

3-2-10

Thomas F. Torrance



 THE REV^D

 WILL^M SMITH

 BOWER

Shur

|| 1789-1846

SCS # 1179

Thomas Fraser has been
Bought at Dunkirk
June 4th 1758

13th Dec^r 17 - 1662



Am to all the
best respects

T H E
C R I T E R I O N .

A

C O M P A R I S O N

O F

The legal *Establishment* of RELIGION in *Scotland*, from the *Revolution* to the present Time,

W I T H

The legal *Establishment* of RELIGION in *Scotland*, betwixt the Years 1638 and 1650.

D E S I G N E D

For rendering more useful to the Ignorant, a Book just now published, intituled, A COLLECTION of the LAWS in favours of the *Reformation* in *Scotland*.

To which, in an Appendix, is subjoined,

REMARKS upon Part II. of a Pamphlet, intituled,
The third Proof of FANCY no FAITH.

E D I N B U R G H,

Printed for the Author, and sold by such as sell the above mentioned Collection of Laws. MDCCLXIX.

Price Three Pence.

OLYMPIAN

COMMISSION

1850

The Board of Commissioners of the
County of ... in the State of ...
do hereby certify that the following
is a true and correct copy of the

WITNESSETH

that the within and foregoing is a true
and correct copy of the original
of the same as the same appears
by the records of the County of ...

1850

Witness my hand and seal of office
this ... day of ... 1850
at ...

To have attested and certified
that the within and foregoing is a true
and correct copy of the original
of the same as the same appears
by the records of the County of ...

WITNESSETH

that the within and foregoing is a true
and correct copy of the original
of the same as the same appears
by the records of the County of ...

T H E Criterion, &c.

WAVING all Introduction and Apologies, because we study Brevity, and because this Essay hath, (though in a somewhat different Dress) served its Apprenticeship in a former Edition, the present Design is, by comparing the legal (or national) Establishment of Religion in *Scotland*, from the Revolution to the present Time, with the legal Establishment of Religion there, betwixt the Years 1640 and 1650. to manifest the great Difference betwixt these two Settlements, and the Glory of the former above the present, and thereby (if the Lord will) be a Mean of vindicating the first, and those who formerly have, or at present do adhere thereto, and of provoking such as have it in their Power to reform the present.

When we speak of the legal Establishment of Religion, we mean as well the Laws against as for Religion, because they do affect the same as really as the other; for the Settlement in favours of Religion can be reckoned entire and of Force only in so far as the same is not afterwards subverted, hurt or lesed, by opposite or inconsistent Laws; in regard the Parliaments who made the Laws against, have the same Authority as those had who made the Laws for Religion. For Instance, in the first Period of our Reformation from Popery, there were sundry Laws made which obliged the whole Nation to make one Profession of Religion, and which subjected Offenders to Church-Discipline, and the Impenitent to Excommunication without Exception: But, by the Act of Toler-

tion †, all these, and many other Fences, formerly set up about Religion, are taken down; and seeing, after Laws against Religion do thus encroach upon, infringe and subvert former Laws in favours of it, there can be no coming at the true and genuine present Settlement thereof, but in a Way of examining the Laws as well against as for it.

Before proceeding to this Undertaking, we concede that it ought to be thankfully acknowledged, that as, at the Revolution, the Lord's right Hand was highly exalted, and his holy Arm hath gotten him Victory thereby, so there were many Things in the Improvement of that Deliverance, which in themselves, abstracting from the concomitant Circumstances attending the same, partly noticed hereafter, are both memorable and laudable; such as the rescinding of the blasphemous Act of Supremacy 1669. the Suppression of Tyranny, and Restoration of civil Liberty and Property, and of such of the outed Ministers as were then alive; the embodying with our civil Laws and establishing the *Westminster* Confession of Faith; the allowing of the Worship of Christ, and in some Sort abolishing of Prelacy and settling of Presbytery. These, compared with what prevailed in the then preceeding Period, were great Blessings, and such a Return of our Captivity as might fill our Mouths with Laughter, and our Tongues with Singing; and therefore, what Notice we are to take of the Omissions and Evils in

† Collection of the Laws in favours of the Reformation in Scotland, p. 245.

in this Settlement, is not intended to diminish the great Mercy vouchsafed us in that Deliverance, nor to detract from the Honour justly due to King *William* and Queen *Mary*, as the chief Instruments of that *Revolution*, and to such of our Statesmen as then came forth to the Help of the Lord against the Mighty. But, passing this,

Altho' we have no such Byass to the Period betwixt the Years 1640 and 1650. as to account it our only reforming Period; or that the Reformation then attained was perfect; yet as therein not only was all the Reformation formerly attained to espoused, but a farther Reformation prosecuted, we will, for Distinction sake, take the Liberty to denominate it *the reforming Period*, and the other, beginning at the Revolution, *the present Period*.

DIFFERENCE I.

In *the reforming Period*, the Reformation of Religion having been begun and carried on by the Church (a), the Parliament did espouse, ratify and approve the same (b). But,

In *the present Period*, the Order of Reformation was inverted; for though the Church had the immediate proper Concern in this Work (c), and the State ought to have given the civil Sanction thereto, as Mr. *Wilson* observes (d), yet the Parliament laid the Foundation of Church-Reformation, by abolishing Prelacy, and ratifying the Confession of Faith and Presbyterian Church-Government, &c. at their own Hand, and in the first Instance, before the outed

(a) Acts of the General Assembly betwixt 1638 and 1650.

(b) Collection of the Laws in favours of the Reformation in Scotland, Part second, throughout the whole.

(c) Num. i. 51. 2 Chron. xix. 11. Ezra x. 4. John xx. 21. Mat. xxviii. 18, 19. 2 Cor. x. 8.

(d) Defence of the Reformation Principles, &c. p. 270.

Ministers alive, whom they restored to their Kirks, were suffered to meet in Assembly (e), and, after the General Assembly met, they were from Time to Time circumscribed and limited in their proper Work by King *William* and his Parliament (f).

DIFFERENCE II.

In *the reforming Period*, the General Assembly 1638. having begun with removing the Rubbish of former Defection, by condemning the six pretended Assemblies holden at *Linlithgow* 1606. and 1608. at *Glasgow* 1610. at *Aberdeen* 1616. at *St. Andrews* 1617. and at *Perth* 1618. by declaring the Unlawfulness of the Oath and Subscription for Conformity to Episcopacy, required of Intrants into the Ministry in the Period preceeding the Year 1638.---by condemning the Service Book, the Book of Canons, the Book of Ordination, and the High-Commission Court, as unlawful in themselves;----by condemning Episcopacy as contrary to the Word of God, Books of Discipline, and Acts of the General Assembly, and declaring that it was abjured by the Confession of Faith, our National Covenant first sworn in the Year 1580. and removed out of this Kirk; by declaring that the five Articles of *Perth* were also abjured and removed; and by condemning the civil Places and Power of Kirkmen as unlawful. The Parliament 1640. by their 4th Act (g), ratify, approve and confirm an Act of the General Assembly 1639. condescending upon the above noticed six bygone Evils of the Kirk, with the Remedy thereof, as prescribed in that Act. (N. B.) In all Points in Manner as the same performs. And, by their

(e) Collect. p. 182, 185, 187.

(f) Collect. p. 189, 193, &c. 199, 200, 203.

(g) Collect. p. 51.

their 6th Act (b), they do rescind eight Acts therein mentioned, made in favours of Episcopacy during the Reign of King James VI. But,

In the present Period, the Parliament have left unremoved (if not built upon) a Heap of Rubbish and Defection; such as the Act of the Parliament 1651. rescinding the Act of Classes (i). The Acts rescinding all the Parliaments and Laws betwixt the 1640 and 1650 (k). The Act condemning the Solemn League and Covenant, and discharging the renewing thereof, or of any other Oath concerning the Government of the Church or Kingdom, and several other Acts made in the Parliament 1661 (l). As also an Act of the Parliament 1662. condemning the National Covenant and Solemn League, and the General Assembly 1638. &c. and by leaving unrepealed several other bad Laws thereafter (m), with King Charles's crafty Indulgences, and King James's boundless Toleration.

DIFFERENCE III.

In the reforming Period, Episcopacy, with all its Appurtenances, was condemned, as contrary to the Word of God, and unlawful in itself. See Act 4. Parl. 1640. (n) As it is observable there, that the Rule of the then Condemnation of Episcopacy is the Constitutions of the General Assembly and Grounds therein contained; so, by Act, Sess. 16. Gen. Ass. 1638. Episcopacy is found to be contrary to the Rule of God's Word, &c. But,

In the present Period, Prelacy was only craved to be abolished, because a great and insupportable Grievance and Trouble to the Nation, and contrary

to the Inclinations of the Generality of the People, &c. (a); and accordingly, for the above, and no better Reason, was Prelacy abolished at the Revolution (p).

DIFFERENCE IV.

In the reforming Period, the Parliament was so far from giving Place, Countenance or Encouragement to Episcopacy, that they abjured and became bound to extirpate it, and which accordingly they saw to the Execution of, not (indeed) in a hostile, but in a legal Way (q). But,

In the present Period, the Parliament have indulged Episcopal Ministers, and at length tolerated Episcopacy itself, in such Sort as never obtained before while Presbytery was established (r).

DIFFERENCE V.

In the reforming Period, the Parliament revived and ratified the Reformation formerly attained to, and all the Pieces thereof, as their Acts bear (s). But,

In the present Period, all the legal Securities given to the Church and Religion in the fore said Period are overlooked and passed by, and the infamous Acts rescinding and burying them stand unrepealed to this very Day (t).

Before leaving this Point; as some are, by forced Inferences from general Clauses in the 5th and 27th Acts, Sess. 2. Parl. 1. K. William and Q. Mary (u), endeavouring to prove, that

(a) Collect. p. 180.

(p) Collect. p. 182.

(q) Collect. p. 69, 92, 77, 83, 110, 128. &c.

