Apostle sould be keepit to their brother, and the accuser, with his two witnesses, brought before; as likewise, that his

Majestie wald direct some Commissioners from his Counsell, to understand herein the just proceedings of the Kirk; qwherin sieing no effect of their suit, yet, for satisfacione of the King's Majestie's Letter, and removing all the selander that may aryse heirby, first direct certaine Commissioners from the hail Assembleie unto the particular Kirk of Edinburgh, qwhereof the said Walter is minister, Requyring of them, if, in the said sermone, qwhilk was made upone Wedensday was aucht dayes, they or any of them had fund, or finds, any word spoken qwhilk was erroneous, selanderous, or offensive; qwhais answer being reportit be ane brother of their Sessione, that they had heard nothing spoken be him therein that was either erroneous, selanderous, or offensive, but good and sound doctrine, qwhereof they desyrit the approbatione of the hail Kirk convent: The hail Assembleie, voting particularly in this matter, but any contradictione, Declareit that they nor nane of them fand or finds any fault in the said sermone, nothing spoken therein that conteint either error, selander, or just offence, but solide good and trew doctrine; praysing therein God, and justifying their brother of that accusation qwherewith he is chargit.

Sessio 19.

Anent the jurisdictione of the Commissariot of Edinburgh, and wherein they medle with the jurisdictione of the Kirk; seeing the matter lies taken sum reasonyng betuixt the brethren appoyntit, and the Commissioners, and farther reasonyng yet requyrit; The Kirk ordays Mrs David Lyndsay, Robert Pont, James Lawsons, with the Prior of Pittenwyme, to travell in the conference of this matter, as also upon the particular of Barbara Keith, with sic diligence as is possible, and to draw the reasonyng to sum poynt, qwhereof the Kirk may be informit at the next Assembleie.

Sessio 20.

The brethren sent to the King's Majestie with the articles of accusatione gine in against Mr Robert Montgomrie, returnit his Majestie's answer: that he had received them very thankfullie, and was content that the accusatione proceeded against him, as minister: farther, that in the heads of religione, he agried from his heart with the Kirk of Scotland, albeit in sum heads of policie he was not yet resolvit.

The General Assembleie gines their full power and commissione

to the richt honorable and their belovit brether, the Laird of Braid, Andrew Kerr of Fawdonsyde, Mr Thomas Craig, advocat, and John Johnstone, Commissioners of Edinburgh, the Provost of Dundie, Alexander Scryngeour there, Alexander Rutherford, Commissioner of Aberdeen, Henrie Adamson, Commissioner for Perth, Robert Lichtounne, Commissioner for Montrois, the ministers of the King's hous, the ministers of Edinburgh, Mrs Robert Pout, David Lyndsay, Andrew Hay, Andrew Melvill, Thomas Smetounne, Patrick Adamson, George Hay, David Fargysone, Adam Johnstounne, James Carmichaell, John Braid, or any aucht of them, to present to the Lords of the Articles of the Parliament, such heads, articles, and supplicationes as are gine to them be the Kirk.

The Kirk ordaynit Mr Andrew Melville to produce his witnesses in his accusation against Mr Robert Montgomrie, qwho instantly producit Mr Robert Darroch, minister of Drume, Mrs David Weymes, John Craige, Patrick Adamson, John Howstone, John Wright, Thomas Buchanane, and James Carmichael. All thir witnesses being sworne and admittit, The Kirk, notthelesse, that the said Mr Robert sould not think him defraudit of any lawfull defence in his absence, reservit any objection he hes against the persones of the saids witnesses, in caice he come upon Munday at ten houres; and ordaynit the said Mr Robert, because of his departing off this towne, to be instantly examinat be David Fargyson, William Chrystesone, Mr James Balfour, the Lairds of Fawdonesyde and Carletowne, Mr Paul Fraser, or any thrie of them; and his deposition to be put in writ, and reportit to the Assemblie; and as to farther probatione, if the said Mr Andrew will take any uther tyme, ordaynit him to warne Mr Robert therto.

Sessio 21.

Anent the provisione of the Kirk and St Androis of ane pastor, the Kirke hes thought it meit that the pryor and towne of St Androis nominat such ane of the brethren whom they have best lykng of, to serve the cure, and to propone him unto the ministers of the King's house, the ministers of Edinburgh, Mrs David Lindsay, John Braid, Mr Adam Johnstone, David Fargysone, Mr Andrew Melvill, William Chrystesone, the Lairds of Braid, Pilrige, Col-luchie, and Lundie, to whom, or any aucht of them, the Kirk gives commissioun to give assent in their name thereto, and to place him there, provyding they find no lawfull impediment that may stay

their placing there, or that they be not ane of the colledges qwhome the Kirk exeims, for considerationes, therefrom: And sicklyke, that with their advyce, the minister presentit may be sufficiently provydit, as also his kirk qwhairfrom he is taken be also staikit.

Sessio 22.

Ordaynes ane supplication to be made to the King's Majestie and Lords of the Articles, that no acts be past in Parliament repugnant to the trew word of God, and namely concerning bishops, with scharp admonitiones therein, to be pennit be Mrs Thomas Smetowne and Andrew Melvill, and the samen to be presentit with the articles the morne, at aucht houres, be Mrs James Lawsons, David Lyndsay, Andrew Melvill, Andrew Hay, Thomas Smetowne, and Johne Braid.

Sessio 23.

The Assemblie gines full power and commissione to the presbytrie of Striviling to summond Mr Robert Montgomrie, minister there, before them, and to try and examine his lyfe and conversatione; and accusatione, to be gine in thereanent, with all possible diligence; and what they find therein, to report to the next Synodall Assemblie of Lawthiane, to qwhom the Assemblie gives power to proceed against him, according to the tryall of process deducit before the said presbyterie, under the pain of disobedience: Sicklyke, charges the said Mr Robert to continew in the ministrie of the kirk of Striveling, and not to medle with any uther office or functione in the Kirk, namely, in aspireing to the bishopricks of Glasgow, against the word of God and acts of the Kirk, or to vex any of his brether with his admisiones thereto, under the paine of excommunicatione to be led against him: whereunto if he disobey, as after tryall taken of his disobedience be the said Presbytrie, the sentence of excommunicatione to be execute be them, with advyce and concurrence of John Durie, David Fargysone, John Duncansone, and John Dykis, and this charge to be intimat be the Moderator of the Assemblie to the said Mr Robert, that he pretend no ignorance thereof.

The Articles and Supplicationes to be presentit to the King's Majestie and Lords of Articles, were read and allowit; the tenor whereof is not sett downe in the originall.

[FORTY-FIFTH GENERAL ASSEMBLY.]

THE Generall Assembly, conveynt at St Androis, in the New Colledge Schools, the 24 of Apryle 1582, where there was present the Commissioners.

Sessio.

Exhortatione made be Mr John Craige. Leitts, Mr Andrew Melvill, David Lyndsay, and David Fargysone: The said Mr Andrew, be plurality of votis, was chosen Moderator *hac vice*; at qwhais desyre Mrs John Craige, James Lawsons, Andrew Hay, David Lyndsay, Robert Pont, Thomas Smetowne, Andrew Polwart, Thomas Buchanane, Patrick Adamsons, my Lord Rector, the Lairds of Lundie, Merchinstoun, Braid, Pilrige, Elphinstoun, Patrick Kynnynthmond, and John Johnstoun, Commissioners of Edinburgh, were nominat Assessors.

Sessio 2.

Anent Falkland Presbytrie being at thrie ministers, qwhairof ane was fund sclanderous; it was answerit, that the brethren could establish no Elderschip there, bot they thocht meitest, qwhill God increased the number of preachers there, that their resort sould be to St Androis, if the Assembly thought it expedient.

The Assembly ordaynes these of Falkland, be-cast Levine, to resort to St Androis; and these be-west to Dumfermling, unto the tyme it please God to giue commoditie of ministers and elders, that they may have their awne Elderschip.

It was reportit to the Assemblie, that ane Elderschip is begune already in St Androis, of pastors and teachers, but not of these that hes the cure of teaching.

Sessio 3.

Forsuameikle as, notwithstanding of many diverse godly acts and proclamations sett out be the King's Majestie, as acts and constitutiones made be the Kirk against Papists resorting within this countrie from beyond sea; yet, from tyme to tyme, there arryvis syndrie professing plain papistrie, be moyen of the maisters and

owners of schips receiving them in their vessels, and transporting them in thir pairts, unknowne either to magistrate or Kirk; wherthrough no just tryall could be had of them: For remeid thereof the hail Kirk hes votit and thoct meit, that in tyme cuming, all masters and awners of schips arryving within wi.atsunever port of this realme, strangers and passengers shall, immediatly after their arryvall, present their names to the Magistrate and Sessione of the Kirk of the townes and ports where they arryve, to the effect that the knowlege may be had if they haue inbrocht any papists, under the paine of excommunicatione and censures of the Kirk to be execute against them; and this Act to be publickly intimat to the ministers of the saids townes and ports,—to the effect that no ignorance be pretendit heirof; and suchlyke, supplicatione to be made to the magistrates of the saids townes and ports, that they will giue charge and commandment to all masters and owners of schips within their bounds, to receiue no papists within their schips, to transport to this countre: and in caice any be receivit, to present their names immediatly after their arryvall unto the said Magistrates and Kirk, that order may be taken with them, under such strait paines and acts as they can best devyse; as they will declare themselves zealous of God's glory, and promoters of the word of his Sone Jesus Christ.

Sessio 4.

The Kirk ordayns the Elderschip of Dumfermling to call before them, Robert Aytowne of Inchbervy, to giue confessione of his faith; and if he refuses, to proceed against him conforme to the King's proclamation and acts of the Kirk.

Forsuameikle as the Kirk understands, that there is certaine papists in Camphier, that not only troubles the congregatione of the Scottishe natione, but also the Fleymingis, and will not submitt themselves to the censures of the Kirk, be reasone of their alledged priviledges: heirfore the hail Kirk of Scotland, in ane voyce, gives their full power and commissione to the minister of Camphier, to proceid against them, as they ought to doe therein themselves; requestand also the Conservator to hold hand unto the Kirk, that order may be had against them.

Sessio 5.

Mr Mark Kar, my Lord of Requests, presentit ane letter to the Assemblie from his Majestie, the substance whairof is conteinit in the Articles after following.

Articles from his Majestie.

1. Qwhither think ye that all benefices under Prelacies, newlie provydit since the King's coronatione, sould pay any thrid, or no thrid?

2. If some sould pay thrids, and some nane, what shall be the difference?

3. Should not all benefices presentit to Ministers and Readers before the first day of November 1581, be allowit in their year's stipends from the same day of the first day of November 1582; and if ye think that there shall be any difference be reasone of the annat or utherwayes, that ye declare it?

4. Should not all persones presentit and admittit to benefices in this tyme, be placed in the book of Modificatione, as Ministers or Readers, the kirks belangand to the same benefices?

5. Aucht such, being ministers, as hes sufficient ecclesiasticall livings of their awne, be reasone of benefices qwhairunto they are provydit for their lifytymes, take stipends to serve at uther kirks?

6. Think ye it not convenient, that the Reports answering to the King's Majestie's letter, send over all the realme this last summer, shall be sein and considerit at this tyme, for the better understanding of the estates of the kirks, and to see how many of the same reports are in your awne hands, for so many as the Clerk of Register hes shall be readie and patent?

7. That ye latt us wnderstand what ye haue thocht meit and concludit, anent the Readers in generall, and speciallie Readers that are presentit to vicarages for their lifytymes?

8. Think ye it reasone, that any presentit to the title of a benefice, and serving as minister and reader at the only kirk belonging to the same benefice, shall haue any manner of allowance or stipend nor the rent of the selfe same benefice?

9. What think ye most readie and possible to sustaine the colledge kirks?

10. To qwhom think ye the King's Majestie and the lawit patrones sould direct the presentationes for admitting qualifiet per-

sones to such benefices as shall happen to vaike, be the deceiss of the present possessors of them. and that ye will name the persones in speciall?

11. Seeing the dearth of victualls maks great inequalitye of stipends, some haveing victuall allowit for ane mark or xx. shilling, and others of that silver assignit to them. constraint to buy at 5 or 6, or sumtymes 7 merks the boll; were it not agrieable to equitie that all ministers had their proportionall part of victuall and money. or else that the victuall sould be sauld or allowit at the hiest pryce, qwherthrough such as hes small stipends may be the better augmented?

Answers to the Articles.

1, 2. To the first and second: before they be speciallie answerit, it is thocht meitest, that there be ane forme of assignatione made be some to be appoyntit thereto. betwixt and the next Assemblie, to all kirks and ministers that are liklie to stand and continow, respectand the answers and advyce sent out of everie countrie, and as if the present possessors were dead; and that chaiges be direct to such as hes not sent their answer, to send them with expeditione.

3. It is thocht meitest that the intrant to any benefice shall enter and serve the cure of the kirk thereof, at the next first day of November. after his admission at the next Whitsonday, and shall have no farther stipend for this year, but the taxt or superplus, as it falls; because his executors will fall also meikle at his deceiss. according to the ancient order of the annatt; and that diligence be done to gett rowis of all benefices taxt; and qwhatever benefices are not taxed, the rents thereof the first year to be devydit equallie betwixt the executors of the defunct and the intrant; qwhilk intrant shall only have the half fruits of the year of intrantie, and sicklyke of the stipends.

4. We think nane sould be placit in the booke of modificatioun but worthie and qualified persones; and if any be presentit or admittit to benefices since the King's coronatione, that are unworthie or unable to discharge their dewtie, that they be callit and depryvit, be such order as shall heirafter be condescendit upon.

5. For the generall, we think that such being ministers, as hes sufficient livings of their awne. be reasone of benedbes qwhereunto they are provydit for their lyfetymes. sould not take stipends to serve at uther kirks, without great necessitie seen and allowit be

the General Assemblie; and upon the speciall knowlege of the persones that are not able in this head, order shall be taken to reforme them as appertayneth.

6. We think this thing most necessar and agreeable to that qwhilk is appoyntit in the answer to the first and second articles.

7. This article shall be speciallie answerit, how soon it may be advysed be the Generall Assemblie.

8. Upon the sicht of the forme of the particular assignation to be made, and what particular causes shall fall under this rule, We shall give our speciall answer heirunto, qwhilk is concludit, and will depend upon the answer to be made to the first and second articles.

9. We cannot but think it reasonable, that the Colledge Kirks be also weill provydit of ane minister as wther kirks; and thinks, that in making new assignationes for the next year, the ministers of the Kirks of the Colledges, sould be assigned for his stipend upon the fruits of the same kirks, alseweill being assignit to the help of the Colledge wtherwayes, or then the Colledge to haue the rents of the kirks as before, and the minister to haue his assignatione utherwayes.

10. The presentation to be directit to the Commissioners of the Kirk within whais bounds the benefices lyes.

11. This matter is weightie, and touches manie, and cannot be weil answerit be us, without the advyce of the Assemblie, to qwham it shall be proponit, and thereafter resolute answer given.

As the examination and admission of Ministers within this realme is, be act of Parliament, ordaynit to be in the power of the kirk, now openly and publickly professt within this realme, so it is thocht, that the deprivatione of ministers is in the power of the same kirk, and them that admitts and examinats them, ministers.

Towards the deprivatione of Bischops admittit since the King's coronatione: it is thocht meit that the same be lykewyse in the power of the Kirk, and them that examinats, elects, and admitts Bischops, and the same deprivatione alseweill to extend from this functione of the ministrie as from the benefice itself and fruits thereof, qwhairthrough the same may be declaired vacand, and to be presentit and conferrit of new, as if he were naturallie dead.

Causes of deprivatione we take it to be—heresie, papistrie, common blasphemie, perjurie, adulterie, fornicatione, incest, slauchter, theft, common oppression, common drunkenness, wsurie against the lawes of the realme, nonresidence and absence from his flock and

office be the space of fourtie dayes together in ane year, without lawfull impediment allowit be the Generall Assemblie; pluralitie of benefices provydit sen the King's coronatione, to be cause of deprivatione from them all except ane, that the possessors will astrict themselves to make residence at the same; dilapidatione of the rents of benefices contrare the act of Parliament; simonie: For the forme of deprivatione, ane lybellit precept on fourtie dayes warning within the realme, and within sixty dayes being without the realme, to be direct to the Kirk and such Commissioners thereof, as elects and admitts the persone complaint on—summonding him to compeir and answer upon the complaint; and, in caice of his absence at the first summons, the second to be directit upon the lyke warnyng, with certification if he failzie, the lybell shall be admittit to probation, and he shall be haden *pro confesso*. Efter the decret gine, if the persone against qwham it is gine think himselfe wrangouslie grevit thereby, it shall be leisum to him to interpone appellatione to the next Generall Assembly, and intimat the same within ten dayes, utherwayes the decret to receive present executione.

Sessio 6.

Anent the questione moveit to the Assembly, If the Generall Kirk hes power to revoke whatsoever things done be them, or any particular member of the same, to the hurt and prejudice of the Kirk, or not?

The brethren, after reasonyng and disputting in the matter, at lenth votit *affirmativè* in the questione—that the Kirk hes power to doe the same.

Anent the summons raisit, to this day, by the Elderschip of Striviling against Mr Robert Montgomrie, minister ther of sumtyme, to heir the sentence of suspensione gine in against him from the ministrie allowit be the Generall Assembly; and farder to the clause concernyng his life, manners, and doctrine, and uther things qwhilks the said Assembly sould lay to his charge; as the summons at length beares: The said Mr Robert being present, and requyrit to answer heirto, before all protestit, that if the Kirk proceeded in any thing against him, or charge him without warrand of the word of God, for remead and answering to the summons, albeit the Generall Kirk sould not allow any thing deduced in the said proces; because he was never lawfullie summoned thereto,

knew nothing thereof his suspension from the ministrie, but the only bruit, nor never was the samen intimat to him, and in so farr as the proces being personall, intimation to him of the said suspension, took instrument thereupon, and offerit to improve the samen in that poynt: With all the qwhilks alleadgences, the Kirk and brether weell advysit, notwithstanding thereof, Finds the said proces, decret and intimatione thereof, ordourly deducit and proceidit, and the said suspensione well proceidit and gine; reserving nottheless to the said Mr Robert, in the secund instance, to sute reductione and remeid, as appertayneth.

Being farther accused of contraventioune of the said sentence of suspensione be preaching of the word, and ministratioune of the sacraments afoir the intimation thereof, he granted the same, but pretended ignorance of the giving of the said sentence.

Before farther reasonyng in this matter, my Lord of Requests presentit to the Kirk, a wryting sent from the King's Majestie unto them, to declare that his Majestie's will was, That the Kirk should not trouble the said Mr Robert for any thing concernyng the bishoprick, or that may result thereupon, or of any uther cause bygane, committit be him; but that it might be handlit before his Grace: Qwhilk being reverently receavit and read in open Assemblie, the breither praisit God that movit the King's heart, to send his Commission to the Assemblie; and as to the action present, with the assistance of God, such attendance sould be gine thereto for his Grace's request, that nothing sould be handlit belonging to the civill power, and nothing but uprightlie, sincerly, and with the just judgement pronuncit against him, as they sould answer to God and his heines.

Sessio 7.

Hereafter ane plaine and lange discourse was made openly, of the hail diligence of the brether to qwhom Commissione was gine in the last Assemblie, concernyng the said Mr Robert, and the copies of the charges given to them at his instance, productit, declareing and bearing effectuouslie, witnessing of his knowledge of the said suspensioune, albeit he plainly protestit before God, he never knew of the raising of any of the said charges or executiones thereof; with the qwhilk discourse and confessione of the said Mr Robert, that he had preachit and administrat the sacraments sen the said decret of suspensione; The Kirk being advysit, in ane voyce, after

voting, ffand the said decreit and sentence violat be him, and superceidit to decerne upon the paine of the said contraventione, qwhill the morne that the brether first conveying.

The said Mr Robert demandit the answer of the hail Kirk, if they wald accuse him of any thing concerning the Bischoprick or any thing resulting thereupone: 2dly, That he might have the copy of the large discourse made verballie be the brethren, to the effect he might answer simply to every poynt thereof.

Being removit out of the Assembly, within a little space thereafter compeirit John Burne, messenger, and be vertew of our Sovereigne Lord's Letters, delyvrit be the Lords of Secret Councill, inhibit and dischargit the brethren of the Generall Assembly, the Moderator and his As-essors, from directing any citations against Mr Robert Montgomrie, as is therein contenit, wsing of excommunication, innovatione, selandering or troubling of him in his ministrie, for aspyring to the Bischoprick of Glasgow, or calling or persewing of his breither for the same, or for any promise made be them thereanent, or any uther thing dependand thereupon, in tyme bygane, under the paine of rebellion, and putting of them to the horne; certifyand them and they failzie, he wald denunce them our Sovereigne Lord's rebels, and put them to his heines horne: of the qwhilk charge he delyverit instantly ane copie qwhilk he subscribed with his awne hand.

The said Mr Robert being callit again, and being absent, the brether ordaynit Mr Thomas M'Kgil to warne him the morne.

Anent the age of persones that shall hereafter enter in the ministrie of the word: seeing that sundry hes been intrusit upon the Kirk, and presentit to benefices having cure, that be reasone of their young yeares and laick of experience and judgement, that cannot be able to discharge that high and sacred vocatione, qwherunto they are callit; The Kirk of ane mynd hes votit and concludit, that in tyme cuming, naine be admittit to the functione of the ministrie, nor collationat, nor admittit to any benefice of cure, without they be of the age of twenty-fyve yeares, except such that for singular and rare qualities into them, shall be judgit be the Generall Assembly meit and worthie thereof.

Sessio 8.

Anent the ordinance made yesternight concerning the summonding of Mr Robert Montgomrie, to compeir before the Assembly this

day at ten houres: the said Mr Robert being callit and not compearand, but be William Montgomrie his alleadgit procurator, qwha producit ane appellatione qwhereof the tenor heirafter will appear.

Compearit Mr Robert M'K'gill, and declareit, that at command of the Assembly, he warnit him yesternight to compear at this houre, before the haill Kirk, personallie, in presence of Mrs Walter Hay, John Cowper, and Andrew Ker, and that he promised to compeir personallie at the hour appoyntit, qwhilks the said brether and witnesses testified to be trew.

Hereafter was certaine speciall and innorme crymes producit and read, qwhairof he was alleadgit to be guiltie. 1. Negligence and corrutione in doctrine, also dissollutione in lyfe, for the qwhilk he was suspendit; contraveining of the suspensione in Glasgow, Strivelling, and in the King's owne chappell; violating of his promise made to the Presbytrie of Striviling, that he sould remaine and wait upon his cure; horrible lies in the face of the Assemblie, denying, with protestatione before God, the intimatione of the suspension, and raiseing and executing the letters; procureing of letters be sinister informatione for overthrowing the discipline of the Kirk; usurping an uther man's flock, accompanied with armed men since the suspensione; chairging of the haill Assemblie, under the payne of hornyng, to stay with all proceeding against him with excommunicatione; blasphemous railing against the brether and ministrie in pulpit, sen his suspensione, and of before; and, *in summa*, manifest contempt of the ordinance of the Kirk, and stirring up of ane fearful schisme betwixt certain of the nobilitie and the Kirk: Qwhilk being tryit, pairtlie be his awne confessione, pairtly be the proces deducit be the Generall Assembly halden last in Edinburgh, and be the proces deducit before the Elderschip of Striveling, and partly be the testimonie of good and godlie brethren of the Assemblie, were found all to have falline in his persone, and him to be culpable and guiltie thereof: for the qwhilks haynous, fowll, and most unworthie crymes, the Assemblie of the brether voit and concludit the said Robert, not only unworthie to serve in the office of the ministrie, but to be depryvit thereof perpetuallie, in all tyme cuming; and the sentence of excommunication to strick upon him, without he prevent the same be repentance.

My Lord of Requests cravit of the Kirk, that the pronouncing of the said sentence sould be superseidit qwhill the King's Majestie

were advertised. The Kirk heirto continouit to giue answer qwhill thair meeting at afternoone.

Sessio 9.

The letter written to the King's Majestie in name of the whole Kirk, being read, was thocht good to be delyverit to my Lord of Requests; whereof the tenor follows:—

Pleas your Majestie;

We have receavit your Grace's maist loving letter, direct to us by your Grace's Commissioner, Mr Mark Ker, Mr of Requests, and are compellit to burst out most humble thanks to our God, qwho of his mercie hes gine us so godlie ane King, cairfull and weill willing that God be glorified, and his Kirk, within your Majestie's realme, mentaint, as plainly be the articles be your Grace propcnit: Qwhairunto, with all diligence, we begine to make answer, but in such shortness of tyme and great strait whereunto we are brought be certaine letters raisit at the instance of Mr Robert Montgomerie, we are altogether stayit in that and many uther godlie actiones: ffor upon the 27th of this instant, the Assembly being occupied in quyet and modest reasonyng of grave and weighty matters, he causit ane officer of armes irreverently to enter, and, under the paine of hornyng, commandit the hail Kirk from all proceeding against him, for whatsoever cause or enormitie committit in these his wicked attempts; a thing that was never heard nor seen since the world began; whairof we man lament unto your Majestie: And having no uther refuge under God, most humble cravis, that be thir extraordinary chairges direct against the word of God and lawes of your Grace's countrie, we be not constraint, either to betray the cause of God be beiring and winking at horrible crymes, manifest to all men in the persone of the said Mr Robert, or else to be reput and accountit disobedient to your Majestie, in whais service we have been, are, and shall be ready to sched our bloods and spend our lyfis; beseikand your Grace we may finde this grace and favour in your Majestie's sicht, to keep our conscience clean before God, and reserve our saules to him who hes gine us care of the saules of his inheritance. This most reasonable request we doubt not to obtaine of your Majestie, our particular reasons being heard and considerit, qwhilk we mynde, by God's grace, more largely to expone be certaine brether direct to your

Majestie, both to this effect, and with a full answer to the forsaid articles. In the meane season, we beseik your Majestie, giue no credite to the sinister report and wrangous informatione of men, that, be such dealing, goes about to draw your Majestie's heart from your trew and faithfull subjects, and be this unhappie schisme, to overthrow the Kirk of God within your Grace's cuntry, and, for their awne particular gaines, banische Christ and his word, (whilk God of his infinite mercy forbid,) and preserve your Grace, body and saul, for ever.—From St Androis, the 28th of Apryle, 1582.

As to the sentence to be gine against Mr Robert Montgomrie, and the enormities conteint in the acts preceeding, The Assemblie and brethrene present, after voteing in the said matter, depriyt the said Mr Robert from all functione of the ministrie in the Kirk of God, dureing the will of the Assemblie; and farder, decernit the sentence of fearfull excommunicatione to be pronouncit in face of the whole Assembly, be the voyce and mouth of the Moderator present, against him; To the effect that his proud flesche, being cast in the hands of Satane, he may be winne againe, if it be possible, to God; and the said sentence to be intimate be euery particular minister at his awne particular kirk, solemnlie in the first sermone to be made be them after their returning.

The instant pronounciation of the said sentence, beand stayit be the Moderator qwhill Monday at nyne houres, be reasone of the compearance of the said Mr Robert, who renuncit the appellatione interponit be his procurator in his name, and be himself before noone, from the sentence of the Kirk, and desyrit conferrence to be grantit to him of the maist godlie and learnit brether—qwhilk the Kirk grantit whill Monday at nyne houres, upon condition he remayned and wayted upon the doctrine and conferrence of the brether, and made no novatione of new chairges against the Kirk; who promised to attend upon the doctrine and conferrence of the brether the morne all day; and as to novatione or new charge, he should use or purchase nane in the meantyme, if the Kirk usit nane against him: And farder, the Assemblie ordayned prayers to be made the morne in the sermone for him, be them that occupyed the place for the tyme.

Sessio 11.

Anent the conferrence had yesternight with Mr Robert Mont-

gomrie ; to the effect that the brethren might understand what fruit had followit thereof:—First, they demanded of him, in presence of God, to tell the simple trewth of the accusationes that was layit to his charge of before, qwho, after prayer to God to be mercifull to him, grantit and confessit as after followes:—ffirst, He confest the command gine him be the Reader of Striviling to desist from his office : 2. Grantit baptizing of bairnes begotten in fornicatione, but tooke cautione of the parents to satisfy the Kirk, but not in presence of the Elders and Sessione : 3. As to the circumceision of women, remembers not that ever he preached it : 4. Grants he made promise to the Presbytrie of Striviling to await on his charge of the ministrie there, qwhilk he hes broken : 5. He confest that, upon the 20th day of Marche, he had mention made of his suspensione be the Presbytrie of Striviling, but he was not certaine thereof, for he could not haue the process of his suspensione : 6. Declareit that howbeit he knew the raising of many of the letters against the breither, yet he keepit the ordinarie dyetts thereof : 7. Grants the usurpatione of Mr David Weymes' flock, qwhairin he confest that he had heavily offendit : 8. And sicklyke grants he hes heavilie offendit against God and his Kirk, be procureing and raising the charges against the Generall Assembly, and in accepting the Bischoprick of Glasgow, without advyce thereof. The said Assemblie, in proceeding be this forme of doing qwhilk he hes used—ffor the qwhilk he submitts himself in the will of the brethren, willing to abyde their judgement, and to obey and underly such injunctiones as they will ordayne therefore.

And as to his simple meaning concernyng the estate of Bischops, and corruptione thereof ; being requyrit openly, in the fear of God and uprightnes of conscience, to declare the same, desyrit to conferr with Mrs James Lawsons, John Craige, Robert Pont, David Lyndsay, and the Laird of Culluchie, to the effect he might be farther resolvit, and give his simple meaning therein to the Kirk, qwherunto they agriet.

Anent the protestationes made be the Presbyteries of Edinburgh, Dalkeith, and Linlithgow, against the sentence gine be the King and Secret Councill in favor of Mr Robert Montgomrie, findand them Judges to the saids Presbyteries and Kirk, as the same beires ; The haill Kirk, after the reading of the same sentence and protestatione, in ane voyce, adherit thereto, lykeas the said Mr Robert, for his part, allowit the same and adherit therunto.

Sessio 12.

In respect of many inconvenients and misorder fallen furth be the ambitioune, covetousness, and indirect dealing of syndrie who gang about to enter in the ministrie, and, being enterit, uses unlawfull meanes to declayne all correctione and punischment for their offences: The whole Assemblie, in ane voyce, hes votit and concludit, conforme to the word of God and most godly acts of antient counsells, That no man pretendand to ecclesiasticall functione, office or benefice, be any absolute gift, collatione or admisionne of civill magistrates or patrone, be letters of hornying and qwhatsoevir uther means then is established be the word of God and acts of the generall Kirk, and hitherto ordinarily used within the reformit Kirk of Scotland; and sicklyke that mane beand receavit to ane ecclesiasticall office or benefice, seek any way be the civill power, to exeme and withdraw themselves from the jurisdictione of the Kirk, nor procure, obtayne, or use any letters or charges, ather be themselves or any uthers in their name, or at their command or instance, to impare, hurt, or stay the said jurisdictione, discipline, correctione of manners, or punischment of their offences and enormities, nor to make any appellation from the Generall Assemblie, to stope the discipline and order of ecclesiasticall policie and jurisdictione grantit be God's word to the office-bearers within the said Kirk, under the paine of excommunicatione, summarly and without any proces or admonitiones, to be pronouneit be the judgements of the Elderschip, be Minister or Ministers, to be appoyntit be them thereto, how soon it is knawne that any one of the saids heids is transgressit; and this act to be nowayes prejudiciall to the laic patrones and their presentationes, unto the tyme the laws be reformit according to God's word.

Anent the conference with Mr Robert Montgomrie: The said Mr Robert compeirand in face of the hail Assemblie, declared and promised before God, that he sould neither meddle nor attempt farther concernyng the Bischoprick of Glasgow, nor bruk, use, nor take upon him the same, or any office within the Kirk, by the advyce and consent of the Generall Assembly of the Kirk; renouncand the letters and chairges gine be him againes Mr David Weymes, protesting that in this matter concernyng the Bischoprick of Glasgow he meines no utherwayes nor the hail brether does.

Forsuameikle, as the Sabbath day many wayes is prophaned to

the great dishonour of God, and speciallie be halding mercats alsowell in burgh as in landwart that day; The Assembly of the Kirk injoynes straitly to every Elderschip within their awne bounds, to take order therewith as they may, of the law of God, as they will schaw their zeall towards God and the Kirk.

The Generall Assembly of the Kirk, in ane voyce, giues full power and commission to Mrs James Lawsons, John Craig, Robert Pont, David Lyndsay, John Braid, and John Durie, to pass to the King's Majestie, and schaw unto his Heines, That concernyng the Articles he sent be his Majestie's Master of Requests, to have been answerit be the Kirk, being so weightie and important, a pairt of them also appearand to be obscure and captious, they could not presently resolve thereupon: nottheless, for the better resolving thereof, they have ordained certaine brethren to conferr thereupone qwhill the next Generall Assemblie, quhilk they have appoyntit shorter to that effect: Farther, lamentable to deplore unto his Grace, qwherin the jurisdictione of the Kirk is and hes been heavielie hurt and prejudgit, and namely be the letters dischargeand the Presbytries to proceed against Mr Robert Montgomrie; charges of horning used against the hail Kirk of Scotland, be the decret and sentence of the Secret Counsell, finding them judges in the actione of Mr Robert Montgomrie;—missives sent to gentlemen to assist to the placing of him in the pulpit of Glasgow, against the will of the Kirk;—giving of benefices, *pleno jure*, and of all Abbacies in heritage: and, with all humilitie, dew reverence and gentleness that appertaynes, to exhort his Majestie to the reforming heir-of, and maintaining of the jurisdictione gine be God unto his Kirk, as also to giue admonitione unto the Duke's Grace, Earles of Ar-rane and Gowrie, in the premises, and what they doe herein, to report to the next Assemblie.

Ordaynes the particular Elderschips to haue ane copie of the Articles sent be the King's Majestie, that they may be better resoltit to giue advise by their answer thereto at the next Assembly.

Anent the corruptione of burials in the citie of St Androis; the Kirk ordayns Mr Patrick Adamsons to put the commissioun gine to him in the last Assemblie thereanent, to dew executione in all poynts, after the tenor thereof, under the paine of disobedience.

Ordaynes Mr Craig to lay an order for collecting the Acts of the Kirk, betwixt and the next Assemblie.

The Assemblie nominats brethren in all pairts of the countrie

for erecting of the Presbyteries where the same as yet are not erectit.

Articles to certaine doubts proponit concerning the Presbyteries.

1. That the Moderator may continow from the Assemblie Synodall to the next Synodall: his electione to be, be the particular Presbytrie.

2. That the number of such as are associat to the Elderschip for discipline and correctione of manners, that are not Pastors nor Doctors, who travelleth not in the word, be not in equall number with wthers, but fewer; the proportione as the necessitie of the Elderschip craves.

3. Concernyng such Elders as verses not in the word, thair resort to the Presbytrie shall be no farther straitit, but as the weightiness and occasione, upon intimatione and advertisement made be the Pastors and Doctors, shall requyre; at qwhilk tyme they shall giue their godly concurrence—exhorting them alwayes that may commodiously resort, to be present at all tymes.

4. Such of the ministrie as does not resort to the exercise and presbytry shall be subject to the penaltie arbitrall to be appoyntit at the discretione of every particular presbyterie, the samen to be agriet upon be the subscriptione of every minister thereof; and if any be found to disagrie thereto, to be complaint upon to the Generall Assemblie next to come, and the order qwhilk every presbytrie takes, to be sichtit, and thereof, a good order to be established for the haill.

5. It is thocht meit that the same day qwhilk is the day of the exercise, be in lyke manner the day of ecclesiasticall processes; and if the brether thinks necessare for the haisty expeditione of the processes, that they may appoynt dayes, tymes, and places therefore, by the day of the exercise.

6. It is not thocht expedient that the Presbytrie be astrictit to direct their Moderator to the Assemblie, but libertie to chuse such as they think maist expedient for the comfort of the Kirk.

7. It is thocht meet that visitatione be exceptit *e re nata*, within the bounds of the Presbytrie, and the same not to be limitit to the Moderator, but to such ane or ma, as the Presbytrie shall direct, for the necessitie of the matter, according to the Kirk's policie.

8. The Clerk and Moderator shall subscriyve, in grave matters, ane forme of proceeding in the name of the Elderschip; and quhill

God provyde some better contributione in every particular Kirk of the Elderschip for his intertainment.

9. The minister of the paroche shall cause execute the summons concerning his paroche, and beare the burden of such things as shall be direct from the Presbytric, or some deput be him, within his paroche.

10. Concernyng ane generall order of admisionne to the office of Elders, referris it to the order usit at Edinburgh, qwhilk we approve.

11. As for collatione of benefices, and designatione of manses and gleibs; the Moderator of the Presbytrie where it is requisite, and for the satisfaction of the act of Parliament, that they have a speciall commission of the Kirk for that effect, qwhill it please God to move the King that the laws may be better reformit, provyding the Moderator doe nothing butt the advyce of the Presbyterie.

12. It is proponit to the Kirk qwhair there is no Presbytrie, nor cannot be gottin, qwhat order shall be of admisionne, of collatione and designation of benefices.

13. As for the number of Kirks, how many shall be in every Presbytrie? Referris to them that hes the Commissione to establische Presbyteries.

14. The forme of proces in weightie matters to be in wreit, at the discretione of particular Presbyteries, *è re nata*; in uther things verball.

15. For any that will not receive office of Elderschip, and travell not in the word, we may exhorte, but not compell.

Sessio 14.

Ordayns a general ffast, to be keepit universallie, in all kirks of this realme, with doctrine and instructioun of the people, to begin the first Sonday of Junij next to come, and to continow to the next Sonday hereafter, inclusive, using in the meane tyme, exercise of doctrine, according to the accustomed order; and the King's Majestie to be certified be the Commissioners sent to him, and desyrit to hald hand thereto be proclamations to be sent out to that effect.

Causes.—Universall conspiracies of the Papists, in all countries against Christians for executione of the bloody Counsell of Trent. 2. The oppression and thraldome of the Kirk of God. 3. Wasting of the rents thereof without remedie. 4. Falling from the former

zeal. 5. Flocking home of Jesuits and Papists. 6. Manifest bloodshed, incest, adulteries, with such horrible crimes defylling the land unpunished. 7. The danger qwherin the King's Majestie stands throw evill companie resorting about him, be qwham it is feared he may be corrupted in manners and religione, and universall oppression and contempt of the poor.

Ordaynis every Presbytrie within their awn bounds to try the ministers of the same, and if any offences beis fonnd, to punische the same, according to the qualitie and estate of their crimes, betwixt and the next Generall Assembly of the Kirk.

Anent persones desyrand to enter in the functione of the ministrie: the Kirk ordaynes the particular Presbyteries to try and examine them; and such as they find qualified, to provide them to kirks.

The next Assembly appoyntit at Edinburgh, the 24th of October next, except some necessar occasione interveine, be the advertisement of the Elderschip of Edinburgh, and the King's Ministers, qwhereby they may be brought together sooner.

[FORTY-SIXTH GENERAL ASSEMBLY.]

THE Generall Assemblie of the Kirk conveint at Edinburgh, the 27 of June 1582; Qwhair there were present the Commissioners.

Sessio.

Exhortatione made be Mr Andrew Melvill, qwho was continowit Moderator unto the next Assemblie.

Anent the lang discourse made be John Durie, of his calling before the King's Majestie and Counsell, his answer, and haill proces used against him: as also a charge to him this day, be the King's letter, to remove off the towne; cravand in end the good advyce of the brether, qwhither he sould remove from his flock according to the charge, or remaine according to his calling, being allwayes readie to follow their determinatione, howsoever the brether thinks expedient to giue it: The Kirk direct David Fargysone and Mr Thomas Buchanane to the King's Majestie, to understand his meining therin, and to crave at his heines, the performance of the pro-

mise made to certaine breither concernyng him ; as also to lament unto his Heines the case of their brether of Glasgow, chargit to St Johnstone, and to make sute for them to this effect : also ane missive to be direct to Johne Duncansone to concurr earnestly with them.

Sessio 2.

Anent the desyre of the Commissioners direct from the Councill of Edinburgh to the Assemblie, craving their counsell anent the charge given to the Proveist, Baillies, and Councill of Edinburghe, for removeing of Johne Durie their minister : The Kirk ordained Mrs James Lawsons, Thomas Smetowne, Andrew Hay, Robert Pont, David Lyndsay, and John Craig, to concurr with such as the Counsell will deput, the morne to consult, conferre, and reasone concerning that matter.

Sessio 3.

Anent the information made be John Durie, that certain brether, direct from the Councill of the Towne, movit to him, as appears, of good affectione, hes desyrit him, for avoyding of the danger that may fall upon his flock, to absent and withdraw himself a space off the towne privilie ; desyrand him to understand the good judgement of the Kirk ; protesting, for his awne opinione, that because his removeall may be prejudiciall to the commone cause, and his privie departing appear an accepting of the voyce upon him wherwith he is unjustly chargit ; that without their counsell herein, his awn deliberat mynde is, to abyde it with the hazard of his life : And farther, sieing that his doctrine qwhairof he was accusit in counsell, in force and substance was justified at his own Presbytrie, and be his awne session of Edinburgh, That the brether wald give him that testimoniall, that he hath travellit faithfully in his vocatione, no fault being found with him in his doctrine, or imput to his lyfe ; as also, if it please God, that he be compellit to remove, that he may have liberty elsewhere to preache the Evangell, where it shall please God to give him the occasione of tyme and place for discharge of his awne conscience and calling :

The brether, after good advyce and deliberatioune, in ane voyce thoct it not meit that he sould remove off the Towne privilie, but abyde the charge to be gine be the Proveist or Baillie to him ; and as to his doctrine, life, and conversatione, the hail Kirk acknow-

ledged nothing in him but sound, trew, and wholesome doctrine, upright and honest in life and conversatione, giving him libertie in caice of his removal to preache the Evangell faithfully, where God shall offer the occasione, until the tyme it please him to restore him to the charge of his awne flock.

The Kirk gives their full power and commissiounes to Mrs Alexander Arbuthnott, Adam Johnstoune, and David Home, to pass to the Duke's Grace, to make informatione to him of the great sclander of Mr Robert Montgomrie in his societie, sen the tyme of the sentence of excommunication pronuncit against him; to intimate unto him the said sentence with gentle and discret persuasions; to schaw the danger thereof, and what the acts of the Assemblie hes concludit against the receivers and maintayners of excommunicat persones; desyring him earnestly to remove him from his company, and to giue admonitione to him to that effect; and in caice he continow inobedient, that the Kirk will proceid against him according to their acts.

Sessio 4.

John Duncansone presentit ane letter from the King's Majestie concerning the Laird of Mynto, and certaine of the magistrates and citicens of Glasgow, desyrand, in effect, that matter to be handlit before the Counsell, with credit to be gine to the bearer, quho utterit his credite and schew, That his Majestie continows, and sall constantly continow to the end, in the trew professione of the religioun presently establischit within this realme; and as to the action of Glasgow, upon supplicatione to be gine into the Counsell, such order shall be taken therwith as the Kirk shall be therwith satisfied.

Anent the summons produced against the said persons to hear tryall taine of the violence done be them against Mr John Howesone, and to hear them convict, excommunicat, and casten furch of the societie of the faithfull, for the committing of the said hynous offence and sclander; as the summons dewlie execute and indorsate at lenth bears:—The saids persones all being callit, and nane compearand except John Grahame, quho denyit the contents thereof for his parte,—The saids summons being given to probatione, and Mrs John Davidstone, John Hamiltone, Andrew Knox, Patrick Walkingschaw, Thomas Jack, Richard Wright, Archibald Eglingtonne, and John Stodard, being sworne, recevit and admittit witnesses, the Kirk ordaynit them to be present the morne in the

mornyng, before the Moderator and his Assessors, to depone in the said matter.

Sessio 5.

The brethren direct to the King's Majesty concerning John Durie and the brethren of Glasgow, Reportit his Grace writing, in effect bearing, that at the cuming of the said Duke's Grace, who had interes in that matter, cautioning the said John, upon supplicatione to be giue in, consideratione sould be had thereof; and as to the brether of Glasgow, the action of qwhilk the Kirk hes in their hands against the Provest of Glasgow and his colleagues, being superscedit, he wald dispens with the brether of Glasgow, to the saxt day of July nixt to cum; as the letter at lenth bearis.

Anent the proces deducit against the Provest of Glasgow and his colleagues, The Kirk ordayns Mrs James Melvill, John Porterfield, and Patrick Scharpe, to examine the remanent witnesses afternoone, qwho are product and unexaminat, and, in the meane tyme, further proces to stay; lykeas the saids witnesses war examinat at the tyme appoyntit be the saids breither.

Sessio 6.

Anent the actione layde against the Laird of Mynto, Provest of Glasgow, and his colleagues, The haill Kirk, after publick reading of the proces, and probatione used in the matter, and dew consideratione and examinatione thereof, being weill and ryple advysed therewith, Finds the cryme, as it is verified, proven and tryed before them, to deserve to be punischit with excommunicatione; and, nottheless, at the King's Majestie's request, continewes the pronouncing of any sentence against them to the saxt of July nixt, qwhilk is the day of the conventione of the Nobilitie at Perth, qwhere hope is giue of repair: Givand, grantand, and committand also, full power and commissione to the Commissioners, direct be them unto the King's Majestie and Councill to the said conventione, in case they should not see remeid there put to the matter, betwixt the said day and the 24th of the said moneth, or sooner, at their discretione, to proceed and giue forth sentence in the said cause, and to appoynt severall persones to the executione thereof, as they will answer to the Kirk; and ordaynis reporte to be made of this continuacione unto the King's Majestie.

Anent the place occupied be John Durie, ane of the ministers of

Edinburgh, presently removit off the toune, the Kirk present, inhibites and discharges the Kirk and Presbyterie of Edinburgh, to elect, choose, or admitt, in any wayes, any minister in his place of the ministrie thereof; dischargeing also all ministers, or that aspyres to the ministrie, to attempt the usurping or taking upon them of his charge and place thereof, except at the desyre of the ministers of Edinburgh, to relieve them, at all tymes, qwhill the Generall Assembly of the Kirk be farder advysit; and, in caice any shall be chosen and electit, the haill Kirk decerns the said electione and admisionne to be null and of nane effect.

The Duke of Lennox answerit to the breither that was sent to him concernyng the mayntayning of Mr Robert Montgomrie, was first a interrogator,—Whither the King or the Kirk were superiors? And, thereafter, that he had command of the King to maintayne him, and of his Counsellors; and, qwhill he were contramandit be him, he wald not remove him.

The Kirk having considerit his answer, Ordaynes the brethren of the ministrie that gangs in commissione to Perth, as they sie occasione there, and the grieff not remedied, touching his maintaining of the said Mr Robert, To proceed and appoynt speciall men, that sall proceed farther against him with the censures of the Kirk, according to the acts of the Generall Assemblie, to qwham the Kirk gives their full power to that effect.

The Generall Assembly, in ane voyce, Gives their full power and commissione to the Right Honourable and their belovit breither John Erskine of Dune, the ministers of the King's Majestie's hous, Mrs Robert Pont, James Lawsons, Thomas Smetoune, Andrew Hay, David Lyndsay, Andrew Polwart, Peter Blackurne, Patrick Galloway, William Chrystesone, David Fargysone, Andrew Melvill, Thomas Buchanan, John Braid, Patrick Gillespie, John Porterfield, ministers, and Mr Andrew Melvill, to repare towards the King's Majestie and Councill to be conveint at Perth, the saxt day of July nixt, and there, with all dew obedience, reverence, and submissione, present to his Heines and Nobilitie the speciall greives of the Kirk, conceavit and gine to them in writ; and in their behalfs, lament, deplore, and regrait the same unto his Majestie and Councill; craving, in the name and fear of the Eternal God, the same and every ane of them to be repairit and redrest, to the glory of God, and wellfare of his Majestie, and comfort of his Kirk: And thereupon, if need be, with humilitie to conferr, informe, and

reasone; and qwhat herein beis done, to report to the nixt Assemblie:—firme and stable haldand and for to hald whatsoever their brethren in the premisses righteously does.

Sessio 7.

The tenor of the Grieves of the Kirk, above specified :

Unto your Majestie, humblie meanes and schawes your Grace's faithfull and obedient subjects, ministers of God's word within your Grace's realme, conveint in the Generall Assemblie halden at Edinburgh, the 27th of Junii; That whereupon the occasione of diverse great and evident dangers appearing to the hail Kirk of God and professors of his trew Religione in this countrie, finding the authoritie of the Kirk abrogat, the censures thereof contemnit, and violence usit against some of the brethren, without punisshment thereof, the lyke hes neither been seen in this realme, nor any uthr where the truth of the Gospel hes been preacht and receavit; and fearing least your Majestie, for lake of informatione, neglect in tyme to provide remedie for the inconvenients lykelie to insew thereupon, We conveint ourselves in the fear of God and your Heines obedience; and after diligent consideratione of this present estate of the Kirk, and enormities fallen furth in the same, with commone consent thoecht necessare our Commissioners to present and open to your Grace certain or chiefe and weightie grieves, without hastie redress qwhairof the Kirk of God and trew Religion cannot stand in this your Grace's countrie; that your Majestie, be advyce of some Counsellors, is taught to take upon your Grace that spiritual power and authoritie qwhilk properly belongs to Christ as only King and head of the Kirk, the ministrie and execution thereof to such as bear office in the ecclesiasticall government of the same; so that in your Grace's persone, some men preases to erect ane new Popedome, as though your Majestie could not be full King and head of this commonwealth, unless alsowell the spirituall as temporall sword be put in your hand—unless Christ be bereft of his authoritie, and the twa jurisdictions confoundit, qwhilk God hes devydit, qwhilk directly tends to the wrack of all trew religione, as be the speciall heads following is manifest:—

1. For benefices are gine be absolute power to unworthie persones intrustit in the office of the ministrie, without the Kirk's admisionne, directly against the laws of God and acts of Parliament;

quhairthrough the Kirk's livings comes in profane men's hands and uthers, that sells their sauls, and makes schipwrack of conscience, for pleasure of men, and obtayning some worldly commoditie.

2. Elderschips, Synodall and Generall Assemblies, are dischargit be letters of horning to proceed against manifest offenders, and to use the discipline of the Kirk, and censures thereof, according to God's word.

3. John Durie, be act of Counsell, is suspensit from preaching; and for this same cause is banished from his flock.

4. Excommunicat persones, in contempt of God and his Kirk, are intertayned in chieff Lords' houses, namely, Mr Robert Montgourie, authorized and caused to preach, and brought to your Majestie's presence, qwhilk is a sore wound to the conscience of them that loves your Majestie, and knawes your Grace's up-bringing, and ane heavy sclander in all nationes professing the trew religione.

5. An act or delyverance of Counsell is made against the proceedings of the ministrie with ane sclanderous narrative, suspending *simpliciter*, and disannulling the excommunicatione justly and ordourly pronuncit against Mr Robert Montgourie, a rebellious and obstinat offender and troublar of the Kirk of God, and open proclamations made according thereto.

6. Contempt of ministers, and dinging many doing their office, and speciallie the violent drawing of Mr John Howesone out of the judgement seate qwhair he was placeit Moderator of the presbytrie,—his cruell and outrageous handling, carrying to prisone lyke a thief, be the provest and baillies of Glasgow, and their complices; and after complaint made, no order taken with the doers thereof, but contrariwise, maintaining of them, as if the same had been good service.

7. Displaceing of the minister of Glasgow out of his rowme, qwhilk, without reproache, he hes occupied thir many yeares, and convocation of the gentlemen of the countrie to that effect.

8. Violence used be ane of your Grace's awne guard to pull him out of the pulpit, the day of communione, in presence of the hail congregation, in tyme of sermone, and no fault found therewith.

9. The officer of the Kirk was castin in prisone in your Grace's presence, and there keepit a lang tyme, for executione of letters direct against a particular sclanderous man.

10. Ministers and Masters of Colledges and Schoolis of Glasgow

in tyme of publick fast, were, be letters of horning, compellit to leave their flocks and schooles destitute, and sinsyne, from tyme to tyme, and place to place, have been delayit and continewit, thereby to consume them be exorbitant expenses, and to wrack the Kirk and Schools, qwhereof they beare rule and charge.

11. The schollars of Glasgow were invadit and their blood cruelie sched be the baillie and commontie, gatherit be sound of com-mone bell and straik of drume, and be certaine seditious men, inflammit to have slaine them all, and to have burnt the Colledge; and yet nothing done or said to the authors of that sediti-
one.

12. Hands schaken with the bloodie murtherers and persecutors of the people of God, be propynes receivit and gine.

13. The Duke's Grace oft tymes promised to reforme his house, and nothing done therein.

14. The laws made for maintainance of the trew religione and punisching the enemies thereof, are not put to executione; so that all things go lowse, and worse like to ensew.

Many uther things there be that crave present reformatione, quherewith, notwithstanding, we think not expedient to trouble your Majestie untill we see quhat order be taken with thir grievous complaints; beseikand your Majestie most humble, for the lufe of God, quho hes placit your Majestie in this Royall Throne, and hitherto wonderfullie defendit and mentainit your authoritie, cairfullie to look upon thir matters as becomes the Leevtenant of God, and ane Christiane King; and with advyce of them that feir God and tender your Grace's estate and quyetness of this commonweill so to redress the premisses, that first, Christ above all be acknowledged, his Ministers, without feare or stope, sufferit to execute their office,—the course of the Gospel advancit,—and be the example of the worthie, punischment of them quho so licensiouslie have wrongit and injurit ministers and professors of God's word, that wthers heirafter be affrayit to interprize the lyke.

The next Assembly was appoyntit to be at Edinburgh the 24th of October nixt to come, except that necessare and weightie causes interveine, be advertisement of the Elderschip of Edinburgh and Ministers of his Majestie's house.

[FORTY-SEVENTH GENERAL ASSEMBLY.]

THE Generall Assemblie, conveint att Edinburghe, in the New Kirk thereof, the 9 of October 1582, qwhair there was conveint—Commissioners for the King, Mr John Hallyburtowne, and Collonell Stewart, and Commissioners of Earles Bothwell, &c., Barrones in great number, and Ministers.

Sessio.

Exhortation made be Mr Andrew Melville : Leitts, Mrs David Lyndsay, Thomas Smetoune, and David Fargysone. The said Mr David Lyndsay, be pluralitie of vottis, was nominat Moderator *hac vice*. Mrs Robert Pont, James Lawsons, Andrew Hay, Andrew Melvill, Thomas Smetone, David Fargysone, George Hay, John Duncansone, William Chrystesone, the Lairds of Lundie, Qwhittinghame, and Braid, at the desyre of the Moderator, were nominat Assessors.

Sessio 2.

The Kirk ordaynit the ministers of Edinburghe, in name of the haill Kirk, to desyre the King's Grace to send downe Commissioners, authorised with his Heines commissione, to see the proceeding thair, and vote in his name ; qwho returnit answer that they should be satisfied the morne.

Anent the commissioun to certaine brether to present to the King's Majestie and Counsell at Perth, the Grieves and Complaints of the haill Kirk, the executione qwhereof being requyrit, and the saids Grieves, with the answers thereto, being read and considered ; with commone advyce, it was thoct the saids Answers, not directly meeting the Article, and therefore the samen, so far as is not satisfied, to be yet insistit in, and to be gine in, with such other articles as are meit yet to be craveit ; the reforming qwhair of the brethren committit to Mrs Robert Pont, Thomas Smetoune, Andrew Pollwart, and Andrew Melvill.

Sessio 3.

In presence of the haill Assemblie, compeirit Mr James Hally-

burtoune and Colonell William Stewart, and presentit the King's Majestie's Commissioun in write; the tennor qwhairof followis :—

We, be the tennor heirof, with advyce of the Lords of our Secret Counsell, gives and grants authoritie, full power and commissioun, to our richt trustie and weill beloved Mr James Hallyburtone, Provest of Dundie, and Colonell William Stewart, conjunctlie and severallie, for ws and in our name, to pass to the Generall Assembly of the Kirk of our realme, and thair to hear and consider the matters proponed, tending to the advancement of God's glory and his trew religione, the correctione of manners and reteyning of ecclesiasticall matters in decent and civill ordour, as the word of God requyres and allows, and to report the matters proponit and intreatit to us for our allowance and ratificatione of the samen, as appertaynes; and generally all and syndrie uthers things to do that to the forderance of all godlie and good matters is necessarily requyrit, firme and stable: Subseryvit with our hand, at Halyrudehouse, the 10th of October 1582, and of our reigne the 16th year.

Sessio 4.

The places where the Synodall Assemblies shall conveene shall be changeable from tyme to tyme, as the brether thereof shall finde meetest, that no ambitioune may grow be continowing the same in ane place.

Sessio 5.

Anent Bischops: Seeing the great sclander and offence arysing to the Kirk be their impunitie and oversight, being altogether out of rules, the Kirk hes thocht it expedient that the King's Majestie's Commissioners, my Lord Boyde and the Laird of Capringtoun, with the Assessors of the Moderator, conveene in Mr James Lawson's galrie, and advyse solidlie upon some substantiall ordour.

Sessio 6.

The Assemblie ordayns James Montgumrie to make publick satisfactione and repentance in the parochie kirk of Glasgow, for speaking with Mr Robert Montgumrie, after his excommunication dewlie intimat, in respect of his confessione, and to acknowledge his offence thair, promising in tyme cuming to abstaine from the lyke,

under the paine of the censures of the Kirk ; and the same order to be kept with all uther persones falling in the same offence.

Sessio 7.

Anent the informatione made to the Assemblie by my Lord Paislay, in name of the noblemen interprysers of the lait actione, givinge the Kirk to understand that the grounds moving them to that actione, simple were, the danger they perceivit the Kirk of Scotland and religion into—the evident perrill of the King's Majestie and his estate, and the confusione and disorder of the Commonweall ; whereof, as they doubt not to feell good testimonie in their awne conscience, so wald they that the Assemblie sould schaw their good lyking of the same, and give ordinance to ilk minister, at his kirk, to lay out their good grund and actione to their flocks ; exhorting all noblemen and uthers qwhatsomever, faithfullie to concurre with them in the said good cause, to the full prosecutione thereof : Qwhilk informatione being weill considerit be the Assemblie, it was thocht very meit and expedient, in particular, to inquire and voit of the saids perrills ; and every ane of them was seene and perceivit to haue been to the hail brether, qwhair of the information is made, and be full consent and vote of the hail Assemblie, declaratione was made, that the hail brethren understand the concurrence of all the saids dangers :—And to the effect the King's Majestie's mynde also may be gatherit, touching the same, directione was gine to Mrs James Lawsons, David Lyndsay, with the King's ministers, to passe to his Heines the morne afternoone, to reasone and conferr anent the saids dangers, and to open up the samen at lenth to his Majesty, and to report his answer thereanent.

Sessio 8.

Anent the conference of the brethren direct to the King's Majestie : Report was made be them unto the said Kirk, That his Heines had confest that there was ane perrell to the Religion within this realme, and indirect courses runn to the hurt thereof, qwhairunto his awne perrell was joynit ; for he esteimit his standing to be joynit with the standing of religione : As also he acknowledgit syndrie abuses in the Commonweall before the late interpryze of the Nobilitie, and that all good men shall concurr of dewtie to take away the danger from off the Kirk, his persone and estate, and to the reformatione of the Commonweall.

Anent the twa last heads left unresolvit be the Noblemen undertakand the late reformatione; The hail Kirk, in ane voyce, agreit therewith, and ordained ane speciall act to be concurred therupon, and to be put in forme be the clerk, Mrs Robert Pont and Thomas Smetoune, to be presentit againe to the Assemblie at afternoone, that they may understand and judge thereof if the samen agries with the meaning of the brethrene.

Sessio 9.

Anent Bischops: Seeing the great selander and offence to the whole Kirk of this realme, be their impunitie and oversight, to the grieffe of good men's consciences: The hail Assemblie hes gine and gives Commissione to particular presbytries under specifcit, with all possible and convenient diligence, to summond and call before them, every one of them as they be particularly divydit in manner following; That is to say, the Presbytrie of Perth, the Bischop of Morray; the Presbytrie of Edinburgh, the Bischop of Aberdeene; the Presbytrie of Mernes, the Bischop of Brechine; the Presbytrie of Dundie, the Bischop of Dunkeld; the Presbytrie of Striveling, the Bischopes of Dumblane and Isles; the Presbytrie of Glasgow, the Bischop of St Androis—to accuse them, and every ane of them, all or pairt as they are guiltie, viz. of non-preaching and ministratiōne of sacraments—of negligēce of doctrine or discipline—haunting or frequenting of the company of excommunicat persons—wasting of the patrimonie of the Kirk—setting of tacks against the acts of the Kirk—giving collation of benefices against the saids acts—and finallie, for giving selander any wayes in lyfe and conversation; and after dew tryall, proces, and convictiōne, to put order to every ane of them according to the qualitie of their offences and acts of the Assemblie, betwixt and the meeting of the hail Kirk, as they will answer thereto.

Sessio 10.

Anent Colledges and Universities within this realme: It is considerit be the hail Assemblie to be maist expedient for the good and weillfare thereof, that certaine good men of meit qualities be employit to take oversight thereof; and for that effect the Kirk hes gine commissione and power to their lovit and honourable breither afterwritten to concurre with such as the King's Majestie and Counsell directs with them in visitatiōne of the hail Colledges within

this realme, as they be particularly under devydit, betwixt and the last day of November next to come, and to consider how the rents and livings of every ane of them are bestowit and imployit—how the doctrine is usit be the Masters and Regents—if the same be correspondent to the act of Parliament—how order and discipline is keepit among the students and schollars; and herein, as disorder and defectione is found, to take order therewith according to the act of Parliament: They are to say, Mrs George Hay, Peter Blackburne, William Chrystesone, Andrew Milvill, the Laird of Glenbervy, to visit the Colledge of Aberdeene; Mrs David Lyndsay, Robert Pont, Nicoll Dagleische, Thomas Buchanan, the Lairds of Lundie and Culluchie, with Mr David Russell, Commissar Clark of St Andrews, the Universitie thereof; Mrs James Lawsons, John Duncansone, Walter Balcanquall, John Porterfield, the Lairds of Keir and Greenock, with Adam Wallace, Bailie of Glasgow, the Colledge thereof; and what herein beis done be them, to reporte againe the next Assemblie.

Sessio 11.

Ordayns the King's Majestie's Advocat to be summoned to compear before the Assembly immediatly, and to that effect from the Assemblie the officer of the Kirk being [sent], answer was returnit he was in Hermestoune; and heirfore was ordaynit to be summoned be ane citatione to Wednesday to answer simply, if he was the former or dyttar of the selanderous proclamacione sett out against the ministrie, and for opponing him to the lawfull proceedings of the Kirk—certifying him and he compeir not, they will proceed as appertayns.

The act concerning the actione of the nobilitie being read to the Commissioners of Edinburgh, after advyseing therewith apairt, they votit and agreis thereto with the rest of the brethrene.

Sessio 12.

It is leisum for a minister, for a season, to superceid the ministrie and use the office of a Doctor: Therefore the Assemblie hes concludit and ordaynit Mr Thomas Buchanane to enter in the new Colledge, and use and exercise the office of a Doctor thair for the support of the samen,—his Kirk being alwayes provydit of a sufficient pastor, and the said Mr Thomas sufficientlie satisfyeit anent the promise made for expeditione of his pleis.

The Earle Bothwell declarit in presence of the hail Assembly, that as he profest the trew religione preachit within this realme before his departing furth of the same, so sen his departing, continwallie as yet continuit in the samen mynde to die and live therein by God's grace.

Sessio 14.

Anent the proces used against the Laird of Mynto: In respect of his compeirance personally this day and yesterday, confessing his offence, and submissione of him to the Kirk; The Assembly hes ferrerit the discipline and order to be used against him, for satisfying of the said offence, to the judgement and discretione of the Presbytrie of Glasgow, and the same forme to be usit and observit be them with John Grahame, elder; and what herein beis proceedit, upon the pairt of the Presbytrie, and upon the pairt of the saids persons, to report to the nixt Assemblie.

Sessio 15.

The Assembly ordays Archbald Hegget, John Grahame, younger, Hector Stewart, John Spewle, elder, William Hegget, Robert Stewart of Nowbar, for their contumaceous absenting them from the Generall Assemblie, being diverse tymes summoned thereto, to have answerit for haunting and using the company of Mr Robert Montgomrie, after his excommunication intimat to them, and others enormities done against the Kirk, despysing and contemning the voice thereof, To make their publick repentance in the Kirk of Glasgow, in presence of the congregatioun thereof, after the forme to be prescryvit to them be the Presbytrie thereof, to qwham the Kirk committs the execution thereof.

Anent the proces deducit against Coline Campbell, Malcolme Stewart, Hector Stewart, John Grahame, elder, Gavine Grahame, and Archbald Hegget, concerning the violence done to Mr Johne Howiesone in the judgement seat in Glasgow: The saids hail persons being cited to this Assembly except the said Walter Stewart, to have heard the sentence of the Kirk in the said matter, and nane compeirand except John Grahame, elder, with whom he has alreadie taken order, and Gavine Grahame; The Assembly ordaynit the said Coline Campbell, Malcolme Stewart, Hector Stewart, Archbald Hegget, and Gavin Grahame, for their offence foresaid, to be ex-

communicat publickly in the Kirk of Glasgow be Mr David Weymes, minister thereof, with advyce of the Presbytrie thereof.

Sessio 16.

Articles read and allowed by the Assemblie, as meit to be proponit.

1. Seing the spiritual Jurisdiction and Government of the Kirk is granted be God the Father, throw our Mediator Jesus Christ, and gine only to them that preaching, teaching, and oversieing, bear office within the same, to be exercised not be the injunctions of men, but be the only rule of God's word ; That the act of Parliament, concernyng the libertie and jurisdiction of the Kirk, be so plainly declareit and enlargeit, that hereafter nane uther of qwhatsomever degree, or under qwhatsoever pretence, have any collour to ascryve or take upon them any part thereof, either in placeing or displacing of ministers of God's word, in spirituall livings or offices, without the Kirk's admittance, or in stoping the mouthes of preachers, or putting them to silence, or taking upon them the judgement in triall of doctrine, or in hindering, staying, or disannulling the censures of the Kirk, or exeiming any offender therefrae.

2. That the Presbyteries, consisting of doctors, pastors, and such as are commonly callit elders, now according to God's word and the King's Majestie's direction, appoyntit in diverse parts of the realme for discipline, order keeping, and judgement keeping, in ecclesiasticall affaires, be approvit, establishit be authoritie, and paynes prescryvit to them that publickly oppones themselues.

3. That the Synodall Assemblie, consisting of diverse presbyteries, and Generall or Nationall consisting of the haill, be approvit, and be virtue of acts of Counsell, presently and hereafter haue power to conveine so oft as occasione shall requyre, to advyse, in-treat, conclud, make ordinances in such things as concerns the will of the Kirk, and their charge in doctrine and discipline, with libertie to appoynt times and places for that effect.

4. That Presbyteries, or such as they will direct of their awne number, have the same power in designatione of manses and gleibs and reparatione of the kirks, that the Bischops, Superintendants, or Visitors had before.

5. That every Kirk have the awne severall pastor, to be sustainit

upon the teynds of the parochine qwhair he serves, and to that end that the manses or kirks annexit to great benefices or prelacies be dissolvit, pensiones gine out of the thrids and tacks sett of the same, be the collectors or possessors having the thrids in their awne hands, be revockit.

6. That of the temporall lands of every Abbacie, Priorie, Bischoprick, Minstrie, &c. so meikle be applyit to the schools as may sufficientlie maintaine ane sufficient number of Masters and Bursars, according as the liveing may bear, in place of Channons, Monks, Nuns, and uthers idle-bellies; the ane to teache and the uther to passe their course alseweill in Philosophie in all Universities as in Theologie, according to the act of Parliament made in the fundatione of the New Colledge of St Androis, that the kirks may be ane plantit with sufficient learnt men.

7. That provisione may be, how commone affaires of every Presbytrie may be borne, such as visitators, commissioners direct be them for sundrie occasiounes, scribes' executione of their summons, decreits, &c. Quhilk to our judgement sould be sustained be the Bischops rents.

8. That the Kirk be restorit to the thrids, according to the act of Parliament and contract made be the Earle of Mortoune; because we have found ourselves grievously hurt be the giving them out of our owne hands.

9. That the presentation of benefices be direct to Presbyteries where the benefices lyis, that be them, after dew tryall, the qualified persons may be admittit.

10. That no presentatione be gine to any man with ane blank therewith for their filthie gried to gang through the countrie making schamfull merchandice, and sieking who will offer maist, or receive least: But that such chiefly be regardit as be the Presbyteries or Universities shall be recommendit to the King's Majestie or Laick Patrone.

11. That it be inactit that Ministers who, through age or sickness, or uther accident, become unable to execute their office, may brueik their livings dureing their lyfis, and provisione made how the kirk in the meantyme will be served.

12. That such Ministers who are deposed or excommunicat in any time, their benefices, stipends, or ecclesiasticall livings quhatsoever to vaike, and uther qualified men provydit thereto.

13. That such as are knawne to be Papists, and notwithstanding

their aiths, handwreits, and outward obedience, are tryit to have returnit to their vomit and made apostasie, wayting still the tyme and occasione to cut the throats of the godly, may be punischit as traytors to God and our Sovereigne, be banischment or uther-ways.

14. That no service, freandschip, or league be made with Papists in France, Italie, nor Spaine, or uther countries, be commone or particular consent.

15. That the lyke law be made for defence and preservatione of the preachers of the blessed Evangell againes violence and oppression as is grantit in favours of the Lords of Sessione.

16. That remedie be found how speciall livings and teinds transferrit in temporall lordships may be restorit againe, for sustentatione of ministers, poore, and schooles.

17. The Colledge Kirks qwhilks are destitute of ministers, be reason of the thrids gine in the Colledge hands, may be provydit with sufficient stipends out of the thrids, conforme to the act of Parliament made thereanent.

18. That buriall in parochie kirks, be act be dischargit, and ane speciall punischment appoyntit for transgressors.

19. That the diminutione of the rental be ane sufficient cause of reductione of tacks and fewis, and that diminutione be comptit alseweell the impareing of silver rental *de liquido in liquidum*, as conversion of victuall in small pryces, that is, under such reasonable pryces as victuall giues for the tyme.

20. That every beneficed man find cautione, at his entry, to recompence what hurt soever he does to the benefice.

21. That it be leisum for no beneficed man, prelate or uther, to sett any tacks or fewis hereafter, and that they be bund to re-paire qwhatsoever hurt they haue done to their livings against the lawes.

22. That it be declareit qwhat tacks or fewis are lawfull, and that two or three nyneteine yeares or lyferent tacks, made against all law and conscience, be annullit and declareit of nane effect.

CERTAIN E ARTICLES presentit be the Generall Assemblie, and maist humblie cravit of the King's Majestie and Councill, ffor redress of the manifold inormities fallen furth, to the wreake of Kirk and Common-weall.

1. That the sclanderous proclamatioune gine furth at Perth, the

12 of July, and published in all townes, and parochie kirks, and to the perpetuall infamie of God's servants imprintit, may be perused and diligently considerit, to try if any minister be culpable of such odious crymes, as therein are layit to their chairges; and in case they be fund culpable, to punische them with a rigour of law, utheways, that the givers out of such blasphemous reports, and devysers and dyters of that infamous lybell be punischit accordingly; and that, be act of Councill and open proclamation, the ministrie be declarit innocent of such wicked and haynous crymes.

2. That the unaccustomit violence used against Mr John Howiesone, drawing him out of the Justice seate of the Presbyterie, dinging, and casting him in prisone, and agaynes Mr David Weymes, minister of Glasgow, be sua punischit, that nane hereafter be bald to attempt the lyke.

3. That Coline Campbell, William Hegget, Archibald Hegget, and their complices, be punished according to justice, for the sedition and uproare made be them, being Magistrates and Counsellors, against the students of Glasgow, and schedding of their blood.

4. That the proclamacione lately made for the libertie of the Assemblies may be inlargit, and more plainly sett furth.

5. That your Lordships will giue the King's Majestie to understand, how wicked instruments they were that persuadit his Grace to allow and take upon himselfe, all the mischiefs and ungodly proceedings, wheriat the Kirk, his Grace and countrie, were brought to such miserie and danger.

6. That all acts of Councill made against Presbytries and Assemblies, chargeing them to desist from proceeding in discipline and ecclesiasticall censures against sclanderous persones, be annullit and delaitit out of the books: Lykeways, that the act made against John Durie be delaitit.

7. That his Majestie and Lords will wey what great inconvenients and absurdities falls furth upon the act of Councill made concerning the absolute power; and for removing thereof, to dilait the samen, never to be remembrit hereafter.

8. That his Grace and Lords provyde and cairfullie foirsee, that be the wicked practice of dimissione or associatione of authoritie, the Kirk, King's Majestie, and Countrie, be not hurt, and that the same be stayit in tyme.

9. That the stipend appoyntit for the minister of Strivilling, and

now wickedly purchased be Mr Robert Montgomerie to his young sone, be restorit againe, for sustentatione of ane qualified man to teache that flock, qwhilk be his ungodlie dealing and apostacie hes been so long destitute.

10. That it will please your Majestie and Lords to haue pitie and compassion upon that noble and godly man, James Hamiltone, Earle of Arrane, sometyne a noble and comfortable instrument in reforming the Kirk of God, and now visite be the hand of God, and under pretence of law, bereft.

11. That Commissioners be deput in every part, for visitation of the Colledges, betwixt and the last of November. The Generall Assembly gives their full power and Commissione to Mrs George Hay, Andrew Myllne, James Balfoure, William Chrystesone, Patrick Gallaway, Andrew Melvill, David Fargysone, Thomas Buchanan, Patrick Gillespie, James Lawsons, David Lyndsay, Robert Pont, Andrew Hay, Thomas Smetowne, John Young, Andrew Pollwart, Andrew Clayhills, John Knox, Patrick Gates, and Peter Watson, with the King's Majestie's Ministers, to pass unto the King's Heines, his noble Counsell and Estates presently assemblit at Halyrudelhouse, and to his Heines' Parliament, when the samen shall hapin to be halden, to present the Grieves of the Kirk, crave answer, reasone, and report to the next Assemblie.

Sessio 17.

Anent the matter depending againes the King's Majestie's Advocat: His Lordship being present, advysit the Assemblie to consider wyslie if they allowit the forme of proceedings against him, being an officer to his master the King's Majestie, callit his awne, upon the alleadgit forming of ane proclamatione gine out in the King's name, under the title of a Declaration, and concludit be authoritie of his Councill—And as they shall finde be their wisdome, he wald not contemptuouslie refuse to answer to every point to lay to his charge: With the qwhilk desyre the breither being advysit, ffind, that in respect of the selander castine be his persone, he may and sould be callit simplie to giue his declaratione for removing thereof; qwhairwith he being content, plainly and openly taking the name of God to be his witness, declareit, he neither inventit, pennit, nor formyt the said proclamatione, but at the desyre of the Duke's Grace, translatit the last pairt thereof in Scotts concerning his declaration, qwhilk was in French; and farther, did nothing in the hail

proclamatione. As to the remanent heids, they were answerit summarly, and the brethren appearandly satisfyt.

Sessio 19.

The brethren appoyntit to present the Articles to the Convention of Estates and Parliament, reportit, That the Lords cravit the advyce of the Kirk, quho sould sit in their names and vote in Councill or Parliament—seeing they are upon the order taking of a Councell, consisting of three estates: ffor the better resolutione heiroy, it was thought meit herin to understand the plaine meining of this propositione at Lords' selves, and therefore the breither to be convenit there at afternoon, &c.

Sessio 20.

Anent the propositione made before noone concerning such as sould vote in Parliament or Councell in name of the Kirk: The matter being opponit be the Lords, their propositione was, qwhither, if the Kirk will agree that some of the Bischops be upon the Councill for the Kirk? Therefore the Assembly conveyning themselues together, resolvit that they could not agrie that any sould vote in name of the Kirk, but they that beares office in the Kirk, and are authorized with commission of the Kirk, to vote and sit there; and ordaynit their answer to be returnit to the Lords be Mrs George Gray and Thomas Buchanane immediately.

The nixt Generall Assembly to be halden at Edinburgh the 24th of Apryle nixt to come, except some necessar occasione of sooner meiting fall out be advertisement of the Presbytrie of Edinburgh.

[FORTY-EIGHTH GENERAL ASSEMBLY.]

THE Generall Assemblie, conveynt at Edinburgh, in the New Kirk, the 24 of Apryl 1583, qwhair there were present the Commissioners, &c.

Sessio.

Exhortation maid be John Braid, in place of Mr David Lyndsay, last Moderator, be reasone of the said Mr David's departing with the King's Majestie's ambassador. Leitts, Mrs Thomas Smetoune,

David Fargysons, and John Braid: be pluralitie of votis, the said Mr Thomas was electit *hac vice*.

The brether ordaynit the Moderator to concurre with Mrs James Lawsons, Robert Pont, David Lyndsay, Andrew Hay, Andrew Melvill, Andrew Polwart, Peter Blackburne, David Fargysons, and Alexander Arbuthnot, Assessors.

Sessio 2.

The Assembly ordayns Mrs John Craig, John Durie, and Alexander Hoome, to passe to the King's Majestie, and humbly desire his Grace to send Commissioners in his name to assist this Assemblie, in treating and concluding in matters proponit; and farther to desyre his Grace, seeing his ambassador is departing to England, to give ane charge to him to travell, that ane unione and band may be made betwixt his Grace, her Majestie, and uther Christiane Princes and realmes professing the trew religione, for defence and protection of the trew word of God, and professors thereof, against the persecutioun of Papists and confederats joyned and united together, be the bloodie league of Trent;—and also, that her Majestie will disburden their breither of England, of the yoke of ceremonies imposed to them against the libertie of the word, and upon thir three heads to reporte the answer againe.

Sessio 3.

Anent the summons direct by the Synodall Assemblie of Fyfe againes Mr David Russel, baillie of St Androis, to hear ane sentence definitive pronuncit upon ane proces deduced before the Presbytrie heireof, against him, for ane sclanderous letter, published the 17 of March last, in presence of the congregatioun: The said Mr David being present, protesting first before God, he never meinit nor meins to doubt of the authoritie of the Kirk, made a discourse of the vaiking of the pulpit of St Androis, and of the receipt of the writing from my Lord Marche, qwhilk was present in forme be him, and read in the kirk; qwherein he grants that there were thir words;—calumnious pretendit maner,—being discretly considered,—sould not be found offensive; allwayes he hes appealit to this Assemblie from this Presbytrie, for the causes containit in his appellatioun, qwhilk he exhibite, desyreing the Wisdome of the Assemblie that he might have ane sight of the proces led against him to be advysit, with his

just defence, and that rather or the matter came in open reasoning, that private conferrence were had amongst the discreetest therein; with the quhilk desyre the Kirk being advysit, votit to the reading thereof openly; lykeas the samen being publickly read and heard, together with the copie of the wryting gine out be the said Synodall Assembly, read in the paroche kirk, the farther consideratione of the causes was left till afternoone, and he warnit to be present.

Sessio 4.

Mr David Russell being inquyrit if he had the principall wryting alleadged, read upon the 17 day of Marche, denyit the same, and exhibite ane double thereof, as he termit it, receavit be him, as he alleadgit, from ane servant of the Earle of Marche's, nothing different from the originall, quhilk he permit, and was read in the said kirk, as he himselfe testified. As to the appellatione interponit be him, from the said Presbytrie, the hail Assemblie votit uniformlie, that he had weill appeallit; with whose sentence the said Mr David said he stood content. As to the sentence to be pronounced in the said matter, as also against William Leirmonth, ane uther of the saids Baillies, the Kirk continewit the same to the morne, warnyng them both presently thereto.

Sessio 5.

Mr David Russell submittit himself absolutlie to the judgement of the Assembly, concerning the process laid against him.

Ordayned Mrs Alexander Arbuthnott, David Fargysone, and John Durie, with the King's Ministers, to pass to his Grace and Counsell, and in name of the Kirk crave earnestly, that the French ambassador whaise trauells hire are suspect to tend both against religione and common weall, may be dispatchit; That Mr Hault, the Jesuit, may be accusit and tryit, and according to his offense, if he be guiltie, to be punished: Sieklyke my Lord Settone's sone may be send for, and accusit of the wrytings sent to the Jesuites, and order put to him therefore.

Attoure that ane brother of Cambowe's, refusinge to abyde the judgement of the Kirk, and allows the breaking of the King's lawes concerning his religione, may be summoned to ane particular dyett, to underly the law.

Item, To remember his Grace anent the Abbot of Halywood, that no licence be gine to him to depart out of the countrie; and suchlyke to remember concernyng Mr David Chalmer.

Anent the citatione direct from the Synodall of Fyffe againes Mr David Russell, baillie of St Androis, to compear in this Assemblie, to hear sentence definitive pronoucit upon ane proces led and deducit before the Presbytrie of the said citie, for publishyng of a sclanderous letter upon the 17th day of Marche last, in presence of the congregation of St Androis; as the actione at lenth beares: The said actione and haill proces being publickly read and at lenth considerit be the haill Assemblie, and the samen, with the deductione thereof in all poynts, together with the letter and intimation of the said Synodall Assemblie publishit in the paroch kirk of St Androis publickly, being orderly proceidit, Lykcas the said brethren in ane voyce justifies and allows the proceedings thereof, and of the said Presbytrie in the said cause; and after good deliberatione and resolutione taken upon the sicht and diligent tryell of the said proces and probatione led therein, Hes fund, and finds, that the said Mr David not only hes given heavy sclander, and offendit against the Presbytrie of St Androis, but farder, has sclauderit very heavilie against the Kirk of this realme, as that, sen the Reformatione of religion within the same, the lyke thereof hath not beene offerit in any persone, and speciallie in the particulars following, evidently proven and evictit *per testes omni exceptione majores*; qwhairof a part also is confest be himselve, granting he had done amiss, and submitting him to the determinatione and arbitrement of the haill brethern absolutlie:

To witt: In calling the ordinance of the presbytrie a rabble, saying, it sould not pass but an answer—it sould be worse then the faire of Glasgow—and that, four dayes before the famous lybell was published: 2. In giving command with threatenings to publishe the letter in face of the Kirk: 3. In penning and forming the said blasphemous letter: 4. In denyng first, with attestation, the penning thereof, and thereafter granting the same: 5. In opponing him in all heads of the said letter to the ordinance of the Presbytrie: 6. In wryting thir outrageous words therein—pretendit Presbytrie, usurpitatione of the said Presbytrie, without any ground of God's word, or lawes of the realme—that the said Presbytrie did, against their awne consciences, and Christiane charitie—that some of them

were promise-breakers, (howbeit the contrare were verifiet in accusatione of the letter of the Presbytrie), of calumnious objections:— and in contemning not only the jurisdictione of the Presbytrie, but also the Synodall Assemblie: And therefore hes decernit and ordaynit, in ane voyce, that the said Mr David, upon Thursday eum aucht dayes, immediatly after returning from this Assemblie, shall appear in presence of the Presbytrie of St Androis, and with humiliation of heart, and earnest and trew repentance, confessit and acknowledgedit before them, that in the particulars abovewritten, and euery ane of them, he hes heavily offendit his God, sclanderit the said Presbytrie, and the hail Kirk of God within this realme;— craving God's goodness to pardon him, and the said Presbytrie to forgive him, with promise in tyme cuming, to avoyde all such sclanderous behaviour or dealing; quhais humiliation and repentance being fund unfeigned and earnest, be the sight of the said Presbytrie, and they satisfied therewith, that upon Sunday immediatly thereafter, he appear before the pulpit, in the parochie kirk of St Androis, before noone, after the sermone, and immediately before the prayer, in presence of the congregacione, and there make the said confessione, and acknowledge his offences in particular, and in manner as is above deducit—exhorting all the brethren and the congregacione to the obedience of the Kirk and ordinances thereof, that as they have been sclanderit be his fall, so be his rysing they may receive comfort and good example: Qwherein, if the said Mr David failzie and gives not absolute obedience, according to the tennor of this sentence, in all poynts, that the said Presbytrie of St Androis proceed against him with the sentence of the Kirk.

Anent the order and injuncciones to be used against Gavin Grahame and his colleagues, alreadie excommunicat: The Assemblie present hes ordaynit, that they shall satisfy the injuncciones used against murtherers, incestious persones, before they be absolvit from the said sentence, the forme quhairof is contained in ane act made in December 1565, Sess. 4; and the same being dewly satisfyit, and earnest repentance seen in them, ordaynes the said Presbytrie of Glasgow to absolve them from the said sentence.

Sessio 7.

Anent the heads proponit be the Provost of Dundie, and the Laird of Colluchie, his Majestie's Commissioners: The Kirk, be the Mo-

derator, gave answer, that for expeditione of the first head, the Assemblie sould appoynt their next conventione the sooner, that ane absolute answer may be gine thereto.

Touching the second: they have found, by experience, that Commissione gine to brether, with power to conclude, have done great hurt to the Kirk. As to the novelties, they sould meddle with nane.

Auent the lamentable supplicatione gine in be the Earle of Ar-rane, bearing, That qwhair, upon the diuerse supplicationes presentit to the Generall Assemblies at Dundie and Edinburgh, to have travillit with the King's Majestie and Secret Counsell, for his deliverance from his lang captivitie, and restitutione to him of his heritage, maist wrangouslie withholden from him, be the wickit and fraudulent meanes of the present possessor thereof; Nottheless, that un-godlie man, abusing the youth and favour of his Sovereigne, hes not suffered your suite to be heard, tryit, and allowit be his Majestie, as he is sure it will be qwhensoever his Grace shall be dewlie informit of his innocencie, and the miseries, grieves, and wrangs be himsustainit, in spirite, bodie, and warldlie good, be the crueltie of his enemies; beseiking the Assemblie, therefore, as the only meine in this warld, qwham unto he may haue esperance, to present his regraits and dolences to his Majestie, that they will yet continew their former sute in his favour, and pretermit to the present opportunitie of his Majestie's good dispositione, not able to be abused be the craft and subtiltie of that his unjust enemie being presentlie removit from his Majestie's presence; praying them also to labour that his body and living may be committit to the custodie of his very undoubtit friends, qwho will have unfeigned care for the preservatione of the ane and wther, according to conscience, equity, and righteous lawes of all civill countries;—Remembring presently that he is so destitute of all wther meines of intercessione, saving them only, through fear of his enemies crueltie, that among so many naturall friends of all degrees, he can hardly finde ane who will declare himself the presenter of this his supplicatione made to the said Assemblie: the qwhilk necessitie he doubts not their Wisdomes will worthilie supplie.

The Kirk having considerit the said supplicatione, Ordaynes their breithern to present or direct to the King's Majestie, to schaw his Heines this pitious complaint—craving his gracious good auswer therein; and farther, as the Assembly shall finde opportunitie, be

their Commissioners' travells, to be done for the weill and comfort of the nobleman.

Mr Robert Pont declared that, with part of his heritage and worldlie commoditie, he had proponit to sit downe in St Andrews, and had served on his awne charges ane haill year, and could not have any equall conditione of living, no, not the least provisione that any had that past before, and now altogether his heart is abstractit from them—praying the Kirk not to lay the charge upon him against his will.

Sessio 9.

Anent the citatione direct against William Leirmonth, beallie of St Androis : The Assemblie, in respect of the said William his simple confessione, that he gaue command to Niniane Rule, to read publickly the sclanderous Letter against the Presbytery of St Andrews, in the paroche Kirk thereof, and of his humble submissione to the haill Kirk, Ordayns him, upon Sunday cum aucht dayes, to compeir before the congregacione of St Androis, after sermone, and before prayer, and there confesse his offence forsaide, asking God and his Kirk pardone thairfore, under paine of the censures of the Kirk, to be execute be the said Presbytrie against him.

Sessio 10.

Anent baptisme ministrat be laik persones, and such as hes no ordinarie functione in the ministrie of the Kirk : The Generall Kirk, in ane voyce, hes concludit the same to be no legall baptisme ; and that these that in the pretendit manner are baptized shall be baptized according to God's word.

Anent ministers that makes not residence at their awne Kirks : The Assemblie ordayns the Presbyteries, universallie within thair awne bounds, to take order therewith, as they will answer to the Kirke.

Anent the proces deducit before the Presbytrie against Henrie Adamsonne, burges of Perth, and approven be the Synodall Assemblie of the province : The whole Kirk, at length having considerit the proces and probatione led in that matter,—being weill resolvit and advysit therewith,—In ane voyce declares and finds the said Henrie, be his familiar and suspect behaviour to Jeane Thorn-towne, spouse to Oliver Peblis, resorting with her in privat and suspect places, drinking and conversing with her, and utherwayes

behaving himself not so chastly as becomes an honest married persone, as be syndrie circumstances in the said proces appeares, To have gine suspitione that he has committit adulterie with her, and thereby to have gine occasione of sclander in his persone: Therefore, ordaynes him, immediatly after his returning from the Assemblie, to compeir before the Presbytrie of Perth, and there, with humilitie, unfeignedly to confesse and acknowledge that he hes gine occasione of sclander, asking God and his Kirk forgiveness therefore; and thereafter, upon ane Sunday to be appoyntit be the said Presbytrie, he shall compear in the parochie kirk of Perth, in tyme of sermone before noone, sit in the place of repentance in his common apparell qwhill the sermone be endit, and immediatly after the end thereof, and before the prayer, stand up in the said place of repentance, and confesse and acknowledge the sclander gine by him, and ask God and his Kirk pardon therefore, with promise in tyme coming to avoyd all sclanderous behaviour and suspition of any such cryme, under the paine of the censures of the Kirk, to be execute against him be the said Presbytrie.

Sessio 11.

Anent the difficultie movit be certaine breither, if it be lawfull to a pastor alreadie appoyntit and serving ane flock, to receive admisionne of ane benefice appertayning to ane uther kirk nor qwhere he serues, and remoue him from his awne flock without licence of the Presbytrie qwhere he serves, Synodall, or Generall Assemblie: The hail Assemblie, after many reasones had on aither syde concerning this doubt, resolvit and concludit, That a pastor provydit and serving ane flock, laufullly may not remove from his flock qwhere he first serves, without speciall licence obtaynit be him of his presbytrie, Provinciall, or Generall Assemblie, and inhibitand and dischargand all Presbyteries, in tyme cumming, to admitt any persone elsqwhere serving, as said is, to benefices, without testimonialls and licence schawne be them, of the consent of the Presbytrie, Synodall or Generall: And if any persone beis fund, against the tenor heirof, to transferr himself without consent forsaid, The Kirk hes concludit and decernit him to be deposed from his functione and calling of the ministrie in all tyme cuming.

[FORTY-NINTH GENERAL ASSEMBLY.]

THE Generall Assembly of the Kirk, conveint at Edinburgh, in the New Kirk thereof, the 10 of October 1583, qwhair there was present the Commissioners.

Sessio.

Exhortation made be Mr Thomas Smetoune: Leitts, Mrs Robert Pont, Peter Blackburne, Nicoll Dalglish, and James Balfour. Be plurality of votis, the said Mr Robert was electit, *hac vice*.

The hail Kirk ordaynes Mrs James Lawsons, Andrew Melvill, Thomas Smetone, John Craig, Walter Balcanquall, Peter Blackburne, Andrew Polwart, John Davidsons, Nicol Dalgliesche, John Durie, the Lairds of Braid and Pilrige, with the Commissioners of Edinburgh, to conveine and intreat with the Moderator.

Sessio 2.

Forsuameikle as the raritie of this Assemblie chieflie stands in default of the brether of the ministrie, having commission to come to the Generall Assemblie, and yet comes not: The Kirk hes thocht meit that the Countries be callit on, and considerit who are absent; and sicklyke, if all that are in the Commissiones alreadie gine in be present, and that the absents be markit, and a substantius order provydit to correct them.

Sessio 3.

Anent the Constitutiones and Acts made in the Generall Assembly, It is determind and resolvd, that ane Act being concludit in the Generall Assembly, no just cause in the changeing thereof intervening thereafter, it shall not be leisum to any particular brother, in ane uther Generall Assembly, to call the same in questione againe.

Anent the Commissione gine in the last Assemblie to visite the Universitie of St Androis, and to consider how the rents and livings thereof are bestowit—how the doctrine is used be the maisters and regents, and if the same be correspondent to the act of Parliament—and how the order is keepit among the students: The Kirk hes

committit of new the executione of the said Commissione to Mr Andrew Polwart, Thomas Buchanan, Nicoll Dalgleische, and William Chrystesone: and, to that effect, ordaynes to conveyne themselves in St Androis, the 6th day of Marche nixt to come, and qwhat they doe herein, to report to the nixt Generall Assemblie. Mr Robert Wilkie, in name of the Universitie, protestit that the said Commissione prejudge not the libertie and priviledge of the Universitie.

Ordaynes the Moderator of the Assembly to receive from the Clark thereof the extract of the Commissiones gine to breither the tyme he bears charge, in case they be absent from the Assemblie the tyme of the direction thereof, and to direct them tymouslie to the said breither, that the said Commissiones be not left unexecute, upon pretence of their absence and ignorance of the same.

Sessio 5.

Ordaynes every presbytrie within their awne bounds to call before them the benefited persones within their awne jurisdictione, and to take accompt and tryall how they have keepit the act of the Assembly, touching the disposition of their ecclesiasticall living—in what manner, and qwherein the same hes been transgrest—and to make ane just report thereof to the nixt Assemblie be the Moderator of their Elderschipe as Commissioners, as they will answer to God and his Kirk.

Articles to be direct to the King's Majestie, being presentit in forme, the haille Assemblie votit to the presenting thereof, with the Instructiones, qwhair of the tenor follows.

SIR,

The strait Commissione we haue receavit of the Eternal, our God, qwhen, as in this your Majestie's realme, we were made watchmen of his people, and fearfull threatening pronouncit against such as neglect faithfully to execute every pairt of their weighty charge, compells us presently to haue recourse unto your Majestie, percewing many things to fall furth, greatly to the prejudice of God's Glory, and no small appearance of utter wrack of this his Kirk and Commonwealth, unless some heastie remead be put thereto; most humblie, therefore, beseikand your Majestie diligently to weigh and consider thir few heids, qwhilk, with all reverence and obser-

vance we present, looking for graceous answer and speedy redress thereof.

1. It is ane great grieffe to the hearts of all these that fears God, that apostates, sworne enemies to Christ, your Grace, and all your faithfull subjects, forfault for their treasone—some also suspect and bruitit with the murther of the most noble persone of your unquhill father—impugners of the truth be word and wreite—continuing still in their wickedness, unreconcilit to the Kirk, to receave of your Majestie the benefite of pacificatione to the prejudice of the faithfull ministers, qwham violently be their meanes they labour to dispossesse.

2. That wthers from their youth, nurischit in the Kirk of God, with us, and sensyne fearfullie fallen back therefrae, and become greit runnagats, and blasphemers of the truth, and maintainers of idolatrie, and that Man of Sinne, Liutennaut of Satane, and oppressors of God's people; and yet, notwithstanding, are receivit in court, authorised, and so far countenanced, that they are becum familiars with your Majestie, qwhairthrough, besyde the grief of your Majestie's subjects, many are brought to doubt qwhat shall ensew upon such beginnyngs.

3. That a wicked obstinate Papist sent in the countrie to traffique against God and quyetness of your Grace's estate, and therefore is worthy of death, committit in ward at your Grace's command, with sure promise that he sould not escape punishment, yet as we understand, was, be indirect meanes, let depart, and no tryall taken of the author of his delyverie.

4. That your Majestie seems to have over great lyking of the enemies of God, alsewell in France as some within this realme, who hes never gine testimony of any good meining aither in religion or in your Majestie's service, have succedit to men that were knowne zealous in God's cause, and faythfull to your Grace from your tender age.

5. Sen your Majestie took the government in your awne hand, many fair promises hes been made that order should be taken for preservacione of the Kirk of God, and continuance thereof to the posteritie: yet, after lang and continuall sute, nothing is performed; but in place of redress, daily the Kirk is bereft of her priviledges and liberties.

6. The thirds are sett in tack for soumes of money, in defraud of the Kirk, so that no minister hereafter can be provydit.

7. Abbacies are disponit, without any provisiōne made for the ministers serving in the Kirks annexit thereto, directlie against the act of Parliament.

8. Spirituall livings are gine to bairnes, and translatit in temporall lordships.

9. That there is no punishment of incest, adulterie, witchcrafts, murthers, abominable oathes, and uther horrible oathes, in such sorte that daily some increases and provockes the wrath of God against the hail countrie.

10. There is a sair murmuring against your Grace's leiges, and a lamentable complaint that the lawes of the countrie have no place—that no man can be sure neither of his lands, lyfe, nor goods, qwhilk threatens ane miserable confusiōne, and the heavie hand of God to insew thereupon.

11. That oftentimes your Majestie interpones your Heines' authoritie, be letters of hornying, to stope the executione of the acts made in the Generall Assemblie, in matters properly belonging to the Kirk, and nothing touching the civill estate.

12. Lastly, we most humblie beseik your Majestie to suffer us to lament the great divisiōne amongst your Heines' nobilitie and subjects—the ane pairt seeking be all meanes possible, for their awne particulars, to persuade your Majestie to wrack the uther, qwhilk fosters ane continuall stryfe, malice, and rancour, to the great danger of your Grace's persone, qwham God preserve to keep the Kirk of God and this poor countrie : beseiking your Majestie, for the tender mercy of God, to call to your Heines, some of the most wyse, discreet, and indifferent, to be your Councill ; to take a moderate course, that unquiet spirits may be brydlit, good men cherishit and intertaind, and the hearts of all your Majestie's subjects unite, to the maintenance of God's glory, preservation of your Royall estate, and comfort of all them that bewail this miserable dissolutiōne.

Particular Instructiōnes, and maire full Declaratiōnes giuen be the Generall Assemblie to their Commissioners, direct to the King's Majestie, the 13th of October, upone every heid of the Articles generally proponit.

1. First, How heavilie the godlie are offendit, and the hail Kirk sclanderit, that Mr David Chalmers, a man notoriously knawne unto his Grace's Counsell to be not only a formall and professt

emie against the truth of Christ's religione, a plaine practizer and traffiquer against the same, but also against his Heines' authoritie and estate, in all partes qwhair he hes travellit; having herewith, resting upon his head, the foul brute and common suspitione conceivit in the hearts of many men, upon no small or obscure presumptiones, of the cruell and most barbarous murther of the most noble persone of your Majestie's unqwhill father, of good memory—sould be so suddenly and with so small accompt enterit in fauour, and receiue his Majestie's pacificatione, with Letters to dispossess faithfull servants and ministers of God of their livings and possessiones, no dew satisfacione beand made to the Kirk; a matter no less importing great prejudice to his Heines' noble estate, then touching his Majestie in the highest poynt of his honor; and therefore his Honour would be moued wisely to looke upon the consequence thereof, in consideratione of his weightie grief, wald call back and suspend the force and effect of any thing yet grantit to him, and the charges gine to his repossessione, unto the tyme that just and lawfull tryell of his innocencie be cognoscit, and the haill Kirk, so farr offendit in his persone, be satisfiit, and the same satisfacione be returned from the Kirk to his Grace.

