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*Handwritten:* 41 A-12

There is no reference to the Scottish  
Psalter till the Revolution in 1707  
for any minister to have a copy  
p. 54

The "Welcome Fortune" incident  
is in page 125

Part to revise Psalter in 1681  
p. 970

To revise the Common Prayer  
with Psalter in 1611  
p. 1128

These are only direct references to  
the Psalter books I have found

27. B



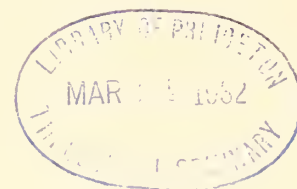


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✓  
ACTS AND PROCEEDINGS



OF

THE GENERAL ASSEMBLIES

OF THE

KIRK OF SCOTLAND,

FROM THE YEAR M.D.LX.

COLLECTED FROM THE MOST AUTHENTIC MANUSCRIPTS.

✓  
Scotland, Church of. General Assembly

PART FIRST. M.D.LX.—M.D.LXXVII.

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EDINBURGH, M.DCCC.XXXIX.





AT an Extraordinary General Meeting of the BANNATYNE  
CLUB, held at Edinburgh, in the Hall of the Antiquarian  
Society, on Monday the 15th day of April 1839 :—

RESOLVED,—That the first part of “The Acts and Proceedings  
of the General Assemblies of the Kirk of Scotland, from the year  
M.D.LX., collected from the most authentick Manuscripts,” and now  
printing for the BANNATYNE CLUB, under the superintendence of  
the President of the Club, be circulated among the Members.

DAVID LAING, *Secretary.*



# THE BANNATYNE CLUB.

MAY, M.DCCC.XXXIX.

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100 THE VEN. ARCHDEACON WRANGHAM.



It having been resolved by the Committee of Management of the Bannatyne Club, to circulate immediately that portion of the Book of the Universal Kirk of Scotland already printed, and which has been calculated to amount to about one-third of the entire Work, reserving to the conclusion of the whole, an account of the Manuscripts that have been employed in its compilation; it may at present be enough to state, that its object has been to preserve whatever may yet be recovered of the recorded proceedings of the Assemblies of the Church, from the era of the Reformation, to the period from which its original Registers are still extant. Besides that abridgment of the earlier volumes of the Register, usually known under the title of "The Book of the Universal Kirk," the principal source from which the contents of this compilation have been derived, is the unprinted History of the Church by Calderwood, which embraces much larger and more authentic selections from the Registers than any other existing manuscript. All these additions to the Book of the Universal Kirk are inclosed in brackets, and distinguished by the letter C.; a few taken from Knox's History are denoted by the letter K.; and those passages where it has been occasionally found necessary to combine the contents of the leading Manuscript with those of Calderwood's History, are marked with the letters C. & B.

EDINBURGH, *April 22. 1839.*



THE BOOKE  
OF THE  
UNIVERSALL KIRK OF SCOTLAND:

WHEREIN THE HEADIS AND CONCLUSIUNS  
DEVYSIT BE THE MINISTERIS AND COMMISSIONARES  
OF THE PARTICULAR KIRKS THEREOF  
ARE SPECIALLY EXPRESSED  
AND CONTAINED.



A. D. M.D.LX.

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THE Names of the Ministers and Commissioners of the particular Kirks of Scotland, conveyit to consult upon these things whilk are to fett forward Gods glorie, and the weill of his Kirk in this Realme, in Edinburgh the xx day of December 1560 yeirs.

Johne Knox minister, James Barron and Edward Hope, commiffionars for Edinburgh.

Christopler Gudman minister, David Spens and Maister Robert Kynpont, for St Androes.

Maister Johne Row minister, for the towne of Perth and kirk thereof.

William Darroche and William Norvell, for the towne of Striveling and kirk thereof.

Charles Drummound proveft, James Witherspoone and Andrew Mylne, for Lynlithgow.

Hew Wallace of Carnall, Johne Fullerton of Dreghorne and Charles Campbell of Skeldoun, for the kirks of Kyle.

George Hoome of Spott, for the kirks of East Lauthiane.

David Lindefay minister, Andrew Lamb and Patrick Boyman, for Leith.

William Harlaw minister and Robert Fernelay of Braid, for St Cuthberts kirk.

William Christefone minister, George Lovell and William Carmichaell, for Dundie.

Alexander Guthrie of Halkertoun, William Durhame of Grange, for Forfare.

Johne Areskine of Dunne and Andrew Mylne, for Montrofe.

The lairds of Tullievaird and Fethercairne, for the kirks of the Mernes.  
 The laird of Gairlies gounger, for the kirks of Nitheſdaile.  
 Maifter David Weymis, for the kirk of Carnbie.  
 Maifter Walter Balfour, for the kirk of Lyntoun.  
 Johne Broun, Thomas Boyd and James Polwart, for Torphichen.  
 William Lamb, William Bonkle, for Dumbar.  
 James Douglas, James More, for Calder Comitis.  
 John Kincaid, for Kirkliſtoun.  
 Maifter Robert Wyrhame, for Ratho.

The names of them whilk the miniſters and commiſſionars think maift qualified for the miniſtring of the word of God and ſacraments, and reiding of the commoun prayers publicklye in all kirks and congregations, and givin up be them every ane within there awin bounds.

In Kyle for reiding.

Ranken Davidſon, Richard Bannatyne, Robert Campbell, Hew Wallace, Andrew Lochart, Andrew Chalmer, James Dalrumple, Adam Landells, all reidars, and John Chalmer apt to teach.

In St Androes for miniſtreing and teaching.

Maifters Johne Rutherford, William Ramfay, James Wilkie, Robert Hamiltoun, Patrick Conſtane, William Rynd, William Skene, Archibald Hamiltoun, Alexander Arbuthnet, James Kirkaldie, David Collaffe, William Scott, David Weemes, Thomas Buchanan, David Spens, Robert Kynpont, Johne Wyrhame of Kirkneffe, Alexander Spens, Johne Wood, David Guild, Robert Paterfone.

Uthers whilk are thocht apt and able be the miniſters and commiſſionars forſaids to miniſter.

Johne Arefkine of Dunne, Johne Fullertoun of Kynnaber, David Forres, Patrick Kyninmonth, Mr James Melvill, Richard Melvill, Maifters Johne Kellow, Robert Montgomerie, Johne Hepburne, Thomas Hepburne, George Hepburne and William Lamb.

Mr Johne Ramfay presentit be Sir John Borthwick as minister for the kirks of Aberdoure and Tyrie.

December 21, 1560.

The ministers and commissioners forsaids being assembled, finds that the ministrie of the word and sacraments of God, and assemble of the peiple of the whole parochin of Restalrig, be within the kirk of Leith; and that the kirk of Restalrig, as a monument of idolatrie, be rayfit and utterlie castin downe and destroyed.

The question being proponed anent mariage in second and uther degries of confanguinitie, forbidden be the Pope to be solemnizat betwixt parties, it is found that, of the law of God, mariage may be solemnizat betwixt parties beand of second, thrid, and ferd degries of affinitie or confanguinitie, and uthers sikk as are not prohibited expreffely be the word of God; and therfor to desyre the Lords and estates to interpone there authoritie, and approve the samein, and make lawes therupon.

December 27, 1560.

The kirk appointit the electioun of the minister, elders and deacons, to be in the publick kirk, and the premonition to be made upon the Sunday preceeding the day of the electioun.

The kirk appointed that to the punishment of fornication, the law of God be observit: Publick repentance to be made be them that fall use carnall copulation betwixt the promise and solemnization of mariage.

[The petitioun of weights and measures was referrit to the Parliament.] C.

That all sikk as hes bein in the ministrie of the Popes kirk, good and well conditioned persons, that they fall live upon the almes of the kirk, with the number of poore.

Consentit be the kirk that none be put in judiciall offices to be magistrates, as provest, baillies, and officers of townes, exceptand them who are knowin to be plaine and true professours of the Evangell.

It is also thocht expedient that earnest supplication be made to the estates of this realme in parliament, and to the lords of secreit counsell, that all judges ordinaire and officers judicial, sikk as the Lords of the Sellioun, shireffs, stewarts, baillies, and uther judges ordinarie, be profes-

fours of the trueth of the true word of God ; and all ministers thereof to be remouit fra sick offices according to the ciuill law.

[Item To desire the Estates in Parliament to take order with the confirmation of testaments, that pupils and orphans be not defrauded, and that lawes be made thereupon in their fauours.] C

To aske at the estates of parliament and lords of secreit counsell, for eschewing of the wrath and judgement of the eternall God and removeing of the plagues threatned in his law, that sharp punishment may be made upon the persons underwriten, and uthers idolaters and mantainers thereof, in contempt of God his true religioun and acts of Parliament, whilk sayes and causes messe to be said and are present thereat within the places following.

In Nithefdaile and Galloway.

The Pryor of Whitherne and his seruants in Crugletone.

The Laird of Corfwell, in Corfwell.

The Lord Cairleill.

The Laird of Kirmichaell, who causes masse daylie to be said, and images holden up, and idolatrie to be mantained within his bounds.

In Fyfe.

The Lairds of Balwerie and Lathrisk, and Mr John Scrymgeours wife.

In Kyle, Carrick and Cunninghame.

The Erles of Eglintoun and Caffills, William Hamiltoun of Cambuskeith, the abbot of Corfraguell, the parochiners of Mayboill, Girvan, Oswald and Dalay, within the kirk whereof messe is openly said and mantained.

In East Lauthiane.

Johne Carkettle in Markill causes messe daylie to be said ; the auld ladie Hooome in Thornetoun ; the curate of Currie for abusing the sacraments.

In the Forrest of Ettrick.

The goodman of Gallowcheils, who not only causes messe to be said, but als mantaines the sayers thereof, who are enemies to God and his trueth, and therfor were exylit out of Edinburgh.

The kirks conveyit continues this thair affemblie till the 15 day of Januar nixt to cum, and hes thocht expedient that the said day ane commissioner at the least be sent fra every kirk, for requyring of sikk things of the parliament as falbe thocht for the weill of the halie kirk ; and every commissioner present promitteth to come themselves, or cause some others fra the kirk, the said day to the brugh of Edinburgh to the effect forsaid ; and ordains every commissioner, alweill of townes as of paroch kirks to landward, to bring a roll with them of the whole teyndis, lands, annualls, profits and emoluments of the paroch kirks nixt adjacent to them, and what perones hes tacks thereof, to whom the famein pertains, and there names to be specially named, and what duetie they pay for the famein.