(r) Collect. p. 200, 203, 245.

(s) Collect. Part second, through out the whole.

(t) Collect. p. 185, 193. &c.

(u) Collect. p. 165, 191.

(b) Collect. p. 69.

(i) Introduction to Wodrow's History, Vol. I. p. 5.

(k) Collect. p. 167, 163, 164, &c.

(l) Collect. p. 208, 209, 211, &c.

(m) Collect. p. 213, &c.

(n) Collect. p. 69.

that the Acts rescinding and annulling the Parliaments and Laws betwixt the 1640 and 1650. were rescinded, and that these reforming Laws were revived at the Revolution, it may not be improper to make a few Remarks thereupon, for Truth's Vindication. As,

1. A general Clause in an Act of Parliament, at most seemingly inconsistent with our Profession and Oath, can by no Means be a sufficient Warrant for us to forego and contradict that Profession and Oath: Having once fixed on a Profession, surely nothing less than the clearest and most convincing Evidence should induce a contradicting ourselves.

2. General Clauses in Acts of Parliament, nor even general Acts themselves, use not, nor can consistently be extended any farther than the Law is otherways special and particular: For Example, tho' Act 1. Parl.

3. *Charles II.* 1681. (v), and Act 1. Sess. 1. Parl. 1. *James VII.* (w), do run in as soft, smooth and plausible a Strain as the general Clauses now argued from do, ratifying and approving all and whatsoever Laws, Acts and Statutes, made by King *James VI.* and King *Charles I.* yet, what Person, who knows that these Parliaments were persecuting many unto the Death, for adhering unto the Reformation, ratified by the Laws of King *Charles I.* will be so foolish as to imagine that these Parliaments approved Laws, which others approving of suffered the greatest Severities for? And yet to that Absurdity do these Reasonings amount, which fix a Sense upon general Clauses or Acts, contrary to, or inconsistent with the Genius and Spirit of the other standing Laws and Statutes that are special and particular.

3. Besides that these general Clauses are in their Nature explicable by the other Places of the Law, (and particularly by the other Parts of

these Acts wherein they are ingrossed) that are particular and express, the general Clause in Act 5. Sess. 2. Parl. 1. K. *William and Q. Mary,* 1690. doth rescind opposite Laws, in so far *allenary* as these are contrary to itself; and the Act 27th *ibid.* doth only rescind the Laws therein mentioned, in so far as contrary to the Laws settling Prelacy, and in so far as these obliged to Conformity thereto; so that these Clauses being only conditional, not absolute, and the Acts themselves, wherein they are ingrossed, only a mank and defective Settlement, the said Clauses must be explained consistently with that Settlement.

4. Although the foresaid Clause, in Act 5th, 1690. does generally revive the Laws for the Maintenance and Preservation of the Protestant Religion, and against Popery; yet the Laws made betwixt the 1640 and 1649. lying at the Time under Parliamentary Acts declaring them a Reproach upon the Kingdom, unfit to be any longer upon Record, and to be void and null, and the very Parliaments in that Period declared disloyal, rebellious, and violent Usurpers of the kingly Prerogatives; these reforming Laws could not, in a Consistency with the Acts rescinding them, be properly called Laws thereafter, in regard the very Authority of the Parliaments that made them was annulled, and branded as above. Our Opposites must, if they would support their Scheme, first find out some Laws in the Revolution Settlement reviving the Authority and Right of Constitution of our Parliaments betwixt the 1640 and 1649. before they make out the Authority of their Laws; but this they will never be able to do; while, besides the particular Acts Rescissory, Act 3. Parl. 1. *Charles II.* (x), stands in the Body of our *Scots* Laws; as thereby an insuperable Bar is put in the Way of owning our reforming
Laws

(v) *Collect.* p. 221.

(w) *Collect.* p. 222.

(x) *Collect.* p. 162.

Laws betwixt the 1640 and 1649. And therefore,

5. General Clauses seem only designed as Fences to the Law; so as none may plead upon any former Clause or Act inconsistent with the present Laws, (tho' not expressly rescinded thereby) as of Force to overthrow the same, or render it abortive of the intended End of making it.

But, more particularly, the Reasons why the Acts Rescissory, made in the 1661. are left untouched in the Revolution-Settlement, and the reforming Laws, betwixt the 1640 and 1650. are left buried by that Settlement, are,

1. Because, altho' the *Revolution-Parliament* avouched some Pieces of Reformation which were attained to betwixt the 1640 and 1649. particularly the *Westminster* Confession of Faith (y), yet they did not avouch the same as the Attainment of that Period; no Mention is made, in the present Settlement, of any Statute enacted in the last reforming Period.

2. Because, tho' *Presbyterial* Church-Government had, by the Laws betwixt the 1640 and 1649. a better Settlement than ever it had formerly, as hath been partly, and may be farther proved; yet the Revolution-Settlement thereof does not proceed upon, or revive these reforming Laws; but, as the Parliament 1661. judged them unfit to be on Record, and therefore rescinded the same, the *Revolution Parliament* leave them so buried, and go back, for a Basis to their Constitution, to an Act of the Parliament 1592. notwithstanding the more special and solemn Establishment thereof in our last reforming Period.

3. Because, although the Parliament 1649. did, by their 39th Act, cleanly abolish Patronage as a *Papish* Innovation, contrary to the Word of God, to the *Book of Policy*, and to the *Doc-*

trine, Acts, and Constitutions of this Church, &c. yet the Parliament 1690. without Regard to the said former cleanly Abolition thereof, when settling Presbytery by their 5th Act, according to the Act 1592. they except that Part of it relating to Patronages, and say the same is afterwards to be taken into Consideration; and accordingly they very justly, though not so cleanly, abolish Patronage of new by their 23d Act, which they needed not, nor ought to have done, had they looked upon the reforming Laws betwixt 1640 and 1649. to have been revived by the same 5th Act 1690.

4. Because, although by Act 6th, of the Parliament 1640. the Laws for Conformity to Episcopacy, made by King *James VI.* were particularly rescinded, yet the 5th Act, Sess. 2. Parl. 1690. does the same Thing over again, without any Relation to their being already rescinded by the Parliament 1640. which had been altogether unnecessary, if the Acts of the said Period were (as is now pretended) revived in that very Act 1690.

5. Because, if the general Clause in Act 5th, Sess. 2. Parl. 1690. was sufficient for making void the Rescissory Acts in 1661. then, by a Parity of Reason, the said general Clause behoved to be equally valid for nullifying and rescinding all other Laws of the same Kind; but the same Parliament who made the foresaid general Clause, the 7th of *June* 1690. do, by their 27th and 28th Acts, both dated the 19th of *July*, about six Weeks thereafter, rescind about Forty five Acts of the same Kind, in which there is no Mention made of any Act of the 2d Session of the first Parliament, *Charles II.* (except the *Anniversary Act*, noticed afterwards) which plainly says, that the foresaid general Clause was not by them reckoned sufficient for that Purpose.

6. Because, if the Laws betwixt the 1640 and 1649. had been revived

ed in 1690. then, to be sure, as these Laws obliged all Ranks to swear the Covenants, National and Solemn League, to promote Uniformity, to root out Malignancy, Sectarianism, &c. we had been obliged, in Obedience thereto (as well as by Virtue of the binding Obligation of our Covenants) to follow forth, observe and fulfil these several Duties at the *Revolution*, otherways be reputed Malignants, and Enemies to Religion, Covenants, King and Kingdoms; the *Stigma* put upon Non-Covenanters, Episcopals, and others, by these reforming Laws:

7. Because, although it be ordinary, in adding to, explaining or reviving of old Laws, to take Notice of, or to refer to them in the new; and although there was a Variety of worthy Laws made betwixt the 1640 and 1649. besides these that respect Religion, yet never one of them is in the least noticed or referred to by any Act since the 1661. when they were rescinded, and the Parliaments which made them annulled.

8. Because, though Sir *Thomas Murray* of *Glendook* had Allowance by Letters patent from the King, in *May* 1679. to revise, collect, and cause reprint the whole Acts, Laws, Constitutions and Ordinances of Parliament of the Kingdom of *Scotland*, both old and new, now being in Force, and to compleat the Index of the whole Acts of Parliament, and to cause print the same, and, upon the 31st *March* 1680. obtained his Majesty's other Letters patent for giving the Privilege of printing to the Person therein mentioned; yet he neither collects nor abridges any one Act betwixt the 1640 and 1650. And tho' Sir *James Stewart*, who, as King's Advocate, behoved, by his Office, to be the principal Framer of the Acts made by the Parliament 1690. wrote a Continuation of that Abridgment, which he calls a compleat one, of the Acts of Parliament and Cou-

vention, from the Year 1424. to the Year 1707. and in which he takes no Notice of any one Act made in the rescinded Period; yet the Privy Council gave Allowance for printing the same as such, without finding the least Fault with his omitting the Acts in the beforementioned Period.

Lastly, Because, however common it be for Lawyers to claim the Benefit of all Laws that seem to favour their Plea, and though, by comparing the Laws betwixt the 1640 and 1649. it is clear that sundry of them consist with the present Laws; yet, upon examining our Law Books, and so the Decisions the Courts of Session and Justiciary, we have neither found nor heard of their owning the Existence, as Law, of any one Act made in the fore-said Period.

Object. II. The *Westminster Confession* of Faith, having been the chief Part of the Reformation attained to betwixt the 1638 and 1649. and containing the Substance of all the rest; and it having been ratified by the Revolution-Parliament, therefore the Reformation attained to betwixt the 1638 and 1649. was espoused at the Revolution.

Ans. According to this Way of arguing, there was never a Period since our first Reformation from Popery, wherein the whole Work of Reformation attained to at the Time was not espoused, because, in the worst Times, the holy Scriptures, which are the Foundation of the whole, and the *old Confession*, which contains the Sum and Substance of what is contained in the *Westminster Confession*, were espoused; and all Laws for the Liberty of the true Church of God and the Protestant Religion generally confirmed: But, though this Way of Reasoning may satisfy Persons of a Latitudinarian Spirit, others will be of Opinion, that the Revolution-Parliament did not espouse the *Westminster Confession* as the Attainment of the Period from the 1638 to 1649.

but as it lay in itself; and that, though they had done otherways, there were many Parts of Reformation attained to in that Period left buried at the Revolution, as we may shortly shew.

