

The Church in Relation to Its Constitution

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A CONSTITUTION IS THE BODY OF PRINCIPLES WHICH, by reason of their being assigned an elevated status, provide continuity in the government of a society. In the British context, civil constitutions are an accumulation through the centuries of royal concessions to Parliament, of common law residing in judicial decisions which provide an analogy for future judgments, of unwritten but universally recognized political precedents and conventions, and of parliamentary legislation. Access to a diffuse constitution of this kind is by way of numerous historical precedents and written documents, which either were an original sanction for certain rights and prerogatives, or else merely reflect, illustrate and expound what has been long-accepted practice.

The Church of Scotland's constitution follows a similar pattern, inasmuch as it embraces elements of pre-Reformation canon law such as the parochial system, centuries of legislation by the General Assembly, two sixteenth-century Books of Discipline, the seventeenth-century Westminster Standards, and finally, acts of Parliament which ratified the Established Church's prerogatives, patterns of government and theological beliefs.¹ All of this, with the exception of the civil statutes, became the constitutional heritage of those churches, such as the Free Church of Scotland, which originated as secessions from the Church of Scotland, when corruptions in the Established Church, or the intrusions of the civil magistrate into the scriptural prerogatives of the Established Church, prompted attempts to preserve within a separate ecclesiastical body the principles that hitherto had been upheld in the national church.²

We may consider three senses in which the Scottish Presbyterian tradition has employed the term *constitution*. George Gillespie, writing in 1641, frequently alludes to individual laws and regulations of the church as *constitutions*: "and if therefore all Christians are by the private judgment of Christian discretion...to try and examine all decrees and constitutions of any Synod whatsoever, to know whether they may lawfully receive

the same . . .”³ The same sense of the word is found in the Church of Scotland’s Barrier Act of 1697: “that before any General Assembly of this Church shall pass any acts, which are to be binding rules and constitutions to the Church. . . .”⁴ Alexander Henderson, also writing in 1641, uses the word to designate the characteristic form, composition and membership of the church’s superior courts: “The provincial Synod is of the same constitution with the Presbytery, and doth consist of all the Ministers, and one Elder having commission, as before, from each particular Church within the province.”⁵ From these and similar usages, the modern meaning of the term, signifying a body of fundamental principles with which all other legislation must harmonize, gradually emerged during the years between the Glorious Revolution of 1689 and and drafting of the U.S. Constitution in 1789.⁶ The Glorious Revolution, which secured a Protestant succession to the throne, and the Treaty of Union of 1707, which brought England and Scotland under a single parliament, provided the occasion for attempting a permanent settlement of controverted issues, by giving civil and ecclesiastical recognition to a stable body of fundamental law, elements of which were entrenched or inviolable.⁷

Thus, in 1690 and 1693, the monarchs and the Scottish Parliament ratified the Westminster Confession as the confession of the Established Church, together with the Presbyterian government of the church. In preparation for the Treaty of Union, the Scottish Parliament in 1707 passed an Act for Securing the Protestant Religion and the Presbyterian Church Government, which was to be incorporated into the Treaty, in order “that the true Protestant religion, as presently professed within this kingdom, with the worship, discipline, and government of this Church, should be effectually and inalterably secured.”⁸ In the same period, the General Assembly put in place the Barrier Act (1697), the questions and formula of subscription (1694 and 1711), legislation against innovations in worship (1707), and a codification of disciplinary process (1707), which continue to be prominent elements in the constitution of the Free Church of Scotland.⁹

The church’s warrant for assigning a regulative function to a body of fundamental law is analogous to the rationale for perpetuating subscription to a theological creed or confession, documents which indeed are an element in the church’s fundamental law. Inasmuch as Christ has instituted in the Scriptures a government for his church, and has

commissioned and authorized his church both to maintain instruction in the truths of his Word, and also to secure a rule among his people which will be faithful to biblical principles of righteousness, it is proper for the church's government to digest biblical doctrines and principles of righteousness, and to require that its office bearers commit themselves by vows to respect those constitutional standards.