2. The young Laird of Fintrie, direct unto this countrie, as we are surely informit, to practise with his Grace and faithfull subjects for overthrow of religione, be moyen of friends cruppen in Court, and qwherever he comes, plainly maintaines Papistrie, and, under collour of conference, qwhill be all meines he flies, does great selander in this countrie.

3. The third article is notour.

4. Be the fourth article is meined the King of France, the Duke of Guise, and uther Papists thair; and lykewise, within the countrie, the Earles of Huntlie, Crawford, and uthers. The Kirk is hurt in their liberties and priviledges sundrie wayes, as will appear in the Articles, as follow: Tacks of the thrids of Haddingtone and St Androis, sett to the Laird of Seagy: The Abbacie of Abberbrothock is dispoit to the Duke, and no provisione for the minister: The Abbacie of Hallyrudehouse to the Abbot's young sone: Sicklyke, the Abbot of Newbottle found provydit to the 9 and 10 notor;—as, for example, Mr George Gairden being provydit to the parsonage of Fordyce in the 63 yeir of God, and yet standing titular there: The King's Majestie hes sett in tack the fruits of the saids benefices to Robert Stewart of Todlaw, and command giuen

to the Lords of Session to grant Letters upon the said tacks : Mr Alexander Arbuthnot is chairgit, against the Acts of the Kirk, to remaine in the Colledge of Aberdeene, under the paine of hornying : The Ministers of the Chapters of Halyrudehouse are chairgit be letters of hornying to subserve the gift of pensione made to the persone of Pennyuik, his wife and sone, for their lyfetyes ; Sicklyke against the said Act anent the Act made one the penult day of October 1576. Concernyng setting of fewes and tacks of benefices and ecclesiasticall livings, or any part thereof, be such as beare functione in the ministrie, The Generall Assembly, as of before, ratifies and approves the said Act, with this declaratione, that under the said Act, all suspenseones, factories, and whatsoever other dispositione of the benefice, or any part thereof, without the consent of the Generall Assemblie, is and shall be comprehendit in tyme cuming, and that the disponers thereupon shall incurre the penaltie contained in the Act of the date of the 12th of July 1578, Sess. 6.

It is cravit be the Synod of Lawthiane, that this Assembly take order with Mr John Spotswood for setting of the tack of his benefice, butt consent of the Assemblie. The Kirk ordaynes this particular to be tryit in his awne Presbytrie, and the tryall to be reportit to the next Generall Assembly.

Item, That this Assembly ratifie the dissolutione of the Presbytrie of Haddingtoun, and unione of the members thereof with uther presbytries, be reasone of many enormities occurrand there—as rare convention of the brether, loathsomeness and contempt of the word in the people, and not executing the Acts of the Assembly : qwhilk head the Kirk approves for the present.

Forsuameikle as sundrie of the penitents, pairtly for poverty, sickness, or distance of place, are unable to compeir before the provinciall Assembly—*Quæritur*, If they may compeir before the Elderschip? Answer: It is not thoct good presently.

The Elders of the Elderschip of Melros are of diverse judgments—some craving the Assembly to continow there—others to ane uther place, or else to devyde it. *Quæritur*, Qwhat shall be best? Auswer: They have liberty as they think best, so it be done with common consent.

Sessio 7.

It is thoct expedient that the four Presbytries in Lawthiane be

joynit in ane Provinciall Assemblie, and that Dunbar, Churnside, Melross, and Peebles, be joynit in ane uther, and the place of their next Assemblie to be in Lawder, and thereafter to be changit, as they shall think expedient.

Sessio 11.

Ministers that beiris with the people repairing in pilgrimage to wells hard besyde their awne houses, not reproving them, but rather entertayning them with meat and drink in their houses—distributing the communion to their flocks, and not communicating with them be the space of seven or eight yeares—such persones deserves deprivatione.

Sessio 13.

The Generall Assemblie gives licence to the persone of Hauch, to passe out of the countrie for recoverie of his health, the King's Majestie's licence being obtieit thereto, and his awne kirk provydit at the sicht of the Presbytrie of Dumbar.

Forsuameikle as sundrie Acts hes past of before, to close the hands of beneficed persones within the ministrie, that they sett no tacks of the benefices, or any part thereof, or make uther dispositione thereof qwhatsomever, without the advyce of the hail Kirk, yet daily supplicationes are gine in to the Kirk for thair consent to be had thereto, howbeit, both for schortness of tyme and utherwayes, the estate of such supplicationes cannot be conveniently reasonit and tryit before them: Heirfore it is thocht expedient that qwhaire any such is to be made, that the samen be first presentit to the particular presbyteries whair the benefices lyis, wham before the tryall shall be taken, oath of the old kyndness and title of the supplicant, and of the estate of the benefice—qwhat was of old, rental thereof—qwhat present—and the pairts and tryall thereof reportit againe to the Generall Assemblie—qwhat order may be tane with the sute according to equitie: and lykewayes ordayns every presbytrie, within their awne jurisdictione, to try and examine what persons hes broken the act made against beneficit persones within the ministrie, that setts tacks or fewes, or makes uther dispositiones whatsumever of their benefices, or any part thereof, against the Acts of the Assemblie; and, after calling of parties, and dew triall taine, to report their names, with the proces, to the next Assemblie.

The proces led be the Presbytrie of St Androis against Alyson Peirson, with the proces led against Mr Patrick Adamson before the presbytrie forsaid, and also the proces of the Synodall of Fyffe, to justifie the accusatione led against the said Mr Patrick, was exhibite.

Sessio 14.

Forsuameikle as in reading in schooles, of prophane authors, qwherin many things are written, directly impugning the grounds of religion, and speciallie in the Philosophie of Aristotle, oft tymes the youth being curious and of insolent spirits, drinks in erroneus and damnable opiniones, and founding them upon the bruckle authoritie of the prophane wryters, and maintayns their godless and prophane opiniones, obstinatly in disputation and utherwayes, to the great selander of the word of God, and offence of the simple and unlearnit: Thairfore, it is provydit, after reasonyng and good advyce, be universall consent agreit, that in all tymes coming, the maisters, regents, and teachers of the scholers in reading of prophane authors, shall vigilantly take heid if there be any thing alleadgit or written in them against the grounds and heads of Religione, and, in teaching thereof, to mark and note the places evict, and confute the errors, and admonische the youth to eschew the same as false and erroneus; and namely, in teaching of philosophie, to note the propositiones following, as erroneus, false, and against the Religione, and condemnit be commone vote of the hail Kirk:—

1. *Omnis finis est opus aut operatio.*
2. *Civilis secta et præstantissima, ejusque finis præstantissimus et summum hominis bonum.*
3. *Honesta et justa varia sunt, et inconstantia a Deo et sola opinione constant.*
4. *Juvenes et rerum imperiti et in libidinem proclives ab audienda morum physica arcendi.*
5. *Quod aliud ab aliis bonis et per se bonum est, et causa cur cætera per se bona sunt, non est summum bonum.*
6. *Dei agnitio nihil prodest artifici ad hoc ut arte sua bene utatur.*
7. *Summum bonum vel boni accessione augetur, et reddi potest optabilius.*

8. *Pauper deformis orbis out infans, beatus esse non potest.*
9. *Bonum æternum, bono unius diei, non est majus bonum.*
10. *Felicitas est actio animæ secundum virtutem.*
11. *Potest aliquis sibi suo studio felicitatem comparare.*
12. *Homo in hac vita et esse et dici potest beatus.*
13. *Post hanc vitam nemo potest vel esse vel dici beatus, nisi propinquorum vel amicorum ratione.*
14. *Natura apti ad virtutem eam agendo comparamus.*
15. *Virtus est habitus electivus in ea mediocritate positus quam ratio prudentis præscribit.*
16. *Libera est nobis voluntas ad bene agendum.*
17. *Mundus est physice æternus.*
18. *Casus et fortuna locum habent in rebus naturalibus et humanis.*
19. *Res viles et inferiores non curat Dei providenti.*
20. *Animi pars una vel etiam plures sunt mortales, et quæ hinc pendunt et necessaria consequuntur :*

And if any beis found to doe in the contrair heirof, the censures of the Kirk to proceed against them: And sicklyke, that Masters, Regents, and Teachers, Auditors, or wthers, assert or defend any of the saids propositiones alreadye condemned be the Kirk or wtherwayes that shall happen to be condemnit be thame heirafter prohibite *probabiliter* or wtherwayes, under the paine of the same censures of the Kirk.

Sessio 15.

Item, No act, nor any wther thing proceeding from the particular presbytries, haue fayth in tyme comeing, without the same be subseryved be the Moderator and Clark thereof.

Sessio 16.

The King's Majestie's Answers unto the heids presentit to his Heines from the Generall Assemblie of the Kirk.

At Striveling, the 17 of October, 1583.

His Majestie having considerit the heids, and conferrit with the messenger, touching the meaning and explication of the generalitie thereof, Understanding the first poynt to be gatherit, of the granting of the benefite of pacificatione be his Heines to Mr David Chalmers: His Majestie knowing that man only to have benee forfaitit,

for that commone actione of his being at the field of Langsyde, for qwhilk pardon wes grantit to so many, thoct it no new or strange thing, at the request of such as movit his Grace, to grant unto him the lyke benefite, as many wthers for the lyke cause had of before obtained: yet no wayes intending to spare the dew punischment of him or any wthers that may be chargit or fund culpable of the murther of his Heines' dearest ffather, or that are or shall be adversars of the religione, and impugners thereof, against his Hienes' lawes made thereanent, the executione of qwhilks his Majestie hes been, is, and will be, willing to further.

The second heid generallie conceavit; being particularly meinit of the young Laird of Fintrie, His Majestie wishes the Assemblie to remember how his Heines had dealt in this matter, and qwhat testimoniall the Kirk of Edinburgh grantit unto him. His Majestie hes not hinderit the proceedings of the Kirk against him, nor no others, but meins to hold hand thereto, according to the laws.

The third head being speciallie meant of ane William Holt, Inglishman, that escapit out of the Castle of Edinburgh, His Majestie hes answerit the Queen of England's embassadour, who movit his Grace in that matter not lang syne. It is not ane uncouth thing to hear such ane man escait; alwayes what they understand be ane indirect meanes used for letting him depart, his Majestie being speciallie informit thereof, will, after dew tryall, see the offenders punischit according to their deservyngs.

The fourth head being very generall, his Majestie thinks the Assemblie will not think it pertinent for them to haue vote in the chusing of his Majestie's servants, or to be over curious of the occasione of the placeing or removeing of them, neither yet of the intelligence betwixt his Heines and any forraigne countries, for enterteyning of civill peace and amitie, ffrom the quhilk na princes nor commonwealthes in the world abstaines, although being diverse in religione.

The fifth head concernyng the generall complaynt upon some speciall matters appeirandy expressit in the matters following:— His Majestie wishes the Assembly, as they wald be speciallie and directly answerit, so to forme their petitions, fforbearing any particular examples, to ground generall propositions, and to remember that his Majestie took the Government in his awne persone, there is no good and profitable lawes made for the advancement of the Kirk, and trew religione, nor of before, the default of the exe-

cutione thereof, and performance of promise notwithstanding in his Heines' default.

The sixth, meining especiallie of the Tack sett to the Laird of Seagy of certaine victualls furth of the superplus of the thrids, qwhilk he had of before in pensione,—that was nae new forme, nor any wayes prohibite. He could alseweill content him with the pensione, as he had it of before, frie of all payment of dewtie. The necessar considerationes that movit the granting thereof, are weill enough knowne to many. He is imployit in publick service, wanting the living qwhairunto he is provydit in title, dureing his father's lyfetyme, and his service is, and may be, necessar both for his Heines and the Kirk.

For any thing that may be thoct omittit toward provisione of ministers, serving at the kirks annexit to abbeyes in the late dispositiones of them, that is well supplied be act of Parliament, the executione qwhair of hes rather stayed thir twa yeares past in their awne default, or wtherwayes, they craving to haue their assignationes continewit, as in the years preceeding, and as yet not haveing directlie answerit to his Majestie's message, sent with his Maister of Requests, to the Assembly halden at St Andrews, &c. Alwayes his Majestie made choice of certaine barrones, and uthers of good appearance, knowne zealous to the furtherance of that good wark, lipning to haue had the assignationes formed before the Assemblie: But being uncertaine of the tyme appoyntit, therefore, this year, is doubtful if they cum in Edinburgh, qwhere, if they be, his Heines shall send directione to them to proceed, or in caise of their absence, shall appoynt wthers, so as the assignationes may proceed, and so wther things as are most needfull resolvit, without any farther delay.

Touching giving of spirituall livings to bairnes, and translating them in temporall lordships, His Majestie considers his awne skaith and hinderance of his service. Therein qwhatever abuse hes interit before his Heines acceptit the government, tyme, and the approbationes of such provisiones be decreits of the Sessione, hes brought the matter to that estate, as it cannot be utherwayes helpit then be the Parliament, qwhom unto these being proponit, his Majestie sould hald hand to haue such reformatione in this behalfe as possible can be obtaynit.

The default of punischnent of wthers mentionat in the nynt head, and of the Act of Provisione of the Poore and Punischning of Va-

gabonds, man not be justly impute to his Hienes, qwho hes ever been willing and readie to grant commissione to such as the ministers thocht meitest to execute the same, qwherin inabilityie was in the judges ordinar.

The tenth heid being generall, His Majestie wald be glad not only to haue it explainit, but to hear all good advyces that shall be offerit to him for the reformatione of that qwhilk shall be found amiss, and how his lawes may have place, and justly ministrat to the comfort and commone benefite of all his good subjects.

The elevinth head is also very generall, and for the only one example that hes beene spoken of to his Heines, touching the removing of the Principall of the Colledge of Aberdeine to be minister of St Androis, His Majestie trusts the Assembly will not think that matter, the substance weill considerit, either so proper to the Kirk, or so improper to the civill estate, but that his Hines and Counsell had good ground and reasone to direct his letters as he did upon the Generalls of the North Countrie, wharin nane was prejudgit—seing their was no charge conteyning power to denunce at the first, but rather to doe the thing requyrit, or compeir and schaw ane cause in the contrair.

[FIFTIETH GENERAL ASSEMBLY.]

THE Generall Assemblie of the Kirk, halden at Edinburgh, in the Over-Tolbooth thereof, the 10th of May 1586, Whair there was present his Majestie's Commissioners, my Lord Chancellour, Justice Clark, Mr John Grahame, the Pryor of Blantyre, Mr Peter Young, with the Commissioners direct from the Synodalls and Universities.

Exhortatione made be Mr Robert Pont. My Lord Privie Seall, and Mr Peter Young, direct from the King's Majestie, schew, That his Grace being occupyit in great affayres, could not this day give his presence; and therefore desyrit the hail breither, at afternoone, to repare to the great chapell in the Abbay, qwhere he should propone his mynd to them; and, in the meintyme, to superceid the electione of a moderator qwhill then: qwhairunto the brether agreit,

with conditione it sould not prejudge the libertie of the Assemblie in any poynt; lyk as the Commissioners declaireit they understand of no prejudice meined thereby.

Sessio 2. *Eodem die, in Capella Regia, coram Rege.*

It pleasit his Majestie to propose the cause of assembling the breither to that place; and thereafter, prayer being made be Mr Robert Pont, the King proceedit to the nominatione of Mrs Peter Blackburne, David Lyndsay, Nicoll Dagleische, to be on leets for chooscing a Moderator; and the said Mr David was elcct Moderator, *hac vice*. Mrs John Robertstone, Alexander Rawsone, George Hay, Peter Blackburne, the Laird of Dune, William Chrystisone, William Hepburne, William Moriesone, Thomas Buchanane, David Fargysone, Robert Pont, Nicol Dagleische, the King's Ministers, Adame Johnstone, David Home, Alexander Home, John Knox, James Brysone, Andrew Hay, James Andersone, Patrick Galloway, were nominat by the breither, Assessors.

His Majestie appoyntit my Lord Secretar, Justice Clark, Privie Sealle, Mr John Grahame, my Lord Culros, Mr Peter Young, to conferr, reasone, and advyse with the said breither on matters mutuallie to be proponit, and them, or any two of them, to concurr with the Assemblie on his Majestie's behalfe, as his Heines' Commissioners.

3 Sessio—in *Pretorio*.

Anent uniformitie of discipline: It is thoct meit that the same be first proponit in the privie conference, and thereafter publickly.

Anent the Registers of the Kirk: Mrs George Hay and Patrick Galloway being direct to the King's Majestie for to sollicite the redelyverance of the same, his Heines answerit, that they sould be delyverit to the clerk ilk day dureing the Assemblie; but at even they should be in the hands of the Lord Privie Seall, qwhill the end of the said Assemblie, betwixt and the qwhilk day his Majestie would be present himselfe.

Sessio 4.

It is thoct universallie meit, that through the hail countries there be orderly sett downe Presbytries in the places underwritten, qwhilks are judgit most proper and convenient therefore, to the

number following, viz. In Orknay, ane within the Toune of Kirkwall: In Zetland, ane within the Toune of : In Cathnes 2, Thurso and Dornock: In Ross 2, ane in Tane and uther in Channonrie: In Morray 4, viz. Inverness, Forress, Elgine, and Ruthven: In Aberdeine 5, viz. Fordounne, Dier, Innerowrie, Aberdeine, and Kincardine: In Mearnes ane, viz. in Bervie: In Anguss 3, viz. Montrose, Dundie, Brechine: In Dunkeld ane: In Perth ane: In Dumblaine ane: In Striviling ane: In Lowthiane 5, Lynlithgow, Edinburgh, Haddingtowne, Dalkeith, Dumbar: In Fyfe 4, Cowper, St Androis, Dumfermling, Kirkealdie: In Merss, Churnsyde: In Teviotdale 3, Melross, Jedburgh, Kelso: In Twedell, Peebles: In Annandaill, Muffet: In Nithesdaill 2. Drumfreiss, Sanchar: In Galloway 4, Glenluis, Wigtowne, Kirkeudbright, St Johnes Clawchane: In Carrick, Mayboll: In the Shreffdome of Aire,—in Aire, in Cunninghamame, in Irwing: In Raufrew, Pasley: In Lennox, Dumbartane: In the Nether Ward of Cliddesdall: In the Over Ward 2, Lanerick and Biggar. And to the effect that the kirks qwhilk most properlie sould be unite to every Presbytrie may be joynit thereto, qwhairupon the Presbyteries may be erectit conveniently, the Assembly ordaynes Commissioners for ilk Sheriffdome.

Sessio 5.

The breither appoyntit to give in the names of the kirks as they thocht maist properlie might be casten in to the Presbyteries, pronuncit their judgements in writ, qwhilk were delyvrit to my Lord Clark Register, qwhom the Kirk requestit to visite and consider, and to giue his judgement thereof. As to the places qwhare the Synodall Assemblies shall be halden and the day of their next conventione; it is thocht meit that thair next Assemblies shall begine the first Tuesday of October nixt to come in the particular places following, qwhare being conveinit, they shall chuse at their awne optione the same, or such other places within their bounds as they think maist expedient thereafter; and so furth from tyme to tyme, as they shall appoynt and think meitest for the first tyme.

The Synodall of Orknay in Kirkwall: of Kaithnes in Dornock: of Ross in the Channonrie: off Morray in Elgine: off Bamff in Torrey: off Aberdeen in Aberdeine: off Angus in Mearnes in Brechine: off Dunkeld in Dunkeld: off Dunblaine: off Fyffe and Perth in St Androis: off Lowthiane in Edinburgh: off Merss, Teviotdale, and Tweddall, in Lawder: off Nithsdaill in Drumfries:

off Galloway in Wigtowne: off Kyle, Carrick, and Cuninghame, in Aire: off Cliddsdale, Ranfrew, and Lennox, in Glasgow.

The haill Kirk requestit my Lord Secretar to intreat with his Majestie, that the Generall Assemblie may be yearly heirafter observed, and to understand quhat tyme his Majestie thinks meet for the next conventione.

Anent the doubt movit, if it be leisum to any towne or citie quhare there is ane Universitie, and ane pairt of the parochine of the said towne lyand to landwart, but thair consents and votes, to elect ane minister to the haill parochie and universitie, pretending the priviledge of ane old use and custome: The Kirk hes votit thereto *negando*, that it is not leisome so to doe.

Sessio 6.

Anent the heid read afternoone, referrit to farther deliberatione: the Moderator declairit that the matter in a pairt being reasonit in privie conference, they had pennit two articles, quhilk they thocht good the Assembly sould judge upon, and to vote to the same if they find it expedient; quhilk being read and advysit with, the haill brethren gave consent thereto; of the quhilks articles this is the tenor:

It is found that all such as the Scripture appoynts Governours of the Kirk of God, as, namely, Pastors, Doctors, and Elders, may convene to Generall Assemblies and vote in ecclesiasticall matters; and all uthers that hath any sute or uther things to propone to the Assemblie may be there present, to giue in their sutes, and propone things profitable to the Kirk, and hear reasoning, but shall not vote: 2. There are four offices ordinare sett down to us be the Scripture, to witt, Pastors, Doctois, Elders, and Deacones, and the name of a Bischop ought not to be taken as it hath been in Papistrie; but it is commone to all pastores and ministers.

Mr David Cunninghame, Bischop of Aberdeene, is ordainit to be summoned before the Presbytrie of Glasgow, for abusing his bodie in adulterie with Elspeth Sudderland.

Anent Visitation; The Kirk, after reasonyng, hes fund that it is lawfull and necessare at this tyme, and the forme thereof continewand, and the rest of the circumstances thereof heirafter to be reasoned.

Sessio 7.

Anent the heids of Visitatione, and circumstances left to farther consideratione: At the desyre of my Lord Privie Seall, the Assembly directit Mrs Robert Pont, Andrew Melvill, Thomas Blackburne, Nicoll Dalgleische, Andrew Polwant, and Thomas Buchanane, to conferr with the King's Majestie's Commissioners thereanent, and such others matters as shall be communicat unto them.

In presence of the haill Assembly, compeirit my Lord Maxwell, and declareit, that be the King's Majestie's command, he compeirit before the said Assemblie, as he had found cautione to that effect before the Counsell to compeare before them this day; and, in respect of his obedience, protestit his cautioner sould be fred, and took instruments upon his compearance and protestatione.

The Assembly, in respect they knew not the cause of his compearance, nor the King's Majestie's command thairanent, desyreit him to be present the morne before noone; and, in the mean tyme, craving his Heines' Commissioners knowledge heiranent. The saids Commissioners protestit that his cautioner sould no wayes be free, qwhill his Majestie's minde be returned be them to the Assemblie.

Anent the propositione of the King's Majestie's Commissioners, made to the haill Assemblie, to resolve, be good and commone deliberatione, if they will accept the Bischops sett downe in the conference had betwixt certaine of his Majestie's Council and certaine of the brethren of the ministrie, or if they will refuse? The Kirk continowit their answer qwhill the morne, after the reading publickly of the haill conference. Albeit, the articles agreit in the conference halden at Halyrudehouse, betwixt certaine appoyntit be the King's Majestie of his Counsell, and certaine of the ministrie callit be his Grace to that effect; the particulars being openly read, The brethrene agreit to the first article, it being conceivit in thir termes:—

It is condescendit that the name of a Bischop hes a special charge and functione annexit to it be the word of God, the same that the ordinarie pastor hes.

Compeirit the Earle of Mortoune. Lord Maxwell being accusit for the heiring of Mass, and the Act of the King's Majestie's Privie Counsell being read for the satisfacione of the Kirk thereanent; he answerit, that he had satisfied the King's law, and desyrit the

conference of learnit men concernyng the Religione and participatione of the Lord's table.

Sessio 9.

Anent the remanent Articles of the said conference: It was thoct good, first, to lay some grounds to reasone on: And, first, after reasonyng, it was concludit, that it is lawfull to the Generall Assemblie, to admitt a pastor or minister having a benefice presentit be the King's Majestie unto the same: Sicklyke that visitatione is in the persone of pastors: *Item*, The Generall Assembly may send a man, accompanied with such as the Presbytrie shall adjoyne to him in visitatione.

Sessio 10.

In answering to the heads of the conference had betwixt certaine of his Majestie's Councill, and certaine of the brether at his command, the hail Assemblie declairs, that [by] the name of a Bischope, they only meine of such a Bischope as is descryvit be Paull; and swa understanding, they agree with the 3d Article of the said conference. Concernyng the 4th Article, it is agreed, that the Bishop may be appoyntit be the Generall Assemblie to visite certaine bounds to be limitat to him; and, in visitatione thereof, he shall proceed be the advyce of the Synodall Assembly, and such as they shall adjoyne to him. In receaving of presentationes and collationes, giving of benefices, he shall proceed be the advyce and vote of the Presbytrie qwhere the benefice lyes, and of certaine Assessors to be joyntit to him, at the leist of the maist part of the Presbytrie and Assessors, unto the tyme the Presbytrie be better constitute, and the Generall Kirk take farther order. The same Assessors, at the first time, shall be nominat be the Generall Assembly.

Sessio 11.

He shall be subject, in respect he is a pastor as uther pastors are, to be tryit and censured in his lyfe and doctrine be the Presbytrie or Synodall Assemblie; and, because he hes Commissione of the Generall Assemblie, in that respect to be tryit be them. If he admitt or depryve without the maist part of the Presbytrie's consent and Counsell, the deed to be null, and the doing thereof to be ane sufficient cause of deprivatione of him: his power to be *ordinis*

causa, non jurisdictionis. Where they that commonly are callit Bischops may not overtake the hail bounds, callit of old Diocie, Commissioners shall be presentit be his Majestie to the Generall Assemblie, and admittit be them thereto, as the said Bischops are to theirs, and to be comptable allanerlie to the said Assemblie for their Commissione; and the Bischops to have no power within their bounds more than they have within his bounds, The Commissioners, being elect as said is, to have a like counsell and power in the execution of their office as the Bischops hes: That the Commissioners appoyntit to visite in their Presbytries or their particular kirks, as the Presbytries or Synodall Assemblies think good—not prejudging the Presbytrie's particular visitatione. The same cause of lyfe and doctrine to depryve a Bishop or Commissioner that depryves a minister. The 14th Article agreit to. Anent the Assemblies, the first Article agreit to also.

The Commissioners of the King's Majestie protestit, in respect the Assembly had casten down that qwhilk was requyrit in the Conference halden at Halyrudehouse, that nothing be done therein mair in the said Conference, nor this Assembly, have any force or effect; and namely, in respect they have subject Bischops to the tryall and censure of the Presbytrie and Synodall Assemblies: In respect of the qwhilk protestatione, the Assembly immediatly direct to the King's Majestie Mrs Robert Pont, James Martine, and Patrick Galloway, to informe his Grace concerning this matter.

Sessio 12.

The brether direct to the King's Majestie yesternight, reportit, that his Majestie could not agrie that Bischops and Commissioners sould be utherwayes tryit then be Generall Assemblie. In respect of the tyme, the Assemblie hes thoct it expedient, That albeit it be thoct lawfull and reasonable be them, that the tryall and censuring of pastores be in the Presbytries qwhair they remain, notwithstanding, that the tryall and censuring of such pastors as the Generall Assembly shall giue Commissione to visit, shall be in the hand of the said Assembly, or such as they shall deput, qwhill farder order be taine be the Generall Assembly.

Ordaynes Mr Andrew Melvill to penne a favourable letter to the French Ministers qwho are to repaire within the countrie to the King's Majestie's licence, assuring them of the travells of the Kirk at his Hienes' hand and burrowes.

Anent the continuance of the Commissione gine to Commissioners appoyntit be the Generall Assemblie: It is resolvit, that the saids Commissioners shall continow in that charge for ane year nixt to come, and from thence furth, according as the said Assemblie shall think expedient.

Sessio 13.

Concerning the appellatione interponit be the Bischop of St Androis from the proces of the sentence of excommunicatione led and pronuncit against him be the Synodall Assemblie of Fyfe: It was thocht meit that Mrs Patrick Galloway and John Duncansone pass downe to the King's Majestie, to desyre, if his Grace think good, that certaine of his Counsell be appoyntit, with certaine of the brethrene to be nominat be the Assemblie, to sicht the said proces and appellatone, before the same be brought in publick judgement and sight of the Assemblie? His Majestie's answer being returnit, that he agries unto the said desyre.

Anent Commissione of Visitatione, aither the Bischop or uther: The Assemblie declaires, that all the saids Commissiones shall cease and take no effect in tyme comeing, without new Commissione from the Generall Assembly to them to that effect.

Sessio 15.

Ordaynes two or three of every countrie to resort to my Lord Clerk Register, to visit the platt of ministers' steipends, and sicklyke of the Presbytries, and order thereof, qwhere they may giue their advyce and be best satisfiet. Qwhere the King's Majestie and his hous makes residence, it is found meit that they, with his Grace's ministers, be of that Presbytrie qwhere they make their residence; and the samen to be understand of the Nobilitie, their housses and ministrie.

The Letter ordaynit to be direct to the French Ministers being read, was thocht meit to be written over and delyverit to Monsieur Muline, under the subscriptione of the Moderator and Clark.

Sessio 16.

Forsuameikle as, in the Conference, some things were thocht meit to be proponed to the Assemblie, concernyng the matter of the appellatione of the Synodall Assemblie of Fyfe, interponit be the Bischop of St Androis; The Breither of the said Synodall, so

many as were present, being desyrit to remove, protestit concernyng that actione, that the Assemblie sould proceed in forme, and take in the appellatione with the proces, heir the alleadgences of the appellant and their answers, offering them readie instantly to offer; and so accordingly to proceed and judge, utherwayes howsoever they judgit, proceeded or sentenced in that matter, that it should be no prejudice to their proces and sentence, nor to them, nor to the whole Kirk of Scotland.

The breither, for the maist pairt, voited not to enter in the rigorous discussing of the appellatione and proces forsaidd, but to be a midds therein, such as was proponit in writ, and read be the Moderator openlie unto them, qwhereof the tenor follows:—

If the Bischope, be his hand-wreit or personall appearance in the Assembly, will in God's presence deny, that ever he either publickly professed, or meined in any sort to acclaime a supremacie, or to be judge to uther pastors or ministers, or ever allowit the same to have any ground in God's word—and, if he had so done, it had been ane error, and against his conscience and knowledge: 2. If he will deny that, in the last Synodall Assemblie, he acclait to be judge thereto, and if he did that, in that he errit, and in his superiours behaviour and contempt of the said Synodall, and his brethren present, and craved oversicht thereof, and promisand good behaviour in tyme to come: 3. If he will promise to clame no farther nor he may justly be God's word, and according to the late conference, and indevore himselfe in all behalves to schaw himselfe in all tyme to come, ane moderat pastor, and, in so far as may be able, ane Bischop prescryvit be Paul, and to submit his life and doctrine to the judgement and censure of the Generall Assembly, without any reclamatione, provocatione, or appellatione therefrom in any tyme coming: For his Majestie's satisfacione, and to giue testimonie with qwhat good will we wold obey his Heines, so far as we might and ought, or in our conscience we may, and for the good hope we have of his Majestie's favourable concurrence in building of the house of God, and for quyetness to continow in the Kirk within this realme: And because the proces of excommunicatione was led, and sentence pronouncit dureing the tyme of the Conference, Qwherenpon his Majestie hes taken occasione of offence, qwhilk for many good causes war convenient for to be removeit, we will forbear to examine the said proces, or to decyde qwhatsoever provocation or appellatione, or to call in doubt the

legalitie of the said proces, or condemn the said Synodall; yet, for the respects forsaid, and upon good and weightie considerationes, we hold the said proces and sentence as unled, undecydit or pronuncit, and reponē the said Bischop in all respects so as may concerne the said proces and sentence of excommunicatione, in the former estate he was in immediatly before the same, lykeas no proces or sentence had been led nor deducit against him; provyding alwayes he observe qwhat hes been promised be him in the premisses, and behave himself dewtifully in his vocatione in all tyme coming.

ARTICLES ordaynit be the Assemblie to be proponit and cravit of his Majestie.

It will please your Majestie to take some substantive order how the countrie may, without delay, be purgit of the pestiferous sect of Jesuites, speciallie of such as for the friendship in the North is hichlie authorized; who, although they have been summoned to underly the law, and assiste summond to that effect, yet their non-compeirance dispensed with, they friely ganging through the countrie, meining nothing less then to depart, and Jesuites furth of the South and furth of France repairing of new to them.

Item, That seing papistry abounds in the North, be reason of the state of qualified ministers therein, for lake of sufficient provisione and stipends, that therefore assignationes be made unto them conformable unto the ministrie of the South, and that the thrids there be not assignit to the Kirks of the South, qwhill their owne Kirks be provydit sufficiently, and such as wtherwayes hes been disponit may be dischargit.

Item, That judges may be appoyntit in all schyres for executione of the acts of Parliament, made against the breakers of the Sabbath, adulterers, and such open transgressors of God's law.

Item, That in chiefe borrows-townes, there be teaching ordinarie four tymes in the week, besyde the discipline, visitatione of the seik, ordinarie to pastors and wthers charges; that two ministers be appoyntit to such townes.

5. That order be taken how the Colledge Kirks may be servit.

6. That order may be taken for Manses and Gleibs to ministers makand residence at Abbay Kirks, as also such as hes or shall have manses and gleibs, may have their necessars thereto,—such as few-

all and pastorage, with feall and deviot, such as was wont to be of old.

7. That all gifts of benefices having the cure of sawles annexit to them, dispoit be his Heines *pleno jure*, and not qualified persones presentit to them with ordinar tryall and collatione following thereupone, may be declared, according to the king's lawes alreadie made, null; and that his Heines will giue new presentationes thereupon to qualified persones, and the nullitie of the former gift to be discussit alsweill be way of exceptione as actione.

8. That all presentationes or gifts of benefices of cure less nor prelacies, dispoit alsweill be his Majestie as a lawit patrone wtherways then to qualified ministers, or in any extrordinary forme not allowable to the commone law of the municipall lawes of this realme, and forme observit in the Reformit Kirk of the same, since his Majestie's coronatione, may be annullit, and new presentations grantit to qualified ministers—admitting the nullitie to be discussed, alsweill be the way of exceptione as actione.

9. That all collations grantit be men that had no commissione nor ecclesiastical functione in the Kirk, nor of that place and countrie the tyme of the giving of the collatione, to be declarit null, and the fruits sequestred, at the least qwhill the persones claimand right be such collatione, be of new examined, tryed, and admittit, if he be found worthie be them qwho shall be appoynted to that effect, and authorized be this present Assemblie.

10. That the benefices of cure under prelacies, qwhereunto ministers are admittit, may be frie from payment of the first fruits and fyft penny, and may haue their signators of presentatione expedie be the Privy Seall, in his Majestie's owne subscriptione only, and the Secretars, without any payment or cautione found to the Thesaurer; and such poor men as hes alreadie payit or found cautione, for payment qwhereof my Lord Thesaurer hes not already chairgit him in his compts, to haue the same refundit to them, or dischargit.

11. Seing the default of non-depriving the unworthie, culpable, and non-resident ministers proceeds of this, that sundrie of the bishops hes been negligent in syndrie places; in some wther parts there is no bishops or commissioners, and so the acts are not execute: the Books of Modification, full of such persones as haue never schawne themselves as ministers; That, therefore, ane commissione be gine to ane or ma qualified persons, ministers, to sit in Edinburgh, and call the non-residents and wthers delatit to be

worthy of depryvacione, or depryvit, qwhere there may be consultatione of learnt men had, and the proces may be led without boast or fear.

12. It is heavilie complainit be many poor men, ministers and readers, having personages and viccarages assignit to them for their stipends, that they are exorbitantly and ungodlie used in taxationes, their benefice being lang syne decayed through the want of corps-presents, wpmost cloathes, peace fies, offerands, and such lyke things, wswallie payit in tyme of papistrie, qwhilks was the principall rents of many personages and viccarages; and that they must pay the extreamitie of the old taxatione according to the rate as rentalls war then, at least without any reliefe, qwhair the most part of the prelates exemit from preaching or service in the Kirk, gets the haile relief of the poor feuars and vassalls, and that therefore there may be found more equitable order of taxatione appoyntit for the tyme to come.

13. That it will please his Grace to cause consider what prelacies hes vaiked since the act of Parliament made in October 1581, and that speciall assignatione be made for sustaining the ministers of the Kirk belonging to them, of the readiest fruits of the same Kirks, wtherwayes the provisione according to the act to be declairit null.

14. That the Bischops, Commissioners of Argyll, and of the Isles, may be subject to attend upon the Assemblies Generall, and to keep their exercises and Synodall Assemblies, as in wther parts of this realme, whilks is ane furtherance to the King's Majestie's obedience, wtherwayes they appear as exeimit out of his dominione.

15. That his Majestie now yet give directione to some persones of experience and good will, to searche, enquire, and try the trew estate of the rentalls of all prelacies and wther benefices, at this present, and in qwhaise default, and be qwhat occasione they are so hurt and dismemberit, that thereafter the best remedies that is possible may be considerit and provydit, for helping of them hereafter, both for the weill of the King and the Kirk.

16. That his Majesty will cause the Lords of Sessione declare, whither his Grace or the Earle of Orknay hes right to the patronages of the benefices of Orknay and Zetland, to the effect that titles of benefices conferrit to poor men, ministers, be not ay in danger of annulling, upon incertaintie of the right of the patronage.

17. That no persons or stipends be put in the Book of Modificatione, but such as the Commissioners of the Kirk shall affirme and testifie upon their truth to be qualified persones, and actually making residence at their Kirks.

18. That viccarage-pensioners and stawars, as they vaikē, after decease or deprivatione of the present possessors may accresce, to be imployit to principall benefice, and to be assignit to the minister in his living and stipend.

19. That all readers provydit of before to viccarages or stipends, may brook the same qwhill their deceise or deprivatione; and nane to be admittit to the title of any benefice of cure or stipend in the Book of Modificatione in tyme coming, but qualified ministers.

20. That the hail rents of the benefices of cure under prelacies disponit to ministers since his Heines' coronatione, be assignit hail-lie and allowit to them in their stipends.

21. That the judgement of all causes of deprivation concernyng ministers for benefices in the second instance, shall come be way of appellatione to the Generall Assemblie, and there take finall end, and not before the Lords of Sessione, be way of reductione.

Sessio 17.

The quhilk day Mr Andrew Hunter made protestation publickly in the Assemblie as follows, viz. That in respect that the Provinciall Assemblie of the Kirk of God, gatherit together in his name, and halden at St Androis the 12th day of Apryle 1586, for manifest crymes, open contumacie, hes justly and formallie, according to the word of God and sincere custome of the Kirk of God, excommunicat Mr Patrick Adamsonē; and that in this Assemblie they take upon them to absolve the said Mr Patrick from the said sentence, the proces not being tryit nor heard in publick—the persone excommunicat declairing no signes of trew repentance, neither craving the same absolutor be himself nor his procurators before the very tyme qwherein they absolve him: He therefore for his part, and in name of all uther trew brethrene and Christians quho will be participat hereof, taks God to record of the dealling of that provinciall and this Generall Assemblie—protestit also before the Almighty, his holy Angells, and Saints here convenit, that he hes no assurance of God's word nor of conscience, to effect, allow, or approve this his absolutor; and, therefore, unto the tyme he persuade his conversione to be trew and effectuell, he cannot but hald

him a man justly delyverit to Satane, notwithstanding the said absoltione: And this protestatione, subseryvit with his hand, he desyrit to be registrat *ad perpetuam memoriam*, and therewithall gave in the speciall reasons moveing him thereunto premittit to the said protestation; as the originall at lenth bears.

Mr Andrew Melvill and Thomas Buchanane adheirit to the protestatione made before.

Mr Patrick Adamson subserivit the conditions proponit be the Assembly before at Halyrudehouse, the 20th of May 1586, with his declaratione thereupon; for the quhilk cause the Assemblie absolvit him, and for the quhilks causes as they are contained in the said propositione at lenth, they declare as is above conteinit.

All ministers are exhortit and admonished to judge charitably of uthers, albeit there be diversitie in their opinions and votes, remitting every man to God and his conscience; and that nane publickly nor in pulpit quarrell or impugne the determinatione of the Generall Assembly concernyng the appellatione from the sentence of the Synod of Fyfe.

Sessio 18.

The brethren direct to the King's Majestie with certaine articles, craving present resolutione, reportit his Majestie's answer—that in the haill heids fand little difficultie except quhilk is notit with his Majestie's hand. His Grace agried that thare be Generall Assemblies every year, once, and after *pro re nata*.*

Matteris to be intreatit in the Presbyteries.

The power of Presbyteries is to give diligent labours in the bounds committit to their chaarge, that the Kirk be keepit in good order; to inquire diligently of naughty and ungodly persones, and travell to bring them in the way againe, be admonitione and threatening of God's judgements, or be correctione. 2. It appertaynes to them to take heed that the word of God be purely preachit within their bounds, the sacraments rightly ministrat, the discipline intertaind, and the ecclesiasticall goods uncorruptly distribute. 3. It belongeth to them to cause the ordinances made be the Assemblies, provin-

* Notes on Copy transcribed.—“Calderwood here inserts—Matters to be treated in Provinciall Assemblys, p. 208, and afterwards to be tryed in the Presbytry, p. 209.” “Cromarty's copy here hath—Matters to be handled in y^e Provincialls.”

ciall and Generall, to be keepit and put in execution. 4. To make constitutiones whilk concerns το περιστοιχον in the Kirk, or decent order for the particular kirks qwhere they governe; provyding they alter no rules made by the provinciall or Generall Assemblies, and that they make the provincialls forsaid privy to the rewles that they shall make, and to abolishe constitutiones tending to the hurt of the same. 5. It hes power to excommunicate the obstinate.

His Majestie agried unto this fifth article in this manner: It hes pouer to excommunicate the obstinate, formall proces being led, and dew intervalls of tymes. Faults to be censured in the Presbytrie—Heresie, Papistrie, Apostacie, Idolatrie, Witchcraft, Consulters with Witches, Contempt of the Word, Not Resorting to the Word, Continuance in Blasphemie against God and his Trewth, Perjurie, Incest, Adulterie, Fornication, Drunkenness. Thir things for the present, and further qwhill order be taken in the conference.

Anent particular kirks: If they be lawfullie rewlit be ministers and sessione, they haue power and jurisdictione of their owne congregatiōne, in matters ecclesiasticall to take order therewith, and things that they cannot decyde to bring them to the Presbytrie.

Farther, it was schawne to the said Assemblie be the brether direct to his Majestie, that his Grace declareit, That for tryall of any sclander in the lyfe, conversatiōne, and doctrine of Bischopes or Commissioners, the said Assemblie sould appoynt ane number of brethren in every province, having power from the said Assemblie to try them and take probatiōne, lead process therein betwixt and the next Assemblie, if occasion sall fall out; remitting the finall sentence and determiōne to the said Generall Assemblie.

The Generall Assemblie of the Kirk giues full power and commision to certaine brether of every province to summond before them respective, at such day and place as they shall think expedient, the Bischopes and Commissioners, if they find occasione of sclander to aryse be them in lyfe, doctrine, or conversatiōne, at any tyme betwixt and the nixt Generall Assembly; and to try and take probatiōne thereof, lead and deduce proces against them, to the sentence exclusive; remitting finall judgement therin to the said Generall Assemblie.

Anent Moderators of Presbyteries: Qwhill farther order be taine, it is agreit that where the Bischops and Commissioners makes their residence, that in these Presbyteries they shall be Moderators, except in Fyfe, qwhairr, be his Majestie's advyce, Mr Robert Wilkie is

continowit Moderator of the Presbytrie of St Androis until the nixt Generall Assemblie.

At the suite of the Assemblie, his Majestie's Commissioners hes agreit that the priuiledge qwhilk the Kirk had in the sessione of two dayes in the week for calling their actiones shall be restorit, and John Lyndsay and Mr John Grahame to be ordinary waiters on.

Sicklyke agried, with advyce of the saids Commissioners, that James Mowat be Solieitor for the Kirk, if Mr George Mackisone and he be agreed.

Commissioners war appoyntit to present unto his Majestie and Counsell the humble petitiones, complaints, articles, and heids dellyverit to them, and humblie to crave his Majestie's answer therunto—treat, conferre, and reasone thairupone, and upon such heads and articles as shall be on his Majestie's behalfe, or be his Commissioners proponit to them; and qwhat herein bies proceedit, to reporte to the next Generall Assemblie of the Kirk.

Anent the excommunicatione of Mr James Melvill, minister of Kylrynnie, and certaine breither of Fyfe, be Patrick Hamiltone and Samuell Cunninghame: The Assemblie ordayns the Presbytrie of St Androis to take tryall in that matter, and put order to the same, according to the qualitie of the offence.

THE ESTATE and order of the Presbyteries, with the bounds of the Commissioners, presentit be me Lord Clark of Register, and sett downe in his Lordship's travells, at the request of the Kirk.

Zetland.

Tingwell.	Sandness.	Hamnavoe.
Qwhyttness.	Papa.	Rafuiren.
Vesdaill.	Fula.	Nestiazell.
Qwhalsa.	Vansa.	Unst.
Skerres.	Olaberrie.	Sandwick.
Nesting.	St Colme's Kirk.	Cunnuigsburgh.
Lunasting.	Cross Kirk.	Cros Kirk.
Brassay.	Delting.	Faire Yle.
Burray.	Olnafyrth.	Bulzesta.
Sandsting.	Staliska.	Dunrossness.
Esthting.	Fetlarre.	

Orknay.

Kirkwall.	Russay.	Papa.
St Olawis Kirk.	Eglissay.	Vestra.
Birsa.	Weir.	Ladie Kirk.
Harray.	Valliss.	Croce Kirk.
St Androis Kirk in Deirness.	Flottay.	St Colmes Kirk in Sanda.
Holme.	Farray.	Schapinsay.
Orfare.	Hoy.	Ladie Kirk in Burn- wick.
Stane House.	Grimsay.	Peeter Kirk.
Firth.	St Nicolas Kirk.	Strownay.
Euie.	Marie Kirk.	Burray.
Randell.	Peter Kirk, in Stron- say.	All in South Ron- nalsay.
Inhallow.	Ethay.	
Stromness.	Farray.	
Sandwick.	Ladie-Croce Kirk.	

Cathness.

Weik.	Lathroonie.	Creich.
Bonar.	Thurse.	Lerg.
Vaiting.	Ray.	Roggers.
Cannisbie.	Ardures.	Kylmalchie.
Dunnet.	Farre.	Clyne.
Halkirk.	Southerland.	Loch.
Skenqwhair.	Assent.	Kyldonan.
Olrick.	Dornoch.	

Ross.

Kyneardine.	Dingwall.	Urray.
Taine.	Chanrie.	Cullickden.
Eddertaine.	Ava.	Kilmoraek.
Nigherbert.	Kilmuirwester.	Kirk Chryst.
Talmurecester.	Arthurfeir.	Kirk Michael.
Logie Eister.	Foddertie.	Contane.
Rosken.	Killernane.	Cromartie.
Newmakyll.	Suddie.	Lochbroome.
Alvess.	Kinnettes.	Lochalsie.
Kylerie.	Urquhart.	Lochcarrone.
Linlair.	Logie Wester.	Gerloch.

Apple Croce.	Bravaine.	Comer.
Kyntaill.	Dallarasch.	Abertarff.
Inerness.	Lundichie.	Kynnies.
Bowochie.	Dawie.	Laggane.
Fairway.	Durriss.	Skyrre.
Croy.	Dacuss.	Alloway.
Moy.	Bolleskine.	Rothiemurcus.
Pettre.	Vardlaw.	Kyncardine.
Brachtie.	Conveth.	

Murray.

Forres.	Abernethie.	Kynnore.
Edinclachie.	Abdie.	Dumbennen.
Altar.	Cromadell.	Botter.
Raffort.	Elgine.	Elchiss.
Ardelache.	St Androwis Kirk.	Glasse.
Dollester.	Spynay.	Gorlay.
Alves.	Kingedward.	Drimgalgie.
Lan Bryde.	Eslie.	Keith.
Dyke.	Duffus.	Rothiemy.
Moy.	Owgstoune.	Forge.
Aldearne.	Dupplie.	Drumblaitt.
Nairne.	Ruthven.	Murthlache.
Kirkmichaell.	Aberloure.	Dumnieth.
Enneralloch	Skirdurskin.	Cabroche.
Knock Ardoche.	Pittenther.	Esse.
Urquhart.	Birney.	Rynde.
Glenmoristowne.	Roths.	Achindore.
Ennerawine.	Urquhart.	
Douthill.	Billie.	

Bamfe.

Rathwen.	Bamffe.	Turreffe.
Foresken.	Innerbundyne.	Auchterless.
Darduche.	Alnethie.	Deir.
Kincallartie.	Forgline.	Fetterangus.
Fordice.	Ennerkeithnie.	Lundlay.
Cullene.	Aberchirdore.	Methlick.
Deskfuid.	Gemry.	Tarwess.
Orgowthill.	Kingedward.	Pettringay.

Crichmund	Slaines.	Aberdowre.
Rathine.	Furvey.	Fillorth.
Lunmay.	Allane.	
Cruden.	Tyrie.	

Aberdeene.

Logie-Buchane.	Logie Durnoche.	Birss.
Foveran.	Premna.	Boynd.
Balhelvie.	Leslie.	Tulliche.
Auld Aberdeene.	Dawid.	Glennig.
Monycabock.	Urie.	Abergardin.
New Aberdeene.	Raine.	Crathy.
Nige.	Kynnathmont.	Kindrocht.
Banchorie.	Chrystis Kirk.	Tond.
Marieculter.	Clait.	Cushnie.
Peterculter.	Inche-Colsalmond.	Colchodistore.
Dilmaick.	Fetterneir.	Logie-Mar.
Duriss.	Kyncardoneil.	Cowter.
Dyce.	Glentannar.	Migwie.
Fintray.	Lesmore.	Tarlane.
Kintoir.	Cluny.	Kildrummie.
Kiuellane.	Afuid.	Glenbutchit.
Skeine.	Keige.	Ennernaughtie.
Kinnairnie.	Lochinhill.	Kirkthock.
Ennerowrie.	Monymusk.	Forbes.
Momagie.	Eght.	Keir.
Rothlie.	Auchindore.	Tillienessell.
Fyvie.	Tarnatie.	
Tarves.	Strawchin.	

Meirnes and Angus.

Fitteresso.	Arbuthnot.	Killiemure.
Dunnotter.	Benholme.	Serminvel.
Garvock.	Eglesgreig.	Cruikestone.
Catterling.	Aberluchoch.	Stracatrow.
Fordoune.	Glenbervie.	Lethnoche.
Conveth.	Fettercarne.	Lochlea.
Kineth.	Newdesk.	Navar.
Bernire.	Breichine.	Fynaven.
Rescoby.	Buttergill.	Kincardrin.

Netherellie.	Guthrie.	Balumby.
Kerremure.	Ewie.	Monyfurth.
Aberlemno.	Dunnityne.	Monikei.
Aldbar.	Lady Montrose.	Panbryde.
Edzell.	Inchbracock.	Fowls.
Drumlappie.	Memmure.	Langforgan.
Glames.	Marie-Ettone	Incliture.
Clova.	Lownan.	Kinnaird.
Lunrathane.	Ennerkeillour	Rossie.
Forfar.	Eithie.	Abernytt.
Restennet.	Aberbroth.	Bennyv.
Nethie.	St Vigians.	Lundie.
Kinnettes.	Kinnell.	Auchterhouse.
Tannodyne.	Barrie.	Teilling.
Essie.	Abirlot.	Logie.
Ederaritie.	Dundie.	Alloway.
Kirkbuddo.	Maines.	Strathmartine.
Corchie.	Logie Dundie.	Newtyll.
Montrose.	Liphe.	Navar.
Dune.	Ennergowrie.	Migle.
Eglishe.	Murrous.	

Perth.

Malar.	Aberneithie.	Aberdagie.
Kinowll.	Dron.	Pitcairne.
Kinfawns.	Dumbarnie.	Kintail.
Scone.	Pottie.	Maidartie.
Cambusmichell.	Montreiff.	Methven.
St Martine's Kirk.	Forgundine.	Logiearde.
Auld Melgidge.	Fortiviot.	Roggartowne.
Kilspindie.	Eglismagredell.	Collas.
Reatt.	Mowcarsie.	Trinitie-Gask.
Erroll.	Dunnyn.	Findo-Gask.
Inchmartine.	Rynd.	
St Marroys.	Tibbermure.	

Dunkeld.

Dawallie.	Forthragill.	Strowall.
Inchaddan.	Weyme.	Lud.
Cluny.	Kilmarwock.	Ramach.

Dow.	Strath-Phinane.	Cluny.
Garntullie.	Kilen.	Brunithy.
Fosse.	Lundyffe.	Allicht.
Logiereat	Ratray.	Ruthven.
Kirkmichell.	Cargill.	Glenaylla.
Mulyne.	Blair.	Kinclevine.
Ardunan.	Kapeith.	Monyday.

Dumblane.

Kilbryde.	Aberfule.	Achterardour.
Kilmadock.	Baqwhidder.	Aber Ruthven.
Kincardin.	Comrie.	Monyvaird.
Port.	Strowen.	Monychie.
Gilmahug.	Tillieheithlie.	Fowls.
Callendreich.	Muthill.	Creiche.
Lenie.	Strogeith.	

Striveling.

Striveling.	Dunnypace.	Glendowan.
Logie.	Airthe.	Muckart.
Lecrope.	Bothkinner.	Dolour.
Cambuskenneth.	Clackmannan.	Alnethe.
Kippand.	Tulliebodie.	Tulliecowtrie.
St Ninians.	Tulliallane.	Fawkirk.
Kirk-in-Mure.	Fossochie.	Slamanane.
Lairbaire.	Tulliboyle.	

Fyffe.

St Androis.	Kembock.	Monymaill.
St Leonards.	Dairsie.	Collessie.
Dinmow.	Balmirrinloch.	Auchtermuchtie.
Crail.	Logie-Murdo.	Ebdie.
Kilrainnie.	Lewchars.	Stramiglo.
Anstruther.	Forgan.	Arngask.
Pittenweyme.	Cowper.	Falkland.
Abercrombie.	Kilmeny.	Lathrisk.
Kilconquhar.	Auchtermoonsay.	Kirkforther.
Newburne.	Creich.	Kirkaldie.
Largo.	Dunbogi.	Scoonie.
Seres.	Flisk.	Kennoquhy.

Markinch.	Leslie.	Culros.
Methel.	Dumfermling.	Crumbie.
Weymes.	Kinglassie.	Enderkeithing.
Dysart.	Portmuck.	Rossey.
Kinghorne.	Urvell.	Aberdour.
Auchertoole.	Kinrosche.	Dalgatie.
Bruntiland.	Cleische.	Baith.
Auchterdyrie.	Saling.	Torrie.
Balingrie.	Carnoek.	

Lynlythgow.

Carden.	Eglischemachen.	Livingstowne.
Bynnie.	Kirklistoune.	Abercorne.
Kinnell.	Dummany.	Athecathie.
Caldercults.	Torphichen.	Kirknewtowne.
Strabrock.	Batheat.	Calder-Cleir.

Edinburgh.

St Cuthbert's Kirk.	St Catherine-in-Hopes.	Pennycuik.
Corstorphine.		Month-Lawthian.
Halyrudehouse.	Mussillbrugh.	Temple Borthwick.
Castle of Edinburgh.	Natowne.	Caringtowne.
Leith.	Libbertoune.	Clarkingtoune.
Dudingstone.	Dalkeith.	Creightoune.
Halis.	Laswad.	Ormistoune.
Restalrig.	Glencorce.	Fawla.
Cramont.	Mewill.	Fintra.
Ratho.	Newbottle.	Cranstone.
Gogar.	Cockpen.	
Curry.	Pentland.	

Haddingtowne.

St Martine's Kirk.	Gulane.	Dunass.
Elstineford.	Aberladie.	Spote.
Boultone.	Settone.	Enderwick.
Bothaines.	Tranent.	Auld Hamstiks.
Morehame.	Pinkieclend.	Coldbrandspeth.
Barrow.	Saltowne.	Aldcammis.
Garvet.	Keithniby.	Qwhittinghame.
Northberwick.	Keithmitchell.	Dunninghame.

Stentowne.	Auld Roxburgh.	Suddune.
Qwhytkirk.	Mackerstowne.	Eckfurde.
Aldhome.	Montharnay.	Cassiltoune.
Basse.	Grimland.	Ettiltowne.
Coldinghame.	Duillis.	Peibles.
Aittowne.	Gordoune.	Maner.
Lambertowne.	Stitchell.	Ennerlethane.
Haltowne.	Melros.	Hopculcheuor
Swyntowne.	Lessindine.	Traquare.
Homdene.	Maxtoune.	Etleistoune.
Fischweick.	Smatthane.	Newlands.
Piltoun.	Mortoune.	Kirkurd.
Chirnside.	Ligerwood.	Stobo.
Bunkle.	Bassinden.	Drumalcheour.
Prestoune.	Hessitoune.	Dalvick.
Caunell.	Lawder.	Brodtonne.
Simprem.	Chingelek.	Glenqwhairne.
Langtowne.	Stow.	Stralling.
Fergo.	Bundane.	Kilbuthie.
Polwart.	Langnewtoune.	Lin.
Dinne.	Lillieschleiffe.	Lantowne.
Qwhitsone.	Selcraig.	Lanereik.
Mordingtowne.	Leindene.	Carloouch.
Lanfurmagus.	Nook of Ettrick.	Pittinaine.
Ellanane.	Rankilburne.	Cothqwhan.
St Cuthberts.	Askirk.	Libbertoune.
Fowldoune.	Geddart.	Crowartoune.
Edrum.	Crailling.	Thankertoune.
Cranschaws.	Nisbet.	Carnwath.
Kelso.	Oxnem.	Robertstowne.
Meychell.	Ankrum.	Carstaires.
St James' Kirk.	Mynto.	Simontoune.
Spreustoune.	Bedrewll.	Vischtoune.
Limpitlaw.	Abbots Rowle.	Crawfurd John.
Ednem.	Hopes Kirk.	Crawfurd Douglass.
Zittame.	Hassinden.	Hartsyde.
Lyntowne.	Cawers.	Lamintoune.
Marbottle.	Hawick.	Culter.
Mow.	Viltoune.	Velstoune.
Hoome.	Kirknewtoune.	Dunschyre.

Dolphingtowne.
Bigger.

Dowglass.
Carmichell.

Leschmahago.
Stenhouse.

Glasgow.

Calder.
Monkland.
Bothwell.
Schotts.
Cambusnethane.
Dalzell.
Strathaven.
Hamiltoune.
Dalserff.
Glasford.
Cambuslang.
Carmunnock.
Torrence.
Blantyre.
Kilbryde.
Rutherglaine.
Cathcart.
Givane.
Campsie.
Lunchie.
Monyabroche.
Peslay.
Neiles.
Kiberchane.
Eistwoode.
Nerriness.
Ranfrow.
Inchschinane.
Erskine.
Egleschame.
Lochquinchoche.
Howstone.
Kilmacome.
Killellane.
Enderkirks.
Dumbartane.

Caldrosse.
Bulill.
Lowss.
Kilmahow.
Rosnethie.
Kilterne.
Fintrie.
Strablane.
Kilmaronock.
Drimmen.
Balthrone.
Kirkpatrick.
Bothernock.
Inchcalcheaur.
Irving.
Perstoune.
Largiss.
Cumrie.
Kilbryde.
Ardrossan.
Kilwinning.
Dunlop.
Baith.
Stainsone.
Dalie.
Kilburnie.
Kilmarnock.
Lundene.
Kilmaves.
Stewartone.
Dreghorne.
Aire.
Alloway.
Tarboltoune.
Barnwell.
Craige.

Ricartowne.
Monktowne.
St Cavoeks.
Prestick.
Dundonald.
Corrbie.
Simontowne.
Vchiltrie.
Auchinleck.
Machlen.
Kirk of Mure.
Gastoune.
Darympill.
Querltoune.
Dalmelingtonne.
Mayboll.
Kirkoswald.
Kirk Michell.
Clamonell.
Stratoune.
Kirkcudbright.
Daylie.
Girvane.
Schaschank.
Glenluice.
Inchie.
Salsit.
Kirkholme.
Lesswall.
Stanie Kirk.
Tostartowne.
Kirkmadin in
Ryndis.
Wigtowne.
Qwhitterne.
Conglingtoun.

Kirkcowan.	Troqueir.	Dongraine.
Kirkmadane.	Terngliss.	Kirkwall.
Sorbie.	Newabbay.	Meikledaltoune.
Kirkinner.	Hallywood.	Litledaltoune.
Mochrum.	Guddick.	Muswald.
Pennynghame.	Lochrawne.	Ruthwall.
Glassertoune.	Kirkuncheon.	Huttoune.
Kirkmadan in Fairnes.	Kirkpatrick.	Aplegarthe.
Kirkcudbright.	Irwing.	Drysdail.
Galney.	Kirkpatrick in the	Sibelly.
Dunrod.	Muire.	Annand.
Balmache.	Kirkblaine.	Dronock.
Kylchryst.	Cowane.	Castlemilk.
Twinen.	Callaroch.	Cummertries.
Tungland.	Torquhorrell.	Lwiff.
Borge.	Kirkmahe.	Pennerfacks.
Kirkaiders.	Penpont.	Trailnow.
Sandweck.	Tyrewyne.	Eglischame.
Girtoune.	Dowrisdaire.	Mordenlie.
Anveth.	Kilbryde.	Torrie.
Kirkmabreck.	Mortun.	Kirkonell.
Kirkdail.	Kirkonell.	Caruthers.
Monygaff.	Sanquhar.	Tonargirthe.
Drundennane.	Closeburne.	Gratnay.
Bowthill.	Dalgairne.	Reid Kirk, alias Kirk
Geltoune.	Dunskyre.	Pato.
Gilkstoune.	Glencairne.	Vachope.
Kirkormoch.	Lochmabane.	Cannobie.
Corsmichall.	Muffet.	Mortun.
Partoune.	Kirkpatrick-juxta.	Vastraker.
Dalry.	Johnstoune.	Stapplegratoun.
Kellis.	Wanfray.	Nether Kirk of Elis.
Balmaclellane.	Kirkmichel.	Over Kirk of Elis.
Drumfreiss.	Trailflate.	

[FIFTY-FIRST GENERAL ASSEMBLY.]

THE Generall Assembly of the Kirk, conveynt at Edinburgh, the 20th day of Junii 1587, qwhair there was assemblit the King's Commissioners, my Lords Chancellour and Blantyre, with the Commissioners with the Brethrene.

Exhortatione made be Mr David Lyndsay. Leets, Mr Nicoll Dalglesche, Patrick Galloway, Thomas Buchanane, and Andrew Melvill: The said Mr Andrew, be pluralitie of votis, was chosen Moderator, *hac vice*. At the said Mr Andrew his desyre, Mrs David Lyndsay, Nicoll Dalglesche, Patrick Galloway, Paul Fraser, Thomas Buchanan, Robert Pont, Robert Bruce, Robert Craigie, Walter Balcanquall, Patrick Simsone, James Brysone, Peter Blackburne, and Androw Hay, were nomiinat Assessors.

Sessio 2.

Mrs David Lyndsay and John Durie, qwho were direct to my Lord Secretar anent his Majestie's Commissioners, reportit, That his Heines had nominat my Lords Secretar and Justice-Clark, qwha wald be present and concurre as their opportunitie might serve—alwayes willing the Assembly according to his Heines mynde, before any uther thing, be intreatit the cause of Mr John Cowper: Nottheless, after some reasoning, was content they sould be delayed till the morne, and that the brether qwho are on the conference sould meit and reasone something concerning that matter.

Anent the Books of the Assembly: Seing the King's Majestie's Commissioners hes offerit their concurrence to the recovering thereof, if it may be knowne in qwhais hands they are, The Moderator desyrit the brether that could give any light in this matter, and namelie Mr Patrick Gallaway, quho was direct in the last Assembly to the King's Majestie to sute the delyverance of the said Register, and his Heines answer thereanent; qwho declareit his Majestie had promised to cause them be delyverit. Thairafter it was testified be John Braid, that at the last Assemblie, in his awne house, Mr Patrick Adamsone, Bischop of St Androis, in presence of David Far-

gysone, confessit where the same were, and at command obtained be the King's Grace, he sould cause delyver the same: Lykeas it was testified by John Durie that he heard him lykeweyes grant the having thereof: Qwhilks testificatiōe being considerit be the Assembly, they concludit that charge sould be gine against him; and for the better advyce in that matter, direct Mr David Lyndsay to my Lord Secretar; qwho returning with his answer, thocht meit ane supplicatiōe sould be gine to the Lords of Counsell to obtaine charges against the said Mr Patrick, and lykeweyes that the Kirk sould of their awne charges and authoritie, according qwherunto the Kirk ordaynit ane supplicatiōe to be pennit, and gine to the Lords, the morne; and sicklyke ane charge to pass from this Assembly, chargeing the said Mr Patrick to exhibite the said booke before them, to be delyverit to the Kirk within thrie dayes after the charge, or to schaw ane reasonable cause why; and sicklyke to compear within the said space personallie, to answer for his absence from this Assemblie, and to such other accusatiōes as sould be layit to his charge, under the paine of the censures of the Kirk.

Sessio 3.

All quarters sall resorte to the Assemblie every day, at the dew houre appoynted therto, and remaine to the end every day, under the paine of the payment of ane groat, *toties quoties*.

Sessio 4.

It was thocht expedient, notwithstanding of the ordinance made yesternight against Mr Patrick Adamson, for delyvering of the Register, That before the same be put to executione, ane humble supplication be made to the King's Majestie for that effect, qwhilk the breither desyrit Mr David Lyndsay and John Duncanson to forme.

Forsuameikle as there hath been ane matter of grief conceived be the King's Majestie againes Mrs John Cowper and James Gibsone, movit privilie to the Moderator; It is thocht expedient be the hail Assembly that the said cause be first privilie treattit and considerit be the Laird of Dune, Mrs Peter Blackburne, Johne Porterfield, Thomas Buchanane, David Lindsay, Nicoll Dalgleische, and David Fargysone, qwham the Assembly nominat to travell, reasone, and conferre with the saids pairties, and to sie if they can

take up the matter be their own advyce, utherwayes to propone the same to the full Assemblie, that the matter may be heard and reasonit there; and to that effect, ordaynit the saids brethrene to pass out of the Assemblie, and the saids Mrs John and James to passe with them.

Seeing his Majestie is now of perfect age, and ane Parliament is appoynted in the next moneth; It is thocht expedient that the acts of Parliament made be oure Soveraigne Lord, his Heines' predecessor and Regent for the tyme, for the libertie of the trew Kirk of God and Christ's religione presently professit within this realme, and for repressing of Papistrie and Idolatrie, collectit together and craved to be confirmed; and lykewyse the executione of the saids acts may be considerit, and what order aither excommunicatione or law shall be desyrit against the saids Papists and Idolaters, as also such lawes and constitutiones as are made to the derogatione of the said libertie, or to the prejudice or stay of the course of the Evangell, may be likewise collectit, to that effect their abrogatione may be sought: Qwhairunto they nominat the Laird of Dun, Mrs Robert Pont, Nicoll Dalgleische, David Lyndsay, and Paull Fraser.

Sessio 5.

The Commissione gine in the last Assemblie to the Presbytries of Glasgow and Strivilling, anent Mr David Cunnynghame, concerning the sclander of adulterie with Elspeth Sudderland, or any uther persone, is continued.

Anent the diverse and grievous complaynts of syndrie breither against Mr Patrick Adamson, Bischop of St Androis, at qwhais instance he is registrat at the horne for non-payment of their stipends assignit to them, and specially of Mrs William Strang, David Spense, Adam Johnstoun, and uthers, of the sclander that he lyes at the horne for not furnishing two gallons of wyne for the comunione: This matter being heavilie regraitit to the King's Commissioners, promise was made be the Pryor of Blantyre to communicat the matter to the rest of the King's Majestie's Commissioners, qwhais advyce for redress heirof he should report to the Assembly. As to the regraite of some breither, that pairtly be his rebellione and lying at the horne, pairtly be his suspensione, some divisione ryses, that certaine resorts not to his sermones nor to the administratione of the sacraments made be him or uther sarvice, as humi-

liatione—uthers repairs thairto—so appeares some divisione qwhilk wad be redrest: The breither thinks meet, that, before they enter herein, some answer be reportit to the former complaint.

The matter of Mrs John Cowper and James Gibsone, be the votts of the Kirk, was committit fully to the Moderator and Assessors to conferr, consult, advyse, and, if they may, conclude and put finall end thereto.

Sessio 6.

His Majestie's Commissioners being present, thocht meit, because Mr Patrick Adamson's matter is civil, qwherin the King's Majestie hes interes, that his Grace sould be forwarnit, qwhilk the Kirk promised to doe.

Anent the doubt proponit, if it be sclander to a Christiane to absent himselfe from the sermones, ministrations of the sacraments, or uther godlie exercises used be such as lysis at the King's Majestie's horne, and are suspendit from all functione of the ministrie? The Kirk answers, that there is no sclander in this cause, but be the contrare, it is sclanderous to a Christiane to resort to the exercises forsaid of such ane one as they know to be at the horne, and suspendit from all functione of the ministrie.

Sessio 7.

Anent the supplicatione gine in for Gilbert Lambe and certaine in company with him presently keepit in prisone in Citde in Spaine for the testimonie of the truth: The Assembly ordaynes the brethren of the ministrie universallie to recommend in their prayers the said Gilbert in particular and his companie in generall to God, and to crave their delyverance, if it be his pleasure, or ane finall perseverance and constancie to the end in the trew profession of the Evangell.

Sessio 8.

The breither of the West having admittit the Bischop of Glasgow to the temporalitie, the Ecclesiasticall Jurisdictione being devolved be him in the Kirk's hand, and having receivit his obligatione thair, in caice the Generall Assembly sould not allow of such admisionne, the same sould be undone; The haill matter being weyghit be the full number of the breither, they universallie concludit the said forme of admisionne to be unlawfull, and ordaynit the brethren

admitters, to urge him performe the heids of the said obligatiōe, anent the undoing and annulling of the said admissiōe.

Sessio 9.

No ministers of colledges or schooles shall receive in their colledges or schooles, any student or schollar, being of maturitie of age, quho refuses to subscriye the trew Religione presently established and professt, be the mercy of God, within this realme, or refusing to participat the sacraments, under the paine of the censures of the Kirk; and farther, before any student be promovit to any degree in the universitie, that they shall, *toties quoties*, as they shall be promovit, subscriye *de novo*, utherwayes their promotiones to be stayit, under the paine forsaid; and that the presbytries be diligent to sie the executione of this act, as they will answer to God.

The Kirk within this realme hes advysit and found good, that the Presbitries, together with the Commissioners in all the pairts of the countrie, and every ane of them for their awne pairts, prescryve to every young man that is minister within such ane Presbytrie, ane pairt of Scripture, together with ane pairt of the commone places and contravertit heads of Religione, to be diligently read, considerit, and learnt be him, within such ane space of tyme as the Presbytrie thinks good to appoynt him; and that his diligence may the better appear unto the fruit thereof, at certaine tymes of the year, every Presbytrie being convenit, take ane count of the young man of his traueils, be requyring of him in the pairt of scripture prescryvit to him—first, the soume and deductione thereof in maner: 2. The solid sence and meaning of these places qwhilk are most difficult to be understood: 3. A collatiōe of the sentences qwhilk by reading he may be able to gather out of that part of scripture; the qwhilk arguments may either serve to confirme the truth, or else to refute hereticall opiniones. As for the pairt of commone places and heads of religion prescryvit unto him, let him be ready to answer to questionyng and reasoning to the head thereupone, and so to be exercit in this kynde, not for a tyme only, but from tyme to tyme, qwhill he come to certaine maturitie and solidnes in the scripture of God.

† Sessio 11.

Anent the supplicatiōe made in name of the towne of Haddingtōne, lamenting the away-taking of their presbytrie againes the or-

der of the last platt made be the Generall Kirk : The Assemblie examining the causes of the removeing thereof be the contrare, and finding the occasione thereof to haue beene for lacke of obedience and want of discipline, hes, at the earnest sute and craueing of Mrs Nicoll Hay and John Ker, Commissioners for the said towne, restorit the said Presbytrie, with condition and promise, that if there be not better order and discipline keepit be them in time comeing nor hes been heretofore, that the samen shall be removit, &c. The Kirk resolves that particular sessions of kirks and congregationes are, and should be subject to their presbyteries, as hes been accordit of before be the act of the Assemblie.

Sessio 12.

William Chillane, reider at Auchtertoole, depryvit from his office and functione in the Kirk, in tyme comeing, for marrying William Kirkaldie, alias Ker, Laird of Grange, with Mistres Elizabeth Lyone, *intra privatos parietes*, without proclamation of bands; and, notwithstanding that Elspeth Leirmonth, daughter lawfull to Sir Patrick Leirmonth of Darcie, Knight, made lawful impediment in the Kirk of Glames.

Sessio 13.

Mr Robert Pont was recommended by the King's Majestie to the bishopric of Caithness : The said Mr Robert, for cleiring himself of sclander, declareit, that for some loss and hurt done to him, in his trauell after diverse suits, gine in be him to the checker, this presentatione, without procurement of him, was put in his hand ; and if the living might be brookit with safe conscience, and without sclander, desyreit their judgement, being desyreit to be minister at Dornoch, and to take visitatione ; bot be command of the Kirk and for his office and charge, brook the living only ? The Kirk referss the answer to be gine to the King heiranent, to be advysit upon be Nicoll Dalgleische, Peter Blackburne, and David Fargysone, with the said Mr Robert.

Sessio 15.

Ane letter being direct be John Duncansone, bearing the King's command to the Bischope, for delyverance of the books, at leist four of them, and that Mr George Young was stayit qwhill the saids books should be delyverit : The Kirk immediatly directit

Mrs James Nicolson and Alexander Rawson to my Lord Secretar, to the effect the samen might be presentit; and, after their directione, and reiterat direction of their breither, Mr Andrew Melvill and David Lyndsay, Maister George Young presentit to the sicht of the Kirk ffyve volumnes of their Acts, whereof a great pairt being mankit; and, after the sicht thereof, being redelyverit to the said Mr George: The hail brethren ordaynit ane heavie regrate to be made to his Majestie, in article, lamenting the away-taking and mutilating of the saids books, and to crave that the samen may be restorit; and also, that the saids books may be dellyverit in the Kirk's hands, to remain with them as their awne Register; namely, in respect of the answer returnit from my Lord Secretar, that his Majestie's will was, that the Kirk sould have inspectione thereof as they have had adoe presentlie, and giue them up again.

Ane letter approvit be the Assemblie, and direct to his Majestie, anent Mr Robert Pont's matter: tennor thereof:—

Sir,—Let it please your Heines; We have receavit your letter willing us to elect Mr Robert Pont to the Bishoprick of Caithness, vaickand be decease of umquhile Robert Earle of Marche, your Heines' uncle. We praise God that your Majestie hes ane good opinionne and estimatione of such a persone as we judge the said Mr Robert to be, qwham we acknowledge indeede alreadie to be a Bischope according to the doctrine of St Paull, and qualified to use the functione of ane pastor and minister at the kirk of Dornoche, or any uther Kirk within your realme, qwhan he is lawfully callit, and worthy to have ane competent living appoyutit to him therefore; as also to use the office of a Commissioner or Visitor in the boundes of Caithnes, if he be burdenit therewith. But as to that corrupt estate or office of them who hes been termit Bischops heretofore, we find it not agreeable to the word of God, and it hes been damnit in diverse uthers our Assemblies; naither is the said Mr Robert willing to attempt the samen in that manner: the qwhilk thocht good to signifie unto your Majestie, for answer unto your Heines' letter of nominatione, and have ordaynit our breither to be appoyntit Commissioners to awaite upon the nixt Parliament, to conferr with your Heines and Counsell, if neid beis, heirupone. This, after offering our humble obedience, we earnestlie wische the Spirit of the Lord to assist your Heines in all godlie affaires. From our Generall Assemblie, the 28th of Junii 1587.

In respect of diverse conclusions of before, with the daily practise and examples *sinsyne*, the questione being reasonit *de novo*, If suspensioe of ane minister from the functione of the ministrie for a tyme, for just causes, be repugnant to the word of God, or no?

It is found that the sâmen agries with the word of God and his scriptures, and therefore the acts made thereanent before, to stand in full strength, and not to be callit back againe in any wayes.

Sessio 16.

It is concludit that all pastors, of qwhatsomever sort they be, shall be subject to the censures and tryell of their breither, alsweill of the Presbytries as Synodall and Generall Assemblies, concernyng their lyfe, conversatione, and doctrine; and such as refusies the tryell and censure, that the saids Presbytries, Synodall and Generall Assemblies, proceed against them.

John Erskine of Dune, Mrs Robert Pont, Andrew Melvill, David Lyndsay, Thomas Buchanane, Andrew Hay, Robert Bruce, John Robertstone, Alexander Lawsons, Robert Grabame, Patrick Gallaway, David Fargysone, Nicoll Dalglesche, John Porterfield, James Andersone, John Duncansone, Adam Johnstone, Walter Balcanquall, Andrew Clayhills, and John Brand, or any thirtiene of them, were ordaynit Commissioners to the Parliament.

Mr Andrew Melvill was ordayned to penne a favourable letter to the ministrie in Danskine, congratulating their embracing of the trewth in the matter of the sacrament.

THE KING'S MAJESTIE'S FIVE ARTICLES.

1. If any controversie be, concernyng the Bischope of St Androis, that it be reasonit in his Majestie's presence.

2. That the Bischope of Aberdeene be not intrrestis* his jurisdictione and living, but the same to be exercit be himselve, because the alleadgit sclander, qwhereby he was damnifyit of before, is sufficiently tryit and removit.

3. Concernyng James Gibsone and Mr John Cowpar, that they acknowledge and confesse their publick offences and sclanders against his Majestie, and satisfy therefore as he shall think good, or utherwayes be depryvit from all functione in the Kirk.

* Sic in MSS.

4. Concernyng Mr Robert Montgomrie, that he be receavit, without farther ceremonie, to the fellowschip and favour of the Kirk.

5. Concerning the Laird of Fyntrie excommunicat, qwhilk was somewhat extraordinary, to be null.

INSTRUCTIONS to the Commissioners appoyntit to wait on the Parliament.

1. As concernyng the King's Majestie's Articles: In the first two, let the judgement of the Kirk be followed and notified to his Majestie. As to the third, they shall travell by all good meanes possible to prease his Majestie in this matter, and bring it in oblivione; and failzieing thereof, in case they shall finde any good assured hope that the Kirk's Articles shall be weill looked upon, and grantit to passe in Parliament, they shall prease to bring the matter in such ane mids as may best agrie with the honor of the ministrie, satisfying the offence of the godly and conscience of the brether themselues, against wham his Majestie hes taken offence, as may be that in speciall qwhilk his Hienes' Commissioners send in writ to ane of the saids brether, utherwayes, if they be urgit to the Articles as it stands, they shall leave the matter haill, and frie to be tryit be the Generall Assembly. As to the 4th, they shall dispence with Mr Robert Montgomerie in some ceremonies used in repentance, in case they find his Majestie willing to remitt somewhat of the rigour of his Majestie's satisfacione cravit of the two brethren, be qvham he finds his Majestie offendit. As to the 5th, concernyng the Laird of Fyntrie, they shall schaw his Majestie that the Kirk hes appoyntit certaine of their brethren to sie qwhat effect the dealling of them that was appoyntit in the last Assemblie hes taken with him, and to travell farther be all good meanes with him to bring him to repentance to the bosome of the Kirk, qwhairby that sentence may be in very deed annullit: they shall admitt nothing hurtfull or prejudiciall to the discipline of the Kirk, as it is concludit according to the word of God in the Generall Assembly preceding the 84 year of God, but precisely seek the samen to be ratifyit and allowit, if possible may be; and finally, in all let God be feared, and a good conscience keepit, in procureing the weill of the Kirk, and taking away all impediments contrare thereto.

The next Assembly at Edinburgh, the first Tuesday of July.

[FIFTY-SECOND GENERAL ASSEMBLY.]

Att Edinburgh, in the New Kirk, the 6th of February 1587
[1588.]

Exhortatione made be Mr Andrew Melvill. Leitts, Mrs Thomas Buchanane, Peter Blackburne, Patrick Galloway, Robert Bruce, and Nicoll Dalgleische: The said Mr Robert was chosen Moderator, *hac vice*.

The haill Kirk hes desyrit the King's Majestie's Commissioners, the Mr of Lyndsay, my Lord Ochiltrie, the Laird of Lochlevine, and the Constable of Dundie, the Tutor of Pitcurre, the Lairds of Kylluchie, Capringtounne, Qwhytinghame, Mr John Lyndsay, Senator of the Colledge of Justice, John Johnstoune, Commissioner of Edinburgh, Alexander Scrymgeour, Commissioner of Dundie, William Menzies, Robert Pont, David Lyndsay, Andrew Melvill, Thomas Buchanane, Peter Blackburne, and William Chrystisone, to concurr with the Moderator in advyseing of speciall matters to be concludit.

Forsuameikle as this Assembly being extraordinarily convenit for the great dangers appearing to the Evangell within this countrie, qwhilks, in a part, war declared be the Moderator: It was proponit in deliberatione qwhat sould be the readdiest way to quensche the present fyre of Papiscie kindlit throughout all the countrie; and because the propositione was of great weight, the Assemblie requyrit the Barrones and Gentlemen for their part, the Commissioners of Burrows on the 2d part, and the Ministrie on the third part, to conveene themselves apairt, advyse and propone their advyce to the Moderator and his Assessors the morne, such mids as they find offerit to them; and, for farderance thereof, ordayns Mrs Peter Blackburne and Hew Fullertone to give informatione of the evidents thereof in thair countries; injoyning farther to the haill breither and Commissioners of the countries to give in their declarations of Papistrie and Jesuites in writte the morne to the Assemblie.

Sessio 3.

The advyce of the Noblemen and Barrones was presentit to the Assemblie, read, and be commone consent thought meit; allwayes

first, it seemed good that Archbald Earle of Angus, my Lords Marschell, Marre, Ochiltrie, and Sinclare, the Lairds of Coldounknows, Lochlevin, the Tutor of Pitcurrie, the Constable of Dundie, Alexander Scrymgeour, John Adamson, Mrs David Lyndsay, Patrick Galloway, David Fargyson, Robert Pont, and Peter Blackburne, to conferre with his Majestie upon the same head as they shall be advertised from the Chancellour.

The AVYCE of the Noblemen, Barrones, and Gentlemen anent the purging of the land of Idolatrie and sedicious intysers.

1. That the Lawes of the countrie be without delay execute against all Jesuites, Seminarie Priests, Idolaters, and maintainers thereof, and for that effect every man, alseweel of the gentlemen as of the ministrie, here assemblit, shall, as they will answer to God, and as they tender his glory and the weill of his Kirk, giue up presently in catalogue, to the Moderator and Clark, the names of such as they know and esteem to be Jesuites, Seminarie Priests, traffiquers against religione, receivers, intertayners or mayntainers of such persones: the qwhilks names shall be gine to Sir Robert Melvill, Thesaurer, quha hes promised within 48 houres thereafter to dispatche summons upon them all. 2. Seeing the danger cravit be the saids persones is imminent, and the formall executione of the Lawes will requyre a longe proces of tyme, his Majestie and Counsell earnestly to soliscit and urged to provyde incontinent some extraordinary remedie for the extraordinary danger, and exccute the Lawes without delay upon the chiefest of the Jesuites and thair maintainers, doing as if treason war intendit against his owne persone and crowne. 3. If the Assemblie shall think expedient, the saids Noblemen, Barrones, and Gentlemen presently assemblit, shall gang together to his Majestie, and regrait the cause of the Kirk and commonweill to his Heines, and the dangers wherein the libertie of this realme, their lyfes and consciences stands into, be the craft of Jesuites and traffiquers, qwho hes seducit and steirit up enemies, both intestine and forraigne, to bereave them of the same, and offer themselves, their lyfes, lands, and friends, to be imployit at his Majestie's pleasure, for preventing their most dangerous attempts and bloody devyses.

Sessio 5.

All ministers within their awne bounds war exhortit to travell

earnestly with their parochiners, and informe them of the necessitie of the exiled brethren in France for the religione, that they may be supportit: Ordaynes Mrs Robert Rollock, Andrew Melvill, Thomas Buchanane, and Peter Scharpe, to visite the reply made be Mr Peter Blackburne to Mr James Gordowne.

Sessio 6.

The Lords direct to the King's Majestie reportit they had conferrit concernyng Papists, planting of kirks, discipline, and the poore, and receavit good answers, as, namely, that there was mair mister of executione against Papists nor advyseing, and that his Heines was glad of the solemnitie of their Assemblie, and before the discovering thereof desyrit they sould resorte to him, qwhere they should hear farther of his good will: yet because there was many particulars qwhilk under generalls, his Grace had appoyntit sax of his Counsell to conferr with so many as the Kirk on the other syde sould appoynt the morne. The Assembly nominat for the part of the Kirk, the Lairds of Wedderburne, Culluchie, Capringtoun, Ormistoune, Whittingham, John Johnstoune, Alexander Scrymgeour, William Menzies, Oliver Peebles, Mrs Robert Pont, Andrew Melvill, David Lyndsay, Peter Blackburne.

Sessio 8.

The Assemblie direct the minister of Dysart to charge Mr Patrick Adamson to compeir personallie before them, and to crave his awne petitione anent the supplicatione of Mr Robert Montgomrie. The Kirk having taken consideratione of the proces laid against him, and circumstances of that matter, ffinds he may be admittit Pastor over a flock qwhere he hes not been sclanderous, provyding that he be found qualified in lyfe and doctrine.

Sessio 9.

The Chancellor being present, desyred the breither to wey if James Gibsone had not offendit the King's Majestie,—not only that he had uttered in his sermone thir words following againes the King's Majestie, viz. That he weined that James Stewart and Lady Isobell and William Stewart had been the persecutors of the Kirk; but now he ffinds be experience that the King himselfe has been the persecuter; as Jeroboam, for erecting of idolatrie and permitting thereof, was the last of his posterity, so he feares if he continued, he

sould conclud his race.—But also, that he, acknowledging to the brethrene of the Conference that he had offended his Grace, he promised to make satisfacione, and had fealed and broken promise; for after calling of the said James, quho compeared not, my Lord Chancellour desyred the Moderatour to put to the vote of the Assembly if the words aboue specified were offensive: Quho, in respect that non offerit any reasone against the samen, proponit the same termes to them, quho for the maist pairt votit affirmative, the samen words to be offensive.

Sessio 10.

Anent the forme of Repentance prescryvit for adulterers, homicides, and uther crymes, qwhereof the satisfacione, of before, be acts of the Kirk, was made before the Synodall Assemblie: Sieing in many pairtes of the countrie the penitents at such tymes of the year when Synodall Assemblies are halden are in lawfull traffeeking out of the countrie; It is found expedient in tymes comeing, qwhere Presbytries are weill orderit and established be judgement of the Synodall Assemblie, the saids penitents shall performe universallie throw the realme, their satisfacione before the Presbytries, in such forme as they were accustomit before the Synodalls, utherwayes, where the Presbytries are not yet constitute be the judgement of their Synodall Assemblie, the accustomit order to be keepit.

Sessio 11.

Forsuameikle as, James Gibsone being present, was summoned be the voyce of the Moderator to be present afternoone, to hear the matter concerning him reasonit, and as it was testified be diverse of the brether, qwhia satt near him, and heard, he promised to compeir; and yet being oft tymes callit and compeirit not, the Assemblie finds him contumax for not compeiring, nor sending any reasonable excuse of his absence.

Sessio 13.

The Assembly present, adviseing with James Gibsone's matter, for the most part votit and adjudgit the said James to be suspendit from his office and functione of the ministrie, during the will of the Kirk.

Sessio 15.

The humble SUTE of the Kirk, presentlie conveint at the Generall Assemblie, to the King's Majestie :—

SIR,—Your Majestie remembers the cause of conveying this Assemblie at your Heines' command, qwhilk consists principallie in two poynts—ane for suppressing of Jesuits quho are enterit in this realme, and practises with their complices to subvert the sinceritie of religione, presentlie professed within the samen : ane uther to provyde such meins, that in tyme comeing, such dangerous interpryses may be avoydit and eschewit.

As to the first, we humbly craue—1. That some of the principall Jesuites and uthers shall instantly be taken order with, to give example to the rest, viz. Mrs James Gordoune and Williame Crichtoune, quha are instantly in this toune, that they may be incontinent callit before your Heines and your Councill, and there to be declareit to them how thair lyves are in your Majestie's hands, for contravening your Majestie's lawes, and yet of your Grace's clemency, does spare ; chargeing them in the meane tyme within the towne of Edinburgh unto the tyme of the passing away of the first schippes that shall depart, qwherin they shall be enterit and send away ; and that it be denuncit, that in caice they retorne at any tyme hereafter, in this realme, without your Heines' licence, the law shall be execute against them to death, without any further proces : —Next, that the Lairds of Fintrie, Glenberve, younger, and uthers excommunicat Papists, shall be gine up in bill, callit before your Heines and Councill, and such things layde to their charge, as they are culpable off, according to the laws and acts of Parliament, that the penaltie thereof may be execute against them, and such as are apostats from the trew religione, qwhilk ance they embracit, be callit in lyke manner and punischit. 3. That summons be presently direct against all receiptars of Jesuites, Seminarie Priests, and traffiquers against trew religione, and lykewise to summond witnesses, be qwhais depositiones they may be convict of the crymes forsaid ; and in speciall, that such as are of the estate, and are culpable of apostasie or papistrie, shall on no wayes be sufferit until the tyme they haue satisfied alsweill the Kirk as his Majestie and estate : And, generallie, that all Noblemen whatsomever, without exceptione, knowne maintainers of Papists, or enterprysing any

thing contrair the trew religione, shall either be put presently in ward, or exylit the countrie.

Anent the planting of kirks, this is our advyce unto your Majestie, that Commissioners be direct from your Majestie and this Generall Assembly to the north and south parts of the countrie, to visite and plant ministers where need requyres, suppressing of papistrie; having commision and power alwayes of your Majestie and the Kirk to call before them, all that are suspect of perverting trew religione, or revolting therefrae, and to doe all wther things necessar for reformatione of those partes: And because the said wark cannot pass forward, unlesse there be provisione made also well for Commissioners of the Kirk as ministers to be planted in necessare places, that certaine be deput from the Counsell and certaine of the ministrie, to convene with all good expeditione, and sicht the rowmes of the thrids, that it may be considerit qwhat may be spared to that effect; and where the said thrids has been abused in tymes past, to sie how the samyne may be reformat, and that the act made for dischargeing of pensiones out of the thrids and surplus, and proclamacione past thereon, may take full force. Lyke wayes, giving power to the saids Commissioners to reforme colledges and schooles; and where the rent thereof is abused, to put convenient remedie thereto, and where it may not serve, to sie how it may behelpt, and that sufficient men be placeit in the rowmes of idle-bellies, and to depose them from the office of the ministrie, and from their benefices, all such as shall be found vnworthie or selanderous in lyfe or doctrine, alseweill bischopes as wthers: That it wald please your Majestie to take some solide order that the lawes made for punishment of vyce, and Commissions appoynted thereanent, may take some good effect: And last, that order may be taken with the poore that wanders up and doune the countrie without law or religione.

GRIEVES of the Kirk given in to his Majestie.

1. It is an exceeding great grieffe to sie Jesuites, Seminarie Priests, &c. to be sufferit to pollute this land with idolatrie, to sie practisers and traffiquers against the trew religione and the libertie of this realme to be receipt and maintained, and receipters and maintainers of both the ane and the wther so to abound every where, and not only to be tolerat *impune*, but also to have speciall credite, favour, and farderance, at Court, in sessione, in all their affaires, and

the trew word of God contemptuouslie despysit be the multitude, his holy sacraments horribly profaned be privat, corrupt, and unlawful persones—the discipline nothing sett by, the persones of the ministers and office-bearers shamefully abused, themselves beggerit, and their families hungerit, and yet neither the lawes againes idolatry and vyce, nor the lawes for the libertye of the Kirk dewly execute, as may be seen in the particulars following: About Dumfries, Mr John Durie, Jesuite, seducing and preaching under the name of Mr William Lang, qwha, with his complices, had masse within Dumfries, before Pasche and Zoole last was: The Lord Herreis, the Laird of Kilqwhanlay, the Goodman of Drumrischie, Mr Thomas Maxwell, Commissioner, John M'Gie, Commissar Clark, John Bruce, merchand, John Rege, Notar, Paull Thomsonsone, my Lady Herreis, elder and younger, my Lady Mortoune, the Lady Tweddall, Papists, apostates, maintainers and profest favourers of Jesuites. Captain Horslinger does no lesse hurt in Drumfries nor the Jesuites; no resorting to the hearing of the word, nor discipline, superstitious dayes keepit be plaine command, and controlling of the deacones of the crafts—all superstitious rytes at Zoole and Pasche—no kirks plantit sufficientlie.

In the North.

Mrs James Gordoune, Edmond Hay, Alexander MacWhirrie, John Scott, Alexander Meldrum, Arthure Pantone, Jesuites, makes residence chieflie in Moray and Strabogy, but seduces every where in Buchane, Garrioch, Aberdeene, Marre. They repaire commonly with Airth, Laird of Leslies, elder, Androw Harvie and his mother, Andrew Leslie of the Peill, excommunicat for Papistrie, the Chancellor of Auld Aberdeene, and to young Glenbervie, excommunicat, where they have their house mass at their pleasure, and their publick mass erectit in the Laird of Leslie's chapell, with twa idols above the altar, and there hes married two common adulterous harlots, Andrew Proctor and Janet Wilsonsone, qwha wald never give obedience to the Kirk. *Item*, Mr Peter Blackburne is compellit to desist from visitatione, bee diverse charges of the King's letters, purchast be the Bischop of Aberdein.

In Ross.

Mr John Leslie restorit to the bishopric of Ross, in the last Parliament, Mr Alexander Leslie, persone in Kinkin in Ross, newly pro-

vidit, an excommunicat Papist, in the Presbytrie of Aberdeene, Sir Donald Simson, profaner of baptisme, and abwser of marriage.

In Caithness.

The Earl of Sutherland, with his Ladie and friendes, Papists, vehemently suspect lately to have had masse, and contemners of the word and sacraments.

In Mearns and Angus.

William Dowglass, sonne to the Laird of Glenbervie, hes caused unbeset at syndrie tymes, Mrs George Gladstanes and Andrew Myllne, with armit men at their house, and lying in wait for them about their houses, and were not the relief of God and good men, had taken their lyves. In the west part of Angus, Patrick Lord Gray under proces of excommunication, Mr Thomas Gray excommunicat, Sir John Fyfe, Priest in Langförgund, David Grahame of Fytrie excommunicat, James Grahame his brother a Papist, Thomas Abercrombie of Middel Gowrdie, haveing subscryvit, communicats not, but continues ane commone reasoner against the religione—a defender of Papistrie—a receiver of Jesuites. Patrick Lyndsay, brother to the Laird of Wame, ane reasoner against the truth in every place. Mr Clark, servant to the Lord Hoome, Mr George Hetley, minister at Abernyty, cruelly invadit be Thomas Boyd, and in redding of them ane man slaine. Fyft, No resorting to the Kirk in many places: their kirks ruinous and destitute of pastors and provisione in many places. There is superstitions keeping of Zoole, Pasche, &c. The Lords of Session keeps not their ordinar dayes, Wednesday and Fryday, for calling of the ministers' actions. Mr Thomas Dowglas, minister of Logie, was cruelly invadit be John Forret, brother to the Laird of Forret. The Abbacie of Dumfermling gine to the Earle of Huntly, qwherunto he and the Papists with him resorts. The Bischop of St Androis continows in giving of collatione of benefices to unworthie persones, viz. Mr William Thomson, persone of Flisk, Mr Androw Allane, viccar of Lewehars. The said Bischop withholds from Mr David Spence ane baill year's stipend; and notwithstanding he hes beene at the horne, can get no payment nor order of him.

In Lawthiane.

Syndrie Papists, priests, confessing themselves to have said masse and preachit papistrie in this land, being apprehendit be the Magistrates of Edinburgh and putt in ward, are sett at libertie without any punishment or satisfaction of the Kirk, viz. Mrs Alexander M'Whirrie, James Settone, John Scott, and uthers.

In Merss and Teviotdale.

My Lord Hooome, the Laird of Edmestoune, with uthers principall men in the countrie, corrupt in religione, and the said Lord latting his awne kirk ly waist, and mayntaining Mr Androw Clark, enemy to the Gospell and ministers thereof: the hail people readie to revolt because they sie the Prince careless thereof, as they say. Sir John Bennet excommunicat for papistrie. The Lady Farny-hirst, the Lady Mynto, quho horribly usurpit the ministratioune of the Sopper of the Lord upon Pасhe day with bread and water. The Lady Rydder.

In Striveling.

Walter Buchanane, sonne to the Goodman of Auchinprior, and a Flymis woman his wyfe, indurat Papists, and hes causit a priest lately to baptize their bairne. Helen Hay, maistress of Livingstone, ane malicious Papist. The Sabbath there is every where abused and profained: the kirks evill plantit; scarcely three hes ministers. Superstitious ceremonies, pilgrimages and Christ's wells, ffasting, bainfyres, girdls, carrells, and such lyke.

Mr John Cowpar having resolvit that he is willing to accept the charge of the congregatioune of Glasgow, the Assemblie ordaynes him to be admittit be the Presbytrie thereof.

Anent the disputs had betwixt Mr James Gordoune and Peter Blackburne, committit to the review of Mr Androw Melvill and certain breither: The said Mr Androw reportit, That on the part of the said Mr James and the enemies, they find great diligence and sophistrie—alwayes praised be God for the knowledge giue to their brother, in qwhais answer they had found solid judgement and great light, to the praise of God and the overthrow of the enemies.

Sessio 15.

All Ministers within their paroches with all diligence shall travell

with the Noblemen, Barrones, and Gentlemen, to subscrieve the Confession of Fayth, and to report their diligence to the nixt Assembly.