Object. III. According to some, who admit the Act *Rescissory* to be still standing unrepealed, it is a Mistake to say, as *Act and Testimony*, p. 38. and *Acknowledgment of Sins*, p. 101. that all that was done against a covenanted Work of Reformation, in the first Session of Parliament of King Charles II. after his Restoration, is left untouched, in regard, by Act 28. Sess. 2. Parl. 1. K. William and Q. Mary, the 17th Act, Sess. 1. Parl. 1. Charles II. for a solemn anniversary Thanksgiving for his Majesty's Restoration, is rescinded.

Ans. Had it occurred to the Associate Presbytery, at framing their publick Testimonies, Causes of Fasts, and Acknowledgment of Sins, that this anniversary Act was in so far rescinded by the Parliament 1690. (though, not for six Weeks after, the Act, which is usually called the *Revolution-Settlement*, was made) it is at least probable they would have made some Exceptions thereanent; yet, taking the Argument as laid in the Objection, in its utmost Latitude, the Act and Testimony may well be defended from the Imputation of Falshood: For what the Presbytery are speaking of, in the Place quarrelled, is Act 5. Sess. 2. Parl. 1. K. William and Q. Mary (2). But, 1. if from the Rubrick or Body of that Act we gather the Sense and Meaning thereof, as Lawyers take their Response only from the Body of the Statute, then the anniversary Act was not properly a razing our covenanted Reformation; it was not directly done against a covenanted Work of Reformation, but rather was introducing a Thing which had never been before, and so could not properly be called a razing of the covenanted

Reformation attained before. 2. However inconsistent that anniversary Act was with our covenanted Reformation, yet the same was not rescinded in the Act above noticed, as we have already noticed; so that in Verity do the Presbytery say, that 'all that was done against a covenanted Work of Reformation, in the first Session of Parliament of King Charles II. after his Restoration, is left untouched in this above mentioned Settlement.' Which last Words, this above mentioned Settlement, do confine it to the Act above quoted, as what only the Presbytery are there treating of. And, 3. as that Act is in Part observed upon the 29th of May yearly to this Day, it is noticeable that the Revolution-Parliament do not rescind the same, as contrary to or inconsistent with the Law of God, or our covenanted Reformation, but only as useless or hurtful, which very good Laws may become through a Variation of Circumstances.

DIFFERENCE VI.

In the reforming Period, Presbyterian Church Government, as founded on the Word of God and the only Government of Christ's Church, had all the Security that Laws and Oaths could give it: For Proof hereof, see Act 4. Parl. 2. King Charles I. (a), and Act 6. Parl. 2. King Charles I. (b). As both these Acts reduplicate upon the reformed Constitutions of the Kirk, and the first of them doth expressly acknowledge the second Book of Discipline, we shall, for greater Satisfaction to the Reader, who hath not that Book at Hand, thenceforth transcribe a few Passages to the present Purpose. Thus, Chap. 1. 'Power ecclesiastical is an Authority granted by God the Father, through the

B

Me

(2) *Collect.* p. 184.

(a) *Collect.* p. 53.

(b) *Collect.* p. 54.

' Mediator Jesus Christ, unto his Kirk
 gathered, and having the Ground in
 ' the Word of God, to be put in
 ' Execution by them unto whom the
 ' spiritual Government of the Kirk,
 ' by lawful Calling, is committed.
 ' The Policy of the Kirk, flowing
 ' from this Power, is an Order or
 ' Form of spiritual Government which
 ' is exercised by the Members ap-
 ' pointed thereto by the Word of
 ' God, and therefore is given im-
 ' mediately to the Office-Bearers.' A-
 ' gain, ' This Power ecclesiastick floweth
 ' immediately from God, and the
 ' Mediator Jesus Christ, and is spiri-
 ' tual, not having a temporal Head
 ' in the Earth, but only Christ, the
 ' only spiritual King and Governor
 ' of his Kirk.' Chap. 2. ' Albeit
 ' the Kirk of God be ruled and go-
 ' verned by Jesus Christ, who is the
 ' only King, High Priest and Head
 ' thereof, yet he useth the Ministry
 ' of Men as the most necessary Mids
 ' for this Purpose; and, to take a-
 ' way all Occasion of Tyranny, he
 ' wills that they should rule with mu-
 ' tual Consent of Brethren and E-
 ' quality of Power, every one accord-
 ' ing to their Functions. There are
 ' four ordinary Functions or Offices
 ' in the Kirk of God, the Office of
 ' the Pastor, Minister or Bishop; [the]
 ' Doctor; the Presbyter or Elder,
 ' and the Deacon;--- their Offices are
 ' ordinary, and ought to continue
 ' perpetually in the Kirk; and no
 ' more Offices ought to be received
 ' or suffered in the Kirk of God, e-
 ' stablished according to his Word.'
 And, Chap. 7. ' Assemblies are ei-
 ' ther of particular Kirks and Con-
 ' gregations, one or more, or of a
 ' Province, or of a whole Nation, or
 ' of all and divers Nations professing
 ' one Jesus Christ. All the ecclesia-
 ' stick Assemblies have Power to con-
 ' veeen wfully to ether for treating
 ' of T ings concerning the Church,
 ' and p aining to their Charge, &c.'
 Again, as Presbytery was the only
 Kind of Church-Government professed

and authorised in *Scotland* at that Time;
 it was sworn to in the very first Ar-
 ticle of the Solemn League and Co-
 venant, ratified Act 5. Sess. 1. Parl.
 3. *Charles I.* (c). And as, by Act 15.
 Sess. 2. Parl. 2. King *Charles I.* 1649.
 (d), the King, before his Admission,
 was to give Security for the full Estab-
 lishment of Presbyterial Government,
 &c. as approved by the General Assembly,
 &c. so, according to the Form and Order
 of the Coronation of King *Charles II.* at
Scoon, January 1. 1651. ' He assured and declar-
 ' ed, by his solemn Oath, in the
 ' Presence of Almighty God, the
 ' Searcher of Hearts,---that he would
 ' ----consent and agree to Acts of
 ' Parliament,---fully establishing Pres-
 ' byterial Government, &c.---as ap-
 ' proven by the General Assemblies
 ' of the Kirk, &c. But,

In the present Period, Presbytery
 was settled upon a human and political
 Foundation. For Illustration here-
 of we observe, that it is one Thing
 to acknowledge a Principle, a Rule,
 or a Government, as agreeable to the
 Word of God; and another Thing,
 to acknowledge these as the only
 Things of the Kind agreeable to that
 Word. *Deists* will agree that the
 Scriptures are the best Rule, but they
 will not admit them to be the only
 Rule. Again, all Societies admit civil
 Government to be by divine Appoint-
 ment; but then they are not agreed
 that any one Form is so, exclusive of
 others: And, in like Manner, *Era-*
stians, and with them our Revoluti-
 on Statesmen, admit Church-Govern-
 ment, in the general, to be by divine
 Right; but neither of them yield
 that any one Form of Church-Gov-
 ernment is so, exclusive of all other
 Forms thereof: Thus, Mr. *George*
Gillespie, in *Aaron's Rod blossoming*,
 proves, Book 2. Chap. 3. that *Era-*
stians allow of Presbyteries, and that they
 have some Jurisdiction; that the Mini-
 stry

(c) Collect. p. 81.

(d) Collect. p. 141.

stry is jure divino, &c. Mr. Neal observes, in his *History of the Puritans*, Vol. 3. Chap. 6. that, in a Debate in the *Westminster Assembly*, about Church-Government, 'the *Eraſtians* did not except againſt the Presbyterian Government as a political Inſtitution, proper to be eſtabliſhed by the civil Magiſtrate; but they were againſt the Claim of a divine Right.' And, as *K. James VI.* allowed Presbyterian Meetings, after he had ſcrewed the Supremacy to the greateſt Height he thought needful; ſo it appears, by *Aſt 16. Seſſ. 3. Parl. 1. King Charles II.* that that *Eraſtian* Monarch did allow the Adminiſtration by Seſſions, Presbyteries and Synods, till he ſhould ſettle the Government of the Church: And *Burnet* obſerves, *Hiſt. Vol. 5. p. 674.* that the Houſe of Commons in *England*, having, for clearing themſelves of any Suſpicion of favouring Presbytery, concluded Episcopacy as of divine and apoſtolic Right, and deſired the Concurrence of the Houſe of Lords, the Lords would not entertain the Propoſition, but ſent them for Answer, that they did not think it ſafe to go farther in that Matter. And,

That *K. William* and his Parliament were of the ſame Sentiments, may be ſafely gathered from the following Conſiderations: 1. That *K. William* was bred up in the Communion of the *Belgick* Churches, which, though Presbyterian, do nevertheless allow a Power to the civil Magiſtrate inconfiſtent with the inſtrinfick Power of the Church; and, as he knew no purer Kind, his whole after Conduct ſhews plainly that he was for no other. 2. The Members of the Revolution Parliament had moſtly been educate with, and active in the *Eraſtianism* of the Period preceeding the Revolution. 3. This Parliament left the 16th *Aſt*, *Seſſ. 2. Parl. 1. King Charles II.* unrevoked, though therein an *Eraſtian* Power is owned to be in the Magiſtrate, of ſettling the