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A. D. M.D.LXI.

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AT Edinburgh, the 26 of May 1561. The hail kirk conveinit in the Tolbuith of Edinburgh, hes determinit and thocht good that ane humble complaint be made and givin in, in thair names, tuitching the fuppreffion of idolatrie, and other points after following, to the Lords of Secret Counfell.

In the firft, for fuppreffing of idolatrie throughout the whole realme, and punifhing the ufers thereof, maintainers of the famein, haunTERS and frequenters therto.

Item, for mantaining and fpeciall provifion to be made for fuperintendents, for the erecting and eftablifhing of moe in places convenient, and for punifhing of the contemners of the faid fuperintendents and diffobeyars of them.

Item, for ordour to be takin anent the abufers of the facraments, and contemners of the famein.

Item, that no letters of the feffioun be givin, to anfuer or pay to any perfon ther teinds, without fpeciall provifion that the parochiners retaines fae meikle in ther hands as is appointed to the minifter; and that all fick as are els givin be callit in and difchairgit, and lykewayes that no fhireff give precepts to that effect.

Item, that the feffioun nor no uther judges proceid upon fick precepts or warnings, paft at the instance of them that hes obtained fewes of lait of viccarages, perfones manffes, and kirkyeards.

Item, that no letters take place whill the ftipends contained in the Booke of Difcipline for fuftentation of the minifters, be firft confignit in the hands at the leaft of the principall of the parochiners.

Item, for ordour to be takin for the punifhment of fuch as purchafes, and brings hame, and executes within this realme, the Popes bulles.



[The tenour of the Supplicatioun.]

Pleis your Honours, and the wifdome of sick as ar presently conveyned with you in counsaill, to understand, that be mony arguments we perceave quhat the pestilent generatioun of that Romane antichrist within the realme pretendis, to wit, that they wald of new erect thair idolatry, tak upoun thame to impyre above our conscience, and so to command us, the treu subiectes of this realme, and sick as God of his mercy hes (under our Soverane) subjected unto us, in all things to obey their appetites. Honefty craveth, and conscience movethe us, to mak the very secreits of our hairts patent to your honours in that behalf, quhilk is this, That befor that evir these tyrantes and dum dogis impyre above us, and above sick as God hes subjected unto us, that we, the barones and gentilmen professing Christ Jefus within this realme, have fullie determined to hazard lyfes, and quhatsoever we have received of our God in temporall thingis. We maist humely tharefoir besaik your honours, that sick ordour may be taiken, that we have not occasioun to tak agane the sword of just defence into our handis, quhilk we have willingly (ester that God hes gevin victory, bothe to your honours and us) resigned over into your hands; to the end that Gods evangell may be publietly, within this realme, preiched; the trew preicheours thareof reffonably susteined, idolatry suppressed, and the comitteris thareof punished, according to the lawes of God and man. In doing quhareof, your honours fall find us not onely obedient unto you in all things lawfull, bot also redy at all tymes to bring under ordour and obedience sick as wald rebell against your just authority, quhilk, in absence of our Soverane, we acknowledge to be in your hands, besaiking your honours, with upright judgement and indifferency, to luik upoun these our few artickles, and by these our brethren, to signifie unto us sick answer agane as may declair your honours worthy of that plaice, quhairunto God (ester sum dangers susteined) in his mercy hath called yow. And let these enemies of God assure thamefelfis, that if your honours put not ordour unto thame, that we fall schortely tak sick ordour, that they fall neyther be abell to do quhat they list, neyther yit to leve upoun the sweit of the browes of sick as ar no detteris unto thame. Let your honours conceave nothing of us, bot all humill obedience in God. But let the Papistes be yit ones agane assured, that thair pryde and idolatry we will not suffer.] K.

May 28, 1561.

The kirk convenit, after that they heard the supplication and articles forsaide, beand put in forme, red in thair presence, at length advyfit therewith, ordainit the samein to be presented to the secreit counsell; and for presenting thereof and obtaining of anfuers therto, nominat and ordained thir brethren after mentioned to awaite theron: The Mr of Lindfay, the Laird of Fernihirst elder, Thomas Mengies provest of Aberdein, the laird of Lochinvar, the laird of Whittingham and George Lovell burges of Dundie.

Upon the whilk supplication, articles and fute thereof was grantit and followit be the lords of secreit counsell, and aēt and ordinance therupon, with letters therupon, anfuering to every heid of the said articles and supplicatioun, at length specified in the aēt of secreit counsell made therupon; whilk is to be had in the hands of Johne Johnstoun, scrybe therof, and letters and publication past therupon.

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A. D. M.D.LXI.

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[At Edinburgh, the                      day of December 1561.]

The whilk day tuiching the slander takin be the horrible fact and impietie committed within this brugh under filence of night be Marques Dalbuiff and his colligues, in breaking up of Cuthbert Ramfay his zets and doores, and searching and feiking his dochter in law to oppresse her, as appeirit; it is thoght good be the hail kirk, that a supplicatioun be made and givin in to the Q. Majestie, in name of the professours of the Evangell, and the persons befor nominat present the famein, to seik the anfuier therof. The forme of the supplication followeth.

To the Q. Majestie and her secreit and great counsell, Her G. faithfull and obedient subiects, the Professours of Chryft Jesus his holy Evangell, wishe the spirit of righteous judgement.

The feare of God conceivit of his holie word, the naturall and unfained love whilk we beare unto your G. the duetie whilk we ow unto your countrie, and the terrible threatnings whilk God pronounces against every realme and citie in the whilk horrible crymes are openly committed, and then be the committers obstinately defended, compell us, ane great part of your subiects, humblie to crave of your Grace upright and true judgement against sick persones as hes done what in them lyes to kindle Gods wrath against this heale realme. The impietie be them committed is so haynous and so horrible, that as it is ane fact most vyle and rare to be heard of within this realme, and principallie within the bowells of this citie, so fould we think ourselves guiltie in the famein, if negligentlie, or yet for worldlie feare, we passe it over with filence; and therfor your Grace may not think that we requyre any thing, whill that we crave oppin malefactors condignely to be punished, but that whilk God hes commandit us to crave, and hes als commandit your Grace to give to every ane of your subiects; for be

this linke hes God knitt together the prince and the peiple, that as he commands honour, feare, and obedience, to be givin to the powers establisshed be him, swa does he in expresse words command and declare what thing the prince aweth unto the subiects, to witt, that as he is the minister of God, bearing the sword for vengeance to be takin on evill doers, and for the defence of peaceable and quyet men, swa ought he to draw the same without all partialitie swa oft as he is in Godis name requyrit therto. Seeing so it is, Madame, that this cryme so recentlie committed, and that in the eyes of your heale realme now presentlie assembled, is so haynous, for who heirtofoir have heard within the bowells of Edinburgh, getts and dures under silence of night bruifit up, houses rypeit and that with hostilitie, seiking ane woman as appeirit to oppresse her, seing we say that this cryme is so haynous, that all godlie men feare not only Godis sair displeasure to fall upon you and your heale realme, but also that sick libertie breid contempt, and in the end seditioun, if remeid in tyme be not gudlie provydeit, whilk in our judgement is impossible, if severe punishment be not execute for the cryme committed: Therfor we most humblie besek your Grace, that all affectioun laid asyde, ge declare your selfe so upright in this case, that ge may give evident demonstration to all your subiectis, that the fear of God, joynit with the love of the commoun tranquillitie, have principall seat and dominion in your G. heart. This forder, Madame, of conscience we speake, that as your Grace in Godis name does crave of us obedience, whilk to render in all things lawfull we are most willing, swa in the samein name doe we, the hail professours of Christs Evangell within this realme, crave of you, and of your counsell, sharp punishment of this cryme; and for performance therof, that without all delay the principall actors of this most haynous cryme, and the persewars of this intendit villany, may be callit befor the Cheife Justice of this realme, to suffer ane assyse, and to be punishit according to the lawes of the samein, and your Graces ansuer we most humblie besek.] R. K.

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A. D. M.D.LXII.

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THE Convention of the Kirk of Scotland, gatherit in Edinburgh, the penult day of Junij 1562, in the whilk were present the Superintendents, Ministers, and Commissionars afterwritten.

Superintendents.

Maisters Johne Spotiswood of Lauthiane, John Wyrhame of Fyffe, John Willock of Glasgow, Johne Arekine of Dun of Augus, Johne Carwell of Argyle.

Ministers and Commissionars.

Johne Knox minister of Edinburgh, James Barron and Edward Hope, commissionars, James Gong, Mr David Lindesay minister at Leith, Patrick Cockburne and Johne Broun, commissionars, Mr John Craig minister at Halierudehouse, John Hart and William Oswald, commissionars, William Harlaw minister of St Cuthbert's kirk, Johne Burne minister of Muffilbrugh, Mr Thomas Cranstoun minister at Tranent, Alexander Forrester minister at Libbertoun, Mr George Fuird minister of Dummanie, Mr David Weymis minister of Ratho, David Cunninghame minister of Lanerick, James Walker minister of Steinfoun, Paul Methven minister of Jedbrugh, Mr George Hay minister at Ediltoun, Christopher Gudman minister at St Androes, Mr George Leslie minister at Straithmiglow, Richard Melvill minister at Inchbraock and Maritoun, Johne Douglas of Pumfrestoun and John Douglas in Howden, commissionars of the kirk of Calder, the laird of Spot commissioner for Dunbar, and diverse in the Merse, James Fleyming elder and commissioner of Glasgow, the laird of Lye commissioner of Lanerick, the laird of Barre commissioner of Kyle, Johne Cathcart of Cariltoun commissioner of Carrick, Mr Robert Pont elder and commissioner of St Androes, Thomas Scott of Hayning commissioner for Selcraig and Melros.

The whilk day the forenameit conveinit in Mr Hendrie Lands house, and after prayer, the heids and articles following were treated.

That unitie of doctrine may be retained among the ministers, that errors may be avoydit, that maners may be reformed, vyce punished without exception of persons, and swa that vertue and knowledge may be universallly planted through this realme.

Because the lyves of ministers aught to be sick as therby uthers may be provokit to godlines, it becomes them first to be tryed ; and therfor, after the tryall of the superintendents, if any man have to accuse them in life, doctrine, or execution of their office, the elders of every kirk man be chargeit in Gods behalfe, to declare there conscience of there ministers, tuiching there doctrine, lyfe, manners and conversation. If any be accused and convict of any notable cryme, he must be subiect to the censure of the kirk, and suffer punishment and admonition as they fall pronounce.