Sessio 16.

Mr Patrick Adamson, Bischop, is convict of transgressing the Act of Conference, and is declarit to have incurrit deprivation fra his office of commissionarie, and Mr Thomas Buchanan placit in his rowme quhill the nixt Assembly.

Ane generall fast is appoyntit universallie to be keepit the first twa Sondayes of July: The causes qwhereof, 1. The universall conspiracies of the enemies of the trewth: 2. The flocking hame of Jesuits and Papists: 3. The defection of the multitude from the truth: 4. The conspiracies intendit be great men against the same, intertayners of the Jesuites and Papists: 5. The coldness of all: 6. The wrack of the patrimonie of the Kirk: 7. The abundance of bloodscheds, adulteries, incests, and all kynde of iniquitie, with many uthers quhair of the particular kirks hes their experience.

[FIFTY-THIRD GENERAL ASSEMBLY.]

THE Generall Assemblie of the Kirk conveint at Edinburgh, in the New Kirk thereof, and begune the 6 of August 1588, quhere was assemblit the Commissioners and Brethren.

Exhortatione made be Mr Robert Bruce. Leitts, Mrs Robert Pont, Thomas Buchanane, Nicoll Dalgleische, and James Robertson: Be pluralitie of vots the said Mr Thomas was chosen Moderator *hac vice*.

The Kirk nominated Mrs Robert Bruce, Robert Pont, David Lyndsay, John Robertson, John Keith, Peter Blackburne, James Balfoure, Robert Hepburne, John Durie, James Robertson, James Nicolson, Andrew Melvill, David Fargyson, James Anderson, Andrew Young, Andrew Milne, Andrew Hay, John Porterfield, George Gordoune, John Clappertoune, Andrew Clayhills, the Maister of Lyndsay, the Laird of Lochlevine, the Lairds of Elphings-toune and Kerss, and John Johnstoune, Assessors.

Sessio 2.

It is thought expedient that, in the frequencie of this Assemblie, the most necessar things be first handlit, concernyng the present danger imminent to the Kirk within this realme, and to the common weall thereof, be the arryvall of Spaignards and Barbars; as also the danger and decay of religione be the raritie and povertie of ministers of the Evangell: The Kirk hes thocht for their pairt ane dewtie in this behalfe, that ane fast be proclaimit the morne be the ordinary teacher in the Kirk of Edinburgh, to be continowit in the said toun the whole week.

Sessio 3.

Forsuameikle as, universallie throughout this realme, there is neither religione nor discipline with the poor, but the maist part liues in filthie adulterie, incest, fornicatione, bairnes unbaptized, and themselves never resorts to Kirks, nor participats the sacraments: Therefore it is thought expedient that all ministers, in their parochie kirks, shall make intimatione, and denunce to all poor that aither be parochiners or resorte to them, having women and bairnes, that if they report not sufficient testimoniall of their marriages, and baptizing of their bairnes, so many as hes wyfes and bairnes; and sicklyke, where they have participat the holy comunione, that they will be refusit of their almes at the hands of all good and charitable persones: exhorting also their parochiners that they rather extend their liberality to such as be of the household of ffayth, and having discreit judgement in giving any such persones of their almes, that gives not evidence to them as said is.

Anent the citatione direct to the Moderator of the Generall Assembly against Mr Patrick Adamsone, callit Bischop of St Androis, makeing mentione, that forsuameikle as be ane act of the Presbytrie of Edinburgh it was ordaynit concernyng the marriage of George Earle of Huntlie, that his bands sould be proclaimit upon his agrieing to subscriye to certaine articles of religione profest in this realme, qwhilk he did subseryve; and under hope that he sould subscriye the rest before his marriage, ane inhibition was made according to the tenor of the said act, to diverse of the ministers, and speciallie to the said Mr Patrick, that nane of them sould take in hand to celebrate the said marriage, unto the tyme the said Lord Huntlie agrie to subscriye the Confessione of the Fayth, containt

in the acts of Parliament; with certificatione to them and every one of them, if they failied herein, they sould be callit for disobedience to the voyce of the Kirk and Generall Assemblie, and punischit therefore, as accords: Notwithstanding of the said inhibitione, the forsaid Mr Patrick proceedit to the solemnizatione of the said marriage, and celebrate the same upon the 21 day of July instant; disobeying thereby the foresaid inhibitione and admonitione; as the said citatione beares: Qwhilk being callit, and the said Mr Patrick compearing be Mr Thomas Wilson, his procurator, qwho producit ane testimoniall of his sickness, subscrivit be the doctor, Mr Robert Nicoll, and twa of his bailzies, requyring that the breither wald not disquyit him in his sickness, they fand the said testimoniall not to be sufficient.

Sessio 5.

The Kirk being informit that there is ane schip arryvit lately in this Firth from Dunkirk, suspect to be ane spie, out of the qwhilk ane man, as appears of some mark, is landit; they, with the Counsell present, desyrit the provest and bailzies to man the schip, take the men and keep them qwhill his Majestie come over; yet it is reportit they refuse, in respect it will be ane hinderance to their trafique: The breither thinks it meit that Mrs Robert Bruce, Andrew Hay, and Andrew Melvill, pass to the Chancellour to let him understand of the said answer, and offer unto his Lordship their concurrence to request the towne.

Forsuameikle as in no countrie qwhere any religione is allowit, it is permittit that the deid be buried in the kirks, and that albeit inhibitione hes been diverse tymes made for avoyding of that abwse, yet the acts and constitutiones of the Kirk are dayly broken: Therefore the Kirk inhibits that any persones in tyme coming be buried in the kirks, and that no minister give consent thereto, but directly oppone thereto; certifying such persones as shall be the authors and inbringers of the dead unto the saids kirks, they shall be suspendit from the benefites of the Kirk, qwhill they make publick repentance therefore; and the minister that giues his consent, or discharges not his conscience in opponyng thairto, shall be suspendit from his functione in the ministrie: And to the effect this act may haue the better executione, supplicatione shall be made to his Majestie that ane ordinance may pass be his Heines and Counsell discharging the said buriall within kirks, and such lyke erecting of

tombes, and laying of troches in kirkyards, under such paines as his Heines and Counsell please to devyse.

Forsuameikle as sen the last act of Annexatione, his Majestie hes transferrit the right of the patronages of diverse benefices, from his Heines to temporall men, as Earles, Lords, Barrones, and wthers, and hes annexit the same to their lands; of qwhom some hes gotten confirmatione in Parliament, wthers hes obtainit the same sen the Parliament, and the third sort hes gotten gift of the naked patronage alanerlie, to the evident hurt of the haill Kirk: Qwherefore it is thocht good, that his Majestie be intreatit be earnest sute, that the saids dispositiones authorized, as said is, be Parliament, may be brought back in the next Parliament, and such wthers as hes been grantit sen the said Parliament, in lyke manner may be annullit: and in the meintyme, that it may please his Majestie to close his hands from disponing the said right of patronage, and transferring of the same from his Majestie, qwhilk remayneth as yet undisponit; and that his Majestie will provyde that the Commissioners and Presbytries to qwhom the collatione of the saids benefices pertayns be not processit or hornit for not giving admisionne thereupone: Inhibiting in the meantyme all Commissioners and Presbytries, that they on no wayes giue collatione or admisionne to any persones presentit be said new patrones, as is above specified, unto the next Generall Assemblie.

Anent the supplicatione given in be James Gibsone, desyring that he may be hard to purge himself of the contumacie for non-compearance in the last Assemblie, and to repone him in his awne functione: the Kirk thought it expedient that he should declare the cause of his non-compearance before the breither of the conferrence; quha reportit that he declareit his conscience, the cause of his absence was never rebellion, stubbornes, nor evill will, but only in respect of the good affection he had to the will of the Generall Kirk, being informed that if he had compeired, and had not hein punischit, the matters of the Kirk wald be casten off: Qwhilk reasone being considerit be the breither, they thought the same sufficient to purge him of contumacie.

Sessio 6.

Compeirit Mr Alexander Forbes, minister and persone of Fattercarden, and in presence of the haill Assemblie, ratified ane promise qwhilk before he made in presbytrie, that he sould sett no tacks

nor factorie of the teynds of the said kirk, without the speciall ad-
 vyce of the Generall Kirk; declaring also in their presence that
 he hes sett nane yett; and farther promising before them, that he
 shall not sett in tyme comeing, nor make any right thereof to any
 persone, without the consent of the Generall Assemblie.

Sessio 11.

Mrs Robert Bruce, David Lyndsay, and John Craige, war di-
 rect to his Majestie to understand be qwhat meines the religione
 shall be maintaint within this realme, and continowit to the poste-
 ritie.

Sessio 13.

Forsuameikle as in default of Visiting of the North pairts, qwhere
 chief and greatest necessitie is, hes great inconvenience followit, al-
 beit no wayes in default of the breither appoyntit to that charge,
 but for laick of provisione and expenses, the assignatione of their
 charges being made to be payit be the Bishop of St Androis, qwha
 contemptuouslie disobeyes good ordour, and lyes at the horne: It is
 not the lesse found expedient that the breither to qwhom commis-
 sione was given before, shall yet undertake the burden of the com-
 missione, their charges and expenses being assignit to them out of
 some readie payment, and that to this effect the Commissioners of
 the North, viz. Mrs John Keith, Gilbert Garden, and Alexander
 Rawsone, shall travell with the Lords of the Checker, and delait
 the necessitie of their Visitatione, and crave the samen assignatione
 to be alterit, and the commissioners' payment mair commodiouslie
 payit.

Anent the request of the Commissioner of Edinburgh, desyreing
 the Assembly to ratifie the calling of Mr William Watson to the
 ministrie of Edinburgh: the Generall Kirk ratifies and approves the
 same in presence of the said Mr William, desyrand to be transportit
 from the said Kirk, qwhilk the Assemblie refused.

All ministers and pastors are exhortit, in their sermones to delait
 openly the prejudice done to the hail Kirk be the spulzie of the
 patrimonie thereof, and publiely to disallow and oppone against the
 publick abusers thereof.

The Generall Assemblie understanding the appearing ruine and
 decay of the evangell, within this realme, for fault of provisione of
 ministers, and intertainment of schooles and colledges, hes thought

good and convenient to give their Commissione, and be the tenor heirof to grant full power to Mrs Robert Pont, Robert Bruce, David Lyndsay, John Craige, Andrew Myllne, Thomas Buchanane, Andrew Hay, John Porterfield, Peter Blackburne, John Duncansone, David Fergusone, William Strivilling, Gilbert Garden, ministers of the Evangell, or any seven of them, to compeir before his Majestie and Counsell, upon Monday next, or such other day as his Majestie shall appoynt, to call, conferre, and advyse upon the said head, and to craue humbly of his Majestie that the Ministers' and Readers' assignationes may be given out at Hallowmess, and that such as are already provydit of their stipends *ad vitam*, and uthers that are content with the assignationes alreadie made to them, be unalterit therein, qwhill they obtayne better provisione, and to that effect to travell earnestly with his Majestie and Counsell, and to report again answer to the next Generall Assembly of the Kirk, firme and stable.

Anent the request of the Presbytrie of Dumblane, in respect of the few number and povertie of their presbytrie, to joyne to their Synodall Assembly the Presbytrie of Linlithgow: the Assemblie present has found it more meit that the Presbyteries of Perth and Dunkeld shall be joynit with the Presbytrie of Dumblaine, and in ane Synodall Assembly, to be first holden in Perth, and thereafter in any place qwhere the Synodall shall think it meitest.

The Generall Assembly hes given their commissione and authoritie to the Presbytrie of Edinburgh, to call before them Papists and apostats who shall happen to resort to court, or to the said towne, and in speciall to summond my Lords Huntlie and Settowne, William Schaw, John Chisholme, and Colonell Stewart.

Sessio 14.

According to the allowable custome observit amongst the antients of humiliatione and fasting of the pastors, The breither and Kirk convent hes thocht meit, and be ordinance statute, that in tyme comeing, qwhen it shall please God to convene the Generall Kirk of this realme, That the first day of the Assemblie, at the place and towne where they conveyne, ane publick fast and humiliatione be of the haill inhabitants thereof, alsweel as of the pastors convent, and the chair of veritie alseweell occupyit before noone in the morning as at afternoone, be the ordinarie pastors thereof; the tyme and houres of exhortatione made before the Assemblie, being keipit as

of before, to the effect it may please God to give his blessing to the convention and good ishew of their travells; and because the next Assemblie is concludit to be in Edinburgh, the pastors thereof is ordaynit to give intimatione heirof to the congregacione, the Sunday before the said Assemblie.

Auent the questione movit, If a man, convict of adulterie three-score years sensyne, satisfying the order of the Kirk be repentance, and presentit new to serve in the ministrie of the Evangell, sould be admitted thereto or not? The Assembly answers negative, and thinks he ought not to be admittit.

The next Assemblie was appoyntit to be in Edinburgh the 17th day of Junii next to come, 1589.*

[FIFTY-FOURTH GENERAL ASSEMBLY.]

THE Generall Assembly of the Kirk of Scotland, conveint att Edinburgh, upon the fourth day of August 1590, where there was assemblit the Commissioners and Brethren underwritten—

The King's Commissioners:—

My Lord Chancellour—My Lord Blantyre.

Ergyll.

Mr Neill Campbell.

Zetland, absent.

Orknay, absent.

Caithnes, absent.

Sutherland, absent.

* Notes on copy transcribed:—

“ In the MS. Minutes forscit, there are Minutes of two Assemblies, June 17, 1589, and March 3, 1589.

“ In the foresaid MSS. Fol. after this there followes thus in titulo:—17 Junij 1589, and 3 March 1590, and then a blank of four leaves.—N.B. That Calderwood passes the Assembly, June 17, 1589, altogether, and gives the Minutes of the Assembly, March 1590, p. 254.—Vide print. Mr Crawford has some account of the Assembly, June 17, 1589, distinct from the MS. Minutes, and passes Calderwood, Assembly, March 1590.”

Ross.

Mr James Robertstone.

Morray.

Mr Johne Innes.

Mr James Keith.

Mr Alexander Rawsone.

*Bawmff; absent.**Aberdeene.*

Mr Peter Blackburne.

Mr Gilbert Gairden.

Angus and Meirnes.

Mr George Gladstaines.

John Fullartoun.

Mr James Douglas.

William Chrystisone.

Mr Patrick Lindsay.

James Andersone.

Mr James Melvill.

Mr James Nicolsone.

Mr Andrew Leitche.

Mr George Hay.

Mr Robert Ramsay.

Mr John Hepburne.

John Dwrie.

Mr Thomas Kay.

Mr John Rigge.

Dunkeld.

Mr William Edmestoune.

George Grahame.

Mr William Glasse.

Striveling.

Johne Earle of Mar.

Ministers.

The Laird of Airth.

Mrs Henrie Livingstone.

The Laird of Keress.

William Coupar.

The Laird of Touch.

Richard Wicht.

Gargunnoch.

James Smyth.

Dumblane.

My Lord Drummond.

Mrs Andrew Young.

The Laird of Keir.

John Davidsone.

The Laird of Glenneglische.

Alexander Chisholme.

Ministers.

Mrs William Stirling.

Perth.

Mrs Archibald Moncrieff.
William Rynde.

Henrie Gwthrie.

Fyffe.

Mrs Andrew Melvill.
James Martine.
Patrick Melvill.
William Cranstoune.
William Marche.
Andrew Duncane.
Thomas Buchanane.
James Melvill.
Nicoll Dalgleische.
David Fergusone.
John Fairfowl.
James Steuart.
Edward Mylls.

Colluchie.
Pitmillie.
Cambo.
Balfour.
Lundie, Elder.
Raith, Elder and Younger.
Kynneir.
Abbotshall.
Hallhill.
Weymes, Younger.
Cleisch.
The Abbot of Culross.
The Maister of Sinclare.
The Goodman of Stravichly.
Kynnaldie.
James Elphinstoune.
John Logane.

The Earle of Mortoune.
Lord Lyndsay.

Lairds.

Ballverie.

*Lowthiane.**Lairds.*

Merchestoune.
Collingtowne.
Corstorphine.
Braid.
Dalmahoy.
Carberry.
James Richesoune of Smettoune.
Thomas Hamiltone of Priestfield.
James Hamiltone of Rochbank.

Ministers.

Mrs Robert Bruce.
James Balfour.
Robert Pont.
John Davidstone.
John Craige.
John Brand.
John Hall.
Patrick Simpson .

Haddingtowne.

Mrs James Carnichael.

Thomas M'Gie.

Mr Thomas Greige.	Elphinstowne.
The Lairds of	Eastchester, Junior.
Clarkingtowne.	

Lynlithgow.

Mr Robert Cornwall.	George Dundass of that Ilk.
Mr John Spottiswood.	Nicoll Cornwall of Ballinhard.

Dumbarre.

William Sandersone.	James Dougiass,
Mrs James Young.	appearand of Spott.
	Archibald Douglass.

Dalkeith.

My Lord Newbottle.	Mrs John Bennett.
The Laird of Ormistoune.	James Bennett.
Robert Porteous.	John Herries.
Mrs Adam Johnstoune.	

*Merss.**Teviotdale.**Tweddale.*

Mr Thomas Storie.	John Smyth.
Mr John Hoome.	Alexander Lawder.
Robert Hyslope.	Mr Adam Dowglass.
Mr Patrick Gaits.	Mr William Auchmoutie.
Duncane Walcar.	

*Clydsdaill.**Ranfrow.**Lennox.*

Andrew Hay.	Mrs Robert Lyndsay.
Thomas Jack.	John Lawrance.
Mrs David Weymes.	Walter Stewart.
John Hamyltoune.	Andrew Spittall.
Robert Darrochie.	

*Kyle.**Carricke.**Chunninghame.*

Mrs John Porterfield.
 John M'Korne.
 Peter Prymrose.

Mrs John Inglis.
 John Cunninghame.
 Alexander Weittowne.

Galloway.

Alexander Stewart of Garlies.
 James Lydderdale of the Yle.
 Sir John Gordon of Lochinvar.
 John Neilsoune of Craculhie.

Mrs James Hamyltone.
 David Blyth.
 Niniane Macklennochane.
 James Adamsonne.

Neithsdail.

Mrs James Brysone.
 Hew Fullartoune.
 Robert Lord Sanchar.

The Laird of Drumlanric.
 The Laird of Closetoune.
 James Crichtoune of Carbethie.

*Townes :—**Strivelling.*

Arthur Bruce.

David Foster.

Leith.

William Monteith.

John Kyle.

Wigtowne.

Sir Alexander Stewart.
 John Ahaney.

Mr James Adamsonne.

Edinburghe.

William Little.

Edward Galbreith.*

Acta Edinburgi, 4 Augusti 1590—Sessio 1^{ma}.

Exhortatione made be Mr James Melvill, Moderator of the last Assemblie, the Kirk proceedit to the electione of a new Moderator; and appoynting on the leitts, Mrs Peter Blackburne, Patrick Gal-

* The MSS. Minutes before cited add—"Here begins the Fyfh Book."

laway, John Davidstone, David Fergusone, Mr Nicoll Dalglesche, the said Mr Patrick, be pluralitie of vots, was chosen Moderator *hac vice* : Qwha desyrit certaine of the learnit and grave brethren to be given Assessors to him, be whose advyce he may propone such things as were meitest to be treitit at this tyme, viz. Mrs Robert Bruce, Andrew Melvill, David Lindsay, Robert Pont, David Fargwsone, Peter Blackburne, Neill Campbell, William Rynde, John Duncanson, James Melvill, elder and younger, James Carmichell, John Davidstone, Nicoll Dalglesche, James Hamiltone, Andrew Hay, Robert Rollock, Peter Primross, James Nicolstone, William Glass, qwho were appoyntit to conveine with him at ten houres the morne, and two afternoone in the Gallarie, and on wther dayes, qwhen there is no sermone, at awcht houres, and twa afternoone.

Acta Sessio 2^a. Eodem die.

Commissioners of all countries were inquiryt qwhat they had done concerning the executione of the last act made against Papists, Jesuites, Seminarie Priests, excommunicats and their entertayners, marcats and others profanationes of the Sabbath day, non-residents, and the rest of the heids committit to the Presbytries and Commissioners.

Sessio 3^a. 5 Augusti.

Mr John Innes was accusit for admitting Robert Dumber to the ministry without the advyce of the Presbytrie of Forres ; qwha answerit, there was no presbytrie thair the tyme of his tryall, but it was erectit before his admision, and he did it be the advyce of the Presbytrie of Elgine, qwherein he confest he did rasehlie. The Kirk ordayns the said Robert to be tryit *de novo*, and to be heard be the brether of Edinburgh, and presbytrie thereof, so many as shall be present, with so many as are here of the Presbytrie of Forress, and thereafter as the brether beis satisfyt, the Assembly informit farther to be proceeded againes the said Mr Johne.

Sessio 4^a. Eodem die.

It being bruitit, that the Earl of Montrose intertaind Fintrie, excommunicat, The Assembly ordaynit the Presbytrie qwhair it sauld happen him to remaine, to charge him before them, to try the bruit, and to admonische, conforme to the act of the Kirk ; and in caise of disobedience, to proceed according to the mynde thereof.

Sessio 5^a. 6 Augusti.

My Lord Angus his excommunicatione reducit be reasone of informality; and because there is sufficient cause of such censure against my Lord in the said sentence, if the proces had been formally led, Therefore the Kirk hes instantly desyrit his Lordship to remove the cause; and to that effect maist diligently caire that the Sabbath be not violat be ffaires or mercats within his owne bounds—that no labouring nor carriage be wsit within the same, and that his vassalls compell not their tennents to wse carriage on the Sabbath, and likewise to travell with them, that they give some day of the week to their tennents, as to schear and lead their cornes, that they be not abstractit from the kirk on the Sabbath; Qwhaise answer was, that with all diligence he could, he sould travell to that effect, and at the rying of the Lords, sould ryde home himself to Douglass, and hold a court, and make lawes and penaltie for restraining ane violation of the Sabbath.

My Lord Somerwell being present, alleadgit the priviledge of his infektment for holding the mercatt of Carnwath on the Sabbath; notwithstanding he condescendit that no marcat nor ffair sould be keepit their on the Sabbath; and in caise of his failzie, the presbytrie there was commandit to proceed against him according to the act of the Kirk.

Anent the lament made be the brethrene of the manifold kynds of violatiōne and profanatiōne of the Lord's day, be ganging of milnes, saltpannes, schearing and leading of cornes, carying of victuall to and from burrowstounes; The Assemblie, as of before, declares the same to be unlawfull, against the law of God and acts of Parliament, and ordaynes the violators thereof to be punished conforme to the ordinance made of before—discharging the burrows-tounes from the receaving of loads and carriages brought to them on the Sabbath day. Ordaynes the presbyteries to travell with the gentlemen within their bounds, to grant some week day unto their tenents to that effect.

And farder, for better observatione of the Sabbath, ordaynes the hail pastores here present to give in a Roll of the names of the persons quhilks may best stopp the mercats within their bounds; to the effect his Majestie may be requestit to interpone his authority, to command the samen to them, or utherwayes to call them in caise of refusall.

Mr Thomas Dowglass was accusit for marriage of my Lord Errole and his spouse without his owne parochie, being ane of his parochiners.

Sir James Williamsons, James Logane, sometyme monk of New Abbay, excommunicat for profaining of the sacraments. ——— Symsons transportit from Cramond to Strivilling.

Sessio 8^a. 7 Augusti.

Ane supplicatiōne was presentit be the parochiners of Endercharitie, cravand ane Pastor, qwho will not in their prejudice, transact with the patrone of their kirk my Lord Crawford, and sell their teinds over their heads, and that no persone be admittit to the said benefice bot such as shall interdyte himself either to the provinciall Assemblie of Angus and Meirnes, or then to the Presbytrie, qwhilk shall happen to try him: And they desyre ane commission to be given to the Presbytrie of Dundie to that effect, in respect *non patet tultis accessus* to the Presbytrie of Brechine, and the parochie is neier to Dundie.

The Assemblie, after advysement heirof, ordaynes the brethren of the Presbytry of Brechine, or such as they shall direct of their number instructit with their commissiōne, together with the Presbytrie of Dundie, to concurr together with the Towne of Dundie to the tryall of the persone qwhilk shall happen to be presentit be the said Lord, and before they give him any admisiōne, that he be sworne and interdytit that he shall on no wayes sett tacks or make light of the saids complainers' teyndis to no manner of persone, without the speciall consent of the Generall Assembly had thereto, according to the acts of the same, and lykewise give his speciall consent that the said interdictione shall be published, urtherwayes not to admitt him in any wayes.

In presence of the King's Majestie, the Moderator exposit to his Grace three speciall articles, qwhilk the Kirk hes to crave presently at his Heines hand, viz. The ratificatiōne of the liberties of the Kirk;—the purging the land of Jesuites, Papists, Seminarie Priests, abusers of the Sacraments;—and last, provisiōne of every kirk of ane sufficient pastor ane sufficient living: To the qwhilk his Majestie answerit, That in all Parliaments, first the liberties of the Kirk are ratified. His will they know concernyng Papists and Jesuites, and how earnest he is to purge the land of all such. As to the provisiōne, he hes but his awne part: many moe hes interes

therein; desyreing that they wald cause Mrs Robert Bruce, David Lyndsay, Robert Pont, and the Moderator's selfe, to await upon the Council for answering thereof, and conferring with the Counsell thereanent, qwham the Assembly nominat to that effect.

Humble Petitions of the Generall Assemblie cravit at his Majestie and Honourable Counsell.

First, That in respect that many things hes been promised before, and no executione following thereupon, that now performance may be thereof, and the speciall declaracione of the meine and performance thereof. *Item*, A ratificacione is cravit of all Lawes that hes been made for the weill of the trew Kirk, together with ane new act of Parliament especially establisching the Kirk's jurisdictione, their Generall and Synodall Assemblies, Presbytries, and Discipline; and all acts made contrare to the libertie and jurisdictione of the said Kirk preceeding the date heirof to be abolisched: and qwhill ane Parliament may be had, the said act to be constitut in Counsell and Conventione of Estates, if any shall happen in the meantyme to be halden.

The purging of the Kirk and countrie of all Jesuites, Papists, Seminarie Priests, and excommunicats—ane law for repressing and punishing of the abusers of the holy Sacraments—ane law and meine whereby ministers may be possessed in their gleibs and manses, and peaceably enjoy them, and the contraveeners may be repressit and punished.

Ane order for them that were at the Bridge of Die: ane law and ordinance for keeping of the Sabbath: ane law and ordinance against them that troubles or hurts ministers gangand to ther kirks and executing their offices: ane strait law for repressing of the bloodsched and murder in the countrie and all the quarters thereof, and that the same may be purgit of the samen.

That all kirks within this countrie be sufficiently plantit with ministers, teachers, and uthers necessare office-bearers, and sufficient stipends appoyntit to them for serving of their cures, of the best and readiest of the teynds and uther rents mortified to the use of the Kirk, and the hail rest to be employit upon Colledges, bringing up of the youth, and sustentatione of the poore, the fabrick of the Kirk, and uther common affaires thereof.

Sessio 9^a. 8 Augusti.

My Lord Angus gave in ane supplicatione desyreing command to be given to the Presbytrie of Lanerick upon his presentation to the personage of Carmichael, qwhair of he is patrone, to giue admisionne. The Kirk ordaynes the Presbyteries of Lanerick and Glasgow to concurr together for decyding and taking order finallie therein.

Sessio 10 . Eodem die.

Forsuameikle as it is certaine that the word of God cannot be keepit in the awne sinceritie without the holy discipline be had in observance: It is therefore, be common consent of the hail brethren and commissioners present, concludit, That qwhosoever hes borne office in the ministrie of the Kirk within this realme, or that presently beirs or shall hereafter beir office therein, shall be chairgit be every particular Presbytrie qwhere their residence is, to subscriyve the heads of Discipline of the Kirk of this realme, at lenth sett downe and allowit be acts of the hail Assemblie in the Book of Policie, qwhilk is registrat in the Register of the Kirk—and, namely, the contraventit heads be the enemies of the Discipline of the reformat Kirk of this realme, betwixt and the nixt Synodall Assemblie of the provinces, under the paine of excommunicatione, to be execute against the non-subscryvers; and the Presbyteries qwhilk sall be found remiss or negligent herein to receive publick rebuke of the hail Assemblie: And to the effect the said discipline may be knowne as it oucht to be by the hail breither, it is ordaynit that the Moderator of ilk Presbytrie shall receive from the Clark of the Assemblie ane copie of the said Booke, under his subscriptione, upon the expenses of the Presbyteries, betwixt and the first day of September nixt to come, under the paine to be openly accusit in face of the hail Assemblie.

It is thocht meet and concludit be the Assemblie, qwhair the Presbyteries are weell constitute, that the order of Commissioners of countries shall cease, and ane act to be advysit heirupon against the nixt meeting on Monnday, qwhereas every Presbytrie shall have ready the name of such as they shall think meet, for their Presbyteries to expedie the platt for their kirks, admitt persones presentit to benefices, and designe manses.

Anent the prejudice done to the Kirk be benefit men, qwhilk

stands in twa sorts, viz. those within the ministrie, and of uthers beirand no functione therein: The Kirk ordaynes the acts of the Assemblie to be considerit and sichtit againe Monoday next, that it may be seen if there be any act concludit against these persones, qwhilk are not of the functione of the ministrie.

Sessio 11^a. 10 Augusti.

John Liverance, for his rasche excommunication of the Earle of Angus, was ordayned to confesse his offence to God and to the said nobleman, in presence of the congregatiōne on ane Sabbath day, at the kirk where the said sentence was pronuncit; and the sentence reducing the said proces to be publickly intimat be ane brother in audience of the congregatiōne.

Sessio 12^a. Eodem die.

Robert Dumbar his admisionē to the ministrie without the ad-vice of the Presbytrie of Forres, was found null, and rescindit be the hail Assemblie.

Anent the examinatiōne before the communion: It is thought meet for the commone profite of the whole people, that ane uniforme order be keepit in examinatiōne, and that ane schort forme of examinatiōne be sett downe by their breither, Mrs John Craige, Robert Pont, Thomas Buchanan, and Andrew Melvill, to be presentit to the nixt Assemblie.

Sessio 13^a. Augusti 11.

Forsuameikle as it beand the commone consent of the hail breither of the Assembly, resolvit, That qwhere the presbyteries are weell and orderly constitute, the yearly electione and nominatiōne of Commissioners over countries hitherto customably observit in the Assemblie is not necessare nor expedient, the samen presbyteries having establischt in their awne selves ane sufficient power of their awne number to send out instructit with their commissiōne *pro re nata* to take order with such things as falls out in their bounds: Therefore it is thocht meet and universallie concludit, that the said yearly electione of Commissioners over countries qwhere presbyteries are weell and sufficiently constitute, shall cease in tyme coming, and qwhair of before, the said Commissioners bure the charge, to inroll the ministers and their stipends at the platt, receive presentatiōnes, and give collatiōne thereupon, designe manses and

gleibs; that the saids weill constitute presbytries, ilk ane of them, shall yearly, ay and qwhill the necessity thereof craves, elect and chuse out of their awne number, ane brother in name of the hail presbytrie, for inrolling and expeditione of their stipend at the platt; authorisit and instructit be them, with commissione subseryved be the Moderator and Clarks of the presbytrie to be schawne and producit to the modifier, and the samen Commissioners to designe manses and gleibs within the bounds of the said presbytrie, and in all things concernyng the executione of his commissione, to be comptable and subject to the censure of the judgement of the presbytrie, qwhom frae he receavit the same; and that all presentationes be direct in tymes comeing to the presbytries qwhere the benefice lyes; alwayes in admisione or deprivatione of Ministers in Buchane, Aberdeene, Garrioche, and Marre, that Aberdeen and Buchane proceed with mutuall advyce in admisione and deprivatione of ministers, and lykewayes Marr and Garrioche, with mutuall advyce of wthers; and in caice of variance the matter to be committit to the Assemblie.

Anent the supplicatione given in be James Hering, desyring the Kirk to call in William Blair, and to trauell with him to giue his consent to the marriage of Agnes Blair his daughter, and if he had not cause of refuseall, to giue command to the minister of the parochie to proclaime their bands and compleit their marriage, notwithstanding qwhatsomever ordinance made be them of before: The Assemblie haveing heard both the saids parties, Finds that the said James hes not yet satisfyit their ordinance, and therefore ordaynes him to delyuer peaceable in the hands of the magistrates of Perth, the said Agnes to be delyverit to her father, upon conditione and securitie to be tane be the magistrates forsaidis for her securitie, or failzieing of the said security, to be delyvered be the saids magistrates to her good father betwixt and the first day of September nixt to come, under the paine of excommunicatione, to be execute against him be the Presbytrie of Dundie, upon the advertisement made to them be the Presbytrie of Perth, before qwhom, after her delyverance, the saids father shall prepare his reasons of refuseall to be judgit be them; and in the meanetyne, discharges all ministers of proclamatione of the saids bands, or compleiting of the said marriage qwhill the said cause be tryit, and delyverance made, as said is.

Sessio 14^a. Eodem die.

Forsuameikle as it is considerit that the patrimonie of the Kirk hes bein waistit be such as are clad with benefices, qwhilk is the occasione of laike of provisione to the ministrie ; Therefore, all presbytries are commandit to try the beneficit men within their bounds, and to examine in qwhat estate and conditione they receavit their benefice, and in qwhat condition they are in presently ; —as also qwhat they now were that sett tacks and titles of their benefice, or any pairt thereof, without consent of the Generall Assemblie ; and to report to their Synodall Assemblies, what they have found, and also the said Synodall to try where any thing is neglectit be them, and report to the Generall Assembly.

Because great sclander lyes upon the Kirk throw manifold murthers, notorious adulteries and incests, and the parties being under proces, oft tymes evites the Kirk, and chyftes from place to place, qwhairthrough the proces cannot weill be brought to a finall sentence ; dureing all the qwhilk tyme the sclanders continows and increasses : *Queritur*, quhither pairties falling into such horrible and odious crymes may summarly, upon the notorietie of the cryme, be excommunicate or not ? Answert to the said questione affirmative.

Sessio 15^a. Augusti 12.

According to the directione of the Kirk for the restraining mercats, and profanatione of the Sabbath day, within Edinburgh, be ganging of their millnes, receaving of loads within their ports, selling of flowre and fructuages, and suche other violatiōne of the said day : The Baillies of the said burgh having direction from the Counsell, declareit that the mynde of the Counsell is, notwithstanding of qwhatsomever difficulties, to doe qwhat may be in their power for removeing thereof, that all the rest of the burghes shall take no sclander be them.

Sessio 16. Eodem die.

Ordaynes the brether of the Presbytrie of Edinburgh to peruse the answer sett out be Mr Craige, against ane pernicious wryting put out against the Confessione of Fayth, together with the preface made be Mr John Davidsons, and if they find meit the samen be published, that they may be committit to print.

Sessio 17^a. Augusti 13.

Forsuameikle as the dangerous insurrection made at the Bridge of Die being considerit to have notoriously importit special prejudice to the trew religion, publickly profest and established be the mercy of God, within this realme, Nottheless the special authors and interprysers of the same remaining under the said sclander, hes never meinit to purge themselves thereof, be confessione of their offence, and satisfying the Kirk of God therefore ; The Generall Assembly for this cause, presently conveynt, hes given their full power and commissione to the breither of the Presbytrie of Edinburgh, with the concurrence of ane of the King's Majestie's ministers, viz. Mrs Robert Hepburne, William Sandersone, Mrs James Carmichaell, Thomas M'Gie, George Ramsay, Adam Johnstone, James Law, John Spottiswood,—to summond before them in Edinburgh, the Earles, Lairds, Barrones, frieholders, qwhilks were at the said insurrectione, and speciall traffiquers and counsellors to the said noblemen, and to charge them to acknowledge and confesse their offence against the trew Kirk of God and his religione, and make satisfacione for the sclander committit be them there-through, under the paine of excommunicatione ; and that betwixt and the first day of February nixt to come : referring to their discretion the particular dyetts and order of proces to be keepit therein ; provyding alwayes that this commissione be execute betuixt and the said day—requyring their brother, Mr John Craige, to remember this matter to the saids Commissioners, as he would eschew the blame of the breither in caise of his negligence.

Auent the provisione of the Generall Visitors direct to the north and south pairts, as also Commissioners to be nominat to their presbitries : The breither nominat to the said platt be the King's Majestie, are ordaynit to trauell with the modifiers, that the Commissioners of the Kirk may be provydit, and assignationes gīven for that effect.

[FIFTY-FIFTH GENERAL ASSEMBLY.]

THE Generall Assembly of the Kirk of Scotland, conveint at Edinburgh, in the New Kirk thereof, the 2d day of July in the year of God 1591.

Sessio 1^a. July 2.

Exhortatione being made be Mr Patrick Gallaway, last Moderator, the Kirk proceedit to the election of ane Moderator for this tyme; and putting on leitts Mrs Nicoll Dalgleische, Patrick Scharpe, James Balfour, and John Davidsons, the said Mr Nicoll, be plurality of votes, was chosen Moderator.

Sessio 2^a. Eodem die.

Forsuameikle as the alteration of the place of the Assemblie may move some breither to cast ane doubt of the authoritie of this Assemblie: The Kirk hes votit that there was ane reasonable and weighty cause of the alteration thereof, and that nothing is done in prejudice of their act—the speciall cause being the desyre of his Majestie, qwho, for sundrie reases, willit the Assemblie to be keepit here at this tyme, qwhereof if any breither wald be satisfyit further, the breither on the conference shall resolve them; and that this is ane lawfull Assembly, notwithstanding the alteration forsaid.

Sessio 3^a. July 3.

Ordayneſ ane article to be given to the King and Counsell to take order with the cullorit and vagabond Egyptians, qwhilk defyles the countrie with all manner of abominatione.

Anent the act made in the Assembly concernyng beggars: It is demit expedient that the samen be publischt in every parochie be the minister thereof, and put to executione be the pastors also far as concerns them, as they will be answerable to the Kirk.

Sessio 4^a. July 5.

Anent the subscriptione of the Book of Policie, injoynit in the last Assembly: In respect the greatest pairt of the presbytries as yet hes not satisfyit the ordinance of the Kirk, the Assemblie hes

ordaynit the former act to be observit and execute betuixt and the next Assemblie, and the Moderator of everie presbytrie to sie to the executione thereof, under the paine of forty shillings, to be imployit to the use of the poore, besyde the open rebuke in the open Assembly.

Anent sacriledge universallie reigning throw the whole realme : Seeing it is commonly esteemit no sinne, and is unknowne to many for the maist part : It is thocht meit that some trauell be taken be some godly breither, to sett downe and draw that monster unto the awne collours, and therefore desyres their brother, Mr Robert Pont, to take paines in that subject.

The Kirk present hes willit their breither, Mrs Robert Bruce, David Lyndsay, Peter Blackburne, Andrew Melvill, Robert Rollock, Thomas Buchanan, James Carmichaell, John Davidstone, and John Johnstoune, or any three of them, to peruse and visite the said Mr Robert his Treatise, and to give to him their judgement therein, to the effect the samin being perfytit, may be put *in mundo*, and presentit againe to the full Assembly, that they may giue their opinion therein.

Sessio 5^a. Julii 6.

Forsuameikle as the order observit of before, in giving power to certaine of the breither nominat thereto, to read and answer to the Bills given in to the Generall Assemblie, it appeares to some brethren to be inconvenient and derogatorie to the provinciall Assemblies, speciallie in that far as the matters qwhilk are thocht doubt-some to them and referrit to the full Assemblie, are committit to the decisione of ffour or fyve brethren : It is thocht, therefore, expedient in tynae coming that certain brether be chosen and namit be the Assembly, who shall have power only to take in the supplications and complaints qwhilks are to come before the full number, read them, and consider if they come in pertinently before the Generall Assembly ; and if they be impertinent, to giue them answer on the back of the Bills ; and qwheneas they are pertinent, to bring them back to the haill Assembly to be answerit therewith, their opinion in word, qwhat they have considerit thereof, and where they think meit to be answerit.

Sess. 10^a. July 8.

Anent the questione proponit—Whether they who usurpes the

names of Bischopes, and have been sometyne in the ministrie, and now will neither serve the kirk themselves qwhereof they take up the fruits, neither pay the stipends of them that serves as they are appoyntit be the platt, there being sufficient rent to doe the same, but spend the same in profane uses, aught to be censurit be the Kirk; and if they will not amend, be excommunicat? It is answerit—Such persones aught to be censurit be the Kirk—and if they amend not, to excommunicate them.

Sessio 11^a. Eodem die.

Compeird my Lord Provand, President, with my Lord Culross and Barnbarroche, and in name of the hail Sessione declareit, that they understood that my Lord of Halgairds, ane of their number, was yesterday callit at the instance of Mr Patrick Simpstone, for calling him before them, ane suborner; qwhilk matter indifferently depends before them, being ane civill cause and proper to their cognitione, and qwhereunto the Kirk is not judge; desyreing, therefore, that the Kirk sould not proceed in their judgement thereupon until the said cause before them took end, qwhereon, so diligently as was possible, they were proceeding, and that they sould doe nothing to the derogatione of the priviledge of the College of Justice.

After they were removit and the Kirk advysit with their petitione, being callit in againe, The Assembly answerit, they wald doe nothing to hurt or derogate to their priviledges, nor yet proceed or judge in any civill matter; but in this cause, being chiefly occupied in purgeing the members of their awne bodie, qwhilk is ecclesiasticall, they micht judge without any prejudice to the civill judgement, desyrand the Lords as they wald not hinder nor wish the hinderance of their judicature, so they wald not think evill that the Kirk proceeded in purging of their awne bodie and meddling ecclesiasticallie.

Sessio 13. July 9.

Anent the foresaid matter, the Assemblie, after grave reasonyng had, if it was expedient to proceed in this cause before the Lords of Session had giuen their decisione, thought meit that my Lord Justice Clark sould be demandit if he acknowledged the judgement and jurisdictione of the Kirk or not? Qwha being callit and inquiryt as said is, answered, that he acknowledgit with reverence the judgement of the Assemblie in all causes appertayning to them:

But in this cause, qwhilk is civill, qwhereunto the Lords are *primario Judices*, before qwhom also it presently depends, they cannot be Judges *primario*.

After the qwhilk answers, being removit, and the Kirk farther advysit, calling his Lordship in againe, they pronuncit that they fand themselves Judges *primario* in this cause, and instantly to proceed therein—requyring him what farther he wald alleadge or propone for his defence in the said cause: wha took instruments of their interloquitor, protesting for remead of law; qwhilk protestatione, because it was made *verbo*, and contaynit many heads, he was desyrit to give into the Clerk in write.

Sessio 12. July 15.

Anent the act of the Lords of the Chekker, proceeding upon ane supplicatione made be the breither of the ministrie to them, daited at Halyrudelohouse the tenth day of February 1591, declareing their meaning to be, that all ministers that hes vitiat any benefices of cure, in haill or in pairt, be purchasing unto themselves, thair airs, and assignays, lang tacks of the samen within the worth of the saids benefices, be compellit be the censures of the Kirk to restore them againe to thair awne integritie to thair ministers presently serving the cure; and to that effect requyres the Generall and Synodall Assemblies, Commissioners, and Presbytries of the bounds quhar the saidis benefices lye, to take tryall of such persones, and to proceed against them as said is, in most strait forme, according as such a great anormitie in ministers craves, ay and qwhill they have redintigrat the benefices qwhilks hes been corrupt and vitiat be them as said is, but any farther process of law to follow thairupone; as the said act, subscrivit be my Lord Chancellor, Newbottle, Sir Robert Melvill, Parbroth, Blantyre, Carmichaell, Lincluden, Colluthie, and Mr Patrick Young, beirs: The Generall Assembly of the Kirk being advyseit therwith, allows and approves the said act and advyce of the said Chekker, and ordaynes the same to be put in execution in every Presbytrie, according to the tenor thereof.

Sessio 16. Eodem die.

The Assembly ordaynes universallie, that the acts of discipline content in the acts of Generall Assembly, be keepit, alsweill in Angus and Mearns as in other places.

Sessio 17. July 13.

Forsuameikle as it being deeply considerit be the Kirk, that many things have been done by them, and be uthers pretendand the name and title of the Kirk, greatly prejudiciall to themselves, their discipline, and also the patrimonie and living of the Kirk, and that be priviledge of good lawes, it is grantit and leisum to them to remead themselves be revocation thereof; Therefore the hail Assemblie, after grave and mature deliberatione, hes revockit, and be thir presents revocks, all and quhatsumevir thing done be them, or others cloathing them with the name and title of the Kirk, prejudiciall to themselves, their discipline, patrimonie, and living, as being enormlie hurt thereby, and protests according to the disposition of the said law, solemnit as they may be heard in tyme and place to seek remedie heirof; and for mair speciale expressing and mair particular declaratione thairof, hes willit their brethren, Mrs Robert Pont, David Lyndsay, Robert Bruce, and Andrew Melvill, to conceive in write the forme thairof; the copie qwhairof ilk Presbytrie is ordaint to receive, and to give command to the pastors within their bounds, to intimat the said revocatione made in this Assemblie from their pulpits.

Anent the forme of examinatione before the communion, penit be their brother Mr Craige: the Assembly thought it meet to be imprintit, being be the author thairof contractit in some schorter bounds.

Humble Petitions of the Generall Assembly of the Kirk, cravit of his Majestie and Councill.

It is cravit that the acts of Parliament made for suppressing of the inormities following may be put to execution: ffirst against Jesuites, such as Mr James Gordowne, and the receipters of them; and excommunicants, such as the Laird of Fintrie and the Master of Angus, profainers of the sacraments, priuate men and women givers thereof, idolaters, pilgrimagers, papisticall magistrates, sayers and hearers of masse, givers of the sacraments according to the papisticall forme, and receivers of the samen, committers of apostasies, publick mercats upon the Sabbath day, violent invaders of ministers be strickeing of them or be shedding of thair blood, profaning of the Sabbath day be Robin Hood's playes, murtherers and bloodshedders, qwhilks overflow the whole land. *Item*, That

the ministrie plantit be sufficiently provydit, and also that ministers may be provydit of sufficient living to the kirks implantit. *Item*, The act of annexatione to be dissoluit; The new erectiones and patronages dischargit; The act of dissolution of prelacies and benefices, consisting of mae kirks than ane, be ratified and established: The act of February without exceptione; The aucht of July eikit to it may have place; that small benefices disponit to ministers may be free of all taxations; That Manses and Gleibs be designit of Kirklands, Abbays, Freir lands, and qwhatsunever Kirk Lands; That Manses and Gleibs have their liberty of floggage, fewall, and pasture; That commone kirks be disponit to ministers serving the cure: That every kirk be provydit of ane sufficient pastor, and ane competent living assignit to him for his service.

The Generall Assembly of the Kirk giues full commissione and power to their lovit breither Mrs Robert Bruce, Robert Pont, David Lyndsay, with his Majestie's Ministers, to present unto his Grace and Councill, humble Petitions and Articles of the Kirk, and with all reverence and numilitie to crave answer thereof, conferre and reasone if need be thereupon, and to report answer to the nixt Assemblie.

The Generall Assembly of the Kirk is appoyntit at Aberdeene, the 17 day of August 1592, in caice ane Parliament interveen not; in the qwhilk caice, the brethren being advertised thereof be the Presbytrie of Edinburgh, shall hald their Assembly qwhaire the Assembly shall be for the tyme, and conveyn two dayes before the same.

[FIFTY-SIXTH GENERAL ASSEMBLY.]

ATT Edinburgh, the Generall Assembly of the Kirk of Scotland, conveyn upon the 22 of May 1592.

Exhortatione being made be Mr Nicoll Dalglesche, Moderator of the last Assembly: The Kirk proceedit to the election of ane Moderator, and appoyntit in the leets, Mrs Robert Bruce, David Lyndsay, James Balfour, and James Nicolsone. The said Robert was, be pluralitie of vots, electit Moderator, *hac vice*.

Sessio 2^a. May 23.

Forsuameikle as the necessitie of tyme requyres that the greatest and weightiest heads be first considerit ; It was proponit to the haill brethren to consider and decerne if they thocht meit or not, the Kirk sould make sute for the Articles following :

1. That the acts of Parliament made in the year of God 1584 against the discipline of the Kirk, libertie and authoritie thereof, be annullit, and the samen discipline qwherin the Kirk hes been in practise, ratified.

2. The abolitione of the act of annexatione and restitutione of the patrimonie of the Kirk.

3. That abbots, pryors, and wthers prelates, pretending the title of the Kirk, and voting for the same, without their power and commissione, be not sufferit in tyme comeing, to vote for the same, either in Parliament or wther conventione.

Last, That the countrie, qwhilk is polluted with fearfull idolatrie and blood, be purgit : Qwhilks haill articles, the Assemblie thocht most necessare to be cravit : and for putting of the same in good forme, imployit their breither, Mrs Robert Pont, David Lyndsay, Thomas Buchanane, and James Melvill ; willing them to present the same, at ten houres, to the full Assembly to be considerit be them.

As concernyng the voting in Parliament, in the name of the Kirk, if it shall be thought leisum, the ministrie sould succeed in that part in the prelats' place ; it is referrit to consultatione qwhill the morne. And every brother is ordaynit to wey and debait that argument with himselfe, and be readie the morne to reasone their opinion into the same.

Sessio 5^a. May 24.

It is ordaynit in tyme comeing, that the breither receiving commissiones from the Kirk, and slewthfullie observing the execution thereof, shall be rebukit in the face of the Assemblie for their negligence.

Sessio 6^a. May 25.

Forsuameikle as the Kirk, considering their dewtie first to God, and the necessitie of the charge qwhilk is imposit upon them, seeing the daily decay of religione, and laicke of justice, qwhereof

the effect is to the regrait of all trew Christians, mair and mair falls out in miserable experience, and that the dewtie of their office burdeneth them to discharge their conscience in this behalf to their Sovereigne, to qwhome chiefly it appertayneth to procure remedie thereof; Therefore directs their breither qwhilks war nominat before, to present the Articles to his Majestie, together with Mrs Nicoll Dalgleische, Patrick Symson, Patrick Scharpe, John Malcolme, and David Fargysone, to passe immediately to his Majestie to lament the daily decay of Religione, disorder and laike of justice within this realme, to crave his dewtie, as he wald answer to God, qwhat to be done for remeid thereof, and grauely to admonische his Majestie, in the name of the Eternall, to have respect in tyme to the estate of the trew Religione perishing, and to the manifold murders, oppressionis and enormities dayly multiplied through impunitie and laike of justice; and to discharge his kingly office in both, as he wald eschew the fearfull challenge of God, and turne his wrath aff his Majestie and the haill land: And to the effect his Majestie may be the better informit of the particular, to lay downe the same particularlie to him, and craue his answer, that they may report the same to the haill Assemblie.

Sessio 10^a. Penult Maii.

Forsuameikle as, at the speciall desyre of the Kirk, ane Forme of Examinatione before the Communion was pennit and formit be their brother Mr John Craige, qwhilk is now imprintit and allowit be the voyce of the Assembly: Therefore, it is thought needfull that euery pastor travell with his flock, that they may buy the samen book, and read it in their families, qwheremy they may be better instructit, and that the samen be read and learnt in doctors' schools in place of the Litle Catechisme.

Sessio 15^a. Junii 2^d.

Mr Alexander Dicksone compeirand, and being inquiryt if he had subscriyvit the Articles of Religione, presently professit and establischit within the Reformit Kirk of this realme, and communicat at the Lord's Table? Answerit he did, both in the Colledge of St Andrews and after. Being inquiryt, in what heads he differs to subseryve? Answerit, he had sundrie heads qwherewith he agreid not with the Confession of Faith and Articles of Religione forsaid; wherewith being pressit with the Assembly, and that either

now be word, or the morne be wreit, he sould be speciall, at lenth plainly avowit and protestit he differed from them in all the substantiall heids and poynts of religione qwherein the Papists contraverts with them: Withqwhilk confessione and declaration forsaid, the breither of the Assemblie being advysit, ffound that he had committit apostacie, and therefore to have incurrit the paines thairof.

Sessio 17^a. Tertio Junii.

Anent the supplicatione of Mr Alexander Dickson, in conclusion offerand either to subscriye the Confessione of Faith, or within fourty dayes to passe off the realme, and to that effect desyrand to be freed from captivitie; The Assembly being advysit therewith, desyred the Baillie of Edinburgh to take order with him according to the tenor of the act of Parliament, and to sett him frie upon cautione.

Sessio 22^a. Junii 6.

Anent the forme and order of excommunicatione to be used againes notorious murtherers: The Assembly hes concludit that the order containit in the excommunication be keepit and followit out according to the tenor thereof.

Anent the haynous and cruell murther of the Earle of Morray, committit be the Earle of Huntly and his complices, the brethren and Assembly present hes given and gives ordinance and strait command to the brethren of the Presbytrie of Brechine, who hes already interit in proces with him, to proceed with concurrence of two breither of every ane of the Presbyteries of Angus and Mearnes, against him for the said cruell fact, according to the acts of the Assembly.

Sessio 23. Junii 7.

Anent the act made concernyng deposed ministers or persones in this last Parliament; It was thought meet at the next Parliament, or Conventione having the force or commissione of Parliament, to craue, that where it else has been inactit, that notwithstanding the pastor be deposit, the tacks and tithes sett be him shall nevertheless stand, it be now provydit and addit to the said act, that in caice the said tack or tithe be sett after the committing of the fact for the qwhilk the persone is deposed, that such tacks, factories, or tithes whatsomever, shall be null and of none avall, force, nor effect.

APPENDIX II.

HAVING now completed the Register of another epoch in the history of the Reformed Church of Scotland, which embraces the first thirty-two years of its existence,—exhibiting in its internal movements the equivocal and conflicting elements of a new establishment, and blending in its structure the incongruous peculiarities both of Episcopacy and Presbytery; we have now reached that period in its progress when it assumed a more precise and clearly defined position, as a purely Presbyterian Church. On the 5th of June 1592, immediately after the close of the General Assembly, of which the proceedings have just been given, the MAGNA CHARTA of the Church of Scotland was obtained in an act of Parliament “for abolishing of the actis contrair the trew Religion.” It is therefore deemed suitable to pause in the transcript of the Ecclesiastical proceedings, and to subjoin, in an Appendix, the several statutes of the Civil Legislature applicable to the period intervening betwixt 1567, when the Church was first fully established, and 1592, when the distinct character of Presbyterianism was stamped upon it by the Law of the Land. These statutes, accordingly, are now subjoined in chronological order—reserving for a future occasion any less important and authoritative documents connected with our subject.

ACTS OF PARLIAMENT.

I.

Ratification of the Freedome and Libertie of the trew Kirk of God.*—August 28, 1571.

Item, Our Souerane Lord, with auiss and consent of his said Regent, thre Estaittis, and hail body of this present Parliament, hes ratifit, and be this present act ratifis and appreves all and quhat-

* Acts, (Mr Thomson's edit.) vol. iii. p. 58.

sumeir actes and statutis maid of befoir be our Soueraine Lord or his predecessouris, anent the fredome and libertie of the trew Kirk of God, now publictlie professit within this realme.

II.

Anent the Constitution of the Policie of the Kirk.*—5th March 1574.

Forsamekill as the present estate of the Kirk within this realme being considerit be my Lord Regentis Grace, and Estaittis now conuenit, and how sen the alteratioun of religioun, albeit the libertie of the evangell hes bene inioyit in vnitie of doctrine, ȝit is thair not to this day ony perfyte policie be lawis and constitutionis set out, how the Kirk in all degreis salbe governit in decent and cumly ordour, qwhairthrow sindry inconvenientis hes followit, and ma are lyke to occur heirafter, gif tymous remeid be not prouidit: The Estaittis finding it impossibill that thay can byde togidder qwhill this mater can be exactlie avysit on, and put in forme, Hes thairfoir thoct meit and concludit, that Johnne Lord Glamysse, chancellair, James Archebischop of Glasgow, &c. Maister James Lowsoun, minister of Edinburgh, and Maister Dauid Lindesay, minister of Leyth, sall tak the panis to conuene, confer, ressoun, and put in forme, the ecclesiasticall policie and ordour of the governing of the Kirk, as thay sall find maist agreabill to the trewth of Goddis word, and maist conuenient for the estate and people of this realme: Qwhilks personis being for the maist part present, for the gude will thay beir to the auancement of Goddis glory, the Kingis obedience, and commoun weill of the realme, wer content to bestow thair panis for this effect, and to begin thair werk on Monunday the xiiij day of Marche instant, in sic part of the Palice of Haliruidhous as my Lord Regentis Grace will appoint thame to conuene in, And swa to continow and abyde togidder frome day to day, qwhill thay haue anys drawin a forme of the said ecclesiasticall policie; qwhilk being endit, It salbe reportit, and schawin to the estaittis at the nixt conuention, To the effect that than be thair aduise, a Parliament may be appointit, and in the same, the forme qwhilk salbe drawin, or samekill thereof as salbe found meit, to be ratifit and establissit as a law.

* Acts, vol. iii. p. 89. A Commission to a similar effect appointed, 15th July 1578.—Acts, vol. iii. p. 105.

III.

The Ratification of the Libertie of the trew Kirk of God and Religion.*—July 25, 1578.

Our Souerane Lord, with aduise of his thrie Estatis of this present Parliament, hes ratifit and appreuit, and be the tennour heir-of, ratifeis and appreuis all and quhatsumeuir actis of Parliament, statutis, and constitutionis, past and maid of befoir, agreable to Goddis word, for mantenance of the libertie of the trew Kirk of God and Religioun, now presentlie professit within this Realme, and puritie thairof. And decernis and declaris the samin to haue effect in all pointis, efter the forme and tennour thairof.

IV.

Act anent the trew and Haly Kirk, and thame declarit not to be of the same.†—October 26, 1579.

Our Souerane Lord, with auise and consent of the thrie Estaitis and haill body of this liament, ratifeis and appreuis all and quhatsumeuir actis and statutis maid of befoir be his Hienes, with auiss Regentis, in his awin regnne or his predicesouris, anent the freidome and libertie of the trew Kirk of God and religioun, now presentlie professit within this realme; And specialie ratifeis and appreuis the sext act of his Hienes Parliament, haldin in the first zeir of his Hienes regnne, intitulat, Anent the trew and haly Kirk, and of thame that ar declarit not to be of the samyne. Ordaning the same to be heir insert of new, (becaus of sum defectioun and informaltie of wordis in default of the Prentair,) in this forme. Oure Souerane Lord, with auise of his thrie Estaites and haill body of this present Perliament, hes declarit and declaris the ministeris of the blissede Euangel of Jesus Chryst, quhome God of his mercie hes now raisit vp amanges ws, or heirefter sall rais, aggreing with thame that now levis in doctrine and administratioun of the sacramentis And the people of this realme that professis

* Acts, vol. iii. p. 95.

† Acts, vol. iii. p. 137.

Jesus Christ as he is now offerit in his Evangell, and do communicat with the haly sacramentis, as in the reformit kirkis of this realme ar publictlie administrat, according to the Confessioun of the Faythe, to be the only trew and haly kirk of Jesus Christ within this realme. And decernis and declaris that all and sindrie quha vther gaynesays the word of the Evangell ressaut and appreuit As the heidis of the Confessioune of the Faythe professit in Perliament of befoir in the yeir 1560: as alsua specifit and registrat in the actis of Parliament maid in the first zeir of his Hienes regnne, mair perticularlie dois expres, ratifeit alsua and appreuit in this present Parliament: or that refusses the participatioune of the haly sacramentis as they ar now ministrat to be na membris of the saide kirk, within this realme, and trew religioune, sa lang as they keep thame selffes sa deuydit from the societie of Christis body.

V.

Anent the Jurisdiction of the Kirk, 26 Oct. 1579.*

Our Souerane Lord, with aduise of the thrie Estaitis of this present Parliament, hes declarit and grantit Jurisdiction to the Kirk; quhilk consistis and standis in the preacheing of the trew word of Jesus Chryst, correctioun of maneris, and administratioun of the haly Sacramentis; and declaris that thair is na vther face of Kirk nor vther face of religion then is presentlie be the favour of God, establishit within this realme; and that thair be na vther jurisdiction ecclesiasticale acknowlegit within this realme, vther than that quhilk is and salbe within the samyn Kirk, or that quhilk flowis thairfra, concerning the premisses.

And further, Commission was granted to the Earl of Morton and others "To convene in Edinburgh, the xj. day of Aprile nixtto-cum, to searche furth mair speciallie, and to consider quhat vther speciall poyntis or clauses sould appertene to the Jurisdiction, priuilege and auctoritie of the said Kirk; and to report thair declaratioun thairanent, to our Souerane Lord and thrie Estatis of this Parliament, sua that they may tak ordour thairintill, and authorise the samyn be act of Parliament," &c.

* Acts, vol. iii. p. 137.

VI.

Anent Prouisioun of Ministeris and certane Stipendis for thame, at all Paroche Kirkis, and appointing of Commissioneris for ordering thairrof.—30 Nov. 1581.*

Item, Becaus for laik of preching and teiching in sindrie partis of the realme, monie people are suspectit to be fallin in greit ignorance and danger of godles atheisme. It being found maist difficult, that in the charge of pluracie of kirkkis, ony ane minister may instruct mone flokis: Thairfoir it is thocht expedient, statute, and ordanit be our Soverane Lord, and his thre Estatis of this present Parliament, That euerie paroche kirk, and samekle boundis as salbe found to be a sufficient and a competent, parochrie thairfoir sall haue thair awin pastoure with a sufficient and ressonable stipend, according to the state and habilitie of the place. And that all kirkis to the prelacyis annexit, be prouidit of sufficient ministeris, with competent livingis, alsweill laittie disponit, sen his Hines acceptatioun of the gouernement of his awin persoun, as that sall vaik and be prouidit heirefter, whill his Hines perfite age. And befor the title of any prelacie be conferrit to any persoun heirefter, that the saidis livingis and stipendis be reseruit in the prouisioun, and alwayis comptit in the thrid, to the effect that ministeris may be prouidit thairto *ad vitam*. And in cace ony gift or prouision of prelacie sall pas vtherwayis, declaris the same to be null, and of nane auail, force, nor effect; ffor the speciall executioun of the qwhilk ordoure, his Majestie, with aduise of his saidis thre Estatis, grantis and gevis power and commissioun to his richt traist cousingis, and trustie and weill belouit Counsaillouris and vtheris efter specefeit, videlicet: James Stewart, Erle of Arrane, &c. and to consider, appoint, and ordour the estate of the saidis kirkis and stipendis, qwhairthrow the saidis ministeris being honestlie sustenit, may the better attend to thair flokis and propir vocation. And the said ordoure to continew ay and quhill forder ordoure be tane be his Hines, with aduise of his saidis Estatis in Parliament.

* Acts, vol. iii. p. 211.

VII.

The Ratificatioun of the Libertie of the trew Kirk of God and Religioun, with Confirmatioun of the Lawis and Actis maid to that effect of before.*—*Penult die mensis Novembris*, 1581, (ch. 1.)

Our Souerane Lord, with auise of his thre Estaittis and hail body of this present Parliament, hes ratifeit and appreuit, and be the tenoure heirof ratifies and appreuis, all and quhatsumever Actis of Parliament, statutis, and constitutionis, past and maid of befor, aggreabill to Goddis word, for mantenance of the liberte of the trew Kirk of God and Religioun, now presentlic professit within this Realme, and puritie thairof. And specialie the actis maid in the regne of the Quene, his dearest moder, in the Parliament halden at Edinburgh, the 19th day of Aprile, the zeir of God 1567, Anent the cassing, annulling, and abrogating of all lawis, actis, and constitutionis, cannon, ciuile and municipale, with uther constitutionis contrair the Religioun now professit within this Realme. And the actis in likewise efter following, made in diuerse Parliamentis, halden sen his Hienes' Coronatioun. Namelie, the actes anent the abolisching of the Pape and his usurpit authoritie. Anent the annulling of the actis of Parliament, maid againis Goddis word, and mantenance of Idolatrie in any times bypast. The Confessioun of the Faith professit be the Protestantis of Scotland. Anent the Mes abolischit, and punisching of all that heiris or sayis the same. Anent the trew and haly Kirk, and of thame that are declairit not to be of the same. Anent the admissioun of thame that salbe presentit to benefices, havand cuir of ministerie. Anent the Kingis aith to be gevin at his coronation. Anent thame that suld beir publict office heirefter. Anent thriddis of benefices grantit in the moneth of December, the zeir of God 1561 zeris, for sustenyng of the ministerie, and utheris effairis of the Prince. Anent thame that salbe teicheris of the zouth in scules. Anent the iurisdiction of the Kirk. Anent the dispositioun of Pronestries, Prebendareis, and Chaplanreis to Bursaris, to be foundit in Colleges. Anent the fylthie vice of Fornicatioun, and punischment of the same. Anent thame that committis Incest. Anent lawfull Mariage of the awin

* Acts, vol. iii. p. 210.

blude in degreis, not forbiddin in Goddis word. Ratification and approbatioun of the actis and statutis maid of befoir, anent the freedom and libertie of the trew Kirk of God. Anent the trew and haly Kirk. That the aduersaries of Christis Euangel sall not enjoy the patrimony of the Kirk. Anent the disobedientis, quhilk salbe resavit to oure Soueraine Lordis mercie and pardoun. The explanatioun of the act maid anent manses and gleibis. Anent purchasing of the Papis bullis, or giftis of the Quene, oure Souerane Lordis moder. Approbation of the actis maid anent the dispositioun of benefices to the ministers of Christis Euangel. Anent the reparatioun of Paroche Kirkis. The ratificatioun of the libertie of the trew Kirk of God and Religioune. That the Gleib of the Ministeris and Reideris salbe fre of teyndis. Anent the trew and haly Kirk, and of thame that are declarit not to be of the same. Anent the jurisdiction of the Kirk, dischargeing of Mercattis, and lauboring on Sondagis, and playing or dreinking in tyme of sermone. Anent the zouth, and utheris bezond sey, suspect to haif declinit from the trew religioun. That householderis haif Bybillis and Psalme buikis. ffor punischment of strang and idill beggeris, and releif of the puir and impotent. And declaris the saidis actes, and ewery ane of thame, and all utheris actis of Parliament, maid in favour of the trew Religioun, sen the said Reformatioun, to haue effect in all poyntis, eftir the forme and tenour thair of.

VIII.

That Ministeris sallbe presentit be the Kingis Maiestie and the lawit Patronis to all benefices of cuir under Prelacyis.*
—(Ch. 4.) 30 November 1581.

Item, It is statute and ordauit be our Souerane Lord, with aduise of his thre Estatis of this present Parliament, That all benefices of cuir, under prelacyis, sallbe presentit be our Souerane Lord, and the lawit personis in the fauoure of abill and qualifeit ministers, apt and willing to enter in that functioun—and to discharge the dewtie thair of. And in cace any sall happin to be gevin and dispoit wtherwise herefter, decernis and declaris the giftis and dispositiounis to be null and of none avail, force nor effect.

* Acts, vol. iii. p. 212.

IX.

Anent the Libertie of the Preching of the trew Word of God, and administratioun of the Sacramentis.—22d May 1584, c. 1.*

Oure Souerane Lord, with aise of his thrie Estatis conuenit in this present Parliament, hes ratefeit and appreit, and be the tennour heirof ratefeis and apprevis the libertie of the preching of the trew word of God, and administratioun of the Sacramentis in puritie and synceritie, according to the Confessioun of the Faith receavit and auctorizit be Parliament, in the first zeir of his Majestie's Regne.

X.

Anent the Auctoritie of the thrie Estatis of Parliament.—Eo die, c. 3.†

The Kingis Majestie, considering the honour and the auctoritie of his Supreme Court of Parliament, continewit past all memorie of man vnto thir dayis, as constitute vpon the frie votis of the thrie Estatis of this antient kingdome, Be quhom, the same, under God, ever hes bene vphaldin, rebellious and traterous subiectis pvnisit, the guid and faithfull preseruit and mantenit, and the lawis and actis of Parliament (be quhilkis all men ar governit) maid and establisit. And finding the power, dignitie, and authoritie of the said Court of Parliament of lait zeris callit in sum doubt, at least sum curiouslie travelling to haue introducit sum innovatioun thairanent, his Maies-tie's firme will and mynd always being as it is zit, that the honour, authoritie, and dignitie of the saids thrie Estatis sall stand and continew in the awin integritie, according to the ancient and louable custome, obseruit in tyme bygane, without ony alteratioun or dimi-nutioun. THAIRFOIR it is statute and ordinit be our said Souerane Lord, and his thrie Estatis assemblit in this present Parliament, That

* Acts, vol. iii. p. 292.

† Ibid. p. 293.

none of his lieges and subiectis presume or tak vpoun hand to impugne the dignitie and authoritie of the saids thrie Estatis, or to seik or procure the innovatioun or diminutioun of the former auctoritie of the same thrie Estatis, or ony of thame, in tyme cuning, vnder the pane of treasoun.

XI.

Ane Act confirming the Kingis Maiesties Royall Power over all Statis and Subiectis within this Realme.—Act 1584, c. 2.*

Forsamekle as syndrie personis, being laitle callit befor the Kingis Majestie and his secreit Counsell, to answer upon certaine pointis to have bene inquirit of thame, concerning sum treasounable, seditious, and contumelious spechis, utterit by thame in Pulpet, Scolis, and utherwayis, to the disdane and reprooche of his Hienes, his Progenitouris, and present Counsell, contemtuouslie declinit the judgement of his Hienes and his said Counsell in that behalf, to the evill exemple of utheris to do the like, gif tymous remeid be not providit: Thairfoir our Soueraue Lord, and his thrie Estatis assembled in this present Parliament, ratifeis and apprevis, and perpetuallie confirmis the royall power and authoritie over all statis, alsweil Spirituall as Temporall, within this Realme, in the persoun of the Kingis Majestie, our Souerane Lord, his airis and successouris: And als statutis and ordainis, that his Hienes, his said airis and successouris, be thameselffis and thair counsellis, ar, and in tyme to cum sallbe, juges competent to all personis his Hienes subjectis, of quhatsumever estate, degrie, functioun, or conditioun that ever they be of, Spirituall or Temporall, in all matteris, quhairin they, or ony of thame, sallbe apprehendit, summound, or chargeit to answer to sik thingis as sallbe inquirit of thame, be our said Soverane Lord and his Counsell. And that nane of thame, quhilkis sall happin to be apprehendit, callit, or summound, to the effect foirsaid, presume, or tak upoun hand to decline the judgement of his Hienes, his airis or successouris, or thair Counsell, in the premisses, under the pane of treasoun.

* Acts, vol. iii. p. 292.

XII.

Ane Act dischargeing all jurisdictionis and judgementis, not approuit be Parliament, and all Assembleis and Conventions, without our Souerane Lordis speciall licence and commandement.*—Act 1584, c. 4.

Forsamekle as in the trubulous tymis, during thir xxiiij zeris bypast, syndrie formis of jugementis and jurisdictionis, alsweil in Spiritual as Temporal causes, ar entrit in the practis and custome, quhairby the Kingis Majesties subjectis ar oftymis convocat and assemblit togidder, and panis alsweil civill and pecuniall, as Ecclesiasticall, inioinit unto thame; proces led and deduceit; sentences and decreitis gevin, and the same put in executioun: Na sik ordour as zit being allowit of, and approuit be his Majestie, and his thrie Estatis in Parliament, contrare the custome obseruit in onie uther Christiane Kingdome, or weill governit commoun weill; and to the diminissing of the force and power of his Hienes awin lawis, be the quhilkis his Majesties subjectis aucht to be rewlit; and speciallie his Hienes and his Estatis, considering that in the saidis assembleis, certane his subjectis have takin upon thame to justifie, and auctorize the fact perpetrate aganis his Hienes persoun and Estate at Ruthven, and prosecutit thairefter, quhill his Majestie, at Goddis pleasour, recoverit his libertie, having, in thair pretentit maner, maid actes thairupoun, kepis the same in Register, and as zit seimis to allow the said attemptat, althocht now publictlic condemnit be his Hienes and Estatis as treasounable, nane of the authoris thairof having cravit his Hienes pardone thairfoir. For remeid quhairof, in tyme cumning, swa that according to the lovable act of his darrest Guidsir, King James the Ferd, of worthie memorie, all his Hienes liegeis (being under his obeissance) man be rewlit be his awin lawis, and the commoun lawis of this Realme, and be nane uther lawis: Our Souerane Lord, and his thrie Estatis, assemblit in this present Parliament, dischargeis all jugements and jurisdictionis, Spirituall or Temporall, accustomat to be usit and execute, upoun ony of his Hienes subjectis, quhilkis ar not approuit be his Hienes, and his saidis

* Acts, vol. iii. p. 293.

thrie Estatís, convenit in Parliament: and decernis the same to ceis in tyme cumming, quhill the ordour thereof be first sene and considerit be [his Hienes, and his saidis thrie] Estatís [convenit] in Parliament, and be allowit and ratifeit be thame: Certefeing thame, that sall proceed in using and exerceing of the saidis jugementis and jurisdictionis, or in obeying of the same, not being allowit, and ratifeit, as said is, They sallbe repute, haldin, callit, persewit, and punissit as usurparis, and conteminaris of his Hienes auctoritie, in exemple of utheris. And als it is statute and ordainit, be our said Soverane Lord, and his thrie Estatís, that nane of his Hienes subjectis, of qwhatsomever qualitie, estate, or functioun they be of, Spirituall or Temporall, presume or tak upoun hand, to convocat, convene, or assemble thameselffis togidder, for halding of counsellis, conventionis, or assembleis, to treat, consult and determinat in ony matter of Estate, Civill or Ecclesiasticall, (except in the ordinaré judgementis.) without his Majesties speciall commandement, expres licence, had and obtenit to that effect, under the panis ordinit be the lawis and actis of Parliament, aganis sic as un-láwfullie convocatis the Kingis lieges.

XIII.

The Causes and Maner of Deprivation of Ministers.—Act 1584,
c. 5.*

Our Soverane Lord, and his thrie Estatís, assemblit in this present Parliament, willing that the word of God salbe preacht, and Sacramentis administrat in puritie and synceritie, and that the rentis, quhairon the Ministeris aucht to be sustenit, sall not be possess be unworthie personis neglecting to do thair dewties, for whilkis they accept thair benefices, being utherwayis polluted with the fraill and enorme crymis and vices after specefeit. It is thairfoir statute and ordainit be his Hienes, with auice of the saidis thrie Estatís, That all Personis, Ministeris or Reiddaris, or utheris providit to benefices, sen his Hienes Coronatioun, (not having vote in his Hienes Parliament,) suspectit culpable of heresie, papistrie, fals and erroneous doctrine, commoun blasphemie, forni-

* Acts, vol. iii. p. 293.

catioun, commoun drunkennes, non-residence, pluralitie of benefices having cure, quhairunto they are providit sen the said Coronation, Symonie and dilapidatioun of the rentis of benefices, contrare the lait act of Parliament, being lawfullie and ordourlie callit, tryit, and adjudgit culpable, in the vices and causes abonewrittin, or onie of thame, be the ordinare Bishop of the diocie, or utheris the Kingis Majesties Commissionaris to be constitute in Ecclesiasticall causes, sall be deprivit alsweil fra thair functioun in the Ministerie, as fra thair benefices, quhilkis sallbe thairby declarit to be vacand; to be presentit and conferrit of new, as gif the personis possessouris thairof were naturallie dead: And that it sallbe esteemit and jugeit not-residence, quhair the persoun being in the functioun of the ministerie, providit to ane benefice, sen the Kingis Majesties Coronatioun, makis not residence at his mans, gif he ony hes; and failzeing thereof, at sum uther dwelling place within the parochin, but remainis absent thairfra, and from his kirk, and using of his office, be the space of four Sodayis in the hail zeir, without lafull cans and impediment, allowit be his ordinare. And quhair ony persoun is admittit to ma benefices, havand cure, sen our Soverane Lordis Coronatioun, the acceptatioun of the last sallbe sufficient cause of deprivation from the remanent, swa that he be providit to twa or ma benefices havand cure, sen the tyme of the said Coronatioun. And nevertheles this present act sall not extend to ony persoun providit to his benefice befor the said Coronatioun, nather sall the bruking of the said office, quhairunto he was providit of befor, induce pluralitie of benefices in this cace, bot he sall allanerlie tyne his richt of the benefice quhairunto he wes providit sen the said Coronatioun alanerlie: And unioun of kirkis to ane benefice not to be jugeit pluralitie, quhill farder ordour be establistit and providit in that behalf: Likeas alswa, the personis being in the functioun of the ministrie, that sall happin to be lawfullie and ordourlie convict befor our Soverane Lordis Justice-Generall, or utheris thair Jugeis competent of criminall causis, sik as treasoun, slachter, mutilatioun, adulterie, incest, thift, [commoun oppressioun, usurie aganes the lawis of this Realme.] perjurie, or falsset: They being likewayis lawfullie and ordourlie deprivit fra thair functioun in the ministerie, be thair ordinare, or the Kingis Commissionaris in Ecclesiasticall causes. The benefices posses be the saidis personis to vaik, be reasoun of the said convictioun, and deprivation.

And this to have effect and executioun onlie for crimis, vicis, faultis, and offenceis, that sall happin to be committit efter the dait heirof.

XIV.

Act for abolisheing of the Actis contrair the trew Religion. [Ratification of the libertie of the trew Kirk : Of Generall and Synodal Assemblies : Of Presbyteries : Of Discipline. All Laws of Idolatrie ar abrogate : Of presentation to benefices.]—Act 1592.*

Our Soverane Lord and Estaittis of this present Parliament, following the lovable and gude example of thair predecessours, Hes ratifiet and apprevis, and be the tenour of this present act, ratifies and apprevis all liberties, privileges, immunities and freedoms quhatsumevir, gevin and grantit be his Hienes, his Regentis in his name, or onie of his predecessouris, to the trew and haly Kirk, presentlie establishit within this realme ; and declarit in the first Act of his Hienes Parliament, the twentie day of October, the zeir of God ane thousand, five hundreth, three-scoir ninetene zieres : and all and whatsumevir actis of Parliament, and statutes maid of befor, be his Hienes and his Regentis, anent the libertie and fredome of the said Kirk : and specialie the first act of the Parliament, halden at *Edinburgh*, the twentie foure day of October, the zeir of God ane thousand, five hundreth, and four-scoir ane zieres, with the haill particulare actis thairin mentionat, Quhilk sall be als sufficient as gif the samyn wer herin exprest. And all uther actis of Parliament maid sensyne, in favouris of the trew Kirk ; And siklyk, ratifies and apprevis, the Generall Assemblies appointed be the said Kirk : And declairis, that it sallbe lauchfull to the Kirk and Ministrie everilk zeir, at the leist, and offer *pro re nata*, as occasion and necessitie sall require, to hald and keip Generall Assemblies : Providing that the Kingis Majestie, or his Commissioner with thame to be appoyntit be his Heines, be present at ilk Generall Assemblie, befor the dissolving thair of, nominat and appoint tyme and place, quhen and quhair the nixt Generall Assemblie salbe haldin : and in caise nather his Majestie, nor his said Commissioner, beis present for the tyme in that toun, quhair the

* Acts, vol. iii. p. 541.

Generall Assemblie beis halden, Then, and in that caise, it salbe lesum to the said Generall Assemblie, be themselfis, to nominat and appoynt tyme and place, quhair the nixt Generall Assemblie of the Kirk salbe keipit and haldin, as they haif bene in use to do thir tymes bypast. And als ratifies and apprevis the Sinodall and Provinciall Assemblies, to be haldin be the said Kirk and Ministrie, twyis ilk zeir, as they haif bene, and ar presentlie in use to do, within every Province of this realme; And ratifeis and apprevis the Presbyteries, and particulare Sessionis, appoyntit be the said Kirk, with the hail jurisdiction and discipline of the same Kirk, aggreit upon be his Majestie, in conference had be his Heines with certane of the ministrie, convenit to that effect: of the quhilkis Articles the tenour followis. **MATERIS** to be entreated in Provincial Assemblies: Thir Assemblies ar constitute for wechtie materis, necessar to be entreatit be mutuall consent, and assistance of brethrene, within the Province, as neid requyris. This Assemblie hes power to handle, ordour, and redresse, all things omittit or done amisse in the particulare Assemblies. It hes power to depose the office-beareris of that Province, for gude and just causeis, deserving deprivation: And, generallie, thir Assemblies hes the hail power of the particulare Elderschippis, quhair of they ar collectit. **MATERIS** to be entreated in the Presbyteries. The power of the Presbyteries is to give diligent lauboris in the boundis committed to their charge: That the kirks be kepit in gude ordour, To enquire diligentlie of naughtie and ungodlie personis: And to travell to bring thame in the way agane be admonitioun, or threatning of Goddis jugementis, or be corectioun. It appertenis to the Elderschip, to tak heid that the word of God be puirly prechit within thair boundis, the Sacramentis richtlie ministrat, the Discipline intertenyt, And Ecclesiasticall guidis uncorruptlie distributit. It belangis to this kynd of Assembleis, to caus the ordinances maid be the Assembleis, Provinciallis, Nationallis, and Generallis, to be kepit and put in executioun, to mak constitutionis, quhilkis concernis το περιποιον in the Kirk, for decent ordour, in the particulare kirk quhair they governe; Provyding that thay alter na rewlis maid be the Provinciall or Generall Assemblies: And that they make the Provinciall Assemblies foirsaidis, privie of the rewlis that they sall mak, and to abolishe constitutionis tending to the hurte of the same. It hes power to excommunicat the obstinat, formale proces being led, and dew intervall of tymes observit. **ANENT** particulare kirkis, Gif they be

lauchfully rewrit be sufficient minsteris and sessioun, Thay haif power and jurisdiction in thair awin Congregatioun, in materis Ecclesiasticall. And decernis and declairis the said Assembleis, Presbiteries, and Sessiounes, Jurisdiction and Discipline thair of foirsaid, to be in all tymes cuming, maist just, gude, and godlie in theself, Notwithstanding of quhatsumevir Statutis, Actis, Cannon, Civile, or Municipall Lawes, maid in the contrair; To the quhilkis and every ane of thame, thir presentis sall mak expres derogatioun: And becaus thair ar divers Actis of Parliament, maid in favour of the Papisticall Kirk, tending to the prejudice of the libertie of the trew Kirk of God, presentlie professit within this realme, jurisdiction, and discipline thair of, Quhilk stands zit in the buikis of the actis of Parliament, not abrogat nor annullit: Thairfor his Heines and Estaittis foirsaidis hes abrogat, cassit, and annullit, and be the tenor heirof, abrogatis, cassis, and annullis all Actis of Parliament maid be ony of his Hienes Predecessoris, for maintenance of superstitioun and idolatrie, with all and quhatsumevir Actis, Lawes, and Statutes, maid at ony tyme, befor the day and dait hereof, aganis the libertie of the trew Kirk, jurisdiction, and discipline thair of, as the samyn is usit and exerceisit within this realm. And in speciall, that pairt of the sevint act of Parliament halden at [*Streviling*, the fourt day of *November*, ane thousand four hundredth, forty-three] zeiris, commanding obedience to be gevin to *Eugin* the Pape for the tyme: the 109 act made be King *James* the *thrid*, in his Parliament halden at *Edinburgh* the twenty-fourth day of *Februar*, [the zeir of God] ane thousand, four hundredth, fourscor thrie zeirs. And all utheris actis quhairby the Paipis authoritie is establishit. The 47 act of King *James* the *third*, in his Parliament halden at *Edinburgh*, the [twenty day of *November*, ane thousand, four hundredth, threc scor nine] zeires, anent the Satterday and uther vigilis to be hally dayes from Evin sang to Evin sang. ITEM, that pairt of the 31 act maid be the *Queene Regent*, in the Parliament halden at *Edinburgh*, the first day of *Februar* ane thousand, five hundredth, fifty-ane zeirs, Geving speciall licence for haldin of *Pashe* and *Zule*. ITEM, The Kingis Majesty and Estaittis foresaidis declairis, that the second Act of the Parliament haldin at *Edinburgh*, the xxij day of Maij, the zeir of God ane thousand, five hundredth, four scoir, four zeires, sall naways be prejudiciall, nor derogat any thing to the privilege that God hes gevin to the spirituall office beareris in the Kirk, concerning heads

of religioun, materis of heresie, excommunicatioun, collatioun or deprivation of ministeris, or ony sik essential censours, speciall groundit, and havand warrand of the word of God. ITEM, Our said Sovereane Lord, and Estaittis of Parliament foirsaidis, abrogatis, cassis, and annullis, the XX act of the same Parliament, halden at *Edinburgh*, the said zeir, ane thousand, five hundredth, fourscoir, four zeires, granting commission to bishoppis and utheris juges, constitute in ecclesiasticall causes, to ressaue his Hienes presentatioun to benefices, to gif collatioun thairupon, and to put ordour in all causes ecclesiasticall: quhilk his Majesty and Estaites foresaidis, declairis to be expyrit in the self, and to be null in tyme cuming, and of nane avall, force, nor effect. And thairfoir ordanis all presentationis to benefices, to be direct to the particular presbiteries, in all tyme cuming: with full power to thame to giff collationis thereupon; And to put ordour to all materis and causes ecclesiasticall, within their boundis, according to the discipline of the Kirk: Providing the foirsaidis presbiteries be bund and astrictit to ressaue and admitt quhatsumeir qualifiet minister presentit be his Majestie, or uther laic patrones.

XV.

Vnqualified persones being deprived, the Benefice vaikis, and the Patron not presentand, the richt of Presentation pertaines to the Presbytery, but prejudice of the tackes, set be the person deprived.—Act 1592, c. 117.*

Our Souerane Lord Considering the greit abuses quhilkis ar laitlie croppen in the Kirk, throw the misbehaviour of sik personis as ar providit to ecclesiasticall functionis: sic as personages and vicarages within any parrochin, and thairefter neglecting thair charge, ather levis thair cure, or ellis committis sik crymes, faultis, or enormities that they are fund worthie of the sentence of deprivation, ather befoir thair awin presbiterie, or ellis befoir the Sinodall and Generall Assemblies. Quhilk sentence is the less regardit be thame, Because, albeit they be deprivit of their functioun and cure within the Kirk: zit thay thinke they may bruike lawfully the profites and

* Acts, vol. iii. p. 542.

rentes of their saids benefices, enduring their lyfetyemes, Notwithstanding the said sentence of deprivation: Thairfore, our Sovereane Lord, with avice of the Estaitis of this present Parliament, declaris, that all and quhatsumever sentence of deprivation, ather pronouncit already, or that happenis to be pronouncit hereafter, be ony Presbyterie, Synodall or General Assemblie, agains ony persone or vicare within their jurisdiction, provydit sen his Hienes coronation: (All personis provydit to personages and vicarages, quha hes voit in Parliament, Secreit Councill, and Sessioun, or providit thairto of auld, befor the Kingis coronatioun, And Maister *George Young*, Archidene of *Sanct Androis*, being specially exceptit,) is and sal be repute in all jugementis, ane just cause to seclude the persone befor providit, and than deprivit frome all profitis, commodities, rentis, and deweties of the said personage and vicarage, or benefice of cure: And that ather be way of actionn, exceptioun, or reply. And that the said sentence of deprivation salbe ane sufficient cause to mak the said benefice to vaike thereby. And the said sentence being extractit and presentit to the Patroun, the said Patroun sal be bund to present ane qualifit persone of new to the Kirk, within the space of sex monethis thairefter: And gif he failzie to do the same, the said Patroun sal tyne the richt of presentatioun for that tyme allanerlie: And the richt of presentatioun to be devolvit in the handes of the Presbytery within the quhilk benefice lyes; to the effect that thay may dispone the same, and gif collatioun thereof, to sik ane qualifit persone as they sall think expedient. Providing allwayes, in caise the Presbytery refuses to admit ane qualifit minister, presentit to thame be the Patroun: It sall be lauchfull to the Patroun to retene the hail fruitis of the same benefice in his awin handes. And forder, his Heines and Estaitis foirsaidis declairis, that the deprivation already pronouncit, or to be pronouncit, be ony Presbytery, Synodall or Generall Assemblies, agains ony of the personis or vicaris foirsaid, sall nawayes hurte or be prejudiciall to ony tackes, lawchfullie set be that persone deprivit, befor his deprivation, to quhatsumevir personis.

NOTE—20th *March* 1839.

SINCE the Preface to these sheets was in types, and, indeed, after it was made up for the press, the Editor has been favoured with the subjoined Letter from Dr Lee, in reply to some inquiries with regard to the measures adopted for recovery of the ancient Records of the Church. It would have been embodied in the Preface had it reached in time; but the Editor avails himself of this opportunity to do justice to all the parties who have taken an interest in the matter of our ancient Records, and seconded Dr Lee's most meritorious exertions.

“ *March* 19, 1839.

“ MY DEAR SIR,

“ I am sorry that neither my health nor my leisure allows me to detail any of the proceedings with a view to the recovery of the Records of the Church. From the year 1820 to 1830, the correspondence on the subject with the late and the present Bishop of London, continued at frequent intervals, and I took repeated journeys to London for the purpose of carrying the point. Messrs Spottiswood and Robertson were very active in the matter. I had many interviews with several members of the Government and Legislature, and, in particular, I was greatly indebted to the Earl of Haddington, Sir William Rae, and Mr Home Drummond. The Dean of Faculty (then Solicitor-General) took a great interest in the matter, and I ascribe it very much to his influence, combined with the very hearty and vigorous exertions of Sir William Rae, that Sir Robert Peel, when Secretary for the Home Department, interposed in 1829.

“ There had been Petitions to Parliament—That to the House of Lords was presented by Lord Haddington, and supported by Lord Melville. The Petition to the House of Commons was presented by the Lord Advocate, (Sir Wm. Rae,) and supported by Sir James

Mackintosh and many other Members. The effect of these movements, and especially of a letter from the Secretary of State to the President of Sion College, was to prevail on them to go the length, in 1830 or 1831, (I have not the precise date in my recollection,) of resolving to consent to a full transcript from these Records being taken, at the expense of the Church of Scotland. Unhappily this resolution was not communicated to me till the time of the meeting of the Patronage Committee in 1834; and a majority of that Committee, when they ordered the Books before them, resolved to retain them.

“ It is needless now to reflect on what was done. The object of this resolution was to serve the Church; but some oversight was committed, through which the Books were left in very unsafe keeping, and so they perished irrecoverably. It is still possible that the Duplicate, which was presented to the Assembly 1638, may exist. It consisted of more volumes, and was more truly the Register than that which was in Sion College. But where it can be is not so easily conjectured. I really think it very probable that it is still in existence.—In haste,

“ Yours,

“ J. L.F.E.”

[FIFTY-SEVENTH GENERAL ASSEMBLY.]

THE Generall Assemblie of the Kirk of Scotland, convenit at Dundee the twenty-fourth of Apryll 1593.

Exhortatione made be Mr Robert Bruce, Moderator of the last Assemblie. The brethren, according to their order, proceeding to the electione of ane Moderator, appoyntit in leitts Mrs David Lyndsay, James Balfour, James Nicolsons, Andrew Melvill, Patrick Simpsons, and, be pluralitie of vots, the said Mr David was chosen Moderator, *hac vice*.

Sess. 4. 25 Aprilis.

The Commissioners underwryten presentit thir Articles following to his Majestie and Counsell convenit, viz. The Lairds of Abbots-hall, Wadderburne, and Merchestoune, John Arnot and William Little, sometyne Proveists of Edinburgh, and Clement Car; Mrs Robert Bruce, Patrick Galloway, James Nicolsons, and Walter Balcanquall.

Followes the Tenor of the saids Articles and humble Petitiones of the Generall Assemblie of the Kirk, cravit of his Majestie, Counsell, and Nobilitie, presently convenit.

First, Seeing the increase of Papistrie is daily within this realme, It is cravit of his Majestie, that all Papists within the samen be punished according to the lawes of God and this realme.

Item, That the act of Parliament, *ipso facto*, may strick upon all manner of men, landit and unlandit, constitute in office or uther-ways, of what sort soever they be, alseweill as the samen is provydit to strick against benefic persones.

Item, That a declarator may be given against Jesuites, Seminarie Priests, and trafficking Papists, declareing them culpable of treason and lese Majestie, whereby the receipters of such persones may be punischt according to the act of Parliament; and that reformation may be had of the said act in that pairt where the samen is only expendit against such persones receipts them be the space of three dayes, and that the penaltie of the act may be inflicted againes any receipters without any condition of dayes.

Item, That all such persones as the Kirk shall finde and declare publickly to be Papists, although they be not excommunicat, be d-barrit from brooking any office within the realme, as also from accesse to his Majestie's companie, and from enjoying any benefite of the lawes; as also that the paine of horning, and other civill paynes, may follow upon the said declarator, such lyke as presently followes upon the sentence of excommunicatione, and that ane act of Councill presently be made and published thereupon, qwhill the nixt Parliament, qwhere the samen may be established in ane law.

Item, That his Majestie will consider the great prejudice done to the haille Kirk by erecting of the teyndes of diverse prelacies in temporalitie, as of the Abbay of Paslay and sundry others, be the qwhilks the planting of Kirks is greatly prejudged; and that, therefore, ane substantiall order may be tane for remedie thereof.

Forsuameikle as the numbers of the Presbytries within this realme and their places wald be knowne, the names thereof being inqyrit, the full Assemblie and number of the samen were given up as follows, viz.

Ane Presbytrie in Zetland, 1, callit Tingwald: In Orkney, Kirkwall: In Kaithness, Thurso: In Sutherland, Dornoch: In Rosse, Taine and the Chanonrie: In Murray, 4; Innerness, Fortross, Elgine, and Ruthwen: In Aberdeene, 5; Bawmff, Deer, Innerowrie, Aberdeen, and Kyncardine: In Mearns, 1, Cowy: In Angus, 4; Brechine, Arbrothe, Meagle, Dundee: In Dunkeld, 1, Dunkeld: In Perth, St Johnstoune, Dumblaine: In Fyfe, 4; St Androiss, Couper, Drumfermling, and Kyrkaldie: In Striviling, ane; Lynlithgow: In Lowthiane, 4; Edinburgh, Dalkeith, Haddingtowne, and Dumbarr: In Tweidisdail, Peeblis: In the Merss, 2; Chirnside and Dunce: In Teviotdale, Jedburgh and Melross: In Nythsdale, ane; Drumfreis: In Galloway, 2; Kirkendbright and Wigtowne: In the Shrefflome of Aire, 2; Aire and Irwing: In Rannfrow, Paislay: In Lennox schyre, Dumbartone: In Clydsdale, 3; Glasgow, Hamiltone, and Lanrick.

Forsuamikle as the visitation of the Presbytries throughout the realme is thought ane thing very necessare, and from diverse Assemblies commissione hes been given to that effect; notthelesse ane necessitie yet remaining qwhilk craveing the continowing of the said commissione, The Kirk, therefore, and the Coumissioners present, hes given commissione to certaine brethren to visite and try the doctrine, lyfe, and conversation, diligence and fidelitie, of the

pastores within the saids Presbytries, and sicklyke to try if there be any of the beneficed number within the samen, not making residence, having no reasonable cause, to purge the samen; if there be any that hes dilapidated their benefices, sett tacks and wthers dispositiones thereof by the consent of the Generall Kirk of God, and unable and unqualified to teache and edifie; and with advyce of the Presbytrie within the qwhilk the saids persones are, to proceed against them according to the qualitie of the offence, or depositiones of their offices according to the acts of the Kirk: And that for schortning of the Commissioners' travells, ane diligent tryall among themselves be taken for the Commissioners' coming, Qwherein they may understand and note the abuse qwhilk wald be correctit; commanding also the Presbytries within the qwhilks the saids Commissioners remaynes to provyde for the saids Commissioners' flockes in their absence in the said visitatione.

Sessio 5^a. 26 Aprilis.

The Kirk and Commissioners present ordayne the parochiners of St Androis to landwart, to bige ane edifice to themselves, ane parocke kirk, in such ane place as the saids parochiners and Presbytries agries upon, nearest the mids of the parocke, betwixt and Laubas come ane year, according to their sute made to Parliament, and sicklyke made to the Assemblie; certifying them if they failzie, they shall be debarrit from all benefice of the Kirk of St Androis.

Sessio 6. Eodem die.

The names of the Kirks vaikand in Angus and Mairnes:

Inchesture, Abernyte, Innergowrie, Logie, Lundie, Strukinniture, Inneraritie, Beadoquhy, Ruthven, Glenila, Glames, Essie, Clodag, Kyntrahane, Achie, Methri, Tannadaice, Aldbar, Inchbraikie, Newdiske.

Kirks within the Synodall of Glasgow unprovdyt:

Kilmarnock, Paislay, Kyllarnie, Balfrone, Strablade, Cardrosse, Inchealzell, Baldernock.

The Kirks provydit with men, but wanting stipends be vertue of the erectione of the teyndes of the Abbacie of Paislay in temporalities:

Hammiltone, Glasford, Admoiss, Blantyre, Schotts, Dalserrf, Lanrick, Dolphingtoune, Carringtoune.

The names of the Kirks unplantit within the bounds of Merss :

Lammertoune, Fischerwicke, Swintoune, Howden, Fogo, Grundlay, Stitchill, Nenthorne, Hooome, Bassanden, Ednem, Cranschaws, Ellen.

Kirks vaikand within the Presbytries of Dumblaine :

Aberfoill, Kilmahugo, Callendar, Leny, Port, Kilbryde, Balqwhidder, Carnbie, Tullieschidlie, Sowane, Moniward, Strageithie, Kynkell, Aberwheem.

Kirks unplantit within the Presbytrie of Dunkeld :

Strathphiline, Killine, Andrum, Inchadden, Weymes, Pitcharren alias Graintully, Kirkbreinmure, Kyleonquhade, Muckiggan, Cannoch, Strowan, Blair in Athole, Ludeskill, Manenach, Muling, Finlargie, Munnach, Dowallie.—In the laich land :—Ladybryde, Ochtergovine, Kynlewine, Capechie, Lachundie, Blair in Gowrie, Glen-shie.

Kirks vaikand in Kathness, Thurso :

Within Orknay, the South Hamptoune Kirk ; North Rannaldsay : In Zetland—Archedenorie, Fara, Birsas, Nesting, Levingsting, Kingfuing.

Sessio 7. 27 Aprilis.