Church-Government as he ſhould ſee Cauſe. 4. This is farther evident from the *Claim of Right*, as therein Prelacy is only complained of, becauſe grievous, troubleſom, and contrary to the Inclinations of the Generality of the People, they having reformed from Popery by Presbyters: On which we ſhall obſerve, in the Words of another †, 'That Prelacy is not allowed contrary to Law, as the reſt of the Particulars complained of in that Claim are, but only a Grievance and Trouble to the Nation: It is not ſaid, *Nations*, tho' it was indeed an inſupportable Grievance to all the *three Nations*,—as is undeniable from their entering into a ſolemn Covenant to oppoſe and extirpate it; of which Covenant it is remarkable there is made no Mention in this Claim of Right. 2. It is not ſaid that Prelacy is contrary to the Word of God, and the covenanted Work of Reformation, but only it is contrary to the People's Inclinations, and that not for any other Reaſon, but becauſe the Nation was reformed from Popery by Presbyters, and not by Prelates; and that Reaſon would militate as much againſt Presbytery as Prelacy, upon Suppoſition that the Land had been reformed from Popery by Prelates.' 5. This is farther evident, from *Aſt 3. Seſſ. 1. Parl. 1. K. William and Q. Mary*, abolishing Prelacy; where, after doing it only becauſe a great and inſupportable Grievance and Trouble to the Nation, and contrary to the Inclinations of the Generality of the People ever ſince the Reformation, they having reformed from Popery by Presbyters, 'The King and Queen's Majeſties do declare, that they, with Advice and Conſent of this Parliament, will ſettle, by Law, that Church-Government in this Kingdom, which is moſt agreeable to the Inclinations of the People.' 6. A farther Proof of

† *A modest Reply*, &c. p. 7, 8.

of this Point may be gathered from K. William's *Instructions* to the Parliament 1690. one of which was, ' You are to pass an Act establishing that Church-Government which is most agreeable to the *Inclinations* of the People: ' And from his *Letter* to the General Assembly that Year, wherein, after the settling of Presbyterial Church-Government, by the 5th Act, Parl. 1690. the true Meaning whereof he behoved to know, he says, ' We did willingly concur with our Parliament, in enacting such a Form of Church-Government as was judged to be most agreeable to the *Inclinations* of our good Subjects. ' 7. This seems farther evident from the Parliament's leaving the *Acts Rescissory*, which annulled the Laws avouching the *divine Right* of Presbytery, standing unrepealed at the *Revolution*, and going back for a Basis to the *Revolution-Settlement*, to the Act 1592. which considerably restricts the Church's intrinsec Power; and thus, by Silence at least, acquiesce in the Burial of our reforming Laws by the Acts Rescissory. 8. The distinguishing of the Protestant Religion and Presbyterial Church-Government, as specifically different, both in the Title and Body of the Laws, at and since the *Revolution*, as hath been elsewhere proved, does not seem consistent with the acknowledging and ratifying of the *divine Right* of Presbytery. 9. As Inclination was the Motive of the People's Claim, and the Reason of the Legislator's Compliance with their Desire at the *Revolution*; so the *Act of Security*, in the 1707. ingrossed in, and made a fundamental Condition of the incorporating Union, assigns no better, nor no other Cause for the said Settlement, than the *Claim of Right*, or, which is the same Thing, the *Inclinations* of the People. And, 10. if we consider, that, at the Union of *Scotland* and *England*, the Parliament of each Kingdom did consent to the others settling what Church-Government they had a Mind to; and

that, after they had settled contrary Governments, the Parliament of each Kingdom ingrossed the Settlement of both in their Records, and that they then agreed to the King's maintaining of *Episcopacy* in *England*, and of *Presbytery* in *Scotland*, as the two *Coronation-Oaths* shew *, Decency and Reason oblige us (however we believe the *divine Right* of Presbytery) to admit that King and Parliament look upon the present Settlement of Presbytery only as political.

From what has been said it seems native to infer,

1. That Presbytery was, and continues to be settled for the same Reasons, and no better, for which Prelacy was abolished, viz. because Presbytery is not so grievous and troublesom to the Nation as Prelacy; because it is more answerable to the People's Inclinations; and because it had the Start of the other in the Nation's Reformation. And,

2. That, in a Consistency with the present Settlement, Church-Power is viewed as subordinate to, not as coordinate with the Power of the State.

Agreeable to what is above, the judicious Mr. *James Hog* Minister at *Carnock* observes, as noticed by Mr. *Wilson*, That the present Settlement is only a political one. The zealous Mr. *John Dickson*, sometime Minister at *Rutherglen* since the Revolution, in a Letter a little before his Death, saith, p. 3. ' We have been lately trylled with a wonderful Deliverance, but not one Line of Reformation is pencilled thereupon. ' And downward he says, ' We have the Shell of Church-Government, but want the Kernel. ' But the Rev. Mr. *Ebenezer Erskine* is still more explicite upon this Point, p. 40. of his *Covenant Sermons*, ' The Glory of that Church is at a low Pass, which hangs upon the Nail of legal Securities by Kings and Parliaments, instead of the Nail which God has fastened in a sure Place '

* Collect. p. 254.

Place: And (says he) this, alas! is the Case with the Church of Scotland at this Day. What have the Judicatories to support them in their screening the Erroneous?— The *only Thing* that supports and emboldens them in such Proceeding is, the Nail of a legal Security and Establishment, which (adds he) one Time or other will give way, and then all that hangs on it falls to the Ground.

And to the same Purpose doth the Reverend Mr. *Ralph Erskine* complain to the Commission of the Assembly 1736. that Presbyterian Government was ratified by the Parliament at the Revolution, *only* according to its Establishment 1592.

Objection. Although the divine Right of Presbytery be not asserted in the statutory Part of Act 5. Parl. 1690. yet it is asserted, Act 2. Sess. 2. Parl. 1. K. *William*; again, Act 3. Parl. 1. Q. *Anne*; and again, Act 3. Parl. 3. Q. *Anne*; being called agreeable to the Word of God, and the only Government of Christ's Church within this Kingdom, in each of these Acts.

Answer. According to Bishop *Burnet*, and some others, these Acts were made with a View to be a Bar in the Way of the incorporating Union with England, and to ruffle the English, so as that Project might be laid aside, the most of our Representatives being then against it: And accordingly we see, that although, when the Union went on, our Parliament did not expressly abrogate these Acts, yet they acted a Part quite inconsistent therewith: 1. In confirming the Laws establishing Presbytery (not as in Prosecution of or pursuant to the Acts mentioned in the Objection, but) in Prosecution of the Declaration of the Estates of this Kingdom, containing the *Claim of Right*, in which there is no Mention of a divine Right of Presbytery. 2. In framing the Coronation Oath for Scotland accordingly. 3. In record-

ing, amongst the Acts of our last Scots Parliament, the *Exemplification*, or Extract of an Act of the English Parliament settling Episcopacy there. And, 4. in granting a special Toleration to Episcopals in this Kingdom, anno 1712. All which are very incompatible with a Belief and Acknowledgment of Presbytery as the alone Government of Christ's Church within this Kingdom. And although the above be a sufficient Answer to the Objection, we shall, for clearing the same a little farther, subjoin a Piece of History afforded us by Mr. *Neal*, whose Candor is known; and besides, wherein we are presently to make use of him, he could scarcely err, having taken the Records of the Courts after mentioned for his Vouchers.

History of the Puritans, Vol. III. Chap. 6. Mr. *Neal* having introduced the Debate in the *Westminster Assembly* about Church-Discipline and Government, he brings in one *Whitlock*, an *Erastian* Elder or Commissioner in that Assembly, admitting as much as in the Objection: Thus (says he)--- 'I am none of those who except against the Presbyterian Government; I think it has a good Foundation, and has done much Good in the Church of Christ; but, whether this Form of Government be *jure divino* or not, may admit of some Dispute:—I therefore humbly submit it to your Judgments, whether it be not better, at this Time, to avoid giving Occasion for Disputes, and only to present your Judgment to the Parliament, That the Government of the Church by Presbyteries is most agreeable to the Word of God, and most fit to be settled in this Kingdom. And (says he) of this Mind were *Selden*, *St. John*, and the Rev. Mr. *Coleman*.' And having observed, p. 283. 'That the main Pillars of the Presbyterian Government were nevertheleis voted of divine Appointment by a very great Majority, the *Erastian* seeing how Things were

were managed in the Assembly, reserved themselves for the House of Commons, where they were sure to be joined by all the Patrons of the Independents; the *English* and *Scots* Commissioners being no less solicitous about the Event, gave their Friends Notice to be early in their Places, hoping to carry the Question before the House was full: But Mr. Glyn, perceiving their Intention, spoke an Hour about the Point of *jus divinum*; and, after him, Mr. Whitlock stood up, and enlarged upon the same Argument, till the House was full; when, the Question being put, it was carried in the *Negative*, and that the Proposition of the Assembly should stand thus, *That it is lawful and agreeable to the Word of God, that the Church be governed by Congregational, Classical and Synodical Assemblies:* Upon which, (adds he) the Disappointment of the *Scots* Commissioners, and their Friends in the Assembly, at the Loss of this Question, is not to be expressed: They alarmed the Citizens with the Danger of the Church, and prevailed with the common Council to petition the Parliament, That the Presbyterian Discipline might be established as the *Discipline of Jesus Christ*: But the Commons answered with a Frown.---Not discouraged with this Rebuke, they prevailed with the City-Ministers to petition: But, when they came to the House, the Speaker told them they need not wait for an Answer.---The Presbyterian Ministers despairing of Success with the Commons, resolved to apply to the House of Lords;---and, to give it the greater Weight, prevailed with the Lord Mayor and Aldermen to go at their Head with an Address; but could not after all their Endeavours prevail.

Thus we see that our *Scots* Commissioners, the famous *Henderfon, Rutherford, Baillie, Douglas* and *Gillespie*, Ministers, with the Elders from *Scot-*

land, their Friends in the *Westminster*-Assembly, (which, according to this Historian, were a *very great Majority* thereof) the common Council, City-Ministers, Lord Mayor and Aldermen of *London*, instead of hugging and applauding, as every Way right, a *Negative*, (for so a Settlement of Presbytery only agreeable to the Word of God was then reckoned) as some now, who would be accounted as zealous, do, reckoned it an inexpressible Disappointment; and, instead of palliating, defending, and resting satisfied with it, used all lawful Endeavours for a positive Establishment of Presbytery, as the *Discipline of JESUS CHRIST*.