There is no implication that the church is moving away from deference to Scripture when it adopts a set form of rules for the conduct of government and discipline. Such rules of procedure are no imposition on the Christian liberty of the members of the church, if those rules fairly apply biblical standards of equity and justice, for they do but call the people to obey the Word of God. Nor would there be stricter adherence to Scripture were the church to approach each judicial case by taking up at that moment a fresh examination of biblical principles, rather than by having recourse to a digest which had resulted from prior reflection on Scripture. Indeed, a form of process which is the product of generations of considered judgment, and which employs language tested on countless, varied occasions, represents a superior wisdom in striving to implement biblical principles.¹⁰

Settled rules give needed assurance concerning the character of the oversight which will be exercised by church rulers. Even as Reformed churches, by their adherence to theological confessions, disclose the doctrine that may be expected from their pulpits, so likewise their rulers will not ask for the submission of church members without regard to settled forms of procedure which are seen to embody biblical justice, and if the eldership refuse to uphold the rules they have advertised, they are not worthy of the confidence of church members. The people have a right to know how the church rulers will preserve access to due process, and to see their rulers making conscience of the vows they have taken to defer to the rule of law.

Archibald Bruce knew whereof he spoke when in 1808 he reflected on the necessity of safeguards against tyrannical conduct by church rulers: "All people who have been anxious to secure their liberties, against the inroads of arbitrary power, have settled a particular constitution of political government, with a system of known laws, and fixed rules for the administration of justice, especially in criminal causes, that the innocent may not be rashly condemned, and that the guilty may have a fair and

patient trial. It is no less necessary that the authority settled in the church, which is all of a subordinate and limited kind, should be duly guarded against despotic exertions, both by the restraints expressly imposed by the supreme authority and written laws of her divine Lord, and by approved forms and rules of government and discipline consonant thereto, agreed upon in churches. . . . Such public tests and rules should operate as checks or constitutional fences against the private views or pleasure of individual teachers, and particular acting judicatories; and they serve, like public laws in a state, to ascertain the rights and liberties of ministers and church members, in opposition to innovations, or the arbitrary exercise of power over them in the society. Hereby all may more readily perceive how far they are either bound to receive the doctrine of their teachers, or to submit to judicative or disciplinary sentences of church courts.”¹¹

The purpose, then, of a church constitution is to secure the position of certain doctrines and principles of just administration in the life of the church. The warrant for such a constitution is that, inasmuch as Christ has charged the eldership to hold fast the form of sound words and to commit the apostolic tradition to faithful men who will perpetuate it, it is morally proper for the church to require that its rulers give guarantees and pledges of their fidelity in adhering to the doctrine, worship and government held forth in the church’s subordinate standards (Heb. 6:16–17, 2 Cor. 1:23, Exod. 22:7–11, Westminster Confession XXII).

The church constitution, some of whose elements are frequently referred to as subordinate standards, is situated in a middle position between, on the one hand, the supreme authority of the Word of God, the truths of which the constitution professes to represent and guard, and, on the other hand, the inferior status of the church’s ongoing legislative acts, which, if they are to be competent, must be in accord with the constitution. The constitution, then, is a standard to which potential legislation must conform, but it is a standard which itself takes a subordinate and dependent stance in relation to Scripture.

The constitution, like the inferior legislation, is laid under the biblical requirement that the church may exhibit no other doctrine, form of worship, principle of church order, or rule for righteous living than those sanctioned in God’s Word. The restriction inherent in a closed canon of Scripture is reflected in the church’s confinement as to its doctrine and practice, for the Bible’s own rule is that authorization must be sought

within the text of Holy Scripture. The church's role is a limited one, administrative and ministerial, whose legislation is to be simply explanatory and expository of what Christ has already legislated in Scripture.¹² When the church departs from this divine ordinance, the conscience is not obligated by its decisions, for the church has stepped outside the bounds of its authority.¹³ But when the church is faithful in its assigned function, the actions it takes should receive the deference due to an ordinance of God for declaring and applying the truths of his Word.¹⁴

We should take note of a distinction between the principles of church order revealed by Christ in Scripture, and the expedient details by which a particular church chooses to carry out those directions.¹⁵ William Cunningham cautions that one should not claim that Scripture specifies the varying arrangements by which the fundamentals of Presbyterian government are to be implemented. Referring to the profession made in the ordination vow of ministers in the Free Church of Scotland, to the effect that "the Presbyterian government and discipline of this church are founded upon the word of God, and agreeable thereto," Cunningham observes that "The language here employed is cautious and temperate, and is thus well suited to the circumstances of a solemn profession to be made by a numerous body of men, who might not all see their way to concur in stronger and more specific phraseology. Besides, it is to be observed that the profession respects not merely the fundamentals or essentials of Presbyterianism in the abstract, which alone can be reasonably maintained to have the clear and positive sanction of apostolic practice; but 'the Presbyterian government and discipline of this church,' including the detailed development of the essential principles of Presbyterianism as exhibited in the actual constitution and arrangements of our church, and of all this in the concrete, or taken complexly, nothing higher or stronger could with propriety be affirmed, than that it is founded upon the word of God, and agreeable thereto."¹⁶

