

Church & State in Scotland (2) – The Revolution Settlement

A lecture delivered by the Rev Ronald Mackenzie in the Free Church Seminary.

The Indulgence granted to Roman Catholics by James VII aroused Anglican Protestant concern — particularly when James was perceived to be filling state offices and army posts with his co-religionists, and prompted a petition by seven English bishops against the use of a power which Parliament had declared illegal.

They had been content when this power had been exercised on their behalf against English Dissenter sects, but now anti-popery feeling was running high — especially when James had the bishops arrested, sent to the Tower and brought to trial. Their criminal trial before a civil court presided over by the infamous Judge Jeffries, and leading to their acquittal on the grounds that every subject had a right to petition and that the power claimed by the king to dispense with oaths and tests had often been declared illegal, strengthened the co-operation of Church of England, Presbyterians, Independents, Whigs, Tories and all classes of people in opposition to Romanism and the king's policy of promoting it. Fears for the Protestant succession were confirmed by the reported birth of a son (baptised as a Roman Catholic) to the king by his young French queen (James had already two grown-up Protestant daughters, Mary of Orange and Anne) on 10th June 1688.

Events moved swiftly. In July 1688 seven leading Englishmen urgently wrote to William, Prince of Orange (married to Mary, James' daughter), entreating him to come to England. Declarations by William and Mary were published throughout England and Scotland, specifying the grounds of dissatisfaction with James and undertaking to espouse the cause of Protestantism and liberty. "We do declare," said William, in his declaration to Scotland, "that the freeing that kingdom from all hazard of popery and arbitrary power for the future, and the delivering it from what at the present doth expose it to both, the settling of it by Parliament upon such a solid basis as to its religious and civil concerns, as may most effectually redress all the above-mentioned grievances, are the true reasons of our present undertaking to that nation." In November 1688 William landed at Torbay in England. James summoned assistance from Ireland and Scotland, but a flood of defections to William by noblemen, soldiers (including Marlborough, his commander-in-chief) and even his own daughter Anne and friends, led him to flee in panic to France on 11th December 1688. On 18th December, William entered London.

On 22nd January 1689 the English Parliament met and declared that the king had abdicated and that the throne was vacant. 'Parliament's Declaration

of Right gathered up and conclusively determined the dispute between the Stuarts and their subjects who were willing to be such, but refused to be their slaves; it settled questions of unrighteous claim and of constitutional right that have never since then been stirred; it rendered it impossible for any form of monarchical government to exist in Britain save the limited form of the present day; and it bound in a nexus that has proved indissoluble, the rights and liberties of the people with the Protestant religion' (C. G. McCrie, 'Scotland and the Revolution', p.158).

In Scotland the Privy Council and the bishops declared their allegiance to James and the departure of 3000 soldiers to join James in England resulted in mob acts of rabbling Episcopalian clergy, burning an effigy of the pope, ridding Holyrood House chapel of its Romanist furnishings and chasing the Romanist Lord Chancellor out of Edinburgh. However, by 4th December 1688 the time-serving Privy Council was issuing warnings against Papists instead of against Presbyterian conventicles! A convention of the Scottish Estates was held in Edinburgh in March 1689 and on 11th April 1689, when, despite Jacobite intimidation, they approved their own Claim of Right, similar to the English Declaration of Right (except that instead of stating that James 'abdicated the government, the throne being thereby vacant', the Scottish Claim declared that 'King James VII, being a professed papist, forefaulted the right to the crown, and the throne is become vacant'. They then offered the crown to William and Mary, and two days later proclaimed them king and queen. They ordered that ministers refusing to read a proclamation against owning James' authority or questioning that of William and Mary should be deprived of their benefices; drew up Articles of Grievances which they requested the king to have redressed in Parliament, and sent a Commission to London to formally offer the crown and administer a prepared oath, including the words, 'and we shall be careful to root out all heretics and enemies to the true worship of God, that shall be convict by the true kirk of God of the foresaid crimes...'. William demurred and would only take the oath on the mutual understanding that he would not be a persecutor.