Objekt. II. The Parliament 1640. went back to and sat down upon the same civil Establishment that the *Revolution*-Parliament went back to and sat down upon, *viz.* the Act 1592. And therefore the last of these Settlements---must be as good as the first.

Answer. Although the Settlement in 1640. do in the general approve the Act 1592. in so far as consistent with itself; yet it went farther than that Act or the *Revolution*-Settlement have done, in a Variety of Instances, such as, (1.) The Settlement in the 1640. did not overlook and leave in Oblivion any Part of former laudable Attainments, as the *Revolution*-Settlement did that of the Period betwixt the 1638 and 1649. (2.) The Settlement in the 1640. avouches the intrinsic Power of the Church more fully than any of the other do (3.). The Settlement in the 1640. condemns Episcopacy, as unlawful in itself, and contrary to the Word of God and our Covenants, which neither of the other do. (4.) The Settlement 1640. doth expressly take up with the National Covenant, which neither of the other do. (5.) The Settlement 1640. doth expressly homologate the Book of *Policy*, which neither of the other do. And consequently, (6.) The

(6.) The Settlement 1640. acknowledges the divine Claim of Presbyterial Church-Government, which both the other are silent about: All which Differences have been already evinced in Part, and may be evident to the meanest Capacity, who will take the Trouble to compare the Acts themselves, to be seen in the Collection of Laws in favours of the Reformation, frequently referred to in this Essay.

DIFFERENCE VII.

In the *reforming Period*, the second Book of *Discipline* was acknowledged by Parliament as a reformed Standard, and particularly of Presbytery. The Act of the General Assembly 1639. ingrossed in and ratified by Act 4. Parl. 1640. (a), refers twice to this Book; and the Parliament 1649. in their Act abolishing Patronages (b), considers them 'as contrary to the second Book of *Discipline*; in which, (say they) upon solid and good Ground, Patronage is reckoned among Abuses that are desired to be reformed.' But,

In the *present Period*, no Notice hath been taken thereof, more than if it had never subsisted.

DIFFERENCE VIII.

In the *reforming Period*, the General Assembly 1638. having asserted the intrinsic Power of the Church, to meet and proceed in Reformation-Work by Virtue of the Authority received from Christ her Head, and that Assembly having accordingly proceeded in the Face of an enraged King and Court, as their Acts report, the Parliament 1640. did solemnly acknowledge and declare for the alone Headship and Sovereignty of the Lord Jesus Christ in and over the Church, as his spiritual, free and

independent Kingdom; and, as a native Consequence thereof, the intrinsic Power of the Church was also solemnly acknowledged, and the Faith of King and Parliament several Times pledged for her Security against all *Erastian* Encroachments whatsoever (c). But,

In the *present Period*, although the Parliament 1690 (f), did abolish the blasphemous Act of Supremacy 1669. upon Consideration of the Estates having declared, in their Grievances, that it was inconsistent with the Establishment of the Church-Government then desired, and have ratified the Confession of Faith, in which, *Chap. VIII.* this Doctrine is plainly held forth, yet, in the present Settlement, there is not only an Omission of not duly acknowledging the alone Headship of the Lord Jesus Christ in and over the Church, but a Number of *Erastian* Encroachments upon her Power and Authority; such as,

1. The Parliament 1690. their *presuming, at their own Hand, and, in the first Instance, to read, vote, and approve the Westminster Confession of Faith, as the publick and avowed Confession of this Church and Nation, without ever approving of or ratifying the Act of the General Assembly 1647. approving that Confession (though thereby that Confession was formerly made ours) and without referring to Act of the Parliament 1649. ratifying the same, or even so much as calling another General Assembly at the Revolution, to read, vote and approve that Confession of new; thus sustaining themselves in some Respect Judges of Doctrine, and, by the By, dropping a very necessary Declaration in the Act of the Assembly 1647. touching the intrinsic Power of the Church, which the Parliament 1649. espoused, by their ratifying that Act,*

25

(a) *Collect.* p. 51.

(b) *Collect.* p. 154.

(c) *Collect.* p. 50---54, 69, 70, 71, 80, 141---143.

(f) *Collect.* p. 183.

as well as the Confession thereby approved.

2. King *William* and his Parliament, their binding down *Episcopal Incumbents upon Parishes, prohibiting the Church from the Exercise of Discipline upon the Impenitent, and enjoining the Assembly to admit such, without any Evidence of Sorrow for their Apostasy, upon their swearing the Oath of Allegiance, and subscribing a sham Formula, substituted in the Room of our Covenants, and composed of Purpose for the Reception of Episcopal Incumbents, are farther Evidences of the Erastianism of the Revolution-Settlement*: For Proof hereof, see King *William's* Letters, dated the 13th *February* 1690. 15th *June* 1691. and 11th *January* 1692. the two former addressed to the General Assembly and their Commission, and the last to the Episcopal Clergy. In the first he says, ' We have thought good to signify our Pleasure to you, that you make no Distinction of Men, otherways well qualified for the Ministry, who are willing to join with you in the Acknowledgment of and Submission to the Government of Church and State, as it is by Law now established, though they have formerly complied to the Law introducing Episcopacy, and that ye give them no Disturbance or Vexation for that Cause, or upon that Head, &c.' In the second, his Majesty ordains, ' That neither the Assembly, nor any Commission or Church-Meeting, do meddle in any Process or Business that may concern the purging out of the Episcopal Ministers: ' And, in his Letter to the Episcopal Clergy, he says, ' We doubt not---of your---applying to, and heartily uniting and concurring with your Brethren the Presbyterian Ministers, in the Terms which we have been at Pains to adjust for you. The Formula will be communicated to you by your Commissioners, ' &c.

See also Act 23d of the Parliament 1693. and Act 27th of the Parliament 1695 (h).

3. The Erastianism of the present Settlement appears farther, from the King and Parliament's prescribing and laying down of sine qua non Conditions and Qualifications of Ministers and Preachers, and prescribing a set Form of Prayer for the Royal Family, even for the Church of Scotland, at their own Hand, without the Consent or Advice of the Church: For Proof hereof, see Act 23d, Sess. 4. Parl. 1. K. *William* and Q. *Mary*, 1693 (i), wherein it is ordained, ' That none be admitted or continued Ministers who do not take the Oaths thereby prescribed, and observe Uniformity of Worship, &c. as the same are or shall be allowed by Authority of Parliament; on which we remark,

(1.) This Act restricts Reformation by the Ministry; for they are bound to observe the Particulars mentioned in the Act, only as the same are at present performed and allowed by the Parliament, or shall hereafter be declared by Authority of the same; and accordingly, by the Authority of the Lords Spiritual and Temporal, assembled in Parliament 1712. is a set Form of praying for the King and Royal Family imposed upon all the Clergy, Presbyterians as well as others. And,

(2.) By the said Act 1693. the Ministers Power is made to depend upon the Allowance of King and Parliament: For farther Proof hereof, see Act 27. Sess. 5. Parl. 1. K. *Will.* and Q. *Mary*, compared with Act 2. Parl. 1700. Act 3. Parl. 1702. Act 2. Parl. 1703. and Act 6. Parl. 1706 (k) By all which, Episcopal Incumbents are continued in their pastoral Charges, upon swearing and subscribing the foresaid Oaths, &c. and, upon

(h) Collect. p. 199, 202.

(i) Collect. p. 199.

(k) Collect. p. 202, 204.

on their so doing, declared capable of being received into a Share in the Government of the Church.

4. Since the Revolution, *King and Parliament have several Times imposed their Laws and Injunctions upon Ministers and Preachers, under ecclesiastick Pains and Censures, as Deprivation, Suspension, and the like; which none can deny, to be plain Erastianism: For Proof hereof, see Act 23d, Sess. 4. Parl. 1. K. William and Q. Mary (l):* Thereby it is provided, That such as shall not qualify themselves by swearing the Oath of Allegiance, &c. may be deposed, *tam ab officio quam à beneficio, (i. e. as well from Office as Benefice.)* See also Act 27. Sess. 5. Parl. 1. K. William and Q. Mary, intitled, *Act concerning the Church(m):* Hereby such of the Episcopal Ministers, or others who had not sworn the said Oaths, and conformed to the established Church, are ordained to do it betwixt and a certain Day, 'With Certification, that such of the said Ministers as shall not come in betwixt and the said Day, are hereby, and by the Force of this present Act, *ipso facto* deprived of their respective Kirks and Stipends, and the same declared vacant without any farther Sentence.' Likeways, by an Act in the 6th Year of Q. Anne, 1714 (n). the Oath of Abjuration is appointed to be taken by all such Persons in Scotland, as by former Scots Acts of Parliament were obliged to take the Oath of Allegiance, and sign the Assurance, and this on Pain of Deprivation: Now, Ministers of the Gospel having been obliged to take the Oath of Allegiance, and sign the Assurance; by our Scots Acts, this British Act necessarily obliged them to swear the Oath of Abjuration, under the Pain of Deprivation; which accordingly several of them did. Moreover, by an Act in the first Year of K. George I. all Masters in the four Universities, all Probationers in Divinity, before

they enter upon their Trials, or obtain Licences to preach, and all Schoolmasters in Scotland, must take and subscribe the said publick Oaths upon Pain of being disabled (o); and by an Act in the 5th Year of K. George I. Probationers refusing to qualify are to suffer six Months Imprisonment, and to be excluded for a whole Year, though they afterwards qualify, and Patrons are discharged to present any who are not so qualified, and such Presentations are reckoned null and void: Likeways, by another Act in the 1718 (p), every Minister, except such as had taken the former Abjuration, is ordained to take the Oath of Allegiance and Assurance, with the Abjuration thereby prescribed, under such Penalties and Disabilities, as by the Act made in the first Year of the Reign of K. George (q); And by an Act in the 10th Year of his present Majesty, for the more effectual bringing to Justice the Murderers of Captain *Porteous*, it is enacted, 'That this Act shall be read in every Parish-Church throughout Scotland, on the first Lord's Day of every Month for one whole Year! from the first Day of August 1737. by the Minister of the Parish, or such Minister as shall preach in such Parish-Church, respectively, on such Lord's Day in the Morning, immediately before the Sermon; and in case such Minister shall neglect to read this Act, as is hereby directed, he shall, for the first Offence, be declared incapable of sitting or voting in any Church-Judicature; and, for the second Offence, be declared incapable of taking, holding, or enjoying any ecclesiastical Benefice in that Part of Great-Britain called England'

5. It hath been proved that as betwixt the 1638 and 1649. the Church asserted, so the State allowed of the intrinsic Power of the Church to meet in Assembly by Virtue of the Authority received from Christ her Head: But, *as and*

C

sure

(l) Collect. p. 197. (m) Collect.