In presence of the haill Assembly, compeired Sir James Melvill of Halhill, ane of the Commissioners direct be his Majestie to compeir in his Heines' name as Commissioner, and presentit his Majestie's missive direct to that effect, with certaine articles, and ane act of Parliament for instructing thereof, qwhilk the Assemblie thoct meet privatly to be considerit be certaine brethren, qwha were appointit to conferre with his Majestie's Commissioners, and to that effect were dispatchit out of the Assemblie to advyse and giue their opinionie at their returne, to witt, Mrs Robert Bruce, Robert Pont, Andrew Melville, James Nicolson, Peter Blackburne, James Melvill, the Laird of Cambo, Commissioners of Edinburgh : Qwho returning, read the Articles and their Answers, qwhilks the Kirk approvit ; Ordayning the saids Articles, Answers thereunto, and act

of Parliament, to be insert in the Register of the Kirk, qwherof the tenor followis :—

The Articles proponit in his Majestie's name to the Generall Assemblie, presently conventit at Dundie.

His Majestie declares, that in respect he cannot of honour sie the priviledge of his Crowne hurt, Therefore he will have regard to sie the last act of Parliament keepit concernyng the conveying of the Generall Assemblie be his Majestie's appoyntment ; willing them heirfore, before their skailing, to direct two or three of their number unto him, to desyre him to appoynt the day and place of their next conveying.

Secondlie, His Majestie desyres them to make ane Act of their Assemblie, prohibiting all and euery ane of the ministrie, under the paine of deprivatione, to declame againes his Majestie or Counsellors' proceedings in pulpit, not only in respect of his Majestie's knowne good intention, for the furthsetting of pietie and justice, but lykewayes because his Majestie at all tymes giues readie accesse and loving care to sundrie of the ministers, to informe, delait, or complaine, either in their awn name or in the name of any of the brethrene.

Thirdly, His Majestie desyres them to appoynt and put on leitt, fyve or six of the most discret of the ministers, that his Majestie may make choice of twa of them to serve in his house, in respect of Mr Craig his decripit age.

Fourthly, Seeing the standing of the religione and the welfare of his Majestie's persone are so inseparabile joynit, as qwhatsumever are enemies to the ane are commone enemies to both ; so his Majestie desyres, that through all the Presbytries of this countrie, there shall be some appoyntit to advertise and informe his Majestie heirafter, with diligence, for the mair speedie remedie, not only of qwhatsumever practises they can learne many wayes, of Papists and Spanish factiones, but also of the receipters and practises of Bothwell, qwhereof they can haue any knowledge ; Qwhais hail courses, as they are directly against his Majestie's persone, so whollie they tend to the subversione of the whole religione : with direction also to them to informe also the hail Barrones and honest men maist tenderous of his Majestie's wellfare to giue ever such faithfull intelligence of the saids practises as they can learne from tyme to tyme.

Fifthly, His Majestie desyres, that through all the countrey, qwhere there is any ports for landing-places, that there be some of the brethren speciallie appoyntit to deall so with the burgesses that they may take good and sufficient tryall according to his Majestie's law made thereanent, of all those qwho shall hereafter come in, or pass furth of this countrey qwharfra they came, and qwharto they are bound; qwhat is their traffique or intention to doe: And so, after good and sufficient tryell, if there be anything of weight and importance, that they on no wayes fail to make his Majestie acquaint therwithall; to the effect his Majestie may the more easilie discover qwhatsoever forraigne or civill practises, is or shall be in heid against the present estate of religione: And this he cravit to be done so faithfullie, as he hes good opinione of your earnest affectione, no lesse in the preservation of his Majestie's awne persone as in the defence of the common cause; as also he promises to assist and aide yow in all and qwhatsoever your good resolutions, that may tend to the furderance of peace and quyetness; with the advancement and maintainance of the religion presently professit in this realme.

**Humble Answers of the Generall Assemblie to the Articles
proponit be his Majestie's Commissioners to the same, at
Dundie, the 27th of Aprylle.**

First, The Article concernyng the conveyinge of the said Generall Assemblie is agreit unto, according to the tenor of the act of Parliament presentit with the saids Articles.

As touching the 2d Article, It is ordaynit be the hail Kirk, that no minister within this realme utter from pulpit any rashe or un-reverent speeches againes his Majestie or Councill, or their proceedings; but that all their public admonitiones proceed upon just and necessar causes and sufficient warrant, in all fear, love and reverence, under the paine of deposing such as does in the contrare, from their functione and office in the ministrie.

As to the 3d Article, The Kirk agries therto, and speciallie anent the provisione of ministers ane or mae to his Majestie; that certaine be nominat be the Commissioners direct to his Grace with his advyce, of qwham his Majestie may make choyse: and the brethren to be lykit of his Majestie, to be placit and admittit be the Presbytrie where his Grace shall be resident for the tyme.

As concernyng the 4th and 5th Articles, the samen are conde-

scendit to and order taken, as his Majestie shall be particularly informit be the said Commissioners.

Follows the tenor of the act of Parliament.

[The Act 5th June 1592, 12 James VI. is referred to.—*Vide* Appendix II. p. 373.]

Ordaynes supplicatione to be made in Parliament, that in all kirks, alsweill Abbay and Cathedrall Kirks, or uthers qwhatsumever, qwhere either the hail parochine is kirkland, or ane pairt thereof only, and there hes neither been manses nor gleibs knowne to appertayne therto of old,—that the Estates of Parliament make the act concernyng the designatione of manses and gleibs to be extendit to all the forsaid kirks, and that there be four aikers of kirkland designit and grantit to the minister most commodious and nearest the kirk, qwhether there hes bein a gleib there, or ane part only, not extending to four acres of land.

Sessio 8^a. Eodem die.

Anent Colledges and rents thereof: The Assembly hes ordayned that no dispositione of the rents and living thereof be tack or uther title be made without the advyce and consent of the Generall Assemblies, nuder the paine of depositione of the persones doeing in the contrare.

Anent the residence of ministers, for furdurance of the residence of such persones as partaike of manses are non-resident: It is resolvit and agreit that euey parochine where the pastors' manses is aither ruinous or altogether laiks, be ordaynit to repare and build the same manses upon their awne expenses, with stane, timber, and all uther materialls, with workmanship, carriage, and uthers things needfull for the repairing and bigging thereof, Qwhilk if they failie and refuse to doe, being dewly requyrit, they shall not only, so many as refus, be halden be the Kirk, the hail cause of their pastor's not residence, but also it shall be lawfull to the aires, executors, and assignayes of the minister or reader departing, or himselve dureing his lyfetye, to reteine the possessione of the manse builded be him, in caice he build and repaire the same upon his awne expenses after the refusall of the parochiners, ay and qwhill the nixt intrant minister or reider refund to him, his aires, executors, or assigneys, the hail expences made be him for repairing and building; at leist saemeikle thereof as the parochine cannot be movit to re-

found; and that the presbytrie at the intrant's admittance take order for performance heirof: provyding that the expences to be made be the said pastor or reader exceed not four hundred marks, and that the presbytrie, after his repairing or bigging of the said manss, take the exact compt and tryall of his expenses, and give him their allowance tharupon, to be registrate in their books; And this act alsweell to extend to them that is alyve and hes already bigged, as to them that are to bigg or repaire hereafter. And lykewise the second and third minister or reader, and consequently the successors to the ministers where the manss is biggit, shall haue the lyke title to crave of the intrant after him the said expenses, qwhilk he hes depursit to his predecessors, ay and qwhill the parochiners redeem and acquit the said manss or bigging thereof, to be made free thereafter to the intrant minister or reader.

Sessio 9. Aprilis 28.

Because the haill Assembly could not meet before the Parliament to be haldin in June next, It is ordaynit that a brother or twa [of every Presbytrie*] shall meet to consult, treat, resolve, and conclude upon such heads, poynts, articles, petitions, and supplicationes, as they shall think meet to be cravit and concludit be consent of Parliament, for the glory of God, and comfort of the generall Kirk; qwhilks breither shall haue the power of the said Generall Assembly, and proceed as the samen might doe if the haill number were present.

The qwhilk day, after the reasons were heard and discussit, contentit in the appellatione presentit to the Generall Assemblie be Mr Andrew Young, minister of Dumblane, the Generall Assembly ordaynes the Presbytrie of Dumblane to be transportit to Auchterardour, with libertie to the brethren of Dumblane appealing, aither to resort to Auchterardour or Striviling, as they please.

Forsuameikle as in Synodall Assemblies, the books of particular presbyteries are tryit and visitit, and heretofore, the books of the Synodall Assemblies hes not bein tryit in the Generall, qwhilk appears to the haill brethren to be necessar: Therefore it is concludit in tyme coming, to every Generall Assembly, the books of the Synodall Assemblies shall be direct be the Synodalls, to be sichtit and

* Calderwood MS. vol. iv. p. 310.

considerit in the Generall Assembly, for understanding the better of their proceedings, under the panes of the censure of the Kirk.

Anent the contraversies betwixt the brethren of the ministrie: ffor uptacking thereof, it is resolvit and concludit be the hail brethren and Commissioners present, that qwhene any plea or contraversy aryses betwixt the breither of the ministrie, though it be in ciuil matters, if they be of ane presbytrie, that they elect brethrene of the said presbytrie, to qwhat number they think best, qwho shall choose ane oversman, and summarly decyde and give sentence in the matter, qwhilk shall be irrevocable; and no appellatione to be interponed therefrae: And if they be of diuerse presbyteries, they lyke-wise make election of brethren of aither of the presbyteries, in equall number as the saids contendars shall agree, qwhilk brethren so electit shall choose ane oversman, and decyde and give sentence as said is; from the qwhilk no appellatione shall be interponit. And if any brother will be willful and refuse this forme and submissione, he shall be halden be the Kirk contumax. Att Edinburgh, 24th of March 1595.* The pane is deprivatione, and that this act be put in executione presently for decision of the contraversie betwixt James Andersone and Mr Henry Guthrie.

Anent the Ministrie of St Androis: The Generall Assembly Ordayns and appoynts Mr David Black, minister of St Androis, to discharge the dewtie of ane lawfull ordinar pastor therein, in preaching the word, ministratiōne of the sacraments, and exercising of discipline, so far as he is able to doe, according to the measure of his gifts that God hes bestowit on him; and to the intent that the said Mr David may, with fruit and comfort, trauell in the said ministrie, the said Assembly ordaynes the said Mr David to give in into the presbytrie thair, such things as he wald haue furtherit and brocht to passe for the wiell of the said congregatiōne and ministrie thereof, to the performance qwhereof, the said presbytrie shall indevoure themselves to the wttermost, having before their eyes the honour of God, the weell of the people and towne, and ease and peace of their awne conscience; unto the qwhilk presbytrie, this present Assemblie grants and committs full power and authoritie for that effect. And because the said Mr David is not able to enter in that charge alone, the said Assembly hes nominat Mr Robert Wallace, for the speciall meet qualities they know to be in him, to be associat with the said Mr David, as ane fellow-labourer in the ministrie foresaid;

* Probably a clerical error.

giving full commission to the presbytrie t^o try the consent of the haill towne and universitie of St Androis, concerning their lyking of the said Mr Robert to be associat in the ministrie as said is ; and finding no reasonable cause alleadgit and verified against the said Mr Robert, in lyfe or doctrine, qwhairfore they should not giue their consent and approbatione to the said Mr Robert, for the cause mentionat, but the maist part of the towne and universitie, consenting to his ressait, the Generall Assemblie ordaynes the said presbyterie to associat and place the said Mr Robert, fellow-labourer with the said Mr David Black, and the said towne of St Androis to pay the said fellow-labourer his stipend thankfullie, according to the promise made in Synodall and General Assemblies. And in caice the maist part of the said towne and universitie consent not to the receiving of the said Mr Robert, the Kirk gives libertie to the said Mr David, with advyse of the said towne, to choyce ane brother, of qwhom they may both haue lyking : and to the intent, this order taken with the said ministrie of St Androis as is above sett downe, may be better performit and settlit, the said Assemblie giues commission to Mrs Robert Bruce and David Lyndsay, conjunctlie and severallie, as their adoes and occasiones may permitt, to visit the said Kirk of St Androis in their returning from the Assemblie, and travell with the haill number of the said kirk, for putting of their ministrie to ane peaceable stay and ordour : as also, to sie that qwhilk is decernit in this Assembly concernyng the laudwart to be forderit and brought to passe, and for quyeting the state of the towne.

Mr William Coke, younger, for the provest, baillies, and councill of the towne, disassentit from the nominatione of Mr Robert Wallace.

The Generall Assemblie, by the autoritie given to them of God, discharges all and every Christiane within the Kirk of Scotland from repairing to any of the King of Spaine his dominions qwhere the tyrannie of inquisitione is used for traffiquers with merchandice, negotiatione or exercing of sea-fareing occupatione, untill the tyme the King's Majestie, be the advyce of the Counsell, haue saucht and obtained speciall libertie and licence of the King of Spaine for all his leiges and subjects, to traffick in merchandice, and occupie within the haill pairts of the King of Spaine his dominions, without any danger to their persone or goods, for the cause of their religion and conscience, under the paine of incurring the censure of the Kirk, until the last sentence of excommunicatione.

[FIFTY-EIGHTH GENERAL ASSEMBLY.]

THE Generall Assembly of the Kirk of Scotland, convenit at Edinburgh, the 7 of May 1594.

Exhortatione being made be Mr David Lindsay, last Moderator, the Assembly proceedit to the electione of a new Moderator, and appoynting the leets, Mr Andrew Melvill, Patrick Galloway, Patrick Simpstone, Robert Pout, the said Mr Andrew was chosen *hac vice*.

Sessio 2^a. May 8.

The necessitie of the tyme and affaires qwhilk are to be intreatit being considerit be the Kirk, it was concludit that no brother having Commissione to this Assemblie depart from the samen, before the finall dissolutione thereof, without licence obtained therefrae, under the paine of suspensioe from their office, untill they be reponit be the said Generall Assemblie thereto. And as concernyng the penaltie of Commissioners that comes not to the Assembly at all, or remaynes not qwhill the end thereof, ordaynes the Register to be considerit what hes been statute already, and to report afternoone.

Sessio 3^a. Eodem die.

Anent the citatione of James Drummond, Oliver Young, James Adie, John Reid, Patrick Justice, William Hall, indwellers of Perth, at the instance of the breithren of the presbytrie there, for the sclauderous receipting of the apostats lords within their towne: the saids persones compeirand and inqyrit gif they receipt the saids lords, and acknowledged therein simplie ane offence done to God and his kirk, answerit, they receavit them, but against their will, and for obedience of the King's charge; allwayes before the coming of the charge, the greitest pairt of all the towne had condescendit to receive them; and being urged with the promise they made not to receive them, and violatiōe thereof, answerit, that promise of assistance was made to them and not keipit. After qwhilk answer being removed, and certain good breithren being direct to conferr with

them, and re-entering, they for themselves, and in name of the haill towne, confesst to the glory of God and satisfacione of the Assembly, that they were over rasche and sudden in receiving such notorious enemies to God, desyreing most earnestly that no man be sclanderit or take evill example thereby; protesting before God, they enterit in the towne against their hearts, that are present here, promising be God's grace never to give occasione in tyme coming, and to assist and maintaine the Kirk of God and his trew religion, professit presently within this realme, and to resist the enemies and adversaries thereof to the uttermost of their power, and to obey and put in executione, so far as concerns their dewtie, the ordinances of the Kirk agreeing with the word of God: qwhilk professione they gave in in wreit, and subscrivit the samen with their hands, so many as could wreit, in presence of the haill Kirk; qwhairwith the brethren standing content, ordaynit the minister of the towne of Perth to publische the same in the pulpit, and to declare satisfaction of the Assembly thereanent, ordayning also the acts concernyng this offence, registrat in the books of the Presbytrie, and proces deducit therein against the towne, to be obliterated and put out of the register.

Sessio 4^a. May 9.

Anent the sentence of excommunication, pronuncit be the brethrene of the Synodall Assembly of Fyfe, against the apostat lords: —The haill Assemblie, in ane voyce, ratifies and allowes the said sentence and proces of excommunication led against them, ordayning the haill pastores within this realme, to intimate solemnly at their kirk the said sentence, that nane pretend ignorance of the same, except Alexander Lord Hoome, who hes satisfiet the Kirk, and repaisit therfrae.

Forsuameikle as particular inquisitione hes been made of the presbytries, concerning their diligence for extirpation of Papistrie, and discipline usit against them, and receipters of excommunicat Jesuites and Seminarie Priests, qwherthrow the danger evident to the trew religione and Kirk of God may be rightly weyit, It was thought meet to take ane consideratione of his Majestie's endeavoure, and of the haill Kirk's farder in this matter; Qwherin, first, syndrie of his Majestie's good etlings were layit down, specially at the read of Aberdeene, qwhere his Majestie, noblemen, and barrones, conveint, made ane band for the surety of religion, took the houses of the

apostates, and putt them into them, callit such as were Papists, qwhilk were sent to Edinburgh to satisfie, and commissione given be his Majestie to the Earle Marischell of Livetennendrie for repressing of Papists and traffiquers: Suchlyke divers barrones callit in his Majestie to cognosce the same to be their handwreits be the blanks subscribed be the apostate lords, qwho verified the samen to be their handwreits. *Item*, After his returning from the read, ane act of counsell made, that nane should procure at his Majestie for any favour or grace to them, with ane charge to his ministers to take the oathes of his domestickes, that they should no wayes interceid for them at his hand; qwhilk was done.

And as concernyng the pairt of the Kirk in thir dangers, that it may appear they have not been idle or negligent in craving remedie, their tranells wes considerit in this, that they had proponed articles to the Parliament for the forfaultor of the apostates: They had direct their petitiones to Jedburgh, ffrom thence new articles to Linlithgow; of all of qwhilks small success has beene, and the danger nothing diminisched.

Followeth the tenor of the Bond and Act above specifcit.

Wee, Noblemen, Barrones, and wthers, undersubscryvand, being fully and certainly perswadit of the treasonable practises and conspiracies of syndrie his Heines' unnaturall and unthankfull subjects against the estate of the trew Religione presently professit within this realme, his Majestie's persone, Crowne, and libertie of this our native countrey, and fuding his Majestie's good dispositione to prevent and resist the samen, and to repress the chief authors thereof, his Majestie having our concurrence and assistance to the samen effect, Therefore, according to our bounden dewtie and zeall aucht to God's glory, loue of our natiue countrey, and affection to his Majestie's persone, Crowne, and estate, We haue promittit, and be thir presents promitts faithfully, Binds and obleisses us, and euery ane of us, to concurr and take ane aifald leill and trew part with his Majestie, and ilk ane of us with wthers, to the maintainance and defence of the libertie of the said trew Religione, Crown, and Country, ffrom thraldome of conscience, conqueiss and slaverie of strangers, and resisting, repressing, and persute, of the chief authors of the saids treasonable conspiracies; as, in speciall, of George Earle of Huntlie, William Earle of Angus, Ffrances Earle of Arroll, Sir Patrick Gordowne of Auchindowane, Knight, Sir James

Chisholme of Dundarne, Knight, Mr James Gordowne, William Ogelby, Robert Abercrumbie, and all wthers Jesuites, Seminarie Priests, trafficking Papists, and wthers, his Heines' declairit tray-tours, rebellious and unnaturall subjects, treasonable practisers against the estate of the trew Religione, his Majestie's persone and Crowne, and libertie of this our native countrey: And to that effect We, and every ane of us, sall putt our selves in armes, ryse, concurr and passe forward with his Majestie, his Livetennands, or wthers having his Majestie's power and commissione, at all tymes, as we shall be requyrit be proclamations, missive letters, or wther wayes, and shall never shrink nor absent ourselves for any particular cause or quarrell amongst our selues: We shall not ryde, assist, schaw favour, giue counsell, nor take part with the saids Earles, Jesuites, or wthers forsaid, nor yet with the persones denuncit or to be denuncit to the horne, or declairit fugitives fra his Majestie's lawes, for the treasonable fyre-raising and burning of the place of Dianybrisse, and murder of unqll James Earle of Morray, neither receipt, supply, nor entertaine them, nor yet furnische them meatt, drink, house, nor harberie, nor wtherwayes have intelligence with them, privatly nor publickly, be letters, missives, nor no wther manner of way; the skaith and harme of wthers we shall not conceall, but disclose and impede the samen to our utter powers. The quarrell or persute of us or any of us we shall esteeme, likeas presently we doe esteem, equall to us all, and, be ourselves, our haill forces, likeas his Majestie, with his Heines' force and authoritie, hes promittit, and promitts, to concurr and assist together, ilk ane in the defence of wthers to our owther powers; and, in ceice any variance shall happen to fall out amongst any of us, for qwhatsumevir cause, We shall submitt, Likeas presently we submitt us, to the judgement and delyverance of any two or three of the principalls of us, subscryvers of this present bond, and fullfill whatsumevir shall be declareit be them, but reclamacione or contradictione. Attour, his Majestie, be qwhais directione and command, with advyce of his Counsell, there is certaine Barrones and wthers gentlemen direct to remaine in the South pairts of this realme, hes promittit, and be thir presents promitts, in the word of a prince, that the samen Barrones shall not be licentiat to returne hame againe to the saids north parts, nather shall any favour or pardon be granted to the saids Earles, Jesuites, or wthers above-mentionat, nor no order taine now, dispensit with, without the

speciall knowledge and advyce of the Livetennent and Commissioner for the tyme, and sax of the principall Barrones, at leist, inhabitants of the saids north parts, subseryvers of this present band; and this to do, We. the saids Noblemen, Barrones, and wthers for-said, hes sworne and swears, be the great God our Creatour, Jesus Christ His Sonne our Redeemer, the Holy Ghost our Sanctifier, witnesses of the verity here agriet upon, and revenger of the brake thereof; and further obleisses us thereto under the paine of perjurie, infamie, and tinsell of credite perpetuallie, honour and estimatione in tyme comeing, besydes the ordinary paines of the lawes to be execute upon us, in signe and memorie of our unnaturall desertione from God and his Majestie. In witness qwharof, we have subscrivit thir presents with our hands, as follows, likeas his Majestie, in token of his allowance and approbatione of the premises, hes subscrivit the samen act att Aberdene the day of Marche 1592. *Sic subscribitur*, James Rex, Lennox, Athole, Marr, Marschell, James Lord Lyndsay, John Lord Inverness, John Maister of Fforbes.

Att Halyrudehouse, the 5th of Januar 1592.

Fforsuameikle as albeit the dangerous effects of the coverit and busie travells of Jesuites, Seminarie Priests, borne subjects of this realme, and some uther strangers, thir late yeares hes beine oft espyit and fierit, and for that cause be syndrie loveable laws, acts, and proclamations, alswell their awne remayning as their receipt, prohibit under diverse great paynes; yet their collourit simplicitie hes so farr prevaillit as they have not only purchast unto themselves favoure and credite to be kiepit, buirdit, and intertained in syndrie pairtes of the realme, after many promises made that they should have departit furthe of the same, butt also have taine occasione and leisure to persuade syndrie of his Hienes subjects to apostatise from that Religione qwhairin they were well instructed and groundit, and hes confirmit uthers in their errors, and at last seducit them to cast off that dew obedience whilk they awe to his Majestie, and entir in a treasonable conspiracie for inbringing of strangers-Span-gairds within this realme, the nixt spring or sooner, to the overthrowing of his Hienes and all professing the trew Religione with him, and to the ruine and conqueste of this antient kingdome and libertie qwhilke this natione hes injoyit so many ages, that it may be subject heirafter to the slaverie and tyrannie of that proud natione,

whilk hes made such unlawfull and cruell conqweste in diverse pairtes of the world, alsweill upone the Christianes as Infidells, wherever the aide of Spaine hes beene socht—regarding in the end no better their inbringers nor them against qwhom they were inbrought, being ance victors and commanders—as easily may be proven be speciall examples, qwhilk the malicious and unnaturall subjects of this land wald repute but as generall and improbable discourses, published in hatred of that natione to whome they have alreadie sold themselves slaves, and are their friends and factors in this land as they speake and wryte, were not it hath pleasit the good pleasure of Almighty God to make the prooffe heiroyf certaine and without all doubt, be erecting of the simple truth of the intention and finall cause of all the crafty practises of their pernicious and trafficking Papists, Jesuites, and Seminarie Priests againes God, trew Religione, his Majestie, and libertie of this countrie: namelie, Mr James Gordowne, father-brother to the Earle of Huntlie, Mr Robert Abercrombie, father-brother to the Laird of Murthlie, quhais letters, directiones, advyces, yea and the messengers carriers of their credite and certaine uthers chiefe instruments and furtherers of their trade, God hes casten in his Hienes hands, qwhen the schip appoyntit for their transporting was in full readiness to make saill: Qwhereby his Majestie is now not only sufficiently foirwarnit of the imminent danger to the trew Religione, his awne estate and persone, his realme and faithfull subjects, but resolvit be God's help, be quhais Providence he hes been wonderfully delyverit frome so many former perrills, to try the circumstance of this so highe a conspiracie and detestable treasone, to withstand it, to punische the same and all guiltie thereof, in example to the posteritie; and that naue of his subjects heretofore abused and deceived be the craftie illusions of thir pernicious and busie warkmen shall remaine any langer doubtfull of the truth of his Majestie's minde and intentione,—Ordaynes letters to be direct to officers of armes, Shreffs in that part, to make publicatione of the premises be open proclamation at the mercatt cross of the hied burghs of this realme and wthers places needfull, for warning of them of their awne danger, giff they shall suffer themselves to be any langer led in error be such deceivable spirits, to the perrill of their saules, bodies, lands, and goods, and therefore to abstaine from further hearkening to their treasonable persuasions, and from all intertaining, receipt, supply, or intercommuning, or having intelligence with them, directly or indirectly,

under qwhatsomevir pretext, or cullour, under the payne of treason; commanding also all and sundrie his hynes' faithfull and obedient subjects that loves and feares God, wald the standing and welfare of his Majestie their Sovereigne Lord and King, professing with him the trew and Christian religione, and desyres that their awne wyffes, bairnes, and posteritie sould now and hereafter enjoy the commodities of this their native countrie, unconqueist and made slaves in sawles and bodies to merciless strangers,—that they implore the protection and merey of Alaughty God for their defence and safeguard, and put themselves in armes by all good meanes they can—remaining in full readines to persew or defend as they shall be advertised be his Majestie or otherwayes finds the occasion urgent; in the meantyme diligently espying and getting intelligence of the treasonable courses and proceedings of the saids Jesuites, Seminarie Priests, their favourers, intertayners, and receipters, and make advertisement to his Majestie or any of his counceill, and thereof, with all speed and celeritie, as they will answer to God and his Majestie thereupon. *Sic subscribitur.*

JA. REX.

The Generall Assembly of the Kirk giues comiission to their brethren, Mrs Patrick Galloway, his Hienes' minister, Peter Blaekburne, and Patrick Simpstone, to give informatione to his Majestie of the evident danger imminent to the Kirk of God, within this realme, according to the instruction giuen unto them, and there withall to present to his Majestie, the humble Articles and Petitions of the Assemblie proponit for removeing of the saids dangers, and to insist with all humilitie and dew reverence for his Majestie's good answer thereto, to the glory of God, and the comfort of his Kirk, and to report with all good diligence, his Majestie's answer to the Assembly before they dissolve.

The Dangers qwhilks through the impunitie of the excommunicat Papists, traffiquers with the Spaignards and wthers enemies of the Religione and Estate are imminent to the trew Religione professit within this countrie, his Majestie's person, crown, and libertie of this our native countrey.

The samyn dangers, whilk of before by the craftie and pernicious practices of the Jesuites, and malicious, unnaturall, and treasonable conspiracies of the Earles of Huntlie, Erroll, and Angus,

with their complices, threatenings the subversione of the trew religion and the professors thereof, his Majestie's crowne and persone, and of this their native countrie to the cruell and merciless Spaignard, and were at that tyme discovered and apprehended be his Majestie and Estates, and hail bodie of this realme, so evidentlie that nane can pretend ignorance—at this tyme are imminent, more urgent and mair to be feared nor qwhen the danger seemed to be greatest, as may appear by these reasons following:—

First, It is certaine that the Spaignard qwho, with so great preparaciones in the lxxx. and aught year interprized the conquest of this isle, remaines as yet firme of that intentione, and waits only on ane meit occasione to accomplishe that his purpose, as it appears clearly by his continowing in this intertainment of intelligence, and trafficking with the forsaid excommunicats, ever since the dissipation of his navie.

Secundo. The manifest rebellions of the forsaid excommunicats and defections from his Majestie's obedience, after so evident appearances of their wrack for their manifest treasonable attempts at the Bridge of Die, at Falkland, &c. and the prooffe of his Majestie's obedience and favour toward them in pardoning their forsaid treasons, declares that their malicious and restless ingynes in the prosecuting of their unnaturall conspiracies against the religion and countrie, cannot leave off nor cease so long as they are not punished, nor restrained by justice and execution of justice.

Thirdlie, Qwhereas the Kirk, on all occasions, lies insisit to declare to his Majestie, Counsell and Estates, the dangers evident for the tyme, and to craue convenient remedies thereunto, yet in effect nothing hes been obtieint, notwithstanding whatsumever promises, acts, proclamations, reads, &c. Qwhairthrow they have bein always put in great securitie, and taks libertie and boldness of farther practises and attempts.

Fourthlie, Notwithstanding it was expressly provydit be act of Counsell, that nane should presume to traffique nor speak in favours of the saids excommunicats, under the payne of tynsell of their offices; yet now they are advancit in greater credite of his Majestie that are knowne to have been their chiefest favourers, and they ceise not as yet, contrare to their promises, to procure them all favour, sight and immunity, as it appears in the effect, qwhatsoever they pretend.

Fifthlie, The erection of the idolatrie of the Masse in diverse

quarters of the land, as, namely, in Mr Walter Lyndsay's house of Balgay, in Angus—in the young Laird of Bonnytoune's house Barnes—in the Earle of Angus' houses of Bothwell and Clidesdail, and in the places of his residence in Douglasdail—in the Earle of Huntlie's house of Strabogy and Auld Aberdeene—in the Earle of Arroll's houses of Logyamont and Slaines,—proves clearly that either they finde themselves sufficiently assurit of such favour and assistance within the countrey, as may plainly mentaine their cause be force, or else that they are persuaded of the aide of strangers, to be in such readiness as in dew time may serve for their reliefe, before that his Majestie and professors of religion performe any thing in effect in the contrair, or wtherwayes they durst never so openly disclose their idolatrie.

Sixthlie, The refusing the act of abolitione offerit to them be his Majestie, to the great grieffe of his subjects, proveth sufficiently the samen; for it is very probable and manifest that they wald never have refused so great ane benefite, except they had thought themselves fullie assured of ane better, either be favour of Court and assistance within the countrey, or be concurrence had of strangers without.

Seventhlie, Their refuseall to entir in ward, notwithstanding of his Majestie's indignatione, and all that might follow thereupon, proves the same.

Auchthlie, The late arrival of this bark at Montross, evidently shawis that their dangerous practises are presently at the poynt of executione against the religion and the countrie, and must hastily bring forth some great inconvenient, except they be preventit and resisted be ane present remedie.

Ninthlie, The open conventions of the foirenमित excommunicat Earles halden at Brechine and uthers places, since the arryvall of the said bark, declares that they esteem their courses now to be so substantiallie led, that they regard not qwhat may be done for resisting of the same.

Tenthlie, The diligence of the saids excommunicats in preparing and putting of their hail forces in the north in armes and readiness upon advertisement, schawes that they have some present enterpryze, and attends only upon concurrence qwhilk appearandly they are very meikle animat to look for since the arryvall of the said bark.

Eleventhlie, Qwhereas his Majestie and Estates, at the first dis-

covery of their conspiracies, apprehendit ane very great danger to trew religione, the King's Estate and Crowne and libertie of the countrie; and notwithstanding that the samen cause of danger as yet remaines haill unremovit, there is no apprehension of any danger, nor any care to withstand it. It is evident that either there is ane inclinatione and purpose to cover, extenuat and beir furth the evill cause, qwhertthrow they will not sie, or else the Lord in judgement hes blinded and hardened the heartes of all Estates, to graape in the mid-day that qwhilk they cannot sie, qwhilk is the greatest danger of all, and ane most certaine argument of the wrath of God, and his heavie judgement hingand over the land, and so meikle the maire to be fearit because there is no cause of fear to be apprehendit.

Remedies for the samine.

For remedie of the forsaid dangers, the Assembly ordaynes the Commissioners to deall earnestlie with his Majesty, that he may apprehend the perrill, and be movit with ane bent affectione, to proceed against the foirenमित excommunicat Papists, Traitors, as follows :—

1. That the saids excommunicats be forfaultit without favour; and, to that effect, that the Parliament appoyntit to be the 27th of this instant be halden precisely without any kind of delay—the Advocat sufficientlie instructit in every poynt, that the summons may be found relevant, and sufficient probatione provydit.

2. That nane suspect of Religione be chosen upon the Articles.

3. That they be persewit after the forfatrie be way of deid, with all extremitie, and their laud and rents annexit to the Crowne, to remaine with his Majestie and successors for ever, and no pairt thereof disponit to any in favoures of the persones forfaultit.

4. That in the meantyme his Majestie his guard be imployit for apprehending Mr Walter Lyndsay, the Abbot of New Abbay, Bonnytonne, younger, Mr George Kerr, Mr Alexander Leslie, Thomas Tyrie, with all uthers traffiquers with Jesuites and Seminarie Priests, not conteint in the summons of forfatrie.

5. That the rebels' houses be taken, chargit and mannit, and their livings intronittit with and uptaken to his Majestie's use without favour, and no pairt thereof disponit to their friends, or any uther persone for their commoditie.

6. That all persones be inhibite, under the paine of treason and tynsell of their life, lands and goods, to receipt, supply, ryse and concurre, or have intelligence with the forsaides excommunicats, under qwhatsomever pretence of vassalls or defenders.

7. That the haill subjects be chargit to put themselves in armes be all good meanes they can, remaining in full readines to persew and defend, as they shall be certified be his Majestie or others find- ing the occasion urgent.

8. That the bark arryvit at Montrose be apprehended, and the persones that were within her, together with such others as hes had a dealing with them, according as they shall be given up in ticket, be callit and diligently examinat for discoverie of the practises and purposes qwhilk they have presently in hand.

9. Forsnameikle as the Lord Hoome hes contraveint sundrie poynts qwherin he was oblisched to the Kirk of Edinburgh be his promise at the receiving of his subscriptione, as, namely, in not satisfiing the Assembly of Fyfe, and not receaving ane minister in his house—in not removeing furth of his company Captaine Androw Gray and Thomas Tyrie; whereby, as also by his sclanderous lyfe sen his subscriptione, he hes given just cause of suspition to the Kirk and all good men, that in his heart he is not yet trewlie sanctified and convertit to the trew Religione: Therefore, that his Majestie wald take earnest tryall of the premisses, and thereof judge if there appear in him such ane sinceritie of religion and lyfe as his Majestie may lippen to. and the Kirk look for sure friendship in such dangerous a tyme, in the cause of religione; qwhilk not being found, that his Majestie wald remove him from his company, and discharge him of all publick office and commandment.

10. That the guard presently taken up be tryit, together with their Captaines, in respect of many complaynts given against them to the Assemblie.

Att Edr. the 10 of May 1594.

The Assembly gives commission to Mrs Patrick Galloway, Robert Rollock, Patrick Simpstone, James Melvill, James Nicolson, to propone the dangers and remedies above written to his Majestie, to rehearse his Majestie's answers thereanent.—*Sic subscribitur*,

MR ANDROW MELVILL, Moderator.

[The King's Answers written on the margin of the Remedies.]

- (1.) To proceed against the excommunicats.
- (2.) There shall be nothing of the turn undone in my p^t, as I have at length declared to the bearers.
- (3.) Great reason, and farther as I have schawne the forsaid bearers.
Great reason, the forfeiture being endit.
- (4.) How willing I am to be employit in apprehending any practising Papists, I remit me to the bearers' declaration.
- (5.) Great reason how soon they are forfait, and I thank them for their counsell.
- (6.) Great reason—their forfeiture alwayes preceeding.
- (7.) To be ready at my charge is meit; but I understand not the last clause of the urgent occasion.
- (8.) I shall omitt no diligence in that which can be requyrit at my hands, as I shall answer to God.
- (9.) *Distingue tempora et concordabis scripturas.* The meaning of this the bearers will expone to yow.
- (10.) The complaints belongs not to their office: alwayes I have satisfied the bearers herein.—*Sic subscribitur,*

JA. REX.

Sessio 11. 13 May.

Anent the horrible superstitione used in Garioche and diverse parts of the countrie, in not labouring ane parcell of ground dedicat to the Devill, under the name of the Goodman's Croft: The Kirk, for remedy thereof, hes found meit that ane article be formit to the Parliament, that ane act may proceed from the Estaites thair of, ordaining all persones, possessors of the saids lands, to cause labour the samen betwix and ane certaine day appoyntit theirto; wtherways, in caice of disobedience, the saids lands to fall in the King's hands, to be dispoit to such persones as pleases his Majestie, who will labour the same.

Sessio 12. 14 May.

Anent the supplication of the minister and parochiners of Bruntisland, desyrand the Assembly to allow the act of the Synodall Assembly of Fyfe concerning their new kirk, in allowing thereof to be the parochie kirk: The hail Kirk present being advysit with the

said ordinance, understanding that the new kirk buildit be them is most commodious for the parochine, both in respect of the greatness of the congregatiōne, and ewistness of the place, and alwayes mair convenient nor the ald kirk, qwhilk is not able to receive the congregatiōne, and is farther distant from them: Therefore allows and approves the judgment of the provinciall Assemblie of Fyfe, and ordayne the said new kirk to be the paroch kirk thereof in tyme coming.

Alexander Lord Hoome compearand in face of the Assemblie; and inquiryt be the Moderator, if he confest in heart before the Lord, and with his mouth, that he was justly casten out of the Kirk be a sentence of excommunication pronuncit against him be the Synodall Assemblie of Fyfe, and as he wald answer upon paine of his salvation and damnatiōne, simply to speak the truth,—protestit and acknowledged openly, that he was justly excommunicat, and confessit his fault therein: And being inquiryt why he soucht to be relaxit from the said sentence according to the direction of the presbytrie of Edinburgh, excusit him be ignorance of that part of the act. As also being accusit that he deteaned the stipends of sundrie of the ministrie, speciallie of Chirnsyde—answerit, he was ready to doe what he ought to doe of law. Being further demandit why he hes not keepit conditions, specially sett doune in the act of the presbytrie of Edinburgh—as, namely, touching ane minister in his awne house—touching the removing of Thomas Tyrie out of his house: yet, in that poynt, he is content to haue ane, as the Kirk shall appoint him; and as to Thomas Tyrie, grants he was in his service sen his subsyryving, but understood not that he was obliged to remove him qwhill the Kirk had proceeded to excommunicatiōne againes him, qwhilk he believes they granted it: alwayes fra the said Thomas was excommunicat, he removed him out of his companie; and as to John Tyrie and Captaine Gray, they are not his servants. Being requyrit if there was any persone callit Cowie, with whom he spacke schortlie, or any sett on land with the bark that came last in? Denyes the samen. And inquiryt if M^rWhirrie was in his house shortly? Grants that, within these few dayes he was in his house, and came by his witting, having neither letter nor commissiōne to him, and past away within halfe an hour. And last of all, the said Lord confessit in presence of God and his holy angells, whom he took witnesses, and the Lord Jesus whom he tooke judge, when he shall come to judge the quick and the dead,

that he profest from his heart the trew religion presently professt be this Kirk here present, whereof he hes already subscrivit the articles before the presbytrie of Edinburgh, and with his solemne oath confessit before them, and now confesses before the Assemblie, to be the only trew and infallible religion qwhilk leads to salvatione, qwherein he myndis to liue and die, and shall to the uttermost defend againes all the enemies thereof; and denyes, as he shall answer to the dreadfull God, the Romane Catholick religione, all the Antichristian religion directlie opponit to the truth of God and his trew service, qwhilk he testifies to the hail Assembly be upholding of his hand, and with solemne witnessing of God, that he hes no dispensation nor indulgence to subscriue or swear to the said articles. For farther satisfaction of the brethren, the Kirk ordaynes my Lord Provost of Edinburgh, Alexander Hooome, the Laird of Aytoune, Mrs John Davidstone, David Black, David Lyndsay, to deale further with my Lord afternoone, to try of his full resolution.

Sessio 13^a. 14 May.

Anent the offence conceavit be his Majestie againes a brother callit John Ross: The Assemblie of the Kirk thought it expedient that certaine of the Godlie, best learnit and discreetest of the Assemblie, should be chosen out, before qwhom that matter sould be first broken up and preceisly handlit, and thereafter brought in publick before the hail number; and to that effect were chosen Mrs Andrew Melvill, James Nicolson, Robert Rollock, Robert Bruce, John Davidstone, John Craige, David Lyndsay, Patrick Galloway, James Melvill, Walter Balcanquall, Alexander Forbes, James Robertstone, David Fargysone: Qwhilk number are ordaynit to conveine immediatly after their rysing in this house, and so many of the brethren of the Synodall of Striveling as are present, warnit to be readie as they shall be callit for.

Sessio 14^a. 15 of May.

The qwhilk day compeirit Alexander Lord Home in Assembly, and with all humilitie cravit that he might be absolut from the sentence of excommunicatione led against him, protesting before God he wald in tyme comeing gine proof of obedience and service to God, and maintain the truth of his religione presently profest be the Kirk here present to his lyfe's end; and although he was some-

tyme in ane different religion from them, now avowes, he being better instructed in the heid qwherin he sometymes differed from them, the present Confession of Fayth and religion professit presently be the Assembly; and if he shall hereafter deelyne therefrae, submitts him in that case to the Assemblie of the Kirk, hoping be God's grace, never to make defectione therefrae.

The Assemblie, in respect this matter hes been past be word, hes thought meet that certaine conditions shall be sett downe in write, to be subscrivit be his Lordship; thereafter his sute of absolute to be considerit.

Sessio 15^a. Eodem die.

The Assembly ordaynes ane fast to be keepit within the Presbytrie of Edinburgh, and such other parts where the samen may be convenientlie had, upon Sunday the 26 of this instant, immediatly preceeding the Parliament, and his Majestie to be remembrit that an exhortatione may be had according to the custome qwhilk was keepit of before, the first day of the Parliament, and ane thanksgiving at the conclusion thereof be ane of the ministrie; and also that his Majestie be put in minde of the said fast appoyntit the for-said day, to the effect his Majestie and his house may keep the samen.

In lyke manner it is ordaynit, that a generall fast be universally observit throughout the hail realme, the two last Sondayes of Junii nixt to come, with exhortationes and prayers to be keepit betwixt the two Sondayes on the week dayes; the causes of the qwhilk fast shall be intimat and presentit the morne in wryte be Mrs Patrick Galloway, James Melvill, and James Nicolsone.

The samen day, the conditions underwritten being proponit to Alexander Lord Hoomie be the Generall Assembly, to testifie his unfained repentance, after reading of the saids Articles severally: First, he ratifiet and approvit the subscriptione the 22 of December last, and that with ane solemne oath, holding up his hand, and agreit to the same articles, and every ane of them, in token of acceptatione thereof, protesting he does the same sincerely, subscrivit the same with his hand, humbly requyring, in respect of his obedience and repentance, that the Kirk wald relax him from the sentence of excommunicatione pronouncit against him.

The Assemblie, in respect of his repentance schawne, his aith and declaration giuen yesterday, and obedience in subscribing the

said conditions, being satisfied therewith, and hoping that he shall fully keep promise in tyme coming, Ordaines him to be absolvit from the said excommunication, and the sentence of absolution to be pronoucit be the Moderator the morne at meeting.

Follows the Conditions.

1. The Assembly craves that the said Alexander Lord Hooke ratifie and approve the subscriptione and oath given be him to the Confession of Fayth, at Edinburgh the 22d of December last, or subseryve and swear againe *de novo* in face of the haill Assemblée, as shall be thought expedient.

2. That he remove and hold forth of his companie, all Papists and traffiquers against the trew Religione, and qwhatsoever persones shall be delaitit to his Lordship to be suspect and corrupt in Religione; That he receive and intertaine in his house Mr Archibald Oswald as his ordinarie pastor, and, failzieing of him, some uther discret and godly minister, be advyce of the Presbytrie of Dumbar, and that he make his family subject to the word and discipline.

3. That he resort to the publick hearing of the word, in all places where it shall happen him to repaire and haue his residence, and that he communicat.

4. That he make his haill tennents and servants subject to the discipline of the Kirk where they remaine.

5. That he repaire all the ruinous kirks within the Priorie of Coldinghame, and provyde sufficient livings for the pastors, plantit and to be plantit thereat, according to the act of Parliament; and sicklyke of all kirks within his bounds, so far as law and reasone may bind thereto.

6. That he make thankfull payment to the ministers of Chirnside, Swyntoune, and Stithall, of their stipends, conforme to their assignationes and decreets past thereupon, in caice he be obliged therto be law.

7. That he concurre, be his counsell, credite, and assistance, for maintenance of the trew Religione publickly professit and taught within this realme, with the maintainers thereof, against all and qwhatsomever wald come in the contrair, within the countrie or without.

8. That he neither receipt, maintaine, assist, intercommon, or have intelligence with the excommunicat Papists, Lords, Jesuites,

Seminarie Priests, or traffiqueing Papists, nor solicit for them, nor shaw them favour, directly nor indirectly, in judgement or out of judgement.

9. That he niether reasone nor suffer any reasoning to be against the trew Religione, or any poynt thereof, in places where he may stop the samen.

10. That he imploy himself cairfullie to apprehend and present to justice, Mr Alexander M^cQwhirrie, and all and qwhatsumever Jesnites, Seminarie Priests, and trafficking Papists, that shall resort within his bounds, and that he doe nothing qwhilk may be found be the minister appoyntit for the tryall of his behaviour, to be prejudiciall to the trew Religione presently professit be the Gerall Assembly heir presently convent; and in caice he shall be found to contraveen any of the forsaid poynts, that, in that caice, he consent to be summarily excommunicat upon the notorietye of the fact. And in testimony of his acceptatione of the saids conditiones, that he subscriyve thir presents with his hand. *Sic subscribitur.*

ALEXANDER LORD HOOME.

Forsurnameikle as Alexander Lord Hoome, be his subscription, is bound to observe and keep the conditiones proponit to him be the Generall Assemblie, and acceptit be him, and in caice he be found to contravein the samen, or any of them, in that caice to be summarily excommunicat upon the notorietye of the fact: The Generall Assemblie giues libertie to qwhatsumever Presbytrie that shall understand of his contraventione of the saids conditions, to call him, and to try him of the said contravention, and convict him thereof if he be found guiltie, and the conviction to be direct and sent to the Presbytrie of Edinburgh, to qwham the Kirk giues commission summarily to pronounce the sentence of excommunication against him.

Sessio 16. May 16.

According to the ordinance of the Assembly, the actione of absoluteion of Alexander Lord Hoome being committit to Mr David Lindsay, exhortation being first made, the said Lord was inquiryt if he was sorie in his heart for the fault of offence he had committit, and that he had incurrit the said sentence, and fand an earnest dolor in his heart for that he was separat from the Kirk here pre-

sent so long, thirsting maist earnestlie to be joyuit thereto as ane member of Christ's bodie, and promising, as he shall answer to God, in tyme cuning to continow ane constant professor in the trouth of his religione, presentlie allowit be the Kirk of Scotland here conveint, to his lyve's end, and to schaw the fruits of ane trew Christiane in his lyfe—removeing all sclanderous persones furth of his companie? Qwho answerit, in God's presence it was his trew meaning, and intendit to schaw the same in evident effects in tyme cuning: Qwherefore, thanks being given to God, and prayer made, he was solemnly absolvit from the said sentence be the said Mr David, and receavit be him in name of the said breither, and imbraced as ane member reconciled to the Kirk.

Sessio 17. May 17.

Forsnameikle as Mr Andrew Hunter, minister, hes desertit his flock, and is fugitiue from the lawes, being bruitit and suspectit to haue joyuit himself with the King's rebels: The Assemblie present deposes him from the functione of the ministrie, ay and whill he haue satisfyt for his offence, his Majestic and the Kirk.

Anent the King's Majestic's Articles: In respect the first article twitches the tyme and place of their next Assemblie, the hail Assemblie, with advyce of his Heines' Commissioners, hes appoyntit their next Generall Assemblie to be at Montrose, the last Tuesday of June come ane year, provyding alwayes, in caice it be found expedient *pro re nata* be the Presbytrie of Edinburgh to be sooner, upon their advertisement, the samen to be preventit.

And as concernyng his Majestic's first Article, answer is given that the tyme and place is appoyntit in presence of his Commissioners, according to the act of Parliament.

As to the second, the act made at Dundie, *de novo* is ratified.

The answer concernyng John Rosse particular is continowed qwhill afternoone.

Concernyng Mr Andrew Hunter, the Kirk hes deposit him.

The fyft and saxt Articles agried unto.

Ordaynes every particular pastor, at his awne kirk, to intimat the sentence of absolutione pronuncit in favours of my Lord Hoome, from the proces of excommunicatione led against him.

Sessio 18^a. Eodem die.

Anent the matter of offence conceavit be his Majestic against

John Rosse, minister, be occasione of ane sermone made be him in presence of the Provinciaill Assembly of Perth: The said matter being first ordaynit to be weyt and treatit in private conferrence, and ane certain number of the grave. learnit, and godlie breither being appoyntit therto, and to give their judgment to the whole Assembly, the said breither reportit their advyce and proceedings in wryte, as follows:

First, They have found that the people departed not out of the Kirk before the end of the doctrine, as it hes been reportit to his Majestie, qwherthrow he might have uttered any kynd of offence, and that the said Assemblie had pronuncit no damnator sentence against him, but that they only admonished upon such eauses and considerations as after follows:

1. That he delyverit that doctrine at that tyme when his Majestie's rebells and enemies were assembled on the fields, qwhairthrough it might appaere to the people that the Kirk allowit Bothwell's treasonable attempts, and that the Assembly of purpose had placed him in that rowme to alienat the hearts of his people from his Majestie's obedience.

2. In respect of certaine speeches delyverit be him without any sufficient warrand, so far as they could see and understand, and namely that sentence pronuncit against the House of Guise *de futuro*.

3. In respect of the hard delyverie of speeches spoken of his Majestie, and qwhilk might have been thought to have cravit greater years and farther experience; ffarther, the hail breither, bayth of the Conferrence and of the Provinciaill of Perth, all in ane voyce ackuawledges that there is just cause of ane sharper rebuke and threatning of heavier judgments furth of the grounds of that text, then hes been or might be utterit be him; and whatsoever he utterit, as he deponit before God and upon his conscience, he utt rit of love, seeking alwayes his Majestie's standing, on na pre-occupied minde, prejudget opinionone, or troublit affection, but of ane saul, thristing and seeking alwayes his Majestie's honour and weill in God; and therefore approves his hail doctrine in that poynt, as it hes beine read and declarit be himself, in such heids as semit to be most offensive; and as concernyng the admonitione of the provinciaill of Perth, and the causes moving them thereunto, the brethren reverences and allowis the judgement in all things, upon consideration as is before exprest; only anent the sentence touching

the House of Gwise *de futuro*, because the haill brethren heard it not, and he himself professes he remembers not he spake swa, naither had he such meining at any tyme, and confest his fault if such ane word hes fallen out—the Brethren thinks with himself in that poynt that if he hes spoken, so he hes faillit, having no just warrand: and being mynded to satisfie his Majestie allwayes so far as possible may be done with ane good conscience, after earnest incalling of the name of God for assistance of his Holy Spirit and long advysement, hes found it good that the admonition of the provinciall of Perth, as said is, be reverentit of the said haill Generall Assemblie, and that the Assemblie at this tyme giue farther to the said John Ross, ane grave and earnest admonitione to speak at all tymes reverently and with such wisdome of his Majestie, as he alwayes may have so clear ane warrant of his speeches as may fully satisfy his own conscience before God, and have the approbatione and allowance of all his godly brethren; and that this admonitione be extendit to all utthers young men of the ministrie and to the haill Assemblie. Qwhilk judgement of the said brethren being weell considerit be the haill Assemblie, after good deliberatione, votit to the approbatione of their said judgement, and allowit be the samen in all poynts. And thereafter the said John Rose being callit in, he, in presence of the haill Assemblie, protestit before God and in his conscience, that qwhatsoever he utterit in the doctrine delyverit be him, he utterit the same for love to his Majestie's weill and standing, of no preoccupied minde, prejudgit opinione, or troublit affectione, but of ane saul seikand his Majestie's honour and weill in the land, havand neither eye nor respect to his Majestie's traitors being then in armes upon the fields; yet granting some words hardly delyverit (though trewly): and as concernyng the words spoken of the House of Gwise *de futuro*, as is alleadgit, before the Lord, remembers not he spake such words, neither had intention nor meaning to speak the samen, and if he spake the samen, it was ane fault of *elapsus lingue*.

The Moderator, at command of the said Assemblie, in the name and fear of God, admonished the said brother, and all uther young men of the ministrie and haill Assemblie, in all tyme comeing, to speak so reverently and discreetly of his Majestie in all tyme comeing, that they may have so clear warrand of their speeches as may fully satisfy their own conscience before God, and have approbatione and allowance of all the godly, and his Majestie have no just

cause of complaynt and mislyking in tyme coming : Qwhilk admonition the said John with all humilitie reverenced.

INSTRUCTIONES to Sir Robert Melvill of Murdocairnie, and Alexander Hooome of Northberwick, Commissionsers for his Majestie at the Generall Assembly, of Articles proponit in his Majestie's name to the said Assemblie at Edinburgh.

1. *First*—To protest that his Majestie's royall priviledge newlie sett forth by act of Parliament, be not prejudgit in the conveying of the nixt Generall Assemblie; and to that effect that before their dissolving at this tyme, they direct some of their number to his Majestie to be resolvit be him upon the tyme and place of the nixt meeting of the Generall Assemblie, according to his Majestie's propositione, and their promise in the last Generall Assemblie, halden at Dundie.

2. That they will ratifie and approue be act of this present Assembly, their promise made to his Majestie, in their forsaid last Assemblie, that in any thing that any of the ministrie had to craue or complain to his Majestie, they should do it be particular conference with himself; and not utter publickly in pulpit any unreverent speeches against his Majestie's persone, counsell, or estate, under the paine of deprivatione; and that for this cause they will presently try and censure one of their number, qwho hes contravenit the said act, and in speciall, that they will examine so many of their number as was not present at the last Synodall Assemblie, halden at Perth, and charge them upon their great oathes and consciences, first, to declare what treasonable and irreverent speeches of his Majestie they heard John Ross utter publickly, from the pulpit, in all their evidences, and next, whether they censurit him for the same thereafter or not, and to desyre them in his Majestie's name that, according to the Synodall censuring of him, they wald judge him as he demerits on the ane part, and his Majestie's modest behaviour ever since the beginning of that turne, hes deservit.

3. They will excommunicat Mr Andrew Hunter, for bringing in ane scandall upon their professione, as the first open traytor of their function againes ane Christian King of their religion and their naturall sovraigne.

4. That be act of their Assemblie, they will ordayne every particular minister within their charge, to dissuade alsweill be publick as private exhortation, their floek committit to their cure, from con-

curring with the treasonable attempts of Bothwell or any wther traytors that raises or shall raise themselves up against the lawfull authoritie placit be God in his Majestie's persone. and speciallie that they shall narrowlic take heed and not suffer any of their flock to be seducit under colour of religione, or whatsunnever false pretext, to receave wages and become souldiers, for service of any persones, except they sie his Majestie's commission, and warrand thereto, and namely of Bothwell, who hes presently, in divers parts of this realme, attemptit the same.

5. That in respect the Parliament is at hand, and the occasion will suddenly serve for declaring of his Majestie's godly and honest intention in prosecuting of the Papists, excommunicat lords, both be law and otherwayes ; That, therefore, they will select ane or twa commisioners of the discreetest and wyses of every principall presbytrie, and give them commisione and warrand to attend upon his Majestie, at this tyme, alswell that his Majestie may have their good advyce and assistance in his good turne, no less concernyng the estate of religione then the estate of his Majestie's crowne and countrie ; and lykewayes that his Majestie may be their moyen, direct and informe what he wald wische to be done be the rest of the ministrie, as occasion shall from tyme to tyme be presentit. *Sic subscribitur.*

JAMES REX.

Humble ANSWERS of the Generall Assemblie of the Kirk convent at Edinburgh, the 27 of May 1591, to his Majestie's Articles, presentit be his Commissioners.

1. *First*, Anent the tyme and place of the Generall Assemblie, the same is appoyntit be the advyce of his Hienes' Commissioners present, according to the act of Parliament.

2. The Act made be the Generall Assemblie at Dundie, is *de novo* ratified and approvyn, and the particular of John Ross, resolvit, as his Majestie shall be informit mair particularly be the Commissioners of the Kirk to be direct to his Majestie.

3. Touching Mr Andrew Hunter, the Assemblie hes proccedit and given ane sentence of depositione for his offence against him, quhill he satisfie his Majestie and the Kirk.

4. Every partiular minister within his charge is straitlie comandit to disswade the flocks, alswell be publick as private exhortationes, frae concurring with treasonable attempts of Bothwell or

any wther traytour to his Majestie, that raises or shall raise themselves up against his Majestie's authoritie, and sicklyke to take heed and suffer not their flocks, under colour of religion or qwhatsumever false pretext, to receive wages of any persones without his Majestie's warrant, and namelie of the said Bothwell.

5. They haue appoynted ane reasonable number of brethren to awayt on his Majestie for satisfying the last article.

With thanksgiving to God for his mercies, the Assemblie dissolved.

[FIFTY-NINTH GENERAL ASSEMBLY.]

THE Generall Assemblie of the Kirk of Scotland, conveint at Montrose the 24 of Junii 1595.

Sessio.

Exhortation was made be Mr Androw Melvill, Provost of the New College of St Androis, and Moderator of the last Assemblie. Mrs Robert Pont, Peter Blackburne, and James Nicolsonsone, were on the lects, and the said Mr James, be pluralitie of votes, was chosen Moderator, *hac vice*.

Sessio 2^a. Junii 24.

Anent the questione movit into the Assembly, if it be proper to them to declare be the word of God, what marriages are lawfull, and what unlawfull, so far as concerns the spirituall part thereof? It was answerit affirmative, that it was proper.

Sessio 3^a. Junii 25.

Ordaynes the presbytries in all pairts of the country to proceed against the Papists within their bounds, with the sentence of excommunicatione; and because of the weakness of the Presbytrie of Inverness, ordaynes them to proceed therin with the advyce of Mrs George Monro, John Monro, John M'Kenzie, and Andrew Crombie.

Forsuameikle as diverse Papists and suspect of Papistrie, after their subscriptione and oathes, pretending deadly feads, abstaying

from the table of the Lord, whereby they utter themselves in effect and in heart to continow Papists; Therefore the Assemblie ordaynes the Presbytries where such persones are, to proceed against them with the sentence of excommunicatione so long as they refuse to communicat, in the samen manner as if they had not subsyryved and given oath.

Forsuameikle as diverse persones being cut off from the societie of the Kirk be sentence of excommunicatione pronuncit against them, notthelesse they are receavit and intertaynit as if they were true members of Christ's Kirk, to the great contempt of God, and evill example of wthers: The Assemblie therefore ordaynes the presbytries where such persones are, to proceed against them according to the Acts of the Kirk, under the paine of publick rebuke in face of the hail Assemblie of the brethren of the presbytrie, if fault be found in them, and making of humble confession upon their knees of their offence, in caise the same be found in them as said is, and under the paine of depositione of the minister in whais default the said ordinance of the Kirk is not execute, and that the same penalty and executione be usit and strick upon them, that hes intercommuning, intelligence, or familiaritie with the saids excommunicats, qwhilk is usit against the resettlers forsaid, under the same paine.

Sessio 4^a. Eodem die.

Forsuameikle as there is diverse persones professing with us the veritie of the Gospell, qwhilkis nevertheless the space of diverse years, under pretence of deadlie feads, hes withdrawn and daily withdrawes them from participatione of the holy table, declareing thereby how little they esteem that great benefite, and in effect, as it were, cutting off themselves from communion of the faithfull; Heirfore ordinance is given to all Presbytries within their bounds, to charge all persones abstayning from the communion be reason of deadlie feads, notwithstanding thereof, as it becomes Christians to do, to participat the said holy table; and in caise they be obstinate and refuse, to proceed with the censures of the Kirk against them; it being alwayes considerit be the Presbytrie, that if there be any infirmitie or hinderance of conscience that refuses, in that caise the said Presbytrie shall travell with the saids persones to bring them to their deutie and participatione of the said table, granting with good advyce and discretione some reasonable tyme as to resolve

themselves, within the qwhilk if they giue not obedience, and refuses to participat as said is, that the said Presbytrie proceed against them with the sentence of excommunicatione.

Sessio 5^a. Junii 26.

The King's Majestie's Commissioners desyrit of the Assemblie, that he might have ane choise of such twa of the Ministrie his Majestie nominat, in place of Mrs John Craig and John Duncan-one. The Assemblie hes found meet and votit that a certaine number of the most grave, learnit, and best disposed brethren of the haill ministrie be chosen and nominat be them, out of the qwhilk it may please his Majestie to nominat twa unto that effect.

Commissioners to be appoyntit before the end of this Assemblie to advyse his Majestie of the choise to be made of them qwhais names shall be sett down before the Assemblie dissolve, craving his Heines' Commissioners to make his Majestie foreseen, that they may know on whom his eyes are sett, and be resolvit before their loosing.

Anent the planting of kirks : Because ane speciall impediment hes been thereof, the dilapidatione of the benefices possessit be the brethren of the ministrie qwha hes sett their benefices with diminutione of the rentalls, or be conversione of the victuall in silver, not regarding the acts and ordinances of the Assemblie: Heirfore for remeid, the Generall Assemblie hes given power and commission to the breither underwritten within the bounds particularly under devysit, to call before them such persones within the ministrie, that sen the act of the Assemblie, made in the year of God 1578, hes sett their benefices with diminutione of the rental thereof, or conversione of the victuall in silver, and to proceed against them with the sentence of depositione, qwhilk sall stand in force agane qwhill they restore their benefice to the awne integritie, qwherein the samen was at their entrie thereto; that is to say—To Mrs Andrew Melvill, James Melvill, Robert Wilkie, Thomas Buchanan, Androw Moncreiff—to call them the saids persones within the bounds following, viz. From Spey to Tay and all Lowthiane, Merse and Teviotdale, to compear before them in St Androis. Nixt Mrs David Lyndsay, Robert Bruce, David Fergusone, Robert Pont, James Balfoure, or any three of them, to sitt in Edinburgh, and call the saids dilapidators before them, within the bounds of the haill north to Spey and Fyfe, as also beneficed persones that hes made dilapi-

datione within the Diocie of Rosse. 3. Mrs Patrick Simpstone, Andrew Young, Harie Livingstone, James Pont, John Davidstone, to sitt in Strivilling, and call before them the saids brethren that hes dilapidat their benefices within the bounds of Strivilling shyre, Stratherne, Clidsdale, Dumbartane, Raufrew, Lennox, Kyle, Carrick, Cunninghame, Galloway, Nithsdale: and for the better execution to be had of this commission, ordaynes every Presbytrie within the bounds forsaid, to send to the judges every ane of them within their awn bounds, particular informatione and answer to the heads qwhilk shall be pennit be their brother, Mr Robert Pont, betwixt and the 15th of August next; and to the effect that the Presbyteries be not ignorant heirof, the Assemblie presently hes nominat the brethren after specifiet to giue warning to the Presbyteries within the bounds respective following, according to the divisione after specifiet: That is to say, Mrs Andrew Crombie for Ross; Andrew Lawstone and Archbald Dowglas for Morray; Peter Blackburn, Duncan Davidstone, and James Reid, for Aberdeene; Andrew Milne, Alexander Forbes, for Mairnes; John Durie, James Melvill, for Angus; Alexander Lyndsay and William Glass for Stratherne; James Melvill, David Fargysone, for Fyffe; Walter Hay, Andrew Blackhall, for Lothian; James Deis for Merss and Teviotdale; ffor Tweddall, Andrew Blackhall and Walter Hay; ffor Strivilling, Adam Balantyne; ffor Clydsdale, Raufrew, Lennox, and Dumbartone, Walter Stewart and Gavine Hamiltone; ffor Nythsdale, James Brysone, Hew Fullertoune; ffor Galloway, James Aikman; ffor Kyle, Carrick, and Cunninghame, David Barclay: Qwhilks informationes being receavit be the saids judges, Ordaynes them, with all diligence, to proceed against the saids persones. And, for the faithfull execution of the said Commission, the saids judges was sworne, except Mrs Thomas Buchanan, Robert Bruce, Patrick Simpstone, Harie Livingstone, and James Pont, who were not present.

Forsuameikle as a great occasion of the non planting of the Kirk stands in laick of provisiōe of the ministrie, and that their stipends from year to year, being changeable, they are drawn from their Kirks, to the neglecting of their flocks, and to the discharging of their callings: With common advyce it is heifore concludit and resolvit, that ane constant platt shall be set downe be the brethren following, appoyntit out of euery province, Qwha sall sit and conveine the first day of September next, within Ediuburgh; and, be-

fore their convention and sitting, every Presbytrie sall, betwixt and the 15th of August nixt to come, delyver to the saids brethren appoyntit of their provinces, ane resolute informatione, written in forme of a booke *in mundo*, of the estate of their kirks, in the heads following; viz. of the names of the benefices within their bounds, qwhether the samen be seuerall benefices, or annexit—who is patrone thereof—who is possessor—be what right the samen is brookit—the ald rent—the present rent, and the just availl thereof, and what kirks may be unite or divided; qwhilks informationes being receavit and collectit, together with the saids Commissioners convening as said is, shall appoynt every Presbytrie severall dayes, to direct a speciall brother, public instructed, to be with them, with constant platts of the kirks within their Presbyteries; and the said brethren, swa, directly with the Commissioners forsaid, to conclude and put in forme ane constant platt of their Presbytrie, and so forth to proceed, qwhill the warke be whollie made up and compleit: and after compleiting thereof, the saids Commissioners shall make warning to euery Presbytrie to direct a brother from them to consider the whole wark; and the samen being allowed be the said Commissioners and brethren from euery Presbytry, qwhilks are considerit to be fifty in number, the ratification thereof to be sought of his Majestie and Counsell: Of the qwhilks Commissioners, chosen out be this Assemblie from the provinces, the names follows, viz. Frome Zetland, Orknay, and Kaithness, and Sutherland, Mr Robert Pont: ffor Ross, Mr Andrew Crombie: ffor Morrey, Mr Alexander Dowglass: ffor Aberdien, Mr David Cunmyngame, Mr Peter Blackburne: ffor Mearnes and Angus, Mrs James Nicolson, Andrew Milne: ffor Stratherne, Dumblane, Dunkeld, and Strivilingshyre, Mrs Patrick Galloway, Alexander Lyndsay: ffor Fyffe, Mr Thomas Buchanan: ffor Lawthiane and Tweddall, Mr David Lyndsay: ffor the Merse, John Clappertoune: ffor Teviotdale, Mr John Knox: ffor Clidsdale, Ranfrew, Lennox, and Dumbartone, Mr Gavin Hamilton, Mr James Howisson: ffor Nithsdaile, Mr James Brysone, and, in caise of his sickness, Mr Hew Fullartoune: ffor Galloway, Mr John Aikman: ffor Kyle, Carriek, and Cuninghame, John M:Quherne: Qwhilks breither and Commissioners, in number auchtein, shall also have power to make ane platt for ane interim, qwhilk being concludit be the saids Commissioners, and a brother direct from every Presbitrie, qwhilk will

make fiftie mair, no reclamation shall be therefrae, but shall be concludit concerning the constant platt or interim, shall stand in force and full effect, as if the samen had been concludit be the Generall Assemblie, without any reclamation therefrae, as said is; and because the wark will requyre wayting on, and the saids auchteene Commissioners will be put to the charges and expenses, It is ordayned that their expenses shall be borne be their provinces: And for the faithfull executione they are all sworne, except Mrs Alexander Dowglass, John Knox, Patrick Galloway, John Clappertoun, and John Howison, who are not present.

Sessio 8. July 2.

Compeirit Sir James Chisholme, in presence of the hail brethren, and confessit with humilitie his offences, namelie his apostasie from the religion, qwhairof he craved God's mercie; and farther, he declared that he professes with us the hail trew religione, renouncing the antichrist and all his errors, craving from his heart to be receavit in the bosome of the Kirk; with the qwhilk the breither being movit, concludit he should be relaxit be the Generall Assemblie at their first ineeting the morne, from the sentence of excommunicatione led against him, and thereafter the forme of his satisfacione to be sett downe and appoyntit be the advyce of the Assemblie.

The heads of Inquisitione to be made in every Presbytrie anent Dilapidatione.

Inprimis, To take from every beneficit minister the present rental of his benefice, and what yearlie dewtie, be his awne confession, he gives presently of the samen. 2. If he hes sett tacks thereof, and to wham, privatly or publickly, and, if need beis, to take his oath thereupon. 3. To inquire qwhat was the estate of his benefice when he enterit at it, and qwhether he was hurt be his predecessor. 4. To take diligent inquisitione not only be report, not only of the beneficit persone himselfe, but be uthers that knawes the just nator thereof, qwhat the benefice was worth or payit of old in the best estate. 5. Qwhat the samen wold exceed to in yearlie rent or teinds, or utherwayes, if it were free of tacks, and in ane minister's awne hand; and, if neid beis, that the Presbytrie or Commissioners take ane inqueist of men of best knowlege in the

countrie about, to declare the veritie herein, and send the samen to the judges appoyntit in due tyme, with the hail circumstances before rehearsit.

His Heines' Commissioners presentit Articles from his Majestie, craveing the same to be read and answerit, as follows:—

His Majestie craves that there be ane Act made, Ordayning that qwhosomever at any tyme shall practise any treasonable interpryse or conspiracie against his Majestie's persone or estate, being found and declared culpable thereof be law, sall lykewayes incurr the sentence of excommunication therefore, that thereby ane inseparable union may be betwixt the two swords. 2. That ane order be taken concernyng excommunication in three poynts, especiallie, 1. That it be not at the appetite of twa or three particulars, and that if it be not procedit in qwhill first ane convenient number of the Kirk be conveint. 2. That it be not for civil causes or small crymes, and specially any ministers particular, leist that it be thoct that they imitate the Papists cursing, and so incurr the lyke contempt. 3. That the form of summar excommunicatione, without any citatione, be allutterly abolisched. *Item*, In respect Mr John Craige is awayting what hour it shall please God to call him, and is unable altogether to serve any longer, and his Majestie's mynde is to place John Duncansone with the Prince, and so hes no minister but Mr Patriek Galloway, therefore his Heines desyres ane ordinance to be made, granting him any two ministers he shall choose.

Humble Answers of the Generall Assemblie to the forsaid Articles.

First, Where an ordinance is cravit to be made against Papistes of any treasonable interprysers or conspiracie against his Heines' persone or estate, being found or declareit culpable thereof be the law, that they therefore shall incurr the sentence of excommunicatione, The Generall Assemblie agrie thereto—*legitime cognitione ecclesiastica pre-eunde*. As to the order cravit to be taine concerning excommunicatione, especially in three poynts containt in the second Article, the first pairt is condescendit to; and as to the second, that no excommunicatione shall be usit in causes meere civile, or in small matters, and the abolisching, in tyme coming, of

the former summar excommunicatione without citatione; these poynts importing great weight, and craving mature deliberatione, the Assembly hes thought meit to superceid all concluding therein qwhill the next Conventione, qwhere, by God's grace, they minde to resolve thereupon; and that, in the meintyme, nane of the ministrie proceed to excommunicatione without citatione preceding, *nisi periclitetur ecclesie respublica.*

Anent his Majestie's sute concerning his ministers, it is agreit that his Majestie shall have choyce of the most grave, learnit, and godly brethren of the ministrie, with advyce of the Commissioners following, to be direct to his Majestie, viz. Mrs Robert Bruce, Andrew Melvill, James Melvill, David Lyndsay, David Fergusone, James Balfour, Thomas Buchanan, James Nicolson, Andrew Lambe, George Gladstanes, or any sax of the said brethren, qwha are appoyntit to meit the 22d of July nixt.

Sess. 9.

After humiliation of Sir James Chisholme upon his knees, and acknowledging of his offence to the satisfaction of the brethrene, be the voyce of the Moderatour, the sentence of absolution was pronuncit in his favours, and he relaxit from the proces of excommunicatione led against him.

Anent the act made in favours of the executors of ministers: The Assembly and breither present, for clearing thereof, declares, if the minister die after Michaelmas, *quia fruges separate sunt a solo*, that his executors shall fall that year's rent, and the half of the next, and that the provision of this act be extendit to the relict of umquhill Mr James Hamyltone, and the Lords requestit to that effect.

Forsuameikle as there is great cause of humiliation of us before God, qwhais visible anger appears on the heads of this land, yet be the maist part little regardit: The Kirk hes ordaynit a generall fast and humiliatione universallie to be observit in all the kirks within this realme, upon the twa first Sundays of August next to come, the causes thereof to be laid out generallie be the pastors, according to the grounds they sie and prescrive.

Forsuameikle as there is ane abuse necessarlie to be remedeit, especiallie in Caithnes and some uther parts, qwhair they that possess the benefices, as the late bishops in Caithnes was, in special deplaidat the haill rents thereof, except a very small quantitie in pen-

siones maist prodigallie to all that saucht the same, qwhairby he hes delapidat the haill patrimonie of the said bishoprick; ffor remeid qwhairof, the Assembly ordaynes Mrs David Lyndsay and James Balfour to admonische Mr Thomas Craige and the solistar of the Kirk, to persew the said pensioners for reduction of their pensions, qwhilk cannot stand be the law, of the haill, or of the maist part of the fruits of any benefice, and to insist diligentlie therein.

Anent marriages: The Assemblie declares thir two sorts to be unlawfull; when ane persone marryeth ane uther qwham they have polluted by adulterie; nixt qwhen the innocent persone is content to remaine with the guiltie, and the guiltie will have ane wther, or taks ane wther.

As concerning marriages made be excommunicat priests or wthers that hes servit in the Kirk, and deposit from their office, or be private persones: The Assemblie declares such marriages to be null; ordaying the brethren of Edinburgh to travell with the Commissaries of Edinburgh, that they decyde according to the saids conclusions.

Anent the controversie betwixt the ministrie of St Androis and William Balfour, the brethren appoyntit to conferre thereanent reportit their judgment following: That the said William shall declare that he knew no wther but that Mr David Black, minister of the towne forsaid, had left the proces of the manss controvertit, and that he hes no wayes proceedit therein, in contempt of the Kirk, or any particular person within the same; and thir things he does protest in conscience, and confesses he hes done undutifullie: that is to say, overseen himself in his dutie towards the Kirk, in meddling not, forwarning them with the title of the house qwhairin he dwells, in respect of the Kirk's designation past thereof of before, for the qwhilk he is penitent before God and his Kirk: provyding alwayes, that the said confession be nowayes prejudiciall to the said William in the right and title of the said house, and that the samen be nowayes objectit against him, in judgement or out of judgement, and that the said William shall make the said confessione before the brethren of the conference of this Assembly, the brethren of the presbytrie that are here present: The qwhilk being done, that this present Generall Assemblie shall discharge the said presbytrie of St Andrews from all proceeding of censures against the said William for that matter, and in lyke manner, the said Mr David from all publick invectione against the said William, in his sermones, for

that cause; and that the said Mr David and William, in token of forgiveness of all mutuall offences bygone, and profession of Christian amitie in tyme to come, shall join hands together before the said brethren of the conference, and keep the samen amitie in tyme coming; remittand the controversie of their titles to the discretione of the judges ordinar: And this to be ordaynit be the Generall Assembly, to be declarit in the parochie kirk of St Androis, be Mr William Scot, minister of Kinnaquhy. The brethren appoyntit to conferre be the Generall Assemblie were these: Mrs Robert Bruce, Peter Blackburne, William Scott, Thomas Buchanan, Andrew Lamb, and Mr John Coldcleuch, qwhilk judgement of the said brethren, the Generall Assembly approved in all poynts.

Anent Grammar Schooles in Townes: Every presbytrie is ordaynit within their awne bounds to take order for visitation and reformation thereof, and to deal with the magistrates for augmentation of their stipends and provision of ministers; as also appoynting some persones most meit of their counsell to attend carefully on the schooles, and to assist the masters in discipline.

Anent the Acts of the Assemblie: The brethren hes ordayned that the samen be sichtit, and speciall acts for the practise of the Kirk be extractit and joynit with the Book of Discipline, to be publishit either in wreit or print, that nane pretend ignorance thair of; and to this effect to concurr with the Clark, Mrs Robert Pont, Thomas Buchanan, James Melvill, John Johnstone, and James Carmichael.

Anent Colledges: In respect it is thocht necessar that ane visitation be made of the samen, the present Assemblie hes given commission to their brethren, Mrs James Melvill, Thomas Buchanan, James Balfour, Robert Rollock, Walter Balcanquall, Nicoll Dalgleische, James Nicolsonsone, and Alexander Forbes, to conveyne together the first day of Januarii nixt to come, to the visitation of the saids colledges, to try, examine, and consider their doctrine, lyfe, and diligence of the maisters—the discipline and order wsit be them—the estate of their rents and livings, and where they finde abuse, so far as they may, to reforme: Remittand to the Assemblie such things as they cannot take order with, and qwhat they effectuat herein, to report to the next Assemblie.

[SIXTIETH GENERAL ASSEMBLY.]

THE Generall Assemblie of the Kirk of Scotland, halden at Edinburgh, in the New Kirk thereof, the 24th of March 1597 * [1596.]

Exhortation being made be Mr James Nicolsons, last Moderator, the Assemblie proceedit to the election of the new Moderator, and appoynting on the leets Mrs David Fargysone, David Lyndsay, James Balfour, and Robert Pont, the said Mr Robert, be pluralitie of votes, was chosen Moderator *hac vice*.

Sessio 4. May [March interlined] 25.

The King's Majestie being present, the Moderator exposit to his Grace, the two heads qwherein the Kirk hitherto hes been occupied, and how farr else it hes proceedit, viz. *First*, The substantiall head, for moyene how to resist the enemies qwhilk was *verbo* recited be my Lord of Kinloss, for the rest of the number deput to advyse therewith, and next, concernyng the purgatione of the Kirk; and because the first is not throughlie concludit, the Assemblie thought it expedient that the barrones and ministrie qwhilk met thereupon, take farther resolutione, and present their advyce to the Assemblie in writ.

His Majestie thereafter proponit the lamentable disorder of the yearlie alteration of the platt, and therefore desyred that ane constant platt should be made, qwhairunto his Majestie was most earnestlie bent. The Assemblie hes thought meit before any thing be concludit therin, to sie the act of Parliament made in the year of God 1592.

* "Calderwood and Crawford have 1596." "In the MSS. this is 1595." "This holds in the Fol. MSS." [Notes in MS. copied.]

There is some ambiguity as to the date of this Assembly, both as to year and month. In several sederunts "March" is interlined above "May," which latter month is inconsistent with that in the first sederunt. It was evidently the first after the Assembly 1595.—ED.

Sessio. Eodem die.

Overtures for resisting of the enemies of the Religione and Estate of the countrie, alsewell forraigne as intestine.

1. First, That all sic that hes kythit action with his Majestie's forfaultit rebels, and their knowne favourers and assisters, be charged to enter their persone in ward, thair to remaine ay and qwhill they find sufficient cautione that they shall not traffique nor intertaine intelligence with the saids rebels, nor any uthers enemies to the Estate or Religione, naither shall joyn with them nor make them any assistance in caice they repare within the countrie; and that they give their eldest sonnes or nearest friends in pledges for the maire sure observing thereof.

2. That the hail livings of the forsaid rebels to his Majestie be taine up exactly be his Majestie's officers to be appoyntit for that effect, and to be employed upon the entertainment of hyred men for defence of the good cause against the enemy, and for bearing of uther charges necessare for the advancement of the said cause, as ane of the effectuall meanes to encourage all such as are knowne to be well affectionat to the cause, and to procure their aifauld concurrence to the uttermost.

3. That there be chosen in every parochie be his Majestie's authoritie, and voite of the minister, session, and principales of every parochie, Captaines knowne to be most meit and of best affection, to conveye the hail parochine in armes monthly in mustures, and to sie that they be all sufficiently armit according to their abilitie, and trainit up in the exercise of their armes: and sicklyke that there be chosen Generall Commanders in diverse schyres and quarters of the countrie to conveye in armes at all occasions needfull, to resist all attempts and interpryses of the enemy, forraigne and intestine.

4. That some substantious order be taken for bringing hame sufficient number of corsletts, muskatts, picks, and uther armour needfull, and that the same be brought and receavit off the merchants' hands with expeditione; and last, that the hail cautioners qwhilk became bound for the good behaviour of the saids rebels without the countrie, be chargit before the Councill, and convict of the penalties containit in the acts of cautionrie; and that the saids penalties be employit upon the sustentation of hyrit men, and uthers burdens needfull for the weill of the cause.

Sessio. May [March] 26.

Forsuameikle as the Toune of Aberdeene hes taken in purpose and labour in divyding of their populous congregacione, and hes made good progress therein to the good example of the countrie; notthelasse the wark remaines imperfect in a part, throw not divisione of the ald kirk be a parpatt wall, being very commodious and little expensive: Therefore the Assemblie direct my Lord of Kynloss to the King's Majestie's Commissioners, the Lord Sinclare, the Justice Clark; Mrs Peter Blackburn, James Nicolsons, Androw Melvill, to the Counsell of the said Burgh, immediatly from the Assemblie, to exhort and request the Counsell to farder and perfyte the good beginning, and to divide the said kirk be ane parpatt wall: Quha returning back with the Baillies of the Towne, declareit that the Counsell, be reasone that this day of Law is not frequent, allwayes to the division be a parpatt, hitherto they could not agrie, being myndit to build the Tolbooth; desyrand earnestly the Kirk to request the Lords and Colledge of Justice qwho hes land within the burgh to contribute thereto: qwhairunto the Kirk agried, provyding they wald presently fall to the divisione be ane parpatt; ordayning the Bailzie to report the direct answer of the Council hereupon, upon Munday nixt to come.

Ordaynes ane article to be given in to the King's Majestie for establishing ane act, annulling all tacks sett be the ministrie without consent of the Assemblie.

Sessio. Eodem die.

Anent controversies and decisione thereof amongst the ministers: The Kirk and Commissioners present ratifies the act made at Dundee heiranent, and ordaynit the samen to be extendit, alsweill to Readers as to Ministers, and the paine of contumacie mentionat therein to be deprivatione.

Because of the bounds of Nithsdale, Annandale, and Galloway, are destitute of Pastores, The King's Majestie's Commissioners proponit to the Assemblie, that the Kirk wald take care to appoynt some qualified men for the ministrie there, for qwhois provisione and entertainment his Majestie wald take order.

Concerning the defectiones of the ministrie: The samen at length being read out, reasonit, and considerit, the brethren considerit the samen agreeing therewith; and in respect that be God's Grace they

intend reformation, and to sie the Kirk and Ministrie purgit; to the effect the wark may have the better success, they think it necessar that this Assembly be humblit for wanting such care as become them in such poynts as is sett downe, and some godly and zealous brother lay them out for their better humiliations, and that they make solemne promise before the Majestie of God, and make new Covenant with him for a mair carefull and reverent discharge of their ministrie: to the qwhilk effect was chosen Mr John Davidstone, and Tuesday nixt, at nyne houres in the morning, is appoyntit in the New Kirk for that effect; qwhairunto nane is to resort but the ministrie—the forme to be advysit the morne in privie conference.

The tennor of the Advyce of the Brethren depnt for penning the corruptions and enormities in the Ministrie, and remeid thereof, allowit be the Generall Assemblie conveint.

Corruptions in the office.

Forsuameikle as be the too sudden admission and light tryall of persones to the ministrie, it cometh to passe, that many sclanders fall out in the persones of ministers, It wald be ordaynit in tyme comeing that mair diligent inquisition and tryall be used of all such persones as shall enter in the ministrie, as speciallie in thir poynts: that the intrant shall be posed upon his conscience before the great God, (and that in most grave manner,) qwhat moves him to accept the office and charge of the ministrie upon him; that it be inquiryit if any by sollicitatione or moyen, directlie or indirectlie, please to entir in the said office, and it being found, that the solister be repellit, and that the Presbytrie repell all such of their number from voting in the election or admision as shall be found moyeners for the solistare, and posed upon their conscience to declare the truth to that effect.

Thirdlie, Because be presentationes, many forcible are thrust in the ministrie and upon congregations, that utters thereafter that they were not callit be God, It wald be provydit that nane sould se-k presentationes to benefices, without advyse of the Presbytrie within the bounds qwhair of the benefice lyes; and if any doe in the contrair, they to be repellit as *rei ambitus*.

That the tryall of persones to be admittit to the ministrie hereafter, consist, not only in learning and abilitie to preach, but also in conscience and feiling and spirituall wisdom, and namely in know-

ledge of the bounds of their calling, in doctrine, wisdom, and discipline, to behave him accordingly with the diverse ranks of persones within his flock,—as namely with Atheists, rebellious, weak consciences, and sick uthers, qwherin the pastorall charge is most kythit, and that he be meit to stop the mouthes of the adversaries, and such as are not found qualified in thir poynts to be delayed to further tryall, and whill they be found qualified. And because men may be found meit for some places qwhilk are not meit for uthers, it wald be considerit that the principall places of the realme be provydit with men of most worthie gifts, wisdom, and experience, and that nane take charge of greater number of people nor they are able to discharge, and the Assemblie to take order heirwith, and the act of the Provinciall Assembly of Lowthiane made at Linlithgow to be uregit.

That such as shall be found not given to their book and studie of Scriptures—not carefull to have bookes—not given to sanctification and prayer—that study not to be powerfull and spirituall—not applying the doctrine to his corruptions, qwhilk is the pastorall gift—obsenre and too scholastiek before the people—cauld and wanting zeall—negligent in visiting the sick, caring for the poor, or indiscriet in choosing of the word not nietist for the flock—flatterers and dissembling at publick sinnes, and speciallie of great personages in their congregations, for flatterie or for fear; that all such persones be censured according to the degrees of their faults, and continuing thereinto, be depyvit; That such as be slothfull in the ministrations of the sacraments and irreverent—as profaners, receiving clean and unclean, ignorants and senseless—profane and making no conscience of their professione in their calling and families—omitting dew tryall or using nane or light tryall—having respect in their tryall to persones, qwhairin there is manifest corruption; that all such be scharplie rebuked, and if they continow therein, to be deposit. And if any be found ane seller of the sacraments, that he be deposit *simpliciter*; and such as colludes with sclanderous persones, and dispensing and oversieing them for money, inenrr the lyke punishment.

That every minister be chargit that he have ane session established of the nietest men in his congregatione, and that discipline strike not only upon gross sinners, as whoredome, bloodshed, &c. but upon all sinnes repugnant to the word of God;—as blasphemie

against God—banning—profaining of the Sabbath day—disobedient to Parents—idle and unrully—ones without calling—drunkards and sicklyke deboschit men that make no conscience of their lyfe and rewling of their families, and especiallie of educatione of their children, being sclanderung, backbyting, flattering, and breaking of promises; and this to be ane universall order throughout the realme: And such as are negligent, continowing therein, after admonition, to be deposit.

That nane falling in publick sclander be receavit again in the fellowship of the Kirk, except his minister haue some appearand warrand in conscience, that he hes both ane feelling of sinne and apprehension of mercy; and for this effect that the minister travell with him be doctrine and private instruction, and bring him heirto, and speciallie in the doctrine of repentance, qwhilk being neglectit, the publick place of repentance is turnit in ane mocking.

Dilapidatione of benefices—demitting them for favours or money, that they become laiek patronages, without the advyce of the Kirk—precisely to be punished according to the acts; and that the dimission in favours for money or utherwayes to the effect above written, be punished as the dilapidators.

Corruptiones in their persones and lives.

That such as are light and wantone in behaviour—as in gorgious and light apparrell—in specch using—light and profane company—unlawfull gameing, as dancing, carting, dyceing, and such like, not beseeming the gravitie of ane pastor—be scharply and gravely reprovit by the Presbytrie, according to the degree thereof; and continowing therein after dew admonitione, that he be deprivit as sclanderous to the gopell.

That ministers being found swearers or banners—profainers of the Sabbath day—drunkards—fighters—guilty of all thir or any of them—to be deposit *simpliciter*; and such lyke, liars, detractors, flatterers, breakers of promises, brawlers and quarrellers, after dew admonition continowing therin, incurre the same punishment.

That ministers given to unlawfull and incompetent trades and occupations for filthy gaine—as halding hostlaries—taking of ockar besyde conscience and good lawes, and bearing worldly offices in noble and gentlemen's houses, merchandize, and such lyke—buying victualls and keeping to dearth, and all uther worldly occupations

as may distract them from their charge, and may be selander to the pastor or calling;—be admonished and brought to the knowledge of their faults, and if they continow therein, to be deposed.

That ministers not resident at their flocks be deposed, according to the acts of the Generall Assemblie and laws of the realme, utherwayes the burden to be layde upon the Presbytries, and they to be censured therefore.

That the Assemblie command all their members, that nane of them await on the Court and affaires thereof, without the advyce and allowance of the Presbytrie.

Item, That they intent no actione civill without the said Presbytrie's advyce, except in small matters; and for the remeeding of the necessitie that some ministers hes to enter in pley of law, that remedie be cravit—that schort proces be devysit to be used in ministers' actiones.

That ministers take special care in wsing godly exercises in their families, and teaching of their wyfes, children, and servants—in using ordinarie prayers and reading of Scriptures—in removeing offensive persones out of their families, and such lyke wther poynts of godly conversation and good example, and that they at the visitatione of their kirks try the ministers' families in thir poyntes forsaids; and such as are negligent in the poyntes, after dew admonitione, shall be judgeit unneit to governe the house of God.

That ministers in all companies stryve to be spirituall and profitable, and to talk of things concernyng to godliness, as, namely, to sic as may strenthen them in Christ Jesus, instruct us in our calling, of the meanes how to have Christ's kingdom better establisheit in our congregations, and to know the gospell flourishes in our flock, and suchlyke wayes the hinderances and remedies that we find, qwherein there is manyfold corruptions, both in our company with ourselves and with wthers—and that the contraveners heirof be tryit and scharplie rebukeit.

That no minister be found to countenance, procure, or assist ane publick offendar challengit be his awne minister for his publick offence, or to bear with him as though his minister were too severe upon him, under the paine of rebukeing.

Anent Generall Assemblies: To urge the keeping of the Acts anent the keeping of the Assemblie, that it may have the awne reverence.

Sessio 10^a. May [March] 29.

Instructions to Mrs John Prestowne, and Edward Bruce, Com-
mandator of Kynloss, his Majestie's Commissioners to the
Generall Assemblie.

Imprimis: Ye shall schaw to the said Assemblie our good will to have all the kirks of Scotland planted with ministers, and sufficient livings appoyntit unto them to the great hurt of our owne rent, and that portion of the thirds qwhilk was assignit to our house and our comptrollers in the possession thereof: But finding that the haill thrids is not suffieient to plant the haill kirks, nor yet commodious to ministers to serve in ane place, and have their livings to siek in ane wther, very far distant from their cure, Therefore, we thought good to set forward ane order for locall stipends, foundit upon the ground that all the kirks of Scotland should have ministers, and all ministers stipends within their awne paroches, of sic natour, as be our autoritie on the ane part, and concurrence and procurement of the Kirk on the wther, might be obtainit from the tacksmen of lands, present possessors of the said rent; for the qwhilk effect, we causit ane act of Parliament to be made in the year of God 1592, grantand commission to certaine Noblemen, Counsellors, Officers, and Ministers, and the wther parts, to in-treate and presente this matter, and also hes given command in particular, to certain of our Lords of Chekker to help with their advyce and labours to bring the matter to some perfectione, qwherein, as we understand, there is something done, as ane part of the brethren can bear record. Lykeas we continow in our good mynde, in our tyme to have the kirks sattled anent their livings, and not intanglit yearly with proces, and our haill kirks planted within this realme, be thir presents, offers, and permitts, to the said Assembly, to cause our Commissioners, Counsellors, Officers, to convene presently, before the expiring of this Assemblie, with the said Commissioners for the Kirk, to begin this good purpose, and to lay the ground, and to sett downe the order, and tyme, and place of convening, to prosecute the samen to the finall end, conforme to the act of Parliament, so that the stay, if any shall be in the part of the Kirk, as it hes bein of before, and not on our pairt.

Item, Ye shall schaw to them that is ane stay to this good worke, that be some of their preachings they wald make the people to understand that we and our Counsell wald stay the planting of the kirks, and take away the present livings possessit be ministers, albeit the contrair be of veritie, and that we and our counsell is most willing that the hail kirks be plantit, and the rents of the ministers to be augmentit so far as lawfully may be obtainit, with consent of our nobilitie and others tacksmen of teynd, qwhais rights, but order of law, we cannot impare; and therefore this forme of preaching discourages our good counsellors maist willing in this wark, and is ane heavie sclander to the ministers themselves, qwherin ye shall desyre order to be taine, that the lyke be not in tyme coming.

Item, Ye shall desyre these your instructions in our name, to be registrat in the Books of the Assemblie, as ane perpetual testimonie of our good will, and also that answers be given, in particular, be ane generall voteing of the hail Assemblie, and no wayes to be referrit to ane privie conference, and the answers so votit to every particular head to be registrat in lyke manner therewith, and the extract of all these articles and answers to be delyverit to yow, to report to us againe.—*Sic subscribitur*,

JAMES REX.

Sessio 12^a. Penultimo Maii [Martii.]

Forsuameikle as the brethren of the ministrie conveint in the Generall Assemblie hes with ane solemne humiliatione acknowledged their sinnes this day, and negligence in their conscience before God, and hes interit in ane new covenant in their charges, and seeing ane great part of the ministrie is not present at this actione; Therefore the Kirk commands their brethren of the Synodall Assemblies to make the lyke solemne humiliatione and protestatione as was observit be the Generall, at their next convening, and so many as beis not at their Synodall, to doe it at their presbytries.

Articles proponit be the Commissioners of the constant Platt to be advysit and passit in Acts be the Generall Assembly.

First, It is thought requisite be the saids Commissioners, and cravit, that the said Assembly would ordayne that the Moderators of ilk presbytrie within this countrie sould give presentationis *jure devoluto*, of all benefices of cure, belonging to laick patrones within

their bounds, that hes not presented qualifiet persones within sax monethes after the decease of the last possessor thereof; and sicklyke, the benefices qwhilks shall vaike hereafter in caice the saids patrones neglect to present within sax months, to ministers serving, or that shall serve the cure of the saids kirks, under the paine of deprivatione; and that the saids ministers accept their presentationes, and persew them: And in caice there be not actuall ministers presently at the saids kirks, in that caice, that the saids Moderators deall effectuallie with wthers qualified persones, to accept the saids presentations, and to prosecute the samen be law.

That all benefic persones that are here present in this Assemblie be movit presently to interdyte themselves from all setting and disponyng any part of their benefices to qwhatsomever persone or persones, without the speciall consent and allowance of the Generall Assemblie, and the interdictione to be subscriyvit be such as are present, and wthers that are absent urgit be their presbytries to doe the lyke, immediatly after the dissolving of the Assembly.

Because the kirks in diverse places of the countrey sustaines great hurt through the laike of unqualified persones in the ministrie instructed and trained up in the schooles of theologie; therefore it is cravit that ane act be made in this Assemblie, ordayning every provinciall Assemblie to furnische a sufficient entertainment for a bursse in the New Colledge of St Andrews, this 96th year, and so forth, yearly, in all tyme coming; and that every Provinciall Assemblie shall have the priviledge to present the said bursar so oft as the benefice or place shall vaike: and in caice there be any of the ministers' sones within the province, of meit graces for the said place, that he be preferrit to all wthers to the ministrie; and after the expyreng of his course, in the study of theologie, that he be bound to employ his travells within the province to the qwhilk his graces may be answerable—and that it be not leisum to the said bursar to employ his travells in any wther place, except be the consent and advyce of the said province.

Seeing the necessitie of the common affaires of the Kirk craves, that there be a continuall travelling and attendance at court both for the farderance of the present work qwhilk is in hands, anent the planting of the Kirks, as lykewayes of the continuall diligence of the enemy, waiting at all ocaisiones, speciallie qwhen they finde any slackness upon the part of the Kirk, in the discoverie and resisting of the interprizes of the said enemy; Therefore it is cravit, that ane

care and burden of the common cause be laid upon some brethren be the Generall Assemblie, either of them that are residents here about court, or else of some others to be appoyntit of diverse partes of the countrie, because, wtherwayes, there is nane that finds themselves in conscience bound to haue any care heirof, or to make panes therein.

The first two articles the Assemblie answerit is agreit: To the third, the Assemblie ordaynes it to be movit in the provinces first: To the fourth, Appoynts Mrs Robert Bruce, David Lyndsay, James Balfour, and James Nicolsone with them, when he is present.

Sessio 13^a.

Anent the articles concerning his Majestie's house and persone, the Assemblie hes nominat Mrs Patrick Galloway, James Nicholsonsone, and James Melvill, to conferre with his Majestie thereanent.

Offences in his Majestie's House.

As strangers and wthers good subjects repairing to the court hes been comfortit to sie Christiane religione religiouslie exercisit, so now they are somewhat troublit, seeing the exercise of the reading of the word at table, and reverent saying of the grace before and after meat, diverse tymes omittit.

That on the week-day the repareing to the heiring of the word is mair rare then before, and that he wald be admonisched for heiring of speeches in tyme of sermone, of them that desyre to commune with his Majestie.

Privie meditation with God in spirit and conscience, earnestlie to be recommendit to him.

His Majestie is blottit with banning and swearing, qwhilk is too common in courteurs also, and movit be their example.

His Majestie wold labour to have such companie about him as himself, according to his awne qwhilk is gravely to be recommendit to his Majestie to be put in practise: Robert Laud, and such as are suspect, to be removit—especiallie murtherers, and Papists, and profane persones.

The Queen's Majestie's ministers to be reformit; and touching her company, her not repareing to the word and sacraments—nicht walking—balling, &c., and suchlyke concerning her gentlewomen.

In respect of the Report of the brethren of the north, that gentlemen and burgesses are lyke to leave their houses for fear of the enemies, seeing their great insolence unrepressed at hame, returning of their wyves to the countrie againe, and their provisions in their houses and castles for their hame-coming, qwhilk is murmurit against in all the countrie :

For remedie, it is cravit that the Ladies of Huntlie and Arroll presently be brought back againe and placit in St Androis, my Lord Gordone sicklyke to be brought to the south, and put to the schools—their friends in the south to be wardit,—as Cluny, Geight, Abergaldie, Cowbairdie, Bonytowne, younger, Craige, younger, Alexander Hay of Auchmather, Mr Alexander Leslie of Peill, James Knowes, John Gordoune of Newtounne : to be apprehendit, Towie Barclay, Patriek Conn. And for this effect it was thocht good that some Commissioners, the Provost of Aberdeen, with the Laird of Wedderburne, to be direct to the north, with the Kirk's Commissioners already appoyntit.