A church constitution, therefore, sets forth an agreed interpretation of Scripture regarding critical matters that need to be settled in order to have stability in the communion and government of the church. This consensus about doctrine and practice enables collective labor by the eldership, gives assurance to the members of the church as to what can be expected in the teaching, worship and discipline administered by the eldership, and provides an instrument for perpetuating the church's adherence

to a set of principles. The constitution lays a foundation, securing the church's posture on a range of issues, and appointing a framework within which the General Assembly must operate in passing legislation.

Moreover, a further restraint regarding church legislation was put in place by the passage of the Barrier Act of 1697. In order to prevent sudden innovations and to secure due deliberation, as well as to promote harmony by keeping the action of the Assembly in accordance with the mind of the generality of the eldership throughout the church, and to give opportunity for all the ministers and ruling elders to judge for themselves as to the mind of Christ, an act of the General Assembly which would establish standing law and binding rules for the church was required to be adopted first as an overture to the presbyteries, and only after a majority of the presbyteries had expressed concurrence could the overture be passed into law by a subsequent General Assembly.¹⁷

The constitutional framework, and the provision for retarding any alteration of binding rules, serve as a cherished safeguard for minorities on a church court, or for individuals at the bar of the court. Authority does not rest with a majority of the moment if they are acting without deference to the constitution, or if they ignore those rules and forms of procedure which may be removed or altered only by resort to a prescribed process. Presbyters have a contractual obligation to conduct the government of the church in compliance with the rule of law, and no court has a right to ask members of the church to submit to actions which are out of accord with the law of the church. Neither a king nor the majority of a presbytery is above the law, but confined by it. When the acts or decisions of church courts are thus without due legal authority, the action is said to be *ultra vires*; the action is null and void, because the court has exceeded its lawful powers and the confines within which it has sworn that it will conduct its business.¹⁸

This was the impetus for a resistance to measures taken by the Moderate party when it was in the ascendancy in the General Assembly in the mid-eighteenth century. John MacLaurin explains, "That there are two senses put upon what we promise at our ordination. The first is, that we will give a blind and unlimited active obedience to whatever arbitrary orders may at any time be given by our superiors in the executive part of the government of the church, though never so directly contrary to the established rules and standing acts either

of Christianity, or of this church, and that we will not so much as take upon us to examine into or judge of such contrariety. The other is, that we will maintain the established doctrine, worship, discipline and government of the Church of Scotland against all the opposition, which any of them may, in providence, be exposed to, even from our superiors, who may bring us into trouble and persecution upon that account Consequently that we must exercise our own understanding in judging of the nature and tendency of what is required of us. That our submission to judicatories in their due subordination must be according to the standing acts and constitution of the church, and that if any executive power shall happen to trample upon them, or shall do, or require to be done, anything that tends to the prejudice of our present constitution; we shall be so far from concurring with them, that we shall, to the utmost of our power, resist any such attempt.”¹⁹

Given that it is morally warrantable for a church to establish a constitution, and then to perpetuate instruction in the truths it has professed, by exacting from office bearers a vow of adherence to the church’s standards, it follows that there is a stewardship laid upon those who accept office on such terms. If subsequently they find that they no longer believe the constitutional principles of their church, they should labor to resolve their doubts, but if that cannot be achieved, it is their duty to leave office in that church, because they will not be able to discharge conscientiously the responsibility espoused in the vow.

What, then, are we to think when a majority of office bearers in a confessional church drift away from belief of some element of the constitution, and desire to carry the church with them in surrendering its doctrinal profession? When a church requires of candidates for office that they take vows as the condition for being admitted to that place of trust, is it permissible for them, upon being installed in office, to use their position to release themselves from the pledges they have given, substituting a looser formula of subscription or otherwise slackening the church’s adherence to the principles referenced in their vows? The difficulty is not removed even if a substantial portion of a church is no longer persuaded of the doctrine once professed. As Hugh Martin wrote in 1871, “A majority may prove treacherous to a vow, just as an individual may: nor is it in the power of the multiplication table to settle a question of morals.”²⁰ In considering whether a church constitution is susceptible

to alteration, there are issues of theory to be examined, but in the background is the practical peril of spiritual infidelity and a lack of moral integrity. For an office bearer to seek to revolutionize the constitution of his church, in violation of his vows of office, is not a godly procedure.