(o) Collect. p. 246. (p) Collect. p.

since the Revolution, the Sovereign hath been in the Use of calling and dissolving the General Assembly by his own Authority: As the General Assembly 1690. was appointed by Act 5th of the Parliament that Year (r); so the Assembly 1690. being dissolved, the next was appointed to be held at *Edinburgh, November 1. 1691.* But thereafter was adjourned, by Proclamation, to the 15th *January 1692.* and, by another Proclamation, an Assembly was indicted to meet at *Edinburgh, the 6th December 1693.* none of which were suffered to meet till the 29th of *March 1694.* about nine full Months after the Parliament 1693. had, by their 22d Act, made a humble Address for that Effect: Again, though the General Assembly 1694. adjourned to *April 1695.* yet it was adjourned by Proclamation to the 11th *July* that Year; from thence, by another Proclamation, to the 20th *November* thereafter; and from thence, by another Proclamation, to the 17th *December* that same Year: The like did *Q. Anne* in the 1703. and to this Day it is observable, that the Commission, to the Person who represents his Majesty in the Assembly, doth run in a Stile that plainly enough intimates the Notion he hath of the Assembly's Power and Right of Constitution being subordinate to him; thus, *Seeing, by our Decree, an Assembly is to meet, &c.* And,

6. We cannot help looking on the Sovereign's appointing of *Fasts and Thanksgivings, with the Causes thereof,* without Advice of, or Application from the Church, though he sustains her a right constitute and well ordered one, to be some Degree of *Erastianism*, as we have endeavoured to clear in the first Edition of this Essay, from the Head of p. 106 to p. 112.

DIFFERENCE IX.

In the reforming Period, the Church having moved in and set on Foot the Revivation of the National Covenant, in a Way and Manner adapted un-

to their Circumstances in the Years 1638 and 1639. (a), and entered into a Solemn League and Covenant with the Kingdoms of *England and Ireland, anno 1643.* (b), and renewed the same in a solemn Acknowledgment of Sins and Engagement to Duties, *anno 1648.* (c), the Privy Council, the Parliament and Convention, and Committee of Estates, did, each in their Sphere, promote the swearing of, and living answerable to these Covenants, engrossed the same in their Records, and established them as fundamental Laws in this Kingdom (d). But,

In the present Period, the civil State have not only neglected, but in many Respects opposed our Covenants, National and Solemn League, and gone into Measures inconsistent therewith, such as, 1. The leaving the Laws which declared void and rescinded both them and the Parliaments and Laws which authorised them, and discharged the Renewal thereof, standing in the Body of our Laws unrescinded to this very Day (e). 2. The imposing and substituting of other Oaths in their Place, such as the Allegiance, Assurance and Abjuration (f). Indeed it occurs not that these last were formally substituted in the Room of our Covenants, but, as a Man's second Wife comes in Place of his first still alive, but alleged to have been divorced, though not lawfully so, it seems pleadable that these Oaths do virtually exclude the Oath of our Covenants, in regard that, though they contained all in them that is laudable in these Oaths, yet they are set aside, and the Oaths practised. 3dly. The incorporating Union with *England* is another Measure inconsistent with these Covenants, in so far as, though the Covenants abjured Prelacy, and the Solemn League bound to an endeavouring the Reformation of *England*, yet the Union

(a) *Collect.* p. 66. (b) *Collect.* p. 91.

(c) *Collect.* p. 113. (d) *Collect.* p.

53, 54, 90, 95, 97. (e) *Collect.* p.

163, &c. 208, 212. (f) *Collect.* p. 182, 193, 242, &c.

gave up with that Duty, and consented to the Kingdom of *England's* securing Religion as they pleased (*g*). And, 4thly. without multiplying Instances notourly known, the Act for tolerating Episcopals, &c. in *Scotland*, in the 1712. was another Measure altogether inconsistent with these Covenants, as it contains a special Toleration of Episcopacy, and other Evils abjured by them (*h*).

DIFFERENCE X.

In the *reforming Period*, the Conventions of the Subjects, and their entering into the Bond of the Covenant *anno* 1638. without the King's Authority or Licence, are declared to have been for the publick Good of King, Kirk and State, and intended for the Defence and Preservation thereof (*i*). But,

In the *present Period*, though the Parliament did very worthily in rescinding the Forfeitures and Fines past against those who were persecuted for Religion (*k*), yet they never thus acknowledged and justified their Contendings and Sufferings.

DIFFERENCE XI.

In the *reforming Period*, the Parliament were equally forward with the General Assembly, in promoting and preserving Uniformity with *England*, in Doctrine, Worship, Discipline and Government (*l*). But,

In the *present Period*, the Parliament have not only neglected the Revival of our covenanted Uniformity, but laid new Grave-Stones thereupon. For Instance, in the Solemn League and Covenant, both Nations did swear to endeavour the Reformation of Religion in the Kingdoms of *England* and *Ireland*,---and to bring the Churches of God, in the three Kingdoms, to the nearest Conjunction and Uniformity in Religion, &c. and, having merciful-

ly attained a great Measure of Uniformity, all Ranks in *Scotland* did, in the Year 1648. renew their Oath and Subscription, to endeavour the Preservation of what they had thus attained: But altho', after the *Restoration* of King *Charles* II. 1660. the Kingdom of *England* burst that Bond of Uniformity, and did cast off the Confession of Faith, Catechisms, Form and Order of Church-Government, Directory for Worship, &c. from being Standards to the Church of *England*; and restored Episcopacy, with the Liturgy, Rites, Ceremonies, and Government thereof, and gave these all the Security they ever had before; yea, though Matters stood so at the *Revolution*, and though a Door was then set open for renewing the old Plea for Uniformity, yet they quite neglected that Opportunity; and not only so, but they laid a Grave-Stone thereupon at the incorporating Union with *England*. 1. By consenting to the *English* settling their Church as they pleased. 2. By ingrossing the *English* Act settling Episcopacy in the Acts of the Union Parliament; and, 3. By annulling all Acts contrary to the Union Settlement; which, according to Sir *James Stewart*, in his *Abridgment* of the *Scots* Act ratifying and approving the Treaty of Union, were engrossed as Points and Conditions of the Union. Thus the Parliament of *Scotland*, in their Act for a Treaty with *England*, forgotten to be abridged in the Collection so frequently referred to, but mentioned in the Act of Security, *provide*, That their Commissioners for the Treaty should not treat of or concerning any Alteration of the Worship, Discipline and Government of the Church of *England*, as now by Law established, and declare, That the Parliament of *England* may provide for the Security of the Church of *England* as they think expedient, to take Place within the Bounds of the said Kingdom of *England*. Accordingly the Parliament of *England*, by an Act in consequence thereof,

(*g*) *Collect.* 205, 241. p. (*h*) *Collect.* p. 245. (*i*) *Collect.* p. 79. (*k*) *Collect.* p. 231. (*l*) *Collect.* p. 82, 90, 108, 113, 114, &c. 125.

thereof, and before concluding the Treaty of Union with Scotland, intitled, *An Act for securing the Church of England as by Law established*, do, in a Way of reviving former Laws, particularly a Statute in the 1666. enact, 'That the Uniformity of publick Prayers, and Administration of Sacraments, and other Rites and Ceremonies, with the Form of making, ordaining, and consecrating Bishops, Priests and Deacons, in the Church of England, and all and singular Acts of Parliament now in Force, for the Establishment and Preservation of the Church of England, and the Doctrine, Worship, Discipline and Government thereof, shall remain and be in full Force for ever; and that the Sovereign next succeeding in the Royal Government of the Kingdom of Great Britain, and so for ever hereafter, every King or Queen succeeding and coming to the Royal Government of the Kingdom of Great Britain, shall, in the Presence of all Persons who shall be attending, assisting, or otherways then and there present, take and subscribe the Coronation Oath'

(*m*). Likewise, the Act of the Parliament of England, intitled, *Act for an Union of the two Kingdoms of England and Scotland*, doth contain the foresaid Act for securing the Church of England, as by Law established, and the Exemplification or Copy of the Act of the Parliament of that Kingdom, intitled, *Act for an Union of the two Kingdoms of England and Scotland*, (which Act contains the whole foresaid Acts, with the Articles of Union in the Bosom thereof) having been transmitted to the Parliament of Scotland, was ordered to be recorded, and accordingly is recorded amongst the Laws and Acts of our last Scots Parliament: And, lastly, the foresaid Laws and Acts of both Kingdoms contain a general Clause, declaring the Laws and Statutes in either Kingdom respectively, so far as they are contrary to, or in-

consistent with the said united Settlement and Constitution, to cease and become void thereafter.