After the ministers, the elders of every kirk must be tryed, if any hes to lay to the charge of any of them. The accused, whether he be minister or elder, aught to be removed out of the assembly whill his cause be tryit ; if he be convict, he can have no vote whill the kirk receive satisfactioun.

After tryall be tane of the haile, then man every superintendent, with the ministers and elders within his dyocie, expone to the kirk the state of the kirk among them, note the offences and crymes that they know, to the end that the whole may devyse some wholesome remeid, or at least make supplicatioun to the superiour powers for the samein, and least that confusion should happin through rashnes and hastines, lotes wald be castin what dyocie should first be heard, what secondlie, and swa foorth of the rest.

[It was ordained, that if ministers be disobedient to superintendents in any thing belonging to edification, they must be subiect to correction.

It was ordained, that a charge should pass from every superintendent to all ministers within the bounds, to warn thair kirks of the order taken ; to wit, that the said superintendents, ministers, elders, and deacons doe willingly subiect themselves to discipline ; and if any man have any thing to lay justly to thair charge, that they doe the same at the next Assembly, which is to be holden in December, and that no minister leave his flocke for coming to the said assembly, except he have complaints to make, or else be complained on, or at least be warned thairto be the superintendent.] C.

The second Sessioun haldin the last day of Junij 1562.

[It was answered by the Assembly to the petition of Mr Alexander Gordon, anent the superintendship of Galloway, first, that they understand not how he hath any nomination or presentation, either be the Lords of Secret Counsell or province of Galloway. Secondly, Albeit he had presentation of the lords, yet he has not observed the order kept in the election of superintendents, and therfor cannot acknowledge him for a superintendent lawfully called for the present, but offered unto him their aid and assistance, if the kirks of Galloway shall suit, and the lords present; and requireth that before he depart, he subscribe the Book of Discipline. Farther, it was concluded that letters should be sent to the kirks of Galloway to learn whither they required any superintendent or not, and whom they required.] C.

It is concludit be the hail ministers assembled, that all ministers false subject to ther superintendents in all lawfull admonitions, as is prescribed allweill in the Booke of Discipline as in the election of superintendents.

[That so many ministers as have been accepted of their kirks, after triall offered and liberty granted to them to receive or refuse, shall remain as lawfull ministers, unless from that time they have been found criminal in life or doctrine; and that such as serve in the kirks without publick and free admision, it shall be free for the kirks to receive or refuse them, as they be able to render the cause why they refuse.

That the examination of all these who have not been examined already shall be in the presence of the superintendent, and of the best reformed kirk within his bounds nearest the place where the minister is to be established; providing always that the judgement of the best learned being present be sought in the examination and admision, and that he who shall be so admitted shall not be removed, according to the order of the Book of Discipline.] C.

That superintendents take count what bookes every minister lies in store in the tyme of their visitation, and how the said minister, and every one of them, does profite from tyme to tyme in reiding and studying the samein.

[The Assembly ordained the superintendent of Lothian to summond Michael Smith, pretended minister of Strabroke, to purge himself of certain

crimes laid and to be laid to his charge; and Mr George Hepburn, parson of Hauch, to answer to such things as shall be laid to his charge.

The slander raised upon Mr Robert Hamilton, minister of Hamiltoun, was remitted to the tryal of the superintendent of Glasgou, to remove him out of the ministry if he thought expedient.

The Assembly decerned letters to be directed to the elders, deacons and whole kirk of Crail, to require them, as they would answer in the presence of God, to signify to the Assembly with all diligence, whither Mr John Melvill thair minister was accused be the whole kirk, or be any privat faction; whither the whole kirk requireth his removal, or the most part, or only some particular persons.] C.

#### The thrid Session haldin the first of Julij 1562.

It is concludit that the minister shall require his elders and every one of them to assist him in all his lawfull assemblies; in the whilk if they be fund negligent, then shall he proceed to all admonitiouns, according to the rule of Chryst; whilk if they or any of them obey not, then shall the minister, with so many of the kirk as will subscribe with him, notify the matter to the superintendent, and if he be this can profite nothing, that then be his advyse the inobedient be pronounced excommunicat; and the magistrate subiect to the rule of Chryst be not exeimed fra the samein punishment, being fund guiltie or inobedient.

[Touching persons to be nominat to kirks, that nane be admitted without the nomination of the people, and due examination and admiffion of the superintendent; and who have been otherwayes intruded since the year 1558, to make supplication for their provision according to the foresaid act.

After the ministers, exhorters, and readers had complained of the finalness of their stipends, it was concluded, that every one of them should give in their particular complaint to their superintendents, showing as well the valour of their stipend, as why they cannot live reasonably thairupon, that the Assembly may make supplication to the Quenis Grace and Counsell for redress of the same; and this is to be done before the last day of September next to come.

And in like manner, becaus many ministers complain of not payment of their stipends, in default of the third of divers persons given be the



Quenis Grace to theſe who are in poſſeſſion of the kirks preſently, it was thought good to require of her Highneſs and Counſell, that order might be taken how the ſaid complainers might be payed.

Alſwa in conſideration that the miniſtry in certain burrowes complained for want of their ſtipends allowed unto them, becauſe of the ſmalneſs of the third part of the teinds given to her Highneſs pertaining to the ſaid burrowes, it was thought good to crave of her Majeſty and Counſel how the ſaid miniſters ſhould be ſuſtained.] C.

To make ſupplication to the hier powers for the manſſes and aikers to miniſters to dwell in, according to the Booke of Diſcipline, and the kirks to be repairit that are decayit, conforme to the act of the Lords of the Secret Counſell pronouncit before the Quenis Graces hame comeing.

[In like manner, to prefer ſupplication for the poor and their ſupport ; for maintainance of ſchools for inſtruction of the youth in every pariſh ; and the ſame to be taken of the twa part of the teinds, and within burrows of the annual rents, and other ſuch things as before ſerved to idolatrie.

#### The 4th Seſſion haldin the 2d day of July.

At the deſire of the Aſſembly, compeared Mr John Sharp, and after long reaſoning be the ſaid Mr John, it was aſked whither he would ſerve in the kirk of God in ſuch place as the Aſſembly would place him into. He answered, he was content to beſtow the gifts he had to the comfort of the kirk of God ; but for ſo much as the charge required the preaching of the Evangel and miniſtration of the ſacraments, the conſideration of his preſent ignorance in the Scriptures, could not accept the ſame till the time of farther knowledge. The Aſſembly finding him able to preach the word and miniſter the ſacraments, as he had done before times, charged him to reenter to the miniſtry, the place where he ſhould miniſter being referred to farther deliberation.

It was ordained that Mr Craig ſhould be joined with Mr Knox in the miniſtry of Edinburgh ; that Mr James Greg ſhould aſſiſt the ſuperintendent of Glaſgow till Michaelmaſs next to come, and thereafter to teach in the pariſhes belonging to the Lord Aneſkine, till the next Aſſembly.

Mr George Hay the ſuperintendent of Glaſgow, Mr Robert Hamilton miniſter of Machline and Uchiltrie, were appointed to preach in the un-

planted kirks of Carick fuceffively one after another monthly till the next Affembly.

Mr James Pont was appointed to minifter the word and facraments in Melrofs till the next Affembly ; Mr Robert Pont appointed to minifter till the next Affembly in Dunblane.] C.

The fyft Sellioun, haldin at Edinburgh the 3d of Julij 1562.

[David Forrest was requested to take on the Miniftrie.] C.

The hail kirks appoints and defcerne Mr John Sharp and Robert Wilfon to minifter in fik kirks as falbe thocht good be the kirk.

The faxt Sellioun, 4 July 1562.

[It was concludit that Mr John Sharp should reenter in the miniftrie, and to ferve in the kirk whilk the fuperintendent of Lothian should appoint, and if he refused, that the cenfures of the kirk be execute againft him.

David Forrest's anfwer was referred to the fuperintendent of Lothian and kirk of Edinburgh ; Mr Patrick Cockburn, Mr Thomas Hepburne, Mr David Lindfay, or elfe Mr John Craig, were appointed to teach in the unplanted kirks of the Merce thair month by courfe.

John Dowglafs of Pumferfton, complaining in name of the kirk of Calder, that they are defrauded divers times of the preaching of the word, fince their minifter was elected fuperintendent of Lothian, defired the faid fuperintendent to be reftored to them again, or fome qualified minifter to be provided to them. It was answered, the profit of many kirks was to be preferred to the profit of one particular, and that the kirk of Calder should either be occupied be himfelf, or be fome other qualified perfon in his abfence, which could not be otherways helped in this rarity of the miniftry, and that they should have complained when the publick edict was fet furth 20 days before his admiffion.

The Affembly being informed that Mr David Spenfe gave inftitution, by vertue of the Popes bulls, to Mr Robert Auchinmouty, of the prebendry of Ruffell, the 25 of June laft by paff, ordained that the fuperintendents of Fife and Lothian take order refpective with the forefaid perfons,

and to informe the Justice Clerk, to call them to particular diets for breaking of the Quenis aëts, if they find the matter clearly tryed, and that the superintendent of Lothian signify the matter to the Duke.] C.

Touching the removeing of idolatrie, the kirk now as of befoir, concludes humble supplicatioun to be givin in to her Hienes ; but the maner how, they have referrit to further consultatioun of the godly of her Majesties secreit counsell.

Item, That supplication be made to her Hienes for punishing of all vices commanded be the law of God to be punished, and get not commandit to be punished be the law of the realme ; viz. blasphemie of Godis name, contempt of his word and sacraments, profanation of the samein be lik as were not lawfullie callit to the ministration thereof, perjurie and takeing of the name of God commonly in vaine, breakers of the Sabbath day in keeping of commoun mercatts, adulterie, fornication, filthie talking ; and further, that punishment be exactit upon the transgressours of the last proclamation made agains masse mongers or heirars.

[Item, that suit be made to the Justice Clerk, for order to be taken with Mr William Scott of Balwery, for disobedienc to the superintendent of Fife, and Mr James M'Verit in Bute, for disobedienc to the superintendent of Argyle.

Item, that supplication be made to the secreit counsell, for assistance of the superintendent of Angus to visit the sberifdoms of Aberdeen and Bamf, according to the commissioun given to him be the Assembly in December last by past. This Assembly joined to him as associats Mr Christopher Gudman and Mr John Row.] C.