On 22nd July 1689, an Act of the Scottish Parliament abolished prelacy and rescinded all acts establishing prelacy or the superiority of church officers above presbyters, and a pledge was given that their Majesties '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' — referring no doubt to the statement in the Scottish Claim of Right: 'that Prelacy and the superiority of any office in the Church above Presbyters is and hath been a great and insupportable grievance and trouble to this nation, and contrary to the inclinations of the generality of the people ever since the Reformation...and therefore ought to be abolished'. The absence of

the bishops from this Parliament made one nobleman describe them as 'the Kirk Invisible'!

On 25th April 1690 Parliament rescinded the Act of Charles II's reign giving the monarch supremacy over all persons and all causes ecclesiastical, and restored 'the Presbyterian ministers who were thrust from their churches since the 1st day of January 1661, or banished for not conforming to prelacy and not complying with the courses of the time'. Only 60 of the ousted ministers remained to take advantage of this provision.

On 7th June 1690 Parliament passed an *Act Ratifying the Confession of Faith, and Settling the Presbyterian Church Government*. This important Act sets out to settle and secure the Protestant religion and the government of the Church; it confirms the laws *against* popery and papists and *for* Protestantism and the true Church of Christ; it ratifies and establishes the Westminster Confession of Faith, which is included in the Act; it establishes, ratifies and confirms the Presbyterian Church Government and Discipline as in the Act of 1592 and received by the general consent of the nation, *except it does not revive the part of that Act relating to patronage*; it ordains that the government of the Church shall be in the hands of the ousted ministers who had been restored 'and such ministers and elders only as they have admitted or received, or shall hereafter admit or receive' and 'that all the said Presbyterian ministers have, and shall have right to the maintenance, rights and other privileges by law provided to the ministers of Christ's Church within this kingdom'; it appoints a General Assembly to be held in Edinburgh on 3rd Thursday of October 1690, with specific authority to follow Presbyterian procedure for the settlement of vacancies and the removal of ministers found by due process to be insufficient, negligent, scandalous, or erroneous, with either possession or deprivation of stipends and benefices depending on their decision.

On 19th July 1690 an 'Act concerning Patronages' removed the power of patrons to present ministers to vacant churches, which 'hath been greatly abused, and is inconvenient to be continued in this realm', and provided that in future the Protestant heritors of a parish and the elders should propose a minister to the Congregation for approval or disapproval. Those disapproving must give reasons so that 'the affair may be cognosced upon by the Presbytery of the bounds at whose judgment and by whose determination the calling and entry of a particular minister is to be ordered and concluded'. In compensation the patrons were allowed the sum of 600 merks, to be raised from the heritors and life-renters of the parish. Provision was also made for the Presbytery's exercise of the *jus devolutam* in the event of heritors and elders taking no action within six months. Considering the various factions represented in Parliament, the Revolution Settlement of

the Church was probably as satisfactory as could be expected. Most of those present would have concluded with Lord Melville, the King's Commissioner to Scotland that 'men must take what they can have in a cleanly way, when they cannot have all they would'.

The General Assembly of 16th October 1690

After a lapse of nearly 40 years (dissolved by Cromwell in 1653 and forbidden to meet) and the Church's liberties having been trampled upon by the years of persecution since the 1661 Restoration and the Act of Recissory, this was the first free General Assembly. The refusal of the Scottish bishops to follow the example of their English colleagues in accepting the Revolution had compelled King William to turn to the Presbyterians. Although himself a presbyterian, William was also a politician and anxious to secure peace and stability among the various contending factions — Episcopalians, Presbyterians, Independents, Whigs, Tories, Jacobites and Papists. Hence the plea in the royal missive for moderation: 'a calm and peaceable procedure will be no less pleasing to us than becometh you. We could never be of the mind that violence was suited to the advancing of true religion, nor do we intend that our authority should ever be a tool to the irregular passions of any party. Moderation is what religion enjoins, neighbouring churches expect of you and we recommend to you'.