From what is said it is evident, that the Grave-Stones, formerly laid upon our covenanted Uniformity with England, are sealed, so far as Men can do. And, considering the Sovereign, and whole English Members of Parliament, are bound to profess and to maintain the Communion of the Church of England; that many of the Scots Representatives are either for Episcopacy or nothing; and that, though they were all sound Presbyterians, they can never maintain a Balance with the English, in any Thing wherein their Religion differs, there is no moral Probability that ever there can be a Revival or Resurrection of our covenanted Uniformity: And hence this Union hath issued in, 1. A disclaiming of our sworn Duty of endeavouring the Reformation of England. 2. A consenting to the perpetual and unalterable Establishment of abjured Prelacy in England and Ireland; and so, 3. an avowed Continuance of Perjury and Breach of the Solemn League and Covenant.

DIFFERENCE XII.

In the reforming Period, the Directory for publick Worship having been presented by the General Assembly to the Parliament, was by them ratified and approved, and ordained to be recorded, published and practised, according to the Tenor thereof (*n*). But,

In the present Period, the Parliament 1693. assumed a Power of varying the same (*o*); and though by the Act of Security it is declared, that the Form and Purity of Worship presently in Use should remain and continue unalterable (*p*); yet, by the Act of Toleration 1712. other Forms of Worship are admitted of in Scotland, which is no more extensive than the Church of Scotland was by Law (*q*): And, by the Act last mentioned, a let

Form

(*m*) Collect. p. 254

(*n*) Collect. p. 109. (*o*) Collect. p. 199.
(*p*) Collect. p. 205. (*q*) Collect. p. 245.

Form of praying for the King and Royal Family is prescribed to Presbyterians, as well as others, and ordered to be observed thereafter, upon Pain of 20 L. for the first Fault, and Silencing three Years for the second (r).

DIFFERENCE XIII.

In the reforming Period, the larger and shorter Catechisms, and Act of Assembly receiving and approving the same as Parts of Uniformity with England, were ratified and approved (s). But,

In the present Period, these Catechisms have never been approved nor acknowledged.

DIFFERENCE XIV.

In the reforming Period, the Parliament faithfully endeavoured the Suppression of Malignants, and excluding them from Places of Power and Trust in State and Army (t), and such was the Effect of the then Laws, that, according to Mr. Baillie, Mr. Livingstone, and others, who lived in and wrote of that Time, the very Soldiers were generally Examples, not only of Temperance and Sobriety, but also of Piety and Godliness. But,

In the present Period, yea, ever since the Door was opened to Malignants, by the publick Resolutions, they have carried all Power before them with a furious Impetuosity; and there hath been no Distinction made amongst any who would qualify themselves to the Government, by swearing the well known State Oaths; insomuch that a Friend to Religion in State or Army, is as rare to be found, at this Day, as a professed Malignant was in our reforming Period. To be at the Trouble of proving this were to bring a Candle to supply the Light of the Sun. We therefore go on to

DIFFERENCE XV.

In our reforming Period, the Parlia-

(r) Collect. p. 246. (s) Collect. p. 342. (t) Collect. p. 50, 69, 77, 80, 90, &c. 114, 125, 128, 139, 141, 147, 158.

ment were against countenancing, or so much as tolerating Independents, Anabaptists, Quakers, and other Sectaries (u). But,

In the present Period, a Door hath been opened, by the Toleration Act (v), to all Sects, except Popish Recusants and Deists, insomuch that it were easy to condescend upon near a Score of different Professions in Scotland alone, all pretending that they are in the right Way.

Upon this Act it may be observed, that here is, 1. A plain tolerating of Iniquity, particularly Superstition, contrary to the second Commandment, and Proofs annexed thereto in our larger Catechism. 2. An avowed contradicting our solemn Covenants, which are directly opposed to Episcopacy. 3. At least an indirect Settlement of Episcopacy in Scotland: It is not only allowed to Bishops to pray, preach, use the Liturgy, &c. but all Magistrates are not only prohibited from molesting them, but positively required, under considerable Penalties, to protect and defend them in so doing: --- And what better Security hath the established Church? For, 4. by this (w) Toleration Act, the Security given by former Laws to our Presbyterian Church-Government and Discipline is taken away, at least rendered abortive, in so far as the civil Pain of Excommunication is taken away, and none are to be compelled to appear before Church-Judicatories. That this is no Force, nor new Gloss upon these Words, we appeal to the Representation of the Commission of the General Assembly 1711. against that Toleration; where, say they, 'we cannot but express our astonishing Surprise, and deep Affliction to hear of such a Bill offered for such a large and almost boundless Toleration, not only threatening the Overthrow of this Church, but giving a large Licence almost to all Errors and Blasphemies, and throwing up all good Discipline, to the Dishonour

(u) Collect. p. 113, 126.

(v) Collect. p. 245.

(w) Collect. p. 244.

‘ of God, and the Scandal and Ruin of
 ‘ the true Christian Religion, and the
 ‘ infallible Disturbance of the Quiet,
 ‘ and to the Confusion of this Church
 ‘ and Nation.’ Notwithstanding
 whereof this Bill was past into an Act,
 without any material Alteration, as
 the Act before referred to at Length
 reports.

DIFFERENCE XVI.

In the *reforming Period*, the Parli-
 ament evidenced a Praise-worthy
 Care for excoeming the Subjects from
 all unlawful and unnecessary Oaths
 or Bonds (x). But,

In the *present Period*, the Practice
 of contradictory Swearing begins at
 the very Head (y). And as it hath been
 by severals undertaken to be proved,
 that the Oaths of Allegiance, Assu-
 rance and Abjuration, imposed with a
 little Variation as to Presbyterian
 Ministers, Preachers and Teachers,
 in leaving out the Reduplication up-
 on the two Acts of Parliament there-
 in mentioned (z), upon all in Trust
 and Office (a), are inconsistent with
 our Covenants, National and Solemn
 League, Oaths still morally binding
 on us, it is known that they are fre-
 quently repeated by the same Persons,
 and sometimes upon one and the
 same Day, to qualify them for diffe-
 rent Offices and Employments (b), and
 these besides all other known Abuse
 of Oaths in Entries, by Ship-Masters,
 Merchants, Maltsters, brewers, Candle-
 makers, and others.

DIFFERENCE XVII.

In the *reforming Period*, the Parli-
 ament were careful to suppress such
 Books and Writings as tended to the
 Dishonour of God, of Religion, of
 the Kirk, or of the Kingdom, or to
 sow Dissord betwixt the two King-

(x) Collect. p. 81. and Acts 38.
 and 44. Sess. 6. Parl. 3. K. Charl. I.
 1647. (y) Collect. p. 254. (z) Collect.
 p. 243. (a) Collect. 243. (b) Collect.
 p. 182, 193, 230, 231, 242, 245,
 247, 248.

doms of *Scotland* and *England* (c). But,
 In the *present Period*, Atheism, Blaf-
 phemy, and other terrible Errors, have
 such Vent as if Hell were let loose a-
 mong us, and no Check is given to
 any Thing if it hold off the King
 and Government.

DIFFERENCE XVIII.

In the *reforming Period*, the Parli-
 ament exercised due Care to suppress
 certain gross Vices and Impieties, such
 as idolatrous Monuments (d), Lyk-
 wakes (w), and the superstitious Ob-
 servance of Yoole and other Holy-
 Days (f). But,

In the *present Period*, there is little,
 if any Check given to such Things;
 particularly as to Holy-Days, the To-
 leration of Episcopals in *Scotland*
 draws the whole Train of them after
 it, which are mentioned in their Li-
 turgy; and some of these have such
 Countenance in Law, that civil Ju-
 dicatures are prohibited to sit upon
 them (g).

DIFFERENCE XIX.

In the *reforming Period*, it is enacted,
 That Witches, Sorcerers and Necro-
 mancers, and Consulters with Devils
 and familiar Spirits, shall be punish-
 ed with Death (h). But,

In the *present Period*, it is enacted,
 That no Prosecution, Suit or Pro-
 ceeding shall be carried on against any
 for Witchcraft, Sorcery, Inchant-
 ment or Conjuratiō, &c. (i). not-
 withstanding the Law of God com-
 mands that such shall not be suffered
 to live (k).

DIFFERENCE XX.

In the *reforming Period*, the Parli-
 ament discharged the dispensing with
 God's Law, by remitting capital
 Crimes, and ordained that Persons
 pu-

(c) See Act 16. Parl. 1640. Demand
 7th and Answer thereto of the large
 Treaty, and Collect. p. 102. (d) Collect. p.
 183, &c. (e) Collect. p. 104. (f) Collect.
 76, 112. (g) Collect. p. 247. (h)
 Collect. p. 138. (i) Collect. p. 252. (k)
 Exod. xxii. 18.

punishable by Death, should, notwithstanding of such Remission, be proceeded against, and punished, by Death (l). But,

In the *present Period*, besides the Instance already given, it is no rare Thing to hear of Respites, and even Remissions to Murderers, though the divine Law hath expressly commanded that such shall die the Death (m), and as expressly prohibited a taking any Satisfaction for their Life (n).

DIFFERENCE XXI.

In the *reforming Period*, the Parliament made several Laws restraining the Power of Patrons, limiting them in the Exercise thereof, obviating in Part the worst Effects might have been feared therefrom, and at length abolished the same altogether (o). But,

In the *present Period*, though it must be owned, to the Honour of the Revolution-Parliament, that Patronages were rescinded by them (p), yet are they again restored by an Act in the 1712 (q). and which Yoke hanging about our Necks to this Day, innumerable are the Marks of its Oppression.

DIFFERENCE XXII.