Anent the aëtiouns of divorcements, to make supplicatioun to the secreit counsell, that either they give up univerrallie the judgement of divorce to the kirk and their sessiouns, or els to establish men of good lyves, knowledge and judgement, to take the order thereof ; provyding alwayes that the saids Lords make provisioun and ordinance how the guiltie persons divorced shalbe punished.

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[The tenour of the Supplicatioun which was to be presented to the Quenis Majesty and her Counsell was red in oppin audience of the Assembly and approved as followeth :—

To the Quenis Majestie, and her most honorable Privie Counsaill, the Superintendents and Ministers of the Evangell of Jesus Christ within this Realme, togidder with the Commissionars of the haill Kirk, desyre Grace and Peace from God the Father of our Lord Jesus Christ, with the Spirit of righteous judgment.

Having in mynd that fearfull sentence, pronounced by the eternall God against the watchmen that see the fworde of Gods punishment approche, and do not in plane words forewarne the people, yea, the princes and rewlars, that they may repent, we cannot bot signifie unto your Hienes and Counsaill, that the state of this realme is lik for this present, that unless redrefs and remedie be schortly provyded, that Godis hand cannot long spair in his angre, to slyke the head and the taill; the inobedient prince and sinful people: For as God is unchangeable and trew, so must he punissh in these our dayes, the grevous finnes quhilk befoir we reid he hes punisshed in all ages, efter that he hes long called for repentance and none is schawn.

And that your Grace and Counsaill may understand quhat be the things we desyre to be reformed, we will begin at that quhilk we assuredly know to be the fontane and spring of uther evils that now abound in this realme, to wit, that idoll and bastard service of God, the Mefs. The fountain we call it of all impietie, not only becaus manie tak bauldnes to sin by reafone of that opinion quhilk they have conceaved of that Idoll, to wit, that by the vertew of it they get remission of thair finnes, but also becaus that under the color of the Mefs, ar hoores, adulterars, drunkards, blasphemars of God, of his holie Word and Sacraments, and sik uther manifest malefactours, mainteyned and defended; for let any Mess-layer, or earnest manteyner thairof be deprehended in any of the forenamed crymes, na executioun can be had, for all is done in hatrent of his religioun, and so ar wicked men permitted to live wickedlie, clocked and defended by that odious Idoll. Bot supposing that the Mefs wer occasioun of na sik evils, yet in the self it is so odious in Gods presens, that we cannot ceas with

all instance to defyre the removing of the same, alsweill from yourself as from all uthers within this Realme, tacking heavin and eirth, yea, and your own conscience to record, that the obstinat manteynance of that Idoll fall in the end be to you destruction of faull and body.

If your Majesty demand, quhy that now we ar more earnest then we have bene heirtofore ; We answer, (our former silence no ways excused) because we find us frustrat of our hope and expectation ; quhilk was, that in proceffe of tyme your Graces hart sould have bene mollified, so far as that ye wald have hard the publict doctrine taught within this Realme ; by the quhilk, our farther hope was, that Gods Halie Spirit sould so have moved your hait, that ye wald have suffered your religion (quhilk before God is nothing bot abominatioun and vanitie) to have bene tried by the trew tuich-stane, the written word of God ; and that your Grace finding it to have no ground nor foundation in the same, fuld have gevin that glory unto God, that ye wald have preferred his treuth unto your own preconceived vain opinion, of quhat antiquitie that ever it hes bene. Quhareof we in a pairt now disappointed, can no longer keape silence, unless we wald mak our selfis criminall befor God of your blude, perisching in your own iniquitie ; for we planely admonishe you of the dangers to cum.

The secound that we requyre, is punisshment of horibill vices, sikk as ar adultery, fornicatioun, oppin horedome, blasphemy, contempt of God, of his Word and Sacraments ; quhilks in this Realme, for lack of punisshment, do even now sa abound, that sin is reputed to be no sin. And thairfore, as that we see the present signes of Gods wrayth now manifestly appear, so do we forewarne, that he will stryke, or it be long, if his law without punisshment be permitted thus manifestly to be contemned. If any object, that punisshment cannot be commanded to be executed without a Parliament ; we answer, that the eternall God in his Parliament hes pronounced death to be the punisshment for adulterie and for blasphemie ; quhose acts if ye put not to execution (seeing that Kings ar but his lieutenants, having no power to give lyfe, quhare he commands death) as that he will repute you, and all uthers that foster vice, patrons of impietie, so will he not fail to punissh you for neglecting of his judgements.

Our third request concernes the pure, quho be of thre forts : The pure laborars of the ground ; the pure defolate beggars, orphelins, widowes, and

strangeares; and the pure ministers of Christ Jesus his halie Evangell, quhilk all ar so cruelly entreated by this last pretended ordour takin for sustentatioun of ministers, that thair latter misery far furmouteth the former; for now the pure laborars of the ground ar so oppressed by the cruelty of those that pay thair thrid, that thay for the most pairt advance upon the pure, quhatsoever they pay to the Quene, or to any uther. As for the very indigent and pure, to quhom God commandes a sustentatioun to be provyded off the teyndes, they are so despyfed, that it is a wonder that the sone giveth lycht and heat unto the earth, quhare Gods name is so frequently called upoun, and no mercy (according to his comandements) schawin to his creatures.

And as for the ministers, thair livings are so appoynted, that the most pairt fall live but a beggars lyfe. And all cometh of that impiety, that the ydle bellies of Christs enemies mon be fed in thair former delicacy. We dar not conceill from your Grace and Honours our conscience, quhilk is this, That neyther by the law of God, neyther yet by any just law of man, is any thing dew unto thame, quho now most cruelly do exact off the pure and riche, the twa pairts of thair benefices, as they call thame. And thairfore we most humilly requyre, that some uther ordour be takin with thame, nor that they be set up agane to impyre above the peple of God, eyther yet above any subiect within this realme; for we fear that sik usurpatioun to thair formare state, be nether in the end pleasing to thame-selves, nor profitable to thame that wald place thame in that tyranny. If any think that a competent living is to be assigned to thame, we repugne not, provyded that the labourars of the ground be not oppressed, the pure be not utterly neglected, and the ministers of the word so scharpely entreated as now they ar. And fynalie, that those ydle bellies, quho by law can crave nothing, fall confes that they receive thair sustentatioun, not of debt, bot as of benevolence. Our humble request is thairfore, that some suddane ordour may be takin, that the pure labourars may find some relief, and that in every parochin some portioun of the teyndes may be assigned to the sustentatioun of the pure within the same. And lykwyse that sum publiet relief may be provyded for the pure within burghis, that collectors may be appoynted to gather, and right schairp countes may be taken, alswell of thair reecat as of thair delyverance. The farther consideratioun to be had to our ministers, we in sum pairt remitt to your wisdomes, and unto thair particular complaints.

Our fourt petition is for the manfes, yairds and gleibs justly apperteining to the ministers, without the quhilk it is impossible unto thame quyety to serve thair charges; and thairfore we defyre that ordour be takin thairintill without delay.

Our fyft concerneth the inobedience of certane wicked perfones, who not only truble, and have trubled ministers within thair functiouns, bot also difobey the superintendents in thair visitatioun; quhareof we humblie crave remedy; quhilk we do not fa mekle for any fear that we and our ministers have of the papistes, bot for the love we bear to the commone tranquillity. For this we cannot hyd from your Majestie and counsaill, that if the papists think to triumph quhare they may, and to do quhat they list, quhare thair is not a pairtie able to resist thame, that sum will think, that the godly mon begin quhare they list, quho heirtfore have borne all things patiently, in hope that lawes fuld have brydled the wicked; quhareof if they be frustrat, (albeit that nothing be more odious to thame then tumults and domestical discords) yet will men attempt the uttermost, befor that in thair awn eyes they behold that hous of God demolisched, quhilk with travell and danger God hath within this realme erected by thame.

Last, we defyre that sikk as have received remissioun of thair thriddes, be compelled to sustene the ministerie within thair boundes, or els we forwarne your Grace and counsaill, that we feir that the peple fall retene the haille in thair hands, untill sikk tyme as thair ministers be sufficiently provyded. We farder defyre the kirks to be repaired according to an act sett forth by the Lords of the Secret Counsaill, befor your Majesties arryvall in this country: That juges be appoynted to hear the causes of divorcement; for the kirk can no longer sustene that burthen, especialie becaus thair is no punishment for the offenders: That fayers and hearers of mess, prophaners of the sacraments, sikk as have entered into benefices be the Paipes bulles, and sikk uther transgressors of the law maid at your Graces arryvall within this realme, may be severely punished; for els men will think that thair is no treuth ment in making of sikk lawes. Farther, we maist humely defyre of your Grace and Honorabill Counsaill, a resolute answer to every ane of the heades forewritten, that the same being knawn, we may sumquhat fatiffie sikk as be grevously offended at manifest iniquity now maintyned, at oppressioun under pretext of law done against the pure, and at the rebellious difobedience of many wicked perfons against Gods word and holy ordinance.

God the Father of our Lord Jefus Chrift, fo reull your hairtes, and direct your Grace and Counfaills jugements by the dytament and illuminatioun of his Holie Spirit, that ye may anſwer fo as that your conſciences may be abſolved in the preſence of that rychteous Juge, the Lord Jefus; and then we doubt not bot ye yourſelves ſhall find felicity, and this pure realme, that lang hes bene oppreſſed by wicked men, ſhall injoy tranquillitie and reſt, with the trew knowledge of God.] K. C.

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And ſwa diſſolves this Affemblie, and appointit to conveine again the xxv of December nixt to cum in Edinburgh.

Sic ſubſcribitur,

JOHNE GRAY.

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A. D. M.D.LXII.

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THE Generall Affemblie of the Kirk of Scotland conveyit at Edinburgh the xxv of December 1562; in the whilk were present the Superintendents, Ministers and Commiffionars.

The whilk day the foirnameit affembleit in the auld Counfell houfe. John Knox minister of Edinburgh callit upon Goddis name for the assist-  
ance of his holie spirit.

[Mr Robert Cumming schoolmaster of Arbrothe was complained upon be the Laird of Dun Superintendent of Angus and Mernes, for infecting the youth committed to his charge with idolatrie. C.]

Seffio 2<sup>a</sup>. haldin the 28 of the said month.