Apparently no church has given as much attention to issues respecting constitutional change as has the Free Church of Scotland. The matter was debated in presbyteries, general assemblies, in print, and finally in civil court, for over forty years, culminating in the 1904 judgment in the House of Lords. The occasion for the controversy was the desire of a large part of the church to accomplish a union with another Presbyterian body, knowing that various issues on which the Free Church was constitutionally committed would be left an open question in the united church. A minority in the Free Church, whose spokesmen included James Gibson, James Julius Wood, James Begg, Horatius and Andrew Bonar, Alexander Moody Stuart, George Smeaton, John Kennedy and Hugh Martin, put up a determined resistance to the threatened subversion of the constitution, but this failed to prevent the union which was achieved in 1900, and the majority's response to the resistance was to articulate a radical philosophy of spiritual independence, by which they meant a liberty to follow Christ where they thought he was presently leading them, rather than being tied to earlier constitutional arrangements.²¹

In the United Free Church, the formula of subscription was gravely weakened, and adherence to the confessional teaching was modified in such matters as the establishment principle, predestination, and the extent of the atonement. Those in the Free Church who would not enter the union pleaded in the civil courts that when the majority abandoned the constitution they were not free to take the property with them, because the rightful owner was to be identified in terms of adherence to that constitution under which the property had been held. The case was appealed to the House of Lords, and in 1904 the continuing Free Church was awarded the property.

Judgments about property rights lie in the jurisdiction of civil authorities, who must determine which party is to be identified as that referenced in the trust documents. The continuing Free Church persuaded the law judges that the Free Church constitution gave the General Assembly liberty neither to loosen subscription to the Westminster Confession of Faith, nor to lay aside principles found in the subordinate standards.

The Church of Scotland had long found itself hindered from altering its constitution, because Parliament's statutory ratification of the Church of Scotland's settled doctrine, worship and government had become the condition for the church's enjoyment of the privileges of establishment. But majorities in the churches which were formed outside the establishment, taking advantage of this independence from civil restraint, began shaking loose the doctrinal testimonies they had made in a previous generation. James Begg, writing in 1874, noted that in a non-established church, the constitution remains the instrument by which the civil authority may identify the religious tenets for the furtherance of which the church property is to be preserved. "How can Nonconformist Churches be kept to the maintenance of their own principles? This is a question which at one time we should not have thought of asking, although we might have been warned that it was not an unnecessary one by the lapse of so many English Presbyterians into Socinianism, so many Scotch Seceders into Voluntaryism, and of a large body of the Irish Presbyterians into Arianism.... Experience proves that Non-established Churches may accumulate vast masses of property. This property is undoubtedly given on the assumption that the fundamental principles of the body shall remain unchanged. Many of the men who gave the money have departed this life, leaving their property to be guarded by the Civil Law. The destination of all other property after men are dead is jealously watched and guarded by that law. And are we to suppose seriously that a mere majority in the Church Courts may do what can be done nowhere else? May not only make the most sweeping changes, no matter under what plausible pretexts, but at the same time by the same means turn over the whole property of the Church from the purposes for which the testators left it, to purposes which they would have strongly disapproved?"²²

A central issue in the Free Church controversy was with regard to the powers of the General Assembly. Was the Assembly at liberty to alter the fundamental principles of the church as given in the constitution? The continuing Free Church contended that the Free Church had inherited the constitutional framework of the Church of Scotland, and that the ancient constitution of the parent body had been out of the reach of majorities in a General Assembly. For example, Begg pointed to the commission given by Presbyteries to members of the General Assembly, dating back to 1695, by which they were required "to consult, vote, and

determine, in all matters that come before them, . . . according to the Word of God, the Confession of Faith, and agreeable to the Constitution of this Church, as they will be answerable,” and noted that “keeping in view the very limited powers conferred by their Commissions on members of the General Assembly, it can hardly be maintained that any Assembly, where members sit only under these Commissions, can alter the principles of the Church.”²³ The terms of the ordination vow, which was approved in 1711, also implied that the principles of the constitution were inviolable, for ministers were not only to own that the Confession of Faith is founded upon the Word of God, but also, to “firmly and constantly adhere thereunto,” and, to the utmost of their power, “assert, maintain and defend the same, and the purity of worship as presently practiced in this Church.” It was also noted that nothing was done to alter the existing principles of the church when the General Assembly in 1647 “did agree unto and approve” the Westminster Confession of Faith, for the act acknowledged the Confession to be “found by the Assembly to be most agreeable to the Word of God, and in nothing contrary to the received doctrine, worship, discipline and government of this Kirk.”²⁴