The Commone Corruptiounes of all Estates within this Realme.

Ane universall coldness and decay of zeale in all estates, joynt with ignorance and contempt of the word, miuistrie, and sacraments ; and qwhere no knowledge is, there is no sense nor feeling, qwhilk utters itself most manifestly be this, that they want religious exercises in their families, as of prayer and reading of the word ; and qwhere the samen, for the maist part, is abused and profaned be euiks, stewarts, jaekmen, and such lyke ;—the masters of the families ashamed to use their exercises of godliness in their awne persones, and no conferrence at their tables, but of prophane, wanton, and worldlie matters.

Superstitione and Idolatrie intertaint, qwhilk utters itself in keeping of festivall dayes and bonefyres, pilgrimages, singing of carrolls, and Zuill.

Great blasphemie of the holy name of God in all estates, with horrible banning and curseing in all their speeches.

Profanation of the Sabbath, and speciallie in seed-tyme and harvest, and commone journeying on the Sabbath,—and trysting and worldlie turnes,—exercising all kynde of wanton games—keeping of markets—danceing—drinking, and suchlyke—little care and reverence of inferiours to their superiours ; as suchlyke of superiours

in dischargeing their dewtie to the inferiours—as qwhair children pleyes in law against parentes, and many of them marryes against their parents' will and consent, and no care of their parents for their education in vertue and godliness.

Ane flood of bloodscheds and deadly feuds aryseing therupone, and universall assisting of bloodscheds for eludeing of lawes.

Adulteries, fornicationes, unlawfull marriages, and divorcements allowit by publick lawes and judges, and children begotten in such marriages declareit to be lawfull, excessive drinking and wawehting, gluttonie, qwhilk is no doubt the cause of dearth and famine, —gorgeous and vaine apparell,—filthie and bawdie speeches.

Sacriledge in all estates, without any conscience, growing continuallie mair and mair, to the utter undoeing of the Kirk and staying of the planting of the gospell—cruell oppression of the poore tennents, qwhareby the hail commons of the countrie are utterly wrackit, be the extream dear setting of their rowmes, and halding out of their cornes by untymous teinding and extream thraldome in services.

Oppression under pretext of law, be usurie and be contracts against law—forstalling of mercats—ane regrateing be gentlemen burgesses and commons, qwhairby the pryces of victuall is marvelously raised, to the great hurt of the poore, and suchlyke girnelling of victualls, and withholding of them from the mercats, and not threshing them out in due tyme.

Ane great number of idle persones without lawfull calling ;—as pypers, fidders, songsters, sorners, pleasants, strong beggars living in harlotrie and having their children not baptized, without all kinde of repairing to the word.

Offences in the Court and Judgement Seat.

Universall neglect of justice both in civill and criminall causes ; —as, namely, in granting of remissions and respites for blood,—adulteries and incests,—no execution of good lawes made against vyces, or in favour of 'the Kirk, and in civill matters,—the judges, for the maist pairt, unmeit, either in respect of the want of knowledge or conscience, or both ; and when any office vaikes, the warst men advancit thereto, both in high and inferiour rowmes.

No excecutione made against the adherents of the detected enemies, and the enemies themselves, nor imploying of their livings to

the use of the resisting of the enemies, qwhairby the enemies are rather benefit nor hatit.

The odious murder of Dunibristle not pmished.

In Parliaments, sacrilegious persones, as Abbots, Pryors, Dum Bischopes, voteing in name of the Kirk, contrare to the lawes of the countrie, whereby the cause of the Kirk is damnified.

The Session is chairgit with buying of pleyes, delaying of justice and bryberie, qwhilk is evident be extraordinar and sudden conquests.

Grieves to be humbly meanit to his Majestie, in name of the Generall Assemblies, be thair Commissioners, touching the principall Offences in the Estate of the Countrie, that be his Majestie's Counsell and authoritie sufficient remedie in tyme may be provyded thereunto.

First, It is humbly meanit to his Majestie, that to the great hazard of religion, and peace of the countrie, and grief of all good men, the forfalt rebels and enemies of his Majestie's estate, enjoyes their lands and livings as peaceable, and to their greater advantag, then if they were at his Majestie's peace within the countrie, and their confederats and friends, partakers and assisters with them and their treasonable attempts, are sufferit in so great ane libertie, never having anee so meikle as enterit their persones in ward, nor giving suretie and pledges for their good and dewtifull behaviour and obedience to his Majestie, in case it shall happen the saids rebelles, or any uther forraine enemies, to repare within the countrie for disquieting of the estate thereof, as if they had immunitie and exemptions from all lawes, to confirme themselves for strengthening the hand of the enemies when they happen to arryve, as it appears their intention is, by their preparatione, force, and armour, and leagues of friendship whilk they are daylie binding up. Diverse Jesuites and excommunicat priests are intertained within the countrie, deteining such as they have pervertit in their errors, and induceing wthers in the samen corruptione, and holding them in hope of the returning of the Papists Lords with assistance of strangers; as, namely, Mr Robert Abererombie, Mr Alexander Macqwhirrie, Abbot of New Abbay, John Gordone of Newtoun, the young Laird of Bonytoun, Mr Alexander Leslie of Peill, Patrick Carr, Alexander Ramsay, and divers uthers.

That in many pairts of the countrie, for lake of provisione of sufficient stipends for provisione of pastors, the people lyes altogether ignorant of their salvation, and dewtie to God and the king, qwhairthrough the land is overflowit with atheisme and all kynde of vyce, there being above four hundreth parochie kirks destitute of the ministrie of the word, by and attour the kirks of Argyle and the Isles.

It is regraitit universallie, be his Majestie's leiges, that through the delaying, perverting, and eluding of justice, murthers, oppressions, incests, adulteries, and all kynde of haynous crymes aboundes.

It is to be heaulie meinit, that the brether of the ministrie that hes gotten ane meine provisione or help be the assignation made anno 1595, are delayit and frustrat of justice, by the Lords of Session refusand to decyde their suspensiones according to the act of February 1588.

Articles to be proponit to his Majestie for remedying of the former Grieves.

For remeid of the former grieves, it is humbly to be craveit of his Majestie, that the Lairds of the forfaulted rebels be disponit to such as are knowne to be most meit, and of best affectione to resist the enemies of religione, and his Majestie's Estate, both forraigne and intestine, and in the meantyme that their livings be taken up, and intronittit with be his Majestie's officers, and imployit upon the intertainment of wagit men, and uther necessar uses, for the maintainance and advancement of the good cause; and that the ladies of Huntlie and Arroll be chargeit to come south, and make their residence in St Androis, that there be no more ane receipt and encouragement to the enemies, as they are presently, be their sub-till forme of practice, qwhilk they have useit this year by past, to the confirming of their friends and confederates, and intyseing of uthers whom they might seduce to their purpose, and upon violence against such as refuse to yield to their course, and that the Ladie Huntlie, her eldest sonne, be brought south, to be trained up in the knowledge of good letters and religion, and that the Lairds of Clunie, Gicht, Aberzeldie, Cowbairdie, Craige, younger, Alexander Hay of Auchmathie, Buckie, James Knowes, Towie Barclay, Patricksonc, and the rest of their principall friends and confederats that hes kythit with them in actione in their treasonable inter-

pryses againes his Majestie, be chargit to come south, and enter their persones in some speciall ward, there to remayne ay and qwhill they have found sufficient cautione under great soumes, that they shall neither traffique, intercommune, supply, or intertain intelligence, nor give any kinde of assistance to his Majestie's rebels, or any wther enemies of religione qwhatsomever, and give sufficient pledges of their sonnes and nearest friends to that effect.

That his Majestie give commissione to some of his speciall servants and wthers, knowne to be of good abilitie and affectione, to search, seik, apprehend, and present before his Majestie, Mr Robert Abercrombie, Mr Alexander Macqwhirrie the Abbot of New Abbay, Alexander Ramsay, Bonytowne, younger, Alexander Leckie of the Peill, John Gordoune of Newtowne, and wthers, Jesuites, and excommunicat Papists, as their names shall be given in a roll.

That his Majestie would prosecute his good purpose and intentione declareit before the Assemblie, anent the planting of the hail kirks within the countrie, with qualified pastores and sufficient provision of stipend for their intertainment; and for that effect, that he wold give commissione to the visitors nominat be the Generall Assemblie, to take inquisitione of the estate of all kirks within the bounds of their visitatione, and to deall with the tacksmen and possessors of the teinds, in his Majestie's name, for sufficient provision to the ministers, out of the rent of every parochie, and to report the samen to his Majestie's Commissioners appoyntit for the work of the platt, in the act of Parliament, and provyde some honest moyen for the intertainment of their charges in the journey.

That his Majestie take order substantially be advyce of his Counsell and Estate, how the principall judgment seat and wther inferiour judges may be purgeit of unqualified and corrupt persones, and filled with wthers meit to discharge that calling faithfullie, for the comfort of his Majestie's peaceable and well-disposed subjects.

That his Majestie wold command the Lords of Session to minister justice to the brethren of the ministrie that hes gotten any augmentation of their meine stipends or new provisiōe by the Commissioners appoyntit be his Majestie's Commissione, the '95th year, and that according to the Act of February 1567, as they are bound by their solemn oath and promise; and sieing the extraordinary dearth wrges them with so great necessitie, that unless his

Majestie have a consideratione of their estate, they and their families will be driven to extreame povertie and want.

[SIXTY-FIRST GENERAL ASSEMBLY.]

THE Generall Assemblie of the Kirk of Scotland, halden at Perth, the first of March 1597, where there conveint the Commissioners from all Presbytries, according to his Majestie's missive.

Sessio 1^a.

Exhortatione there was nane.

Anent the supplicatione given in be Mr Thomas Nicolsone, advocat, bearing that in respect he was admittit clark to the Generall Assemblie, in place of Mr James Richie, last clark thereof, be seven of the Commissioners deput be the last Generall Assemblie, to intrait and conclude upon the affaires of the Kirk, qwhilk sould fall out and interveine before the next Generall Assemblie, that, therefore, the Assemblie now conveint wald admitt the said Mr Thomas to the said office, and corroborat his admisionne with their authoritie: The brethren conveint, all in ane voyce, creatit and electit the said Mr Thomas *de novo*, and admittit him to be Clark of the Kirk; with power to him to use and exerce the samen, and all priviledge belonging thereto, also frielie as any clark might have done at any tyme bygane.

Sess. 2^a. Martii 2^o.

Anent the commission direct from his Majestie to Sir John Cockburn of Ormistoun, Knight, Justice-Clerk, and Edward Bruce, Commendator of Kyulloss, with all expeditione, to repare to the Commissioners of the Presbytries of the Kirk presently assemblit within the Kirk of Perth, and to inquire of them if they be ane lawfull Generall Assemblie of the Kirk, and hes sufficient power be themselves to give answer, treat and conclude upon such things as are to be proponit and intreatit in this present convention, according to his Majestie's warrand and missive, direct to them be his Hienes to this effect, and to report their answer, in writ, there-

anent: The brethren present, after lang reasonyng and conference had anent the premisses, thinks that this their meeting is ane lawfull Generall extraordinar Assemblie, be reason of his Majestie's letter direct to the presbytries and provincials to that effect, and the presbytries' and provincials' Commissioners given to meet in the town of Perth, and therefore are willing to hear what his Majestie shall propone, and to treat, conclude, and give answer thereanent, conform to the commissiones with the qwhilks they are authorized be the Presbytries and Synodalls.

Sessio 3^a. Martii 2^o.

The Commissioners deput be his Majestie, proponit certain heads and articles to the brethren to be resolvit and concludit in the present Assemblie, qwhereof the tenor follows:

Since the quietness of the Kirk, and the frieing of the same of sclander, qwhilk, upon the contrare, effects wold necessarily follow, as the chieff butt and end qwhereat his Majestie schoots in the conveening and holding of this present Assemblie: Therefore, for eschewing of fascheous and langsome disputatione, qwherupon divers uncomlie controversies and debates might aryse, his Majestie hes thought good to remitt the decisione of ane great number of the pretendit questiones to ane better opportunitie, to be reasonit in the meintyme be such as shall be authorized be commission to that effect, and for the present shall content himself with the decision of thir few articles following, having made change of nane but such as necessitie of tyme could not permitt to be delayed without ane great harne and sclander to follow.

1. That it be not thought ulawfull naither to the prince nor any wther of the pastors any tyme hereafter, to move doubts, reasone or crave reformatione in any poynts of the externall policie and gubernament or discipline of the Kirk, that are not essentially concernyng salvation, or is not answerit *affirmative vel negative* by any expresse part of the Scripture; provyding that it be done *decenter*, in right tyme and place, *animo edificandi non tentandi*.

2. That since the civill and politick government of the country belongs alawyerlie to the King's office and his Counsellors, and in no wayes pertinent to the spirituall ministrie of the word, that no minister shall hereafter, at any tyme, meddle with the matters of the Estate in the pulpit, or with any of his Majestie's statutes, lawes, or ordinances. But, if any of the ministrie shall think

any of them hurtfull to the religion, or contrair to the word, they shall privatly complaine to the King thereupon, or his Counsell.

3. That it shall not be lawfull to the pastors to name any particular man's name in the pulpit, or to descryve him as may be equivalent with their nameing, except upon the notorietye of a cryme; qwhilk notorietye man only be defynit be the guiltie persones being fugitive for the tyme, or being fyllit be ane assyse, or excommunicat for the same.

4. That every minister, in his particular applicatione, shall have only respect to the edificatione of his owne flock, and present auditor, without expatiating upon wther discourses, no wayes pertinent for that congregatione.

5. That every particular presbytrie shall be commandit to take diligent accompt of their pastore's doctrine, and that he keep him within the bounds of the premisses.

6. That summar excommunicatione be all wtterlie abolished, as inept, and that three lawfull citationes at leist of aucht dayes intervall betwixt every one of them preceed the sentence.

7. That no Session, Presbytrie, nor Synodall, use their censures upon any but upon them that are resident within the bounds committit to them, wtherwayes their decreets and sentences to be null.

8. That all summons contain ane speciall cause and cryme, and nane *super inquirendo* to be summond, *quod est mere tyranicum*.

9. That no meeting nor conventione be among the pastores without his Majestie's knowledge and consent, excepting alwayes their ordinary Sessiones, Presbyteries, and Synods.

10. That in all the principall townes, ministers be not chosen without the consent of their own flock and of his Majestic, and that order to begin presently in the planting of Edinburgh.

11. That all matters concernyng the rest of his Majestic's questiones be suspendit unmeddled with, either in pulpit or any wther judicators, qwhill first all his Hienes questiones be fully decydit; And in speciall all matters importing sclander, come not in before them in the meantyme, qwharin his Majestic's authoritie royall is highly prejudgit, but only in causes merely ecclesiastick.

12. That seven or aught of discreet wyse ministers be authorizit be commissione to reason upon the rest of the questions, as opportunity of tyme shall serve.

13. That they give commissione to the ministrie of the north to be at a poynt with Huntlie; and, in caice he satisfie them, to absolve him.

And for the better answering of the saids Articles, the Assemblie ordaynit certaine brethren to be chosen out of every schyre presentlie convenit, who should give their advyce and overture upon the saids Articles proponit be his Majestie, and thereafter reporte the same to the Assemblie:—they are, to say, Mrs John Monro, Alexander Dowglass, Peter Blackburne, John Strauchane, Alexander Buchanan, James Melvill, John Spottswood, Adame Colt, Thomas Storie, Andrew Clayhills, John Knox, James Brysone, Patrick Scharpe, Gavin Hamiltone, Alexander Scrymgeour, and David Barclay.

Sess. 5^a. Martii 4^a.

The brethren convenit being desyred be the King's Commissioners sent from his Majestie to repare to the place where his Heines with the Estates were presently sittand, to conferre anent the forsaid articles, they, at his Majestie's desyre, resortit to the Counsell-house, and there, before any farther reasoning, after his Majestie had discoursed upon such things as should be proponit, protestit in manner as after follows:

Sir,—Forsuameikle as we are come hither to testifie to your Majestie our obedience, and to hear what shall be proponit to us be your Heines, in all reverence we protest that this our meeting be not esteemit as though we made ourselves and the Assemblie with the Estates, or yet does submitt any matters ecclesiasticall, either concerning doctrine or discipline, to this judicator; but after we had conferrit and reasonit with your Majestie anent the articles proponit to us, we most returne to the ordinarie place of our Assemblie, there to reasone, vote, and resolve in all these poynts, according to the word of God and ane good conscience; and this our protestation we most humbly desyre may be admittit and insert in your Majestie's Books of Counsell, for eschewing of inconvenientes that heirafter may ryse:

The qwhilk protestatione was ratified, reiterat and confirmed be his Majestie; and after long reasoning upon the saids Articles, the brethren were demittit.

Sessio 6^a. Martii 4^o.

Anent the Articles proponit be his Majestie to be resolvit and answerit be the Generall Assemblie, the brethren, after long conference and mature deliberation, concluds and answers to the samen, in manner and forme as after follows :

1. First, That it is lawfull to his Majestie, be himself or his Heines' Commissioners, or to the pastors, to prepare in ane Generall Assemblie, qwhatsoever poynt his Majestie or they desires to be dissolved or to be reformed in matters of externall government, alterable according to circumstances, provyding it be done in right tyme and place, *animo edificandi, non tentandi*.

2. The Assembly ordaynes that no minister shall reprove his Majestie's lawes, statutes, acts, and ordinances, unto the tyme that first he be advysit with his Presbytrie, Synodall, or Generall Assemblies, complaine and seek remedie of the same from his Majestie, and report his Majestie's answer, before any further proceeding.

3. No man's name should be expressit to his rebuke in pulpit, except the fault be notorious and publick, qwhilk notorie is defynit, if the persone be fugitive, convict be ane assyse, excommunicat, contumax after citation or lawfull admonitione ; nor yet should any man be descryvit openlie be any uther circumstances except publick vyces always damnable.

4. The brethren finds that no persone sould use applicatione qwherin he hes not ane chief respect to the edifying of his awne flock and present auditor.

5. The Assemblie ordaynes every Presbytrie to take diligent accompt of the pastor's doctrine, and that he keep himself within the bounds of the word.

6. The Assemblie superceeds to answer to the 6th Article unto the next Generall Assemblie ; and, in the mean tyme, suspends all summar excommunicatione qwhill the said Assemblie.

7. The 7th lykewayes is referrit to the next Assemblie.

8. Ordaynes all summons to contain ane speciall cause and cryme, and that nane be summoned *super inquirendis*.

9. No conventiones sould be amang the pastores without his Majestie's knowledge and consent, except always Sessiones, Presbyteries, and Synods, their meetings in visitationes of kirks, admis-

sione and deprivatione of ministers, taking up of feuds, and such uthers as hes not been found fault with be his Majestie.

10. In all principall towns, ministers should not be chosen without the consent of their own flock and his Majestie.

11. All matters concerning his Majestie's questiones remanent shall be suspendit, nor damned or rebuikit either in pulpit or uthers their judicators, qwhill first all his Hienes' questiones be decydit in the next Generall Assemblie, and in speciall matters importing selander, shall [not] come in before them in the meintyme, qwherein his Majestie's autoritie royall is highly prejudgit, excepting only ecclesiasticall causes.

12. The Assembly hes appoynted and chosen certaine brethren with commission to treat upon the saids questiones, and report their advyce and opinione to the next Generall Assemblie, referring the tyme and place of conveyeing to his Majestie. The brethren appoyntit, to that effect, as followes: Mrs James Nicholson, Jone Caldeleuch, Andrew Clayhills, David Lyndsay, Thomas Buchanan, James Melvill, Robert Wilkie, William Couper, John Couper, Thomas Brysone, Robert Rollock, Patrick Galloway, John Duncansone, and Robert Henrie.

13. The Assemblie gives commissione to the ministrie of the Presbytries of Morray and Aberdeine to insist in conference with the Earle of Huntlie; and, to that effect, appoynts Mrs Andrew Millne, Andrew Leith, Andrew Lambe, George Gladstones, and John Ramsay, to concurr and assist with them, and ordaynes them to report their answers to the conditiones and articles given them in commissione for tryall of the said estate.

Sess. 7^a. Martii 5^o.

The Articles for Triall of the Earle of Huntlie.

1. First, That the said Earle, from the day of his compeirance before the saids Commissioners, shall make his constant and ordinarie residence in Aberdecne, that he may be instructit be hearing the word, and ordinarie conference indureing the tyme appoyntit for the same.

2. That he be well informit with knowlege, to condescend in the principall grounds of religion affirmative, and the untruth of errors contrair to the same, and that he be able to give a reasone of his knowlege in some measure.

3. That he be brought to ane plaine acknowledging of the Kirk within this countrie, and profess himself adjoynt to the same, as ane obedient member thereof, and be content to hear the word, participat the sacraments, and obey the discipline of the Kirk, as the samen is presently allowit be the King's Majestie and the Estates.

4. That he solemnly promise, be word and written band, to remove out of his house, company, and hail bounds under his power, Jesuits, Priests, and excommunicate persones.

5. That he agrie to swear and subseryve the Confession of Faith in presence of the hail Commissioners.

6. That he agrie to satisfie in the kirk of Aberdeene, in most humble manner, for his apostacie, and there renew the forsaid promises and bands in most solemne manner.

7. Anent the slaughter of the Earle of Murray, that he declare his grieffe and repentance for the same, and promise to make ane assythment to the partie, when the samen may conveniently be acceptit off, and utter his forsaid repentance and grieff therein, at the tyme of his publick satisfactione.

8. Forsuameikle as be occasion of service done to his Majestie in persewing the said Earle, be force and utherwayes, syndrie in these pairtes hes incurrit his displeasure and deidly feud, that he be content to remove all these ocasioness with such convenient diligence as the saids Commissioners shall think expedient.

9. For declaratione of his aifald adjoyning with us, that he be content at their sights, and advyce of his best disposed friends, to provyde sufficient stipends for his kirks.

10. That he shall acknowledge his faults qwhereof he was justly excommunicat, and especiallie the burning of Dunybirle, and his apostacie.

11. That he shall have ane ordinarie minister resident in his awne house continuallie; with power to them to conveen the 22d day of March instant, or sooner if they can possible, and to conferre with the Earle of Huntlie, and resolve him of the Articles forsaid, and to report his minde and resolution thereanent at the next Generall Assemblie, to be halden at Dundee the tenth day of May nixt to come.

Anent the supplicatione given in be Dame Elizabeth Oliphant, Countess of Angus, making mentione, That where diverse and frequent sutes hes been made to herself and the remanent friends of

William, sometye Earle of Angus, desyrand conference with certaine of the ministrie, for his farther resolutione in the heads of Christian Religion, qwhilk hes not tane such good effect as was lookit for, be reason of certain impediments qwhilk hes fallen out in the meantyme; requesting, therefore, most earnestlie to appoynt certaine of the wysest brethrene where he makes his residence to conferre and resolve him of the doubts that staves from imbracing and professing of the trew and Christian Religion publickly professit within this realme: The Assemblie ordaynis the ministrie of Angus and Meirnes to conferr with the Earle of Angus anent such doubts as he wald be resolvit upon, and speciallie to conferre with him anent the Articles preceeding, qwhereupon the Earle of Huntlie is ordaynit to be tryit, exceptand only such as concerns the Earle of Morraye's slaucher, and to report his resolutione in the premisses to the next Generall Assemblie.

Anent the offers given in be Francis, sometye Earle of Arroll, to the Generall Assemblie presently conveint at Perth, beirand as follows:

First, I offer to abide any just tryall of the alleadged traffiquing against the Religione presently professt within this country, indureing my absence off the countrie, and make all sufficient purgatione to your Wisdomes for the same. Farther, I offer all possible securitie and caution, in all tymes comeing, never to traffique against the said religione, and that neither the said religione nor discipline thereof shall any wayes be hinderit be me, but have the ordinare course in my bounds, as in uther parts of the countrie, and to declare my willingness to be resolvit in the said religione, I am content to accept conference therein, and requires the same at your Wisdomes, who hes power, that ye will appoynt ane or mae of your number indifferently, as they shall be requyrit of me in the parts qwhere I presently dwell, and have the leasure or occasione to resort where I shall happen to be, to conferre with me upon the haille controvertit heads, that I may have instructione; and if I shall be thereby movit, that the haille number of that Synod where my residence is, will take the paines to convince and meet me at some competent place, to hear and testife of me; indureing the qwhilk tyme of conference, I shall no wayes respect any Jesuite, Seminarie Priest, or excommunicat persone. And if it shall happen that I be resolvit in the heads of controversie, shall unfainedly from my heart imbrace the said religion, and make publick confession there-

of in tyme coming, and shall make satisfaction for my defection from the same, as shall be injoynt: Lastly, desyres to be absolvit, or at least suspendit, from the sentence of excommunicatione indureing the tyme of conferrence, so that nane of my friends that resorts to me, and may be stedable to me be their counsell, either in the said conferrence or uther my leisum affaires, be troublit be your censure therefore, but may have your licence to have accesse to me, and I to them, in qwhatsomever part of the countrie I shall resorte, lykeas I have obtained his Majestie's licence and charge to your Wisdoms to give me conferrence, qwhilk it may please yow receive, and do accordingly as ye wold give me argument of your good intention toward my conversione, qwhereof I doubt not, and for performing of the premisses shall finde cautione and seuertie.

The Assemblie ordaynes the ministrie of Morray and Aberdeene, with the fyve ministers adjoynit unto them, for conferring with the Earle of Huntlie, to trait lykewayes with the Earle of Erroll anent the premisses, and to report unto the nixt Generall Assemblie what resolutione they finde in him concerning the Articles contained in their Commissione direct for the tryell of the Earle of Huntlie—exceptand alwayes such articles as concerns the slauchter of the Earle of Morray. Farther, the Assemblie ordaynes these Commissiones granted for conferrence with the saids Earles of Angus, Huntlie, and Arroll, to be extended to the Lairds of Newtoun and Bonnytoun, in caice they offer themselves to satisfy the Kirk.

Attour, if it shall happen the said excommunicat persones, or any of them, to resorte or repare to any uther part within the realme, the Generall Assemblie gives full power and commissione to the ministrie of the Presbytries where they shall chance to resorte, to treat and conferre with them anent the heads and articles above written.

Anent the supplication given in be Mr John Rutherford, desyreing the process of his deprivation led be the Presbytrie of St Andrews to be produced, seen, and considerit be the Assemblie, the Assemblie ordaynes the Presbytrie of St Andrews to produce the said proces at the next Generall Assemblie, and there to answer to the said Mr John his complaint given in against them.

Certaine Petitiones given in be the Ministrie presently conveint to the King's Majestie.

1. It is humbly cravit be this present Assembly, that your Ma-

jestie, with advyce of the Estates presently conveynt, considering how it hes pleased God to giue ane good successe to this present Conuentione, and that all things concludit herein tends to the peace and quietness of the haill Estate of this countrie, and the disapoynting the expectation of the adversaries, will, with advyce for-said, publish be open proclamation the good success of this present Conuentione, together with ane declaratione of your Majestie's intentione, utterit be yourselfe at this tyme in presence of your Estates, declaring your good will to maintaine the trew religione presently professit within your countrie, with the discipline adjoinit thereunto, and the ministers to whom the charge of the same is committit; and to declare that your Majestie's will is, that qwhat-soeuer lawes, act, or proclamatione hes been made, prejudiciall to the same, shall be esteemit contrair to your Majestie's mining, and to have no force nor effect in no tyme hereafter, and that nane of your subjects pretend be any cullour thereof to molest or trouble any of the saids ministers, but that they be under your Majestie's protection, and that ye will esteem the contraveiners, troublers of your Majestie's estate, and punish them accordingly.

2. That all Papists, Jesuites, and Excommunicats remaining within this countrie, be chargit to passe off the same betwixt this and the first of May nixt to come, or else to satisfie the Kirk; and if they doe not the same before the day appoynted, that Sherriffs in slyres, Provests and Baillies in townes, be commandit to apprehend and present them before his Majestie and Council, to be punischt according to the law; and if they be negligent in apprehending them, that commissione be given to certaine most zealous and will-ing persones to doe the same.

3. That it may please your Majestie, according to your accustomed clemency, to relax presently the ministers of Edinburgh from the horne, and suffer them peaceablie to returne and remain within this realme; as also to relieve and sett at freedome sic gentlemen and professors of religione as now are under challenge, seeing your Majestie knawes that the love of religione moved them to these things qwherwith they now are burthened.

4. That sieing that Edinburgh hes that honour to be the chief burgh of this countrie, and now are both destitute of their own ministers, and sicklyke callit from tyme to tyme before your Majestie, qwhilk is no small grief to their hearts, in respect your Majestie knawes that the greatest pairt of the haill towne are most willing to

giue your Majestie all obedience, and to hazard lyfe and substance for your Majestie's standing, that it may please your Majestie favourably to deal with them according to your accustomed gentleness, that it may appeare your Majestie is more inclynit to shaw favour unto men that meanes uprightlie to your hienes nor to papists, We are moveit to crave the same, that all your subjects may see a generall agriement—That it may please your Majestie, sieing Mr David Black hes obeyit such things as was injoynit unto him, to give him libertie to returne to his flock, and sicklyke to Mr John Welsche and to Mr John Howisone.

Because diverse complaynts of hurting and mutilating of ministers are given in before us, namely—

We most humbly crave that your Majestie wald take some substantiall order for punisching the offenders in example of all wthers hereafter.

That provisione be made for planting of kirks, and that the augmentationes and planting of new kirks, made in anno 1595, be allowit.

Followes his Majestie's Answers to the saids Articles.

The first is granted in substance. The 2d is also granted. As to the 3d, concerning the ministers of Edinburgh, they are ordayned to be relaxed upon cautione to be found be them to the Justice Clark, that they shall underly the law. As to the gentlemen for whom the Assemblie makes request, his Majestie thinks good that they, be the mediation of their friends, be suiters for themselves. As to the 4. touching the Towne of Edinburgh, his Majestie will no-ways trouble innocent men, but such only as are guiltie, and mindes schortlie to be at a poynt with them. Touching the invasion of the ministers, ane commissione is ordaynit to be directit for calling and punisching the offenders. Concerning the last article, his Majestie ordaynes the thesaurer, Mr James Elphingstone, the Clerk Register, Mr John Prestone and Mr Edward Bruce, to take order, alsewell for the planting of kirks as with the augmentationes qwhilks were grantit anno 1595.

[SIXTY-SECOND GENERAL ASSEMBLY.]

THE Generall Assemblie, halden at Dundie the 10 day of May 1597, in the Little Kirk.

Sessio 1^{ma}.

Exhortatione being made be Mr Robert Pont, last Moderator, the brethren appoyntit on leets Mrs Nicol Dalgleische, James Melvill, Patrick Simpstone, Patrick Sharpe, Thomas Buchanan, John Porterfield, Robert Rollock, James Balfoure, David Fergusone, and David Lyndsay: be plurality of votes Mr Robert Rollock was electit Moderator *hac vice*.

Sessio 2^a.

Mr Thomas Nicolson and John Williamstone, wryter, put in liets for the clarkship, being vaickand be deceise of Mr James Richie; be pluralitie of votes, Mr Thomas Nicolson, advocat, wes chosen, sworne, and admittit.

Sessio 3^a.

Also it was ordaynit, that all the acts of the Assemblie should be formed be discreet and wyse brethren, and to be read in audience of the haill Assemblie before the dissolving of the samen, and thereafter to be inbookit and registrat.

Sessio 4^a.

Anent the supplication given in be the Lairds of Wachtoune and Glennagys, desyrand ane command to be given to Mr William Morray, minister at Dysart, to sett in tack and assedatione to them or their tennents the teynds of their awne lands, lyand within the parochine of Dysart, or else for eschewing of farther danger, to reitene the saids teynds in his awn hand; The Assemblie ordaynes the said Mr William to reitene the saids teinds in his awne hand, discharginge of setting the same to any persone whatsumever, under the paines contained in the acts of the Generall Assemblie.

Anent the supplicatione given in be the Presbytrie of Dunbartone, desyrand, in respect of the fewness of their number, that cer-

taine of the Presbytrie of Paslay might be adjoynit unto them, to the effect they might be the more able to travaill upon the commone affaires, pertaning to the glory of God and weill of the Kirk; The Assemblie ordaynes a commissione to be direct for visitatione of the hail Presbyteries within the bounds of Clidsdale, Ranfrew, and Lennox, with power to them to consider how many Presbyteries shall be necessar within the saids bounds, and to sett downe a solide order thereanent.

Anent the complaint given in be the Presbytrie of Brechine against Mr Dougald Campbell, minister of Fernwell, for his obstinacie in refusing to pronounce the sentence of excommunicatione against Patrick Butter at command of the said Presbytrie, he being Moderator thereof for the tyme, for the qwhilk they had suspendit him from preaching the word untill this present Assemblie: The Generall Assemblie ratifies and allows the said suspensione.

Sessio 6. May 14.

The brethren of the Presbyteries of Morray, Aberdeene, and Mearns, with the uther brethren joynit with them in commissione conjunctly, *respective* appoyntit be the last Generall Assemblie halden at Perth for tryall of the obedience of the Earles of Angus, Huntly, and Erroll, to the particular injunctiones sett downe be the said Assemblie, and injoynit to them for declaration of their repentance, being desyrit be the Generall Assemblie to report what resolutione they fand in the saids Lords touching such articles and conditiones as were sett downe in the said commissione, they being present before; The hail Assemblie testified and declared, that they fand them obedient and willing to satisfie in all humble manner, and persevering and continowing in their earnest sute for reconciliation with the Kirk; and as concerning the saids articles and conditiones, qwherupon the saids commissioners were ordaynit to have tryit and resolvit them, the saids commissioners, every one of them for their awn pairts respective, producit the saids articles and conditiones, with full answers to every one of them particularlie subsequent made be the saids Lords, offering to acquiesce to the saids conditiones, and to fulfill the same; and for mair declaratione of their consents, the saids articles and answers therto particularly following every one of them were subscriyvit severally be the saids Lords, in signe and token of their imbracing thereof—as followis:

Huntlie his Answers to the Articles.

1. The first is obeyit; for he compierit at Aberdeen the 22 of March appoyntit to him, and there abode awayting on doctrine and conference untill the commissioners were satisfied with his resolutione, and so the conference endit.

2. The brethren appoyntit to deal with him brought him, after long conference, to confess the verity of the haill grounds of religion *affirmative*, resolvit his doubts be the word of God, and movit him with knowledge to refuse and detest all heads of Papistrie contrair to the same.

3. He acknowledges the Reformit Kirk of Scotland to be the trew Kirk: he is ready to joyne himself efaldly therto, acknowledging himself ane member thereof, submitting himself to the same; will hear the word of God, and obey the same be the grace of God; participat the sacraments, and obey the haill discipline of the Kirk, as it is allowit be the King's Majestie and Estates.

4. He is readie to swear and subseryve the Confessione of the Faith in presence of the haill commissioners so soon as they shall come back, with power to pronounce his absolutione.

5. In significatione of his obedience to this article, he hes declarit to the haill commissioners, that sen he enterit in dealing with the Kirk he never intercommunit be word nor wryte with any Jesuite, Priest, or excommunicat Papists, except so many as are under conference with the Kirk, and is content to abyde thereat in all tymes coming: sicklyke he is content to giue his written band that he shall banishe out of his company and bounds all Jesuites and Seminarie Priests, and shall expell therefrom all excommunicat Papists, except such as shall have licence from the Kirk and King's Majestie; and, finally, that nane shall haue receipt be his knowledge, in the places of his commandment, that are profest enemies to the religione.

6. He is content, now or hereafter, to satisfie for his apostacie, in the place appoyntit, at the discretion of the saids commissioners, and then to ratifie the foresaid promise.

7. He declares his unfeigned grief for the slauchter of the Earle of Morray, and will satisfie the partie at the sight of the King's Majestie, the Kirk, or of godly and indifferent friends will make offers to that effect; lykeas he hath given ane blank to his Majestie to be filled up with particular assytlments, and that after his absolutione.

8. He promises, now or hereafter, to crave of God mercy for the said slauchter, when, where, or how the Kirk's commissioners shall appoynt.

9. At the desyre of the saids commissioners, he presently remitts all rancour and malice conceaved be him for any occasione or died offerit to him be the countrie men in the King's service, and promitts upon his fidelitie, never to quarrell any for the same that are within their bounds, and speciallie nane of the ministrie either north or south.

10. He agrees that at the sight of the ministers Mrs David Cunningham, Alexander Dowglass, George Gladstanes, and of his friends Pitlurge, Cluny, shall sett doune ane order for provisione of his kirks, and qwhilk he promises to execute immediatlie after his absolutione.

11. Be the advyce of the saids commissioners, he promitts to take ane minister, and to intertain him in his awne house.

12. He confesses that be his publick offences he gave sufficient matter to the Kirk to have deducit the sentence of excommunication against him.—*Sic subscribitur*,

HUNTLE.

The Earle of Erroll's Answers to the Articles.

1. The first is obeyit; for he haveing sufficiently excusit his absence fra the first dyet, the 27th of March, came to Aberdeen the 5th of Apryle where the Commissioners appoynted him to resort to Aberdeene, about the 20th day of Apryle, to have conference with such as they appoyntit of their number, to meit him there, qwhilk he did, coming in the towne the 20th day of Apryle, and there abode, resorting to publick doctrine and conference till the Commissioners were satisfied with his resolutione; and so the conference was endit.

2. The brethren appoyntit to deal with him brought him, after long reasoning, to confesse the verity and haill grounds of religion, *affirmative*, resolvit his doubts be the word of God, and ancient doctors, and movit him, with knowledge, to refuse all heads of error in Papistrie, contrare to the same.

3. He acknowledges the Reformit Kirk of Scotland to be the trew Kirk. He is ready to joyn himself thereto, and profess himself a member thereof,—will hear the word,—obey the same, be the grace of God,—participat the sacraments, and obey the haill

discipline of the Kirk, as it is acknowledgeit presently be his Majesty and Estates.

4. He solemnly promises and offers his written bond, that, lyke as sen his promise and entering his conference with the Kirk, he never intercommunit with Jesuit, Priest, or excommunicat persone, except with such as shall have licence of the Kirk and King's Majesty; and, finallie, nane shall have receipt in his hands that are profest enemies to the Kirk, be his knowledge.

5. He is ready to swear and subscriyve the Confession of Faith, in presence of the haill Commissioners, so soone as they shall come back from the next Generall Assemblie, with power to pronounce his absolutione.

6. He is content to satisfie for his apostacie in the place appoyntit, and there to ratifie the forsaid promises.

7. At the desyre of the saids Commissioners he presently remitts all rancour and malice, conceivit be him for any occasione or deid offerit to him be the countrey men in the King's service, and promitts upon his fidelitie, never to quarrell any for the same—speciallie the ministrie, south or north.

8. He agrees that such of the ministrie as shall be appoynted, with such friends as he shall appoynt, sett downe qwhat shall be his part for planting of the Kirks within his bounds, whilk he promises to execute, after his absolutione.

9. Be the advyce of the Commissioners, he is content to take a minister, and intertain him in his owne house.

10. He professes he gave sufficient matter to the Kirk to have deducit the sentence of excommunication against him.—*Sic subscribitur,*

ERROLL.

The Earl of Angus' Answers to the Articles.

1. He being callit before us, was injoynit to remaine at Barrak, in the parish of Kineff, and there await upon the hearing of the doctrine in that his paroche Kirk, and upon conference at such tymes and places as was appoynted in Canveth, Aberbuthnot, qwhilks he hes faithfully keepit and observit until this his resolution was obtentit.

2. After we had reasoned and conferrit with him in many of the controverted heads of religione be the Scriptures and ancient doctors, he satisfied us affirmative and negative.

3. He acknowledges the Kirk of Scotland to be the trew Kirk, and is ready to joyne himself therto, and to profess him ane member thereof, will hear the word, participat the sacraments, and obey the haill discipline of the Kirk, as it is allowed be his Majestie and the Estates.

4. He solemnly promises, be word and written band, to remove furth of his company and lands, Jesuites and excommunicat persons, lykeas he has done since the Commissioners intimat this article to him.

5. He desyres the Commissioners to get power to absolve him, and immediately thereafter, he shall swear and subscrieve the Confession of Faith.

6. He is content to satisfie for his apostacie in his own parochie kirk, and there to ratifie the forsaid promises.

7. He understands nane of the countrie to have incurrit his wrath or deadly feud for persewing him in his Majestie's service, qwhilk he protests before God, that he never meant to harme any man for giving obedience to his Majestie's lawes, qwhilk if he had done, he should rather have made mends then forgiven, and if any, in particular will complaine, he will satisfie this article, albeit, in very truth, as all the countrie knawes, he hes sustentit great loss, qwhilk he hes the Kirk to meine, in most humble manner to his Majestie, as the Commissioners will declare at mare lenth.

8. He is content, at the sicht of the Commissioners, and his best advysit freinds, to provyde stipends for his kirks, how soon he shall be absolvit and restorit to his living.

9. He will maist willinglie take a minister and intertaine him in his awn house, be the advyce of the Commissioners.

10. He confest he most justly deservit to be excommunicat.—*Sic subscribitur,*

ANGUS.

The qwhilk report made be the saids Commissioners, in discharging of their forsaid commissione, the Generall Assembly, presently conveint, ratifies and allowes, as agreeable and answerable to the ordinance of the last Assembly, halden at Perth, in all poynts; and therefore ordayns the saids Commissioners, respective, to proceed farther with the saids Earles in the said matter, and to receive ane full satisfacione of such things as are promised be them, in the saids conditiones, and to crave the present accomplishment

thereof, so far as possible can be done; They are to say, that as they, in their answer, hes allowit and subscrivit, so that they presently shall confesse the verity of the hail grounds of our religione, affirmative, and with some measure of knowledge, refuse and detest all heads of Papistrie, contrarie to the same: That they acknowledge the Reformit Kirk of Scotland to be the trew Kirk; —That they efaldie joyne themselves, and acknowledge them, members thereof, submitting them to the same, and shall be ready at all ocasiones to hear the word, and obey the same, participat the sacraments, and obey the hail discipline of the Kirk, as is allowed be his Majestie and Estates.

That before their absolute, they swear solemnly and subscribe the Confession of the Faith, in presence of the hail Commissioners; that, as they have testified by their writte, even so be their band they promise to remove out of their company, in all tyme coming, all Jesuites, Priests, excommunicat Papists, but such as shall be licentiat be the Kirk; That the tyme of their absolute, they satisfie in most humble manner in the kirks of Aberdeen and for their former apostacie, and there ratifie their former promises in most solemne manner; That the Earle of Huntlie, before his absolute, ask God mercy for the Earle of Moray's slaughter, and declare his penitencie for the same; and because their lordships hes promised upon their fidelitie, never to quarrell any gentlemen of the countrie, that hes persewit or wtherwayes troublit them, and thereby incurrit their wrath in his Majestie's service, and at his Heines' command, Therefore, to the effect the fruits thereof may evidently appear, that their lordships promise faithfully, lykeas their sommes hes obtained, or at the least are to obtaine of his Majestie, of free grace and meer donatione, the gift of their forfaultries, even so, the gentlemen of the countrie that are vassalls to them, and hes incurrit the lyke sentence of forfaultor, and perrillit their lands, not through their owne evill demerite, but be reasone they were vassalls unto them, may receive and obtaine of their lordships, the lyke grace as is imparted unto them be their Sovereigne; and as his Majestie grantit a benefit unto them, who had offendit, even so, their lordships' vassalls be not troublit for any compositione of their lands, qwhilk, not be their fault, but their lordships' failzie, were endangerit and holden in non-entrie, and that their lordships renew the promise of remitting all rancour and malice of heart against the said gentlemen: And as to the provision of kirks qwhilks per-

taynes to ilk ane of the saids Earles respective, that the advyce of their best affectionat friends and the saids Commissioners sett downe ane solide order, how the ministrie may be plantit, and honestly sustein it at the same, qwhilk they shall ratifie and approve, and put in executione immediatly after their absolutione: That be the advyce of the Commissioners, they make choyse of ane minister qwha shall be intertaint in their house for instructing of the same: That they renew the confessione of their sinnes, acknowledging that they were justly excommunicat for the same. And to the effect all sclander may be removit from the Earle of Huntly, and speciallie the qwhilk did ryse upon the slauchter of Mr William Mure, qwhilk was committit dureing his Lordship remaining in Aberdeen, that his Lordship provide some remeid that the poor woman, mother to the said Mr William, may be satisfyed, and such assythment made, alsewell for him as her husband's slauchter, as the Commissioners shall think expedient, with power to the saids Commissioners, after the accomplishment of the premisses, to absolve the saids Earles from the said sentence of excommunicatione, and receive them againe in the bosome of the Kirk.

Sess. 7. May 14.

Anent the Articles given in be his Majestie in the last Assembly holden at Perth, the decision and answering qwhereof was referrit to the said Assemblie, to be reasonit and intreatit be certaine Commissioners, and thereafter concludit in this present Assembly, and anent the declaration of certaine acts made in the said Assemblie holden at Perth, for satisfaction of such as were not present at that tyme, nor acquainted therewith: The said Articles and questions being reasonit and votit in face of the hail Assembly, his Majestie being present for the tyme, these declarationes and conclusiones efter following were sett downe and concludit be the said Assemblie.

Notes in forme of Declaratione of certaine of the Acts made in the Generall Assemblie holden at Perth in February last bypast, for explaining of his Majestie's and the Assemblie's meaning, for the satisfaction of such as were not acquainted therewith, Qwhilk are ordaint to be registrat in the Acts of this present Assemblie.

First, Anent the lawfullness of the said Assemblie holden at

Perth: It is declarit be this present Assemblie, that ane of the reasons moving the brethren to acknowledge the lawfullness of the said Assemblie was found to have been, that the Commissioners of the Kirk accordit with his Majestie thereanent, as is expressly set downe in his Majestie's letter.

Item, The reasone moving the Assemblie to grant the mair willinglie to the two Articles concerning the reproving of his Majestie's laws, was this; his Majestie's earnest and constant affectione to the religion and obedience to the word was evidently knowne to the haill Assemblie, and that it was his Majestie's declaratione, will, and intentione, allwayes to frame his lawes and whole government according to the same, for the qwhilk causes the said Assemblie agreed to the said Article.

Anent the Article ordayning that no man's name be expressit in pulpit, except in notorious crymes, &c., the poynt of notorietie is farther defynit, if the cryme be so manifest and knowne to the world that *nulla tergiversatione celari possit*.

Anent the Article ordayning that no conventions of pastores be, without his Majestie's knowledge and consent: His Majestie's consent is declarit to be extendit to all and qwhatsomever forme either of Generall Assemblie or speciall Synodall, permittit and authorised be his Heines' lawes, according as they have warrant in the word of God, as being the most authentic forme of consent that any king can give.

Anent the Article concernyng provisione of pastores to burroughs: It is declarit that the reasone thereof was and is, that his Majestie was content, and promised, that qwhere the Generall Assemblie finds it necessar to place any persone or persones in any of the saids townes, his Majestie and the flock shall either give their consent thereto, or else a sufficient reasone of the refusall, to be proponit either to the haill Assembly, or to a competent number of the Commissioners thereof, as his Majestie shall think expedient.

Answers to the rest of his Majestie's Questiones, according as they were proponit of his Heines and Commissioners in the present Assemblie.

First, Anent the propositione movit be his Majestie to the Assemblie, craving that before the conclusion of any weightie matters, his Majestie's advyce and approbatione [be] cravit therto, that the same being approvit be his Majestie, may have the better execu-

tion, and, if neid beis, be authorized be his Heines' lawes: The Assemblie craves most humbly, that his Majestie, either be himselve or his Heines' Commissioners, in matters concernyng his Majestie's estate, or the haill estate of his subjects, and uthers of great weight and importance, that hes not been treatit of before, wold give his advyce and approbatione therto, before any finall conclusion of the same; and, for the better obedience to be given to such lyke statutes in tyme comeing, that his Majestie wold ratifie the same, either be act of his Heines' Parliament or Secret Counsell, as shall be thought needfull: the qwhilk his Majestie promised to doe, according to his Heines' propositione, qwhilk was acceptit and allowit of the haill Assemblie.

The Assembly ordaynes that there be ane uniformitie in the ordinatione of the ministrie throughout the haill countrey, be impositione of hands, and that they be admitted to certaine flocks, upon the qwhilk they shall be astrictit to attend, according to the Acts of the Assemblies made of before, and ordayns that nane that are not admittit to the ministrie be promovit to teach in publick and great rowmes, except upon very urgent necessitie, in defect of actual ministers, they be ordained to supply such wants be the Presbytries, Generall or Provinciall Assemblies, qwho shall take diligent order that they keep themselves within the bounds of their gift, and specialle in applicatione.

That no pastores exercise any jurisdictione, either in making of constitutiones or leading of proces, without the advyce and concurrence of Sessions, Presbytrie, Provinciall or Generall Assemblie.

That all Sessiones be electit with consent of their awne congregations: that all Sessiones, Presbytries, and Provincialls, use such forme in all their proces as may be found lawfull, formall, and able to abyde tryall, the qwhilks shall be registrat in matters of importance; and, to that effect, ordaynes the proceedings of private Sessiones to be sichtit at Presbytries, and the proceedings of Presbytries at Provinciall Assemblies, and Provinciall Assemblies at the Generall Assemblies.

The Assemblie ordaynes, that in the exercises, qwhen the ministrie are convenit at their Presbytries, no applicatione be used.

That in the determinatione of matters of importance, qwhere the votes shall be only different upon two or three, that nothing be concludit therein till better resolutione; and that, in such differ-

ence, he that sustaines the negative, with his vote shall give *rationem negandi*.

The Assemblie ordaynes the Presbytries to meddle with nothing in their judicator qwhilk shall not be found, butt controversie, proper to the ecclesiasticall judgement, and that herein ane uniformity be kept throughout the haill countrie.

That all processes and acts be extractit to parties having interest, qwher is a written process.

The Assemblie superceids to answer the article touching summar excommunication qwhill the next Generall Assemblie, and in the meantyme suspends all summar excommunicatione; allwayes, in great crymes, the Assemblie ordaynes ane publick intimatione of the same to be made, and the committer thereof to be suspendit *a sacris*, and prohibite *privato convictu*.

If any Presbytrie shall be desyrit be his Majestie's missive to stay the proceeding of any thing prejudiciall to the civill jurisdictione or private men's rights, It is ordaynit that the said Presbytrie shall desist in the said matter, untill they send to his Majestie for his satisfaction thereanent.

Sessio 8. May 16.

Because syndrie sclanders aryses through the disorder of Readers be baptizing of bairnes gotten in adulterie and fornicatione before satisfacione made be the offenders, and celebrating of unlawfull marriages; the Assemblie statutes and ordaynes that no Reider minister the Sacrament of Baptisme in any way, in all tyme coming, and that they presume not to celebrate the bands of marriage without speciall command of the minister of the kirk; and in caice there be no minister thereat, of the Presbytrie, had to that effect; and ordaynes every Presbytrie to cause this act to be intimat at every paroche kirk, that nane pretend ignorance heiroy in tyme coming.

Sessio 9. May 16.

The qwhilk day, in presence of the haill Assemblie, the King's Majestie being personallie present, declareit, that sieing, through the schortness of tyme, their [are] sundrie matters of weight and importance, not only concerning particular flocks, but qwhilk did in speciall touch the haill Estate and bodie of the Kirk, qwhilk could not commodiouslie be intreated in this present Assemblie—as, namely, touching both the planting of particular congregationes and

of the haill kirks within this realme, qwhilk is yet, through default of honest intertainment, remaines unplanted and destitute of the comfort of the word; and anent ane solid order to be taken anent a constant and perpetuall provisiōe for the sustentatione of the haill ministrie within this realme, to the end they be not, as in tyme bygone, to depend and wait upon the commissioners appoyntit for modifying of their stipends, and so be forcit to absent themselves the maist part of the year from their flock, to the great disgrace of their calling, disharting of their congregatiōe, and discontentment of his Majestie, whois care ever hes been, and earnest desyre continows as yet, that every congregatiōe have ane speciall pastor honestly sustein it, for the better awayting in his cure and discharging of his dewtifull office in the same; and therefore his Majestie desyrit the brethren to consider qwhither it were expedient that ane generall commissiōe sould be grantit to certaine of the most wyse and discreet of the brethren, to conveyne with his Majestie for effectuating of the premisses: The qwhilk his Majestie's advyce, the Assemblie thinks very necessar and expedient; and therefore hes given and grantit, lykeas be the tenor heirof, they give their full power and commissiōe to the brethren underwritten, viz. Mrs Alexr. Dowglas, James Nicolsons, George Gladstone, Thomas Buchanan, Robert Pont, Robert Rollock, David Lyndsay, Patrick Galloway, John Duncanson, Patrick Scharpe, John Porterfield, James Melvill, William Couper, and John Clappertoune, or any seven of them, to conveyne with his Majestie, betwixt the day of thir presents and the last of May instant, with power to them to take solide order anent the provisiōe of the ministrie to the townes of Edinburgh and Dundie and St Androis, his Majestie's and the Prince's houses, to give their advyce and judgement to his Majestie anent the planting of every particular kirk within this realme, to make such overture as they can best devyse touching the constant platt, and generally to give their advyce to his Majestie in all affaires concernyng the wiell of the Kirk, and intertainment of peace and obedience to his Majestie within this realme; with express power and command to the saids commissioners to proponne to his Majestie the petitiones and grieves of the Kirk in generall, as of every member thereof in particular, as shall be meint unto them, *promitten de rata*.

Anent the supplicatiōe given in be Mr John Rutherford, makand mention, that qwhere in the Generall Assemblie halden last at Perth, he gave in ane supplicatiōe, qwherein he desyrit the proces

of deprivatione led and deducit against him be the Presbytrie of St Androis, to be producit before the said Assemblie, to the effect the samen may be tryit, and the proceidings thair of be examinitt be them, qwhilk was referrit at that tyme to this present Assemblie, ordayning the Presbytrie of St Androis to produce the said proces before this present Assemblie, and to answer to the complaynt given in be the said complainer, desyreing therefore the brethren of the Presbytrie of St Androis to be callit for productione of the said proces, to the effect the samen might be seen and considerit be this present Assemblie, according to the ordinance made at Perth, as said is: The Generall Assemblie, in respect of schortness of tyme, remitts the said complainer and his supplicatione to the commissioners appoyntit to conveyin with his Majestie at Edinburgh, and ordaynes the Presbytrie of St Androis to produce the said proces before the saids commissioners, and the answer to the said complainer's supplicatione in all poynts,—with power to the saids commissioners, or any seven of them, to take full tryall, cognitione, and finally to conclude in the said matter, *promitten de rata*.

Sess. ultima. May 27.

Anent the supplicatione given in be James Wood, appeirand of Bonnytoun, makand mention, that according to the direction of the last Assemblie halden at Perth, he had attended upon the commissioners appoynted be the said Assemblie, and had agried be their conference in many heids of religion with them, desyrand therefore, as he is willing to persevere in conference with the saids commissioners to his finall resolutione, that a commissione may be granted to the brethren appoyntit to deal with the Earles of Huntlie and Erroll, to continow in conference with the said commissioners; and in caice they find him resolvit, to absolve him from the sentence of excommunicatione, and receive him againe in the bosome of the Kirk: as also that the commissioners of Angus appoynted for the said purpose, may have ane speciall command to intreat with the said complainer's father for appeasing his wrath towards him, in respect he is content to submitt himself most willingly to his said father, or to the Kirk, for satisfaction of any eyelists that he or they hes found in him in times bypast: The Assemblie gives full power and commission to the brethren for receaving the Earles of Huntlie and Erroll, to enter in a farther conference and tryall with James Wood, appeirand of Bonytoun; and in caice of full

satisfactione to be made be him to the saids commissioners in such heads and articles qwherin he hes not as yet satisfyt, the Assemblie gives unto them, power to lowse him from the sentence of excommunicatione, and receive him again in the bosome of the Kirk. Attoure, the Assemblie ordaynes Mrs George Gladstanes, Androw Myllne, Andrew Leitch, John Ramsay, and Androw Lambe, to deall with the Laird of Bonytoun, and travell in the reconciliatione desyrit and satisfactione offerit be the said complainer his sonne.

Anent the supplicatione given in be Mr William Morray, minister at Dysart, makand mention, that qwher he hes livit upon the dewtie of the tack of the personage thir diverse years bygane, being only three hundreth merks, and sustaineth great charges thereupon; and now sieing the saids tacks are outrun, and as he is informit divers supplicationes are given be the gentlemen of the said parochine, craving the said complainer to be astricted to sett them tacks of their awne teyndys respective, desyrand therefore not to astrict the said complainer to any particular persones, but to give him power to sett tacks to such as shall do most commodiously for the weell of the Kirk: The Assemblie gives power to the said complainer to sett in tack the teinds of the personage of Dysart, except of the lands pertayning to the Lairds of Glenegyys and Wauchtoun, qwhilk are reservit be ane wther act of this present Assemblie, with advyce and consent of the Presbytrie of Kirkaldie and the brethren after following, viz. Mrs Thomas Buchanan, William Cranstoun, James Melvill, Robert Wilkie, David Fergusone, and John Fairfoull, unto the qwhilk the Assemblie remitts the supplicationes of such as craves tacks of the teinds of the said personage.

Anent the Earle of Crawford's request, desyrand licence to a persone of Inneraritie to sett a tack of the teinds thereof, in caice it be found be the civill Judge that he hes best right thereto: The Generall Assemblie gives power to the Commissioners appoyntit in Edinburgh to conveyne with his Majestie, to give power to the persone that shall be presentit to sett tacks of the teinds contravertit to either my Lord Crawford or the Laird of Powrie Fotheringhame, that shall be found be the civill magistrate to have best right to the same.

Thanks being given to God, the brethren ordaynes the next Assemblie to be halden at Striviling the first Twysday of May, in the year of God 1598.

[SIXTY-THIRD GENERAL ASSEMBLY.]

THE Generall Assemblie of the Kirk of Scotland, halden at Dundie the 7th of Marche 1598—In the qwhilk were conuenit the King's Majestie and Commissioners from all Schyres and Townes of the Countrey.

Sessio 1^{ma}. March 7. Post Meridiem.

Exhortatione being made be Mr Robert Rollock, Moderator at the last Assembly, there was appointed upon the leets, Mrs Patrick Simpstone, David Fergusone, Peter Blackburne, James Robertstone, and Alex^r. Wilkie; and, be pluralitie of votes, Mr Peter was electit Moderator *hac vice*.

Sessio 2^a. Martii 8. Ante Meridiem.

Anent the Commissione given to certaine brethren of the North, for absolving of the Earles of Huntlie, Angus, and Erroll, from the sentence of excommunicatione, the Assemblie ordaynes Mr Peter Blackburne, in name of the rest, to give in in write, the hail forme of their absoluteione, satisfaction, and the Articles injoynit to them in the last Assembly, to the effect the same may be registrat in the Books of the Assemblie.

Sessio 3^a. 8 Martii. Post Meridiem.

Because there is no compt tane of the Acts of every provinciall Assembly; therefore it is statute and ordaynit, that, in all tyme comeing, every provinciall Assembly within this realme send the acts of their Synod made sin the Generall Assemblie immediately preceding with their Commissioners, direct be them to the next Generall Assemblie, to the effect the brethren of the Generall Assemblie may take tryall and cognitione, that the proceedings of every particular Synod be done *decenter et ordine*, and to allow or disallow of them as they shall think meet, and this order to begine at the next Generall Assemblie. *Item*, Because it was meint be some of the brethren, and found fault with, that such as uses to be appoynted Commissioners from the Synodalls to the Generall Assemblie, butt any reasonable causes, refuse to obey and accept their commission, qwherthrough it falls out ofentymes that at the Gene-

rall Assemblies there inlaks Commissioners from Synods: Heirfore it is statute and ordaynit, that every Synod shall chuse out them that shall be thought most meit to come as Commissioners to the Generall Assemblie, qwho shall remaine untill the last day of the Assemblie inclusive; and to the effect they may pretend no reasonable excuse in the contrair, and speciallic of povertie, therefore it is statute, that in caice the Commissioners that are chosen may not commodiously awayt upon the Assemblie upon their awne expenses, then and in that caice, the rest of the qwhilk number he is chosen shall contribute unto his expenses, according to the abilitie of their livings, under the paine of tynsell of the tenth pairt of their stipend; qwhilks Commissioners being so furnished be a common contributione as said is, shall repare to the Generall Assemblie, and remaine unto the finall end thereof, under the paine of tynsell of the tenth pairt of his own stipend; and in caice either the Commissioner or the Brethren of his Synodall, through not obeying every ane, their proces of the premisses respective, incurring the danger of the penalties above rehearsit, and yet refuse to make payment of the saids penalties, viz. of the tent pairt of their stipends, then and in that caice, they shall be suspendit from their calling and functione, ay and qwhile they satisfie the samen.

Anent the summons raisit at the instance of the Synodall of Fife against Andrew Arnot, minister of Scotlandwell, cravand the said Andrew, conforme to his promise, to make provisione for the kirk of Auchtermoonsie, one of the kirkes of the said ministrie: The said Andrew Arnot being callit, compearit and declareit, that he promised to make sufficient provisione to the said kirke, provyding alwayes he were releivit of the payment of his third, qwhilk he pays presently to Mr Robert Inchaw, qwhilk promise he presently ratified, and bound himself to make provisione for the said kirke immediately after the dissolving of the Assembly, he being releivit of the payment of his third as said is.

Sessio 4^a. Martii 9.

The Commissioners appoyntit in the last Generall Assemblie for planting of the Townes of Edinburgh, Dundie, and Saint Androis, and such uther affaires, as at maire lenth is conteind in the said commissione, and callit to giue ane accompt of such things as had bene done be them be vertew of their commission forsaid, Mr

James Nicolson, in name of the rest, producit a Book, containing ane haill registre of their haill proces and proceedings since the acceptance of their commission, qwhilk was publickly read in presence and audience of the haill Assemblie; and because there was some of the brethren that thought themselves grievit at certaine of thir proceedings, Therefore it was thought expedient that the brethren after following, sould cognosce upon the saids grieves and commissioners' answers thereto, qwhilk both sould be given in write before them, and thereafter report to the haill Assemblie, what they fand therein; They are to say, Mrs George Monro, James Dundas, Robert Howie, Duncan Davidstone, William Dowglass, Androw Milne, Androw Lambe, James Robertstone, William Rynde, Archibald Moncreiffe, Alexander Lyndsay, David Fergusone, Robert Wilkie, William Cranstone, David Spence, John Knox, Gavin Hamilton, John Hall, John Spotswood, Patrick Simpstone, Robert Darioch, Harie Lewingstone, David Barelay, Hew Fullartone, and John Welsh.

Grieves to be proponit to his Majestie.

1. To craue of his Majestie ane reliefe of this present taxatione to such of the ministrie as possesses small benefices within three hundreth marks, seeing they are not able to be sustenit upon the same.

2. To craue, in generall for the haill ministrie, that they be not troublit with the taxationes in no tyme coming, but that the officers that ingathers the same, charge the taxmen immediatelie qwho are bound to relieve the ministrie of their taxatione, because so long as the Commissioners charges their taksmen, not only it averts them from their calling, but also breeds a grudge betwixt them and their parochiners.

3. To craue a redress of the buriall, that ane act of Parliament may be made, discharging burialls in the kirks.

4. To craue ane redress anent adulterous marriages qwher two persones, both divorcit for adulterie committit either with uther, craues the benefite of the Kirk to be joynit in marriage.

5. To craue his Majestie, what order shall be tane anent the relaxatioun of such murtherers from excommunicatione as are already relaxit from the horne, and yet hes not satisfyt the partie, qwhilk is a token of no penitence.

6. To advyse with his Majestie of the carying of profest witches from towne to towne, to try witchcraft in wthers, be lawfull and ordinar tryall of witchcraft or not.

7. Anent laik patronages, to lament unto his Majestie the great abuse qwhilk the late act of Parliament hes brocht in, giving licence to the patrone to possesse the frutes of the benefice, in caice he present ane qvalified man, and the same be not admitted be the Kirk, under cullour qwherof they use to present ane qualified man to the presbytrie, and hes him sworne to sett back ane tack of the fruits of the benefices to the patrone, qwheron, albeit the persone presentit be qualified, yet the Kirk cannot admitt him, in respect to the impedimen forsaid, qwherthrough both the patrone uplifts the fruits of the benefice, and the Kirk lys destitute; therefore to crave redress.

Sess. 5. Martii 9, [Post Meridiem.]

Anent the grieves given in to his Majestie before noon, his Majestie being present gave his answer as follows:—

To the first and second, his Majestie desyred the Commissioners to be deput from this Assemblie, to give in ane supplication to the Councill, anent the same, qwhereunto his Majestie should hold hand, and in the meantyme promised to cause stay all farther executione against such of the ministrie as were at the Assembly presently, qwhill the 15th of Apryle nixt to come.

Anent burials; his Majestie thought good that ane supplicatione should be given in to the next Parliament, craving that for the avoyding of burials in Kirks, every nobleman sould bigg ane sepulture for himselfe and his familie.

Anent adulterous marriages; his Majestie thought good that ane supplicatione should be given in to the next Parliament, craving such marriages to be declairit null in all tyme coming, and the bairnes gotten therein, bastards.

Anent murtherers; his Majestie declared, when any murtherer is relaxit from the horne, upon cautione to underly the law, that he is not, therefore, simpliciter relaxit, but to ane day to byde tryall of his fault, and therefore thinks that the Kirk may continow in their censures against such ane persone, and deny him any benefite of the Kirk, untill they see evident tokens of repentance in him, the partie satisfied, and thereupon ane remission attained.

Anent tryall of witchcraft, his Majestie declarit, that, be ane act of the last Parliament, it is remittit to certaine of his Heines' Councill, certaine ministers and advocats, to conclud upon all solide order anent tryall of witches, and to advyse whether the forsaid carrying of witches is permissive or not : touching the qwhilk, the Assemblie ordaynit Mrs Patrick Galloway and John Duncansone to hold his Majestie in remembrance.

Anent the abuse in laick patronages, his Majestie thocht good lykewayes that ane supplicatione sould be given in to the next Parliament for redress thereof.

Because it was reportit in the Assemblie, that albeit sundry persones wer convict of witchcraft, nevertheless, the civill magistrate refusit not only to punische them, conforme to the lawes of the country, but also, in contempt of the same, settis the persones at liberty, qwhilks were convict of witchcraft ;—therefore the Assemblie ordaynes that, in all tyme coming, the presbytrie proceed in all severitie with their censures against such magistrats as shall sett at liberty any persone or persones convict of witchcraft hereafter.

Item, Because diverse persones, with ane preposterous haist, proceed to the bond of matrimonie, without any lawfull proclamation of their bands, qwherthrough the ordinances of the Kirk are highly contemnit ; Therefore it is statute and ordaynit, that no persones be coupled together in marriage, without they be thryce lawfully proclaimed at their awne paroche kirk, according to the consuetude observit within the realme ; and in caice of contraveiuing the same, that the minister be depryvit of his office, and the parties ordayned to satisfie the Kirk, be publick repentance.

Anent burials : It is ordaynit that no picturs or images be carried about in burials, under the paine of the censures of the Kirk.

Item, Because it was regraitit, that certain of the ministrie being beneficent persones, hes sett tacks and assedationes of the fruits of their benefice, and thereafter hes obtaynit licence of transportation from their kirks, so that the same, be reasone of the tacks sett be them, remains continuallie unplanted, for laick of provisione ; Therefore, it is statute and ordaynit that, in tyme coming, no minister get licence of transportation from his kirk, before it be tryit that he hes not hurt the benefice from the qwhilk he craves to be transportit, be setting tacks of the fruits of the same ; and if the

tacks that were sett before his entrie to the said benefice, expyrit in his tyme, that he hes renewed no old tack, butt consent of the Generall Assemblie.

Item, Because for laick of moyen, sundrie of the ministrie hes not as yet obtainit designatione of their manses and gleibs, Therefore it is ordaynit that every minister, qwhilk is not yet possessit with his manse and gleib, obtaine possession of the same, betwixt and the next Assemblie; and in caice the persones in qwhois favours the designatione is grantit, be not able, through povertie, to await upon the law for obtaining possessione of the same, that the rest of the brethren of his Presbytry concurr and help him with expenses for obtayning of the same.

Sess. 6^a. Martii 10. Ante Meridiem.

Anent the proceeding of the Commissioners appoyntit in the last Generall Assemblie, qwhilk they did anent the examinatione of the depositione of Mr John Rutherford, and the planting of the ministrie of St Androis: the Assemblie ratifies, approves, and allows their proceedings therein. And farder, for reasonable causes moving them, ordaynes Mr Robert Wallace to be relaxit from the suspensione from his ministry, pronuncit in their decret against him, be satisfiand my Lord of Memuor, be the advyce of Mrs David Lyndsay, Robert Bruce, and Robert Rollock, to the effect he may be placit to serve in such partes qwher the Kirk shall think his travells to be best imployit. And as concernyng Mr John Rutherford's proces, and the rest of the thinges done in St Androis be the saids Commissioners, Mrs David Black, John Carmichaell, Robert Durie, Alexander Forsyth, and the rest of the brethren of the Presbytrie of St Androis that were there present, after reasonyng of such things qwherof they had not been of before resolvit, declareit themselves satisfyit therein.

Because it was reportit be the Commission of the Generall Assemblie, that the constant platt for planting every particular kirk, be the tacksmen who hes the haill teinds in their hands, and refuseth to condescend to any substantiall order anent the planting of the ministrie, without some securitie were made unto them anent the remanent of their teinds; Therefore, the Assemblie thocht good to consider qwhat be the conditiones cravit be their tacksmen, in caice of augmentatione of the dewtie of their tacks for sustentatione of the ministrie: To the qwhilk it was answerit be the Visitors of

Morray and Aberdeene, that the taxmen desyrit ane perpetuities of their tacks, be renewing thereof at their outruning, butt gressume. The lyke offerit Angus, Clydsdale; Gallaway, Fyfe, and Lawthiane, wald make no offer; upon consideratione qwhereof, the brethren desyrit his Majestie that ane law might be made anent the augmentation of the dewties of the tacks for sustentatione of the ministrie, To the qwhilk his Majestie offerit willingly to deal with the tacksmen in such sorte that they should be forced to augment the dewtie of their tacks to ane reasonable and competent living for ane minister at every kirke, upon condition they had some reasonable ease of their teinds; and for effectuating thereof, the Assemblie ordaynes every minister to give in ane particular overture in wryte to the Commissioners quwhilk shall be appoyntit be the Generall Assemblie, quhat is the just valour of the teinds of his parochie, to quham they are sett, for quhat dewtie, to quham the dewtie is payit, and quhat better every ane can give for planting of his awne kirk, to the effect his Majestie, with advyce of the saids Commissioners, may take ane solide order anent the sufficient planting of every particular kirk betwixt and the nixt Generall Assemblie.

Sess. 7. Martii 10.

The brethren appoynted to try the proceedings of the Commissioners of the last Assemblie, and the grieves given in against the same, with the Commissioners' answers thereto, declairit that they had considerit the haill grieves given in be the Synodall of Lawthiane, and the Commissioners' answers made to the same, and that they thought it expedient, so that it were the will of the Assemblie, that the saids grieves and answers sould be buried;—nottheless, the Assemblie, for the satisfaction of the haill breither, thoct good, that the saids grieves and answers sould be read in audience of the haill Assemblie; qwhilk being done, after voteing, it was concluded that the proces and proceedings of the saids Commissioners sould be ratified in that part, and the grieves and answers buried and obliterated, for continuance of peace in the Kirk.

Sess. 8. 11 Martii.

The brethren, after revyseing of the haill proceedings of the Commissioners of the last Assemblie, ratifies, allows, and approves the same, and ordaynes the haill grieves given in and answers made thereto, to be buried and put out of memorie. For better execu-

tione of their proceedings, the Generall Assemblie ordaynes Mr Robert Rollock, David Lyndsay, Robert Pont, Patrick Galloway, John Duncansone, James Nicolsone, Thomas Buchanan, George Gladstones, or any fyve of them, to conveine with his Majestie, to put the decreit of the saids Commissioners, anent the planting of Edinburgh, to farther executione, and place the ministers of Edinburgh at their particular flockes; ordayning likewise the ministers of Edinburgh to obey the said decreit, be accepting every ane of them their particular flockes, under the paine of deprivatione of them from their ministry, and in caice of disobedience in their parts, that the saids Commissioners depryve them from their functione of the ministry; and thereafter, ordaynes the saids Commissioners to plant the kirke of Edinburgh with such of the wysest and most discreet of the brethren as they shall think most meit, to the glory of God and edificatione of the particular flocks within the toune of Edinburgh; and in the meintyme, qwhile the said Commissioners convene for performing of the premisses, the brethren ordayns the ministers of Edinburgh to continue in the preaching of the word and ministratiōe of the sacrament's.

Sessio 10. Martii 13.

Because syndrie of the brethren desyrit to be satisfyit of his Majestie's minde be his awne mouth, towards certaine of the ministrie, in speciall towards the ministrie of Edinburgh, anent qwhatsoever accidents that hes fallen out thir two yeares bygane; his Majestie, for making his mynde mair clearly to be understood be the hail brethren, declairit himselfe to be content and satisfyed with the ministrie of Edinburgh, and that his Hienes did bear no grudge nor evill will to any of them for any accidents qwhilk hes fallen out in any tyme bygane, and that the same sould never be rememberit be his Majestie in any tyme coming, but that his Hienes and they, : to the qwhilk the ministers of Edinburgh willingly consentit, sould never call any of these accidents fallin out in any tyme comeing to remembrance, neither make mention of the same in private speeches or publicke sermones, in any tyme hereafter.

The qwhilk day, in presence of the hail Assemblie, the King's Majestie having declairit his advyce anent the necessitie of Commissioners, to be appoyntit be the Generall Assemblie, to awayte and concurr with his Majestie for bringing to ane finall end, the lang-

some warke of the constant platt for planting of ministers at the burghes within this realme, in caice any of their places shall happen to vaick before the next Generall Assemblie, for awayting upon the Parliament, if any shall be, and craving the redress of such things qwherwith the ministers finds themselves grievit, and finally, for redressing of such enormities, and awayting upon such good occasiones as may fall out before the next Generall Assemblie; desyring, therefore, that the brethren wald consider the necessitie forsaid, and according to their discretione, qwhither if it were expedient that ane Commission sould be grantit to certaine of the maist wyse and discreit of the brethren for the causes forsaid: the qwhilk his Majestie's advice the Assemblie thinks very necessar and expedient, and therefore hes given and grantit, lykeas, by the tenor heirof, gives and grants, their full power and commission to Messrs Peter Blackburne, James Nicolsone, Andrew Milne, Alex. Douglass, John Ramsay, Thomas Buchanane, David Fergusone, William Cranstoune, George Gladstones, Alex^r. Lyndsay, Harie Livingstone, Robert Pont, David Lyndsay, Robert Rollock, John Hall, John Clappertoune, John Knox, Gavine Hamiltone, Andrew Knox, and his Majestie's and the Prince's ministers, or any nyne of them, to conveine with his Majestie, at such tyme and place as shall be found expedient; with power to them, or any nyne of them, to concurr with his Majestie, anent the setting downe and concludung of the solid grounds and fundaments of the constant platt, and qwhat securitie shall be made to the tacksmen for the remanent of their teinds; qwhilks grounds being sett downe be them, they shall make every Presbytrie within this realme privie to the same; and in caice the saids Presbyteries, be their Commissioners or be themselves, after visitatione of the saids grounds and conclusiones, ratifie and approve the same, with power to the saids Commissioners, or any nyne of them, to conveine thereafter with his Majestie and the said Lords of his Privie Councill, having the power of the Parliament to that effect, and there to put ane finall end and conclusion to the constant platt, and solide planting of every particular Kirke within this realme; with power, also, to the saids Commissioners, or any nyne of them, to awayt upon the Parliament, if any shall be before the nixt Assemblie, and give in the grieves of the samyn, desyrand them to be redrest, and to give their advyce to his Majestie for avoyding or eschewing any danger or inconvenient qwhilk may be lyklike to fall out in prejudice of the Kirke; and lykewise.

in caice his Majestie find him grievit, or crave redresse of any enormitie done to his Hienes be any of the ministrie, with power to them, or any nyne of them, to sit and cognosce upon the same, qwherein for better informatione of the cryme or fact qwhilk shall happen to be committit, they shall crave the advyce of the most discret of the Presbytrie qwhere the persone offender dwells, as they shall think expedient, and thereafter proceed in taking tryall of the fact be themselves, and conclude therein as shall be most expedient to the glory of God, and the peace and quyetness of his Kirke within this realme: And, finallie, with expresse power and command to the saids Commissioners, to propone to his Majestie at their conventiones, the petitiones and grieves, alswell of this Assemblie in generall, as of every member thereof in particular, as shall be meint unto them, *promitten de rata*, &c.

Anent the forsaid Commission grantit for redress of such things as shall happen his Majestie to be offendit with in the persone of any of the ministrie: his Majestie declairit in presence of the haill Assemblie, that albeit the haill power of cognoscing upon such matters be devolvit in the persones of the Commissioners qwho should concurr with his Heines to that effect, nevertheless, his Majestie's mynde is, no wayes to trouble the Commissioners with any such matters, unless first it be notoriously knawne, that the presbytrie, quhere the offender maks residence, both has gotten knowledge of the fact, and either has altogether neglectit the tryall thereof, or else not satisfy his Majestie with the punishment imponit to the offenders be them.

Sess. 11. 13 Martii.

Forsuameikle as the Commissioners of the Generall Assemblie, at the Parliament halden in December last bypast, upon ane earnest zeall quhilk they did alwayes bear to the will of the Kirk, had given in certaine article to the Lords of Parliament, concernying the liberty of the Kirk, and in speciall had cravit that the ministrie, as representing the trew Kirk of God within this realme, and so being the third estate of the realme, might have vote in Parliament according to the loveable acts and constitutions of before made in Parliament, in favours of the freedome and libertie of the Holy Kirk, qwhilks their travells and indeavours, proceeding alwayes upon ane godly intentione, they submittit to the censures of this present Assemblie, desyring the brethren to allow or disallow the same, as they

should think most expedient, for the glory of God and establishing of the trew religione within this realme: Qwherupon the brethren being ryply advysit, allowit the honest and godly intentione of the Commissioners in craving vote in Parliament for the ministrey, as conforme and agrieing with sundrie uther Acts of the Assemblies proceeding, in the qwhilks it hes been found expedient that the Kirk sould sute vote in Parliament.

Forsuameikle as his Majestie is willing to utter his good intention that he hes alwayes borne to the establishing of the trew Kirk of God within this realme, declareit, that for the better performance thereof, his Hienes had assistit the Commissioners of the last Assemblie in craving vote in Parliament in name of the Kirk, qwhilk their sute, albeit in some part, and as it were, in a certain manner, granted be the Lords of Parliament, yet the acceptatione therof, the forme and haill circumstances of the persones were reservit to this Generall Assemblie, to be acceptit or refusit as the Kirk should think expedient: And seeing his Majestie had anticipat the appoynted tyme of the Assemblie, and desyrit the brethren to conveyne at this present tyme, especially for the causes forsaid; therefore his Majestie desyrit that the brether wold enter in a particular consideratione of the haill poynts of the said act in every particular poynt thereof, and first to reason in publick audience of the haill Assemblie, qwhither it was lawfnl and expedient, that the ministrie, as representing undoubtedly the Kirk within this realme, should have vote in Parliament or not?

The said question being at lenth reasoned and debaitit *in utramque partem*, in presence of the haill brethren, and thereafter votit, The Generall Assemblie votes, finds, and concludes, that it is necessar and expedient for the well of the Kirk, that the Ministry, as third Estate of this realme, in name of the Kirk, have vote in Parliament.

Sess. 12. Martii 14.

Concerning the number of the ministry that should have vote in Parliament in name of the Kirk, it was lykewise concludit and thought expedient, that also many of them sould be chosen for the vote in Parliament as was wont of old, in the tyme of the Papisticall Kirk, to be Bischops, Abbots, and Priors, that had the lyke libertie, viz. to the number of fyftie and ane, or thereby.

Item, After reasoning, it was votit and concludit that the elec-

tion of such of the ministrie as should have vote in Parliament aucht to be of ane mixt qualitie, and appertayne partly to his Majestie, and partly to the Kirk; and because, throw shortness of tyme, the brethren could not be perfectly resolvit in the remanent heads and circumstances concernyng the office of him that should have vote in Parliament, viz. *de modo eligendi*, of his rent, of the continuance of his office, qwhither he should be chosen *ad pœnam* or not, of his name, of the cautiones for the preservation of him from corruptione, and such uther circumstances; Therefore, the Assemblie ordaynes every Presbytrie to be ryple and throwghly advysit with the particular heads above written, and thereafter to convocat their Synodall Assemblies through the haill countrey upon ane day, qwhilk shall be the first Tuesday of Junii nixt to come, and there, after new reasoning and advyement with the particular heads above written, that every Synodall choose out three of the wysest of their number, qwho shall be ready upon his Majestie's advertisement, qwhilk shall be upon ane moneth's warning at the leist, to conveyn with his Majestie, together with Doctors of the Universities, viz. Mrs Andrew Melvill, John Johnstone, Robert Rollock, Patrick Chaip, Robert Harvie, Robert Wilkie, and James Martine, such day and place as his Majestie shall think expedient; with power to them to treat and reasone and conferre upon the saids heads and uthers appertayning therto, and in caice of agreement and uniformitie of opinions, to vote and conclude the haill questione concernyng vote in Parliament; utherwayes, in caice of discrepance and variance, to referr the conclusion thereof to the nixt Generall Assemblie.

For better observing of the Presbyteries, It is statute and ordaynit, that every Presbytrie shall assemble themselves ance orderly, ilk week in their full number, at the leist so many of them as hes their residence within aucht myles to the place of the ordinarie conventione of the Presbytrie: That every member of the Presbytrie study the text qwherupon the exercise is to be made: That ane common head of religion be intreatit every moneth in ilk Presbytrie, both by way of discourse and disputatione: That every pastor have ane weekly exercise of instructione and examinatione of ane pairt of his congregacione in the Catechisme; Qwhilk haill heads are ordained to be observed under the paine of incurring the censures of the Kirk.

Sess. ultima. 14 Martii, Post Meridiem.

The brethren having read and considerit the paines and travells taken be Mr Patrick Scharp, Principall of the Colledge of Glasgow, and his Lessones upon the Catechisme and grounds of religione, allowes of the same, and thinks them very necessar and profitable; and therefore ordayne them to be printed.

Anent the protestation given in be Mr John Davidstone, for himself and in name of certaine uther brethren as he alleadgit, protesting that this Assemblie was not ane frie Assemblie, qwhilk his protestatione he desyrit to be insert in the Books of the Assemblie:

It being inquyrit if any man wald adhere to the said protestatione, there was nane found that wald adhere to the samen, nor was of the said Mr John's opinion thereanent; and therefore the brethren dischargit the Clerk to insert the same in the Books of the Assemblie.

Because the questione anent summar excommunicatione, for lake of tyme, cannot be commodiously intreatit at this present, therefore the brethren continows the same to nixt Assemblie: in the meintyme suspends all summar executione.

Because there hes no order [been] sett downe hitherto anent the number of Commissioners to be direct from every Presbytrie to the Generall Assemblie, Therefore it is statute and ordaynit that in all tyme coming, three of the wysest and gravest of the brethren shall be direct from every Presbytrie at the maist, as Commissioners to every Assemblie, and that nane presume to come butt commission, except they have ane speciall complaint, and that the Clark of the Assemblie take heed to receive no mair in commission but three alanarlie, as said is; and lykewayes that ane be direct from every Presbytrie in name of Barrones, and ane out of every Burgh except Edinburgh, qwhilk shall have power to direct two Commissioners to the Generall Assemblie.

Anent the supplicatione given in be the Towne of Dundie, craving ane uther minister to be appoyntit unto them in place of William Chrystisone, who through age is not able to discharge his calling: The brethren thought their desyre reasonable; and having appoyntit on the lects Mr John Hall, minister at Leith, and Mr Robert Howie, Principall of the New Colledge of Aberdeen, be pluralitie of votes, Mr Robert Howie was chosen to be minister of Dundie, and ordainit to be transportit with all possible diligence.

Because it was reportit that the ministrey of Orknay had dilapidat their benefices be selling of tacks of the rent of the same, to the great hurt and prejudice of the kirks, Therefore it is statute and ordaynit, that nane of the ministrie of Orknay or Zetland sett any tacks of any part of the fruits of their benefices, nor yet give their consent to the tacks that shall be sett be wthers, in ony tyme coming, under the paine of deprivatione.

Because it was reportit be certaine of the brethrene that notwithstanding of the acts of the Assemblies proceeding against sailors, and traffiquers with Spaine, the said traffique was not indmittit, Therefore the Assembly ordaines the acts made anent the said traffiquers to be put in farther executione in all poynts, butt any respect of persons.

The Assemblie hes ordained the Presbytries of Dundee and Arbroth to summond before them the Countess of Huntlie, Sutherland, and Caithness, to subscrivve the Confessione of Faith, under the paine of excommunicatione, qwhilks summons shall be execute be Mrs William Paipe, qwho shall summond the Ladie Caithness—Alexander Douglass, the Ladie Huntly—and George Munro, the Ladie Sutherland.

The brethren ordaynes the next Generall Assemblie to be halden at Aberdeen, the first Twesday of July 1599.

[SIXTY-FOURTH GENERAL ASSEMBLY.]

THE Generall Assemblie of the Kirk of Scotland, halden at Montrose, the 18th of March 1600, where the King's Majestie being personally present, were conveynt the Commissioners of Schyres.

Sessio 1^{ma}. March 18, 1600, ante merid.

Exhortatione being made be Mr Peter Blackburne, Moderator of the last Assemblie, Mrs Robert Bruce, Patrick Galloway, Robert Wilkie, Peter Scharpe, James Melvill, and Patrick Simpstone, were appoyntit on the leets: Be pluralitie of votes Mr Robert Wilkie was electit Moderator *hac vice*.

Sessio 2^a. March 18, post merid.

The Commissioners appoyntit in the last Generall Assemblie for visitatione of the kirks within every presbytrie, as are particularly divided in the said commission, being requyrit what diligence they had done in discharge of the said Commission; It was answerit for the maist part of them, that they were not able to discharge any part of the said Commission, in respect they wantit moyen for to make their expences dureing the tyme of the visitatione, and therefore the Assembly thocht good that it should be meint to his Majestie that through inlake of expences the wark of visitatione was lyke to cease, and to crave some remeid thereto.

Forswameikle as it was regraitit that the act made in the last Assemblie, anent the ordinaire keeping of Presbyteries, and the resorting thereto, was not regarded be sundrie of the ministrie, and speciallie be them of the presbyteries of Irvine and Aire, Therefore the Generall Assemblie ordaynes the said act to be put in executione, in all poynts, throughout all presbyteries within this realme; and whosoever contemns and violats the same, after twyse admonition, that he shall be suspendit from his ministrie—ordayning the visitors that shall be appoyntit frae this Assemblie to report to the nixt Assemblie what diligence they find done, touching the keeping of the same.

Sess. 3^a. Martii 19.

Anent the supplicatione given in be the Synodall of Galloway, making mention that qwher they had ane act for erecting and bigging of ane kirk at the burgh of Stranrawer, within the Presbytrie of Wigtoone, and annexatione thereto of the 20 pound land of the parochine of Inche, lyand toward the coast of Ireland, pertayning to the Lairds of Garthland, Stranrawer, Kinlult and Sorby, with the 29 mark land of the parochine of Salsett, the five mark land of Auchteraire, and five merk land of Stranrawer, as being most commodious for the inhabitants of the saids lands to resorte to the said kirk for hearing of the word; unto the qwhilk erection and annexation foresaids, the heretors and kyndlie tenants of the foresaids lands hes already given their consent, desyrand, therefore, that the Generall Assemblie will ratifie and approve the same, as at mair lenth is containit in the said supplicatione: The Generall Assem-

blie ratifies and approves the erecting and annexatione foresaid, made be the Synodall of Galloway in all poynts.

Because the generall questione was proponit to the haill Assemblie, qwhere congregaciones are so spacious, that a great pairt thereof may not commodiously resort to their awne parochie kirk, be reasone of the great distance of habitation therefrae,—If it be lawfull to ane number of the said congregacione to big ane new kirk, and intertaine ane pastor at the same tyme upon their awn expenses? The Generall Assemblie, after long reasonyng, thinks it both lawfull and expedient, and declares they will assist the same as ane godly work, and will crave the samen to be ratified in Parliament, how so oft it shall occurre.

Because it was reportit that a great number of gentlemen and wthers of this realme willfully and obstinatly abstaines from the holy communion, some under cullour of deedly feud, and some for wthers light causes: Therefore, for remeid of the said abuse, it is statute and ordaynit, that all presbytries within this realme give expresse charge and command to every particular minister within their bounds, charging them to take up the names of all them within their parochine, qwho hes not comaunicat ilk year ance at the leist, and thereafter summond them to compeir before the presbytrie, to hear and sie themselves decernit to communicat within three moneths next after the charge; certifying them and they failzie, the act of convention made against non-communicants shall be put to executione against them; qwhilk being done, and the saids persones, non-communicants, remaining obstinat, and the saids three moneths expyrit, that the presbytries delait the names of the non-communicants to the King's Majestie, to the intent the forsaid act of conventione made against non-communicants may be put to executione against them; and in the parochines qwhere there is no minister, that this order be supplied be the presbytry within the qwhilk the said parochie lyes.

Forsuameikle as it was lamentit in the King's Majestie's presence, that qwhereas syndrie of the ministry were occupied in their laudable calling in pursuing of malefactors, such as adulterers, murthers, and wthers sclanderous persons, urging them to purge the sclanders committit be them, conforme to the statuts of the Kirk, dayly observit within this realme, that at such tymes they were drawn from their callings and charge, to compeir before the Secret Council, be letters privilie obtenit upon false narratives be the saids

sclanderous persons, qwherby not only were they distractit from their lawfull functiones, but also the discipline of the Kirk and punischment of the vyce, greatly neglectit and continuit; therefore the brethren of the Assemblie requests his Majestie not to suffer such contempt of the discipline of the Kirk qwher be the brydle wald be lowsit to all impietie and licentious living: To the qwhilk his Majestie promisit that, in tyme coming, no letters sould be direct from the Secret Councill, at the instance of any persone againes any minister in particular, or any presbytrie in generall, for qwhatsoever thing he or they shall doe, in the executione of his or their offices, before the persone requyrer of the saids letters produce aue testimoniall under the forme of instrument *de denegata justitia* of the minister or presbytrie judge ordinar.

Sessio 4^a. Martii 19, Post Meridiem.

The brethren appoyntit to awayte upon the King's Majestie for advysing upon such Articles as should be cravit of the next Conventione for taking order with Jesuits, Papists, Seminarie Priests, hes, with the King's Majestie's awne advyce, formed the Articles underwritten, to be given in to the next Conventione:

1. That all Jesuites, Seminarie Priests, excommunicat and trafiquing Papists, that shall happen in any tyme coming to returne within the countrey, or that are presently within the countrey, shall, immediately after their dilatione to his Majestie, be apprehendit and put in ward, there to be detinit ay and qwhill they be convertit to the religion, or else punischit according to the acts of parliament, or else removit off the countrie.

2. That the resetters of obstinat excommunicat Papists and their chief friends and acquaintance quhois house they haunt, be chargit to find cautione, under a pecuniall pain according to their abilitie and rank, that they shall no wayes resett nor intertaine the saids excommunicats.

3. That all excommunicat Papists be chargit to satisfy the Kirk within the space of thrie moneths, under the payne of hornying, and if they failzie, to be denuncit therto, that their escheits and lyferents, in caice of year and dayes rebellion, may be intromittit with be his Majestie's Thesaurer, and not disponit to any donators.

4. That the Marquess of Huntlic be chargit to exhibit and present before his Majestie and Secret Councill, John Gordoune of Newtoun, Patrick Butter, and Mr Alex^r. Leslie, according to his

band, that they may be committit to ward ay and whill they satisfy the Kirk.

Bonytowne, younger, alleadgit resident within the Presbytries of Ellone, Aberdeene, and Brechine, is ordaint be the Generall Assemblie to be conveint before the Presbytrie of Brechine, and there to offer his satisfaction as to his Judges ordinar.

Tarves and Methlek, kirks of the Synodall of Aberdeen, upon the 11th of November 1597, with mutuall consent of the parochiners and heritors of the lands to be interchangit and annexit with consent of the said Synodall, excambit certain lands, and annexit them in respect of the far distance from their awne parochie kirks, and contiguitie of the kirks qwherunto they are annexit, but prejudice alwayes of their rents of the personage and viccarage of the saids lands to be payed to the old persones and viccars, as before the said excambione. The Generall Assemblie, at the desyre of the said Synodall, ratifies and approves the said excambione and alteratione in all poynts, and ordains the same to take full effect.

Forsuameikle as diverse and great inconveinents aryses dayly be the untymous marriage of young and tender persones before they come to age meit for marriage, and that there is no law nor statute of the Kirk made as yet defyning the age of persones to be married; Therefore it is statute and ordaynit, that no minister within this realme presume to joyne in matrimonie any persones in tyme coming except the man be of fourteen yeares and the woman of twelve yeares at the leist; ordaying lykewayes the Commissioners of the Generall Assemblie to desyre this statute to be ratified in the Conventione.

Anent the questione qwhether if a man being blind may discharge all the parts of the office of a pastor, and in speciall anent the admission of Mr John Boyll to the ministry of Jedburgh, being blind: the Assemblie refers the answer of the generall questione to the nixt Generall Assemblie. And as to the admission of the said Mr John, refers the tryall thereof to the Commissioners of the Generall Assemblie; and in the meintyme discharges the said Mr John of using any part the office of a pastor, except the preaching of the word.

Because the marriage of persones convict of adulterie is a great alurement to married persones to committ the said cryme, thinking thereby to be separat from their awne lawfull wyfes, to enjoy the persones with qwham they have committed adulterie: ffor eschewing qwhereof, the Generall Assemblie thinks it expedient that ane

supplicatione be giuen in to the nixt Conuentione, cravand ane act to be made, discharginge all maririages of sic persones as are convict of adulterie, and that the samen be ratified in the next Parliament, ordayingn the brethren appoyntit to awayte upon the Conuentione to give in this article with the rest.

Sess. 6. 20 Martii.

Forsnameikle as, in the last Assemblie, there was a Commission given to every Synodall within this realme, to elect and choose out three of the wysest of their number, to be ready, upon his Majestie's advyement, to convein with his Hienes, and to treat upon such heads concernyng vote in Parliament as were not condescendit upon in the last Assemblie, and, in caice of agreement, to conclude the hail matter, utherwayes to referre the samine to this present Assemblie, as at mair lenth is contained in the said Commission, conform to the qwhilk, the saids Commissioners being conveint at Falkland, the 25th of July 1598, they being rypelie advysit with the heads following, gave their advyce and conclusiones as after follows :—

1. Concerning the manner of chooseing of him that shall have vote in Parliament in name of the Kirk : It is condescendit upon, that he shall first be recommendit be the Kirk to his Majestie, and that the Kirk shall nominat sax for enery place that shall have need to be filled, of qwham his Majestie shall choose ane, of qwham he best lykies ; and his Majestie promises, oblisses, and binds himselfe to chuse no wther but ane of that number : And, in caice his Majestie refuses the hail, upon ane just reasone of insufficiencie, and of greater sufficiencie of uthers that are not recommendit, the Kirk shall make ane new recommendatione of men according to the first number, of the qwhilk, ane be his Majestie shall be chosen without any farther refusall or new nominatione, and he that shall be chosen be his Majestie shall be admittit be the Synods.

2. It is concludit, that the Generall Assemblie shall have the nominatione or recommendatione of him that in name of the Kirk shall vote in Parliament, qwko shall take the advyce of the Synods and Presbyteries thereanent direct from them in wreit ; and the Synod shall have liberty to nominat alsewell within their province as outwith, provyding that, if there be a man within their province meit for the place, *cæteris paribus*, he be preferrit to ane wther.

3. Anent the rent : It is advysit, with ane consent, that the Kirk being plantit sufficiently, the Colledges and Schooles already erectit not prejudgit, that the King's Majestie shall provyde him to all the rest that may be obtainit of that benefice qwherto he is preferrit.

As to the Cautiones to keep him that shall have vote in Parliament from corruption, they be these following :—

1. That he presume not, at any tyme, to propone at Parliament, Counsell, or Convention, in name of the Kirk, any thing without ane express warrand and direction of the Kirk, and such things as he shall answer for, to be for the weell of the Kirk, under the paine of depositione from his office : neither shall he consent or keep silence in any of the saids Conventioneſ, to any thing that may be prejudiciall to the will and libertie of the Kirk, under the same paine.

2. He shall be bound, at every Generall Assemblie, to give ane account anent the discharge of his Commission sen the Assemblie gangand before, and shall submitt him to their censure, and stand at their determinatiōne qwhatsumevir, without appellatiōne, and shall seek and obtaine ratificatiōne of his doings at the said Assemblie, under the paine of infamie and excommunicatione.

3. He shall content himself with that part of the benefice qwhilk shall be given in be his Majestie for his living, not hurting nor prejudgeing the rest of the ministers of the kirk within his benefice, plantit or to be plantit, or any uther minister of the countrey qwhatsoever, and this clause to be insert in his provisiōne.

4. He shall not dilapidat in any wayes his benefice, neither make sett nor dispositione, without the speciall advyce and consent of his Majestie and Generall Assemblie ; and for the greater warrand heirof, he shall interdyte himself not to dilapidate his benefice, nor consent to the dilapidatiōne thereof made be uthers to the Generall Assemblie, and shall be content that inhibitiōnes be raisit on him to that effect.

5. He shall binde faithfully to attend upon his awne particular congregatiōne qwhereat he shall be minister, in all the poynts of a pastor, and hereanent shall be subject to the tryall and censure of his awne Presbytrie and Provinciall Assemblie, as any other minister that bears not Commissione.