[According to the order takin at the last Affemblie, becaus the Superintendent of Lowthian was absent who fould first have been tryed, the Superintendent of Fife was removed, and the ministeris and commiffioneris of the said diocie who wer present for the time wer required if they or any of them had any thing to lay to his charge touching his manneris, conversation, doctrine, and executioun of his office, that they would declair it. It wes murmurit be findrie ministeris, that he wes somewhat slack in his visitatiounis, and remanit not at the kirkis for ordering such things as wer necessar for the same; that he wes too much gevin to wordlie affairis, slack in preaching, rash in excommunicatioun, sharper nor became him in making acts for payment of small tithes.

The Superintendent of Angus wes removed next. It wes laid to his charge, that there wer manie popishe preiftis, unabill and of wicked life, admitted to reading at kirkis within his diocie. 2. That some young men wer rashlie admitted to the ministrie, and to be exhortaris, without such trial and examinatioun as ar required in the Book of Discipline. 3. That gentilmen of vitious lives wer chofen to be elderis in divers kirkis. 4. That

fundrie ministeris under his iurisdiction remanit not at thair kirkis, visit not the feik in thair extremitie, and alsua that the youth is not instructed. 5. That some ministeris come ouer lait to the kirkis wher they fould preach on the Lordis day, so that the peopill doe wearie staying upon thaim, and incontinent the fermon being ended, they depart. 6. That the ministeris resort not to the exercise, according to the order fet down in the Book of Discipline.

The Superintendent, after he came in again, rendered up the Commission he received from the Assemblie for visiting the North, and establishing ministers, elders and deacons in the kirk.

Thereafter the ministers of Fife wer removed, and the Superintendent and Commissioners wer required to declair what they knew to be laid to their charge. Then the ministers of Mernes and Angus wer removed and tryed. Then the Superintendent of Lothian, now being present, was removed and tryed. It was required be the Commissioners of Edinburgh, that he wold fometimes preache in their Kirks, as the principall rounge within his Jurisdiction: and others required, that he wold visite Mussilburgh and Stirling oftener. Thereafter the Ministers of Lowthiane and Stirling-shire war removed and tried.

It was concluded, That the Superintendent fall cause present the names of Ministers, Exhorters and Readers, to the Lords appointed be the Queen's Majestie for assigning of their Stipends, and that in thir presentations be specified the entrie of these that ar presented, to be at Allhallowmes, Lambmes, Candlemes or Beltan, together with the yere of God, that they may receive payment at the terme after their entrie, and sua furthe quarterlie. And if it fall happen that anie Minister, Exhorter or Reader depart at the pleasure of God, the intrant fall receive payment *pro rata servitii*; that the executors of the defunct fall receive payment for the time he hath served: And this order to be observed hereafter. Anent the sustentation of the ministers, exhortars and reidars within burrowes, my Lord Controller requyrit the haill comissioners of burrowes presentlie convenit at this assemblie, that they wold signifie unto him by word or write within ane competent space, what releife they wold make to the sustentation of the ministers forsaid, in respect that they were befor burthened with diverse charges for upholding of sick as called themselves ministers in the abused kirk. C.]

Sessio 3<sup>a</sup> haldin the 29 of December 1562.

The kirk presentlie assemblit ordaines that inhibition salbe made to all and fundrie persons now serving in the ministrie, who hes entrit being slanderous befor in doctrine hes not satisfied the kirk. Secondlie, that hes not bein presented be the peiple or ane pairt thereof to the superintendent, and he after examination and tryall hes not appointed them to their charges, and this act to have strenght as weill against them that are callit bischops as uthers pretending to any ministrie within the kirk: [And ordaineth the same act to be promulgat be the superintendents in their diocies; and where there ar not superintendents, be commissiouners sent from the Assemblie, the copie thereof to be affixed upon the principall kirk-doores. And if anie person, after inhibition made, contemptuousslie continue in his ministrie, the Assemblie ordaines to proceed against him be censures, to excommunication, unless be his letters to the commissiouners, or nixt superintendent, he give signification of his obedience, and promise to accept the same charge according as they shall command him. And in that case the Assemblie decerned, that with libertie and freedom of conscience, and also without danger of the former paine, he may continue in his ministrie till the nixt Assemblie; at which time it is ordained, that they present themselves before the Assemblie. And that this act comprehend also exhorters and readers.

Beccaus it is complained, That the north countrie for the most part was destitute of ministers, and that the order of the election and admision of the superintendent of Aberdeen was not putt in execution; the Assemblie appointed Mr George Hay, Mr Johne Row and Adam Heriot, to be proponed in lites to the said kirk, and edicts to pass furth thereupon with all expedition; and committed the charge of inauguration of the person elected, to the Superintendents of Fyfe and Angus, and suche learned men as they shall chose; and appointed the kirk of Old Aberdeen to be the place of admision. And in case ather Mr Johne Row or Adam Heriot salbe elected to the said office, the Assemblie nominat Mr James Wilkie, Patrick Coufson and Robert Hamilton, to be proponed in lites to the kirks destitute of their ministrie.

A commissioun was given to Mr Johne Hepburne Minister of Brechin, to pass to Murray, and there to preache the gospell; and if it fall chance that

he fall find anie qualified persons apt to be ministers, exhorters or readers, that he send them to the superintendent to be appointed for Aberdeen and Bamf, to be tried, and admitted to their offices respectivé: And it was ordained this commission fould endure till the nixt Affemblie.

David Forrest, notwithstanding he objected his owne inabilitie, was charged by the whole Affemblie, as he wold avoide disobedience to their voices, without farther delay, to addressse himself to enter in the ministrie where he falbe appointed, feing it was knowen sufficientlie that he was able for that function. He and Mr Patrick Cockburne war proponed in lites for the Superintendentship of Jedburgh. It was decerned, that edicts fould be sett furth for their admiffion against the first Lord's day of Marche nixt to come in the kirk of Jedburgh. The superintendent of Lowthiane, Mr Knox, and such other learned men as they fould choose to assist them, war appointed to inaugurate the person elected.

For the planting to kirks in the Shirefdoms of Dumfries, Galloway and Nithisdail, and the rest of the West Dails, the Affemblie nominat in lites for the Superintendentship, Mr Alexander Gordon entituled Bishop of Galloway, and Mr Robert Pont minister of Dunkell: Ordained edicts to be sett furth for the admiffion upon the last Lords day of April, and appointed the Superintendent of Glasgou, Mr Knox minister of Edinburgh, Mr Robert Hamilton minister of Vchiltrie and Mauchlin, and other learned men, to be present at the inauguration of the person elected; the place of admiffion to be the parish-kirk of Drumfries. In the meane tyme the Affemblie giveth commission to Mr Alexander to admitt ministers, exhorters and readers, and to doe such other things as war before accustomed in planting of kirks. C.]

Mr Archibald Keith, minister of Logie and Balmerinloch, was discernit be the Kirk to be translated fra the forsaids kirks to sick place as where his stipend fould be more abundantlie givin him, in case he be not reasonable satisfiet be the Lords appointit to modifie the ministers stipends, provydit that he change not at his awin privat opinion; but to have therein the judgement and appointment of the Kirk, who fall give there judgement heirin or this Affemblie be dissolved.

Sessiou 4, haldin the 30 day of December 1562.

[Commiffion was given to Mr Knox to goe to Jedburgh, and to take triell upon the thrid day of Januarie nixt to come, of the slander raifed againft Paul Methven late minifter of the faid burgh; and after triell, to report to the fellion or confistorie of the kirk of Edinburgh, to whom, with the Superintendent of Lowthiane, the Affembly giveth power to difcerne, and pronounce fentence. C.]

The kirk presentlie affemblit gives power to every fuperintendent within there awin bounds, in there affemblies fynodall, with consent of the maift pairt of the elders and minifters of kirks, to translate minifters fra ane kirk to another, as they fall confider the neceffitie, and in lyke maner charges the minifter fa translated to obey the voice and comandement of the fuperintendent.

And ordains farther, that the fuperintendents appoint there Synodall Affemblies twyce in the zeir, to witt, in the moneths of Apryle and October, on fick dayes within the faids moneths as the fuperintendent fall thiuke good; and that they give fufficient advertifement to the particular kirks, that the minifter with ane elder or deacon may repaire toward the place appointed be the fuperintendents at the day that falbe affixed be them, to confult upon the comon affaires of there diocies.

[Some minifters war appointed for particular places; Mr James Pont for my Lord Arefkine, Mr James Foullis for Dunkell, Mr James Wilkie, or Mr Patrick Coufton, if he be not chofen for St Johnfton, for Aberdeen; Mr Robert Hamilton for Hamilton, Mr Johnne Keith to be placed by the Superintendent of Aberdeen in Buchan, Mr Robert Narne for Deir, Mr Arthure Forbefé to be placed at the difcretion of the Superintendent of Fyfe and Rector of St Andrews, Mr James Greg for Carict, if the Lord Arefkine could be moved to consent. C.]

Sessio 5<sup>ta</sup>, haldin the laft of December 1562.

The Kirk gives comiffioun to the Superintendents of Angus, Lowthiane, Glasgow and Fyfe, with David Forrefter, to travell with the Lords of Secret Counfell to know what caufes fall come in judgement to the kirk, and what ordour of execution falbe tane therein.

[Item, To travell for abolishing of mercats holding upon the Lord's day throughout the realme. Item, Commiffion given to Mr Knox to make supplication both by word and writt to the Queen's Majestie, for support of the poore.

Notwithstanding of the nomination of superintendents for Aberdeen, Bamf, Jedburgh and Dumfries, made before in the thrid session, the Affemblic remitted farther advisement and nomination of the persons to the Lords of Secret Counsell, providing the days appointed for the admiffion be not altered. C.]

It is concludit that ane uniforme ordour falbe takin or keipit in the administratioun of the Sacraments and solemnization of mariages and burials of the dead, according to the Booke of Geneva.

Attour, ordains the communion to be ministrat four tymes in the zeir within burrowes, and twyfe in the zeir to landwart.

[The superintendents war appointed to confer with the Lords of Secret Counsell, anent the charges to be bestowed for the elements at the Lord's Supper. C.]

For fameikle as it was heavilie lamentit be the maist pairt of the ministers, that they can have no dwelling places at there kirks, becaufe the manffes are either deteinit be the persons or vicars of the famein, or els sett in few or otherwayes to gentlemen: The Clerk Register and Justice Clerk defyre the superintendents to signifie to the Clerk of the Rentales where the faids manffes are, and in what countrey, to the effect that the faids manffes may be assignit to the Quenis G. thrid part, and thereafter that the faids ministers compleinand may be staiked and helped to the famein, for there comoditie and remaining with there flocke.