Another Free Church constitutionalist, James Gibson, cited a seminal assessment given by Archibald Bruce earlier in the nineteenth century, when shifts and changes were commencing in the Secession tradition. Bruce had argued that a church lost its identity when it abandoned the doctrine hitherto professed. “If a new constitution has been formed, the Protesters, who from the beginning have opposed the change, cannot so properly be said to have declined the jurisdiction of the courts thus modeled and constituted, as to have refused the legality of their new assumed powers. In strict propriety of speech, though we need not debate about the most proper use of the word, a person cannot be said to decline a jurisdiction he was never under,—nor to separate from a body unto which he was never united. A society, whether civil or ecclesiastical, that changes its laws, its terms of admission, its object, its means—becomes, to all intents and purposes, a new society, though it may retain the same name. In which case, the rules and authority exercised can only bind those who voluntarily submit themselves unto them. If standard-books and public terms of communion be the most authentic tests to distinguish one religious society from another; and if new doctrines, new rules of discipline, new formulas of admission, be

evidences of a new ecclesiastical constitution,—then the Synod have undeniably adopted a new one; though they may affect to hide the change by retaining the old names, as having something venerable in them; as the ship *Theseus*, at Athens, said to have been in the famous Argonautic expedition, that had so often been put into the dock, and underwent so many repairs (like the Synod's Testimony), as that not one plank of it remained the same, yet was still called *Theseus*.”²⁵

It must be acknowledged that a shift in the beliefs of a church will not be averted without the preserving grace of God manifested in a full and faithful pulpit instruction in each generation, vigilance in examining candidates for office, insistence upon an informed and honest subscription by office bearers, the diligent exercise of church discipline when office bearers diverge from the constitutional doctrine and practice, and office bearers maintaining an attachment of heart to the church's profession. The eldership must have the political will to enforce the constitution. But to recognize the need for a collective fidelity by church rulers is not to dismiss the critical role of a constitution which makes it morally improper for a church to retreat from the truth it has professed.

Without a prior constitutional determination of issues, it may be an elusive task to identify a church's doctrine, its spiritual character, and the justice of its property claims. Given the misapprehensions, prejudices, errors and unfaithfulness of men, struggles within the church over matters of doctrine will not be eliminated by having a settled body of fundamental principles, but there will be a larger measure of unity among the office bearers than if the church were destitute of a substantial constitution, and, in the event that a majority of the church will not respect the constitution, there remains an acknowledged platform on which the minority may stand and vindicate the truth. A minority needs to be mindful that not only are they not bound to acquiesce in the subversion of the constitution, but they have a duty, in deference to their vows, to act in protest to uphold it.

Although some may seek to cast off elements in the constitution of a church holding to the classical Reformed tradition, others will appreciate the perspective of Principal John Macleod of the Free Church of Scotland College, expressed in lectures he delivered at Westminster Theological Seminary in April 1939: “There is a well-worn tag to the effect that the Lord has yet much light to break forth from His Word. . . . At the same

time as believers have no doubt in regard to this matter, it holds of them in the measure in which they are well instructed and established in the knowledge of the Word that they are equally confident that the further light that is to break out will not cancel nor challenge nor detract from the brightness with which the light of the Word already shines. What is new will only intensify what is old. It will not darken it nor throw it in the shade. . . . It will be a thing of detail and not of wide-sweeping principle. . . . We need not fear for the Faith as it has been confessed from the first that it shall be shaken or overthrown. It is too well grounded in the sure warrant of the Divine Word to run any such risk. And as for the discovery of further truth such as will modify what is embodied in the Reformed Confessions, the system taught in the Reformed Faith is so truly an echo of the Apostolic word that those who hold it need not be put about in their mind nor give place to craven fears that it shall ever be set aside. . . . The truth already known may be known more fully and perfectly. It may be seen better in its own setting and in the connection and relations of its various parts. Its power and its beauty and its sweetness and its glory may be more richly known. Yet those who have learned the Gospel of the Glory of the Blessed God may rest assured of this, that any further truth which as light will break forth from the Word will have no quarrel with the truth and the proportion of what they have already come to know.”²⁶

Notes

¹ William Mair, *A Digest of Laws and Decisions Ecclesiastical and Civil Relating to the Constitution, Practice, and Affairs of the Church of Scotland* (Edinburgh: William Blackwood and Sons, 1923), pp. 1–20.