6. In the administratiōne of the discipline, collatiōne of benefices, visitation, and all uther poynts of ecclesiasticall government, he

shall neither usurpe nor acclaime to himself any power or jurisdictione farther nor any uther of the rest of his brethren, except he be employit be his breither, under the paine of deprivatione; and in caice he usurpe any parte of ecclesiastical government, and the Presbytrie, Synodall, or Generall Assemblie, oppose and make any impediment thereto, qwhatsoever he doe after that impediment to be null, *ipso facto*, but any declarator.

7. In Presbyteries, Provinciaill and Generall Assemblies, he shall behave himself in all things subject to their censuring, as any of the brethren of the Presbytrie.

8. At his admision to his office of Commissionarie, thir, and all wther poynts necessar, he shall swear and subsryve to fulfill, under the penalties forsaid, and wtherwayes not to be admitted.

9. And in caice he be deposed be the Generall Assemblie, Synod, or Presbytrie, from his office of the ministrie, he shall also tyne his vote in Parliament, *ipso facto*, and his benefice shall vaicke.

And farther cautiones to be made as the Kirk pleases and finds occasione.

Anent his name that for the Kirk shall have vote in Parliament: It is advysit, be uniforme consent of the hail brethren, that he shall be callit the Commissioner of such a place; and in caice the Parliament, be his Majestie's moyen, may be inducit to acknowledge that name, it shall stand so; if not, the Generall Assemblie shall conclude this questione anent his name.

The questione being demandit, qwhither the Commission of him that for the Kirk shall vote in Parliament sould indure for his lyfe tyme, except some cryme or offence intervenc, or for a schorter tyme, at the pleasure of the Kirk? The Commissioners of the Provinciaill Assemblies, being of diverse opinions, thocht good to referr this questione to the next Generall Assemblie; qwhilks hail conclusiones being read in presence of the hail Assemblie, and they being rypelie advysit therewith, ratified, allowed, and approved the samen, and thought expedient that the said cautiones, together with such wthers as shall be concludit upon be the Assemblie, be insert in the body of the act of Parliament that is to be made for confirmatione of vote in Parliament to the Kirk, as most necessar and substantiall pairts of the same.

Anent the supplicatione given in be James Lermonth, younger of Darsie, David Kynnythmonth of that Ilk, John Traill of Blebow, for themselves, and in name of their teunents and wthers, parochiners

of the parochie of St Androis, makand mentione, That albeit they are parochiners of the said parochie kirk, lykeas they and their pre-dicessors hes beene continually subject to the discipline of the said kirk, and hes been ever ready to underly qwhatsoever burden was imposit for furtheranée of the said kirk, and concurre with the rest of the parochiners according to their rent and portione of the said parochie ; nevertheless the minister and sessione of the said kirk refuses to suffer them and their saids tennents to enjoy the benefites of the kirk with the remanent of the said parochie, but debarres them from the hearing of the word, receaving of the sacraments, and benefite of marriage, within the said kirk, butt any reasonable cause ; desyrand, therefore, ane command to the minister and session of the said kirk of St Androis to admitt the forsaid persons and their vassals to the hearing of the word and enjoying of the haille forsaid benefites of the kirk, as at mair lenth is contained in the said supplicatione.

The Generall Assemblie having considerit the haille premisses, commands and ordaynes the ministry and session of the said kirk of St Androis to admitt the saids complainers, and their vassals and tennents, parochiners of the said kirk, to the hearing of the word, mariage, and receaving of the sacraments of the kirk, within the said kirk of St Androis, as their proper parochie kirk in all tyme coming, ay and qwhill their awn consent be obtainit in the contrare.

Sess. 7. Martii 21.

Anent the supplicatione given in be the parochiners of Twllie-bodie, making mentione, That albeit the said parochine be ane auld parochine, separate from all wthers, having within itself the number of four or fyve hundreth communicants or therby, and payes their teyndis to the Abbot of Cambuskenneth, who rigorously exacts the same ; neverthelesse the Presbytrie of Striviling hes be their ordinance commandit the said kirk to be united to the chappell of Alloway maist wrangously, seeing the saids complainers, be ane anterior command of the said Presbytrie, not only re-edified their said kirke of Twllibodie, but also upon their awne charges furnisheit ane pastor to the said kirk, lykeas yet they are willing to doe, notwithstanding that their teinds are most wrangouslie led away be the said Abbot, as said is ; desyreing, therefore, their supplication to be considerit, and the said union dissolved, as at mair lenth is containit in the said supplicatione.

The brethrene of the Presbytrie of Striviling being callit to give a reason of this their union of the said kirk, answerit that the cause moving them was, *First*, That both the said paroches lay very commodiously to the said kirk of Alloway ; *Secondly*, That the number of both the saids parochines wald make but ane sufficient congregation ; *Thirdly*, That there could not be ane stipend obtainit to the said kirk of Twllibodie, in so far that at the desyre of the saids complainers, there being ane pastor appoyntit to the said kirk, upon promise that they wald furnische him ane sufficient stipend, ware forcit, for povertie, to leave them ; qwhereas be the contrare, be the union of the said two kirks, the Earle of Mar furnishes ane sufficient stipend to ane minister, resident at the same.

The Generall Assemblie having considered the premisses, ratifies and approves the union of the said two kirks, and ordayns Alloway to be the parochie kirk hereafter.

Anent the supplicatione given in be the Presbytry of Deir, makand mention, that qwhair the Laird of Phillorthe having erect ane Colledge upon the town of Fraserburgh, and agreed with Mr Charles Ferme to be both Pastor of the said burgh, and Principall of his Colledge, qwhilk burden the said Mr Charles refuses to accept upon him, without he be commandit be the Generall Assembly ; desyrand, therefore, ane command to be given to the said Mr Charles to accept both the said charges, as at mair lenth is containit in the said supplication : The Generall Assemblie having considered the necessity of the said warke, and how tne said Laird of Phillorthe hes refusit to sustaine ane pastor at the said kirk, unless he undertake both the saids charges, Therefore commands and charges the said Mr Charles Ferme to undertake and awayte upon, alsweill the said kirk, as to be Principall of the Colledge of Fraserburgh.

Sessio 8. Martii 22. Post Meridiem.

Forsuameikle as the Commissioners of the Synodalls conveynt at Falkland, the 25th of July 1598, being of divers opinionones concerning the continuance of this commission that shall have vote in Parliament, qwether he sould endure for his lyfetyne, except some cryme of offence interveine, or for a schorter tyme, at the pleasure of the Kirk, they thoct good to referre the same to this present Assemblie ? Therefore, having reasonit at lenth the said questione, after voiting of the samen, ffinds and declares that he shall *annuatim* give compt

of his commission obtained at the Assemblie, and lay down the same at their feet, to be continowit or alterit therfrae be his Majestie and the Assemblie, as the Assemblie, with consent of his Majestie, sall think most expedient for the weill of the Kirk.

It is statute and ordaynit, that nane of them that shall have vote in Parliament shall come as Commissioners to any Generall Assemblie, nor have vote in the same in any tyme coming, except he be authorized with a commission from his own presbytry to that effect.

It is found be the Assemblie that *crimen ambitus* shall be a sufficient cause of deprivatione of him that shall have vote in Parliament.

It is statute and ordaynit, that every minister intimat this Generall Assemblie that the vote in Parliament is concludit be the Assemblie, and that nane utter speech in pulpit contrare the same.

Forsuameikle as it hes been found necessare of before, and profitable for the will of the Kirk, that certaine Commissioners be appoyntit frae Assemblie to Assemblie, qwhois speciall care and travell sould be to give their advyce to his Majestie in all affairs concernyng the weell of the Kirk, and intertainment of peace and concord betwixt his Majestie and the Kirk; Therefore, the Generall Assemblie, continowing in the same course, hes given and grantit, lykeas be the tenor heirof they give and grants, their full power and commission to Mrs James Strachane, James Nicolsons, Andrew Milne, Alex^r. Forbes, Alexander Dowglass, Robert Howie, James Melvill, Jon Dalgleish, Robert Wilkie, Harie Livingstone, Alexander Lindsay, George Gladstones, Robert Pont, David Lyndsay, Robert Bruce, John Hall, John Clappertoune, John Knox, Andrew Lamb, James Law, John Spottiswood, Gavin Hamilton, David Barelay, Andrew Knox, with the King's Majestie's ministers, or any nyne of them—givand, grantand, and committand to them their full power to plant such kirks in Burrow Townes as are destitute of pastors, and in speciall, the kirk of Leith, in place of Mr John Hall, last removit therfrae, and the South-wast Kirk of Edinburgh, vaikand be deceis of umqwhill Mr Robert Rollock;—to present the grieves of this present Generall Assemblie to the next Conventione, and receave the answers of the samen; and lykewise, in caice his Majestie finde himself greivit at any inormitie committit be any of the ministry, to try and cognosce upon the same, and take such order thereanent as shall be meitest to the glory of God and weell of

his Kirk, to advyse with his Majestie anent the effectuating of the constant platt,—*promitten de rata*.

Thir are the Commissioners appoyntit to awayte on the Conventione: Mrs David Lyndsay, Robert Bruce, James Nicolsone, Andrew Lambe, William Couper, Alexander Lyndsay, John Spottswood, with the King's Majestie's Ministers.

Because it was understand be the Assemblie that Mr Androw Lamb, minister at Aberbrothick, licklie to be transportit to some other flock, qwher his gifts might profite the Kirk in greater abundance, therefore the Generall Assemblie gives licence to the said Mr Androw to be transportit from the said kirk of Aberbrothock.

The said day, the Generall Assemblie receivit and admittit Mr Thomas Hope to be Solicitor for the Kirk in place of James Mowat, —qwho being personally present, dimittit the same in the Assemblie's hands,—after the said Mr Thomas had given his oath of fidelitie in the said office.

Anent the proces of appellatione persueit be James Lord Lyndsay of Byres, and remanent gentlemen and parochiners of the parochie of Syres, against the Presbytries of Couper and St Androis, concernyng the admisionne of Mr Robert Buchanane, Provost of Kirkheuch, to the ministrie at the kirk of Syres, and transportatione of him from the kirk of Forgane in Fyfe; the brethren that were appoyntit to visite the said proces, having made their report to the hail Assembly, the rights, reasons, and allegations of all the saids Presbytries being heard and considerit, The Generall Assemblie decerns and ordaynes the said Mr Robert to remaine minister at the kirk of Syres, and suchlyke gives their power and commission to Mrs James Melvill, Robert Wilkie, James Nicolsone, Alexander Lyndsay, and William Scott, givand them power to elect and chuse out a discreet man, with consent of the saids parochiners of Syres, to be adjoynit to the said Mr Robert as minister and fellow-helper with him at the said kirk of Syres; with power also to them to modifie how meikle of his stipend shall be payit be the said Mr Robert, and how meikle be the saids parochiners of Syres. And in speciall, the Assemblie recommends to them their brother, Mr William Simpstone, minister at Bruntisland.

Forsnameikle as there is diverse partes of the countrey that for lake of visitatione are become almost desolate, Therefore the Generall Assemblie hes thocht good that certaine visitors be direct for visiting of the bounds of Kirkeudbright and Wigtonne: Mrs David

Barclay, Alex^r. Scrymgeour, and Nathaneill English; off the bounds of Morray, Mrs George Hay and Androw Crombie; off the bounds of Orkney and Cathness, Mrs Robert Pont, John Monro, elder, and John Monro, younger; off the bounds of Ross, Mrs Alex^r. Dowglass, John Carmichaill, and William Scott; and for Nithsdale, Mrs Robert Wallace and John Welsche: with power to them to inquire in the lyfe, doctrine, and qualificatione of the ministry within the saids bounds, to try the sayers and hearers of mass within the samen: with power also to plant and transplant ministers unto such places as they shall think most expedient for the glory of God and weel of the Kirk, and to report to the nixt Generall Assemblie.

Because the Island of Errane lyes most commodious and adjacent to the Presbytrie of Irwing, therefore the Assemblie annexis the same to the said Presbytrie.

Anent the supplicatione given in be the Presbytrie of Meigle, makand mention, That seeing the Presbytrie had united the kirks of Essie and Niva to be and remain a congregacione under the charge of ane pastor, at ane kirk to be biggit in the mids of the saids two paroches presently; In respect of the fewness of the number [in] both the saids paroches, not extending to the number of fyve hundreth persones, partly in respect of the commoditie of the place, seeing the farthest part of both the saids paroches will not be distant halfe ane myle from the place qwhere the kirk sould be biggit, and partly in respect of the impossibility of the moyen to sustaine two sundry ministers at the saids kirks; Desyreing, therefore, ane ratificatione of the unione in this Assemblie, together with ane command to the brethren direct to the Estates convent at Perth, to crave the samyn to be ratifyit in the said Conventione— as at mair lenth is conteint in the said supplicatione:

The Generall Assemblie ratifyes and approves the unione for-said, and suchlyke ordayne the brethren appoyntit to gang to the Conventione at Perth to crave the said union to be ratified in the said Convention.

Anent the appellacione persewit be the Presbytrie of Dumfermling frae the decret pronuncit be the Synodall of Fyfe, halden at Couper the 6 of March 1598, ffinding that the said Presbytrie had done wrang in planting of the kirk of Dalgatie with the hurt and prejudice of the kirk of Aberdour, being the greatest and most populous congregacione, and the hail stipend beand but ane meine provisione, and therefore decernand the hail stipend to remaine with

the kirk of Aberdour: The said Presbytrie of Dumfermling compeirand be Mr John Fairfull, minister at Dumfermling, their Commissioner, and the Commissioners of the Synodall of Fyfe being lyke wayes present, with the Commissioners of the Towne of Aberdour, the rights and reasones of both the saids parties heard and considerit, The Generall Assemblie decerns and ordaines Mr William Patone, minister of Dalgatie, to serve the cure of both the saids kirks of Aberdour and Dalgatie, and to have assignit to him for his service thereat the hail old stipends of Aberdour and Dalgatie before the divisione thereof for the cropt 1599, and yearly in tyme coming, ay and qwhill sufficient provisione may be gotten for planting of both the saids kirks.

The Generall Assemblie grants libertie to Mr William Simsone, at Bruntiland, to transporte himselfe from the said kirk, in respect he hes servit thir many years bygane thereat, but stipend; and the Queen's Majestie and her Chalmerlands, qwho was in use of payment of before of the ministers at the said kirk, refusit to make payment to the said complainer of the same, and therefore recommends him to the Synodall of Fyfe, to have consideratione of him in planting of their kirks.

The next Generall Assemblie is appoyntit to be halden at St Androis the last Twesday of July 1601.

[SIXTY-FIFTH GENERAL ASSEMBLY.]

THE Generall Assemblie of the Kirk of Scotland, holden at Bruntiland, the 12th of May* 1601 year, In the qwhilk the King's Majestie with his Commissioners of the Nobilitie and Burrows were present.

Sess. 1^{ma}. May 12.

Exhortatione being made be Mr Robert Wilkie, Moderator of the last Assemblie, the brethren proceeded to the election of ane new Moderator, and Mrs Patrick Galloway, Patrick Scharp, Patrick Simsone, John Hall, and James Rowsone, being put in leets; be plurality of votes Mr John Hall was chosen Moderator *hac vice*.

* This Assembly ante-dated by the King.—Calderwood, p. 446. Letter from James Melvill and Howison.—*Ibid*.

Sess. 2. Maii 14.

The qwhilk day the brethren having interet in consideration of the generall defectione from the puritie, practise, and zeall of trew religion in all estates of the countrie, and how the samen must, of necessitie, at the last, be concludit either in Papistrie or atheisme within schort space in the righteous judgement of God, except some substantious remedie be provydit thereto in tyme, and because the evill cannot be well curit unless the originall springs and speciall causes thereof be rypet up, Therefore the brethren, after mature deliberatione and weighing of the causes of the said defection, hes found the principall causes thereof to be as follows:—

Causes of the Defection from the Puritie, Zeall, and Practise
of trew Religion in all Estates of the Countrie, and how the
same may be most effectuellie remeadit, &c.

The principall causes of this fearfull change, no doubt, is the just wrath of God kindled against the haill land for the unreverent estimatione of the Gospell, and for the sinnes of all estates, and dishonouring of thair professione, and making the name of God to be blasphemit be the profaue world without remorse—laicke of care and diligence upon the part of the ministry in the discovery of them that maks apostacie to papistrie, and negligence in executione of the lawes and discipline against such as happens to be discoverit.

Want of pastors and unplanted kirks, and displanting of kirks, qwhilk hes been provydit be the diminutione of the thirds.

Neglecting of places that are of chiefest importance to the interest of Religion in not planting sufficient pastores thereat, such as are hir Majestie's hous, the Prince's hous, the Earles of Huntlie, Erroll, and Angus' houses and places of their chiefest residence, the Lord Heome's house, the Lord Heress' house, and chief places of their residence, the Town of Dumfreis, and uthers of the nobilitie and greatest power within the countrie.

The overhastie admisionne of men to the ministrie before they be knowne to be of sufficient gifts and experience to discharge fruitfully that high calling in thir difficult tymes.

The negligence of the ministry in the advancing of their knowlege be ever continuall and constant reading of the Scriptures and

contraversies of the tyme, qwherthrow they might be able to bring the consciences of their auditors in subjectione to the obedience of the Gospell, and convince of the adversarie.

Negligence in the lyves of the ministry—not framing their conversatione in gravitie as paterns of lyfe to the people, but framing them excessively to the humours of men, especially in communications at tables, and giving sumtyme examples of intemperance in the light and prodigall abulziements of their families.

The distraction of minds qwhilk is supposed to be in the ministry—the distraction qwhilk is supposed to be of his Majestie's mynde from some of the ministry.

The advancng of men suspect in religione, and knowne to be evill affectit to the good cause, unto offices, honour, and credite in court, counsell, and sessione, and wther rowmes of great importance within the countrey.

The desolatione of the Kirk of Edinburgh, through the want of pastors.

The continuall residence and intertainment of the Ladie Huntly, ane knowne and profest Papist, of Margaret Wood, sister to the Laird of Bonytowne, and wthers knowne and profest Papists, in his Majestie's court and company.

The educatione of their Majesties' children in the company of profest and obstinate Papists, sic as the Ladie Livingstone.

The negligent education of the children of noblemen, and sending of them out of the country under the charge of pedagogues suspect in religione, or, at the leist, not weill grundit and confirmit therein, to be brought up and instructed in places qwher Papistrie is profest.

The impunitie of skippers, mariners, and owners of ships, that under the name of passengers, transports from uther places, and brings Papists, with their coffers, Seminarie Priests, Jesuites, and uthers trafficquers within the countrey, and the impunitie of such as carreyes and sparpells their books through the countrie.

The decaye of schooles and educatione of the youth in the knowledge of good letters and godliness, especially to landwart, for lake of sufficient provision to intertaine a qualified schoolmaster in places needfull.

That men suspect in religione, and challengit therefor before their Presbytrie and pastors, hes access to court dureing the tyme of their proces.

That the late reconcilit Papists are not urgit to performe the conditiones agreed to be them at their reconciliation to the Kirk.

Remedies of the former Evills.

The Generall Assemblie, having enterit in the consideratione of the causes of the said great and fearfull defectione of all estates of persones of this land from the trew and sincere professione of the gossell, presently sounding within the same; and having found the principall causes of this fearfull change to be, no doubt, the just wrath of God kindlit against the haill land, for the unreverend estimatione of the gossell, and for the sinnes of all estates, and dishonouring of their professione, and making the name of God to be blasphemit be the profane world without remorse: qwhilks horrible judgments hes fallen in every estate, for the contemptuous hearing of the word of God, in so far as there is nane that hes worthilie esteemit the said precious word according to the dignitie thereof; therefore, and for removing of the former evills and caus of farther judgements, if they be not preventit be speedie repentance, the Assemblie hes concludit and ordainit ane generall humiliatione to be keepit solemnly throughout the haill land, with fasting and prayer, two severall Sabbath days in all congregationes, both in burgh and land, within this realme; and lykewise in burrow townes, the haill week betwixt the said two Sondays, and the cause of the said humiliatione to be only the sinnes of the land, be the qwhilks the profession of the gossell hes been dishonourit, and the wrath of God provockit; qwhilk generall humiliatione is ordaynit to be upon the last two Sabbaths of June nixt to come.

The unplantit kirks wald be effectuellie recommendit to his Majestie's care, qwhais autoritie only is able to accomplishe that wark; and for the better furtherance thereof, that his Majestie wald cause take heed that the thirds be keepit unvitiat. Nothing more necessar nor to have his Majestie's hous, the Prince's hous, the Earles' houses, and places of their residence, and wthers places of chiefest importance, as the town of Dumfries, to be well plantit with learnit, godly, and wyse persones; and qwhere the laike of provisione might be ane hinder to the present planting, as at the Earles' houses, it were requisite for a tyme that the meetest for that purpose, not being in places where the cause may be so far interest be the want of a resident pastor, sould be transportit fra their awn places, to remaine for ane quarter or halfe ane year, that ane substantious

meine may be found out for ane constant provisiōne and planting of these rowmes, be qwhais labors, in the meantyme, the Earles and their families might be confirmit in the truth, and the enemies debarrit from their companies, and thereafter to return to their awne charges; the Presbytries, in the meaneqwhile, taking order for helping of their kirks in tyme of their absence; and to that effect, ordaynes Mr George Gladstanes to be direct to awayte upon the Earle of Huntlie; Messrs Alex^r. Lindsay and William Cowper upon the Earle of Erroll; Messrs James Law and John Spotswood upon the Earle of Angus; Mr John Carmichaell upon the Lord Hooome; Messrs David Lyndsay and John Hall upon the Lord Heres.

That ane petition be given in to his Majestie and Secret Council, desyring that these qwham his Majestie knawes, or shall know hereafter, to deale in favours of profest traffiqueing Papists farther nor the lawes of the countrey shall permitt, shall be comptit and holden as men suspect in religione, and shall not have the honour to be in his Majestie's house, counsell, or sessione.

That it be cravit lykewise of his Majestie and Secret Council, that all Papists, men and women, challengit be the kirk for their religione, and not satisfyand the kirk for the same, be dischargit from resort to court, qwhill they have satisfyit and bring from the Presbytrie of their bounds ane sufficient testimoniall of their obedience.

Item, For disobedience of the adversaries of trew religione lurking within this countrey, it is ordaynit that every Presbytrie, immediately after the dissolving of this present Assembly, take up the names of the new communicants within their bounds, and send them to his Majestie's ministers with all expeditione, subscrivit be the moderator and clark of the Presbytrie, and minister of the paroche, and that from this tyme furth, at every Provinciall Assemblie, the names of the non-communicants be tane up, and sent up to his Majestie's ministers.

Item, That it be inquyrit anent the late reconcilit Lords to the kirk, be the Presbytries qwher they make residence, qwhether they have keepit and performit the articles subscrivit be them at the receiving, and that they be urgit severally to perform every ane of the saids articles, and if they refuse, that the Presbytries certifie the King's Majestie's ministers thereof.

Item, For escheweing of farther evill qwhilk might come to the estate of religione be the evill educatione of the youth furth of the country, it wald be cravit of his Majestie and Secret Council,

qwhen such noblemen and wthers as directs ane pedagogue with their sonnes furth of the country, that their pedagogue be knowne godly and of good religione, learnt and instructit in the same, and approvit in his religione be the testimoniall of his Presbytrie; that their remaining out of the country be in places qwher religione is presently professit, or, at the least, qwher there is no restraint of the same be the cruelty of inquisitione; that dureing the tyme of their absence they shall not haunt any idolatrous exercise of religione; and such as hes not the moyen to sustaine ane pedagogue with their sonnes furth of the country, that they send them to such pairts qwher there is no restraint of religione; and in caice their sonnes, after their depairting out of the countrey, haunt these parts qwher the profession of the trew religione is restraint, that they find caution not to intertaine them: And in caice any that passes furth of the countrey imbrace any religione except that qwhilk is presently profest within this realm, that they shall not be able to brooke moyen, heritage, honours, nor offices, within this realme; and this to be ane exception against the service of their brieves, and at the tyme of admisionne of them to any office or honours, and in caice any of their parents contraveine any of the premisses, that they incurre such paine as his Majestie and Secret Councill shall modifie, and that such as are already out of the country, either be callit back againe before ane day to be appoyntit be his Majestie and Secret Councill, or else that their parents be subject to the lyke conditioes as is before sett downe.

Item, It wald be cravit of his Majestie and Secret Councill. that all skippers, mariners, and owners of ships, be inhibite that they bring in any Jesuites, Seminary Priests, declarit fugitive traytors and rebels within the countrie, but such as they know to be of good religione, or hes sufficient testimoniall of their honesty in religion, from the places qwher they have been conversant, under the paine of escheating their hail goods, and under the same payns, that they deliver them in the hands of the magistrate of the tounne or port qwher they shall happen to arryve at, there to be keepit, ay and qwhill they be examinat, and his Majestie's warrant obtainit for their liberty after they have been tryit and fand honest in religione, and shall keep them, their goods, books, and geir in schipboard, ay and qwhill they receive ane warrand, or the ordinarie magistrate for relieving of the same; and to that effect, they sett nane upon

land but in common parts, qwher there is ane magistrate to receive the passengers from their hands.

Item, That his Majestie be dealt earnestly with anent the removing of his dochter out of the Lady Livingstone's company, in respect of her obstinate continuing in the professione of Papistry, for the qwhilk cause, his Majestie being requestit be the hail Assemblie, promised that his Heines' daughter sould be transportit betwixt and Martimes next to come to his awne house.

And because of the nane planting of kirks is ane great part of the wyte of defection from the puritie of religione, and that the best way for the planting of the saids kirks is the furtherance of the constant platt for locall stipends to be appoyntit to every kirk within this realme, therefore the Assemblie hes ordaynit the brethren following, viz., Messrs David Lyndsay, James Nicolsons, Robert Pont, Patrick Galloway, George Gladstones, John Nicolsons, or any three of them, to convene upon the first day of Junii with my Lords Chancellour, President, Secretar, Collector, Comptroller, Sir Patrick Morray, Mr George Young, to intreat and advyse upon such overtures as be their common consent shall be found most meet and expedient for advancing of the warke of the constant platt, and to lay doune such grounds as they shall finde most profitable for prosecuting of the same, and to reporte their diligence to the nixt Assemblie.

Sessio 3. May 14.

The King's Majestie having declareit his intention and desyre to have a minister for his Heines' house, in respect of the deceas of Mr John Craige, and John Duncanson's old age, and ane wther of the Queen's Majestie's house, and ane to the Prince house, the Assemblie nominat for his Majestie's and the Queen's house Messrs Henry Blyth, John Fairfull, Peter Hewat, and Androw Lamb; for the Prince house, James Nicolsons, James Law, and John Spotswood.

The Assembly ratifies the acts made in the Assemblies of before, anent the discharging of applicationes particular to be made in exercises, and of forbidding of young men not admittit to the ministry to preache in the chief places of the country, and ordaynes the same to be put in executione, under the paine of incurring the censures of the kirk.

Sess. 4. May 15.

The Assemblie adjoyns the Presbytrie of Kirkcudbright to the ministry of Nithsdale, ay and qwhill there be such a number of kirks plantit within the saids bounds as may constitute ane lawfull presbytrie among themselves.

The Assemblie ordaynes the Commissioners to recommend unto his Majestie the provisione of competent livings to the saids kirks, and nominats Messrs John M'Birney, George Greive, and William Arthure, to be plantit thereat.

Anent the questione referrit be the Presbytrie of Couper to this present Assemblie, concernyng the cause persewit be the said Presbytrie against Elizabeth Pitcairne, for satisfaction for the adultery committit be hir and proven against hir, conforme to the decretit of the foresaid Presbytrie; qwha being urgit to satisfy the Kirk therefore, producit ane decretit of adherence obtained against hir husband before the Commissaries of Edinburgh, ordaining her husband to adhere to her, and be consequence exonerin her of adulterie: The Assemblie ordaynes the Presbytrie to put their awne decretit to dew executione, notwithstanding the decretit of adherence.

Anent the citatione wsit be the Presbytrie of Couper against the auld Laird of Kynneir, to have answerit for the abuseing of Mr Robert Inshaw, minister at Kylmanie, in the solemnizing of the marriage of his daughter, and in antedateing of ane testimoniall sent to Mr Henrie Balfour, minister at Cullessie: The Assemblie, in respect of the Laird of Kynneir's absence, referrit the tryall of the said matter to the Presbytrie of Couper.

Sess. ultima. Maii 16, 1601.

It being meinit be sundrie of the brethren that there was sundrie errors that meritit to be correctit in the vulgar translation of the Bible, of the Psalmes in meter, as also that there was sundrie prayers in the Psalme Book qwhilk wald be alterit, in respect they are not convenient for the meantyme; in the qwhilk heids the Assemblie hes concludit as follows: First, anent the translatione of the Bible, that every ane of the brethren wha hes best knowledge in the languages imploy their travells in syndrie pairts of the vulgar translatione of the Bible that needs to be mendit, and to conferr the same together at the nixt Assemblie.

It is not thought good that the prayers already conteinit in the

Psalme Book be alterit, but if any brother wald have any uther prayers eikit qwhilks are meet for the tyme, ordaynes the same first to be tryit and allowit be the Assemblie.

The Generall Assemblie, for causes and considerationes moving them, hes ordaynt Mrs James Balfour, Walter Balcanquall, and William Watson, to be transportit out of their awne places of the ministrie in Edinburgh, and plantit in such places as the Commissioners deput be this present Assemblie thinks expedient; and lyke wayes ordayns the saids Commissioners to plant such uthers of the ministry in their places in the Kirk of Edinburgh as shall be found expedient to God's glory within the same.

The Commissioners for the Towne of Edinburgh, viz. John Johnstone and George Heriot, protestit in the name of the said Towne, that seeing the Generall Assemblie had ordaynit their ministers abovenamit to be transportit furth of Edinburgh, the said Towne sould be free of their burden fra this tyme of their present transportation, and that the said transportation should not be prejudiciall to them in any tyme thereafter, but that they might be reponit in their awne places when it sould please his Majestie and the Kirk to lyke well thereof; qwhilk protestatione his Majestie and the Assemblie willingly agreet unto, qwherupon the said Commissioners askit instruments.

The Assemblie hes ordainit, that in every Assemblie to be conveint in all tyme coming, such as shall happen to be appoyntit Commissioners for the Generall Assemblie to indure qwhill the Generall Assemblie next thereafter, shall give ane accompt of their proceedings dureing the hail tyme of their commission in the beginning of the Assemblie before any wther cause or matter be handlit, and their proceedings to be allowit and disallowit as the Assemblie shall think expedient.

The Generall Assemblie having ryply weyit the necessity of appoynting Commissioners for this Generall Assemblie, not only to advyse and awayte upon such affaires as shall be for the weill and wtilitie of the Kirk of God, but also in giving advyce to his Majestie anent the holding furth the enemies of the same qwhen they shall be requyrit be his Heines thereto; Therefore, the brethren conveint in this Assemblie hes given and grantit, lykeas, be the tenor heirof, gives and grants thair power and commission to thir brethren,—Mrs Alex^r. Dowglass, John Strachane, Peter Blackburne, George Monro, James Nicolson, Androw Leitch, Alexander Forbes,

Patrick Symson, Wm. Cowper, Alexander Lyndsay, George Gladstones, Wm. Scott, John Caldeleuch, Robert Wilkie, David Lyndsay, Robert Pont, John Spottiswood, John Hall, James Low, John Knox, John Abernethie, John Hay, Gavine Hamiltone, Alexander Scrymgeour, David Barclay, with the King's Majestie's Ministers, or any nyne of them; givand, grantand, and committand unto them their full power, to plant such kirks in Burrow Tounes as are destitute of pastors in generall, and specially to plant the Kirk of Edinburgh, vaikand be transportatione of the ministers thereof; with full power also to plant Mrs James Balfour, Walter Balcanquall, and William Watson, ministers transportit out of Edinburgh, with his Majestie's advyce, in such convenient places as they sould finde expedient for the glory of God; with power also to transport any of the ministry within the realme from their awne places qwher they presently serve, and to plant them in the saids vaikand places of the Kirk of Edinburgh, in the planting qwherof they shall take the advyce of the Presbytry of Edinburgh, according to the acts and statutes of the Generall Assemblie made of before. Attour, if it shall happen the King's Majestie to be grievit at any of the ministry for qwhatsomever enormitie committit be any of them against his Majestie, with power to them, or any nyne of them, as said is, to try and cognosce thereupon, and take such order thereanent as they shall think maist meit to the glory of God and weill of the Kirk; and, finallie, with power to them to present the grieves and petitions of this present Assemblie to his Majestie and Secret Councill and generall Conventione of the Estates and Parliaments, if any shall happen to be, and to crave redresse of the samen—*promitten de rata.*

The Assemblie ordaynes Mrs James Nicolson, James Robertson, Alex^r. Lyndsay, and William Cowper, to take tryall anent the union of the parochie of Forgandyne to the kirk of Arnegose, and if they finde the same to have been done of old, and to be commodious for the people, to ratifie the same.

Forsuameikle as in the Assemblies halden of before, it hes been very wysely considerit that there hes been nothing more profitable for advancing of the glory of God by the preaching of the gossell, then appoynting of Commissioners for every schyre within this realme, qwhois care and diligence should be pairtly to try the lyfe, doctrine, and manner of conversatione of the ministry within the bounds committit to their visitatione, and pairtly to plant the kirks

qwhilks as yet ly destitute of the comfort of the word, be dealing with such as hes the Kirk livings in their hands for ane reasonable moyen to sustain a minister at every kirk within this realme; qwhilk loueable custome this present Assemble being mindfull to prosecute, therefore hes given and grantit, lykeas, be these presents, gives and grants their full power and commissione to thir brethren: Mrs Robert Pont and Robert Durie for Orknay and Zeland; Mr George Gladstanes for Cathness and Sutherland; to Mrs Alex^r. Dowglass and Alex^r. Rawson for Rosse; to Mrs George Hay and Androw Crombie for Morray; Mr George Gladstanes for Aberdeene; for Angus and Merns, Mrs Robert Wilkie and James Melvill; for Perth and Stratherne, Mrs Thomas Dowglass and John Fairfoull; for Fyfe, Mrs James Nicolson and Robert Howie; for Lothiane, Mrs Patrick Simson and Harie Livingstone; for Merss and Teviotdale, James Gibson and Mr Adam Colt; for Clydsdale, Mrs David Lyndsay and John Spotswood; for Irvine and Aire, Mrs Gavine Hamilton and Androw Knox; for Annandaill, Mrs John Knox and Patrick Schaw; for Nithsdale and Galloway, Mrs David Barclay, Alex^r. Scrymgeour, and Nathaniell English: with power to them to try the brethren within the bounds particularly above designit, in their lyfe, doctrine, qualificatione, and conversation, and how they have behaved themselves touching the rents of their benefices—qwhether they have sett tacks of the samen, but consent of the Generall Assemblie or not, and so dilapidate the same—to depose such as deserves depositione—to plant ministers in such places that hes not been plantit heretofore; and to that effect to deall with the tacksmen of every parochie kirk for provision of ane minister to their kirks, and to report to the next Generall Assemblie ane answer of the tacksmen in writ, containing the planting of the kirks qwherof they possess the teinds, and to reporte their diligence to the nixt Assemblie—*promitten de rata*.

The nixt Assemblie appoyntit to be halden at St Androis the last Twesday of July 1602.

[SIXTY-SIXTH GENERAL ASSEMBLY.]

THE Generall Assemblie of the Commissioners from the Presbytries of the Kirk of Scotland, halden at Halyrudehouse the 10 of Decr. 1602,* in the qwhilk the King's Majestie being personally present, were conveynt the Commissioners following, viz. Commissioners, with his Majestie, the Secretar, Thesaurer, Collector, Comptroller, Sir Patrick Morray: for the Ministry,

Orknay.

Mr Robert Pont.

Cathnes.

Mr George Gladstones.

Ross Murray.

Mr Alexander Rawsone.

Aberdecne.

Mrs Peter Blackburne.

Archbald Blackburne.

David Raite.

Richard Rosse.

John Strauchan.

Mrs John Rosse.

James Milne.

Abraham Sybbald.

Alexander Hay.

Mearns.

Mrs John Erskine.

Alexander Forbes.

Mr James Sybbald.

Brechine.

Mrs Andrew Leitch.

John Marshall.

Mr Josua Durie.

* Calderwood and Mr Crawford have it November. This Assembly postponed by proclamation.—Calderwood, p. 459.

Aberbrothoke.

Mrs Patrick Lyndsay. Arthur Foothie.	Mr Henry Philipe.
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Dundie.

Mr Robert Howie.	Mr Andrew Clayhills.
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Meigle.

Mrs James Andersone. John Barclay.	Mr David Browne.
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Peirth.

Mrs James Rosse. Archd. Moncrieff. Wm. Row. Adam Balantyne.	Mrs Alex. Hoome. John Edmonstoune. William Glasse. Silvester Ratray.
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St Androis.

Mrs James Melvill. John Carmichaell.	Mr Robert Durie.
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Universitie thereof.

Mr James Martine.

Cowper.

Mrs Thomas Dowglass. Robt. Buchanan.	Mr Wm. Cranstoune.
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Kirkaldie.

Mrs Wm. Scott. John Michelsone.	Mr David Spence.
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Dumfermling.

Mrs John Fairfoull. John Cawden.	Mr Edmond Mylls.
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Edinburgh.

Mrs James Balfour. Walter Balcanquall.	Mr Wm. Aire.
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Linlithgow.

Mrs Thomas Peebles.	Mr George English.
Robt. Cornwall.	

Dalkeith.

Mrs George Ramsay.	Mr Adam Scot.
Archd. Simsone.	

Haddington and Dumbar.

Mr Edward Hepburne.	Mr Richard Ogill.
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Peebles.

John Keer.

Merss.

Mrs John Clappertoune.	Mrs Wm. Clark.
Tobias Ramsay.	John Knox.
Wm. Methwen.	James Dais.
Alex ^r . Gates.	John Smith.
John Abernethie.	

Glasgow.

Mr Andrew Boyde.	Mr Wm. Livingstone.
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Universitie thereof.

Mr Pat. Scharp.

Paisley.

Mr John Hay.

Dunbartone.

Mr Wm. Symsonne.

Hamiltonne.

Mr John Howisonne.	Mr Pat. Walkinschaw.
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Lanarick.

Mr Wm. Birnie.	Mr Robt. Ballantyne.
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Aire.

Mrs George Dumbar. Mr John Welsche.
Nathaniel English.

Irwing.

Mr Hew Fullertoune.

Dumfries.

Mrs Robt. Hunter. Mr Richard Broune.
John Browne.

Kirkcudbright.

Mr Wm. Hamiltone.

Wigtowne.

Mr Robert Wallace. Mr Matthew Reid.

Edinburgh.

Mr John Robertstone. Mr George Heriot.

Dundie.

Mr Wm. Fergusone.

St Androis.

Mr Wm. Russell.

Leith.

Mr Jerome Lyndsay. Mr David Orrock.

Bruntiland.

Patrick Greiff.

Commissioners for the Generall Assemblies.

Mrs Alex. Dowglass.	Mrs Robt. Wilkie.
George Monro.	David Lyndsay.
James Nicolsone.	John Hall.
Pat. Simsone.	James Law.
Wm. Cowper.	Gavin Hamilton.
Alex. Lyndsay.	George Scrymgeour.
John Spotswood.	David Barclay.
John Caldeleuch.	

Acta Sessione prima.

Exhortatione being made be Mr John Hall, Moderator of the last Assemblie, the Assemblie, after the accustomed manner, proceedit to the election of the Moderator of this present Assemblie ; and, after nominatione of the brethren following, viz. Mrs Patrick Galloway, Patrick Scharpe, James Balfoure, and John Carmichaell, out of the qwhilk number the Moderator should be chosen,—be plurality of votes the said Mr Patrick Galloway was chosen Moderator *hac vice*.

The houres of convention to be nyne houres in the morning for the privie conference, and eleven houres for conveening of the Assemblie, and to sit qwhill 4 houres afternoon.

The Assessors appoynted to conveen with the Moderator in the privie conference for treating of such things as are to be concludit in the Assemblie, are Mrs John Hall, Robert Pont, George Gladstones, David Lyndsay, Alex^r. Rawson, Peter Blackburne, John Strauchane, David Rate, Alex^r. Forbes, James Nicolson, Robert Howie, James Melvill, Robert Wilkie, John Carmichaell, Alex^r. Lyndsay, William Glass, Patrick Scharpe, James Balfoure, Walter Balcanquall, James Law, John Spotswood, John Clappertoune, John Knox, David Barclay, W^m. Hamiltone, Nathaniell English, John Hay, Andrew Lambe.

Sess. 2^a.

The said day, being callit, Mr George Gladstones, minister at St Androis, qwha was direct be the last Assemblie to have remainit for ane quarter or ane half year with the Marques of Huntlie, to the effect, be his travells and labours, the said Noble Lord and his family might be informit in the word of truth presently profest within this realme, and the enemies thereof debarrit from his company,—to give an accompt of his diligence done in his said Commission, the said Mr George compeirand, declared that at the tyme of his journeying northward for visitatione of the Presbytries of Cathnes and Sutherland, he addressed himself to the Marques of Huntly, and remained with him the space of three dayes, dureing the qwhilk tyme he conferred with him anent the controvertit heads of religion, and desyred of his Lordship that he wold schaw him qwherin he doubted, that to the effect be his conference he might be resolvit of such heads thereof as yet he was not fully

satisfyit, qwhilk his Lordship promised to doe at his back-coming ; and lykewayes, having demandit why his Lordship's kirks were not plantit, and why he resortit not to the preaching at the ordinare tymes in paroche kirks? To the first he answerit, that the non-planting of his kirks proceeds upon the not giving licence to the parsones of the saids kirks to renew his tacks, conforme to the promise made to his Lordship be the Commissioners of the Assemblie, at the tyme his Lordship grantit to ane augmentatione of the rent of the said kirks. As to the second, he could not well resort to the paroche kirk, partly in respect of the meine rank of such as were within the paroche, and pairtly in respect his Lordship's predecessors were in use to have ane chappell in their awne house, qwhilk he was myndit to prosecute now, seeing he was presently preparing his house of Strathbogie. The said Mr George being demandit, why he made no longer residence with his Lordship, conforme to his Commission, answerit, he could not, because the Marques of Huntlie was upon his voyage southward, at his Majestie's directione, for reconciliatione of the feud betwixt him and the Earle of Murray, qwhilk feud was the cause why his Lordship could not communicat.

Being callit lykewayes, Mrs Alexander Lyndsay and William Cowper, Commissioners appoyntit be the last Assemblie to await upon the Earle of Erroll for the effect forsaide, compearand, Mr Alexander Lyndsay declareit, that he had awaytit upon the said Noble Lord dureing his remaining in the Carss of Gowrie, and that he fand him ane diligent hearer of the word ; and having requirit of him, if he doubtit of anything, his Lordship answerit, that, at the tyme of his reconciliatione, he did the samen unfainedly, and had casten all scruples away. As concerning the planting of his kirks, that he had provyded the samen of his awne benevolence, and that he wold communicat at such tyme as the samen should be administrat at any of his awn kirks, wherent his residence should be for the tyme.

Being callit, Mrs John Spotswood and James Law, Commissioners appoyntit to await upon the Earle of Angus, Mr John Spotswood excused himselfe, because he was direct be his Majestie to awaite upon the Duke of Lennox in his ambassadrie to France, in respect qwhereof, Mr James Law being appoyntit Commissioner conjunctly with the said Mr John, could doe nothing him alone ; but because it was reportit be the haill brethren of these parts

qwher the said Earle does haunt, that he did neither resort to the hearing of the word, nor participatiōne of the sacraments, but, be the contrair, intertaint profest enemies to the religione in his company, such as Mr Charles Broune; therefore, to advyse in the conference for remead thereof.

Being callit, Mr John Carmichaell, Commissioner appoyntit to awayt upon my Lord Hoome, declareit, that he execute no part of his Commission, be reason of the saids Lord's absence furth of the countrie. The lyke excuse was usit be Mrs David Lyndsay and John Hall, qwho were appoyntit for my Lord Herres, in caice he repairit to Edinburgh, declarit to remaine a schort space in the said towne.

Anent the Commissioners appoyntit be the last Assemblie to awayt upon the constant platt, my Lord Collector being present, declareit that the stay of that wark proceidit upon the default of the presbytries, qwho, for the maist part, had neither returnit ane answer of his Majestie's letters, direct be his Commissioners, of the constant platt without the qwhilk they could not proceed, and therefore the Assembly ordaynes such as had not reportit their answers, to produce them the morne.

Anent the Commissioners appoyntit for visitatiōne of presbytries, the Assemblie ordaynes them to give in their diligence in write the morne, that the samen may be tryit and considerit be the Assemblie, and because there hes been slackness, or no executione of such Commissioners in tyme bygane, be reason of carelessness of such as were appoyntit to accept the same; Therefore it is ordaynit, that in tyme comeing, such as shall be appoyntit Commissioners on them, and promise be their oathes in the face of the Assemblie to doe their faithfull and honest diligence in the executione thereof, and to report the same to the next Assemblie, in wreit, under the paines contained in the acts of the Generall Assemblie, being callit be the Commissioners of the Generall Assemblie to give accompt of their proceedings sen the last Assemblie, they were ordaynit to give in their diligence in write the morne.

The qwhilks things being considerit be the Assemblie, it was thought most expedient that certaine qualified persones be chosen out of the ministry, for planting of such parts of the countrie as are destitute of the word of God, and specially, that qualified men be chosen out to be appoyntit ministers to the particular families of the said noblemen, and lykewayes that the cautioners of these that are

suspect of religion, and were be his Majestie ordayned to pass off the countrey be straitit, conforme to their bond, and specially for Patrick Butler, Patrick Mortimer, and wthers, and themselves be lykewise charged for breaking of the said bond.

Sessio 3 .

Anent the summons raisit at the instance of the provinciall of Lothiane and Tweddall, against Dame Helenor Hay, Countess of Lithgow, makand mention, That in the proces of excommunicatione led and deducit against her, be the presbytrie of Lynlithgow, she had made appellatione from the said presbytrie unto this present Assemblie, and therefore ordayning her to be summoned to compeir before this Assemblie, the third day thereof, to prosecute her appellatione, with certificatione, and schoe failziet, the Assemblie wald allow of the proces led and deduced against her be the said presbytrie, as at mair lenth is contained in the saids summons, of the date, at Edinburgh, the 3d of Nov. 1602:—the samen being callit, the Assemblie continowes the same in the selfe same force and effect to the morne.

The brethren appoyntit for visitatione of the presbyteries in the last Assemblie qwho were ordaynit this day to produce their diligence in writ, being callit, compeirit Mrs David Lyndsay and John Spottswood, Commissioners for Clydsdaill, Mr Andrew Knox, for Aire; Mrs James Nicolsone and Robert Harvie, for Fyfe; Mr Robert Durie, for Orknay; and Mr George Gladstanes, for Cathness; and productit their diligence in writ. The rest of the Commissioners either were not present or had done no diligence: Qwhilks diligences productit, the Assemblie ordaynit to be visited be the brethren, Mrs John Hall, Walter Balcanquall, Patrick Walkingshaw, Archibald Moncreiff, and James Andersone, and thereafter to report what they have found in it to the hail Assemblie.

The said day, the Commissioners qwho were appoyntit in the last Assemblie, for planting of burrow townes, vaikand and waitand upon his Majestie, qwho were ordaynit this day to produce their diligence and proceedings in writ, to the effect they might be tryit be the brethren, and either allowit or disallowit, conforme as they deserved,—being callit, they compeirit; and in name of the rest, Mr James Nicolsone, minister at Meigle, productit their proceedings in writ, qwhilk being openly read in presence of the hail Assemblie, and the brethren being demandit be the Modera-

tor, if they had anything to say against the same, or against them in any other head therefore; after the particular votes of every ane of the Commissioners was speirit, the Assemblie allowit of the saids proceedings, and thanked God for the same.

The qwhilk day, the brethren conveint in this present Assemblie, having considerit nothing is more necessare for the advancement of God's glory, and his trew religione within the same, than that the chieff rowmes and places within the countrey, such as are noblemen's houses and families, be plantit with learnit and discreit pastors, able not only to instruct and confirme the saids noblemen, their wives, children, and families, in the trew fear of God and sincere religion presently profest within this realme, but also qwho may be their provident care and diligence, procure that the families of such noblemen be not corruptit with the company of profest Papists, Jesuites, and wthers Seminary Priests, qwho goes about daily to smore and put out the sparks of trew religione and knowledge of God kindled in the saids noblemen's hearts; and because presently such men cannot be found to undertake the charge of the said noblemen's families, as said is, Therefore, the Assemblie hes thought good, that for a tyme, brethren meitest for the purpose sould be borrowit from their awne places, to remaine for the space of ane quarter of ane year, continwally with the saids noblemen, be qwhais labours in the meantyme, qwhill ane constant and permanent provisione may be found out for planting of these roumes, the saids noblemen and their families may be confirmit in the truth, and the enemies thereof debarrit from their companies, and thereafter to returne to their awne charges: And in the meantyme, that the presbytries take order that their places be furnischt dureing their absence, and therefore they have elect and nominat the brethren following, to await upon the saids noblemen dureing the space fore-said, viz. Mrs William Scott, minister at Kennaqwhy, to remaine with the Marquess of Huntlie; for the Earle of Erroll, Mr Alexander Lyndsay; for the Earle of Angus, Mr James Law; for the Laird Hoome, Mr James Carmichaell; for the Laird Maxwell, so long as he remaynes in the Castle of Edinburgh, Mr Henry Blyth; for the Lord Heres, Mr Robert Wallace; for the Lord Semple, the Presbytery of Irvine, during his residence within the same; and in caice he remaine within the Presbytrie of Paisley, the said Presbytrie to awayte upon him: and lykewyse for the Earle of Sutherland, the Presbytrie of Edinburgh, because he makes

residence within the same: And in caice any of the noblemen make their residence any tyme in Edinburgh, or within the Presbytrie thereof, the Assemblie ordaynes the Presbytrie of Edinburgh to direct two brethren of their number, with the like power as the brethren above specifcit, to awayte upon every anc of the saids noblemen that shall be found resident within their Presbyteries; qwhilks brethren forsaid, and every anc of them, shall receive the articles in writ frae this Assemblie, wherein they shall travell with the saids noblemen; qwhilk articles the Assemblie ordaynes to be pennit be Mrs James Melvill, James Nicolsons, Patrick Galloway, William Scott, and Alex^r. Lyndsay, to be given in the morne to the Assemblie, that the brether may consider the same, the tenor qwherof follows:

Instructiones for the Brethren appoyntit be the General Assemblie to attend upon the Noblemen above specifcit.

1. First, ye shall adress yourselves with all convenient diligence and necessar furniture to enter in the companie and families, and there to remaine still with them for the space of three moneths continuall, dureing the qwhilk tyme your principall care shall be publick doctrine, by reading and interpretatione of the Scriptures ordinarily at their tables, and by conference at all meit occasions, to instruct them in the hail grounds of trew religione and godliness, speciallie in the heads controvertit, and confirme them therein.

2. Take paines to catechise the fauilies ordinarily every day, ance or twyce at the leist, or so oft as may serve to bring them to some reasonable measure of knowledge and feilling of religione, before the expyring of the tyme prescryvit for your remaining there, aud let this action begin and end with prayer.

3. Preass to have their houses purgit of all persons living inordinatly, qwhais ill example might be a sclander to their professione, specially such as are of suspect religione, and found any wayes bussie in traffiqueing against the truth and quietness of the estate of the countrey, and be carefull to hold all such persones forth of their houses and company.

4. Travell to have the kirks plantit with sufficient provision of stipends and well qualified persones, and procure that be authoritie and assistance, the discipline of the kirk may have execution within their bounds.

5. Persuade them to make honest provisione of stipends for the

intertainment of resident pastors at their houses and chiefe dwelling-places, and to make choice of learnit, grave, and wyse pastors, to be plantit thereat.

6. Wrge the performance of the articles agriet upon and subscrivit at the tyme of their reconciliatione, and registrat in the books of the Assemblie, qwherout of ye shall extract them.

7. Informe the King's Majestie from tyme to tyme how they have profited, and what company resortes to them, and qwhat dispositione their company is of.

Qwhilks articles being read in audience of the Assemblie, the brethren approvit the same, and ordaynit them to be insert, with the commission given to the ministers appoyntit to remaine with the saids Lords, in the books of the Assemblie.

The brethren appoyntit to visite the diligence of the visitors appoyntit in the last Assemblie, finds fault that in all their diligences productit, except of Caithnes and of Fyfe, the visitors hes not exactly tryit the lyfe, doctrine, and conversatione of every minister at his awne kirk and be his awne flock, but nakedly and slenderly by a generall view of the Synodall Assemblie, qwhilk the Assemblie finds fault with, and ordayns it to be mendit in tyme coming.

The qwhilk day the brethren conveint, having ryplie weyt how necessar it is that ane generall visitatione be for inquyrand in the life, doctrine, and conversatione of every ane of the ministry in particular, the qwhilk, albeit it was committit to the charge of visitors appoyntit to the last Assemblie, nevertheless they, at the leist the maist of them, hes done small or no diligence in the executione of that profitable wark committit to their charge, excusit partly be infirmitie and sickness, and partly be wther necessar effaires qwherein they were employit as they alleadgit: Therefore the Assemblie, not willing that such a necessar and profitable wark sould want their awne good execution, hes nominate, and be thir presents nominats the brethren following their very lawfull Commissioners, for visitatione of the bounds underwritten, every ane of them for their awne parts as they are particularly designit, viz., for Orkney, Mr Robert Pont; for Caithnes and Sutherland, Mr George Gladstones, Mr Alexr. Rawson; for Ross, Mr David Lyndsay; for Morray, Mr Peter Blackburne, Abraham Sybbald; for Aberdeen, Mrs W^m. Scott, Alexr. Lyndsay; for Angus and Marnes, Mrs Robert Wilkie, James Melvill; for Perth and Striviling, Mrs James Martine, James Dalgleisch; for Fyfe, Mrs James Nicolsone and

Robert Howie ; for Lothiane, Mrs Patrick Scharp, John Cowper ; for Merss and Teviotdale, Mrs John Carmichaell and James Law ; for Clydsdail, Mrs John Spottiswood, William Arthure ; for Aire and Irving, Mrs Andrew Boyd, John Hay ; for Nithsdale and Annandale, Mrs John Knox, Patrick Schaw, John Smith ; for Galloway, Mrs John Welsehe, Hew Fullertone ; for Argyle, Mrs Andrew Knox, Andrew Lambe : Givand, grantand, and committand unto them conjunctlie, and in caice of sickness of any ane of them, with power to the wther, &c., to try the brethren of the ministry within the bounds particularlie committit to every ane of their charges respective, in their lyfe, doctrine, qualificatione, and conversatione, and how they behave themselves touching the rents of their benefices, qwhether they haue sett tacks of the samen, but consent of the Generall Assemblie or not, and so incurrit the sentence of dilapidatione ; with power, also, to try the Presbytries within their visitationes, if they have keepit their ordinarie conventiones and particular visitationes of their awne kirks, and wsit and exercisit all things as pertaines to the Presbytrie ; with power, also, to them to try every particular congregacione within the bounds committed to their visitacione, and generally, to try every ane of the ministers, presbytry, and congregacione, conforme to the particular order of visitacione sett down in this Assemblie ; and in caice any fault or enormity be found be them in any of the saids visitationes committit to them, with power to censure the same according to the act of the Generall Assemblie ; and as they proceed in their said visitacione, that they report their hail proces and diligence to the next General Assemblie, *promitten de rato*.

Sess. 4^a.

The said day it being considerit be the Assemblie, that for inlaike of ane constant and uniforme order of visitacione of synods, presbytries, and particular kirks, the labours and travells taken hitherto hes been almost unprofitable, Therefore, that ane solide order may be generallie observit in visitationes in all tyme coming throughout the hail kirks within this realme, the Assemblie ordaynes the brethren following, viz., Mrs Robert Pont, Patrick Galloway, James Carmichael, William Scott, and Alex^r. Lyndsay, to advyse anent the subject of visitationes, and they forme ane order of proces that shall be wsit in the same in all tyme coming, and to produce the same in writ to the Assemblie the morne.

The qwhilk day the brethren having considerit the great travells and paines taken in [be] their brother, Mr John Howisone, in answering to Bellarmine in three sundrie volumes, and how profitable the same will be to the kirk of God, qwhilk he presentit to the Assemblie, desyring the same to be revysit be them, to the effect, if they be found worthy, they may be put forth in print, they appoyntit the said wark to be revisit by Mr Robert Howie, James Nicolsone, and James Robertstone; thereafter be Mr Andrew Melvill; and last, be Mrs Robert Pont and John Hall, and to report to the next Assemblie; qwhilks books are presently delyverit to Mr Robert Howie.

Anent the constant platt, the brether appoyntit to sitt thereupon with his Majestie's Commissioners being demandit, qwhat effect their travells had taken in the same? they producit the conclusionie of the commissioners of the said platt, resolving in three heads, out of the qwhilk ane should be chosen, as the most ready way for effectuating the said wark, qwhereof the tenor follows:

Overtures of the Commissioners of the Plat to be devysit with his Majestie.

If every minister's stipends being assigned out of the fruits of the kirk qwhere he serves be the benevolence of the tacksmen, that they shall grant to the augmentation of the said stipend? If there shall be ane perpetuall securitie made be the saids tacksmen of their teinds upone ane speciall grissome, to be condescendit upon for ilk chalder, for the space of nynteine yeares, to be renewit yearly thereafter for the said space for the lyke grissome, upon this conditione, that the said principall tacksmen shall grant and renew the lyke securitie to their sub-tacksmen, for payment of their part of the said grissome *pro rata*, qwhere any sub-tacks are? Or if the great benefices shall be provydit to ministers upon this conditione, that all the kirks of the prelacies be plantit with sufficient ministers, and be provydit with competent livings, as the modifiers of the constant platt shall think expedient, and he to pay to the King's Majestie yearly the tent-part of the fruits of the said benefice qwhilk shall rest, by and attour the sustentatione of the ministry, and that all the inferior benefices shall be provydit to ministers serving the cure of the saids kirks, also well parsonages as vicarages? Or if all the great benefices shall be dissolvit, and the prelate to have the prin-

cipall kirk of the prelatie, with the temporall lands thereof, and the rest of the kirks to be provydit with qualified ministers, and the said prelat and titulars of the saids kirks to pay ane yearly dewtie to his Majestie, as the benefice may beir at the sight of the Commissioners forsaid?

Qwhilks overtures being read in presence of the Assemblie, it was ordayned that every synod should have ane copie of them to be advysit therewith, until the morne, that they might give their advyce to his Majestie, qwhilk of [the] three were maist meet to be imbracit.

Anent the referres and petitiones of the Synod of Fyffe given in to this present Assemblie, to be advysit upon be the samen: the brethren nominats Mrs James Melvill, Robert Durie, John Carmichaell, William Scott, John Cawden, John Fairfull, James Nicolsons, Andrew Lambe, Robert Howie, Patrick Scharp, George Gladstanes, and John Spottiswood, to convene the morne at aught houres, and advyse upon answers for satisfaction of the said petitiones, and to report the samen to the Assemblie; qwhereof the tenor follows:

The Articles of the Synod of Fyffe.

1. It wald be meinit be the Generall Assemblie that they are not ordinarily keepit, notwithstanding of the acts of Parliament and Generall Assemblie, and necessitie of the tyme, but the dyats thereof alterit without the knowledge of the presbytries and synods.

2. That ministers are callit before his Hienes' Secret Council, *in prima instantia*, for doctrine and discipline, qwhilk is ane great encouragement to the enemies.

3. That all applicationes in exercise of presbytries is found fault with, under the pretence of the act of the Generall Assemblie, the qwhilk act therefore wald be sichtit and cleirly interpreted.

4. That the government of the chief matters of the Kirk continows in the hands of a few number, under the name of a Commission, to the prejudice of the liberties of the Synods and Presbytries.

5. That the Doctors beiring ordinar calling in the Kirk, be the discipline and custome thereof, are debarrit from the Assemblies.

6. That the Assemblie hes taken no tryall, hithertill, anent the cautiones sett downe for avoyding of corruption in the Commissioners' votes in Parliament.

7. That the absence of the pastors of Edinburgh, alteratione of the ministry thereof, qwhilk was the chief watch-tower of our kirks, hurts greatly the cause of religion and encourages the enemies.

8. That there is distraccion in opiniones different from that consent of hearts, qwhilk hes been in the Kirk before, in weighty causes, and over little consideratione, deliberatione, and reasonyng had, qwherby conclusions pass, almost the halfe of the brethren gainsaying.

9. That the land is defylit, and the Kirk indamnadgit, be the French Ambassador's messe.

10. Excommunicat persones for Papistrie sufferit to haunt the cuntry publickly and peaceable.

11. That the noblemen lately releicit fra excommunication for Papistrie, gives no token of the profession of the truth, but rather the contrair.

12. That apprehendit Papists' directions and letters are keepit closs, and the danger imminent thereby to the Kirk not communicat to the watchmen, whereby they may make the faithfull warning, and prevent the perill.

13. That the discipline of the Kirk against murther, incest, and adulterie, is not pursued with that holy severitie that becomes, notwithstanding of the frequent remissions obtainit be criminall persones, for eschewing of civill punischment.

14. That the remedies sett downe againes apprehendit dangers at diverse tymes, and at diverse meetings of the Kirk, are not followit furth.

Anent the act made of before, against such persones as abstaines from the holy communione, either for Papistrie or collour of deidly feuds, The Assemblie ordays that every ane of the ministry keep this order following within this Kirk, to witt, That he warne such persones be the space of _____ moneths before the communione to compeir themselves for the samen, qwhilk beand done, and they disobeyand, that every minister incontinent thereafter, send the names of the disobeyers subscribit with his hand to ane of the King's Majestie's ministers, qwha shall intimate the same to his Majestie and his Hienes' Thesaurer, to the effect that his Majestie's

Thesaurer may put the acts made against non-communicants to executione against them, and that every presbytrie command the ministers within their presbytrie to be diligent in the executione of this act.

Because it was meint be the brethren, that the supplicatione made in the last Assemblie to his Majestie anent the restraying of noble and gentlemen's sonnes, that passes furth of the countrey to such places qwher there is restraint of the trew religion, Therefore his Majestie declairit, in presence of the haille Assemblie, that he wald give ane command to the Secretar that he sould subscribe no warrant for passing of noble or gentlemen's sonnes furth of the country, except they first fand cautione conform to the tenor of the act made in the last Assemblie anent passing of gentlemen's sonnes furth of the country.

The said day, the King's Majestie having declareit that it was requisite that his Hienes had ane wther minister adjoynit unto his house, to the effect his Prince might be brought up in the trew religione, Therefore the Assemblie transports Mr James Nicolsons from the kirk of Meagle, and appoynts him to be minister at his Majestie's house, to the effect foresaid, and ordaynes him to enter in the said functione betwixt and the 15th day of February nixt to come, under the paine of deprivatione, provyding he be first sufficiently provydit be his Majestie; and lykewayes ordaynes Mr Andrew Lambe to enter to his cure in his Majestie's house, betwixt and the first of January nixt to come, under the said paine.

Anent the planting of the kirks of Edinburgh: John Robertsons and George Herriot, Commissioners for the said towne, being callit, declarit that for the present they had but three kirks, qwhilk already were plantit with sax ministers, and qwhen as their fourth kirk, qwhilk is presently bigging, is compleit, they would crave supplement of wther two ministers.

Sess. 5^a.

The brethren appoyntit for penning the forme and subject of visitatione of kirks, gave in their advyce as followes:

The visitors shall appoynt two or three dayes for the tryall of every presbytry within the bounds of their visitatione, and be the space of ane moneth, or twenty dayes, at the leist, before their edicts, they shall make the presbyteries acquaintit therewith, and send them the edict following, to be published at every parochie

kirk be some other brother then the minister of the place, that it may be dewly execute, reportit, and indorsat, to the visitors at the first dyet of their meeting.

Let the edicts be so direct be the Presbytries that ane equall number shall be tryit in every ane of the dayes appoyntit for tryall of ilk Presbytrie, and the Commissioners of congregations to be chargeit to their awne dyets accordingly.

Try the estate of every minister particularly, thereafter the estate of the congregations and countrie, and last the estate of the Presbytry in generall.

The particular Tryall of Pastors.

Try ilk Pastor seuerallie in his graces and habilitie to discharge his calling, in his furniture of books and necessare helps that may inable him in his calling, with what fidelitie and prudence he discharges himself in doctrine and discipline in his lyfe and the estate of his living. For this effect, inquire first of the commissioners of his congregacione, what testimonie he hes of his awne sessione and remanent of his flock, and in speciall if he be resident in his parochine, upon his manss and gleib;—if his awne life and the government of his family be such as breeds no offence, but edifies his flock;—if he teaches every Sabbath ance or twyse, and if he teaches any wther dyets in the week;—gif he ministers the communion yearly with dew examinations preceeding; if he hes ane established session of elders and deacons; if he keeps ane weekly convention with his session for the exercise of discipline; if he catechises weekly ane part of his parochine; if he keeps ane ordinar visitatione of some families of his congregacione weekly; if he visits the sick and distressed qwhen occasion requyres; if he be carefull to take away all eylists and variances that falls out in the congregacione: Thereafter, if neid beis, let him be tryit be opening up some place of Scripture, and be questions; let it be inquiryt of him what helpe he hes for the advancement of his studies; if he hes the text of the Scripture in the originall languages, in caice he be sene in the tongues; if he hes 'Tremellius' translatione of the Old Testament and Beza's of the New, with the vulgar Inglish translatione; if he hes the Common Places; if he hes the Ecclesiasticall historie; what Commentaries he hes upon the Scripture, and speciallie upon his ordinar text; if he hes the Acts of the Councill of
and what wther wreits of the controversies of religione, and if he

uses the conference of brethren for his reformatione in the doubts that he finds in his reading, and of qwhom; if he hes ane ordinary course of reading the Scriptures, ecclesiasticall stories, and controversies; if he maks any memorialls of his travells in wreit; what is his ordinar text; if he be provydit in title of the personage or vicarage, and if he have sett any tacks thereof, to qwhom and on qwhat conditione; in qwhois hands are the rents of his kirk, and qwhat is the best overture that he can give for provisione of a stipend thereat, in caice it be not already sufficiently provydit, and sicht the Sessione Book. The breither beand removit, let the Presbytrie be inquyrit ane by ane, and declare wpon their conscience qwhat they knaw anent his graces, fidelitie in doctrine and discipline, and anent his lyfe and conversatione: after the qwhilk tryall let him be judgit, and either allowed or admonished, or wtherwayes censured, as the cause requyres.

The Tryall of the Congregationes.

Try every minister particularly if there be any Jesuites, Papists, Seminarie Priests, traffiquers against the estate of Religione and quietness of the country, within their congregacione, or resettlers of them: if there be any witches, excommunicats, contraveeners of the discipline of the Kirk; if there be any superstitious dayes keepit be setting out of banefires or wtherwayes; if there be any superstitious places of pilgrimages, walls, and chappells; if there be any non-communicants; if there be any homicides or deadly feuds; if there be any adulterers or incestuous persones; if the Sabbath be profaned be keeping of mercats and labouring, specially in tyme of harvest: and as they finde in the premisses, to take order for reformatione of the poynts forsaid.

Tryall of the Presbyteries.

Let the Moderator be inquyrit if they keep up ordinar conventions; if they have the monethly discourse upon the common heads and disputationes; if they visite the hail kirks within their bounds sen the last generall visitatione; if they take weekly and monethly accompt of their breither's diligence in the discharging of their dewtie be teaching and visiting of their families, and such lyke; if there be any of the number that be insolent and will not acquiesce in the determinations of his brethren; if there be any eylist or

divisione among the brethren; qwhat unplantit kirks are in the bounds.

Qwhilk forme the Assemblie thinks good, and ratifies and approves the same, and ordaynes it to be universallie observed in all tyme coming in all visitationes within this realme, and ordaynes the power of the visitors to be direct conforme to the acts of the Generall Assemblie.

The said day, the brethren appointit to visite the petitiones of the Synodall of Fyffe condescendit upon the answers following :

Answers to the Petitiones of the Synod of Fyffe.

1. Finds that the Generall Assemblie should be appoyntit to be keepit according to the act of Parliament, halden at Edinburgh the 5 of June 1592 years, qwherof the tenor followeth, so far as concerns that poynt: " And sicklyke ratifies and approves the Generall Assemblies appoyntit be the said Kirk, and declares that it shall be lawfull to the Kirk and ministers every year, ance at the least, and oftener, *pro re nata*, as occasion and necessitie shall requyre, to hald and keep Generall Assemblies; provyding that the King's Majestie, or his Commissioners with them, be appoyntit be his Hienes, being present at ilk Generall Assemblie before the dissolving thereof, nominat and appoynt ane tyme and place qwhen and qwhere the next Generall Assemblie sould be; and in caice neither his Majestie nor his saids Commissioners beis present for the tyme in that towne qwhere the Generall Assemblie beis halden, that in that caice it shall be leisume to the said Generall Assemblie be themselves to nominat tyme and place qwher the next Generall Assemblie of the Kirk beis keepit and halden as they have been in use.

2. If his Majestie shall proceed against ministers according to his Majestie's awne declaration made and inactit in the Generall Assemblie halden at Dundie Session 10, the desyre of the second article is satisfiyt, and no wther thing meinit therby.

3. Thinks it expedient that the Act anent the applicatione in the exercise be interpret not to forbid the wseing of the word of God in applicatione to the generall ends thereof, qwhilk is lawfull to exercise after this manner. This head of doctrine serves for refutatione of such ane error, for the rebuke of such ane vyce, for comforting of a person or people in such a case; and as for particular

and personall applicationes, leaves it to be advysit qwhither it shall be in tyme coming or not, and how far any thinks good that this be reasonit in the Presbytries, and then commission sent with their reasons to the next Assemblie thereanent; and, in the meantyme, no invocatione to be wsit anent personall applicationes.

4. Let all commissiones be giuen and wsed from this furth, according to the four acts of the Generall Assemblie.

5. Finds that doctors hes had, and may have, vote in the Generall Assemblie, they havand ane lawfull commissione for that effect, according as it hes been found and declarit be the Generall Assemblie halden at Edinburgh 10th Maii 1586, and at 1581, qwher it is found and declareit be the act of the Generall Assemblie, that doctors should concurr with the elders as brethren in all Assemblies.

6. Let the caveats be lookt to and precisely keptit in tyme coming, under the paines contained in the acts made thereanent answerit in the Assemblie.

7. Acquiesces in the declaratione of the brethren that hes spoken to his Majestie thereanent, and desyres Mr Walter Baleanquall to sehaw the same to the Assemblie, and how the Presbytrie of Edinburgh is satisfyit in this poynt.

8. Let their names be given up, that his Majestie may take order with them according to the lawes, and in speciall with Captain Halkerstoune, Patrick Butler, Mr Alex. Leslie, Duncane Law, Thomas Browne, William Leslie, Patrick Mortimer.

9. Endit in the Assemblie.

10. To acquiesce in his Majestie's declaratione hereanent, and requests his Majestie that the Presbytries be acquainted hereafter, in such case qwher it shall be needfull.

11. Where there is negligence in this poynt, let it be amendit hereafter, according to the acts of the Assemblie.

12. Let farther diligence be wsit, qwhare negligence hes been.

Qwhilks answers the Assemblie allows of, and ordaynees them to be insert in the books of the Assemblie.

The qwhilk day the Generall Assemblie havand advysedly considerit the necessitie of appoynting Commissioners from this present Assemblie, not only to await upon such affaires as shall be for the weill and utilitie of the Kirk, but also to giue advyce to his Majestie anent the halding furth of the enemies of the same, qwhen they shall be requyrit be his Majestie thereto; Therefore the breth-

ren convent in this present Assemblie hes giuen and grantit, lyke as they, be the tenor heirof, giues and grants their full power and commission to the brethren under written, viz. Mrs Robert Pont, David Lyndsay, George Gladstanes, David Hoome, John Clapper-tonne, John Knox, John Spotswood, Alexander Lyndsay, Robert Howie, John Hall, John Caldeleuch, John Straehan, Andrew Knox, Gavin Hamilton, James Law, Andrew Boyd, Alexander Dowglass, Alexander Forbes, Andrew Leitch, Robert Wilkie, Patrick Scharp, Peter Blackburne, and Patrick Simsone, with the King's Majestie's ministers, or any nyne of them,—Givand, grantand, and commit-tand to them their full power to plant such kirks in Burrowtownes, as is or shall be destitute of pastors : Attour, if it shall happen the King's Majestie to be greivit at any of the ministers for qwhatso-ever enormitie committit be any of them against his Hienes, with power to them, or any nyne of them, as said is, to try and cognosce thereupon, and to take such order thereanent as they shall think meit, to the glory of God and weill of the Kirk ; and, fuallie, with power to them to present the grieves and petitiones of this present Assemblie to his Majestie's secret Councill and generall Con-vention of Estates and Parliament, if any shall happen to be, and to crave redresse of the samen—*promitten de rato*.

The said day, the Assemblie, considering that the conventiones of the people, especially on the Sabbath day, are very rare in many places, be distractiome of labour, not only in harvest and seed-tyme, but also euery Sabbath, be fisching both of whyte fische and salmond fisching, and in ganging of milnes of all sorts on the Sabbath day, under the payne of incurring the censures of the Kirk, and ordaynes the Commissioners of this present Assemblie, to meine the same to his Majestie, and to desyre that ane pecuniall paine might be injoynt upon the contraveiners of this present act.

Anent the overtures giuen in be the Commissioners of the constant platt, with the qwhilk the brethren were ordaynit to be advysit : after mature deliberatione and voteing, the Assemblie thinks the second overture most expedient to be acceptit, bearing the provisione of ministers to all prelacies, with the conditiones therein contenit, as is above exprest.

Anent the planting of the kirks within the bounds of Annandale, qwhilks hes been desolate continually, sen the reformatione of religione within this realme, after that the King's Majestie had made declaratiome of his godly intencion thereanent, how that his Majes-

tie was myndet to cause the barrones and gentlemen of Annandale, at their compeiring before his Hienes, qwhilk will be schortly, find sufficient cautione and seurtie for provisione of reasonable and competent livings to every ane of the kirks within the bounds of Annandale, and therefore desyrand that ane number of qualified men may be provydit for to enter in the ministry at the kirks within the saids bounds.

The Assembly ordaynes every ane of the Commissioners present to give in the names of such persones qwho are vaikand within their presbytries, and willing to enter in the ministry, to the effect they may be exhortit and earnestly dealt with be the Commissioners of the Generall Assemblie, qwho shall plant them in places they think maist meet, for to accept upon them the cure of the saids kirks, how soone sufficient provisione may be found out for them, and security for themselves; and in caice that after all the discrezione be wsit with them, they then refuse to accept the saids callings upon them, the Assemblie declares that they shall be counted incapable of the functione of the ministry, ay and qwhill they meine themselves to the saids Commissioners, qwhais calling and dirrectione they refused, and be content to be employit in any part qwher they shall think expedient; and in caice they be already actuall ministers, and crave transportatione, if they refuse to be transportit to any of the saids vaikand kirks, the Assembly finds that the liberty of transportatione sall be denyit unto them, so that they shall remaine at the saids kirks, from the qwhilks they crave to be transportit.

The names of those that are vaikand.

Brechine.

Mrs Henrie Fullartone. Mr Dougal Campbell.
Thomas Hague.

Aberbrothock.

Mr Thomas Glover.

Dundie.

Mr David Lyndsay. Mr John Scrymgeour.

St Androis.

Mrs Wm. Wedderburne.
Peter Bruce.

Mrs David Wilkie.
David Kynneir.

Perth.

Mrs Thomas Ross.
James Ross.

Mrs Alex. Balnauis.
Patrick M'Gregour.

Merss.

Mrs John Spottswood.
John Gibsone.

Mr Wm. Struther.

Irvine.

Mrs Robert Boyde.
James Montgomrie.

Mrs Mal. Hamiltoun.
Ro^t. French.

Lanrick.

Mrs George Clidesdail.
David Lyndsay.

Mr David Rodger.

Acta Sessione 6.

Anent the supplicatione given in be Alexander Stewart of Gairlies, Provost of Dumfries, in name and behalf of the councill and comontie of the said towne, makand mentione, that qwhere [be] the transportatione of Mr Hew Fullertone, sometyme minister at their said kirk, the estate of their congregacione is altogether desolate in such sort, that for inlaikie of ane pastor qwho should attend upon their flock, and to caire the weill of their soules, they are not only deprivit of the spirituall food and comfort of the word, but also their towne is become ane seat of excommunicat Papists and Jesuites; desyrand therfor this Assemblie to consider their miserable estate, and to provyde some qualified men to be their pastor; and in speciall, ane of the leits given in be them, viz. Mrs David Barclay, Wm. Arthure, Alex. Scrymgeour, Wm. Watsons, or Hew Fullertone; promising that not only they wald be reverent hearers of the word, but also that they wald assist and concur with him that shall be nominat to be their pastor, in the executione of discipline of the Kirk to the uttermost of their power; as at maire lenth is containit

in their said supplicatione : The Assemblie, after voteing, hes chosen Mr Wm. Arthure to be minister at Dumfreis, quham they ordaine and appoynt to be minister at the said kirk, after incalling upon the name of God.

The said day it was thoct good be the brethren, to be meinit, that notwithstanding his Majestie's good meaning and intention to have all the kirks within this realme sufficiently plantit with ministers with competent livings appoyntit for them, and albeit it was provydit be the act of Februar, and approvit in Parliament, that all the thirds of the benefices sould be applyit to the use of the ministry ay and qwhill the kirks were plantit, and that pensiones given in prejudice thereof should be null, yet be importune suing, ane great part of the saids thrids are dispoit in pensione, to the great hinderance not only of the present provisiōe of the ministry, but also of the constant platt qwhilk his Majestie intends ; desyraud therefore that his Majestie were informit thereof, and tak such order that the saids dispositiones made in contrair the said act of Februar should be retreatit, and that command sould be given to the modifiers of the platt of this instant year, to assigne out of the saids pensiones for planting of kirks, notwithstanding of the saids dispositiones : The qwhilk his Majestie maist willingly grantit, and promised to stay all further giftes in all tyme coming.

Item, The Assemblie thoct expedient to adjoyne and nominat wthers out of the number of the brethren to be adjoynt to these, qwhilks were nominat be the Commissioners of Provinces conveint at Halyrudehouse, the 15th of October 1560, out of the qwhilk number his Majestie should make choyce of such as he should present to the benefices vaikand. The names of them all are as follows : Mrs Robert Pont, Robert Howie, James Nicolsons, Alex^r. Serymgeour, John Forbes, Gavin Hamilton, George Munro, James Robertsons, John Howiesone, James Melvill, Andrew Knox, Patrick Galloway, Alex^r. Douglass, Alex^r. Lyndsay, Robert Wilkie, John Spotswood, William Malcolm, Alex^r. Forbes, John Knox, Andrew Lambe, John Clappertone, George Grahame, Robert Bruce, John Carmichael, Patrick Lyndsay.

Anent the request made be the moderator, in name of the hail Assemblie, to his Majestie, in favours of Mr Robert Bruce : his Majestie declarit that he wold doe in that matter be the advyce of the Commissioners of the Generall Assemblie, and Mr Rob^t. be his

awne behaviour should give him occasione; and because Mr Rot. Bruce had be his missive direct to his Majestie before his departure off the countrie, as also by the ratificatione and farther examinatione and explanatione thereof, in write, at Perth, the 26th of July 1602, declareit his resolutione of his Majestie's innocencie, and guiltiness of the Earl of Gowrie and his brother, and promised to direct the people so farr as in him lay, from their lewd opinions and uncharitable constructiones anent his Majestie's actiones, namely, in this turne; Therefore, his Majestie desyrit the determinatione of the Assemblie, qwlither, if the said Mr Robert sould likewise make the same declaratione in pulpit, according as it is at lenth sett downe in the said missive and explanation thereof, at Perth, qwherof the tenor follows:

Please your Majestie: Hearing that your Majestie was nothing relentit of your wrath against me, and now being upon the poynt to schaw my obedience to your Majestie's last charge, I could not omitt this as my last dewtie, to intreat your Hienes' clemencie, and to mitigat the extremetic of this intendit wrath. I am not ignorant that the wrath of the Prince is the messenger of death; so that I crave that the Lord for Christ's sake may add his blessing and work effectully in your Grace, as he shall see expedient for his own glory and your Majestie's perpetuall preservatione. Then to be schort: To schaw my conformitie with the rest of my brether of the ministry, as at all tymes, so now especially, to schaw my reverence to your Majestie, and to clear my suspectit affections herein, I offer to give to the Father of our Lord Jesus Christ, in him, and through him, most hearty thanks for all your Majestie's deliveries, from your cradle to this present houre. But namely, for that deliverie qwhilk he delyverit to your Majestie, in St Johnstoune, on Tuesday the 5th of August, farr above all your Majestie's deserts, and your Majestie's expectation. I offer also to steir vp the people to that same dewtie, and attour to divert the people so farr as in me lyes, from their lewd opinionos, and uncharitable constructiones of your Majestie's actions,—namely in this turne. *Finallie*, there is no dewtie that your Majestie can crave of men, without the manifest offence of God, and hurt of my own conscience, but I will doe it with alse good ane heart as ever I did thing in the earth: That if by any meanes I might testify my good affectione toward your Majestie my Sovereigne, and to enjoy my naturall air, and such wther comforts as the Lord hes given me under your Majes-

tie's reign, qwhilk I most humbly crave of your Majestic—beseek—and the Lord to move your heart hereunto for Christ's sake: So waiting of your Heines' answer in all humility, I take my leave.—*Sic subscribitur.*

MR ROBT. BRUCE.

And upon the back thereof, “ At Perth, the 26th of June 1600. Farther, concerning the heids within containit, I am resolvit of his Majestic's innocencie, and the guiltiness of the Earle of Gowrie and his brother, according as it is declarit be the act of Parliament, and therefore acknowledges the great mercy of God towards his Majestic's hail Kirk and countrie; in his Majestic's delyverance, for the qwhilk I thank God from my heart.—*Sic subscribitur.*

MR RO^T. BRUCE.”

The qwhilk, the hail Assemblie, after voteing, thought not onlie reasonable, but also concludes that the said Mr Robert aucht to doe the same.

Anent the supplicatione given in be Mr Robert Pont, minister at St Cutlibert's Kirk, desyrand, in respect of his great age, and long travells taken in the Kirk of God, and continwall seikness qwhilk followeth age, that he might be relieved from the ordinare burden of teaching, upon condition that he shall substitute ane in his place when as through infirmitie he sould not be able to teach himself: The Assemblie thinks his sute reasonable, and therefore condescendit unto the same.

Item, Because his Majestic declarit that he was informit that sundry of the ministrie neglectit that part of their duty towards his Majestic in not giving thanks to God for the wonderfull delivery of his Majestic from the treasonable attempt at St Johnstone of sometyne John Earle of Gowrie, and his brother, upon every fifth day of August: Therefore the Assemblie statutes and ordaines that in all burrow townes within this realme there be ordinar teaching and preaching every Tuesday, in remembrance of the delyverie of his Majestic that day of the week, and that every fyfth day of August there be preaching within every parochie kirk within this realme, to burgh and land, thankand God of his Majestic's delyverance that day of the moneth; and because the people in landwart parochines cannot so easilie be conveint as in the burrow townes, therefore, and for better convening, it is ordainit that every minister

at the landwart kirk shall, upon the Sunday preceding the 5 of August, make intimatione to his parochiners to convene the said day in the kirk with him, to give God thanks for his Majestie's deliverance. And to the effect that all ryotousness, drunkenness, and wther filthie exercises, may be restraint, his Majestie promised to cause all insolencie in behaviour to be dischargit and forbidden yearly, be open proclamatiōne, and magistrats to take order with the contraveiners thereof.

Item, The Assemblie ordaynes that no marriages be celebrate early in the morning or with candlelight, and finds lykewayes that it is leisum to celebrate the said band of marriage upon the Sabbath day, or any wther preaching day, as the pairties shall requyre and think expedient: and ordaynes the same to be indifferently done, and that no ryotousness be used at the same upon the Sabbath day.

Item, It is statute that the sacrament of baptisme be not refusit to any infants if the parents crave the same, he givand ane Christian confession of his faith, upon any wther particular pretence, and specially, that baptisme be not delayit to certaine particular dayes.

Anent the supplicatiōne given in be Mr Edward Bruce, Abbot of Kynloss, makand mention, that qwher he havand ane tacke and assedatiōne of the kirk of Tarbet, sett be Mr John Monro, and lykewayes be Mr David Lyndsay, Bishop of Ross, the yearly dewtie qwherof, albeit it extends only to the soume of two hundreth pounds, neverthelesse he, for the better intertainment of the actuall minister at the said kirk, hes condescendit to convert the said soume of twa hundreth pounds in twa chalders of bier for ane constant stipend to the said minister and his successors, ministers at the said kirk of Tarbett, upon conditione that the ministers of the Presbytrie of Rosse, qwhilks are of the chapter of the said bishoprick, wald ratifie and approve this tack of the said kirk, qwhilk they wald willingly doe, provyding the Assemblie's consent were obtaint thereto, as at mair lenth is contained in the said supplicatiōne: The Generall Assemblie ratifies and approves the said tack and assedatiōne, sett to the said commendator of the said kirk of Tarbett, also weill be the said Mr John Monro as be the said Mr David Lyndsay, and ordaynes the brethren of the presbytrie of Ross, qwho are members of the said chapter, to consent to the same be their subscriptiones, because they understand the said kirk to be sufficiently plantit be the moyen forsaid.

Anent the supplicatiōne given in be Mr Patrick Carmichaell, mi-

nister at Aberdour, makand mention, that qwher the Assembly halden at Montrose in Marche 1600 years, it was concludit that Mr William Patone should serve the cure of both the kirks of Aberdour and Dalgatie, and for his service sould uplift the old stipend of baith the saids kirks; ay and qwhill sufficient provisione be made for planting of both the saids kirks; and trew it is that the said complainer is now plantit minister at the said kirk of Aberdour, desyrand, therefore, to cause the half of the said stipend to be dimittit to him be the said Mr William in respect of his service at ane of the saids kirks: The Assemblie finds and decerns the haill stipend controvertit, to pertaine to Mr Wm. Patone, minister at Dalgatie, conforme to his assignatione of the cropt 1601, except the vicarage of Aberdour, qwhilk they adjudge to pertaine to the said minister of Aberdour.

Anent the supplicatione in the north paroche of Leith, makand mention, that qwher the Presbytrie of Edinburgh hes erected the said north paroche in ane parochine, qwhilk is also approve be the Synod of Lowthiane, desyrand, therefore, the ratificatione of the Generall Assemblie unto the same: The Assemblie ratifies and approves the erectione of the same in all poynts.

Anent the supplicatione giuen in be the inhabitants of the ferrie of Scottsraig, Garpat, Shannwell, and Muirtaine, makand mention, That they being a great multitude, and farr distant from their paroche kirk of Leuchars, they, with common consent of the haill parochiners, Presbytrie of St Androis, and Synod of Fyffe, had erectit ane paroche kirk in the said Ferrie, and almost compleited the same, for the commoditie and use of the people most adjacent thereto, and to give power to the Presbytrie to annex sic villages as are most adjacent to the said paroch kirk: The Assemblie ratifies the erectione forsaid, and gives power to the said Presbytrie to the effect above written.

Anent the supplicatione giuen in be ane Noble Lord, Alexander Earle of Lynlithgow, makand mentione, That qwher it hes pleisit the brethren of the last Assemblie to relax Dame Helenor Hay, his spouse, from the sentence of excommunicatione, and to injoyn certaine particular conditiones to be observit be hir, qwhilks conditiones, albeit schoe, of the stubbornness of her heart, wold no wayes condescend unto, to his great grief and sorrow, nevertheless, the brethren sould have consideratione of his hard estate, who cannot, be no law, separate himself from her, notwithstanding that

schoe refuses to hear and obey the whol-ome voyce of the Kirk, calling her to grace in Jesus Christ; and that the rather because he himself, as he hes continuallie and constantly profess the truth and religione presently profess within this realme, so he has used all means possible to bring his house to the true knowledge of the same; Lykeas also he is really in his power, be all good meanes to draw her to the truth; desyrand, therefore, the Assemblie to pity his dayly grief, and schaw him some favour in the mitigatione of her punishment, and staying of the censure of excommunicatione against her, that he be not compellit to remaine in societie with her that shall be cutt off from the society of the Kirk: The Assemblie having considerit the supplicatiōe, continuos the sentence of excommunicatione against her unto the next Generall Assemblie, provyding that the King's Majestie remove his Hienes daughter out of her companie, and lykewise that his Lord's ship's barres be catechised in the truth, and that his Majestie give command to him to debarre all Papists from his house, and that in the meantyme his Lordship cause deall with his said spouse, to see it by any meanes she may be drawne to the knowledging of the truth.

Sessio Ultima.

Anent the supplicatiōe given in be the brethren of the Synod of Glasgow, makand mention, That quher aboūt syndrie tymes they had discharged, be their acts, Mr George Synple, to have any meddling with the ministry of the kirk of Killelane, for the causes and consideratiōes knawn to them, and speciallie for a great myslyking that specialls of the parochie had of him, nevertheless, he not only insistit in suliting of the said kirk, but also had obtaynt, be privie moyen, the consent of the Commissioners of the Generall Assemblie thereto, for planting of him at the said kirk, the saids brethren not being heard, nor their reasons in the contrair discussit, desyring therefore their reasons to be heard, and after dew tryall, that the Assemblie wald give their finall sentence in the said matter, quhillk they would obey: The Assemblie, after dew tryall, absolves the said Mr George from all evill crymes and exylis quhillk were laid to his charge, either be the brethren of the said province, or be the parochiners of Killelane, and gives him, be this presents, ane testimony of his honest behaviour; but in respect he was never fully plantit minister at the said kirk, and of the great mislyking that is betwixt him and sundrie of the saids parochiners

of Killelane, as said is, they think it not good that he be plantit minister at the said kirk, and therefore ordaynes him to desist therfrae, and dimitt the presentatione made to him of the benefice thereof in favours of Mr John Cunninghame, qwham the Presbytrie hes thought good to be minister at the said kirk, upon conditione that the said Mr George be first satisfyt be the said Mr John for his said dimissione, paines and loss, sustein it be him in pleying of the same: Qwhilk satisfacione shall be presently modified be Mr John Cowper, arbiter chosen for the said Mr John Cunninghame, and Mr Robert Pont, arbiter chosen for the said Mr George Simple, and, in caice of variance, be Mr Patrick Galloway, as odsman and oversman chosen be both their consents: with provisione lykwayes that the said Mr George be first plantit at the kirk of Kirkbeane, or any uther place qwher his Majestie shall think expedient in the south-west parts, with sufficient provisione for his sustentatione thereat.

The said day, the Assemblie ordaynes Richard Browne to be transportit to the kirk of Holywood, and that the brethren deall with the Abbot for ane sufficient provisione to the said kirk, and in speciall Mr David Barclay, Mr Robert Hunter, and Mr Hew Fullertoune.

Item, The Assemblie ordaynes that, in all tyme coming, the licence be grantit to any beneficit persone to sett tacks, be restraint aither to ane lyferent tack, or to ane nynetein year tack allanarly.

Anent the supplicatione given in be Mr John Nicolson of Lesswade, beirand, that qwher he was kindlie tacksman of the teinds of his awne lands of Leswade, in respect qwherof he had agreit with Mr George Ramsay, Deane of Restalrig, for renewing of his said tacks for payment of ane greater dewtie then they payit of before, so that the Kirk was sufficiently plantit, to the qwhilks the said Mr George condescendit, desyrand, therefore, the Assemblie to ratifie and approve the saids tacks, and declare the same also sufficient as if ane speciall licence had been obtained thereto: The Assemblie ratifies and approves the same taks of the teinds of his awn lands of Lesswaid, and declares the samen als sufficient, as if a speciall licence had been obtenit therto.

Item, At the earnest sute of the Presbytrie of Clyddisdail, Walter, Prior of Blantyre, tacksman of the personage of Glasgow, had condescendit to give the number of 15 chalder victuall, by and attour the dewtie of his tacks, for the better provisione of the ministrie at

the said kirk of Glasgow, upon conditione that the present persone sould ratifie and approve his present tack that he hes to runne of the said teinds: The Assemblie thinks the conditione reasonable, and therefore ordayne the persone to ratifie the same, and declares that the said Commendator shall not be farther troublit for any great provisione to the said kirk during his saids tacks, be nane of the ministry serving that cure.

Anent the propositione made in the Assemblie upon the priuat notions of sundry particular brethren, from diverse parts to the Moderator, desyrand that a certaine number of the brethren of best judgement and experience should be put apart to consider of the chiefest dangers appeirand to the estate of religion and quyetness of the countrie, and of the principall causes thereof, and how the samen might be most effectualle preventit, with power to them to conclude and to communicat their best advyces to his Majestie thereanent, and to the Presbytries so far as shall be found expedient: The Assemblie finds the samen most requisite, and for the effect above-written, nominats, &c. with power, as said is.

The qwhilk brethren having at lenth communicat their informatione, together with their awne knowledge anent the premisses, Finds that one of the chiefest causes of danger proceeds from the discontentment of some malicious and wicked Papists, that rages and leaves nothing unessayit to trouble; for being out of all esperance to have his Majestie's indifferent affection or oversight toward them and their religion during his reigne, and of others that be the executione of justice finds themselves or their friends and their houses to have sustaint any losse, and to be impairit of their grytest dependance, and redacted to live under the obedience of the lawes utherwayes nor they were wont, and from the malicious business of certaine craftie and seditious persones, that either for the present necessitie of their awne estate, or for the hope of advancement of gaine to be had in the change of the present government, ceases not be all meanes to inflame the hearts of such as they perceive to be discontentit in any estate, and making every man to see his own desyre in the trouble of the countrey, dealing in the meantyme likewayes with such as are of the most sincere affectione to Religion and Justice; That things is not done of that integrity that is profest, pressing to make the godly and good subjects the more cold, and adversaries to such as would intend a trouble: ffor remead qwhereof it is thocht good and concludit, That his Majestie

shall be informit hereanent, that be his awne care and foresight such ungodly plots and counsells may be frustrate, and suchlyke that every minister within this realme shall deall generally with their congregations and auditors at all occasions in their publick doctrine in pulpit, and with all noblemen, barrones, gentlemen, and others that are of any speciall credite or power, particularlie in their private conferreeces, persuading them of the King's honest mynd toward the establisheing of the trew religione presently profest within this countrie, and the executione of justice, and of his stedfast resolutione to hazard his estate, lyfe, and crowne, in the cause of the gospell, with the standing and falling qwherof he acknowledges his standing and falling to be inseparably conjoynit, and that they mark carefully the actiones of all men, especially of such as either for religione or executione of justice, or for the necessitie of their awne estate, mislykes the present government, and are inclynit unto novations, and qwhom they see in any extraordinary kinde of bussiness by their custome, and that they make his Majestie's Ministers acquaintit therewith, not ceasing in the meantyme to bring them to aue quiet minde; and for this effect that in all their ordinary meetings in Sessions, Presbyteries, and provincieall Assemblies, there be a particular and private inquisition in thir poynts as need beis, that his Majestie's Ministers may be advertised with all expeditione: And lykewayes it is thought expedient and concludit that his Majestie's Ministers, and such others of the ministrie as shall have occasione to be in any charge about his Majestie, informe the Presbyteries of the estate of things as they proceed, so far as it is needfull for the weill of the cause, and that this advyce be extractit and sent with diligence to every Presbytrie in authentiek forme.

The next Assemblie is appoyntit to be halden at Aberdeene, the last Twesday of July in the year of God 1604 years.

Thanks beand given to God be the Moderator for the comfortable successe of this present Assemblie, the brethrene were dismissed.

WE have now completed the record of all the General Assemblies of the Church of Scotland, held in and betwixt the years 1560 and 1602 inclusive. The Acts of these Assemblies constitute all that are regarded as authoritative by the Presbyterian Church. There were Assemblies, indeed, in the years 1606, 1608, 1610, 1616, 1617, and 1618; but the General Assembly of Glasgow, held in the year 1638, decreed "every one of them to have been, from the beginning, unfree, unlawfull, and null Assemblies, and never to have had, nor hereafter to have, any Ecclesiasticall authoritie, and their conclusions to have been and to bee of no force, vigor, nor efficacie; prohibited all defence and observance of them, and ordained the reasons of their nullitie to be insert in the Books of Assembly."* And in the Assembly of 1639 it was also declared, that the proceedings of these Assemblies "be hereafter acceptompt as null and of none effect." † The Acts of those Assemblies thus repudiated, have ever since been regarded by the Church as of no authority. As, however, the proceedings in five of those Assemblies are contained in the MS. copies of the "Booke of the Kirk" to which we have had access, and as, although apocryphal, the Acts which are recorded tend to illustrate the history of the Church during the period to which we refer, we intend to include them in this print of the whole Book as we find it, but separately, and completely apart from the Acts of the legitimate Assemblies.

Before, however, proceeding to do so, it is considered expedient to include, as part of the genuine record, an authenticated Copy of the Book of Policie. When the transcript of the record for the year 1581 was put to press, and when the "Heads of Policie," or Second Book of Discipline, should have been inserted as engrossed in the register, and as part of the proceedings of the Assembly held that year, the Editor did not consider it necessary to do so; inasmuch as many printed editions of that document were to be found in various publications. Since that portion of the work, however, was printed off, he has been led, by his inquiries, to the conclusion, that none of those editions which he has yet seen are perfectly accurate. He has arrived at this conviction by the discovery of an *authenticated* copy of it, attested in the year 1591, under the hand of Jas. Richie, the clerk of Assembly, and by the signatures of the Presbytery of Haddington, in terms of an Act of the General Assembly. He has collated that copy with others, and now deems it his duty to incorporate in this work an exact transcript of it, the authenticity being thus satisfactorily established. The importance of doing so, and the addition of some collateral circumstances connected with the Book of Policie, have been suggested to him by the fact, that the chief basis of the celebrated ACTS AND CALLS is alleged to be found in that document, and much argument has been founded, both in the Ecclesiasticall and Civil Courts, on the interpretation of various passages in it, and the authority that is due to it as an assumed record of the "fundamental" principles of our Establishment. It is therefore desirable that the Church and the Country should be put in possession of a genuine copy of a production, from which practical inferences of so much moment have been deduced.

* Vide Acts of Assembly 1638—(4th Dec.)—Records of the Kirk of Scotland, p. 24.

† *Ibidem*—Records, p. 205.