Notwithstanding the proponing and nominatioun of the superintendents for Aberdeen, Bamfe, Jedbruch and Dumfreis, appointed of befor in the thrid session, and the days appointit for electioun of the famein, the hail kirk remitts farder advysemēt and nomination of the persons to the Lords of the Secret Counsell, provydeing alwayes that the days appointed for their electioun be not prolonged.

It is ordainit, that no minister nor others bearing office within the Kirk, take in hand to cognosce and decide in the actiouns of divorcement, except the superintendents, and they to whom they fall give speciall commiffioun, and betwixt speciall persons.

[After invocation of the name of God made be Maister Knox minister of Edinburgh, the Affemblic diffolved. C.]

A. D. M.D.LXIII.

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THE Generall Assemblie of the Kirk of Scotland, conveinit and haldin at St Johnstoun, the xxv of Junij 1563. In the whilk were assemblit the Superintendents, Ministers and Comissioners of the Kirk.

Prayer is made be Master Johne Willock, Superintendent of the West. Superintendents and ministers are tryed.

[The triell of the superintendent of Fyfe was delayed till the day following, at the desire of the ministers and commissioners of Fyfe. Mr Alexander Gordon, stiled Bishop of Galloway, having gotten commission before to plant ministers, exhorters, readers, and other office-bearers requisite for a reformed kirk within the bounds of Galloway, was removed to be tried. The laird of Gairlies younger complained that the said commissioner had not ministred justice to Margaret Murrey, complaining upon her husband Golfride Makculloch for none-adherence. Bot the commissioner could not satisfie the Assemblie with anie sufficient excuse. C.]

Johne Knox minister of Edinburgh, having commissioun givin to him, and certain elders and deacons of the kirk of Edinbrugh, to take cognitioun of the slander raisit agains Paul Methwen, late minister at Jedbrucht, anent adulterie committed be the said Paul with ane

, his servant, the said Mr Knox declarit the haille cause, what he had found in the foirsaid slander, viz. The said Paul to have committed the said abhominable cryme of adulterie, and therfor, with adyce of the Kirk of Edinburgh, superintendent of Lowthiane and colleagues above mentioned, had removed him fra all ministrie, and also excommunicat him; and swa having put his said commissioun to execution, rendered up the same to the General Assemblie, fra whom he received it.

Mr John Rutherford, principall of St Salvator's Colledge, complained that Mr John Balfour usurpit the ministrie at Cultis, being unqualifiet to

discharge the same; and seeing the kirk pertainit to him as principall, he offerit himselfe to minister according to the talent givin him be God. The Kirk heiring his complaint and offer, ordainit the said Mr Johne to accept the office, who in prefens of the Assembly accepted the same.

The said day David Fergusone, minister at Dumfermling, declared in the publick assembly, that he had spokin Paul Methven, lately excommunicat, whom he faud verie forrowfull for his grievous offence committed be him in maner above rehearsed, and also sick repentance for the same, that he wald underly whatsoever punishment the kirk of God wald lay upon him, even if it were to lose any member of his bodie, to satisfie the same. After long reafoning of the whole Assembly of the said repentance and offer reportit be the said minister, the Kirk condescendit that the said Paul should have a comfortable answer; and attour that they in the meane-tyme should speake the Lords of the Privie Counsell theranent.

[Commissions war given to the bishops of Galloway, Orkney and Cathness, for the space of a yeere, to plant kirks, &c. within their owne bounds, and that the bishop of Galloway haunt asweill the shirefdome of Wigton as the stewartie of Kirkubrigh, reckoned to be within his owne bounds. It was ordained lykewayes, That qualified men should be putt in election for a superintendentship in Teviotdail, Nithisdail, Annandail and Selkirk, or that commission be given to some qualified men for the yeere nixt to come, to plant kirks in the said bounds; and in like manner to request the secret counsell to provide for superintendents or commissioners to plant kirks in the south parts. C.]

Sessio 2<sup>a</sup>. haldin the 26 of June 1563.

The whilk day the Kirk pronouncit that no contract of mariage alledged to be made secretly, carnall copulation following, shall have faith in judgement in tyme comeing, untill the tyme that the contractors suffer as breakers of good ordour and slanderers of the kirk; and thereafter that faith shall not be givin unto that promise, unto sick tyme as famous and unsuspected witnesses affirme the same, or els the parties confess it; and in case that probation nor confession follow not, that the said offenders be punishit as fornicators.

Concerning the ordour of appellatioune, it is statute and ordainit, that if



any perſon find himſelfe hurt be any ſentence givin be any miniſters, elders or deacons of the kirk, it falſe leiſum to the partie ſo hurt to appeale to the ſuperintendent of the dyocie and his ſynodall conventioun, within ten dayes nixt after; and the ſaid ſuperintendent ſhall take cognitioun whither it was weill appealit or not, and give his ſentence therupon; and if the partie get alledges him hurt be the ſuperintendent and his conventioun, it falſe lawfull to appeale to the Generall Aſſembly of the kirk immediately thereafter following, within ten dayes as of befoir, and the ſaid Aſſembly to take cognitioun of the ſaid appellatioun, whither it was weill appealed or not, and thereafter to pronounce ſentence therintill, fra the whilk it ſhall not be leiſum to the ſaid partie to appeale, but the former ſentence to have executioun according to the tenour of the ſamein. Item, If the appellant juſtifie not his appellatioun befor the ſuperintendent and his conventioun forſaid, that he ſhall imput ane paine upon the ſaid appellant, as he ſhall think good, above the expenſes to the partie; whilk paine ſhall deliverit to the deacons of the kirk where the firſt ſentence was givin, to be diſtributed to the poore. And in lyke manner, the Generall Aſſembly finding it evill appealit be the ſaid partie fra the ſoifaid ſuperintendents and commiſſioun, ſhall as of befoir impute ane paine arbitrall to be diſtribute as ſaid is, together with the expenſes to the partie, as is above ſpecifict.

The Lords, Comptroller, Juſtice Clerk, and Clerk of Regiſter, beand all preſent in the Aſſembly, pronouncit to give letters gratis to all miniſters requyring the ſame, and cauſe them to be execute upon the comptrollers expenſes, to charge all them that has manſes to delyver the ſame to the miniſters, or bigge ane ſufficient houſe to them within ſick a day as the parties ſhall deſyre, under the paine of horneing, according to the act of Parliament lately made theranent.

Ordainit that ſupplicatioun be made to the Queens Majeſtie and ſecret counſell for unioun of kirks, that wher two or thrie are within two or thrie myles diſtant, the ſame to unite, and cauſe the inhabitants to reſort to ane of the ſaid kirks, to heir the word and receive the ſacraments; becauſe the ſcarcenes of miniſters permitts not every kirk to have a ſeverall miniſter, and alſo the ſmall number of ſick parochines requyres not the ſamein.

Ordainit that the inſtrucioun of youth be comittit to none within this realme, neither in univerſities nor without the ſamein, but to them that profeſſe Chryſts true religioun now publickly preached; and that ſick as now occupie the places, not profeſſing as ſaid is, be removed fra the

famein, and to remember that fame ordour be made for the sustentatioun of poore scholers.

[Auent the execution of the Act of Parliament touching the repairing of kirks, it is thocht necessar that letters, conforme to the said act, be delivered to the Superintendents gratis; and that everie Superintendent fall consider what kirks within his bounds need reparation or re-edificing, and thereafter deliver the saids letters to the collectors of the thrids within the same bounds, to be executed be an officer of armes at suche kirks as salbe needfull, and the Superintendent fall think good: And thereafter the said collector fall deliver the saids letters, duelic executed, to the Superintendents foresaid, to the effect that they may, where the disobedience fall happen to be, crave remeed from the Lords of Secreit Counsell.

Commissioun was given to Mr Johne Hepburn, minister of Brechin, to plant ministrers, exhorters, readers, elders, deacons, and other members requisite and needfull for a reformed kirk, in Murrey, Bamf, and the countreis adjacent, and to place schoolmasters. The like commissioun was given to Mr Robert Pont, to plant kirks in Inverness, and to Mr Donald Monro, to doe the like within the bounds of Rosse, and to assist the bishop of Cathnes in preaching of the gospell, and planting of kirks; and these commissiouns war to endure onlie for a yeere.

Supplications ordained to be made to the superior powers, for constituting judges in everie province, to heare the complaints of parties, alledging adulterie to be committed be the husband or the wife, and the said judges to take cognition in the mater, and punishe according to the Act of Parliament. Item, That when anie benefice fall vaik, qualified persons may be presented to the Superintendent of the province, where the benefice vaiketh, that they may be admitted in the places destitute. Item, That where two or three kirks ar distant two or three miles, they may be united, and the inhabitants caused to resort to the said kirks, to heare the word, and receive the sacraments; becaus the rare number of ministrers suffereth not everie kirk to have a severall minister, and the smalnes of the parishes require not the same. Item, For remitting the thrids, or a part thereof, to the bishops appointed be the Assembly to be commissiouners, to plant kirks within their owne bounds.

The Comptroller being present, was requested to assume and assigne to himself so much of the thrids of the benefices remitted by the Queene to the possessors, as may sufficientlie sustaine the ministrerie; and to cause his

collector to intromitt therewith, and distribute the same to the ministers, asweill for times bypast as to come. The Colledges and Kirks of Universities, whose thrids are remitted, not to be heirin comprehended; which he promised to doe. The comptroller, justice clerk and clerk register being present, promised to give letters gratis to all ministers requiring the same, and cause to be executed upon the comptroller's expenses, to charge all possessors of manes to restore the same to the ministers, or to build a sufficient house to them against a fett day, as the partie shall desire, under the paine of horning. C.]

Sessio 3<sup>a</sup>, 27 of June 1563.

It is statute and ordainit that no worke be fett forth in print, neither yet published in wryte, tuiching religioun or doctrine, untill sicker tyme as it falbe presentit to the superintendent of the dyocie, advyseit and approveit be him, and be sicker as he shall call of the most learned within his bounds; and if they or anie of them doubt in any point, so that they cannot resolve cleirly in the same, they shall produce the said worke to the Generall Assemblie of the kirk, wher ordour shall be tane tuiching the resolution of the said doubt.

[Commission given to the superintendent of the West, to visite Nithisdail, and plant kirks there for a yeere. To Mr Thomas Drummond, minister at Creich, and Johne Duncansone, minister of Stirlin, conjunctim et divisim, for a yeere, to plant kirks in Monteith.

The superintendents of Angus and Fyfe war desired to draw the townes of Dundie and Sainct Johnstone to agreement.