Of the more than 300 ministers who had been thrust from charges during the period of persecution, not more than 60 survived (most of them beyond the prime of life, e.g. Thomas Hogg of Kiltarn). Against this wasted remnant were arrayed the papists, the prelatists and the Jacobites — comprising many of the aristocracy and political influence in Scotland. Furthermore, the bulk of the clergy who held charges consisted of those who had either entirely conformed to episcopacy, or given a partial submission by accepting the 'black indulgence'. To reconcile these two great divisions in the church, as well as to unite England and Scotland more closely, William thought that all that was needed was to establish a *modified* episcopacy! But the king soon changed his opinion when he realised that the sons of the covenant, though bleeding were not conquered and would have renewed the conflict to the last man than submit to any episcopacy, however modified! Providentially, William was greatly helped and guided in these difficulties by a wise counsellor, his Scottish presbyterian chaplain, William Carstares (1649-1715), who had himself suffered persecution and exile to Holland and who was largely responsible for influencing William to favour Presbyterian Church Government for Scotland and for influencing the General Assembly to exercise the moderation William recommended.

The 1690 General Assembly, consisting of about 180 members (60

ministers and 120 elders), after a day of humiliation and prayer, sat for four weeks. The Cameronians' three preachers, Shields, Lining and Boyd, were received into the ministry of the Church of Scotland. But most of the Cameronians stood aloof because of the neglect of the covenants and the feeling that the state was concerned with regulation rather than recognition of the Church's Government. But the old ministers in the Assembly, although sharing such sentiments, were only too glad to have achieved so much of what they had contended for that they were not prepared to re-open the issues which had divided Resolutioners and Protestors, and would encourage the church's enemies to influence William against the Presbyterians. After all, the State had endorsed the Westminster Confession which repudiates Erastianism, and whatever the Act of Settlement's defects (such e.g. as the place given to heritors regarding the appointment of ministers, the failure to specify the right of General Assemblies to appoint their meetings), it could not really be charged with Erastianism.

The Assembly passed an Act to the effect that 'for retaining soundness and unity of doctrine, it is judged necessary that all probationers licensed to preach, all entrants into the ministry, and all other ministers and elders received into communion with us in Church government, be obliged to subscribe their approbation of the Confession of Faith, approved by former General Assemblies of this Church and ratified in the second session of the current Parliament; and that this be recommended to the diligence of the several presbyteries, and they appointed to record their diligence thereanent in their respective registers'. Two commissions of visitation were appointed to remove (those of scandalous or immoral life) and to admit ministers.

But the concessions in favour of presbytery led to loud complaints from the prelatists who were depressed or deposed, — joined in their hostility to presbyterian ascendancy by the Jacobites — and startled the king who wrote to the Commission of Assembly urging the admission of the prelatist clergy into the national church with a full share in its government. But the unconstitutional proposal was firmly refused, whereupon a displeased William adjourned the meeting of the General Assembly appointed for November 1691 to January 1692 when he tried to force the Church to admit Episcopalian ministers who subscribed the Confession *in terms prescribed by himself*, which merely committed them to submit to Presbyterian Government and to subscribe the Confession and Catechism 'as containing the doctrine of the Protestant religion professed in this kingdom'.

Before this dispute between king and Assembly was resolved, Parliament in June 1693 passed an Act requiring ministers to take the oath of allegiance to