Is the Haddington MS. volume, (a small quarto,) from which the foregoing copy of the Book of Policy has been transcribed, there are various other documents ingrossed, for the guidance of that Presbytery in its proceedings. These are—

1. Extracts from the Act of Assembly, 8th August 1590, Sess. 10, and 5th July 1591, Sess. 4, with reference to subscription of the Book of Policy by Presbyteries, and the clerk supplying them with copies for that purpose.
2. "Ane Forme of sundrie Materis to be visit in the Elderschip."
3. The Book of Policy above inserted.
4. "A Schort Soume of the wholl Actis of the Kirk, takin out of the Buik of Discipline and Registers of our Assemblies, for the instruction of Ministers and Readaris in thair office"—under the heads of "Doctrine"—"Examinatione"—"Ministrie"—"Discipline"—"Police."

Among these we find in the Collection of *Forms* 2 thus recorded, several documents which illustrate the mode of settling ministers about the year 1590, viz. a Presbyterial Warrant for "*Collation*"—the "*Institution*"—the notarial "*Instrument tharupon*"—"ane Commission of a Benctice"—a "*Presentation of a Lauch Patron of ane new erection*." There are also "Observations of the Conferences betwix the Kingis Majestie and Counsellis Commissioners and the Kirks, with the Judgement of the Generall Assembly," which appears to be attested by Richie, the Clerk of Assembly. All these are valuable, as evidents of the practice and history of those times; and they will form a part of the Notes and Illustrations which we purpose to subjoin—without which, indeed, the Booke of the Kirk alone would be insufficient to afford a satisfactory view of the laws and usages of the Church of Scotland during the first sixty years of its existence. It is gratifying, however, to have been enabled to lay before the Church and the Country at present, a Copy of the Book of Policy of undoubted authenticity, as well as to complete the publication of all the earlier authoritative Acts of Assembly.

May 15, 1839.

HEADS AND CONCLUSIONS
OF THE
POLICIE OF THE KIRK.

Vide Observations of the Conferencies betwix the Kings Majesties Council
and the Kirks Commissioners, with the judgment of the Generall Assemblée,
p. 839. — 878.

CAP. 3.

The Seventh Article to be farther considerd.

THE PRINCIPALL MATTERIS HEIRIS CONTENIT.

1. Off the Kirk, and Policie thairof in generall, and qwhairin it is different from the ciuill policie.
2. Off the partis of the Policie of the Kirk, and personis or office-beirers to qwhome the same is committit.
3. How the persons that bear ecclesiastical functionn ar admittit to thair offices.
4. Off the pasturis, or ministeris in speciall, and their functionn in the Kirk.
5. Off the doctouris and scoles.
6. Off the elders and thair office.
7. Off elderschippis and Assembleis, and of discipline.
8. Off the deaconis and thair office.
9. Off the patrimony of the Kirk, and distributionn thereof.
10. Off the office of ane Christiane magistrat in the Kirk.
11. The present abusis in the Kirk qwhilk we desyr to be reformat.
12. Qwhat kynd of reformatioun we craue.
13. Off the profit that sall flow of this reformatioun to all estaits.

[HEADIS AND CONCLUSIONIS, &c.]

[CAP. I.]

Of the Kirk and Policie thairof in generall, and quhairin it is different frome the Civill Policie.

1. THE kirk of God sumtymes is largehe takine for all thame that profess the Evangell of Jesus Chryst, and so it is ane company and fellowship, not onlie of the godlie, but also of hypocritis, professing always outwardly ane trow religion.

2. Utter tymis it is takine for the godlie and cleit onlie.

3. And sumtymes for thame quho exercee the spirituall function among the congregatioun of thame that protes the trowth.

4. The kirk in this last sense, hes ane certane power grantit be God, according to the quilk, it usis ane proper jurisdiction and government, exerceit to the content of the said kirk.

5. This power ecclesiasticall, is ane auctoritie grantit be God the Fader, throught the Mediator, Jesus Chryst, unto his kirk gadderit, and having the ground in the word of God, to be putt in execution be thame, unto quhom the spirituall government of the kirk, be lawful calling, is committit.

6. The policie of the kirk, flowing fra this power, is ane ordour or forme of spirituall government, quhilk is exerceit be the memberis appointit thairto be the word of God: And thairfoir is gevine immediatlie to the othec-beirars, be quhome it is exerceit to the weill of the hiall bodie.

7. This power is diverslie vsit: For sumtymes it is generallie exerceit, (eiche be the teacheris,) sumtyme coniuincthe be mutuall consent of thame that bear the office and charge, efter the forme of iugment. The former is commonhe callit *potestas ordinis*, and the vther *potestas jurisdictionis*.

8. These two kyndis of power have bayth ane auctoritie, ane

ground, ane finall caus, bot ar different in the maner and forme of executionn, as is evident of the speiking of our Master in the 16 and 18 of Mathow.

9. This power and policie ecclesiasticall is different and distinct in the awin nature fra that power and policie quhilk is callit the ciuille power, and appertenet to the ciuille gouernament of the commonn welth: Albeit thay be bayth of God, and tend to ane end, gif thay be richtlie usit, *to wit*, to aduance the glorie of God, and to haue godlie and guid subiectis.

10. For this power ecclesiasticall, flowis immediatlie frome God, and the Mediator Chryst Jesus, and is spirituall, not having ane temporall heid on eirth, bot onlie Chryst, the onlie spirituall King and Gouernour of his kirk.

11. Thairfoir this power and policie of the kirk, sould lene upone the word of God immediatlie, as the onlie ground tharof, and sould be tane frome the pure fountanis of the Scripturis, heiring the voce of Chryst, the onlie spirituall King, and being rewlit be his lawis.

12. It is ane title falslie usurpit be Antiechrist, to call himself heid of the kirk, and aucht not to be attributit to angell or to mane, of what estait socuir he be, sailling to Chryst, the Heid and onlie Monarche in this kirk.

13. It is proper to kingis, princes, and magistrats to be callit Lordis, and dominators ouer thair subiectis, quhom thay gouerne euillie, bot it is proper to Chryst onlie, to be callit Lord and Maister, in the spirituall gouernament of the kirk, and all uthers that beris office thairin aucht not to usurp dominion therein, be callit Lordis, bot onlie ministeris, disciplis, and seruantis; For it is Chrystis proper office to command and reull his kirk universall, and every particular kirk, throw his Spirit and word, be the ministrie of mene.

14. Notwithstanding, as the ministeris and vtheris of the ecclesiasticall estait, ar subiect to the magistrat ciuillie, swa aucht the persone of the magistrat, be subiect to the kirk spirituallie, and in ecclesiasticall gouernament.

15. And the exercise of bayth thais jurisdictionis can not stande in ane persone, ordinarlie.

16. The ciuill power is callit the power of the sword; the uther the power of the keyis

17. The ciuile power sould command the spirituall, to exerce and do thair office, according to the word of God: The spiritual reularis

sould require the Christiane magistrat, to minister justice, and punish vyce, and to mantene the libertie and quyetes of the kirk within thair boundis.

18. The magistrat commandeth externall thingis for externall peax and quyetes amangis the subjectis: The ministerie handlit externall thingis onlie, for conscience caus.

19. The magistrat handlit onlie externall thingis, and actionis done befor men: Bot the spirituall reularis inge baith inwart affectionis and externall actionis, in respect of conscience, be the word of God.

20. The ciuile magistrat cravis and gettis obedience be the sword, and uthor externall menis: Bot the ministrie be the spirituall sword, and spirituall menis.

21. The magistrat nather aucht to preache, minister the sacramentis, nor execut the censouris of the kirk, nor get preseryve ony reull how it sould be done: bot command the ministrie to obserue the reull commandit in the word, and punishe the transgressouris be ciuile menis: The ministeris exerce not the ciuile jurisdiction, bot teaches the magistrat how it sould be exercit according to the word.

22. The magistrat aucht to assist, mantene, and fortifie the jurisdiction of the kirk: The ministeris sould assist thair princes in all thingis aggreable to the world; providing thay negleek not their awin charge, be involving thame selfis in ciuile etlaris.

23. Emalie, as ministeris are subject to the iugement and punishment of the magistrat in externall thingis, gif thay offend; Swa aucht the magistrat to submit thame selfis to the discipline of the kirk, gif thay transgres in matteris of conscience and religioun.

Off the Partis of the Policie of the Kirk, and Personis or Office-beiraris to whome the Administratioun thairof is committit.

CAP. II.

1. As in the ciuile policie, the haill commoun welth consistith in thame that ar governouris or magistratis, and thame that ar gournit and subiectis; Sa in the policie of the kirk, sum ar appointit to be reularis, and the rest of the memberis thairof to be reulit and obey, according to the word of God, and inspiratioun of

his Spirit, alwayes under ane head and cheif gouernour, Jesus Chryst.

2. Againe, the hail policie of the kirk consistit in thrie cheif thingis ; in doctrine, in discipline, and distributioun. With doctrine is joint administratioun of the sacramentis.

3. And according to the partis of this diuision, arisit ane thric-fald sort of officiaris in the kirk ; to wit, of ministeris or preacheris, of eldaris or gouernouris, of deaconis or distributeris. And all thais may be callit be ane generall word, ministeris of the kirk.

4. For albeit the kirk of God be reulit and gouernit be Jesus Chryst, who is the onlie King, Hie Priest, and Heid thairof, zit he usis the ministrie of men, as ane maist necessarie middis for this purposis.

5. For sa he hes fra tyme to tyme, befor the law, under the law, and in tyme of the Evangell, for our greit comfort, raisit up men indewit with the giftis of the Spirit, for the spirituall gouernament of his kirk, exercesing be tham his awine power, throw his Spirit and word, to the building of the same.

6. And to tak away all occasioun of tyranny, he will that they sould reul with mutuall consent of brethrene, and equalitie of power, euery ane according to thair functionis.

7. In the New Testament, and tyme of the Evangell, he hes usit the ministrie of the apostles, propheits, evangelists, pastouris and doctouris, in administratioun of the word: the elderschip for guid ordour, and administratioun of discipline: the deaconsehip to haive the cure of the ecclesiasticall guidis.

8. Sum of thir ecclesiasticall functionis ar ordinar, and sum extraordinar or temporall.

9. Thair be thrie extraordinar functionis: the office of the apostle, of the evangelist, and of the prophet, quhilk ar not perpetuall, and have now ceisit in the kirk of God, except quhen he pleisit, extraordinarie, for ane tyme, to steir up some of thame againe.

10. Thair is foure ordinarie functionis or offices in the kirk of God: the office of the pasture, minister or bishop; the office of the docter; the presbiter or eldar; and the deacone.

11. Thir offices ar ordinarie, and aucht to continow perpetuallie in the kirk, as necessarie for the gouernament and policie of the same, and na ma offices aucht to be resaut or be sufferit in the trew kirk of God, establishit according to his word.

12. Tharfore, all the ambitious titles invented in the kingdome

of antichryst, and in his usurpit hierarchie, quhilkis ar not ane of thais four sortis, togidder with the offices dependand thairupone, in ane word, aucht all utterlie to be reiected.

How the Personis that bear Ecclesiasticall Fnnctionis ar admittit to thair Offices.

[CAP. 3.]

1. Vocation or calling, is commoun to all that sould bear office within the kirk, quhilk is ane lauchfull way, be the quhilk, qualifeit personis is promotit to ane spirituall office within the kirk of God.

2. Without this lauchfull calling it was neuer leisum to ony persone to middle with ony function ecclesiasticall.

3. Thair ar two sortis of calling; ane extraordinar, be God immediatlie, as wer the prophets and apostles, quhilk in kirkis established and weill alreddy reformit, hes na place.

4. The uther calling is ordinar, quhilk besyd the calling of God, and inward testimony of guid conscience, hes the lauchfull approbation and outward judgement of men, according to Goddis word, and ordour establishit in his kirk.

5. Nane aucht to presume to enter in ony office ecclesiasticall, without he haue this guid testimony of conscience befor God, wha onlie knawis the hartis of men.

6. This ordinarie outward calling hes twa partis; election and ordination.

7. Election is the chesing out, of ane persone or personis maist able, to the office that vaikis, be the judgement of the elderschip and consent of the congregatioun, whom to, the persone or personis beis appointit.

8. The qualiteis in generall requisit in all thame qwha sould beir charge in the kirk, consistis in soundnes of religioun, and godlines of lyf, according as thay ar sufficientlie set furth in the word.

9. In the ordour of election, it is to be eschewit, that na persone be intrust in ony of the offices of the kirk, contrarie the will of the congregatioun to qwhome thay ar appointit, or without the voce of the elderschip.

10. Nane aucht to be intrusat, or enterit in the places alreadie

plantit, or in ony rowm that vaikis not, for ony warldlie respect : and that quhilk is callit the benefice, aucht to be nothing els, bot the stipend of the minister that is lauchfullie callit and electit.

11. Ordinatioun is the seperatioun and sanctifeing of the persone appointit of God and his kirk, eftir he be weill tryit and fund qualifeit.

12. The ceremonyis of ordinatioun ar, fasting and eirnest prayer, and impositioun of handis of the elderschippe.

13. All thir, as thay must be rasit up be God, and be him maid able for the wark quhairto thay ar callit ; sa aucht thay to knaw thair message to be limitat within God's word, without the bounds of the quhilk thay aucht not to pas.

14. All thir sould tak thais titles and namis onlie (least thay be exalted and puft up in thame selfis) quhilk the Scripturis givis thame, as thais quhilks import laubour, travell and work, and ar naimes of offices and service, and not of idlenes, dignitie, nor warldlie honour or prehemminence, quhilk be Chryst our Maister is expreslie reprovit and forbiddine.

15. All thais office-beraris sould haue thair awin particular flokis, amangis qwhome thay exerce thair charge.

16. All sould mak residence with thame, and tak the inspectioun and ouersicht of thame, euery ane in his vocatioun.

17. And generallie, thir twa thingis aucht thay all to respect ; the glorie of God, and edifeing of his kirk, in discharginge thair dewteis in thair calling.

Off the Office-beraris in particular ; and first of the Pasturis and Ministeris.

CAP. 4.

1. Pasturis, or bishoppis, or ministeris, ar thay wha ar appointit to particular congregationis and kirkis, quhilk thay rewl be the word of God, and our the quhilk thay watch, in respect qwhairof, thay ar callit sumetymis pasturis, becaus thay feid thair congregationis, sumetymis *episcopi*, or bishoppis, becaus thay watche aboue thair flokis ; sumetymes ministers, be reasone of thair service and office ; and sumtyme presbyteris and seinouris, frome the grauitie

in maneris, quhilk thay aucht to haue, in taking cair of the spirituall gouernament, quhilk aucht to be most deir unto thame.

2. Thay that ar callit to the ministrie, or that offer thameselfis tharunto, aucht not to be electit, without ane certain flok be assignit unto thame.

3. Na man aucht to ingeir him self, or usurp the office, without lawfull calling.

4. Thay qwha ar anis callit be God, and dewlie electit be man, eftir that they haue anis accepted the charge of the ministrie, may not leaue thair functionis.

5. The desertouris sould be admonished, and incaice of obstinacie, finallie excommunicat.

6. Na pastour may leaue his flok, without licence of the provinciall or nationall Assemblie; quhilk gif he do, eftir admonitioun not obeyit, let the censuris of the kirk strik upone hime.

7. Unto the pasture apperteins teaching of the word of God, in seaseone and out of seaseone, publicklye and priuatlye, alwayis travelling to edifie, and discharge his conscience, as Goddis word prescryuis unto hime.

8. Unto the pasture onlie apperteins the administratioun of the sacramentis, in lyk maner as the ministratioun of the word: for baith ar appointit be God as meanis to teache us; the ane be the ear, the uther be the eis and other senses, that be baith, knowledge may be transferrit to the mynd.

9. It apperteinis be the same resone to the pasture to pray for the peple, and namelie for the flok committit to his charge, and to bliss thame in the name of the Lord, qwho will not suffer the blissingis of his faythfull servand to be frustrat.

10. He aucht also to watche aboue the maneris of his flok, that the better he may apply the doctrine to thame, in reprehending the dissolut personis, and exhorting the godlye, to continew in the fear of the Lord.

11. It appertenis to the minister, efter lawchfull proceeding be the elderschip, to pronunce the sentence of binding and lousing upone ony persone, according to the power of the keyis, grantit unto the kirk.

12. It belangis alsua, eftir lawchfull proceeding in the mater be the elderschip, to solemnizat the contract of mariage betwix thame that ar joint thairin; and to pronunce the blissing of the Lord on thame that entir in the holie band in the fear of the Lord.

13. And generallie, all publick denunciationis that ar to be maid in the kirk befor the congregationis, concerning ecclesiasticall effairis, belang to the office of the ministrie, for he is as messenger and herauld betwene God and the people in all thais effairis.

Off Doctouris and thair Office, and of Scolis.

CAP. 5.

1. Ane of the twa ordinar and perpetuall functionis that trauell in the word, is the office of the Doctour, quha may also be callit Propheit, Bischop, Eldar, Catechesar; that is, teacher of the Catechisme, and rudiments of religione.

2. His office is to oppine up the mynd of the Spirit of God within the Scripturis, simplie, without sic applicationis as the minister usis, to the end that the faythfull be instructed, sound doctrene teachit, and the puritie of the Gospell not corrupted throw ignorance and euill opinionis.

3. He is different from the pasture not onlie in name, bot in diuersitie of giftis; For to the Doctour is gevine the words of knowledg, to oppine up be simple teaching, the mystereis of the fayth; to the Pasture the gift of wisdome, to apply the same, be exhortatioun to the manneris of the flok, as occasioun crauit.

4. Under the name and office of ane Doctour, we comprehend also the ordour of scoles, in collegis and universiteis, quhilk bes bene frome tyme to tyme cairfullie maintenit, alsweill amangis the Jewis and Christianis as amang prophane nationis.

5. The Doctour being an eldar, as said is, sould assist the pasture in the government of the kirk, and concurre with the vther eldaris his brethrene, in all assembleis; be reasone the interpreta-tioun of the word, (quhilk is onlie Juge in ecclesiasticall matteris,) is committit to his charge.

6. Bot to preache unto the peple, to minister the sacraments, and to celebrat mariagis, pertains not unto the Doctour, unles he be utherwayis ordourlie callit; howbeit the pasture may teache in the scoles, as he qwba hes also the gift of knowledge oftentymis meit thairfoir, as the examples of Policarpus and utheris testifie.

Of Eldaris, and thair Office.

CAP. 6.

1. The word *Eldar*, in the Scripturis, sumetyme is the name of aige, sumetyme of office.

2. Quhen it is the name of ane office, sumetyme it is takine large-lye, comprehending alsweill the Pastouris and Doctouris, as thame quha ar commounlie callit seinors or eldaris.

3. In this divisioun, wee call thais eldaris, quhome the Apostles callis presedentis or gouernouris.

4. Thair office, as it is ordinary, swa is it perpetuall, and alwayis necessar in the kirk of God.

5. The eldarschip is ane functioun spirituall, as is the ministrie.

6. Eldaris anis lawchfullie callit to the office, and having giftis of God meit to exercyse the same, may not leave it againe.

7. Albeit sic ane number of eldaris may be chosine in certane congregationis, that ane pairt of thame may releif ane uther for ane reasonable space, as was among the Levittis under the law, in serving of the temple.

8. The number of the eldaris in euery congregatioun cane not be weill limitat, bot sould be according to the boundis and necessitie of the peple.

9. It is not necessar that all eldaris be also teachearis of the word, albeit they aucht cheiffie to be sic, and swa ar worthie of double honour.

10. Quhat manner of personis thay aucht to be, we refer to the expres word, and namelie, the Canonis wryttine be the Apostles.

11. Thair office is, als weill seuerallie as coniunctlie, to watche diligentlie upone the flok committit unto thair charge, bayth publicklye and privatlye, that no corruptioun of religioun or maneris enter thairin.

12. As the pastouris and doctouris sould be diligent in teacheing and sowing the seid of the word, so the eldaris sould be cairfull in seiking the frutt of the same in the peple.

13. It apperteins to thame to assist the pastour in examinatioun of thame that cumis to the Lordis table, and in visiting the seik.

14. They sould be cairfull to caus the actis of the Assembleis, als weill particular as prouinciall or generall, to be put in executioun.

15. Thay sould be diligent in admonishing of all mene of thair dewteis, according to the reull of the Evangell.

16. Thingis that thay cane not correct be privie admonitioun, thay sould bring to the assembly of the elderschip.

17. Thair principall office is, to hauld assembleis with the pastouris and doctouris (quha ar also of thair number) for establisching of guid ordour, and executioun of discipline: Unto the quhilks assembleis all personis ar subject, that remane within thair boundis.

Of Eldarschippis, and Assembleis, and of Discipline.

CAP. 7.

1. Eldarschippis and assembleis, ar constitute commonlie of pasturis, doctouris, and sic as commounlie we call eldaris, that labour not in the word and doctrine, of quhome, and of quhais severall power, hes bene spokine.

2. Assembleis ar of four sortis: For ather ar thay of particular kirkis and congregationis ane or ma, ather of ane province, ather of ane haille natioun, or of all and diuers nationis professing ane Jesus Chryst.

3. All the ecclesiasticall assembleis, haue power to convene lawchfullie togidder for treating of thingis concerning the kirk, and pertening to thair chargis.

4. Thay haue power to apoint tymis and places to that effect; and ane Assembleie to appoynt the dyet, tyme, and place for ane uther.

5. In all assembleis, ane moderator sould be chosine be commoun consent of the haille brethrene conveint, quha sould propone materis, gather the voitis, and caus guid ordour be kept in the assembleis.

6. Diligence sould be tane, cheiflie be the moderator, that onlie ecclesiasticall thingis be handlit in the assembleie, and na melling with ony thingis pertening to the civile jurisdictioun.

7. Euerie assembleie hes power to send furth frome them of their awine number, ane or ma visitouris to sie how all thingis be reulit in the boundis of thair jurisdictioun.

8. Visitatioun of ma kirkis is na ordinar office ecclesiasticall, in the persone of ane man; nather may the name of ane bischop be attributit to the visitour onlie; nather is it necessar to abyde alwyse in

ane mau's persone, bot it is the part of the eldarschip, to send out qualifeit persouis to visit, *pro re nata*.

9. The finall end of all assembleis is, first to keip the religioun and doctrine in puritie, without errour and corruptioun: nixt, to keip cumelines and guid ordor in the kirk.

10. For the ordouris caus, thay may mak certane reulis and constitutionis apperteining to the guid behaviour of all the members of the kirk in thair vocatioun.

11. Thay haue power also to abrogat and abolish all statuts and ordinances concerning ecclesiasticall materis, that ar found noysume or unprofitable, or aggrie not with the tyme, or abusit be the peple.

12. Thay haue power to execut ecclesiasticall discipline and punischment upone all transgressouris, and proud contempnaris of guid ordour and policie of the kirk, and swa the hail discipline is in thair handis.

13. The first kynd and sort of assembleis, although thay be within particular congregatiounis, zet thay exerce the power, auctoritie, and jurisdiction of the Kirk with mutuall consent, and thairfoir beiris sumtyme the name of the Kirk.

14. Quhen we speik of eldaris of the particular congregatiounis, we mene not that euery particular parochie kirk cane, or may haue thair awin particular eldarschip, speciall to landwart, bot we think thrie or four, ma or fewar, particular kirkis, may haue ane commoun eldarschip to thame all, to judge the ecclesiasticall causes.

15. Albeit it is meit that sum of the eldaris be chosine out of euerie particular congregatioun, to concur with the rest of thair brethrene in the commoun assemblee, and to tak up the delationis of offencis within thair awin kirkis, and bring thame to the Assemblee.

16. This we gadder of the practise of the primitiue kirk, wheras eldaris or colleges of senioris wer constitute in citeis and famous places.

17. The power of thir particular elderschippis, is to uis diligent laubour in the boundis committed to thair charge, that the kirkis be kept in guid ordour, to inquire diligentlie of nauchtie and unrewlie personis, and travell to bring thame in the way againe, ayther be admonitioun or threatuing of Goddis judgements, or be correctioun.*

18. It pertains to the eldarschip, to tak heid, that the word of

God be purelie preichit within thair boundis, the sacraments rightlie ministrat, the discipline menteind, and the ecclesiasticall guidis uncorruptlie distribute.*

19. It belangis to this kynd of assembleis, to caus the ordinancis maid be the assembleis, provinciallis, nationallis and generallis, to be keptit, and put in executioun.*

20. To mak constitutionis quhilk concerne τὸ πρότερον in the kirk, for the decent ordour of thais particular kirkis qwha thay gouerne, (prouyding thay alter na reulis made by the generall and provinciall assembleis, and that thay mak the provinciall assembleis foirsene of the reulis that thay sall mak,) and to abolische thame tending to the hurt of the same.*

21. It hes power to excommunicat the obstinat.*

22. The power of electioun of thame qwha bearis ecclesiasticall chargis, pertenis to this kynd of assembleie, within thair awin boundis, being weill erectit, and constitut of mony pastouris and eldaris of sufficient habilitie.

23. Be Eldarschip is meint, sic as ar constitut of Pastouris, Doctouris, and sic as now ar callit Eldaris.

* On the margin of each of the sections in this chapter, marked with asterisks, (viz. 17, 18, 19, 20, 21, 28, 29, 30, 31,) there is a reference written in precisely the same words: "*Jac. 6, p. 12, c. 114, 3 Junie 1592.*" This is in a handwriting, and in ink, evidently different from those in the text—and must have been superinduced subsequently to the act of Parliament 1592, to which these references plainly allude. The date and chapter, however, cited, do not coincide with those of the charter of the Presbyterian Kirk. In the common 12mo old edition of the Acts, the date is *fifth* June, not *third*, and the chapter is 116, not 114, as noted in these marginal references. But notwithstanding these discrepancies, it is extremely probable that the Presbytery of Haddington having, in obedience to the act of Assembly of Aug. 1590, subscribed the Book of Policie, in Sept. 1591, (the year before the act of 1592 was passed,) the Official Custodian of their copy had engrossed these marginal jottings upon it, soon after the passing of the act of Parliament 1592, for the purpose of pointing out those articles in the Book of Policie, which had been *sanctioned by Parliament*, so as to *mark* what had been adopted, and to distinguish such articles from those which had not been acceded to. That this was the case may be inferred from a comparison of the terms of these articles, and of the act 1592.

It may not be deemed much out of place to remark here, that we were not a little surprised to see in the pleadings from the bar in the Auchterarder case, and in the opinion of one of the Judges, an argument maintained, seemingly with much confidence, rested on certain marginal memoranda, said to be found in Spottiswood's History, with reference to a conference held at Stirling, in 1578.

24. Be the lyk resone, thair depositioun also pertenis to this kynd of assembleis, as of thame that teache erroneus and corrupt doctrine; that be of sclanderous lyfe, and eftir admonitioun, desist not; that be gevine to schisme or rebellion contrare the kirk, manifest blasphemy, simony, and all corruptionn of brybis, falsset, perjurie, huredome, thift, drunkinnes, fechtig, worthie of punischnent be the law; usurie, danshing, infamie, and all utheris deservine separatioun frome the kirk.

betwixt Commissioners of the Estates and Commissioners of the Kirk; the ground of confidence in these memoranda being, that Spottiswood had "set down the form of policy as it was presented, with the notes of *their agreement* and *disagreement*, as they stand in the original, which (says the Book) *I have by me*."—(Spottiswood's Hist. p. 289.)

Now, all the argument alluded to is grounded on the hypothesis, that Spottiswood's *printed* History is an authentic and credible authority. But this is by no means the case: and without going into any lengthened statement, we shall suggest two objections which appear to render the History *ascribed* to Archbishop Spottiswood, unworthy of credit. In the first place, the only MS. of the Archbishop's work (reputed to be either the original or a revised copy) is in the Advocates' Library, and in that MS. not one word of the passage quoted—of the Book of Policy—or of the marginal notes, is to be found; nor (so far as we can discover) any reference to these. And independently of this, the whole MS. is so much mangled and interpolated, and large additions made to it, that it is impossible, without strong collateral evidence, to assume *any thing* in the *printed* Book as bearing Spottiswood's personal testimony. But, *secondly*, there is a *prima facie* presumption against the authenticity of that printed history, independently of its being destitute of any proper voucher. The Archbishop died in the end of the year 1639. In the publisher's preface to the first edition of it, which was published in 1655, that is, sixteen years after the Archbishop's death, we are told that "a copy of it lighted into ingenuous and noble hands;"—and in the close of the Life prefixed, we are told that it "was like an infant of the Israelites in an ark of reeds." This is the whole amount of information given with respect to the history generally ascribed to Spottiswood! That the unfortunate Prelate left a MS. history, or fragments, we have no doubt; but we have never seen any evidence to show, that the published book corresponds with what he had written; and therefore we conclude that that work, as we now have it, is altogether spurious, and that it cannot safely be relied on as an authority, much less as a record of the individual *testimony* of the Archbishop, whatever be its complexion, on any one point in the transactions of those times. There are various minute particulars in regard to the copy of the Book of Policie, and Notes in that work, which we may hereafter have occasion to notice, but which would be unsuitable in this place.

25. These also qwha ar fund altogidder insufficient to exerce thair chargis, sould be deposit, Quhairof uther kirkis wald be aduertesit, that thay resaue not personis deposit.

26. Albeit thay aucht not to be deposit quha throw aige, seiknes, or uther accidents, becum unmeit to do thair office; in quhilk cace thair honour sould remane unto thame, their kirkis sould mentene thame, and utheris aucht to be proydit to do thair office.†

27. Provinciall assembleis we call, lawfull conventionis of the pastouris, doctouris, and eldaris of the province, gadderit for the commoun effairis of the kirkis tharof, quhilk also may be callit the Conference of kirkis and brethrene.

28. Thir assembleis ar institut for wechtie materis necessar to be intraitit be mutuall consent and assistance of the brethrene within the provinciis, as neid requyris.*

29. Thir assembleis haif power to handle, ordour, and redres all thingis ommittit or done amiss in the particular assembleis.*

30. It haith power to depose the office-beraris of that province, for guid and just caus deserving depriuationoun.*

31. And generallie, thir assembleis haue the hail power of the particular elderschippis qwhairof thay ar collected.* -

32. The nationall assembleie, (quhilk is generall to us,) is ane lawchfull conventioun of the kirkis of the hail realme or nation, wher it is usit and gadderit, for the commoun effairis of the Kirk; and may be callit the Generall Elderschip of the hail kirkis within the realme.

33. Nane ar subiect to repair to this assembleie to voit, bot ecclesiasticall personis, to sic ane number as sallbe thocht guid be the same assembleie; not excluding uther personis that will repair to the said Assembleie, to propone, heir, and resone.

34. This assembleie is institute, that all thingis ayther omittit, or done amis in the provinciall assembleis, may be redressit and hand-

† On the margin of the Haddington copy of the Book of Policy, opposite to this section, there is a note written, but not in the same handwriting as the Book itself. It seems to have been added as a scriptural authority for the provision in this article, and is in the following terms: "Tim. 5, 17. The elders that rule wel are worthy of double honour, speciallie they which labour in word and doctrine." And interjected and interlined with sections 26 and 27, are some lines, containing an extract from Beza's translation of the New Testament, which, however, it is unnecessary to insert here.

lit : And things generally, seruing for the weill of the hail body of the kirk in that realme, may be foirsene, intreattit, and set furth to Goddis glorie.

35. It sould tak cair, that kirkis be planted in places quhair thay ar not planted.

36. It sould preseryue the reull how the uther twa kynd of assembleis sould proceed in all thingis.

37. This assembleie sould tak heid, that the spirituall jurisdiction and civile be not confoundit, to the hurt of the kirk.

38. That the patrimony of the kirk be not diminished nor abused.

39. And generallie concerning all wychtie effairis that concerne the weill and guid ordour of the hail kirk of the realme, it aucht to interpone auctoritie thairto.

40. Thair is besydis this, an uther mair generall kynd of assembleie, quhilk is of all nationis or of all estaits of personis within the kirk, representing the universall kirk of Chryst, quhilk may be callit properlie the Generall Assembleie or Generall Counsell of the hail kirk of God.

41. Thais assembleis wer appointit and callit togidder speciallie, qwhene an great schisme or controversie in doctrine did aryse in the Kirk, and war conuocat at command of the godlie Emperours being for the tyme, for the auoiding of schismes within the universall kirk of God: Quhilk becaus thay pertene not to the particular estait of ane realme, we ceiss forder to spek.

Of Deaconis and thair Office; the last ordinar Function in the Kirk.

CAP. 8.

1. The word *Διάκονος* suntymis is larglie takine, comprehending all thame that beir office in the ministrie and spirituall function in the kirk:

2. Bot now, as we speik, it is tane onlie for thame to whome the collection and distributioun of the almous of the faithfull and ecclesiasticall guidis does apperteune.

3. The office of the deaconie sa takine, is an ordinar and perpetuall ecclesiasticall function in the kirk of Chryst.

4. Of what properties and dewteis he aucht to be that is callit to this function, we remit to the manifest Scripturs.

5. The deacone aucht to be callit and electit as the rest of the spirituall officiaris, of the quhilk electioun, wes spokine befor.

6. Thair office and power is, to resseae and distribut the hail ecclesiasticall guidis, unto thame to quhom they ar appoyntit.

7. This they aucht to do according to the iugement and appointment of the Presbyteries or Elderschipis (of the quhilk the deaconis ar not) that the patrimony of the kirk and pure, be not converted to privat mennis use, nor wrangfullie distributit.

Off the Patrimony of the Kirk, and Distributioun thairof.

CAP. 9.

1. Be the patrimony of the kirk we mene, quhatsumeuer thing hath bene at any time befor, or sallbe in tyme cuning gevin, or be consent and universall custome of cuntreis professing Christiane religioun, applyit to the publick use and utilitie of the kirk.

2. Swa that onder the patrimony we comprehend first, all thingis gevin, or to be gevin to the kirk and seruice of God, as lands, bigginis, possessionis, annual rents, and all siclyke, quherewith the kirk is dotit, ather be donationis, foundationis, mortificationis, or ony uther lawehfull title, of Kings, Princes, or ony personis inferiour to thame, togidder with the continuall oblationis of the faithfull.

3. We comprehend also, all sic thingis as be lawis and custome, and use of cuntreis, hes bene applyit to the use and utilitie of the kirk, of quhilk sort ar the teindis, mans, glebis, and siclyk, quhilks be common and be municipall lawis and universall custom ar possessit be the kirk.

4. To tak ony of this patrimony be onlawfull meanis, and convert to the particular and prophane use of ony persone, we hald it ane detestable sacrilege befor God.

5. These guidis ecclesiasticall, aucht to be collectit, and distributit be deacons, as the word of God appointis, that thay quha beiris office in the kirk be provydit for, without cair and sollicitud.

6. In the apostolicall kirk, the deaconis war appoyntit to collect and distribut quhatsumenir thingis war collectit of the faythfull to

be distribut unto the necessitie of the sanctis ; sa that nane laickit amang the faithfull.

7. These collectionis war not onlie of that quhilk was collectit in manir of almous, (as sum supponis,) bot of uther guidis, movable and onmovable, of lands and possessionis, the pryce quhairof was brocht to the feit of the Apostles.

8. This office continewit in the deaconis handis, quaha intromettit with the haill gudis of the kirk, ay whill the estait thair of was corruptit be Antichryst, as the ancient canonis beris witnes.

9. The same canonis mak mentioun of ane fourfald distributioun of the patrimony of the kirk, quhairof ane part was applyit to the pasturis or bishoppis for thair sustentatioun and hospitalitie ; ane uther to the elders and deaconis, and all the clergie ; the thrid to the pure, seick personis and strangers ; the ferd to the uphald and uther effairis of the kirk, speciall extraordinar : We add hereto, the scoles and school-maisteris, quhilk aucht and may be weill sustentit of the same guids, and ar comprehendit under the clergie, to quhame we joine also clerkis of assembleis alsweill particular as generall ; syndickis or procuratouris of the kirkis effairis, takaris up of the psalmis, with siclyk uther ordinar offices of the kirk, sa far as thay ar necessar.

Of the Office of a Christiane Magistrat in the Kirk.

CAP. 10.

1. Althocht all the memberis of the Kirk be hauldine, euery ane in thair vocatioun, and according thairto, to advance the kingdome of Jesus Chryst sa far as lysis in thair power ; zit cheiffie and name-lie, Christiane Princes, Kingis, and uther magistrats, are haldine to do the same.

2. For thay ar callit in the Scripturis nurissaris of the kirk, for sameikle as be thaim it is, or at least aucht to be, menteind, fosterit, uphaldine, and defendit agains all that wald procure the hurt thair of.

3. So it pertenet to the office of a Chrystiane magistrat to assist and fortifie the godlie proceeding of the kirk in all behalfis ; and namelie to sie that the publick estait and ministrie thair of be mantenet and sustentit as it appertenis, according to Goddis word.

4. To sie that the kirk be not invadit nor hurt be fals teacharis

and hyrlingis, nor the rowmis thairof occupyit be dum doggis or idill belleis.

5. To assist and mantene the discipline of the kirk, and punish thame civillie, that will not obey the censur of the same; without confounding always the ane jurisdiction with the uther.

6. To sie that sufficient provisioun be made for the ministrie, scoles, and the pair: And gif thay have not sufficient to await upone thair chargis, to supplie their indigence evine with thair awine rentis, gif neid requiris: to hauld hand to thame, alsweill concerning thair awin personis, sayfing thame frome injurie and oppine violence, as concerning thair rentis and possessionis, that thay be not defraudit, reavit, nor spulzeit thairof.

7. Not to suffer the patrimony of the kirk to be applyit to prophane and onlawchful uses, or to be devoirit be idle belleis, and sic as haue na lauchfull functioun in the kirk, to the hurt of the ministrie, the scoles, the pair, and utheris godly uses, quhairupone the same aucht to be bestowed.

8. To mak lawis and constitutionis aggreable to Goddis word, for the advancement of the kirk, and policie therof; without usurping ony thing that pertenis not to the civill sword, bot belangis to the offices that ar mere ecclesiastical; as is the ministrie of the word and sacramentis, using of ecclesiasticall discipline, and the spirituall executionn thairof, or ony part of the power of the spirituall keys, quhilks our Maister gaif to the Apostles, and thair trew successors.

9. And although Kingis and Princes that be godlie, sumtymis be their awin auctoritie, (whene the Kirk is corruptit, and all thingis out of ordour,) place ministeris, and restoir the trew service of the Lord, efter the example of sum godlie kingis in Judea, and divers godlie Emperours and Kingis, also in the licht of the New Testament, zit quhair the ministrie of the Kirk is anis lauchfullie constitut, and thay that are placed, do thair office faithfullie, all godlie princes and magistrats aucht to heir and obey thair voice, and reverence the majestie of the Sone of God speaking be thame.

Off the present Abuses remaining in the Kirk, quhilks we desyr to be reformit.

CAP. 11.

1. As it is the dewtie of the godlie magistrat to mantene the present libertie quhilck God of his mercie hes grantit to the preaching of his word, and the trew ministratioun of the sacraments within this realme; sa is it to provyd, that all abusis as zit remaining in the Kirk, sould be removit, and utterly takine away.

2. Thairfoir, first, the admissioun of men to Papisticall titles of benefices, sic as seruis not, nor hes na functioun in the reformit Kirk of Chryst, as abbottis, commendatoris, priouris, priouressis, and uther titles of abbayis, quhais plices are now for the maist part be the iust jugements of God demolished and purgit of idolatrie, is plaine abusioun, and is not to ressaue the kingdome of Chryst amangis us, bot rather to refuse it.

3. Of the lyke natour ar the deanis, archdeanis, chanteris, subchanteris, thesauraris, chancelaris, and uthers having the lyke titles flowit frome the Paip and canon law onlie, wha haue na place in the reformit Kirk.

4. Siclyk, they that war callit of auld, the chapteris and conventis of abbayis, cathedrall kirkis, and siclyk places, seruis for nathing now, bot to set fewis and takis (gif ony thing be left) of kirk-landis and teindis, in hurt and prejudice thairof, as daylie experience teiched, and thairfoir aucht to be allutterlie abrogat and abolischit.

5. The Kirks also quhilks ar unitit and joynit togidder be annexatioun to thair benefices, aucht to be seperated and diuidit, and gevin to qualifeit ministeris, as Goddis word cravis.

6. Neither aucht sic abuseris of the patrimony of the Kirk of Chryst, to haue voit in Parliament, nor sit in counsall under the name of the kirk and kirk-men, to the hurt and preiudice of the libertie thairof, and lawis of the realme maid in faouris of the Reformit Kirk.

7. Mekleless is it lawfull, that ane persone amangis thais men sould haue fyue, sax, ten, twentie, or ma kirkis, all hauing the

charge of saulis, and bruk the patrimony thair of, ayther be admisioun of the prince, or of the Kirk, in this licht of the Evangell; for it is bot mockage to craue reformatioun whare sic hes place.

8. And albeit it wes thocht guid for avoiding grett inconuenientis, that the auld possessouris of sic benefices quha imbracit the religioun, sould inioy be permissicun, the twa pairt of the rentis quhilks thay possesst befoir, induring thair lyfetymis, zit it is not tollerable to continew in the Kirk lyke abuse, and gif thais places and utheris benefices of new to als onmeit men or rather onmeitar, quha ar not myndit to serue in the Kirk, bot leid a lone and idle lyf as the utheris did quha brukit thame in the tyme of blindnes.

9. And insafar as in the ordour tane at Leyth in the zeir of our Lord Jaj. *ve.* seventie-ane year, it appeiris that sic may be admittit, being fund qualifeit, &c. ather that pretended ordour is agains all guid ordour, or ellis it must be onderstandit not of thame that be qualifeit to worldlie effaires to serue in the court, bot sic as ar qualifeit to teache Goddis word, havand thair lawfull admisioun of the Kirk.

10. As to bishoppis, gif the name *επισκοπος* be properlie takin, thay ar all ane with ministeris, (as was befoir declairit;) for it is not the name of superioritie and lordschip, bot of office and watching.

11. Zit, becaus in the corruptioun of the Kirk, this name, as utheris hes bene abused, and zit is lyk to be, we cane not allow the fashioun of thais new chosine bishoppis, nather of the chapteris that ar electouris of thame to sic office as thay ar chosene.

12. Trew bishopis sould addict thame selfis to ane particular flok, (quhilk sindry of thame refusis,) nather sould thay usurp lordship ouer thair brethrene, and ouer the inheritance of Chryst, as thais men do.

13. Pastouris, insafar as thay ar pastouris, hes not the office of visitatioun of ma Kirkis joint to the pastureschip, without it be gevin thame.

14. It is ane corruptioun, that bishopis sould haue fordar boundis to visit, nor thay may lawchfully.

15. Na man aucht to haue the office of visitatioun, bot he that is lawchfullie chosine be the presbytrie thairto.

16. The elderschippis being weill establishit, hes power to send out visitouris, ane or ma, with commissioun to viseit the boundis

within thair elderschippis. And siclyk eftir compt tane of thame, ather to continew thame, or renew thame frome tyme to tyme, to the quhilks elderschippis thay sall be also subiect.

17. The criminall jurisdiction joint in the persone of ane pastoure, is ane corruption.

18. It aggreit not with the word, that bishoppis sould be pasture of pasturis, pasturis of mony flokis, and git without ane certane flok, and without ordinar teiching.

19. It aggreit not with the Scripturis, that thay sould be exemit fra correctioun of thair brethrene, and discipline of the particular elderschip of the Kirk, wherethat they sould serve; nather that thay sould usurp the office of visitatioun of uther kirkis, nor ony uther function besyd uther ministers, bot safar as beis committit to thame be the Kirk.

20. Heirfoir, we desyr the bishoppis that now ar, ayther to aggrie to that ordour that Goddis word requyris thame, and as the generall Kirk will prescryue unto thame, not passing that boundis, nather in ecclesiasticall nor civile effairis, or ellis to be deposit frome all functioun in the Kirk.

21. We deny not in the meane tyme, bot ministeris may and sould assist thair Princes quhen thay ar requirit, in all thingis aggreable to the word, quhidder it be in Counsall or Parliament, or utherwyse, providing alwayis thay nather negleck thair awin chargis, nor throw flatterie of Princes, hurt the publick estait of the kirk.

22. Bot generallie, we say, na personis, under quhatsumeuer title of the kirk, and speciallie the abused titles in Papistrie, of Prelats, Conuents, and Chapteris, aucht to attempt ony act in the kirkis name, ayther in Counsall, Parliament, or out of Counsall, having na commissioun of the reformit kirk within this realme.

23. And be act of Parliament it is providit, that the Papisticall kirk and jurisdiction sould have na place within the same, and na bishop nor uther prelat in tymis cuming, sould use ony jurisdiction flowing from his auctoritie.

24. And againe, that na uther ecclesiasticall jurisdiction sould be acknowlegeit within this realme, bot that quhilk is, and salbe within the reformit kirk, and flowing therfra.

25. So we esteme halding of chapetirs in Papisticall maner, ayther in cathedrall kirkis, abbayis, collegis, or uther conventuall places, usurping the name and auctoritie of the kirk, to hurt the

patrimony thairof, or use ony uther act to the preiudice of the same, sene the 3eir of our Lord 1560 3eiris, to be abusoun and corruptioun, contrar to the libertie of the trew kirk and lawis of the realme, and thairfoir aucht to be annullat, reducit, and in tymis cuming utterlie dischargit.

26. The dependences also of this Papisticall jurisdiction ar to be abolished, of the quhilk sort is the mingled jurisdiction of the commissaris, in safar as thay mell with ecclesiasticall materis, and haue na commissioun of the kirk thairto, bot war erectit in tyme of our Soverainis mother, whan thingis war out of ordour. It is an absurd thing, that sindrie of thame, having na functioun in the kirk, sould be ingis to ministeris, and depose thame fra thair rowmis : Thairfoir, ather thay wald be dischargit to meddle with ecclesiasticall matteris, or it wald be limitat to thame in quhat materis thay might be Juges, and not hurt the libertie of the kirk.

27. Thay also that of befoir war of the ecclesiasticall estait in the Papis kirk, or that ar admittit of new to Papisticall titles, and now ar tollerat be the lawis of the realme, to posses the twa pairt of thair ecclesiasticall rentis, aucht not to haue ony forder libertie, bot to intromet with the portioun assignit and grantit to thame for thair lyfetime, and not, under the abusit titles quhilks thay had, to dispone the kirk rentis, set takis and fewis thairof at thair plesour, to the greit hurt of the kirk, and pure laubaris that dwell upone the kirk-landis, contrarie to all guid conscience and ordour.

Certane special Heidis of Reformatioun quhilk we crave.

CAP. 12.

1. Quhatsoever hane bene spokine of the offices of the kirk, the seuerall power, the office-beraris thair conjunct power also, and last of the patrimony of the kirk, we onderstand it to be, the right reformation, whilk God cravis at our handis, That the kirk be ordourit according thairto, as with that ordour quhilk is maist agreeable to the word of God.

2. Bot becaus sumthingis willbe twichit in particular, concerning the estait of the countrie, and that quhilk we principallie seik to be reformit in the same, we haue collectit thame in thir heidis following :

3. *First*, seing the hail countrie is devydit in provinces, and thir provinces agane ar diuidit in paroches, alsweill in landwart as in townis; in euery parochie of reasonable congregationis, there wald be placit ane or ma pasturis to feid the flock, and na pasture or minister, aucht to be burdenit with the particular charge of ma flockis or kirks thene ane alanarlie.

4. And becaus it willbe thoct hard to find out pasturis or ministeris to all the parochie kirkis of the realme, alsweill in landwart as in borrows townis, we think, be the advice of sic as commissioun may be gevine to, be the kirk and the prince, paroches in landwart or small villages, may be joint twa or thrie or ma, in sum places togidder, and the principall and maist commodious kirkis to stand, and to be repairit sufficientlie, and qualifeit ministeris placet thereat; and the uther kirkis, quhilk ar not fund necessar, may be sufferit to decay, thair kirk-zairdis always being kepit for buriall places: And in sum places quher neid requyris, ane parochine, where the congregatioun is our greit for ane kirk, may be diuidit in twa or ma.

5. Doctouris wald be appointit in universities, collegis, and uther places neidfull, and sufficientlie prouydit, for to oppin up the meaning of the Scripturis, and to haue the charge of scoles, and teache the rudiments of religioun.

6. As to eldaris, thair waldbe sum to be censuris of the mauris of the peple, ane or ma in euerie congregatioun; bot not an assemblee of eldaris in euery particular kirk, bot onlie in the townis and famous places quher resort of men of jugement and habilitie to that effect; may be had,

7. Quhair the eldaris of particular kirkis about may convene togidder, and haue ane commoun elderschip and assemblee-place amongis thame, to treat of all thingis that concerne the congregatioun of whome thay haue the ouersicht.

8. And as thair aught to be men appointit to unit and diuyd the paroches, as necessitie and commoditie requiris, Sa wald thair be appointit be the generall kirk, with assent of the Prince, sic men as fireth God, and knew the estait of the countreis, that war able to nominat and designe places, quhere the assembleis of particular elderschippis sould convene, to tak consideratioun of the dioces as thay war diuidit of auld, and of the estait of the countreis and provinces of the realme.

9. Lykeways as concerning provinciall and synodall assembleis, consideratioun war easie to be had, how mony and in quhat places thay war to be haldine, and how oftene thay sould convene,—aucht to be referit unto the libertie of the general kirk, and ordour to be appoyntit therein.

10. The Nationall Assembleis of this countrie, callit commounlie the Generall Assembleis, aught alwayis to be retenit in thair awin libertie, and to haif their awin place, with power to the kirk to appoint tymis and places convenient thairfoir.

11. And all men, alsweill magistratts as inferiouris, to be subject to the jugement of the same in ecclesiasticall causis, without ony reclamatioun or appellatioun to onie iudge, ciuile or ecclesiasticall, within the realme.

12. The libertie of the electioun of personis callit to ecclesiasticall functionis, and obseruit without interruptit continewnce salang as the kirk was not corruptit be Antichryst, we desyr to be restorit and retenit within this realme :

13. So that nane be intrusit upone ony congregatioun, aither be the Prince or ony inferiour persone, without lawchfull electioun and the assent of the peple our quhom the persone is placet, as the practise of the apostolicall primitiue kirk and guid ordour craves.

14. And becaus this ordour, quhilk Goddis word cravis, can not stand with patronages and presentationis to benefices, usit in the Papis kirk, We desyr all thame that trewlie feiris God, eirnestlie to consider, that forswamekle as the names of patronagis and benefices, togidder with the effect thairof, are flowene frome the Pape, and corruptioun of the canone law onlie insafar as thairby ony persone was intrusid and placit ovir kirkis having *curam animarum* ; And forswameikle as that maner of proceeding hes na ground in the word of God, but is contrar to the same, and to the said libertie of electioun, thay aucht not now to have place in this licht of reformatioun : And therefoir quhasaever will trewlie imbrace Goddis word, and desyr the kingdome of his Sone Jesus Chryst to be aduancit, thay will also imbrace, and resaue that policie and ordour quhilk the word of God, and upright stait of his kirk craves, vtherwyse it is in vane that thay sould haue profest the same. Notwithstanding as concerning uther patronages of benefices that have not *curam animarum*, (as they speik,) sic as ar chaplanreis, prebendaries fund-

eit upon temporall landis, and annuallis, and sielyk, may be reseruit unto the ancient patronis, to dispone tharupone, quhan thay veaik, to scolleris and bursaris, as thay are requirit be the act of Parliament.

15. As to the kirk rentis in generall, we desyr the ordour to be admittit and mantenit amangis us, that may stand with sinceritie of Goddis word, and praetes of the puritie of the kirk of Christ.

16. *To wit*, that as was befoir spokine, in the hail rent and patrimony of the kirk, (excepting the small patronagis befoir mentionat,) may be divydit in four partis and portionis: Ane thairof to be assignit to the pasture for his intertenement and for hospitalitie; ane uther to the eldaris, deaconis, and utheris officiaris of the kirk, sic as elerkis of assembleis, takaris up of the psalms, beadallis and keparis of the kirks, safar as thay ar necessar; joyning thairwith also, the doctouris of scoles, to help the ancient foundationis quhere neid requireth: The thrid portioun to be bestowit unto the pure memberis of the faithfull, and hospitallis: The fourt for reparatioun of the kirkis, and utheris extraordinar chargis as ar profitable for the kirk, and also for the eommoun welth, gif neid require.

17. We desyr thairfoir, the ecclesiasticall guidis to be uplifit, and distributit faithfullie, to quhome thay appertene, and that be the ministrie of the deaconis, to quhais office properlie the collectioun and distributioun thereof belangis: that the pure may be answerit of thair portioun thereof, and thay of the ministrie leue without care and sollicitud, as also the rest of the thesaurarie of the kirk may be ressaut, and bestowit to the richt uses.

18. Gif thayes deaconis be electit with sic qualiteis as Goddis word craves to be in thame, thair is na feir that they sall abuse thame selfis in thair office, as the prophane collectouris did of befoir.

19. Zit becaus this vocation apperes to mony to be dangerous, let them be oblisht (as thay war of and) to ane zeirlie compt to the pasturis and elderschip; and gif the kirk and Prince think expedient, lat cautioneris be oblist for thair fidelitie, that the kirk rents onnawayis be delapidat.

20. And to the effect this ordour may tak place, it is to be provydit, that all utheris intromettouris with the kirkis rentis, collectouris generall or speciall, whidder it may be by appointment of the Prince, or utherwayis, be denudit of forder intromissioun thereof, and suffer the kirk rentis in tymis cuming to be haillalie intromettit

with be ministrie of the deaconis, and distributit to the usis afoir mentionat.

21. And also, to the effect that the ecclesiasticall rentis may suffice to the uses for the quhilk thay ar to be appointit, we think it necessar to be desyred, that all alienationis, setting in fewis or takis of the rentis of the kirk, alsweill landis as teindis, in hurt and diminutioun of the auld rentallis, be reducit and annullat, and the patrimony of the kirk restoirit to the formar and auld libertie.

22. And lykeways, that in tymis cuming, the teindis be set to nane bot to the laubouraris of the ground, or ellis not set at all, as it was aggriet upone, and subscriuit be the nobilitie befoir.

The Viiiitie that sall flow of this Reformatioun to all Estaitis.

CAP. 13.

1. Seing the end of this spirituall gouernament and policie, quhairof we spak, is, that God may be glorifeit, the kingdome of Jesus Chryst advancit, and all thay quho ar of his mysticall body, may leve peceable in conscience : Thairfoir we dar baulddie affirme, that all thay quha haue trew respect to thais endis, will evin for conscience caus, gladdie aggrie and conforme thame selfis to this ordour, and aduance the same, safar as lysis in thame, that their conscience being set at rest, thay may be replenished with spirituall gladnes in geving full obedience to that quhilk Goddis word and the testimony of thair conscience dois craue, and refusing all corruptionis contrare unto the same.

2. Nixt, we sall becum an example and patrone of guid and godlie ordour to uther nationis, cuntreis, and kirkis professing the same religioun with us, that as thay haue glorifeit God in our continewing in the sinceritie of the word hitherto, without all errouris, (praise be to His name,) sa thay may haue the lyk occasioun in our conuersation, quhen as we conforme our selfis to that discipline, policie, and guid ordour, quhilk the same word and puritie of reformatioun craves at our handis ; vtherways this feirfull sentence may be iustlie said to us, The servand knawand the will of the maister, and not doing it.

3. Mairour, gif we haue ony pitie or respect to the puir mem-

beris of Chryst, quha sa greatlie increase and multiplie amangis us, we will not suffer thame to be langer defraudit of that part of the patrimony of the kirk, quhilk justlie belangis unto thame: And be this ordour, gif it be dewlie put in executioun, the burding of thame sall be takine of us to our greit confort, the streitis sallbe elianged of the cryingis and murmuringis of thame; as we salbe na mair sklander to uther nationis, as we haue hitherto bene, for not taking ordour with the puir amangis us, and causing the word quhilk we profess to be euill spokine of, giving occasioun of selander to the enemies, and offending the consciences of the semple and godlie.

4. Besyds this, it sallbe a greit ease and commoditie to the hail commoun peple, and releving thame of the beilding and uphalding of thair kirkis, in bigging of briggis and uther lyk public warkis; to the labourars of the ground in the payment of thair teindis; and schortlie in all cheif thingis, quhairunto thay have bene hitherto rigorouslie handlit be thame that war falsely callit kirkmen, thair tackkismen, factouris, and extortionaris.

5. Finallie, to the Kingis Majestie and common-welth of the countrie, this profit sall redound, That the uther effairs of the kirk being sufficientlie provydit according to the distributioun of the quhilk hes bene spokin, the superplus being collectit into the thesaurarie of the kirk, may be profitablie imployit, and liberallie bestowit upon the extraordinar support of the effairis of the Prince and commoun-welth, and speciallie of that part quhilk is appoyntit for reparatioun of the kirks.

6. Sa, to conclude; all being willing to apply thameselfis to this ordour, the peple suffering them selfis to be reulit according thairunto, (the Princes and Magistrats thame selfis not being exemit,) and thay that ar placit in ecclesiasticall estait, rychtlie reuling and governing, God sallbe glorifeit, the kirk edifeit, the boundis thair of inlargit, Chryst Jesus and his kingdome set up, Sathane and his kingdome subuertit, and God sall dwell in the meddis of us, to our comfort, throw Jesus Chryst, quha, togidder with the Fader and the Halie Ghaist, abydeth blissit in all eternitie. So be it.

Finis.

Mr J. RICHIE.

Deo Gratias.

This Buik of Policie being red apart privatlie be the maist part at sundrie tymis, and the penult of September 1591, being publicklie in the Elderschip of Haddingtoun, was subscryvit be the brethren thairof, according to the Act of the Generall Assemblie, as follows:—

Act 8 Augusti,
Sess. 10.

Mr Thomas M'Gee,
minister of Guland.

Mr James Carmichaell, minister
at Hadingtoun.

James Gibsone, minister
at Pencatland.

Mr L. Hay, Bass.

Thomas Greg, minister at North Berwick.

James Reid, minister at Garvat Kirk.

D. I. Byris, minister of Godis word at Barow.

James Lamb, minister at Boltoun Kirk.

Mr Johne Ker, minister at Abarladay.

David Wallace, minister at Moreine.

RESCINDED ACTS OF ASSEMBLY.

[RESCINDED ACTS OF ASSEMBLY.]

IN the Assemblie of the Kirk of Scotland conveint be his Majestie, and
halden at Linlithgow, anno 1606.

Sess. 3. 12. Decembris.

In lyke maner the Conference finding that nothing mair weakened the credit and strenth of the ministerie and discipline of the Kirk against Papists, nor mair emboldned the adversares to goe forward in their erroneous course, than the appearances of division in the ministrie among themselves, and the alienatione quhilk seemeth to be of his Majestie's mynd from some of them: Therefore, for the removeing of all eye lysts and shew of division and alienation of myndes, either among the ministers themselves, or of his Majestie's good affection and favour from any of them, was thoecht ane soveraigne remedie for the effectuall suppressing of papistrie. And having searched and found out the cause of the distraction, of alienation of myndes forsaid in the ministrie, to be partlie a feare that some of the brether was of purpose, and upon course to subvert the libertie and discipline of the Kirk of Scotland, by removing the Sessiouns, Presbytries, Provinciall and Generall Assemblies, or by vsurping in their awn persons some sick tyrannous and vnlawfull jurisdiction as is no wayes lawfull, neither to be tolerated in a truelie and Christian reformed Kirk, and to shake off that obedience to all good ordour and comelines, established or to be established by the lawfull assemblies with his Majestie's consent; and particularlie a griefe that some of the brether now banished foorth of his Majestie's dominions, and uthers diseased, be long warding and relegation from their habitations and charges: And finding lykewayes be the declaration of his Majestie's commissioners, and sick as were privie to his Majestie's mynd, that his Hiennes was no less grieved with divers formes and actions of some of the ministrie, for not haveand due regard and care to vse sick course in their actions and administration in the Kirk affaires, as might serve to intertain a solid peace and

quyetnes betweene his Majestie and them, as lykewayes mutuallie among themselves, and in speciall, that the charge of their government was oftentimes almost ordinarlie committed to sick as, for lake of wisdom and experience, was no wayes able to keep their estate in any good frame or quyetnes, quherunto his Majestie imputed the chiefest cause of all the greifes and troubles quhilk had fallen out this lang tyme amangst the ministrie themselves, or any offence given be any of them to his Majestie, and that his Majestie could not be satisfied quhill this inconvenient were first removed, and a faithfull remedie provyded, that thereafter the lyke sould not fall out, quhilk his Majestie summarlie comprehended in this, if the affaires of the Kirk sould be administrat be the wysest and most godlie; wheranent also his Majestie's speciall overture as heir-after followes, was prepared:

It is his Majestie's advyse to this Assemblie, and pleasure, that presentlie there be nominat in everie Presbyterie ane of the godlie and most grave, of greatest authoritie and experience, and meitest for government, to haue the moderation of his Presbyterie quhere he remaines, till the present sturres and fyre of dissention qwhilk is amangs the ministrie, and the great prejudice of the authoritie and credit, and the hinderance of the gospell and his Majestie's high offence, be qwenshed and taken away; and the noblemen and others professing Papistrie within this kingdome so repress by justice and execution of lawes, or be the labours of the ministrie and discipline of the Kirk, that they be not able to hinder the course of the gospell, or strenthen and encourage the credit and power of laws against them, be committed unto the saids Moderators, and that the Bishops in the Presbyteries qwhere they are resident, in ane of the kirks of the Bishopric, have this care and burden committed unto them; and seeing that it will credible fall out that in the Presbyteries, through the greatness of parties and the langsumnes and difficultie of processe, the saids Moderators will sometymes be constrained to referre the doing thereof to the Provinciaill Assemblie and the Moderator thereof, it is therfor his Majestie's advyse and pleasure that the Moderator of the Provinciaill Assemblie, and persewing of actions of greatest difficultie be comitted unto the Bishop makand lawfull residence within the said province, or to the worthiest of them qwhen it sall happen moe than ane to be in ane province, in respect that his Majestie hes bestowed upon them, moyane and places qwherby they may be able to beare out the charges and burden of difficile and dangerous actions qwhilk other ministers were not able to sustane, and lykewayes by their credit and place in counsell, are able in sick causes, to procure greater celeritie and execution of justice as in sick cases will be requisite, than vthers.

The Conference having advysed, first anent the taking away of the forsaid fiers and suspition and satisfaction of the greifes, and willing to understand of his Majestie's Commissioners, and sick as latelie had been acquainted with his Majestie's intentions, and willing lykewise to heare the declaration of the Bishops thereanent as touching their owne intentions and purposes in this errand: It was declareit, that it was not in any wayes his Majestie's purpose and intention to subvert and overthrow the present discipline of the Kirk of Scotland, but rather to augment and strenthen the samen so farre as it could serve for the well of the gospell and the restraint of vyce, and to sie sick eyelists and offences as in the

administration thereof was the occasion of just discontentment unto his Majestie, and a hinderance to the credit and authoritie of the ministrie themselves, removed and tane away, be sick good overtures as is after expressed.

In signe quhereof, as there is nothing done in derogatione of the halding of the Session, the Presbyteries and Provinciall Assemblies, so it was never his Majestie's intention, but that the keeping of Generall Assemblies at certaine competent tymes was, and is a most necessarie mean for the preservation of peace and union in the Kirk, and extermination of all heresie and schisme in the same: Therefor his Majestie doeth graccouslie declare, that as the Act of Parliament doeth still stand in full force and effect for the conveying of Assemblies anes every zeir by his Majestie's direction, so it is his Majestie's will that the day of conveying the next Assembly sallbe at Edinburgh the last Tuesday of July.

Sicklyke, the haill Bishops declarit that it was not their intention to usurpe and exerce any tyrannous and unlawfull jurisdiction and power over the brethren, nor to ingyre themselves any wayes unlawfullie in the Kirkes government, or any part thereof, farder nor sall be committed to them be the Presbyteries, Provinciall or Generall Assemblies; and if it sould happen to fall out that they, or any of them, sould be found to doe [in] the contrair, then, and in that case, they were content to submitt themselves unto the censure of the Kirk, als humble as any other of the brether of the ministrie.

In lykemaner, it was declared that his Majestie, according to his ocasioncs,* lang ammitie and patience towards sick as happened to offend him of the ministrie, had delayed for a very lang tyme to give foorth any sentence against the brether now banished, still hoping that by their good behaviour and humble sute for his Hienes' pardon and favour, his Majestie have occasion to shew his clemencie towards them; and albeit his Majestie beand justlie provoked, was moved to give forth his will anent their banishment, Yet imediatlie, being requested in their favours be the Bishops and other brcthren there present with them, it pleased his Majestie to declare that their want of his favour proceedit upon their awin default quho had never humbled themselves to seek his pardon as became them.

In respect quhereof it was thocht meit to direct the Bishop of Edinburgh,† Mrs Patrick Sharp, Patrick Gallaway, Robert Wilkie, Joⁿ. Strauchane, W^m. Hall, Joⁿ. Hay, with the Moderator of the Assemblie, to write a letter to the said brether in their name, [givand them advyce so to frame and send their humble] sute to his Majestie for his pardon and favour to them as may give his Majestie greatest satisfaction, and that the Assemblie earnestlie requeisted his Majestie's Commissioners and others Noblemen employed be his Majestie to this Assemblie, so soone as their said supplication sould come from them of the tenor for-said, to concurre be their credit and intercession with his Majestie, to procure them to be [ma^{le}] partakers of that gracious favour quhilk his Majestie at no tyme heirtfoir refused to any of that profession quhom he fand willing to acknowledge and amend their oversight, and have recourse to his clemencie; for the quhilk declaration the Conference praised God, and thocht good that the brethren sould be written to as is befoir said, and be the brethrin befoir named.

* In the other copy it is "according to the custome of his longanimitie."

† "Aberdeen."

Thereafter, having considered the overture proponed to them in his Majestie's name, and finding it in shew, to carie some appearance of novation in the discipline of the Kirk, and fearing that it might bring with it some inconvenients: Therfor the Conference wald not take on them to determine their advyce theranent, quhill first the mater were exactlie resolvit in their presence, and sufficient remeid provyded for preventing all inconvenients might follow thereupon: Whereupon a good number of the most learned, godlie, and wysest of the brethren of the Conference, being appointed to reason and heare ane after another; and having exactly and at good length reasoned and examined quhatsumever inconvenients might follow upon the establishing of the said overture, it was considered and found at last to be ane universall voyce and consent of the whole Conference, but contradiction, that the said overture was both wise and godlie, and tending many wayes to the well of the Kirk: Provydeing that certaine cautions were observed for preventing such evils as might happen to fall out incase the said Moderators, or any of them, [should] either arrogantly presume to usurp any farder power in the saids Presbyteries and Assemblies than it is comelie and lawfull for Moderators in sicke cases to doe, and presentlie and without innovating and altering at their owne fantassies, and at their owne hands, the custome that the discreit Moderators have used and aught to use in that place, or utherwayes be found remisse in proponcing or prosecuting any good purpose or overtouris quhill sould be giuen in be the brethren or any of them to the saids Presbyteries and Assemblies, and according to the doubts quhill in reasoning were found out and feared, the cautions following were aggried upon:

1. That it be provyded that the Moderators of Presbyteries and provinciall Assemblies to be nominat and chosen according to his Majestie's overtures, sall presume to doe nothing in the Presbyteries and provinciall Assemblies where he moderats, without the speciall advyse and consent of the brethren.

2. That the acts of the Generall Assemblies and caveats therein prescryved anent Bishops be observed.

3. That they sall vse no jurisdiction or power farder than the Moderators of Presbyteries and provinciall Assemblies has bein in use of, be the constitutions of the Kirk befor.

4. Incase it sall happen the Moderators of Presbyteries and provinciall Assemblies to be absent the time of the convention, then it sall be in the power of the saids provinciall and Presbyteries, to nominate and choose out the wisest and gravest of their brether, to moderat their meitings in absence of the saids Moderators.

5. Quhen the place of the Moderator in any Presbyterie sall happen to vaikie, the election of another to succeed in his rowme, sall be made be the whole provinciall Assemblie, with consent of his Majestie's Commissioners, if any happen to be there present for the tyme.

6. And when any of the saids Moderators sall happen to depart this life betwixt Assemblies, it sall be lawfull to the Presbyteries to nominat ane of the gravest and worthiest of the number to continue in the Moderation of the Presbyterie quhill the nixt provinciall Assemblie.

7. The Moderators of the Presbyteries sall be subject to the tryall and cen-

sure of the Provincials; and in case it shall happen that they be found to be remisse in the discharge of their dutie, or [to have presumed] to usurpe over their brethren any farther power than is given them be their Assemblie, it shall be ane cause to them of deprivation from their office of Moderator, and they shall be depryved therefra be the saids provincials.

8. In lykemaner, the Moderator of the provinciall Assemblies shall be tryed and censured be the Generall Assemblie; and if he be found there to have been remisse from his office of Moderation, or to have usurped any farther power nor the simple place that ane Moderator, he shall be depryved fra his said office of Moderator be the Generall Assemblie.

9. That the Moderator of ilk Presbyterie and provinciall Assemblie, with the scribes being chosen, faithfull, wise, and formall men, be astrictit to be present at all Generall Assemblies as members thereof, and to have the rigor of the acts and proceeding of the Presbyteries and provincials there present with them, that their fidelitie and diligence may be sein be the Generall Assemblie, and the estate of the countrey therby knawen.

10. That it shall be leisum to ilk Presbyterie to send Commissioners to the Generall Assemblie, by and attour the Moderator and Scribe, two or thrie, according to the act of our Assemblie anent the Commissioners of Presbyteries, if they shall think it expedient.

11. Farder, it is heirby declared, that notwithstanding of any thing done at this tyme, the Sessions, Presbyteries, Provincials and Generall Assemblies, are to be observed, kepted, and obeyed as they have been heirtofoir.

12. That the Moderator of the Generall Assemblie be chosen be vote of the said Assemblie, certaine leits being first nominat and proponed frielie, as use has been in tymes bypast.

13. That in everie Provinciall Assemblie where there is no Bishop makand actuallic lawfull residence, and haveand the Moderation of ane of the Presbyteries, the Moderators of the (meitest of the) Presbyteries within the said province beand proponed on leitt, the meitest of them shall be chosen be the said Assemblie Moderator thereof, his Majestie's Commissioners' consent there present beand had therto.

And farder, the Conference having examined the rolls of ilk Presbyterie, to sie if any was meiter to use the office of moderation than these quhilk befoir has been nominat to have the care of the dilation of Papists and uncommunicatis, they fand in their judgement, that the same persons was of all uthers, in everie Presbyterie, meitest alsweill to moderat as to haue care of dilation forsaid; reserveand alwayes unto the ministers of ilk Presbyterie there convinit, their awne priviledge and power, to nominat unto the Assemblie, a meiter if any be in the Presbyterie for the moderation; and therfor the said Conference finds it expedient, that the persons forsaid accept and take upon them presentlie the said office of moderation within the Presbyteries respective, and that the Presbyteries embrace and allow of them; and for this effect, that the saids Moderators and Presbyteries be requestied therunto earnestlie be this Assemblie, and if neid beis, lykewayis charged that the Kirk of God be not long frustrat of the comfortable effects that the forsaid ordour is able shortlie, be the grace of God, to produce.

This overture beand proponed and declared at lenth in presence of the full Assemblie, everie article and heid thereof was with ane uniforme consent and allowance of all, without contradiction, except only so farre as concerned the Moderators in moderating of Presbyteries, and their continuance of the office of the Moderator bezond the accustomed tyme, quheranent certaine doubts beand proponit and satisfied, and the Bishops haveand given their declaration foorth of their awne mouthes anent their intentions and purpose, to be subject unto the acts and caveats of the Generall Assemblies, and to make residence within such a space as could be limited to everie one of them be this present Assemblie; and if it could be found expedient for the well of the Kirk, that other meiter and more worthie than they, to possesse and occupie their places, to demitt their benefices at the pleasure of the Assemblie; his Majestie's consent [and approbatione] beand had thereto, wherein they promised, and if neid were, to be earnest suitars at his Majestie's hands. Lykeas some of them declared, that they had alreadie most humble craved the same of his Majestie for the respect they had to take away all offence from their brethren, provyding alwayes if either, upon his Majestie's advyse or probation to the Assemblie, or their awne supplication, the Generall Assemblie be movcd heirafter, to grant them any relaxation of any of the caveats, quhilk upon good reason might appeare to the said Assemblie to be over strait, that this their promise sall make no derogation to the libertie quhilk the Assemblie heirafter sall be moved to grant them.

It was voted, and be pluralitie of votes concluded, to witt, his Majestie's Commissioners, whole Nobilitie, Erles, and Barrons, to the number of threttie-three, together with ane hundreth twentie and saxe of the ministrie votting affirmative, that the said overture anent the continuance of the Moderator qwhill the present division of the kirk be removed, and the whole brethren broght to the unities of mynd and affection quhilk is agreeable to their calling, and may serve best to the furtherance of the cause of God, and overthrow of all contrarie cause, and the Papists also fullie reprist or brocht to the obedience of the gospell, sould passe and be enacted as ane of the conclusions of this Assemblie;—the forsaid caveats beand alwayes kept be everie one of the saids Moderators, and the contraveeners censured and punished as is befor expressed—foure only of the whole Assemblie be their votes disassenting therfra, and uther foure refusing to vote for want of commission fra their presbyteries, and twa beand *non liquet*.

Extract foorth of the Book of the Acts of the Assemblie at Lynlithgow, and subscriyvit be the Moderator and Scrybe thereof.

Sic Subscribitur,

J.A. NICOLSONE, *Moderator.*

MASTER HENDRIE PHILP, *Scrybe.**

* This transcript of the minutes of the Assembly 1606 is taken from the more ancient copy of the two in the Advocates' Library, and this is the last Assembly the proceedings of which are contained in that copy. The acts of this Assembly are omitted at the proper place in the more modern copy which we have used, but interjected at a subsequent part of the volume among various miscellaneous documents not referable to that period. The more ancient copy, however, is now preferred.

*The Names of the Moderators of Presbyteries.**Zetland.*

Mr James Pitcairne.

*Orkney.*The B. of Orkney, in his absence
Thomas Swintone, upon his expenses.*Caithnes.*The Bishop of Caithnes, and in his absence
Samuel Bruce, upon the Bishop's expenses.*Tuine.*

Mr Johne Ros.

*Ardmannath.*Mr George Monro, to be payed by the
B. of Ros qwhile he be resident
there himselfe.*Invernes.*

Mr James Bischop.

Forres.

Mr James Dundas.

Elgin.

The B. of Murray.

*Dumblane.*Mr Robt. Howie, and failzeing of him
Mr George Chalmers.*Cullen.*

Mr George Douglas.

Bamff.

Mr George Hay.

Deir.

Mr Archbald Sibbald.

Ellone.

Mr John Reid.

Garioch.

Mr Robert Burnett.

Aufurd.

Mr Alexr. Guthrie.

Kinkardin Oneill.

Mr John Strauchane.

Aberdein.

The B. of Aberdein.

Mernes.

Mr Andro Ramsay.

Brechin.

Mr Dugall Campbell.

Aberbrothok.

Mr Arthur Futhie.

*Dundie.*Mr Joⁿ. Ramsay.*Megle.*

Mr George Nicolsone.

Perth.

Mr Alex. Lindesay.

*Dunkeld.*Mr W^m. Glass.*Couper.*Mr W^m. Scot, and till his return
Mr Johne Caldcleuch.*St Androis.*The B. of St Andrews : in his absence
Mr W. Wilkie, to be payit be the
B.*Kirkadie.*Mr Joⁿ. Michelsone.

*Dunfermling.*Mr Joⁿ. Fairfull.*Auchterardour.*

Mr John Davidstone.

Strivling.

Mr Patrick Simson.

*Lynlithgow.*Mr Ro^t. Cornwall.*Edinburgh.*Mr Joⁿ. Hall.*Dalkeith.*

Mr George Ramsay.

Haddingtoun.

Mr James Carmichael.

Dunbar.

Mr Edward Hepburne.

*Chirnesyde.*Mr Joⁿ. Clappertoun.*Dunc.*

Mr David Hoome.

*Melros.*Mr Joⁿ. Knox.*Kelso.*

Mr James Knox.

*Jedbert.*Mr Joⁿ. Abernethie.*Twidail.*

Mr James Logane.

*Lanerick.*Mr W^m. Birnie.*Hamilton.*Mr Ro^t. Dalkeith.*Glasgow.*The B. of Glasgow, and in his absence
Mr Patrick Sharp.*Paislay.*Mr Joⁿ. Hay.*Dunbarton.*Mr Joⁿ. Blackburne, and quhill he
make residence,
Mr W^m. Stewart.*Air.*Mr Joⁿ. Inglis.*Irving.*Mr Alex^r. Scrimgeor.*Dumfries.*

Mr Thomas Ramsay.

*Kirkudbright.*The B. of Galloway, and in his absence
Mr Ro^t. Glandynning.*Wigtoun.*

Mr James Adamsene.

Argyle.

The B. of Argyle.

*Isles.*The Bishop, and in his absence Mr
Ro^t. Steuart, and on his expenses.

Extract.

*Sic sub^r.*JA. NICOLSONE, *Moder ator.*MASTFR HENDRIE PHILP, *Scrybe.*

THE Generall Assemblie of the Commissioners from the Presbytries of the Kirk of Scotland, halden at Lynlithgow, the 26th of July 1608—in the quhilk were present the King's Commissioner, viz. the Earle of Dumbarr.

Sessio Ima, Julij 26, 1608.

Exhortatione beand made be Mr Pat. Galloway, Moderator of the last Assemblie, the brethren, after the accustomed manner, procedit to the election of the Moderator of this present Assemblie; the leets being nominat, Mrs Patrick Scharp, James Law, Bishop of Orknay, John Mitchelstone, Pat. Lyndsay, John Hall, and Patrick Simpsone;—be plurality of votes, Mr James Law was chosen Moderator *hac vice*.

The Assessors appoyntit to conveene with the Moderator in the privie conference for treating of such things as are to be concludit in the Assemblie are these: The Earles of Dumbarr, Wigtone, and Lawthiane, with the Collector-Generall, his Majestie's Commissioners, the Earles of Glencairne and Kinghorne, the Lords Grahame, Lindsay, Lowdane, Blantyre, Halyrudehouse, the Lairds of Balmanie, Kynnaird, Kilsyth, Carnell, the Bischopes of Caithnes, Mr William Dowglass, the Bischop of Aberdeene, Mr George Hay, the Bischop of Brechine, Mr Andrew Leitch, Mr Patrick Lyndsay, Bischop of St Androis, Mr John Mitchelstone, Mr Patrick Simsone, Bischop of Dunkeld, Bischop of Dumblaine, Mrs Will. Cowper, Patrick Galloway, John Hall, David Home, John Knox, Bischop of Glasgow, Mr Pat. Scharp, Bischop of Galloway, Mr Alex. Scrymgeour, Mr William Hamiltone, Mr Thomas Ramsay, Bishop of Argyll.

The hours of meeting appoyntit to be, for the privie conference, aucht hours in the morning and two afternoone, and for the Assemblie nyne houres in the morning and three afternoon. The brethren appoyntit for reading and answering the bills are Mrs Arthur Futhie, Henry Philp, John Clappertoune, John Reid, Peter Hewat, Edward Hepburne, and John Hay.

Sess. 2^a, Julij 27.

Forsuameikle as ane of the maist speciall causes of the convention of this present Assemblie is for suppressing of papistrie and idolatrie, quhilk dayly mair and mair increases within this realme, and repressing of Papists, Jesuits, and Seminarie Priests, qwhois number still mair and mair increases within the same, to the great dishonour of God and overthrow of trew religione profest within this realme, if the same be not with some solide remead obviat in tyme: Therefore it is thocht expedient be the Assemblie, that before all uther things, this article concerning Papists and Papistrie be first advysit upon and concludit: And to the effect the Assemblie may the more solidlie and with the greater light proceed in the said matter, therefore they have ordaynit that the Commissioners of every Synod at the rysing of this Sessione conveine themselves severallie, and make ane roll conteining the number of Papists and the names of them within the bounds

of their Synod : 2. The causes why Papistrie, Superstitione, and Idolatrie is come to so great ane height within this realme : 3. The remedies for suppressing all sorts of Papists and Idolaters within the same, viz. Papists already excommunicat, Papists qwho hes sworne and subserivit to the treuth, and yet refuses to imbrace the same, and Papists that in word profess the truth, but in doctrine and deid contrairs the same : 4. What forme of proceeding every Synod hes usit against the Papists within their bounds : Quhilks articles the saids Synods shall put in wreit, and delyver the same to the Privie Conference at three afternoone.

It is lykewayes ordaynit that every Synod shall make ane particular roll of the names of such as are receipters of Jesuits, traffiqueing Papists, and Seminarie Priests within their bounds, and delyver the same privilie to the Earle of Dumbar, his Majestie's Commissioner, to the effect order may be taken thereaunt.

Item, Because the Marques of Huntlie hes been lang under proces and censure of excommunicatione before the Synods of Aberdeen and Morray, and in respect of his continuance and indurat superstitione of Papistrie and Idolatrie, they have orderly led and deducit the proces unto the finall sentene, the pronouncing quherof hes been continowit be them from tyme to tyme, upon hope of his Lordship's amendment and turning from Idolatrie and Papisticall superstitione to the trew religion presently professit within this realme, and because they finde no hope of the same, but be the contrair greater obstinacie: Therefore the hail Assemblie in ane voyce deerns and ordaynes the sentence of excommunicatione to be pronuncit against his Lordship, with all possible diligence, and continows the declaratione of the place quhen the same shall be done and be quhom, to the nixt Sessione.

Sess. 3; 27 Julij.

Quhilk day, in presence of the hail Assemblie, compeirit Sir Thomas Kar of Hireba, Knight, in name of George Marques of Huntlie, and presentit ane supplicatione in name of the said noble Lord beirand as followis : Because that conscience is the only argument that movit me this wayes to protract tyme till I had perfect resolutione, and being far from an opinator, or ane that is given over to self-will, as appearit be my yielding to hear conference, and, lastly, be my going to the Kirk. I first wald have cravit, if possibly it might have been done, that I might have been heard with myne own mouth, that I might most heartilie intreatit that ane tyme might be condescendit on by your worships, within the quhilk, as it shall please you to conclude, I offer either to satisfy the Kirk, or presently to find surety under great soumes to avoyd the cuntry before this day to be preseryvit be your worships. *Sic subscribitur*, HUNTLE : And conforme thereto desyrit the same to be considerit, and requests in respect of the offers therein conteinit the pronouncing of the sentence of excommunicatione against his Lordship to be continowit. Quherwith the hail Assemblie being ryplie advysit, fand the offers conteinit in the supplicatione to be very frivolous, and no wayes inclyning to obedience and satisfacione; in respect quhereof, and for many other causes, and in speeciall, because his Lordship, be his band, subserivit with his hand upon the last of Junii 1608, presently produced in face of the Assemblie be the Commissioners of Aberdene, band

and obleist himself to satisfie the Kirk, be communicating betwixt the date thereof and the 17th of July last bypast, otherwayes the ministrie to proceed with the sentence of excommunicatione against him, as in the said band at mair lenth is conteint: Therefore, the Assemblie, all in ane voyce, ordaynes the sentence of excommunicatione presently to be pronouncit against him be the Moderator of the Assemblie, in face of the hail Assemblie, but ony delay; conforme to the qwhilk ordinance, Mr James Law, Bischop of Orknay, Moderator of this present Assemblie, in face thereof, in maist solemne forne, pronouncit the sentence of excommunication against George Marques of Huntlie; qwhilk sentence is ordaynit to be intimat in all the kirks of this realme be the ministry the next Sunday immediately after their returning from this Assemblie; and in speciall, they command and ordayne the brethren of the Synod of Aberdeen and Morray to intimat the said sentence in their kirks immediatelic after their returning, and inhibites and maist straitly charges them, and every ane of them, that they receive nae offers of satisfaction frae the said Marques, but be speciall advyce of his Majestie and the kirk had therto.

The Commissioners appoyntit in the former Sessione for giving in the names of Papists, the causes of their increase, and remedie to obviate the same, producit their particuler rolls, containing the saids heads, qwhilk the Assemblie thocht good sould be revisit, abridgit, and put in order be the Bischop of Glasgow, Mr Pat. Simpstone, Mr Wm. Cowper, John Clappertoune, John Hall, and George Hay, to the effect the samen might be presentit be them to the privie conference the next morning, that after, they may be intreatit in face of the Assemblie.

Sess. 4^a, Julii 28.

Forsuameikle as the brethren of the Presbyterie of Glasgow and Synod of Clyddisdale quho were appointit to deall and conferre with William Earle of Angus, Lord Dowglass, for bringing of him from blindness and superstitione of Papistrie and Idolatrie to the acknowledging of the trewth profest within this realme, did testifie in presence of the Assemblie, that they saw no appearance in his Lordship of conversione from his errors, but that rather by all evident tokens he was the more obstinat and obdurat in heresie of Papistrie, quhilk he some tyme abjurit before be subserving of the trew religione presently profest within this realme: Therefore the Generall Assemblie ordaynes the Presbyterie of Glasgow to proceed against the said Earle with the sentence of excommunicatione conforme to the censures of the Kirk, with all possible diligence, and that they pronounce the said sentence against him betwixt and the 18 of September nixt to come, to quhom the Assemblie committs their hail power to that effect; discharging and inhibiting any of them to receive any offers of him for absolving of him from the said sentence, without the advyce of his Majestie and Commissioners of the Assemblie had and obtaynit therto.

Forsuameikle as the brethren of the Presbyterie of Perth quho were appoyntit to deall and conferre with Frances Earle of Erroll, for bringing him from blindness and superstitione of Papistrie and Idolatrie to the acknowledging of the trewth profest within this realme, did testifie in presence of the Assemblie that they could see no appearance in his Lordship of conversione from his

errors, but rather be all evident tokens he was the mair obstinat and obdurat in his erracie of Papistrie, quhilk he sometyme abjurat before be subscribing of the trew Religion presently profest within this realme: Therefore the Generall Assemblie decerns and ordaynes the Presbytrie of Perth to proceed against the said Frances Earle of Erroll with the censures of the Kirk, until the finall pronouncing of the sentence of excommunicatione against him inclusive, with all possible diligence, and that they pronounce the said sentence betwixt and the 18 day of September nixt to come; to quham the Assemblie committs their full power to that effect, discharging and inhibiting any of them to receive any offers from the said noble Lord for absolveing him from the said sentence, without the advyce of his Majestie and Commissioners of the Assemblie had and obtained thereto.

Forsuameikle as be the declaratiōe of the brethren of the Presbytrie of Irvine, it was made known to the Assemblie, that after long dealing and conference had be them with the Lord Semple for bringing him to the acknowledging of the truth and imbracing of the sincere religione, they could not reap any good fruit of their labours and travills taken with him, but be the contrair he still continuit obstinat and indurat in his detestable error of Papistrie and Idolatrie, to the great hurt and evil example of the rest of the country: Therefore the Generall Assembly presently convenit, charges straitly and commands Mr Alex. Scrymgeour, Moderator of the Presbytrie of Irvine, under the pain of infamie and deprivatione from his functione, to pronounce the sentence of excommunicatione against the said Lord Semple, in the Kirk of Irvine, upon Sunday the 14th of August nixt to come, after the sermone, but any delay or impediment quhatsoever, and that the haill brethren of the Ministrie within the bounds of the Synod of Kyle, Carrick, and Cuninghame, intimat the sentence of excommunicatione so pronuncit against the said Lord Semple, every one of them at their awne Paroche Kirkes, upon Sunday nixt and immediatly following thereafter; discharging also and inhibiting the said Moderator and remanent brethren of the said Synod, to receive any offers or satisfactiōe from the said Lord Semple, but advyce of his Majestie and Commissioners of the Generall Assemblie had and obtained therto.

Sess. 5. 28 Julii.

The brethren appoyntit of before for reviseing and putting in order of the causes of the increase of Papistrie within this realme, and of the overtures for remeiding and suppressing of the same, gave in the saids causes and remedies thereof, of the quhilk the tenor follows:—

The causes of the increase of Papistrie within this realme are thought either to aryse of the pairt of the Ministrie, or else of wthers causes arysing from the Ministrie: First, their negligence to see the youth in every paroche brought up in the knowledge of the trewth by catechiseing, and careless to urge provision for Schooles within their bounds.

Secondly, The rasche and sudden admissiōe of men to the ministrie that are not able to withstand and convince the adversary in the dayes of apostacie.

Thirdly, The laike of care in ministers to mark the offences, viz. to consider the

course of the enemy, and to discover and dilate Jesuites and traffiquers against religion, and others pervertit be them.

Fourthlie, The distraction arising among the ministrie, quhill as diversitie of judgment has drawne them unadvisedly to contrarietie of affectiones, breeding carnall contentions among themselves.

Overtures for remedying of the Causes forsaid.

First, That it be of new inactit, that all ministers examine young children of the age of six yeares, and try that they have the Lord's Prayer, Beliefe, and Commandments, in the quhilk their parents shall be halde to instruct them before the saids yeares, together with some schort forme of grace before and after meat, as also some schort morning and evening prayer, and againe, that their growth in greater knowledge of religion be tryit, that afterwards it may please God to grant increase of knowledge at the age of fyftein or saxtein yeares, they may be admitted to the holy communion.

Secondlie, That the Apostles precept be remembrit;—Lay hands suddenly on no man—And according to it, that for closing of the doore upon the affectiones of men, some longer tyme be ascryvit for admission of men to the ministrie; the exception of rare gifts being reservit to the judgment of the Generall Assemblie.

Thirdly, That ministers quho shall be found after tryall to have delayit the executione of discipline against Papists upon negligence—that is, either not beginning proces, or, if it be begune, not ending the same within halfe ane year, shall losse ane year's stipend; and these that shall be fund to have done it upon some corrupt favour, shall be simple deposit.

Fourthly, That there be recommendit to the ministry ane holy caire mutually to eschew offences, and follow peace and love, quherunto we are callit: the means for removing of such offences is referrit to the Generall Assemblie.

Causes of the Growth of Papistrie as they are conceavit, arising of utheris.

First, The overseeing of Seminarie Priests and Jesuites to traffique within the land, for perverting of such as has not occasione to go out of the countrey, and impunitie of such as has received them,—as also, that liberty that evil disposed persones, voyde of knowledge, has taken of the injurie of tyme, to bring hame the books of apostats and professit Papists.

2dly, The preferment of men suspect of religion to publick offices within this realme.

3dly, The favour schawne be these that are in authoritie to traffiquers and excommunicat Papists after they had been apprehendit and wardit, sic as the Abbot of New Abbay and uther Mess Priests, dimittit as is thought out of ward, not without reward and without all warrant of his Majestie, and presently tolerat in the countrey without persute, quhilk has not only wrought ane coldness of religion in the hearts of many people, but also nourishit ane false opinion of his Majestie, quhilk opinly bursts out in the mouths and speches of many.

4thly, That quheras Presbyteries are proceeding in the triall of mess sayers and messe hearers, impediment is made be the Lords of his Majestie's Council, either

by advocatiōne before the Lords, or dispensatiōne to such as are excommunicat, or by contramanding the Presbyteries to desist under the paine of hornying; and that the executione being product against any persone before the judges, the same is not regardit, but proces grantit unto him as if he were ane member of the kirk not excommunicat.

5thly, The great libertie grantit to the subjects of this kingdome to repaire unto such pairts qwhere nothing is taucht but defection from religion and treason against lawfull princes, and no securitie taken for their constancie, and in speciall, the sending of noblemen's sonnes by such as are in authoritie, furth of the land, by such convoy as may delyver them into the hands of Papists to be pervertit in religione, qwhereupon many of them are become apostates.

Lastly, The want of preachers in many congregations in this land, so that in ane province thirty-ane kirks are found to be vaickeand, and, in others, some seventeen, as in Nyddesdale, and uthers throw many pairts of the land.

Overtures for remedieing the Causes forsaid.

First, That ane commissiōne be grantit be his Majestic to the Bischop of every Synod with such well affected noblemen and gentlemen as the Commissioners of the Generall Assemblie shall nominat, to apprehend traffiqueing Papists, Jesuites, and Seminarie Priests that does haunt within their bounds, with power to charge the receipters to make open dores and delyver them, under the paine of treason.

Secondly, That his Majestic be humbly intreatit, that no Papists nor suspect of Papistrie, beare charge in Councill, Sessione, Government of Townes, nor uther Publick Offices; and if there be any in the estate presently quhom his Heines knawes in his awne wisdom, to be men evil affectit towards religione, that his Majestic wold take order therwith.

Thirdly, That his Majestic will give order for executione of his Heines lawes against Papists and traffiquers with all rigour, and that no favour be grantit be any officer of estate without his Majestic's privitie, under the paines of incurring his Majestic's hiche displeasure; as also, that the Councill make no impediment to the letters of hornying to discharge the proceeding of Presbyteries against the persones forsaid.

Fourthly, That Papists quho ance have been knowne professors of Papistrie, and for eschewing of civill paines or hope of preferment, will abjure their religion, that his Majestic will please to cause inact, that it shall not be lawfull to such to enjoy any office or honor in the Commonewalth, notwithstanding of their oath and communicating, untill fyve yeares probatiōne had been taken of their constancie and sinceritie in professing of the truth.

Fifthly, That the Act made at Bruntland concerning the sonnes of noblemen and uthers passing to uther countries be considerit and confirmit, quhereof the tenor follows: Item, for eschewing farther evill quhilk might come to the estate of Religione be the evill educatione of the youth furth of the country, it wold be cravit of his Majestic and Secret Counsell, that sic noblemen and uthers as directs ane pedagogue be knowne godly and of good religione, learnit and instructit in the same, and approvit in his religione be the testimoniall of his Presbytrie;—that their remaining furth of the countrey be in places qwher the Religione is

presently profest, or at the leist qwhere there is no restraint of the same be the cruelty of inquisitione;—that dureing the tyme of their absence they shall not haunt any idolatrous exercise of religione, and such as hes not the moyen to sustaine ane pedagogue with their sonnes forth of the countrey, that they send them to such pairts qwhere there is no restraint of religione; and in caice their sonnes, after their departure out of the countrie, haunt these pairts where the profession of the trew religione is restraint, that they find caution not to intertaine them: And in caice any that passes furth of the countrie imbrace any uther religione then that qwhilk is presently professit within this realme, and this to be ane exceptione against their service of their brives, and at the tyme of admission of any of them to any office or honors; and in caice any of their parents contraveen any of the premisses, that they incurre such paine as his Majestie and Secret Councell shall modifie, and that such as are already out of the countrie either be callit back againe before ane day to be appoyntit be his Majestie and Secret Councell, or else that their parents be subject to the lyke conditiones as is before sett downe, with such other additions to be eikit be his Majestie as his Heines shall think expedient; and in speciall, for better explanatione heirof, that at every service of any man as air to his father or any his predecessors, he be not servit be the Spheriff or any wther ordinar Judge to burgh or land, as air to his father or any of his predecessors, butt the testimony of the Bishop or Moderator of the Presbytrie quhare he dwells, beirand the confession of his faith and integritie of religione presently profest within this realme.

Saxtly, That the sonnes of such noblemen as profess Papistrie be delyverit to the custodie of uther their noble friends that are of religione, to be brought up in the knowlege of the truth.

Seventhly, That the searchers of merchandise brocht hame from beyond sea, be commandit to sease upon all books brocht hame, and put them to be tryit be the ministrie of the Presbytrie unto the quhilk they arryve, and that all book-sellers lykewise doe the same before they make open sale thereof, under the paine of confiscatione.

Auchtliie, That excommunicat Papists, especially such as be of ranke, be apprehendit and put in close ward, and none have accesse unto them except such as are of religione presently profest.

Ninthly, That his Majestie give order for the down casting of Gicht's chappell, the house of John Cheine in Esselmonth, quho receipts all Jesuits and Seminarie Priests.

Tenthly, That order be taken with the Pilgrimages, viz., the Chappell callit Ordiquhill and the Chappell of Grace, and to ane well in the bounds of Enzie.

Eleventhlie, That such persons as are or shall be excommunicat and beares publick office within this realme, and thereafter put to the horne, that they nor their deputs shall bruik no office nor auctoritie under his Majestie efter their denunciatione, but that his Majestie shall appoynt wthers in their rowmes to doe and minister justice to his Majestie's leidges.

Lastly, That his Majestie wald take order anent the planting of the Kirks that are presently destitute of pastors, and in speciall the Kirks of the Chappell Royall.

Quhilks hail causes of increase of Papistrie within this realme, with

overtures for remedding thereof, the Assemblie has thought expedient that the same be direct to his Majestie, with ane humble supplicatiōne, requesting his Grace to take such order thereanent, as his Majestie shall think maist expedient for repressing of Papistrie, and increase of the truth and light of the gospell within this realme; quhereunto the Earle of Dumbar, his Majestie's Commissioner, with the remanent of the nobilitie presently convent in this Assemblie, has promised to concurr. And therefore the Assemblie has nominat, and be thir presents nominats,

Earle of Wigtoun, ArchBishop of Glasgow, Livingstoun of Kyloth, Mr William Cowper, minister at Perth, James Nisbet, merchand in Edinburgh, and Mr William Hart, of Presstoun, their very lawful Commissioners, giving them their full power to present the humble supplicatiōne of this present Assemblie to his Majestie, together with the causes of increase of Papistrie, and overtures for remeid thereof above rehearsit, desyand them that they wald maist humbly intreat his Majestie to consider of the same, and if his Haines thocht expedient, to cause the same to be put to executiōne, and that the rather because, that after the last conventione holden at Lynndgow, quher there was many good acts and constitutiōne sett downe and concludit, the Papists, nevertheless, did most proudly and contemptuously upraid diverse of the ministris, menassing them that they or the nobilitie convent with them at that tyme, durst be bold to conclude any thing that might portend to the prejudice of Papists or Papistrie, as was clearly understood be the brethren convent in this Assemblie.

Spes. C. 29 Julii. Ante Meridiem.