The superintendent of Lowthiane, the ministers, elders and deacons of the kirks of Edinburgh, conjunctim et divisim, Mr James Makgill, clerk of register, Sir Johne Spence of Condie, the Queenes advocate, Thomas Mackcalgeane, David Borthwike, Clement Littill, Richard Strang, or anie two of them, war appointed to take cognition of Mr Magnus Halcro and Margaret Sinclairs appellatioun from the bishop of Orknays sentence in a cause of divorce.

The Assemblie, after mature deliberation, and discussing of the articles, for the which processe war led, and sentence given be umquhill James, bishop of Ross, commisioner to James, archbishop of Sanct Andrews, at

Halyrudhous, the 26 of August 1534, against James Hammilton of Kincauell, shireff of Linlithgow, pronounced the said articles to be good and godlie, and nawise hereticall; and sentence given be the said James, bishop of Ross, commissioner, to have been wrangoullie led, and given against the said James, in pœna contumaciæ, and therefore to be cassè and null, with all that followed thereupon, and he to be restored in integrum to his honour, fame, and dignitie.

The articles for which he was condemned war these, That umquhill Mr Patrik Hammilton died a good Christian and catholick man, howbeit he was condemned as an impenitent heretick, and burnt be them; and was content to die the same death; that there is no purgatorie; that we ought not to pray for the deid; that man hath not free-will, as the papists meane; that he used the Lords prayer in the vulgar tongue publictlic; that he had books condemned and suspected of heresie; that he contemned and caused to contemne the preaching of preaching Friers, and so furth.

Asternoone compeired James Gibb of Carruder, one of these who wer summoned for their interest, to heare the said articles to be approven. He protested whatsoever thing were done in this Assemblic in favours of James Hammilton of Kincauell, sherriff of Linlithgow, sould not be prejudiciall to him and his rights whatsoever. C.]

Sessio 4<sup>ta</sup>. 28 of June 1563.

[Commission was given to Mr Gudman minister at Sanct Andrews, Williame Christefone minister at Dundie, Mr Williame Cock, Mr Williame Scott, and Mr John Douglas rector of the universitie, to take cognition of the complaint given in be the superintendent of Fyfe, against Mr George Leslie, minister of Strameglo, and to decide therein; and to notifie their sentence and decreitt to the superintendent of Angus. The superintendent of Fyfe had complained that he had not execute his summons against some persons in Auchtermowtie, where he was also minister, and that he had not ministred the sacraments since December last bypast. C.]

Ordaines that every superintendent within his awin jurisdiction cause warne the slyres, townes, and paroch kirks, to fend ther comissioners unto the Asssemblies in tyme comeing, declareing unto them the tyme and place;

and als that every superintendent convey the first day appointit for the Assemblie, under the paine of fourtie shillings, to be distribute to the poor without remission therof.

[Mr Knox was requested to put in order the forme and maner of excommunication. He was requested by the superintendent of Angus to visite the North, and preach the word in these countries for a season, because the preaching of the word was precious in these places. C.]

A. D. M.D.LXIII.

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THE Generall Affemblic conveinit at Edinburgh, the xxv of December 1563, in the New Tolbuith; the exhortatioun and prayer made be Johne Willock. In the whilk were present James duk of Chatelerault, Archibald erle of Argyle, James erle of Murray, James erle of Mortoun, William erle Marshell, Alexander erle of Glencarne, Williame Metland of Leithingtoun, secreitar, Sir John Wifchart of Pittaro, comptroller, Sir Johne Ballantyne of Achnoull, justice clerk, Lords of the Secreit Counfell, [the Superintendents of Angus, Lowthiane, Fyfe and the West, Alexander styled Bishop of Galloway, Adam Bishop of Orkney, Ministers and Commiffioners, Barons, Burgeffes and Gentlemen in a great number. The exhortation was made be Mr Willock, Superintendent of the West. C.]

Sessio 1<sup>ma</sup>, 25 of December 1563.

It was proponit be the haill Affemblic, that a moderatour fould be appointit for avoyding confusion in reafoning, but that everie brother fould speake in his awin rowme. The Lords of the Secreit Counfell, with the haill brethren of the Affemblic, appointit Mr Johne Willock, Superintendent of the West, moderator dureing this Affemblic.

Anent the question moveit be Johne Knox, minister of Edinbrugh, to the haill Affemblic, whither he receivit charge of the haill kirk conveinit in Edinburgh after the beginning of the Reformation, to advertife the brethren to conveine at what tyme any member of the kirk fould chance to be troublit, and that for the counfell to be had.

To the whilk the Lord Lindesay, lairds of Kelwood and Abbotishall, Cunighameheid, the superintendents of Angus, Fyfe, Louthiane, West, and Galloway, Mr John Row, Mr Christiesone, Mr Robert Hamiltoun, Mr Christopher Goodman, ministers, with the most part of the whole

Affemblic, made there declaratioun, that they remembrit verie weill that the said Johne Knox wald have had himselfe exonoured of the foirsaid charge, and that the kirk then present wald na wayes suffer him to refuse the same, but that he should continue as befoir to advertise fra tyme to tyme as occasion shalbe givin.

[When the superintendents war to be tried, Mr Johne Spottiswod superintendent of Lowthiane was removed; when he was called in again, he requested the Affemblic to give him libertie to returne to his former cure, becaus he was not able to discharge so great a burthen as he was burthened with. The superintendent of Fyfe being removed, it was complained that he preached not in his visitations, bot caused the minister of the kirk to occupie the rowme. The commissioners of Fyfe desired a diett to be appointed, wherin to give in complaints against him, which was granted. The Superintendent of the West being removed, it was complained that he did not his endevoire to procure the extirpation of idolatrie in his bounds. He layed the blame upon the duke and the erle of Cassils. Farther, he desired to be disburthened of the great charge layed upon him, which he had undertaken onlie for a time, and requested the Affemblic to lay no greater burthen upon him then he was able to beare. The superintendent of Angus and Mernes being removed, it was said plainlie, that no discipline was used in manie of the kirks of Angus and Mernes: That there was no convention of elders and deacons at kirks for correction of faults; that he preached not in his visitations: That being burthened with the visitation of the north, he might not attend upon the charge allotted to him. The question, Whether superintendents ought to preache in all the kirks where they did visite, was reserved to be discussed at the end of the Affemblic. C.]

Sessio 2<sup>da</sup>, 27 Dec. 1563.

[Mr John Hepburne, commissioner of the north, excused his not visiting, be reason of his great sicknes. Mr Alexander Gordon, commissioner of Galloway, being removed, the laird of Gairlies younger delated him for retaining in his house two persons, after their publict repentance for their fornication. He denied he retained the woman; and as for the man, after he had removed him for a time, knowing no offense to him, he received

him. Mr Donald Monro, commiffioner of Roffe, being removed, it was complained that he was not fo apt to teache as his charge required. Therefore the Affemblic ordained the fuperintendent of Angus, Mr Robert Hammilton, Mr John Row, Mr Robert Pont, Mr Chriftopher Gudman, Mr Johne Wood, and Mr Clement Littill, to take a tryell of his gift, and to report to the Affemblic. Mr Robert Pont, commiffioner of Murrey, Enuerneffe, and Bamf, declared how he had travelled in thefe parts, but confeffed his inability, in refpect of the laicke of the Irifh tongue, and therefore defired the Affemblic to appoint an commiffioner expert in the Irifh tongue. C.]

Seffio 3<sup>a</sup>. 28 December 1563.

[Mr Thomas Drummond and Johne Duncanfone, commiffioners for vifitation of Menteith, prefented their commiffion, and a roll who war to be continued, according to the tenor of their commiffion.

Complaints war made upon Robert Gibfon, for faying meffe everie Sabbath day in Fishwicke, maintained be the laird of Blacader; Sir Robert Achefoun, preeft, for faying meffe in Cranfton; Johne Pillor, preeft, for faying meffe in the chappell of Foffe befide Dōw; Robert Paterfone for faying meffe at Logyraitt, and for meffe daylie faid in Sayfield. The Juftice Clerk defired the relations to be qualified and delivered to him, and he promifed to call them to particular dietts.

It was ordained, That all minifters fould give in their fupplications to the fuperintendent, to the effect the fuperintendent might prefent their fupplications to the Lords of Secreitt Counfell, that order might be taken for payment of their flipends, fpéciallie where the thrids war remitted to the poffeffors be the Queins Majefte. Item, That fupplication fould be prefented to the Secreitt Counfell, that everie minifter may have his flipend affigned in the bounds where he ferveth the cure. Item, That the aēt of Parliament anent manfes and glebes, be more fpéciallie condifcended upon. The nobilitie there prefent, and others having intereff, war required to condifcend, that the poore labourers might have the tithes of the ground, which they manured for a reasonable compofition ather in money or victuall, to be paid to the erles, lords, barons, or other takifmen. A full anfwere was differed till a fuller convention: Nottheleffe my Lord Dukes Grace, the erles of Argile, Murrey, Marshall, Glencairne, and



Rotheffe, the lords Areskine, Ruthven, Lindfay, and the Comptroller, there present, consented for their own parts. It was farther ordained, the superintendents fould travell with erles, lords, barons, and other takifmen within their bounds, to the fame effect, and to report their answeres to the nixt Affemblie. C.]

The hail Affemblie heir present hes farder concludit, and finallie consentit, that for there awin part the tenents and occupiers of the ground fall have there awin teinds upon compofition.

Seff. 4<sup>ta</sup>, 29 Dec. 1563.

It was thocht neidfull, for farther affirmation of the Booke of Discipline, that the Erle Marschell, Lord Ruthven, Lord Secretarie, Commendator of Kilwinning, the bishop of Orknay, Clerk Register, Justice Clerk, Mr Henrie Balnaves, David Forrest, and Mr George Buchannan, onie thrie or foure of them, oversie the said booke diligentlie, consider the contents therof, noteing there judgements in wryting; and to report the fame to the nixt Assemblie Generall of the kirk; or if ane Parliament happin to be in the meanetye, that they report the saids judgements to the Lords of the Articles that fall chance to be chosen befor the said Parliament, [and that they beginne immediatelie after the dissolving of this Affemblie; at the least in the sext day of Januarie nixt to come, and thereafter continue till the said booke be throughly revifed.

It was concluded, that offenders, whose offenses war published, fould mak their publict repentance, without exception of persons; and if they refused, that after due admonitions, the censures of the kirk fould strike upon them: And therefore it was ordained that Mr Robert Richardson fould make his publict confession for his whoredome, and satisfie the kirk of Edinburgh.