In the *reforming Period*, the Parliament revived a fundamental Constitution first made in the Year 1567. ordaining that the Prince and the People be of one perfect Religion; and farther ordained, that, before King Charles II. or any of his Successors, be admitted to the Exercise of his Royal Power, he should, by and attend the Oath contained in the Act 1567. assure and declare by his solemn Oath, under his Hand and Seal, his Allowance of the Covenants, National and Solemn League, and oblige himself to prosecute the Ends thereof in his Station and Calling, and consent and agree to Acts of Parliament enjoining the Solemn League and Covenant, and fully e-

stablishing Presbyterian Government, the Directory of Worship, Confession of Faith and Catechisms, (N. B.) as they are approved by the General Assembly of this Kirk, and Parliament of this Kingdom, in all his Majesty's Dominions (r); and the same King Charles having, at his Coronation (January 1. 1651.) accordingly sworn, declared, and obliged himself, and received the kingly Sword for the same express Purposes, the *Primores regni* did also swear that they became his Liegemen, and Truth and Faith should bear unto him, and live and die with him, against all Manner of Folks whatsoever, in his Service, (N. B.) according to the National Covenant, and Solemn League and Covenant (s). But,

In the *present Period*, our King must not be of our Religion, nor can he agree to the Covenants, National and Solemn League, because bound by posterior Laws, and by his own Oath, to maintain inviolably the Settlement of Episcopacy in England, and the Toleration of it in Scotland, &c. (t).

Upon the Whole, as our reforming Period doth afford Occasion for a thankful Repetition of the blessed Prediction, *Psal. cxlv. 4, 11, 12.* One Generation shall praise thy Works to another, and shall declare thy mighty Acts;—They shall speak of the Glory of thy Kingdom, and talk of thy Power.——To make known to the Sons of Men his mighty Acts, and the glorious Majesty of his Kingdom; to the Period from the Revolution doth give too just Occasion for complaining, as in *Lam. v. 16, &c.* The Crown is fallen from our Head, us unto us that we have sinned! &c. Yet, notwithstanding, let our Souls be encouraged with remembering the Years of the Right-Hand of the MOST HIGH: And, in the Hope of a Revival, let us cry, *Turn thou us into thee, O Lord, and we shall be turned; RENEW OUR DAYS AS OF OLD.*

APPEN-

(l) *Collect.* p. 143. (m) *Gen. ix.* 6. (n) *Numb. xxxv. 31.* (o) *Collect.* p. 154. (p) *Collect.* p. 188. (q) *Collect.* p. 246.

(r) *Collect.* p. 140, 141, 11. TO FORM and Order of the Coronation of K. Charles II. (s) *Collect.* p. 252.

APPENDIX, containing a few REMARKS upon Part II.
of a Pamphlet, intitled, *The Third Proof of Fancy no Faith.*

Ezek. xxxiii. 12.—*The Righteousness of the Righteous shall not deliver him in the Day of his Transgression; as for the Wickedness of the Wicked, he shall not fall thereby in the Day that he turneth from his Wickedness*—

THE Pamphlet above mentioned having been advertised about the Time that a Reprinting the *Criterion* met with Encouragement, I was advised that a total Overlooking thereof, however much I be disposed for Taciturnity, might be misconstrued, and therefore thought it someway a providential Call to drop a few Remarks thereon.

Of the said Undertaking, consisting only of 13 Pages, near a Half is exhausted on the few Lines of Recommendation prefixt to the first Edition of the *Criterion*, and upon the Censures which he and his Brethren are exposed to.

As to that Recommendation, although the Author's Views of the Usefulness of the *Criterion* are more restricted than mine, it stands in no Need of Vindication, except it be in a grammatical Escape, owing to a Variation some how made after it was sent to the Press; and,

For the others, as I never shewed any Inclination to or Satisfaction in them, he is quite off the Purpose in foisting in his Excommunications, &c. with a Consideration of the *Criterion*, and, while pretending an utter Disregard of them, he thereby betrays his being so impress'd therewith, that he is not capable of treating upon any Thing, however abstract, without bringing them upon the Carpet.

In what he hath written of the *Criterion*, it is noticeable he attempts not to overthrow any one Particular in it; on the contrary, he would have it believed, p. 2. that he and all Seceders are of the same Mind: If this be the Case, let him try to reconcile therewith his former Reasonings in *The Lawfulness*, &c. p. 50; §1, &c. *Fancy no Faith*, p. 19, 20, 21, 23, 27, &c. from whence the Assertions, *Criterion* p. 7, 8. are taken; and if so, what meaneth his confining the Difference betwixt the two Periods, compar'd in the *Criteria-*

on, to the One's being a covenanted and covenanting one, and the other not, in this very last Pamphlet, it being beyond all Contrivery proved, in the *Criterion*, that this is but a small Part of the Difference betwixt them.

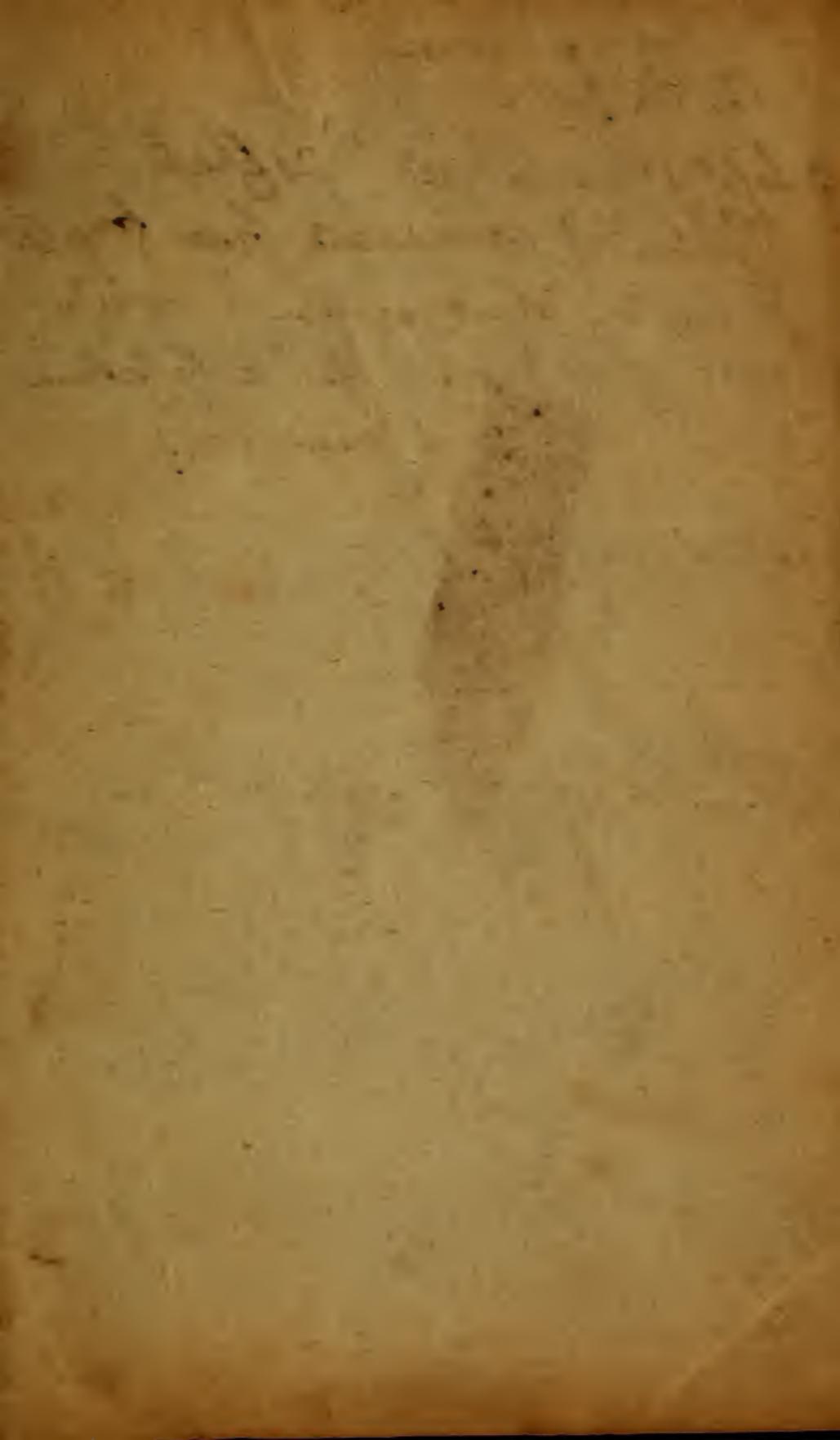
Indeed he alledges, p. 11. that, amidst the many Particulars I write of, he is certain that some of them are misrepresented; but whether his general Say, not attempted to be proved, or mine proved by the most unexceptionable Authorities, is to be believed, let the Unprejudiced judge; but, though, among many Particulars, there be some Mistakes, this is no ways to be wonder'd at, while, in our Author's Considerations, which are wholly general, there are several.

1. Is it not a Misrepresentation to find Fault p. 1, 2, &c. with a shewing the vast Difference betwixt the reforming and present Periods, whilst the Glory of the former is attempted to be disparaged to the Dishonour of its Author, and the Evils of the latter deny'd or palliated, to the encouraging of Apostasy and Backsliding, and that not only by Episcopals, Sectarians, and the established Church, but also by so many Seceders?

2. Is it not Calumny to accuse his Brethren with impugning the Testimony, meerly because some of them have approved somewhat commendable in the *Criterion*, in which a Supposition is made of a Mistake or two which had been acknowledged by himself.

3. Is it not gross Misrepresentation to aver, as in p. 3. that I had not in the *Criterion* acknowledged the Goodness of God in what was right done at the Revolution, whilst what is said in p. 3 and 4. of this Edition, was done in p. 66 and 67. of the former.

But, being confined to this Page, I must cut short, with referring the Reader, as to what is farther needful to be said, to p. 3. of the foregoing Essay, and to the Introduction which in his third Part he pretends to misse.



13th Par. Jan 6th 1662

3rd Sep^r Par. Cha 2^d 21 Chap.

Glebes of ministers free from
Taxation whatsoever & when
grass is destroyed for a Glebe
the Par. is exempted from
Land tax on what is
taken from him.

the Clergy were taxed in 1664 when
they had the Tenth - but when a
fixed stipend - not liable
being given for Commission & about
the maintenance of the ministers

Taxation on male

on account not that is the provision
of the Glebe but to make male
factories.

As the law stands made of all
for the Judges without application to
the Legislature

non-communicating Patents for
Dose 13 1/2

Parliament & holding the