The quhillk day the Assemblie thocht expedient that the Commissioners shalve specifit, elect and chosen to present this supplicatiōne to his Majestie as is above rehearsit, shall with all possible diligence repaire toward his Majestie, and with ane humilitie present the said supplicatiōne to his Haines, and what ane answer it shall please his Majestie to give, that they reporte the same betwixt and the 15 of November next to come: and to that effect, the Assemblie has chosen out of their number the Noblemen, Barrens, and brethren underwritten, viz. Earles of Crawford, Mortoun, Glencairn, Lithgow, Kinghorne, the Lords Graham, Lynsay, Saltoun, Lowart, Torphichen, Lowden, Scoone, Baldeuch, Blantyre, Holyrudehouse, the Constable of Dundie, the Lairds of Kynnaird, Balvaird, Carnah, Houstoun, Edmistoun, Broxmouth, Polwart, Sir John Hoome of Northterwick,—the Commissioners of Edint., Perth, St. Androis, and Glasgow, with the brethren after following, viz. Mrs William Dowglass, Alex^r. Lawsons, Abraham Sibbald, John Reid, Arthur Futhie, Androw Ramsay, John Kynneir, David Lyndsay, A iam Bannatyne, Patrick Weymes, Edward Hepburne, George Ramsay, Wm. Methven, Patrick Schaw, Walter Stewart, Hew Fullertoun, James McQuhorne, Thomas Ramsay, Robert Glendynning, together with the Commissioners of this General Assemblie, to convene at Edint, the said 15 of Novr, next to come, and there to receive from the saids Commissioners the report of his Majestie's most gracious answer to the supplicatiōne forsaid, in name of the hall Assemblie: and in the meantyme, the Assemblie comandis and ordayne the

hail Pre-bytries within this realme to proceed against Papists of all sorts within their bounds with the censures of excommunicacione, &c.

The said day, the Commissioners of the last Generall Assemblie being callit to give compt of their hail proceeding since the last Assemblie, compeirit and offerit themselves to be tryit on their proceedings be this present Assemblie, and to abyde at the censure of the same; and being demandit for productione of their acts and proceedings in writ, declairit be the mouth of Mr John Hall, their Moderator, in absence of Mr Patrick Galloway, that the same could not be found, be reasone that somtyme umquhill Mr James Nicolsone, minister at Meikle, and in his absence umquhill Richard Thomsons, minister at Cassiltoune, were ordinar scribes and keepers of the rolls of all their proceedings, quha are both departit this lyfe; and albeit they have made travell at their executors bands for obtaining of the said scrolls, yet they could on no wayes attain unto the same—and therefore they and every one of them did offer themselves to be particularie censurit be this present Assemblie, and therefore being ordaynit all to remove; qwhilk being done, Mr Wm Cowper, Moderator, appoyntit to this effect, demandit publickly if any of the Assemblie had aught to object against the saids Commissioners proceedings why the samen sould not be ratified and allowit? In respect of the taciturnitie of the hail brethren, and that nothing worthy of censure was objectit to any of them for their proceedings,—the saids Commissioners being receivit in the Assemblie, took instruments of the ratification and allowance of their saids proceedings.

The said day, the brethren of the Generall Assemblie presently convenit, having advisedly considerit the necessitie of electing and chusing Commissioners from this present Assemblie for giving adviee to his Majestie anent the suppression of papistical superstition qwhilk increases mair and mair dayly within this realme; therefore they have made, and constitute, and ordaynit, likeas they, be the tenor heirof, maks, constitutes, and ordaynes Mr George Gladstones, Bischop of St Andrews; John Spotswood, Bischop of Glasgow; David Lyndsay, Bischop of Ross; Alexander Lyndsay, Bischop of Dunkeld; Peter Blackburne, Bischop of Aberdeene; James Law, Bischop of Orkney; Alexander Douglass, Bischop of Morray; Gavin Hamiltone, Bischop of Galloway; Alexander Forbes, Bischop of Caithnes; Andrew Lamb, Bischop of Brechine; Andrew Knox, Bischop of the Isles; Patrick Galloway, Patrick Simsone, David Hoome, John Clappertoune, John Knox, Robert Howie, John Hall, John Caldeleuch, John Strachane, Andrew Boyde, Andrew Leitch, Robert Wilkie, Patrick Scharpe, George Hay, Patrick Lyndsay, William Scott, Adame Ballantyne, John Hay, William Cowper, or any eivin of them, their very lawfull and undoubtit Commissioners from this present Assemblie; givand, grantand, and committing unto them, or any eivin as said is, their full power to plant such kirks in burrowtownes as presently are or shall be found destitute of pastors, before the next Assemblie. Attour, if it shall happen the King's Majestie to be grievit at any of the ministry for qwhatsoever enormitie committit be them against his Heines, with power to them, or any eivin of them, as said is, to try and cognosce thereupon, and to take such order thereanent as they shall think expedient to the glory of God and weill of the Kirk; and, finally, with power to them to present the grieves and petitiones of

the Kirk to his Majestie, his Heines Secret Counsell, Generall Conventiones and Parliaments that shall happen to occurr before the next Assemblie, and to crave redresse of the samen; ordayning them to give accompt of their proceedinge to the next Generall Assemblie quhen it shall happen to conveine, &c. It is alwayes speciallie provydit, that this present nominatione of the same Commissioners quhilk were for the most part Commissioners in the last Assemblie, shall no wayes be prejudiciall to the Assemblie's liberty in choising and electing Commissioners quhom they shall think most meit and expedient, neither shall this election indure or import any perpetuity of the office in the persone of the persones electit.—*Item*, It is statute that the hail Commissioners be desyrit and warnit to keep all their conventiones is opportunitie the same day may be done.

Forsuameikle as the distractiones and eyelists quihlks are suspectit to be in the hearts of the brethren among themselves, is one of the maist special and urgent causes of the increase of Papists and Papistrie within this realme: Therefore, for avoyding thereof, that certain of the brethren, viz., The Bischops of St Androis, Ross, Glasgow, Orkney, Mrs John Hall, Patrick Simson, Wm. Cowper, and John Knox, conveine with his Majestie's Commissioners to advyse upon the most solide and substantious overture for removeing of the saids eyelists and distractiones, and to reporte the same to the Assemblie the next Sessione.

Sess. 7. Julii 29.

The said day the brethren appoyntit for advysing upon the best overtures anent the distractiones and eyelists that were enterit in the hearts of the ministry declarit, that after mature deliberatione they fand the saids eyelists and controversies to aryse either upon distractions of affections, or else diversitie of opinions, the first whereof being carnall, and therefore more dangerous, because it sufferit not the brethren quhais affections were separate to unite themselves with efald and uniforme counsell and advyce, to resist the subtill practises of the common enemy, and so give him place with his subtill crafts to enter in the Kirk of God, and thereby to supplant and underminye the same; Therefore their advyce was, that as the danger increases be the nourishing of the distracted affections of the brethren, even so the cure was the more necessary, and the more hastily to be applyit, to wit, That the hail brethren of the ministrie sould presently, in the fear of God, lay down all rancour and distractione of hearts and affections, quihilk eithir of them hes borne against uthers in all tymes bypast, and be reconcilit in the heartie affectione in Christ, as becomes them quho are ministers of the word of God, and preachers of peace, Christian love and charitie to his people, to the effect that this heartie reconciliatione, their hearts and advyce may be conciliat for disappoynting of the crafty devyse of the enemy. Quhilk advyce the hail brethrene of the Assemblie maist willinglie and heartilie imbraced, and ordained every ane of them, alsweill Commissioners present as of the ministry that were absent, to obey the same, by laying downe and casting away all grudge or rancour that any of the brethrene bear at uthers; in token qwhereof, and of an efauld union of hearts and affections, they all held up their hands to God, testifying to his Majestie the truth of their hearts in the said matter; and lykewayes they ordaynit the same to be intimat to the rest of

the brethren at their returning to their Presbyteries, to the effect the same may be done in every Presbytrie immediately after their returning, as said is—inhibiting also and discharging any such distractions or rancours to be among them, either in affectione, word, deed, or countenance, but that they concur in ane mutuall friendship and amitie in God, as becomes the pastors of the Kirk of Christ; and qwhosoever does in the contrair, that he be censurit in his awne Presbytrie or Synod,—and in caice of negligence, the Commissioners of the Assemblie.

As for the second cause of cylvists, qwhilk is said to aryse upon diversitie of opinions, because these diversities of opinions results upon different judgements amongst the brethren, concerning the externall government and discipline of the Kirk, qwhilk cannot so schortly be discussit and advysit upon as the brevite of this Assemblie permits: therefore it was the opinion of the brethren for-said that the same should be delayit to ane tyme mair convenient: and in the meantyme, certaine appoyntit to reasone, intreat, and advyse upon the same, quihilk lykeways the Assemblie hes thocht expedient—and, therefore, they have electit and chosin the brethren after following, viz. The Bischops of St Androis, Glasgow, Dunkeld, Orknay, Cathnes, Mr Patrick Scharpe, Robert Howie, John Mitchellsonne, Henry Philip, George Hay, Patrick Galloway, John Hall, Patrick Simsonne, W^m. Scott, Archbald Oswald, John Knox, John Carmichaell, Adam Ballantyne, John Weems, and W^m. Cowper, their Commissioners in that part, to convey with his Majestie's Council as his Hienes shall appoynt, at such tyme and place as they shall be requyrit be his Majestie, and to treat, reasone, and consult upon all matters standing presently among the brethren anent the discipline of the Kirk, and quhatsoever they agree upon to report to the nixt Generall Assemblie. And, in the meantyme, quhill the nixt Assemblie, for an *interim*, the advyce of the brethren convenit at Falkland the 16 of Junii last, be observit anent the constant Moderator.

Item, It is statute and ordaynit, that as upon every fifth day of August, publick thanksgiving is given to God for preservatione of his Majestie from the treasone of sometye John Earle of Gowrie throughout all the pairts of Great Brittainne, and that the same be intimate at every parochie Kirk with all possible diligence; ordayning that such as refuses to doe the same, be observit and delait to the Commissioners of the Generall Assemblie.

Item, Because the brethren appoyntit for tryell of the diligence of the Commissioners appoyntit be the last Generall Assemblie for visitatione of the Presbyteries and report, that it was ane generall grief and complaint given in be the few commissioners that had producit their diligence of the great desolatione of the want of pastors, and in speciall of the farthest of the North and South partes; therefore the brethren ordaint the commissioners of this present Assemblie to direct ane supplicatione to his Majestie for taking order for planting of the kirks within this realme; and in respect of the great necessitie of the kirks of Annandale, Ewisdale, and Eskdale, and the rest of the kirks of the daills quihills are altogether unplantit, as likeways, the kirks of Cathnes and Ross, in the quihills it is regreited that in many of them the holy communion was never celebrate: Therefore the Assemblie hes given and grantit, likeas they be the tenour heirof gives and grants their full power and commission to their brethren underwritten,

viz., to the Bishop of Glasgow and Mr John Knox, for visitation of the kirks of Annadail, Evisdail, and Eskdail, and remanent dails unplanted as said is, and to the Bishop of Caithnes, George Dowglass, and Mr Wm. Dowglass, for visitation of the kirks of Caithnes and Rosse, with power to them to plant ministers at the kirks within the saids bounds respective, and to try the literature, qualificatione, and conversatione of such as are already planted, and in case of insufficiency to deprive them from their functione; with power also to cause kirks be re-edified quher as they are demolished, and if need beis to unite kirks quher necessitie requires, and to report their diligence to the next Assemblie—*promitten de rato.*

Sessio Ultima. Penultimo die Julii, Ante Meridiem.

Item, Because ane great part of the desolatione of kirks proceeds from the absence of certaine of the ministry from their flocks, be reasone they are so confynit, therefore the Assemblie hes thocht it expedient that the Commissioners direct ane humble supplicatione to his Majestie, most humbly desyrand his Pienes to sett at libertie such of the ministrie as are confynit, to the effect be their presence and awayting on their cure their flocks may be comforted, quhilks are now left desolate.

Item, Because it is humbly lamentit that the inhabitants of the towne of Aberdeene ceases not yearly to elect and chuse such persones to be magistrats and upon their counsell as are wilfull and profest Papists, and enemies to the truth profest within this realme, to the dishonour of God, and dishearting of such as feares his name, and contempt of discipline within that burgh; Therefore it is ordaynit be the Assemblie that the Presbytrie of Aberdeene inhibit the Council and inhabitants of the said burgh, that they elect nor chuse no Papists to beare office of ane magistrate or upon councill in no tyme coming, and if they doe in the contrare, that they proceed against them with the censures of the Kirk; Ordayning lykeways the Commissioners appoyntit for his Majestie to adjoyne this petitione to the rest of their supplicationes, that by his royal authority, ane civill paine may be imponit upon the contraveeners of the said act.

Item, It is ordaynit that no minister in ony tyme coming, take upon band to solist in favour of Papists or suspect of Papistrie, either before the civill or spirituall Judge or utherways, either be word or writ, under the pain of deprivatione.

Item, Because there is sundrie supplicationes given in to the Generall Assemblie quhiik, for the schortness of tyme, cannot be decydit and answerit; therefore the Generall Assemblie remits the same to their Commissioners above constitute, ordaying them to convene upon the 15 of Nov. next to come, and there to decyde and answer all such bills and supplicationes as shall be direct unto them upon the back from this present Assemblie.

Item, Because it hath pleasit God of his mercy to grant ane good and happy successe to this present Conventione, to the comfort of his awne Kirk and discontentment of his enemies; therefore the Assemblie ordaynes the same to be intimate be every Presbytrie at their severall paroeche Kirks immediately after the dissolving of this Conventione, and that they give publick thanks for the same,

and pray God for a prosperous and a lang reigne to his Majestie and the health of his Royall posteritie.

The next Generall Assemblie is ordaynit to hald at Edinburgh the last Twesday of May 1609 years, if his Majestie shall think expedient.

Thanks being given to God for the prosperous event of this Assemblie be prayer and singing of psalmes, the same was dismissit.

THE Generall Assemblie of the Kirk of Scotland, halden at Glasgow the 8 of Junii 1610 years, where was present the King's Commissioners, viz. the Earle of Dumbarr with the Bischopes, with the Commissioners of Presbyteries.

Moderator,

Follows the Heads and Articles concernyng the discipline of the Kirk to be observit in all tyme coming.

In the first, it is declarit that the allegit Assemblie haldin at Aberdeen is null in the self, speciall in respect it had not his Majestie's allowance, and was dischargit be his Majestie's Commissioner.

And because necessitie of the Kirk craves that for order taken with the common enemie and uther affaires of the Kirk, there shall be yearly Generall Assemblies, the condition whereof the Assemblie acknowledges to appertayne to his Majestie be the prerogative of his royall crowne; and, therefore, the Generall Assemblie maist humbly requests his Majestie, that Generall Assemblies be halden anee in the year, or at the liest, in respect of the necessitie forsaid, that his Majestie wold appoynt ane certaine tyme at the quhilk the samen shall be halden precisely in all tyme coming.

Item, It is thocht expedient that the Bischops shall be Moderators in every diocesane Synod, and the Synods shall be halden twyse in the year, of the Kirks of every diocie, viz. in Aprill and October. And quher, as the diocies are large, that there be two or three Synods in convenient places for ease of the ministry.

Item, That no sentence of excommunicatione or absolutione therefra be pronuncit againes or in favours of any persone without the knowledge and approbatione of the Bischop of the diocie, quho most be answerable to his Majestie for all formall and impartiall proceedings therein; and the proces being found formall, the sentence to be pronuncit at the directione of the Bischop, be the minister of the parochie quhere the offender dwells and their proces began.

And in caice the Bischop shall be found to have stayed the pronouncing of the sentence against any persone that hes merite the same, and against quhom the proces has been lawfully deducit, that advertisement shall be made to his Majestie to the effect ane uther may be placit in his rowme.

Item, That all presentationes heirafter be direct to the Bischop; and upon any presentatione given or utherwayes sute made be any to be admittit to the ministry, the Bischop is to requyre the ministry of these bounds qwhere he is to serve, to certifie by their testificat unto him of the partie suiter, his conversatione past, his abilitie and qualificatione for the functione; and upon returne of their testificat, the Bischop is to take harder tryall, and finding him qualified, and being

assistit be such of the ministry of the bounds qwhere he is to serve as he will assume to himself, he is then to perfect the haill act or ordinatione.

Item, In depositione of ministers, the Bischope associating to himself the ministry of these bounds qwhere the delinquent serves, he is then to take tryall of his fault, and upon just cause found, to deprive him.

Item, That every minister, in his admission, shall swear obedience to his Majestie and his ordinar, according to the forine sett downe in the conference keepit in the year of God 1567, qwhereof the tenor follows :—

The Forme of the Oath to be given to the Persones provydit to any Benefice with Cure, the tyme of his Admission be the Ordinar.

I, A. B., now nominat and admittit to the G. of K., utterly testifies and declares on my conscience, that the richt excellent, richt hiche and mighty Prince James the Saxt, be the grace of God King of Scotts, is the only lawfull, supream governour of this realme, alsewell in things temporall as in conservatione and purgatione of religione, and that no forraigne Prince, Prelat, nor Potentate, hes or ought to have jurisdictione, power, superioritie, preheminence or authority, ecclesiasticall and spirituall, within this realme; and therefore I utterly renunce and forsake all forraigne jurisdictiones, powers, superiorities, auctoritie, and promises; that from this furth, I shall and will bear faith and trew alleadgeance to his Hienes, his airs, and lawful successors, and to my power shall assist and defend all jurisdictions, priviledges, preheminences, and auctorities grantit and belangand to his Hienes, his airs, and lawfull successors, or united and annexed to his Royall Crowne: And farther, I acknowledge and confesse to have and hald the said G. possessions of the same (under God only) of his Majestie and Crowne Royall of this realme: and for the saids possessiones, I do homage presently unto his Hienes in your presence, and to his Majestie, his aires, and lawful successors, shall be faithful and trew: Swa help me God.

Item, The visitatione of ilk diocie is to be done be the Bishop himselfe; and if the bounds shall be greater than he can overtake, he is then to make speciall choyce, and to appoynt some worthy men to be visitors in his place; and quhat ever minister, without just cause and lawfull excuse made, shall absent himselfe from the visitatione of the diocesian Assemblie, he shall be suspendit from his office and benefice, and if he amend not, he shall be depryvit.

Item, Exercise of doctrine to be continowit weekly amongst the ministers at the tynes of their accustomed meetings, and to be moderatit be the Bischope, if he be present, or then be ane uther quhom he sall appoynt at the tyme of the Synod.

Item, The Bischope shall be subject in all things concerning his life, conversation, office, and benefice, to the censure of the Generall Assemblie, and being found culpable, with his Majestie's advyce and consent, to be depryvit.

Item, That no Bishop be electit but who hes past the age of fourty years compleat, and quha at liest hes been an actual teaching minister ten years.

Qwhilks haill articles being diverse tymes publickly read in the face of the haill Assemblie conveyit, after voteing, the samen was ratified, approven, and concludit be the haill Assemblie, and ordaynit to be observit in all tyme coming.

Forsuameikle as in this present Assemblie it is already statute, that the exercises shall be moderat be the Bischopes in the meetings of the ministry, if they be present, or then be any uther qwham they shall appoynt at the tyme of the Synod, and because the next Synod is not to be holden before the month of October nixt to come, therefore it is ordaynit, that in absence of the Bischope, ane constant Moderator shall remaine in their owne places qwhill the next Synod be holden in October.

Item, Because it is unevill that laws and constitutions, either civill or ecclesiasticall, being ance established, and in force by publick opinion and consent, should be controllit and callit in question be any persone, therefore it is statute by uniforme consent of this hail Assemblie, that none of the ministry, either in pulpit in his preaching, or in the publicke exercise, speake and reasone against the acts of this present Assemblie, nor disobey the same under the paine of deprivatione, being tryit and convict thereof; and specially that the question of equalitie and inequalitye in the kirk, be not treatit in the pulpit under the said paine, and that every ane of the Commissioners present intimat this act in the first meeting of their services.

Extract furth of the Registre of the Acts of the Generall Assemblie be Mr Thomas Nicolsons, Commissar of Aberdeen, Clerke, Keeper and Extractor heirof. *

THE Generall Assembly of the Kirk of Scotland, halden at Aberdein the 13th of August 1616 years, qwhere was present the Earle of Montrose, Commissioner for his Majestie, together with the Archbischops, Bischops, and Commissioners for Presbyteries.

Exhortatione being made be
Archbishop of St Androis, was chosen Moderator.

Mr John Spotswood,

Sess. 2^a. August 14.

Forsuameikle as the maist urgent causes of the convocation of this present Assemblie is to obviate the great increase of Papistrie within this realme, and to try out the just causes thereof, to the effect that sufficient remedies may be provydit for redressing of the same in all tyme coming, and that it is found be the hail Assemblie that ane great part of the causes of the increase forsaid relyes presently upon the slackness of the ministers in their holy profession, and pairtly upon the not executing of the lawes, alsewell civill as ecclesiasticall, against such persones as either were excommunicat themselves, and openly continuit the said censure, or qwho intertaines, receiptes, and maintains qwha are excommunicat, or qwho were the traffiquers against the trew religione presently profest within this

* The acts of this Assembly were ratified by act of the Parliament in 1612, a copy of which is inserted in the MS. of the Booke; but instead of including it here, it is annexed in the subjoined Appendix of contemporary documents.

realme: For remeid qwhereof the whole Assemblie in ane voyce hes statute and ordaynit in manner after following:

In the first, for the better tryall and discovering of Apostates, It is statute and ordainit that qwhosoever hes confessit the trew religion presently profest within this realme, and hes subscrivit the same, and has receavit the holy communion of the Supper of the Lord, and communicat conforme to the order prescryvit within this realme, if at any tyme hereafter he or she be found in any tyme either to reasone or gainstand the trew religione presently profest within this realme, or any particular head thereof, or to rail against the same, or else directly or indirectly to be a seducer or perverter of others from the said truth presently profest as said is, or if he or she be found to resett or intertaine any traffiquing Papists, Jesuites, or Seminarie Priests; any one of the said facts or deeds shall be ane sufficient cause of apostacie, and these doers shall be repute and punischt as apostates: and because the probatione in the saids causes is difficile and almost impossible, in respect that the said deeds are committit covertly and quherin probatione hardly can be producit; therefore it is statute, that in caise their probatione cannot be had, that it shall be lawfull to prove the same be the oath of the pairtie alleadgit committer of the saids facts and deeds, and that it shall not be les-um to him to refuse to give his oath in the saids matter, upon whatsomever collour or pretence of crimirall action or wthers following thereupon; and to this effect that ane supplicatione be direct to his Majestie, that it might please his Hienes to sett downe ane ordinance for ratificatione of the former statute, to the effect it may be receavit in all judicatories.

Item, It is statute, if any persone or persones quho hes conformit himself to the trew religione presently profest within this realme, and hes subscryvit the Confession of the Faith and receavit the Communion, if in any tyme hereafter he or they doe not haunt the ordinare exercises of religione, being admonished be their ordinare Pastor *trina admonitione*, the same being proven shall be ane cause to punishe them as held and repute apostates.

Item, It is statute and ordainit, that qwhatsoever persone, knowne of before tyme to have been a Papist, and after reconciling to the Church, he shall be tryit and found to weare and beare under persone *Agnus Dei* beads, cross, crucifixes, or to have uther house idols or images, or in their books such things as before they have superstitiously used, the same shall inferr just suspicione of apostacie and falling back; and they being conviet thereof, shall be halden and repute as apostats.

Item, It is statute and ordainit, that qwhensoever any minister shall receive any Papist returning from his errors to the bosom of the Kirk, that at the tyme of his receaving, the minister shall first take his oath solemnie sworne, that he shall declare the verity of his fayth and belief in every particular poynt and article contayning the Confessione of the Faith qwhilk shall be speirit at him, and that immediatly the said minister shall examine him particularly upon every head contained in the said Confessione of Fayth, and receive his particular answer thereupon *affirmative* conforme to the same, utherwayes he shall not be receavit.

Item, It is statute anent the wyfes of noblemen and wthers qwho receipts trafficking Papists, Jesuites, Seminarie Priests, and if the same were done against

the will and knowledge of their husbands, that all such women shall be callit and convenit for the said receipt and intertainment; and their being convict therefore, they shall be wardit ay and qwhill they finde sufficient cautione to abstaine from the lyke in all tyme coming under a certaine paine, but prejudice of any actione that may be competent against their husbands, conform to the lawes of this realme.

Item, Because the speciall cause of increase of Papistrie proceeds upon the not putting to executione of the statutes and acts of Parliament made against traffiqueing Papists, or Seminarie Priests, that therefor an applicatione be directed to his Majestie, that it will please his Hienes to take such order that the lovable laws and acts of Parliament made be his Majestie in tymes bypast against traffiqueing Papists, Jesuites, or Seminarie Priests, may be put to executione in tyme coming with rigour.

Item, It is statute that the haill names of Papists recusants, within this realme, be given in be the Commissioners of this present Assemblie, to the clerk, to be delyverit be him to the Archbischops of St Androis and Glasgow, conforme to their severall provinces, to the effect they may be callit and conveyit before them in the hie commission, and punished as accords; but prejudice alwayes of uther ecclesiasticall censure and discipline of the Kirk statute against them of before.

Item, It is ordaynit that every ane of the ministry give up the names of such of their parochie as hes past furth of the cuntrie, and not found caution for their behaviour and sincere professione of the trew religione furth of the samen, conforme to the act of Parliament, to the effect they may be callit, convenit, and punishit therefore.

Item, It is statute that the haill names of the persons excommunicat within this realme quhilk shall be given up be the Commissioners, be delyverit to the Bischope of every diocie, quho shall delyver a catalogue of the names to every minister within his diocie, ordaying every minister to make publick intimatione thereof at every ane of their parochie kirkes, upon Sunday, in tyme of divyne service, that no man pretend ignorance of the same; charging and inhibiting every one of their parochie, that they neither receipt the saids excommunicants nor intercommon with them; certifying them and they doe in the contrare, they shall be callit and conveyit as receipters of traffiqueing Papists and excommunicat persones, and punished for the same.

Item, The Assemblie recommends to the care of Bischops within their dioces, and Ministers within their congregations, to travell with the noblemen, gentlemen, and burgesses, that there be the ordinarie exercise of reading and prayer within their houses, as also ane prayer for the King's Majestie and his children every meal.

Sess. 15.* August 15, 1616.

Item, Because there are some pamphlets and books full of calumnies quietly

* There must be some mistake here. The 2d Session of this Assembly was on the 14th of August,—and if the 15th Session was on the 15th, the Assembly must have had thirteen sederunts in the course of one night. But the number is given as we have it in the MS.

sett furth and spread within this countrie be the Papists and enemies of trew religion; therefore the Assemblie hes ordaynit Mr Wm. Scott, minister at Cowper, and Mr William Struthers, minister at Edinburgh, shall make answers to the said books and pamphlets, to the effect that thereby the people may be instructit how to beware of the same, and the said errors and calumnies may be refutit.

Item, Because it is certainly informit that certaine women tacks upon them to bring up the youth in reading, sewing, and wthers exercises in schools, under pretext and cullour quherof traffiquing Papists, Jesuites, and Seminarie Priests, hes their appoyntit tymes of meeting, at the quhilk tyme they catechise and pervert the youth in their growing and tender age, in such sort that heirby thereafter, by great paines and travells, can they be brocht from their errors to the acknowledging of the truth presently profest within this realme: It is therefore statute and ordaint that it shall not be leisume to quhatsoever persone or persones to hold any schools for teaching of the youth, except, first, they have the approbation of the Bischop of the diocie, and be first tryit be the Ministers of the Presbytry quhere they dwell, and have their approbatione to the effect forsaide.

Item, Because it is ane great abuse in people passing to pilgrimages, wells, and old chapells, as lykeways in putting up of banefyres; Therefore it is ordaint that the brethren of the ministry be diligent in teaching of the people and preaching against such abuses and superstitione, to the effect they may be recallit from the saids errors, and lykeways that the minister take diligent tryall of the names of those quho haunts those pilgrimages, and delait the same to the Archbischopes of St Androis and Glasgow, every ane within their owne provinces, to the effect they may be callit before the Commission and punischt for the same.

It is lykeways ordaynit that their names be delyverit to the Justices of Peace within the places of their pilgrimages and dayes of their meetings, and that they be requestit and desyrit to attend upon the saides dayes of their meetings, and to disturbe and divert them therefrom be apprehending and punisching them.

Item, It is ordaynit that every minister give up the names of idle sangsters within their parochie to the Justices of Peace, that they may be callit and convenit before them and punischt as idle vagabonds, conforme to the Acts of Parliament and power given to the saids Justices thereanent.

Item, Because it is found that diverse of the saids Jesuites, traffiquing Papists, and Seminarie Priests, goes about under collour and pretext of Doctors of Physicke and Apothecaries, deceaving and perverting the people from the trew religion profest within this countrie; Therefore ane supplicatione wald be direct to his Majestie, that it wald please his Hienes to statute and ordayne that none hereafter be sufferit to use and exerce the office of ane Doctor of Physicke or Apothecar whill first he have ane approbatione from the Bischop of the dioces qwhere he maks his residence, of his conformity in religion, as lykeways from the Universitie qwhere he learnit and studyit, of his qualificatione in the said airt.

The quhilk day appearit in presence of the hail Assemblie, John Gordoune of Buckie, in name and at the directione of ane noble and potent Lord, George Marques of Huntlie, and presentit ane petitione direct be the said Marques to the said Assemblie, subscrivit with his hand, desyrand ane answer of the same to

be given be the Assemblie, qwhereof the tenor follows, as is to be found in the end of this Assemblie.* As lykeweyes was product be ane letter direct from the Archbishop of Canterburie, together with ane uther letter from the King's Majestie, concerning the absolutione of the said Lord Marques from the sentence of excommunicatione made be the said Archbishop of Canterburie, qwhilk were both read in presence of the hail Assemblie, and ordainit to be registrat in the Acts of the Generall Assemblie *ad perpetuam rei memoriam*, qwhereof the tenor follows :

Here to insert the two letters qwhilk is to be found afterward.*

With the qwhilk the Assemblie being ryplie advysit, hes thoelt it maist expedient that the said Marquess compeir in presenee of the whole Assemblie, there to testifie his conformitie in the poynts of religione, and resolutione to abyde thereat, and so to be absolvit from the sentence of excommunicatione pronouncit against him ; and therefor ordaines the said John Gordoune of Buckie to advertise the said Lord Marques, that he compear before the Assemblie upon Wednesday nixt to come, the 21 of August instant, to the effect forsaid ; and for the better furtherance heirof, the Assemblie hes desyrit the Lord Commissioner and Lord Archbishop Moderator, to write thir letters to the said Lord Marques for the causes forsaid.

Sess. August 16, 1616.

The qwhilk day, the Lord Commissioner for his Majestie producit certain instructions direct be his Majestie to the said Lord Commissioner to be preponit to this present Assemblie anent the provisione of the remedie for the defectione and falling away of many from the truth, qwhereof the tenor followeth :

Instructions to the richt trusty and well-beloved Cowsing and Counsellor the Earle of Montrose.—Here to be insert.*

Qwhilk being read in audience of the hail Assemblie, they most humbly thanked his Majestie for the great care and sollicitude his Majestie alwayes tooke for the advancement of the glory of God and professione of the trew religione within this realme, and holding downe and suppressing of papistrie and superstitione within the same ; and as to the said instructions, the brethren were ordaynit to advyse therewith qwhill the morne.

Sess. August 17, 1616.

Anent the said instructions direct from his Majestie to this Assemblie, the said Assemblie being ryplie advysit therewith, hes statute and ordaynit as followeth :

In the first, concerning the cause and defectione of many from the trew religione in this kingdome, and the remedies thereof, the Assemblie hes set them down in the articles made before in this present conventione ; and therefore most

* None of the documents marked with an asterisk referred to in these minutes are to be found in either of the copies of the *Booke* to which we have had access. But the tenor will be supplied in the proper place, from the most authentic sources of information, if we can discover them.

humbly desyres his Majestic to confirme and allow them, and make them receive executione.

Item, Because the laicke of competent maintenance to ministers is the chief cause of the evill qwhilk lyes upon this kirk, qwhilk for the maist pairt proceeds from the dilapidatione of benefices ; to the effect therefore that the progress of that evill may be stayit, and some meines devysit to recover that qwhilk by iniquitie of tyme has been losit, the Assemblie remitts the tryall, cognitione, and whole dispositione of this matter to the Commissioners appoyntit from this Assemblie for the causes underwritten. And in the meintyme, inhibits and discharges all ministers who are beneficit persones, and uthers that are members of any chapter, to sett in tack and assedatione, any pairt of their benefices, either in long or schort tackes, to qwhatsoever persone or persones, or as members of chapter to give their consentes to any tackes or assedationes sett be uthers, qwhill the saids Commissioners have conveyit and taken order anent dilapidatione of benefices and forme and manner of setting of tackes, under the paine of excommunicatione of the persons setters of the saids tackes and consenters thereto, and deprivatione of them from their benefices.

Item, Because the provisione of learnit, wyse, and peaceable men to be ministers at chief Burrowtownes in vaickand places, such as Edinburgh, Perth, Aberdeene, Banff, and uther places vaickand, is ane most effectuall meane to root out Poprie and perpetnat the trew professione of religione ; it is therefore ordaynit that the burrowtowns be provydit with the most learnit, wyse, and peaceable men that may be had ; and because the commissioners of the towne of Edinburgh hes no commission from the said toune anent the provisione of ministers to the vaickand places within their said kirk, therefore the care thereof is committit to the saids commissioners, to quhom it shall be injoynt in their commission, that they sie the same performit ; and as to Perth, the Assemblie ordaynes my Lord Bischop of Galloway to deal with the Commissioners of the towne of Perth for provisione of that vaickand place ; and sicklyke ordaynes the Provost of Aberdeene to advyse with the counsell anent the planting of the said kirk, to the effect sufficient and qualified men may be nominat and provydit to the saids places before the dissolving of this present Assemblie.

Item, Because ane speciall care should be had of the places of noblemen their residence, chiefly of such as were thought to inclyne to Poprie ; therefore the Assemblie statutes and ordaynes, that the Lords Archbischops and Bischops, with the advyce of their Synods, take care that most learnit and discreet persones of the ministrie be appoyntit to attend the saids places, and be transportit thereto, sic as the kirks of Bellie, North Berwick, Cockburnspath, Paslay, and wthers places quhere noblemen make residence, chiefly those quho are thought to inclyne to Poprie, and that they have a care of their maintainance and sufficient provisione ; and if the same be small, that these that are appoyntit to attend at the saids kirks carie their livings and rents with them quhill farther order be taken.

Item, Forsuameikle as ane of the maist speciall means for staying the increase of Poperie, and settleing of the trew religione in the hearts of the people, is, that ane speciall care may be taken in the tryell of young children, their education, and how they are catechisit, qwhilk in the meantyme of the primitive church was

most carefully attendit, as one of the most effectuall meanes to cause young children in their tender years drink in the trew knowledge of God and his religione, but is now altogether neglected in respect of the great abuse and errors quihlks creip in into the Popishe church, upon the said good ground he bigging thereupone ane Sacrament of confirmatione ; therefore, to the intent that all errors and superstitione quihlks hes been biggit upon the said ground may be rescindit and taken away, that the matter itself being most necessar for educatione of youth may be reductit to its owne integritie :

It is statute and ordaynit that the Archbishop and Bischops in the visitatione of the kirks, either be themselves, or qwhene they cannot overtake the bussiness, the minister of the paroche, make all young children of such yeares of age be presentit before them, and to give confession of the faith, that so it may appear in qubat religion they have bein traynit up, and that they be commendit to God by prayer at the tyme, for the increase of knowledge and continuance of his grace with them after that tryall ; that the minister of the paroche, every two or three years, ance at the least, re-examine them, that after sufficient growth in knowledge they may be admittit to the holy communion ; and it is desyrit that ane supplicatione be direct to the King's Majestie, humbly craving that it wold please his Hienes to joyne ane punishment upon such parties as either do not present their children, or shall be found negligent in their right instruction, and that they be callit and conventit therefore before the High Commission.

Item, It is statute that the simple professione of the faith underwritten be universally receavit throughout this whole kingdome, to the qwhilk all hereafter shall be bound to swear and sett their hands ; and in speciall all persones that bear office in the Church, at their acceptatione of any of the saids offices, and lykewayes Students and Schollars ; of the qwhilk Confessione the tenor follows :—

Here to insert the Confession of Faith.*

Item, It is statute and ordaynit that a Catechisme be made, easie, short, and compendious, for instructing the common sort in the articles of religione, qwhilk all families shall be subject to have, for the better informatione of their children and servants, qwho shall be halden to give accompt thereof in the examinationes before the communion : and for the better effectuating heirof, the Assemblie hes ordaint Mr Pat. Galloway and Mr John Hall, ministers at Edinburgh, and Mr John Adamson, minister at Libbertone, to forme the said Catechisme, and to have the same in readiness before the first day of October nixt to come, to the effect the same may be allowit and printed with the King's Majestie's licence : the qwhilk Catechisme being so printed, it is statute and ordainit that no uther hereafter be printed within this realme, nor used in families for instruction and examinatione of their bairnes, servants, nor the people, in all tyme coming.

Item, It is statute and ordaynit that ane uniforme order of Lyturgie or Divine Service be sett doune to be read in all Kirks on the ordinarie dayes of prayer,

* The Confession here alluded to is not inserted in the MS. copied ; but it will be given among the documentary illustrations in the *Notes*.

and every Sabbath day before the sermone, to the end the common people may be acquainted therewith, and by custome may learne to serve God rightlie: and to this intent, the Assemblie hes appoyntit the saids Mr Patrick Galloway, Mr Peter Elliot, Mr John Adamson, and Mr W^m. Erskine, minister at _____, to revise the Book of Common Prayers contenit in the Psalme Book, and to sett doune ane common forme of ordinary service to be used in all tyme hereafter, quhilk shall be usit in all tyme of common prayers in all Kirks quhere there is exercise of common prayers, as lykewise be the minister before the sermone quhere there is no reader.

Item, It is statute and ordaynit that in all tyme hereafter, the holy Communion be celebrate in all Kirks within this realme at the tymes following, viz. in Burrowtownes, the Communion shall be celebrate four tymes in the year, and twyse in the year in landward Kirks, so that ane of the tymes alseweel in Burrowtounes as landwart shall be at the tyme of Eister yearly; and if any persone shall not communicat ance in the year at ane of the foresaid tymes, that it shall be humbly requyrit of his Majestie that the penaltie of the Act of Parliament may be exactit of such persones with all rigour.

Item, It is thought most necessare and expedient that there be ane uniformitie of Church discipline throughout the whole Kirks of this Kingdome; and to that effect it is statute and ordaynit that a Book of Cannons be made, published in wreit drawn furth of the Books of formall Assemblies, and quhare the same is defective that it be supplied be the Cannons of Counsell and Ecclesiasticall Conventions in former tyme, the caire quherof the Assemblie be thir presents committs to the Richt Reverend James Archbishop of Glasgow, and W^m. Struthers, minister at Edinburgh, quho shall put in forme the said Ecclesiasticall Cannons, and present them to the Commissioners appoyntit be this Assemblie; to quhom power is given to try, examine, and after their allowance and approbatione thereof, to supplicat to his Majestie that the same may be ratified and approved by his Royal autoritie, with priviledge to put the same in print.

Item, It is statute and ordaynit, that for the help of posteritie, and to continue the light of the Gospell with ages to come, the Divinitie Colledge foundit at St Androis, quhilk sould be the seminarie of the Kirk within this realme, be maintaint and upholden, and ane speciall care taken thereof; and because the rent thereof is meine for the present, it is ordaynit that for the provisione of some students in divinitie every diocie shall intertaine two, or according to the quantitie of the dioces so many, as the number may aryse to twenty-sax in haill—respect being had to the mienness of some diocies, and greatness and powers of wthers, so that the leist diocies in their contributione shall be helpit and easit be the greater: in the qwhilk number it is ordaynit that the half at the leist be the sonnes of poor ministers, and be presentit be the Bischops of the diocies to the place.

Item, The Assemblie ratifies and approves the former Act made in the Assemblie holdin at Halyrudehouse the tenth day of November 1602 anent the sacrament of baptisme, that the same be not refusit if the parent crave the same, be giving ane Christian confessione of his fayth upon any uther particular pretence of delay to tyme of preaching, with this extentione and additioe, that baptisme

shall no wayes be denyit to any infant quhen ayther parents of the infant, or any uther faithfull Christiane in place of the parents, shall requyre the same to the infant, and that the same be grantit ony tyme of day, butt ony respect or delay till the hour of preaching.

Item, It is ordaynit that every minister have ane perfect and formall register quberin he shall have registrat the particular of every baptisme of every infant within his parochie, and quba wer witness thereto, the tyme of the mariages of all persones within the same, and the speciall tyme of the buriall of every ane deceisand within their parochine, and that they have the same to be in readiness to be presentit be every ane at their next Synod Assemblie, under the paine of suspensioe of the minister not fulfilling the same, from his ministry; and it is declared that the saids Commissioners in their supplicatiōe direct to his Majestie, wald crave humbly that his Majestie wald ordaine the extract furth of the said registres to make faith in all tyme comeing; and quho so observes this Act, the Archbischops and Bischops shall let them have their coats of their testaments gratis.

Acta Sessione Ultima.

The quhilk day, in presence of the whole Assemblie, compeirit the noble and potent Lord, George Marques of Huntlic, and declareit that he had direct before, John Gordoune of Buckie to present his supplicatiōe to this present Assemblie, quhereof the tenor is insert before: Lykeas of new, he reiterat the said supplicatiōe, declaring the sorrow and grief he had conceivit, in that he had lyen so long under the fearfull sentence of excommunicatiōe, and, therefore, most humbly desyrit to be absolvit from the same, as he faithfully promised in face of the hail Assemblie to performe and fulfill the conditiones and heads under specifeit, viz. :

First, The said noble Lord faithfully promised before God, his hand holden up, to professe and abyde be the trew religion presently profest within this realme, and allowit be the lawes and acts of Parliament within the same.

2. He faithfully promised to communicat at the first occasione he should be requyrit, and so to continow, conforme to the order of the land.

3. He should cause his children, servants, and whole domesticks, be obedient to the Kirk and discipline thereof, and sould cause them haunt the kirk at ordinar tymes of preaching.

4. He shall not receive Papists, Jesuites, Seminarie Priests, in his house, nor nane of his lands, but put them out of his bounds with all diligence.

5. He allows the Confessione of the Faith presently sett downe be the said Assemblie; and in token of his constant confessione thereof, he hes subscrivit the samen in face of the Assembly.

Qwhilks haill premisses above specifeit the said noble Lord protests and declares that he hes made and subscrivit truely and with ane honest heart, butt any equivocatione, mentall reservatiōe, or subterfuge qwhatsoever, devysit be the Romish Kirk and their supposts. Attour, the said noble Lord faithfully promised to plant his whole kirks qwhereof his Lordship hes the teinds in tack positiones or utherwayes, at the sicht and conclusiōe of my Lord Archbischop of St Androis, the Bischop of Murray, and the Laird of Corse, unto qwhois modificatiōe the said noble Lord submitts himself; be the tenor of thir presents, givand

them power to modifie compleit steipends to the saids kirks, and as they shall be modified be them he obliesses him to make payment of the same to the ministers provydit or to be provydit to the saids kirks.

And in respect of the premisses, the Assemblie ordaynit the said noble Lord to be absolvit from the sentence of excommunicatione led and deducit against him before conformyng hereto, the Right Reverend Father, John Archbischope of St Androis, moderator, in face of the Assemblie, absolves the said George Marques of Huntlie from the said sentence, led and deducit against him, and receavit him againe into the bosome of the Church.

The quhilk day, the Generall Assemblie of the Kirke of Scotland presently convenit, having interest in consideratione of the cause of the defection and falling away of many from the trew religione, and having found the laike of the competent maintainance to ministers not to be the leist cause of the evils quhilks lyes upon the Kirke presently, the ground and fundament quhairof for the maist part hes procedit from the dilapidatione of benefices, with the quhilk, if some solide order be not taken in tyme, the same is apparent to bring furth greater evil and desolatione in this Kirke: And seeing the King's Majestie hes requyrit that order may be taken with the saids dilapidationes, Therefore, in respect the same cannot suddenly be done, but will requyre ane lang tyme and mature deliberatione, the Assemblie hes given, granted, and committed, lykeas they, be the tennor heirof, gives, grants, and committs their full power and commission to the brethren undrcrwritten; they are to say, the Reverend Father in God, John Arch Bishop of St Androis, James Arch Bishop of Glasgow, Alexr. Bishop of Dunkeld, Alexander Bishop of Murray, Patricke Bishop of Ross, Wm. Bishop of Galloway, Andrew Bishop of Brechine, Andrew Bishop of Dumblaine, Andrew Bishop of Argyle, Andrew Bishop of the Isles, Patricke Forbes of Corse, Mr George Douglass, minister at Cullen, John Reid, minister at Logybuchan, George Hay, minister at Turreffe, Doctor Henry Philipe, minister of Arbroath, David Lindsay, minister at Dundee, William Scott, minister of Coupar, Doctor Robert Harvie, Rector of St Androis, John Mitchellsone, minister at Bruntisland, Patrick Galloway, John Hall, Wm. Struthers, ministers at Edinburgh, Robert Scot, minister at Glasgow, Edward Hepburne, minister at Hawick, Doctor John Abernethie, minister at Jedburgh, William Birnie, minister at Air, William Erskine, minister at ; Givand, grantand, and committand to them, or the most part of them, their full power and commission to convene at Edinburgh the first day of December nixt to come, in this instant year of God 1616, and there to take order with the dilapidatione of benefices, and to sett downe solide grounds how the progresse of that mischief might be stayed, and to advyse upon some meanes to recover and restore the estate of these benefices qwhilks be iniquitie of tyme hes been lossit; and if need beis to call and persew before them qwho hes made the saids dilapidationes, and punische them therefore; and as they shall conclude, the same to be inactit, and have the force of this present Assemblie; with power lykewayes to the saids commissioners, or maist part of them, as said is, to take order anent the planting of sufficient and qualified pastors in burrowtownes presently vaickand, and are not plantit at this present Assemblie; with power also to receive from the Richt

Reverend Father, James Archbishop of Glasgow, and Mr William Struthers, minister at Edinburgh, the cannons of church discipline committit to their charge, to revise the same, allow and disallow thereof, and to direct ane supplicatione to his Majestie desyring that it wald please his Heines to ratifie and approve the samen, and to warrant the printing thereof be his authoritie royall.

We have now accomplished the main part of the task in which for some months past we have been engaged, namely, to print for the first time, in a complete and connected state, all that now remains of the earliest record of the Reformed Church of Scotland. That record extends from 1560 to 1616 inclusive. And as stated in previous notes, the proceedings in the Assemblies, during the period now referred to, constitute what has been long denominated "The Booke of the Universall Kirk of Scotland." The concluding part of our undertaking still remains to be performed in such illustrative notes and documents as are requisite for giving coherence and full effect to these important fragments of our ecclesiastical records; and this portion of our labours shall hereafter be prosecuted as speedily and comprehensively as the nature of the case admits of, with a due regard to fidelity in its accomplishment. In the meanwhile, "The Booke," forming of itself a volume of sufficient size, it is now given in that shape to the public.

The reader of the preceding pages is already aware, that all the proceedings of the Episcopal Assemblies (subsequently to that of 1602) were rescinded by the Presbyterian Conventions which took place during the reign of Charles I. in 1638 and 1639. Even in the proceedings of the Assemblies soon after 1592, when Presbyterianism was established, there are various indications of the intentions of King James VI. to insinuate Episcopacy into the constitution of the Church; and after his accession to the throne of England, in March 1603, his policy in this respect became more manifest. Indeed, by an act of Parliament in 1597, (19th December,) the insidious propositions which had been made in the Assemblies, for the introduction of clergymen into Parliament, were given effect to, and formed the first step in the series of encroachments on the Presbyterian polity. Without at present going minutely into the detail of events which followed, it may be noticed, with reference to the rescinded acts of Assembly, that even before the Assembly of 1602, Prelacy was virtually introduced into the Church, and after that date it was openly established by a series of acts of Parliament. The Assemblies of 1606, 1608, 1610, and 1616, were all Episcopalian, as is evinced by the whole course of procedure in those Conventions, which were one and all convoked and packed by the King, and were held merely for the purpose of registering his edicts, and giving a colourable aspect to these as clothed with ecclesiastical sanction. There were two other Assemblies of like character held in the years 1617 and 1618—in the latter of which the celebrated Articles of Perth

were adopted by the Bishops and subservient Clergy ; but of the proceedings in these two Assemblies, there is no fragment in the MS. copies of " The Booke" to which we have had access ; nor, although the nature of these proceedings is described by Calderwood and other historians, have we been able to discover any detailed record similar to that which has been preserved of the preceding Assemblies of the Church. After 1618, General Assemblies were entirely discontinued for the space of twenty years, until, in 1638, in consequence of the great revolution which then took place in Scotland under the guidance of the Covenanters, another General Assembly was convoked by authority of King Charles the First.

In conformity with the course which we have already adopted with reference to particular epochs of our Church history, and in order to illustrate the relation which subsisted betwixt the Church and the State, we shall now, at the close of " The Booke," subjoin in an Appendix the principal Acts of Parliament which were passed in regard to the Church, betwixt 1592 and 1638, when Presbyterianism was re-established—thus presenting, in connexion with the Acts of the Church, all the leading statutory enactments of the State by which the Church polity was established, modified, and subverted, during a period of seventy-eight years. And with these few explanatory remarks, we commit " The Booke of the Kirk" into the hands of our countrymen, being well assured that its pages contain much important matter, which merits careful examination and study at the present day.

July 1839.

And now the most grateful part of our task (for the present) only remains—to record our thanks for the friendly assistance we have received while engaged in the present undertaking. We owe our acknowledgments especially to Thomas Thomson, Esq. Deputy Clerk-Register ; to the Rev. Dr Lee ; and to Messrs A. M'Donald of the Register House, D. Laing and Ferguson, Librarians for the Writers to the Signet ; Mr Haig of the Advocates' Library ; Mr Rowan of the Theological Library in the University of Edinburgh ; to the Rev. W. B. Smith, Chaplain of Edinburgh Castle ; and to the Rev. Thomas M'Crie, for many facilities and much useful information, without which the present publication would have been altogether impracticable at present.

It was our purpose to have included in the present Volume, a Copious Index and Glossary of obsolete words, and also to give a list of *errata* which we have discovered, arising unavoidably from the frequent obscurity of the MSS. and discrepancies in orthography, besides slips of the pen and the press ; but on further reflexion, it appears expedient to combine these useful addenda with the *Notes*, which will be found the more satisfactory corrective of any imperfections in the text of the Booke itself.

APPENDIX III.

ACTS OF PARLIAMENT relative to the Constitution of the Church of Scotland, betwixt 1592 and 1638.

I.

All Ministers provided to Prelacies suld have vote in Parliament.

19th December 1597.

Our Sovereine Lord, and his Hienes Estates in Parliament, havand special consideration and regarde of the great priviledges and immunities granted be his Hienes predecessours, of maist worthy memory, to the halie Kirk within this realme; and to the special persones exercising the offices, titles, and dignities of prelacies within the samin; quhilks persones hes ever represented ane of the Estatis of this realme in all Conventions of the saids Estates; and that the saids priviledges and freedoms hes beene from time to time renewed and conserved in the same integrity and condition, quhairin they were at ony time of before; swa that his Majesty acknowledging the samine now to be fallen and becumin under his Majesties maist favourable protection; therefore his Majesty, of his greate zeale and singular affection, quhilk he alwayes hes to the advancement of the trew religion presently professed within this realme, with advise and consent of his Hienes Estates, statutes, decernes, and declares that the Kirk within this realme, quhairin the samin religion is professed, is the trew and halie Kirk: And that sik pastoures and ministers within the samin, as at ony time his Majesty sall please to provide to the office, place, title, and dignity of ane bishop, abbot, or uther prelate, sall at all time hereafter have vote in Parliament, siklike and als freely, as ony uther ecclesiastical prelate had at ony time bygane; and als declares, that all and quhatsumever bishoppricks presently vaikand in his Hienes hands, quhilks as zit are undisponed to ony person, or quhilks sall happen at ony time hereafter to vaik, sall be only disponed be his Majesty to actual preachers and ministers in the Kirk; or to sik uthers persones as sall be foundin apt and qualified to use and exercise the office and function of ane minister and preacher; and quha in their provisions to the said bishoppricks sall accept in and upon them to be actual pastoures and ministers, and according thereto sall practize and exerce the samine thereafter.

Item, As concerning the office of the saids persones to be provided to the saids bishoppricks, in their spirituall policie and governement in the Kirk: The

Estates of Parliament hes remitted and remitts the samine to the Kingis Majesty, to be advised, consulted, and agreed upon be his Hienesse, with the General Assembly of the ministers, at sik times as his Majesty sall think expedient to treat with them thereupon; but prejudice alwayes in the meantime of the jurisdiction and discipline of the Kirk, established be Acts of Parliament, maide in ony time preceeding, and permitted be the saids Acts, to all Generall and Provinciaall Assemblies, and uthers quhatsumever Presbyteries and Sessions of the Kirk.

II.

Act anent the King's Majestie's Royall Prerogative.

9th July 1606.

Forsameikle as the Estates and haill body of this present Parliament, considering that with the lawful descent in the person of our most gracious Sovereigne, of the righteous inheritance of the famous and renowned kingdoms of England, France, and Ireland, whilk very far surpasses the wealthie, power, and force of the dominions of any of his progenitours, kings of Scotland, God hath also joyned an wonderful incresse of care and burding. For discharge whereof, he hath endued his Majesty with sa many extraordinar graces, and maist rare and excellent vertues, as he is not only known by daily and manifest experiences, in matters of greatest difficulty and consequence, to the unspeakable comfort of all his faithfull subjects, to be capable of the happy government of his saids kingdoms. But by his most singular judgement, foresight, and princely wisdom, worthy to possesse, and habile to govern far greater dominions and numbers of people. And in respect thereof, the saids Estates plainly perceiving that by this his Majesties exaltation, not only in pre-eminence and power, but also in all royal qualities requisit for the happy discharge thereof, God hes manifestly expressed his heavenly will to be, that his Majesties imperial power, whilk God hes sa graciously enlarged, shall not by them in any sort be impared, prejudged, or diminished; but rather revered and augmented sa farre as possible they can. Therefore the saids Estaites, and haill body of this present Parliament, all in ane voluntar, humble, faithfull, and united heart, minde and consent, truely acknowledges his Majesties sovereigne authority, princely power, royall prerogative, and priviledge of his crown over all estaites, persons, and causes whatsomever within his said kingdome. And his Majesty, with expresse advyce, consent, and assent of the saids haill Estaites, ratifies, approves, and perpetually confirms the samin; als absolutly, amply and freely in all respects and considerations, as ever his Majesty, or any of his royall progenitours, kings of Scotland, in any tyme bygone possessed, used and exercised the samine. And lykewyse, with consent foresaid, casses, annuls, abrogats, retreats, and rescinds all and whatsomever things attempted, enacted, done, or hereafter to be done, or intended to the violation, hurt, derogation, impairing, or prejudice of his Heighnes sovereigne authority, royall prerogative, and priviledge of his crown, or any point or part thereof, in

any tyme bygane or to come. And the saids haill Estaites, for them and their successours, faithfully promits, perpetually to acknowledge, obey, maintein, defend, and advance the lyfe, honour, safety, dignity, soveraigne authority, and prerogative royall, of his sacred Majesty, his heires and successours, and priviledge of his Heighnes crown, with their lyves, lands, and goods, to the utermost of their power, constantly and faithfully to withstand all and whatsomever persons, powers, or estaites, wha shall presume, prease, or intend any wise to impugne, prejudice, hurt, or impaire the samine; and never to come in the contrare thereof, directly or indirectly, in any tyme comming.

III.

Act anent the Restitution of the Estate of Bishops.

9th July 1606.

Our Sovereigne Lord, now in his absence forth of his kingdome of Scotland, earnestly desiring sa to provyde for the just and politique government of that estate, as his faithfull subjects thereof may perfetely know, that absence breeds not in his royall mynde oblivion of their good, but that he is daylie mair and mair cairfull of sik things as may tend maist to the honour, profite, and perpetuall stability and queytne of the said kingdome; wherein understanding religion and justice to be sa necessar foundaments and pillers, as by them the authority of the princes and queytne of the people in all tymes by-past hes cheifly bene established and mainteined, whill of late in his Majesties young yeares, and unsetled estaite, the auncient and fundamentall policy, consisting in the maintenance of the three Estaites of Parliament, hes bene greatly impaired, and almost subverted, specially by the indirect abolishing of the estaite of bishops, by the act of annexation of the temporalitie of benefices to the crown, made in his Heighnes Parliament, halden at Edinburgh in the moneth of July, the year of God 1587. Whereby, albeit it was never meant by his Majesty, nor by his Estaites, that the said estaite of bishops consisting of benefices of cure, and being ane necessare estaite of the Parliament, should on any wyse be suppressed, yet his Majesty, by experience of the subsequent tyme, hath clearly seene that the dismembering and abstracting from them of their livings, hes broght them in sik contempt and poverty, that they are not liable to furnish necessares to their privat families, meikle lesse to beare the charges of their wonted rank in Parliament and generall counsails, and after the example of their predecessours, to assist and supply their prince with their counsell and goods, in tyme of peace and warre. The remeid whereof properly pertains to his Majesty, whom the haill estaites of their bounden duety, with maist heartlie and faithfull affection humbly and truely aknowledges to be soveraigne monarch, absolute prince, judge and governour over all persons, estaites, and causes, baith spirituall and temporall, within his said realme.

Therefore, his Majesty, with expresse advyse and consent of the saids haill Estaites of Parliament, being cairful to reponc, restore, and re-integrat the said

estaite of bishops, to their auncient and accustomed honour, dignities, prerogatives, priviledges, livings, lands, teyndes, rents, thriddes, and estaite, as the samine was in the Reformed Kirk, maist ample and free at any tyme before the act of annexation foresaid. By the tenour hereof, retreats, rescinds, reduces, casses, abrogats, and annulls the foresaid act of annexation of the temporality of benefices to the crown, made in the yeare of God 1587 years, as said is, in sa far as the samine may in any wyse comprehend or be extended to the authority, dignity, prerogative, priviledges, towres, castels, fortalices, lands, kirks, teyndes, thriddes, or rents of the saids bishopriks, or any part thereof, with all other acts of Parliament, made in prejudice of the saids bishops, in the premisses or any of them, with all that hes followed or may follow thereupon, and all act of dismembering of particular kirks, or commoun kirks of the said bishopricks, from the samine, or for separating the thriddes of the saids bishopricks from the bodie, tyle and twa-part of the samine. To the effect, the persons presentlie provyded to the bishopricks of Scotland, or any of them, or that hereafter shall be provyded to the samine may freely, quyettie, and peaceable enjoy, bruike, and possesse the honours, dignities, priviledges, and prerogatives, competent to them or their estaite since the reformation of religion: and all towres, fortalices, lands, kirks, teyndes, rents, twa-part, thriddes, patronages, and rights whatsomever, belonging to the bishopricks, or any of them, to use and exercise the samine, and freelie dispoone upon the haill twa-part and thrid, temporalitie and spiritualitie of their saids bishopricks, and all the premisses belonging to the saids bishopricks, as the saids acts of annexation and remanent acts, made in any wyse to their prejudice in the premisses, and everie ane of them, and all that followed thereupon, had never bene made nor done. They alwyse entreteining the ministers, serving at the cure of the kirks of their saids bishopricks, upon the readiest of their saids thriddes, according to their ordinar assignations made or reasonable to be made thereanent.

Attour, Because his Majesties intention is onely to restore the bishopricks whilks are benefices of cure, and nowyse to alter any thing done in other benefices, whilks are not of cure. And for the better satisfaction of his Majesties subjects and faithfull servants, whom his Majestie in his princelie liberalitie, for diverse good respects and causes mooving him, hath beneficed, rewarded, and advanced with erections, fewes, patronages, teyndes, and others infestments, confirmations of lands, rents, teyndes, patronages, and others rights of abbacies, pryories, and others benefices, not being bishopricks.

And to the effect they be not prejudged, nor put in mistrust by this act, of their saids securities in the premisses, his Heighnes, with the advyce of the haill Estaites of Parliament, ratifies and approves, and for him and his successors perpetuallie confirms, the haill erections, infestments, confirmations, patronages, tacks, and others securities of lands, teyndes, patronages, rights, and rents whatsomever, of the saids haill benefices foresaids, or any part thereof, (not being bishopricks,) given, dispooned, or confirmed by his Majestie, during the tyme of the said Parliament, halden in the moneth of Julie 1587 years of before or sensyne, made agreccable to the lawes and acts of the said Parliament 1587, and

others lawes and acts made sensyne. And faithfullie promits, *in verbo principis*, never to quarrell nor impugne the samine, directlie nor indirectlie, in any tyme coming. As also for the well and securitie of the tenants of the lands and teyndes of the saids bishopricks, wha, since the act of annexation, have debursed diverse summes of money to his Heighnes' thesaurer, for making and confirming to them of their infestments, tacks, and securities of the saids lands, teyndes, and rents of the bishopricks possesst by them. And to the effect the annulling of the said act of annexation, bereave them not altogether of the saids lands, teyndes, and rents of bishopricks, acqyred be them upon their large charges and expenses, according to the law then standing. And that upon the other part, the saids bishopricks be not altogether made unprofitable, by the unlawfull dilapidation of the rents thereof, and hurtfull conversion of the victuall, kaines, custumes, and other commodities of the samine, for unequal and unworthy pryces.

Therefore, his Majestie, with advyse of his Estaites foresaids, Ordeins the saids persons possessours of the lands or teyndes of bishopricks by virtue of infestments, confirmations or tacks of the samine granted or sett since the said act of annexation, and conforme to the samine, and lawes of the realme, at the tyme of the making thereof, shall have the securities, confirmations, tacks and rights of the saids lands and teyndes of the bishopricks foresaids, renewed and granted to them in sufficient, valeid, and perlite forme by the bishops, possessours of the saids benefices. The saids fewers, tacksmen and tenants, paying to the saids bishops, for gressum, entresse and composition, for renewing of their saids fewes of all lands, and others belonging to the saids bishopricks; and als ratification of their saids tacks of all teyndes perteing thereto; Of the whilks at the day and date hereof, there are ten yeares crops of the samine to runne; The double of the yearlie silver duetie, conteined in their saids fewes and tacks; and the single of the victual duetie, and of all others duties expressed therein, and that by and attour the yearlie ductie expressed in their saids fewes and tacks: The whilks duties, for gressum, entresse and composition, the haill Estaites of Parliament declares, shall be payed by the saids fewers, tacksmen and tenants, within yeare and day, after they be lawfullie cited to that effect, and for that samine cause, or after that intimation of the samine be made to them, by the bishops in their awne courts.

And in case of not thankful payment, of the double of the said silver duetie, and of the single of the said victual, and others duties to be payed within yeare and day, after the said citation and intimation, as said is; The saids Estaites of Parliament findes and declares, that the saids fewers and tacksmen shall be ascribed to pay after the expyring of the said yeare and day, thankfull payment not being made within that space of the foresaids gressumes, entresse and composition, extending to the quantitie above written; the quadruple of the silver ductie, and the double of the said victual, and others duties foresaids, to be payed to the saids bishops, by and attour the yearlie duties conteined in the saids fewes and tacks, as is before said. And the saids Estaites ordeines and declares, that if there be not ten years compleit to runne of the saids tacks of teyndes, perteing to the kirks of the saids bishopricks, after the day and date hereof; in that case,

the tacksmen on nawyse shall be astricted to pay any gressum, entresse or composition for the samine, to the saids bishops, but they to be free thereof.

Attour, the saids Estaites declares, that the said act and ordinance of Parliament shall nowyse be extended, comprehend, nor prejudge any fewes of bishopricks, lawfullie sett and confirmed before the said act of annexation, whilk was in the said moneth of Julie, ane thousand, five hundreth, fourscore seven years. Excepting and reserving alwyse forth of this present act, all dispositions made of whatsoever patronages of kirks pertaining to the saids bishopricks, disposed by lawful titulares, and the King's Majesty, and ratified in Parliament, in favours of whatsoever person or persons, and nane others. And findes and declares all dispositions whatsoever, made of the foresaids patronages of all kirks pertaining to the bishopricks disposed by the lawful titulares, and his Majesty, and not confirmed in Parliament, to be of nane avail, although the samine patronages be graunted and disposed by the King's Majesty and titulares thereof. And lykwyse, excepting and reserving all common kirks, pertaining of auld to the saids bishopes, and their chapter in communitie, whilks are disposed by his Majesty, to whatsoever person at any tyme preceeding this present act. And the saids Estaites declares, that if there be any common kirks, pertaining to the saids bishopricks, and to their chapters of auld, that now perteins and falles to them be vertew of this present act, That thereby the ministers, wha are lawfully provided to the saids common kirks by presentation, collation, and admission, and serving thereat, shall nowyse be prejudged during their lyftymes; but that the saids provisions shall be sufficient right and warrand to the saids ministers, to bruike, joyce, and possesse their common kirks foresaids, according as they are provyded thereto, for all the dayes of their lyfetymes. Notwithstanding whatsoever clause contained in this present act, or any other act of Parliament, that might make any derogation to the saids provisions. Excepting alwyse, and reserving the Castell of Saint-Androes, and castell yardes of the samine, disposed to George Earle of Dumbar, upon the resignation of George Arch-bishoppe of Saint-Androes, dissolved and dismembered from the said archbishoprick, by Our said Sovereigne Lord and Estaites, with expresse consent and assent of the said Arch-bishoppe, personally compearand in Parliament. Whom to Our said Sovereigne Lord, in place and recompence of the said castell, hes given and disposed the provestry of Kirkhill, viccarge and arch-deinrie of Saint-Androes, to remaine with the said arch-bishop and his successors, by and attour ane yearly pension of three hundreth markes, given to the said arch-bishop, sa that the said castell and castell yardes shall nowyse be comprehended in this present act, nor yet shall be compted nor esteemed in any tyme hereafter, any part or portion of the patrimony of the said arch-bishoprick, but shall remaine with the said George Earl of Dumbar, his heires and successors, as their proper heritage lawfully disposed to them, and dissolved from the said arch-bishoprick. And in lyke maner, the saids Estaites declares that the foresaid act, graunted in favours of the saids bishops, shall not be extended, nor be prejudiciall to the infetments, rights and tytles made to Sir Robert Melveil of Murdocarnie, Knight, his heires and successors mentioned therein of the lands of Monymail and Lathame, with the maner-

place, yeardes, and bigging of Monymaill, and patronage of the Kirk of Monymaill pertaining of auld to the Arch-bishop of Sanct-Andros. And declaris the samine infestments to stand in the awne strength, notwithstanding this present act. Provyding alwyse, that the said Sir Robert Malvill and his heires sustaine and entertaine the ministers serving at the said kirk, upon the frutes of the samine kirk. And notwithstanding this present act and haill clauses therein contened, Our said Sovereigne Lord, with advyse foresaid, having considered the fewers of the barony of Glasgow, to be many in number, and the poverty of the maist part of them to be sik as they are not habile to furnishe the ordinare charges for renewing their infestments, have dispensed, and by this present act dispenses anent the foresaid clause of renewing of fewes, with sa many of the saids fewers as have taken their fewes without diminution of the rental, and conversion of victual, and other dewties in silver. And wha shall obtaine ane ratification from Johne now Arch-Bishoppe of Glasgow, of the saids fewes and rights, before the feast of Alhallowmes next to come. And declares the fewes lawfully set, as said is, to the saids persons, valide and effectual, their heirs, successours, and assignayes, alwyse entering by the said arch-bishoppe, as their immediat superiour; and by his successours to their saids lands, rowmes and possessions, by briefes raised out of the said arch-bishops chancellarie, precepts of *clare constat*, resignations and confirmations, as use is, and paying their few-mailles, fermes, moulters, kaines, and other dewties, to the said arch-bishop and his successours in all tyme hereafter; but prejudice to the letters of gift, and pension graunted to the Duke of Lennox, Sir George, Sir James, and Archibald Erskines pensions, foith of the frutes of the said arch-bishoprick of Glasgow, to be bruiked by the said Lord Duke during his lyfytyme allanerly.

IV.

Act of the Commissariats and Jurisdiction given to Archbishops and Bishops.

24th June 1609.

Our Sovereigne Lord, understanding that in all well governed republieks, the jurisdiction civill and ecclesiastick are severall, distinct, and divers jurisdictions, whilk aught to be administrat by the persons to whom the same properly belangs; and according to his Heighnes most loving and princely affection born alwise to the Christian reformed Kirk within this realme, being maist willing that the said Kirk should bruike and joyse their liberties, priviledges, freedom, and jurisdiction granted to them by his Majesty, (from whom only their temporal jurisdiction doth flow,) and in that regarde belonging to them as being ane of the estates of Parliament maist necessarye to be maintained for giving their advice, counsell, and assistance in all his Majestie's great and waighty affaires, hes with expresse advice and consent of the Estates of Parliament, restored and redintegrate the Arch-bishops and Bishops of this realme to their former authority, dignity, prerogative, priviledges, and jurisdictions lawfully pertaining, and shall be knowne to pertain to them, (alwise flowing from his Majesty, alswell as any other ordinar jurisdic-

tion doth,) and specially to the jurisdiction of Commissariates, and administration of justice by their commissioners and deputies in all spirituall and ecclesiasticall causes contraverted betwene any persons dwelling within the bounds and diocies of their prelaecies and bishopricks; with full power to the saids archbishops, bishops, and their successours in all tyme hereafter, to nominat and create sufficient wise, discret, and learned men best acquainted with the law and practick of this realme, to serve and administrat justice in the saids places of judicatorie, to constitute clerks and all other under officers, sa oft as the same shall vaik by dimission, decease, deprivation, or otherwise, and to provide others in their places, with as great freedom and liberty as any archbishops or bishops in this realme formerly hes done. Whilks commissares to be nominat and create by them, shall judge and decyde in all causes belonging to their judicatory. And wherein the commissares presently in office are in use to decyde, keeping the same style and forme whilk is presently observed, and that manner of proceeding whilk shall be prescryved and enjoyned to them by speciall injunctions without any alteration of the present lawes, or introduction of new and uncouth practicks upon the subjects and leiges, and shall have power of confirmation of testaments every one of them within their awin bounds. The quotes thereof to be payed to the archbishops, bishops, their chamberlanes, factors, and under-receavers appoynted by them. For the better effectuating whereof, his Majestie and Estates of Parliament ordeins letters of horning to be given and granted by the Lords of Session in that same very sort that the commissares present hes it, for execution of all their sentences and decreits whilk shall happen to be pronounced by them, and compelling of persons to enter and confirme the testaments of their defuncts in the very same manner that formerly hes been done. And for maintaining all things in better order, and the restraining of unlawfull divorcements, over frequently practised within this realm, to the heigh dishonour of God and slander of the true religion, His Majesty, with advice and consent foresaids, hes statute and ordeined, that in the burgh of Edinburgh there shall be resident alwyse four commissares, twa to be nominate and appoynted by the Archbishop of Sanct-Androes, and twa by the Archbishop of Glesgow, wha shall have the only power to decide in all causes of divorcement. As likewise shall have power of reduction of all decreets pronounced by any other commissares, to the hurt and prejudice of any of the leiges; before whom it shall be only lawfull to intend and persew reductions of inferiour commissares their sentences and decreets *in prima instantia*. And in case the saids commissares to be appoynted by the Archbishops of Sanct-Androes and Glasgow, as said is, performe not their duety, the Lords of Session shall have power to try, cognosce, and determine in the same; and shall judge upon all decreets and sentences alledged to be wrangously pronounced by them. And that because they are his Majestie's great consistory, to whom his Heighnes, with advyce of the said Estates, gives and grants an heigh supreme commission for all sik causes, to judge and determine of them in sik causes. And declares that it shall be lawfull to the saids Lords of Councill and Session, to advocat causes to themselves from any of the commissares, upon just and lawfull complaints made to them by any of the subjects, and not otherwise. Provyding alwyse, that the said Session shall ever be ready to give an account to his Majesty,

that their advocations have bene grounded upon probable and lawfull grounds for the well of the subjects. And that this foresaid Act may be put in present effect, his Majesty, with advyce foresaid, declares all former erections of commissariates to be suppressed and extinct from this forth and for ever, all constitutions that have bene in former tyme of the same in whatsoever part of the realme the same hath bene erected, and by whatsoever manner the same hes proceeded, Act of Parliament, Secreet Councell, and others made thereanent. And in lyke manner, discharges and annullles all presentations, gifts, or dispositions made by his Heighnes to the commissares present, or to any other concerning the said commissariates, and all rights acyqured by them by decease, dimission, or howsoever the same hes vaicked, and all gifts and dispositions made in favours of their clerks and members of court, by whatsoever manner of order the same hes proceeded. With this provision alwyse, that the commissars presentlie in office, their clerks and others members of court, wha shall be authorized with testimoniall from the Lords of Session of their sufficiencie and qualification to their severall places and offices, shall bruike and joyse the same, they alwyse receaving new presentation and gift of their offices from the archbishops and bishops of their diocies where they serve, betwene and the first day of December next to come. Otherwise, if in case the saids commissares and others members of court do not produce the foresaid testimoniall from the Lords of Session, as said is, it shall be lawfull to the archbishops and bishops to provide other sufficient persons to the saids places. The restitution of the said jurisdiction alwyse to be with expresse reservation of his Heighnes and his successours their prerogatives and supremacie in all causes ecclesiasticall and civill within this realme. Provyding alwyse, that this present act shall na wyse be hurtfull nor prejudiciall to the heritable right of the commissariate within the bounds of Argyle, pertaining to Archibald now Earle of Argyle, but the same to stand in the same force, strength, and effect as it was before this present act, and notwithstanding thereof, or any clause therein contened, *prout de jure*.

V.

Act, of the Apparel of Judges, Magistrates, and Kirkmen.—[Excerpt from.]

24th June 1609.

Attour, his Majesty and Estaites foresaids, considering what slander and contempt hes arisen to the ecclesiasticall estate of this kingdom by the occasion of the light and undecent apparell used by some of that profession, and chiefly these having vote in Parliament: It is therefore statute that every preacher of God's word shall hereafter weare black, grave and comely apparell besecming men of their estate and profession. As lykewise that all pryors, abbots, and prelates, having vote in Parliament, and specially bishops, shall weare grave and decent apparell agre.able to their function, and as appertaines to men of their rank,

dignity, and place. And because the haill Estates humbly and thankfully acknowledge that God of his great mercy hes made the people and subjects of this country sa happy as to have a King raigne over us, wha is maist godly, wyse, and religious; hating all erronious and vaine superstition, just in government, and of lang experience therein, knowing better then any King living what apperteins and is convenient for every estate in their behaviour and duty. Therefore it is agreed and consented to by the Estates, that what order sa ever his Majesty in his great wisdom shall think meet to prescribe for the apparell of kirk-men agreable to their estate and moyen; the same being sent in writ by his Majesty to his Clerk of Register, shall be a sufficient warrant to him for inserting thereof in the buikes of Parliament to have the strength and effect of an act thereof, with exectorials of horning to be direct thereupon, against sic persons as within the space of fourty dayes after the publication or intimation to them of the said act or charges used against them thereupon, shall not provyde themselves of the apparell to be appoynted by his Majesty for men of their vocation and estate, to be used and worne by them and their successours at the tymes, and in manner to be expressed in the said act to be made by his Heighnesse thereanent.

VI.

Ratification of Acts of General Assembly held at Glasgow in June 1610.

23d October 1612.

Forsameikle as in the Parliament halden at Edinburgh, in the yeare of God 1597, the estates of this kingdom remitted to his Majesty to consult and agree with the Generall Assembly of the Kirk, upon the auctority and power whilk the archbishops and bishops should have in the policy and discipline of the Kirk: Whereanent after that his Majesty and his Commissioners had many tymes most seriously conferred and advysed with the ministry. At last conclusion was taken, in the Generall Assembly halden at Glasgow, in the moneth of June 1610 yeares, determining all the doubtfull and contraverted points concerning the jurisdiction, policy, and discipline foresaid, with full and uniforme consent of ane very frequent number of godly ministers, assisted by the counsell and concurrence of ane great many of the best affected nobility, barons, and commissioners of burrowes of this kingdom, in maner, substance, and effect following: with the explanation made be the Estates of Parliament presently convened, of some of these articles resolved upon in the foresaid Assembly of Glasgow.

In the first the foresaid Assembly acknowledgeth the indiction of the General Assembly of the Kirk to appertein to his Majesty, by the prerogative of his Royal Crown.

And forder Ordeineth that the bishops shall be moderators in every diocesian synode. And the synode shall hald twyse in the yeare of the kirks of every diocie, viz. in Aprile and October: And where the dioceses are large, that there be two or three synods in convenient places for ease of the ministry. And in

case the bishop of the diocie be absent upon any necessar occasion, in that case his place shall be supplied be sik ane worthy minister (bearing charge within the bounds) as the arch-bishop or bishop shall appoint.

That no sentence of excommunication or absolution thereof be pronounced against or in favours of any person, without the knowledge and approbation of the bishop of the diocie, who most be answerable to God and his Majesty for all formall and unpartiall proceeding therein: And the process beeing found formall, the sentence to be pronounced at the direction of the bishop, be the minister of the parochie where the offender dwelles, and the processe began.

That all presentations to benefices bee directed hereafter to the arch-bishop or bishop of the diocie, within the which the benefice vacant be dimission, deprivation, decease, or utherwayes, lyeth. With power also to the arch-bishop or bishop to dispone and confer sik benefices as falles in his diocie, (*jure devoluto.*) Provyding alwise, incase any archbishop or bishop should refuse to admit any qualified minister, (accepting the presentation granted to him, and who hath bene once received and admitted to the function of the ministry, being then still undepryved,) presented to them be the patron, In the case of any sik refuse, It shall be lawfull to the patron to reteine the whole fruiets of the said benefice in his awn hands. And ather hee or the parochie wanting a pastor, be reason of the not planting of the kirk, (in case the refusal thereof come be the bishop,) may complaine thereof to his arch-bishop, and if ather the arch-bishop be the refuser, or else doth not give due redresse being complained unto, In that case the Lords of his Majesties Privy Counsell upon the parties complaint of the refuse, and no sufficient reason being given for the same, sall direct letters of horning, charging the Ordinary to do his duty in the receiving and admitting of sik a person as the said patrone hes presented. It is alwise declared, that if any arch-bishop or bishop shall deprehend any sik person as is presented to him to have come within compass of a simoniacal paction with his patrone, in so far as he hath ather alreddy hurt, or promised and bound himself to prejudice and hurt the state of his benefice in not reserving a sufficient maintenance for him and his successors answerable to the estate of his benefice: And that the bishop or archbishop shall understand the same either by the parties oath, or uther clear proof and evidence. In that case, they may lawfully refuse any sik person presented unto them. But if the party who is presented hath reserved to himself and his successors a sufficient maintenance, the setting of tacks or promise to do the same, or doing of any thing else to his patron, (being not prejudicial to that aforesaid maintenance,) shall no wise be ascryved to any simoniacall paction, nor shall not serve for any reason to the archbishop or bishop to refuse him. And in case any sik contraversy or question shall occur betwix the patron, the person presented and the arch-bishop or bishop, It is declared, that the Lords of Counsell and Session shall be Judges thereunto, to decyde upon the said simoniacal paction and quality of the same, if any sik thing shall be objected against the party presented.

In deposition of the ministers, the bishop associating to himselfe the ministrie of these boundes where the delinquent served, he is there to take tryell of the fact, and upon just cause found to depryve: And the lyke ordour to be observed in suspension of ministers from the exercise of the function.

That everie minister in his admission shall swear obedience to his Majestie, and to his ordinar, according to this forme following: I A. B. now nominat and admitted to the kirk of D. testifie and declare in my conscience, that the right excellent, richt high, and mighty Prince, James the Sext, by the grace of God King of Scotland, England, France, and Ireland, Defender of the Faith, &c. is the only lawfull supreme governour of this realme, alswel in matters spirituall and ecclesiasticall as in things temporal; and that no foreine prince, state, nor potentat, hes or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiasticall or spirituall, within this realme. And therefore I utterly renunce and forsake all foreine jurisdiction, power, superiority, and authorities; and promess that from this furth I shall and will bear faith and true alledgence to his Heighnes, his heirs and lawfull successours; and to my power sall assist and defend all jurisdictions, priviledges, pre-eminences, and authorities granted and belonging to his Heighnes, his heires, and lawfull successours, or united and annexed to his Royall Crown. And forder, I acknowledge and confesse to have and to hold the said C. and possession of the same under God, of his Majesty, and his Crown Royall of this realme; and for the saids possessions I do homage presently to his Heighness in your presence, and to his Majesty, his heires, and lawfull successours, shall be true. So help me God. And als that every minister in his admission shall swære obedience to his ordinar, according to this forme following: I A. B. now admitted to the kirk of C. promess and swears to E. F. Bishop of that diocie, obedience, and to his successours in all lawfull things. So help me God.

And if the said benefice be at the presentation of ane laik patron, the person presented shall give his oath as followes: I G. II. now admitted to the foresaid benefice, testifie and declare in my conscience, that the right excellent, right high, and mighty Prince, James the Sext, be the grace of God King of Scotland, England, France, and Ireland, Defender of the Faith, &c. is the only lawfull supreme governour of this realme, alswell in matters spirituall and ecclesiasticall as in things temporall; and that na foreine prince, state, nor potentate, hes or ought to have any jurisdiction, power, superiority, pre-eminency, or authority ecclesiasticall or spirituall, within this realme. And, therefore, I utterly renunce and forsake all foreine jurisdiction, power, superiorities, and authorities; and promess that from this furth I shall and will bear faith and true allegence to his Heighness, his heires and lawfull successours; and to my power shall assist and defend all jurisdictions, priviledges, pre-eminences, and authorities granted and belonging to his Heighnes, his heires, or lawfull successours, or united and annexed to his Royal Crown. And I do acknowledge and confesse to have and hauld the said benefice and possessions of the same, under God be his Majestie, of E. F. lawfull patron of the same.

That the visitation of ilk diocie be doone be the bishop himself; and if the bounds be greater than he can overtake, that then hee make speciall choise of some worthy man of the ministrie within the Diocie, to visit in his place. And what ever minister, without just cause or lawful excuse made, sall absent himself from the visitation or the diocesian assembly, he shall be suspended from his office and benefice; and if he amend not, he shall be depryved.

That the Conventions of Ministers for exercise shall be moderated by the bishop being present, and in his absence, by any uther minister whom he shall appoynt at the Synode.

Whilks acts, ordinances, declarations, and determinations above written, his Majesty finding to be very agreable to the true religion professed within this kingdom, and to the godly and decent government of the Kirk, ministry, and whole members thereof, Therefore his Heighnes, with advice and consent of the Estaites of Parliament, ratifies, approves, and confirms all and sundry the premisses : and ordeins them and every ane of them to be obeyed and observed, be all his Heighness subjects, as inviolable lawes in all tyme comming. Annulling and rescinding the 116 act of his Majesties Parliament, halden in *anno* 1592, and all and whatsomever uthers acts of Parliament, laws, ordinances, constitutions, sentences, and customes, in so farre as they or any of them, or any part of the same, are contrare or derogatory to any of the articles above written, als essentially and effectually in all respects as if the saids acts and consuetudes hereby abrogate were at length herein exprest.

VII.

Act anent the Election of Archbishops and Bishops.

28th June 1617.

Our Sovereigne Lord, with advise and consent of the Estates of this present Parliament, for gude and solide ordour to be keiped in all time to come, for election of Archbishops and Bishops, statuts and ordains, that all who shall be hereafter promoved to any Archbishoprik or Bishoprik within this realme shall be elected and admitted according to the forme and maner under mentioned and no utherwise ; That is to say, when it shall fall any of the Seas to be made void, his Majesties pleasure is to grant licence to the Deane and Chapter of the Cathedral Kirk of the Sea, to convene themselves for electing of ane uther Archbishop or Bishop in place of the former incumbent. And the said licence being exped, ane edict shall be affixed upon the most patent dure of the Cathedral Kirk, requiring and charging the Deane and Chapter of the said Kirk, to conveyne themselves for chusing of ane Bishop to the same, who shall be devote to God, and to his Highnes and realme profitable and faithful. Who being conveyned, the Deane of the said Chapter, with so many of them as shall happen to bee assembled, shall proceed and chuse the person whom his Majesty pleased to nominat and recomend to their election, hee alwayes being ane actual minister of the Kirk, and shall elect none uther then ane actual minister, to be so nominat and recomendit be his Majestie as said is. After the which election testified under their seals and subscriptions, his Majesties pleasure is to give his Royall assent thereto : And the same assent being granted under his Majesties great seal, shall be to the person elected an sufficient right for injoying the spirituality of the benefice whereunto he is elected during his lyfetime. Upon the which assent, and his Heighness mandat to be directed to an competent number of Bishops within the province where the bene-

lice lyes, the person elected shall be consecrat and received in his function bee the rites and ordour accustomed. And the said consecration being made, his Majesties pleasure is to dispone to the person elected the temporality of the said benefice, with all priviledges, honours, and dignities belonging thereto. And the same grant being past under his Majesties great seal, then shall the person admitted doe homage and swear obedience to our Sovereigne Lord, according to the forme prescribit. Neither shall it be lawfull to the person admitted to intromet with any of the frutes and rentes of the said benefice untill he have performed the said homage, and given the oath of allegiance and fidelity to his Majesty, or his Heighness Commissioners to be appoynted for that effect. And for the better observing of the said ordor in all tyme hereafter, our Sovereigne Lord and three Estates inhibits and discharges the Lords of Counsell and Session to authorize be their decret and sentence the provision of any Bishop to be admitted hereafter, except that it be testified that he is received and entered according to the said order in all points.

VIII.

Act Anent the Restitution of Chapters.

28th June 1617.

Our Sovereigne Lord, with advise and consent of the Estates of this present Parliament: Considering how necessar it is that the deane, and members of Chapter of every Cathedral Kirk, be at all occasions ready to conveene themselves for the election of arch-bishops and bishops, to their severall seas, and for expeding of particular rights made to the lieges, whereunto their consent by the lawes of the realme is required, and that for supporting of the charges of their service, and inabling them the better to attend at sick occasions, It is most needfull they be restored to their manses, gleibs, rents, and livings belonging unto them of auld,

Have statute and ordained, that all the deanes and uthers members of the Chapters of the Cathedral Kirks within this kingdom, shall be restored to their manses, gleibes, rents, and uther patrimony belonging to them.

And to that effect, his Majesty, with advise of the said Estates, dissolves fra the Crowne and patrimony thereof, the foresaids manses, gleibes, rentes, and duties formerly annexed: to the effect the same may hereafter be enjoyed and peaceably possessed be the ministers that are, and hereafter shall be provyded thereto. Without prejudice alwayes of the fews, tacks, pensions, and uther rights lawfully made of whatsumever manses, gleibs, lands, and teyndes of any part of the saids Chapter Kirks to the parties having right to the same. And siklyke but prejudice to laick patrons of their patronages granted to them be the King's Majesty, with consent of the titulars for the tyme, albeit the same be not ratified in Parliament, which shall na wayes be prejudged be this present act. And with expresse reservation of the rights of the priorie of Sanct-Androes, now

erected in a temporall lordship in favours of Ludovick Duke of Lennox, and his heirs, which shall remaine in the awne strength and integrity, notwithstanding of the act of restitution above-written, and any thing therein comprehended.

And als with reservation of the house and place of Hamiltoun, biggings and orchards, yeards, and whole pertinents of the same, in so far as the same or any part thereof pertained of before to the Deanrie of Glasgow, which his Majesty and Estates reserves furth of this present act, to his trustie cousin James, Marques of Hamiltoun, and his successours, to be halden of his Majesty and his Heighnes successours, as their immediat superiours thereof for ever. And without prejudice to the burgh of Edinburgh, of whatsumever rents, profites, tenements, annualrents, teynd-sheaves, and other commodities given, granted, and disposed to them for entertainment of their hospitals, colledge, and ministric. And siklike but prejudice of whatsumever teynds, few-mails, or annualrents which pertained of auld to the saids chapters in common, or to any Prebendar in particular, disposed by his Majesty to any colledge within the University of Sanct-Androes, masters or bursers thereof, which his Majesty, with advice of the Estates, declares shall not be prejudged by this present act. And als according to the restrictions, exceptions, and limitations, conceived in favours of fewars, tacksmen, and others havand right particularly set down and expressed in the second act of his Majestie's eighteenth Parliament, concerning the restitution of thè estate of bishops. Which restrictions, exceptions, and limitations, are halden as repeated and exprest in this present act. And to the effect, that all sick persons who are and have been tenents and vassals to deanes and other members of Cathedral Kirks may be in certainty known, and by whom they should be entred and received in the lands and others halden by them of the saids deane and members, or any of them,

Therefore it is statute and ordeined by our Sovereigne Lord and Estates, That when any sik occasion shall offer of receiving or entring of vassals, or of changing of tennents who comes in the vassal's places, either by alienation of the vassals, or comprysing from him, or by any other lawfull manner, the direct superiour of whom the said vassall immediatly held, shall be astricted and halden to do the same, and to enter all sik persons by himself, (they doing their duty to their superiors as apperteins.) In the which case, Our Sovereigne Lord and Estates declares the consent of the Prelate, or remanent members of his chapter, no wayes to be necessar to the said entry or change of tennents. And because the priory of Sanct-Andrewes is now erected in ane temporal living and lordship, the Prior whereof in former times was alwayes deane of the chapter of Sanct-Andrewes, and the chanons thereof were the members of the said chapter which are now all abolished, and to the effect there be not wanting ane chapter to the said Kirk,

Our Sovereigne Lord, with advice foresaid, declares that the ministers serving the cure at the Kirks under-written, present and to come, shall be esteemed the chapter threof: they are to say, the Prior of Portnook, who is principal of S. Leonard's Colledge, and deane of the Chapter; the arch-dean of S. Andrewes; the Vicar of S. Andrewes; the Vicar of Leuchiers; the Vicar of Cowper; the Provost of Kirkhill; the Parson of Dysert; the Vicar of For-

gond; the Vicar of Inshture; the Vicar of Kincaird; the Vicar of Fowles; the Vicar of Eglisgreig; the Vicar of Rossie; the Vicar of Linlithgo; the Vicar of Scoone; the Vicar of Fordun; the Vicar of Forgund in Fyfe; the Deane of Restalrig; the Deane of Dumbard; the Vicar of Kettill; the Vicar of Kennoway; the Vicar of Merkinch; the Vicar of Falkland; and the Vicar of Abercrombie; being all twenty foure persons. Which persons shall have the administration, doing and performing of the affairs belonging to the said bishoprick, and for the weale of the said Cathedral Kirk, which were done of before by the prior and his chanons. And concerning the election of the Archbishop of the said see, whensoever the same shall hereafter vaik,

Our Sovereigne Lord, with advise foresaid, declares, statutes, and ordeins the said Arch-bishop to be elected by eight bishops of his diocy. They are to say, the Bishop of Dunkeld; the Bishop of Aberdein; the Bishop of Brechin; the Bishop of Dumblain; the Bishop of Ross; the Bishop of Murray; the Bishop of Orkney; and the Bishop of Caithness. And by five ministers serving the cure of the Kirks under-written, to wit, the Principal of S. Leonard's Colledge; the Arch-deane of S. Andrewes; the Vicar of S. Andrewes; the Vicar of Luchars; and the Vicar of Cowper. Which bishops and ministers, or the most part of them, shall have power in all time to come to elect the Archbishop whenever the see shall vaik, and shall remain hereafter the chapter appointed by our Sovereigne Lord and Estates for the election foresaid. The Vicar-general for conveyeing of the which electors, our Sovereigne Lord and Estates declares to be now and in all time comming, the Bishop of Dunkeld, who shall happen be for the time. And siklike, Our Sovereigne Lord, with advise of his Estates, declares, statutes, and ordeins, that the Archbishop of Glasgow, whensoever that see shall vaik, shall be elected by the three Bishops of his diocie, to wit, the Bishop of Galloway, the Bishop of Argyle, the Bishop of the Isles, being for the time, and by his ordinar chapter, or the most part of them, the Bishop of Galloway being alwayes conveyer of the saids electors to the said election. Which persons shall have power onely in the said election, seeing it is the expresse will and ordinance of his Majesty and Estates, that the auld and ordinar chapter of Glasgow, and the other chapter above-written, appointed for the see of Sanct-Andrewes, as said is, shall have the only administration of these things, concerning the affairs tending to the weal of their Cathedral Kirks, and belonging thereto, as the auld chapter formerly had, and these others chapters before-mentioned, appointed allanerly for election of the saids Arch-bishops, shall no wayes be derogatory to the others ordinary chapters established for the handling of the affairs of their seas in manner above-written.

IX.

A Ratification of the Five Articles of the General Assembly of the Kirk, halden at Perth in the Moneth of August 1618.

4th August 1621.

Our Sovereigne Lord, with the advice and consent of the Estates of Parliament presently convened, ratifies and approves the acts of the General Assembly of the Kirk, halden at Perth the xxv. day of August, the year of God 1618, and concluded the twenty-seventh of the same moneth, *Sessione secunda*. Whereof the tenour followeth.

1. Since we are commanded by God himselfe, that when we come to worship him, we fall down and kneele before the Lord our Maker, and considering with all, that there is no part of Divine worship more heavenly and spiritual, then is the holy receiving of the blessed body and blood of our Lord and Saviour Jesus Christ: Lyke as the most humble and reverend gesture of the body in our meditation and lifting up of our hearts, best becometh so divine and sacred an action. Therefore, notwithstanding that our Kirk hath used since the Reformation of religion, to celebrate the holy communion to the people sitting, by reason of the great abuse of kneeling used in the idolatrous worship of the sacrament by the Papists: Yet now, seeing all memory of by-past superstition is past, In reverence of God, and in due regard of so divine a mystery, and in remembrance of so mystical ane union, as we are made partakers of: The Assembly thinketh good, that that blessed sacrament be celebrated hereafter meekly and reverently upon their knees.

2. *Item*, If any good Christian visited with long sickness, and knowne to the pastor; by reason of his present infirmity, unable to resort to the Kirke, for receiving of the holy communion, or being sick, shall declare to the pastor upon his conscience, that he thinkes his sickness to be deadly, and shall earnestly desire to receive the same in his house: The minister shall not deny to him so great a comfort, lawful warning being given to him upon the night before, and that there be three or foure of good religion and conversation, free of lawful impediments, present with the sick person to communicate with him, who must also provide a convenient place in his house; and all things necessary for the reverend administration thereof, according to the order prescribed in the Kirke.

3. *Item*, The minister shall often admonish the people, that they defer not the baptising of infants, any longer then the next Lord's day after the child be borne, unlesse upon a great and reasonable cause declared to the minister, and by him approved. As also they shall warne them, that without great cause they procure not their children to be baptized at home in their houses, but when great need shall compell them to baptize in privat houses, (in which case, the minister shall not refuse to do it, upon the knowledge of the great need, and being timely required thereto,) then baptisme shall be administered after the same forme as it should have been in the congregation. And the minister shall the next

Lordes day after any such private baptisme, declare in the Kirke, that the infant was so baptized, and therefore ought to be received as one of the true flocke of Christ's folde.

4. *Item*, Forasmuch as one of the most special meanes for staying the increase of Poperie, and settling of true religion in the hearts of the people, is, That a special care be taken in tryal of young children their education, and how they are catechized; Which in time of the primitive kirk was most carefully attended, as being most profitable to cause young children, in their tender yeares, drink in the knowledge of God and his religion, but is now altogether neglected in respect of great abuse and errours which crept into the Popish Kirk, by making thereof a sacrament of confirmation: Therefore, that all superstitions built thereupon may be rescinded, and that the matter it selfe being most necessary for the education of the youth, may be reduced to the primitive integrity.

It is thought good that the minister in every parish shall catechize all young children of eight yeares of age, and see that they have the knowledge, and be able to make rehearsal of the Lord's Prayer, Belief, and Ten Commandments, with answers to the questions of the small Catechisme used in our kirke: And that every bishop in his visitation shall censure the minister who shall be found remiss therein, and the saides bishopes shall cause the saides children to be presented before them, and blesse them with prayer for the increase of their knowledge, and continuance of God's heavenly graces with every one of them.

5. *Item*, As wee abhorre the superstitious observation of festival dayes by the Papists, and detest all licentious and profane abuse thereof, by the common sort of professors; So we think, that the inestimable benefites received from God, by our Lord Jesus Christ, his birth, passion, resurrection, ascension, and sending down of the Holy Ghost, was commendably and godly remembered, at certain particular dayes and times by the whole kirk of the world; and may be also now. Therefore the Assembly ordaines, that every minister shall upon these dayes have the commemoration of the foresaids inestimable benefits, and make choice of severall and pertinent texts of Scripture, and frame their doctrine and exhortations thereto; and rebuke all superstitious observation and licentious profanation thereof.

Which articles and ordinances, Our Sovereigne Lord, with advice and consent of the Estates, statutes and ordaines to be obeyed and observed by all his Majesties subjects as lawes in time comming; Annulling and rescinding whatsoever other acts of Parliament, constitutions and customes, in so farre as they are derogative to any of the articles above-written.

X.

Ratification and addition to the Act of Parliament, made anent Restitution of Chaptours.

4th August 1621.

Our Sovereign Lord, and Estates of this present Parliament, ratifies and approves the act of Parliament made in the moneth of Junii, in the year of God one thousand, six hundred, seventeene years, anent restitution of chaptours of cathedral kirks, in all the heads, clauses, exceptions, limitations, and restrictions thereof. And further, Ordaines and declares, That all deeds done since the date of the said act, or to be done hereafter, whereby any member of any cathedral kirke, being an office or dignity, hath been or shall be suppress, or any land, parsonage, vicarage, or other living, belonging to the said dignity dissolved from the same, without an expresse warrand from his Majesty, and consent of Parliament, are, and shall bee, with all that have followed, or shall follow thereupon, null, and of no force, nor effect: and shall be so founde in all tyme hereafter, by way of action, exception, or replye. Providing alwayes, the Marquess of Hamilton his right to the parsonage of Hamilton and Dalsersffe: The Earl of Marre his right to the parsonage of Carnwath: and any other parson having lawful rights conforme to the lawes of the country, before the act of Parliament, in anno one thousand, sixe hundreth, and seaventeen yeares; be no wayes hurt, or prejudged herein.

The foregoing Acts of Parliament constitute the main statutory enactments of the State by which the Church Government in Scotland was transformed from Presbytery to Episcopacy. There were other acts passed, bearing reference to Church affairs, in the first Parliament of King Charles I., 28th June 1633, such as that anent His Majestie's Royal Prerogative and Apparel of Kirkmen— anent His Majestie's annuity of Tiends—the Submissions and Decrees—arbitral anent the valuation of Tiends, &c.; but these being easily accessible to all, and not immediately necessary for illustrating the revolution which took place in the Church during the period with which we are at present concerned, it is not necessary here to include them.