William as king *de jure* as well as *de facto* and to subscribe the Confession of Faith. By another enactment, episcopalian ministers could qualify themselves to hold their livings and vote in church courts, by taking this 'oath of assurance', with the provision that should the church refuse to admit them after having so qualified, they should still be secured in the possession of their churches, stipends and manses. (*Note the distinction drawn between the indefeasible right of the church on the one hand, to invest with ecclesiastical authority such office-bearers as she judged fitting, or to reject them, while that of the civil authority was maintained on the other, of bestowing the temporalities of the benefice*) While the prelatists rejected this civil test as incompatible with their religious professions and their attachment to the old dynasty, and became known as '*non jurors*', the presbyterians were also alarmed at making a civil test the qualification for government in the church (although they approved of the *substance* of the oath of allegiance — its exclusion of episcopalians and insistence on Confessional subscription, *yet they objected to either being imposed by civil authority as a condition of holding sacred office, and also to the accompanying appointment of an Assembly by royal decree and the requirement that all members of this Assembly make their subscriptions*). The church appealed to Carstares whose courageous intervention led King William to countermand his demand for subscriptions. By a remarkable providence the royal dispensation from the obnoxious oath arrived on the day of the Assembly's meeting in March 1694 — thereby avoiding a serious division or even a disruption of the Church (between '*jurors*' and '*non-jurors*').

The Assembly's response was to pass an Act which provided, on the Church's own authority, for the reception of each minister who would subscribe to the Confession of Faith as the Confession of his faith and own the doctrine therein contained to be the true doctrine which he would constantly adhere to, and likewise own and acknowledge the Presbyterian government of the Church. This 1694 Assembly hoped in vain that their stand against Erastianism would encourage the return of the Cameronians to the establishment fold.

Assessment of the Revolution Settlement of the Church In the 'Act and Declaration anent the Publication of the Subordinate Standards' passed by the 1851 Free Church Assembly (which prefaces our Published Standards) we find the following interesting comment: '*...the reluctant concessions of statesmen were limited to what a people, worn out by long and heavy tribulation, were barely willing to accept as a relief, and did not thoroughly undo the mischief of an age of misrule.....But for the most part, our fathers, smarting from the fresh wounds of anti-Christian oppression, weary of strife,*

and anxious for rest and peace, either thankfully accepted, or at least acquiesced in it; in the hope of being able practically to effect under it the great ends which the church had all along, in all her former contendings, regarded as indispensable.....How far that expectation might have been fulfilled, if faith had been kept with the Church and people of Scotland by the British Parliament, according to the terms of the Revolution Settlement, subsequently ratified by the Treaty of Union between Scotland and England, — and if the Church had received grace to continue faithful to her principles, — is....little more than matter of speculation and conjecture. For the breach made upon her constitution by the restoration of patronage in 1711, — a measure passed against her own earnest remonstrance and protest, — concurring with that unhappy declension from sound doctrine and spiritual life which began to visit this as well as other Churches of the Reformation during the early period of the last century (i.e.18th), — not to speak of the leaven of unsound principle transmitted from the too easy admission at the Revolution of the Prelatic curates into the Presbyterian Church without any evidence of their attachment to its doctrines; — these things led to *abuses* in the administration of the Church's discipline and government, — such as, to a large extent, prevented the Revolution Settlement from obtaining a full and fair trial.

'The abuses to which we refer regarded matters of vital import, such as the toleration of heresy and immorality; the *tyrannical exercise of Church power over brethren, with the unjust denial of the right of protest for the exoneration of individual consciences*; the arbitrary enforcing of the law of patronage by corrupt Presbyteries and Assemblies, acting upon their own discretion, and with no compulsion from any civil authority; the grievous oppression of congregations by the forcible intrusion of ministers into parishes against the will of the people, and other proceedings of a similar kind; in consequence of which, not only were multitudes of godly ministers and people compelled for conscience' sake, to withdraw from her communion and to form themselves into separate ecclesiastical societies, but the Church itself from which they seceded was found willing — though always, blessed be God! with a protesting minority in her courts — to make a practical surrender of the most important and distinctive principles of her ancient Presbyterian polity.'

The Act and Declaration then speaks of the third Reformation (i.e. the Disruption) into which the Church was led 'in the good providence of God, and through the gracious working of His good Spirit'. But prior to that we must glance at developments in the Church in the 18th Century — including patronage, heresy, evangelical testimony, secession, revival and declension.