² James Begg, *Memorial with the Opinions of Eminent Counsel in Regard to the Constitution of the Free Church of Scotland* (Edinburgh: Johnstone, Hunter & Co., 1874), pp. 137–139.

³ George Gillespie, *An Assertion of the Government of the Church of Scotland* (Edinburgh: James Bryson, 1641), p. 152. Cf. Calvin, *Institutes of the Christian Religion*, IV.x.2, 8, 28–29.

⁴ *Acts of the General Assembly of the Church of Scotland, 1638–1842* (Edinburgh: Edinburgh Printing and Publishing Company, 1842), p. 260.

⁵ Alexander Henderson, *The Government and Order of the Church of Scotland* (Edinburgh: James Bryson, 1641), p. 52. This is the sense evident in Henry Moncreiff Wellwood, *A Brief Account of the Constitution of the*

Established Church of Scotland; and of the Questions Concerning Patronage and the Secession (Edinburgh: Robert Cadell, 1833), and in George Hill, *A View of the Constitution of the Church of Scotland* (Edinburgh: John Waugh, 1835), which are delineations of the church's pattern of government and customary practice. Wellwood died in 1827 and Hill in 1819. An identical meaning is found in *The Practice of the Free Church of Scotland*, since its first published version in 1862, when reference is made, respectively, to the constitution of the session, the presbytery, etc.

⁶ *Oxford English Dictionary*, second edition, s.v. "constitution."

⁷ Cf. John Bonar, *The Nature and Tendency of the Ecclesiastic Constitution in Scotland* (Edinburgh: A. Donaldson, 1760), p. 4: "When I speak of our church, you will easily perceive, that I mean that ecclesiastic constitution, which in Scotland received the sanction of civil authority at the Revolution, and which, through a long course of years, and much opposition, had been rising to that state which she then attained." George Burnet, *Bishop Burnet's History of His Own Time* (Oxford: University Press, 1833), 5:289: "They insisted most vehemently on the danger that the constitution of their church must be in, when all should be under the power of a British parliament To allay that heat, after the general vote was carried for the union, before they entered on the consideration of the particular articles, an act was prepared for securing the presbyterian government." [Archibald Bruce], *Free Thoughts on the Toleration of Popery* (Edinburgh: Printed for the author, 1780), pp. 354–364; cf. p. 358: "If this be the case, what authority has the parliament of Great Britain to revoke these laws, or what obligation could an act of repeal lay upon the reclaiming people of Scotland, when passed? None at all. Such an act would be an absolute nullity, as it would be made in opposition to a primary and fundamental law of the constitution, and by a judicature to whom it is utterly incompetent. For it is an indisputable fact, that the conclave at Rome, or the congress in America, have as much a legal right to change or weaken the ecclesiastical establishment in Scotland as the parliament of Great Britain."

⁸ Printed in Alexander Taylor Innes, *The Law of Creeds in Scotland* (Edinburgh: William Blackwood and Sons, 1867), p. 155.

⁹ *Acts, 1638-1842*, pp. 239–240, 403–415, 418–419, 453–456.

¹⁰ James Bannerman, *The Church of Christ* (Edinburgh: T. & T. Clark, 1868), 1:306–307, 314; Robert L. Dabney, "The Revised Book of

Discipline,” *Discussions: Evangelical and Theological* (London: Banner of Truth Trust, 1967), 2:313–314: “Language is naturally an imperfect vehicle of meaning; its ambiguities usually pass undiscovered, because no keen and contending interests test its possible or probable meanings. One may frame sentences which seem to him perfectly perspicuous; but no human wisdom can foresee the varying, yet plausible, constructions which the language may be made to bear. . . . Hence the old statutes are better, because their language has already been tested by the adjudication of a multitude of varying cases under them, and fixed by established precedents.”

¹¹ Archibald Bruce, *A Review of the Proceedings of the General Associate Synod* (Edinburgh: George Caw, 1808), p. 44. Cf. [John MacLaurin], *The Nature of Ecclesiastic Government, and of the Constitution of the Church of Scotland Illustrated* (Glasgow: J. Bryce and D. Paterson, 1754), pp. 11–12. Cf. Westminster Confession XX.ii.

¹² Bannerman, *Church of Christ*, 1:219. Cf. Calvin, *Institutes*, IV.viii.9.

¹³ Bannerman, *Church of Christ*, 1:221.

¹⁴ Bannerman, *Church of Christ*, 1:237. Cf. William Cunningham, *Historical Theology* (Edinburgh: T. and T. Clark, 1863), pp. 53–54; Westminster Confession XXXI.iii.

¹⁵ Bannerman, *Church of Christ*, 2:216. Cf. Francis Turretin, *Institutes of Elenctic Theology* (Phillipsburg, N.J.: Presbyterian and Reformed Publishing Company, 1992–1997), 3:290–293.

¹⁶ Cunningham, *Historical Theology*, 1:76.

¹⁷ *The Practice of the Free Church of Scotland In Her Several Courts*, eighth edition (Edinburgh: Knox Press, 1995), pp. 82–83; *Acts, 1638–1842*, pp. 260–261, and cf. pp. 42–43 for a similar act in 1639.

¹⁸ James L. Weatherhead, ed., *The Constitution and Laws of the Church of Scotland* (Edinburgh: Board of Practice and Procedure, 1997), p. 197.

¹⁹ MacLaurin, *Nature of Ecclesiastic Government*, pp. 116–117. Cf. p. 119: “The difference between a free, and a despotic government, . . . consists entirely in this, that the first is a *legal* government, or a government *by laws*, the other an *arbitrary* government where the *mere will* and pleasure of those who have the administration in their hands prevails over the laws. . . . The peculiar advantage which we happy subjects of Britain have to boast of above the greatest part of the world is not so much the goodness of our laws: for what would that signify if the executive power could dispense with them at pleasure? But it consists in being under the government of

laws, and not of *men*. It consists in the executive powers being as much limited by the laws as the meanest subject.” And p. 150: “But if, without regard to the constant principles and standing laws of the church, the arbitrary commands even of the Assembly itself in their executive capacity, are to be substituted in the room of those laws which it is their business to enforce, and an unlimited active obedience to every order of this kind, however inconsistent it may appear to be with, or directly contrary to the most established principles and constitutional rules of the society, is to be insisted on as a term of ministerial communion, we have no scruple to declare it as our opinion, that this would be holding the ministry which we have received of the Lord Jesus by too precarious a tenure, and upon a condition that is not only ambulatory and uncertain, but that may prove ruinous and destructive (if we can judge by other instances in former times) to the most valuable interests of Christ’s kingdom . . .”

²⁰ “Are We To Have No Constitution?”, *The Watchword* 6(1871):9. Cf. David Calderwood, *Perth Assembly* ([Leiden]: 1619), p. 31, quoted in Thomas M’Crie, *Statement of the Difference Between the Profession of the Reformed Church of Scotland, as Adopted by the Seceders, and the Profession Contained in the New Testimony and Other Acts, Lately Adopted by the General Associate Synod* (Edinburgh: George Caw, 1807), p. 32: “But, as I have said, our oath was with consent of the assembly and kirk of Scotland. Seeing we are sworn severally, how can the same persons, assembled together in one body collective, dispense with this oath, seeing they have sworn to defend during their lives? To consent to any alteration is not to defend during their lives, but rather to betray the cause, and incur perjury.”

²¹ For an extended discussion of the issues, cf. Kenneth R. Ross, *Church and Creed in Scotland: The Free Church Case 1900–1904 and its Origins* (Edinburgh: Rutherford House Books, 1988).

²² Begg, *Memorial*, pp. 28 and 51.

²³ *Acts, 1638–1842*, p. 247; James Begg, *Purity of Worship in the Presbyterian Church as Set Forth in the Westminster Standards and Illustrated by Our History Since the Reformation* (Edinburgh: Lyon and Gemmell, 1876), p. 66.

²⁴ *Acts, 1638–1842*, pp. 158–159.

²⁵ [Bruce], *Review of Proceedings of General Associate Synod*, pp. 105–106.

²⁶ John MacLeod, *Scottish Theology In Relation to Church History Since the Reformation* (Edinburgh: Knox Press, 1943), pp. 239–240.