Mr Andrew Johnstone, brother-german to unquhill Mr William Johnstone, humblie required processe for reduction of the sentences pronounced by unquhill James archbishop of St Andrews, and his commissioners, against him and his brother, for alledged heresies, as also edicts to that effect, as effeirs. The Affemblie ordained the Superintendent of Lowthiane, with the assistance of the session of Edinburgh, to tak cognition in the premisses, to give and lead processe therein, as hath been led in the shireff of Linlithgow, Sir John Borthwick and others, for the like edicts,

and other fummons necessarie and requisite to grant ; and after summarie proceffe led therein, to pronounce and give finall sentence.

Johne Baron minister of Gastone, complained that his wife Anne Goodacker had deserted him, and fled to England. The Assemblie ordained letters to be directed to the archbishops of Yorke and Canterburie, in name of the Assemblie, subscribed be the Superintendent of Lowthiane, Mr Knox and Mr Craig ministers of Edinburgh, and the scribe ; requesting them to be executed against the said Anne, that she might compeir before the Superintendent of Lowthiane, and session of the kirk of Edinburgh, the sextie day after the citation, be herself, and be no procurator, to answer as law will ; with intimation, if she compeir not, the said superintendent and session shall proceed against her at the said Johnes instance.

The Parosshiners of Calder complained, That Mr John Spottiswood, presented to the parsonage of Calder fifteen yeeres since be the laird of Calder, had been promoted three yeeres since to be superintendent of Lowthiane, without their knowledge ; and that be reason of his publick office and exercise, he is abstracted from his cure at the said kirk the most part of the yeere ; desired therefore, as before, to cause him renounce his superintendentship, and returne to his former vocation ; or ellis to demitt the said parsonage, to the effect ane other qualified man might be presented, in consideration that it is impossible that one man may brooke and exerce two offices in the kirk of God, bot one of them must be neglected ; otherwise we shall differ little from the popish kirk, where one persone had pluralitie of benefices, as in the said complaint at lenth was contained. The Assemblie judged the former answer given 4 Julie 1562 sufficient. C.]

Seff. 5<sup>ta</sup>. 30 Dec. 1563.

[Mr George Hay, minister to the privie counsell, had summoned certaine ministers, exhorters and readers of the north, to compeir in this Assemblie, to answer for their doctrine and maners. David Rae, minister of Forrest, compeired, and was admonished be the brethren to observe a decent order and forme of doctrine, with such gravitie as becumeth the teachers of Gods word, and to follow the text, without inveying otherwise then the text shall require. Other ministers, exhorters and readers, not compeiring, war suspended from their offices till farther triell, to be taken be some superintendent or commissioner to be sent to these parts.

The commiffioners and brethren of Fyfe prefented a row, wherein war diverse complaints given againft the fuperintendent of Fyfe: His anfwere was, That fome of thefe things layed to his charge lay not in his power to amend. The complainers war commended for there zeale in delating things worthie of redrefse, and admonifhed the fuperintendent to be diligent in preaching and execution of his office. C.]

Forfameikle as minifters, exhorters and reidars, remains not at the kirks wher ther charge lyes, but dwells in townes farre diftant fra the faids kirks, wherethrow the peiple wants the continuall confort whilk ther daylie prefence fould give be mutuall conference of the minifter with the flocke; heirfor the kirk ordaines the minifters, exhorters and reidars, having manffes to dwell in, that they make refidence at the fame, and vifite the feik as they may, and where the parochin is great, that the minifter crave the fupport at the elders and deacons, to help him in the faid vifitatione.

Touching the buriall of the poore in every parochin to landwart, it is ordainit that a beere be made in every paroch to carrie the dead corpes to buriall, and that village or houfe wher the dead lyes, with the nixt houfe adjacent therto, or a certaine number of every houfe, fall convey the dead to the buriall, and eird it faxe foote under the eird; and that every fuperintendent within his awin bounds requyre the lairds and barrones within the fame to make ane aet in ther court tuiching this ordour, and caufe ther officers warne ther narrest neighbours wher the dead lyes, to convey the famin to buriall as faid is, according to ther faid aet; and farder, that the fuperintendents take ordour heir as occafion fall ferve.

Becaus divers times Superintendents ordaine certaine notorious offenders to make publict repentance in the kirk where the offense was committed, and yitt give not fignification of the fame to the minifters and elders of the congregation, wherethrough offenders may eafelie efcape the making of their repentance in due time: Therefore it was ordained, That when anie fuperintendent enjoyneth anie perfon to mak publict repentance for anie offense deferving the fame, that he fall fignifie to the parifh where the offense hath been committed, what he ordaineth to be done be the offender, to the end the minifters, elders and deacons of that congregation may notifie again to the fuperintendent whether the faid offender obeyed the fuperintendents ordinance or not, that order may be taken with him in cafe of difobedience.

Seff. 6<sup>ta</sup>, the last of Dec. 1563.

[Foure women war delated for witchcraft be the superintendents of Fyfe and Galloway. The Lords of Privie Counfell war requesited to take order therein. The complainers war ordained to give in their informations. It was ordained, That everie superintendent within his bounds fould cause a collection to be made for sex brethren taken at Rowan, and detained in the galeys for want of ranfoum. The erle of Glencarne was requested to concurre with the Superintendent of the West to visite the hospitall of Glasgou, and consider how the revenues pertaining to the same ar bestow-ed or possessed, that order may be taken for support of the poore; and that they report the same to the Lords of Privie Counfell and to the Assemblie.

Commissions war renewed for a yeere to Mr Robert Pont, to plant kirks from Nefse to Spey; to Mr John Hepburn, minister at Brechin, to plant kirks in Bamf, from Spey to Aithan, comprehending Strabogie land; to Mr Patrick Coufston, minister at Seres, to plant kirks from Dee to Aithan. Mr Robert Pont accepted of the commission, bot with provision that he fould not be burthened with the kirks speeking the Irish tongue in the faids bounds.

Robert Ramfay was accused for entering in the ministrie within the Superintendent of Angus his bounds, without election or his admission, and that he had affirmed there was a mid-way betwixt papistrie and our religion; that he had borrowed some money from the town of Ennerneffe upon caution, alledging that he wald buy bookes with the same, bot did not returne nor pay the fumme: He was suspended from his ministrie till farther triell war taken. Commission was given to the Superintendent of Fyfe to try him, and he ordained to compeir the 19 of Januarie at Sanct Andrews. C.]

Anent the determination of the kirk, tuiching Thomas Duncanfone, schoolemaster and reidar in Striveling, who had committed fornication, and thereafter had made publick repentance, whither he fould be restored to his office in the kirk or not after his publick repentance, it was ordainit, That he fould abstaine fra the said office, untill sick tyme as the kirk of Striveling made requesit to the Superintendent for him, and that he fould present the said sute or requesit in the nixt Generall Assemblie. Attour,

if the woman was a maiden with whom he had comitted the said fornication, that he fall marie her if sho requyre the samein, in part of satisfactioun to the kirk.

Tuiching the question proponit be the Superintendent of Fyfe, anent Alexander Jarden, minister of Kilspindie, Inchefture, and Rait, wha had committed fornication with a virgine, and thereafter had married her, and satisfiet the kirk, whither he should be admittit againe to the ministrie or not; the kirk suspends the said Alexander fra all functioun of the ministrie within the kirk whill the next Assenblie, and then to receive ansuer.

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A. D. M.D.LXIV.

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THE General Affemblie haldin at Edinburgh the 25 of Junij 1564, haldin and begun in the Neither Tolbuith at 4 houres afternoone; exhortatioun and prayer made be Mr Johne Knox, minister at Edinburgh. In the whilk were conveyit the Superintendents, Ministers, and Commiffioners of provinces and of kirks.

Sess. 2<sup>a</sup>, 26 Junij 1564.

The haill Affemblie continewit Mr Willock, moderator of this Affemblie.

[The Erle of Glencarne and the Superintendent of the West war inquired, what they had done in the visiting of the hospitall of Glasgou. The Superintendent of the West answered, He did nothing, for laike of conference with the Erle of Glencarne, but promised to visite betwixt and the nixt Affemblie, providing the Lords of the Privie Counsell give letters according to the ordinance of the Affemblie. C.]

The Affemblie requesitit Mr Robert Montgomerie, minister at Cowper, to support every other Sunday the kirk of Largo whill farther provisioun be made; and ordainit the superintendent of Fyfe to labour with the towne of Couper for licence to the said Mr Robert for the purpose forsaide, and to take ordour with the schoolemaster of Couper to reid and exhort in the kirk of Couper.

[The Laird of Lundie and the Superintendent of Lowthiane war appointed to request the Lords of Secreit Counsell to assist the Affemblie with their prefence and counsell. C.]

Seff. 3<sup>a</sup>, 27 Junij 1564.

[At the requeist of the Erle of Menteith, craving some minister understanding the Irish tongue for Menteith, Johne Ure, minister of Leuchars, was transplanted, and appointed minister there. C.]

Seff. 4<sup>a</sup>, 28 Junij 1564.

The haill Assemblie made, constitute, and ordainit thir commissiouners underwriten : For Fyffe, the Laird of Lundie and Thomas Scott of Abottihall ; for Louthiane, the Lairds of Spot and Elphinstoun ; for the West Land, the Lairds of Carnall, Carfe, and Kelwood ; for the Southland, the Lairds of Wedderburne and Andro Ker of Faudonsyde ; for Galloway, the Laird of Gairles younger and Mo . . . , with Mr George Gordoun ; for Angus, the Provest of Dundie ; and for the Northland, the Laird of Craig ; that they fall altogether repaire towards the Lords of Secreit Counsell, and ther present the articles underwriten, perteinand to reformatioun of maners, punishment of certaine crymes, maintaining of justice, and others concerning the universall kirk of this realme ; and to reason thereupon with the saids Lords, and report the anfuers theruntil to this present Assemblie.

#### TENOUR OF THE ARTICLES.

First, that it is thought good, and als weill conforme to the Acts of Parliament, immediatelie befor the Queens Majesties arrivall, permittit as her Hienes awin ordinance, with consent of the nobilitie decreit and appointit after her Graces arrivall, Chryfts religioun be *de novo* established, ratified and approved throughout the whole realme ; and that all idolatrie, especiall the messe, be abolished over all wher, so that no uther face of religioun be permittit or thoild to be erected.

And for this effect, that the ministers be provydit decentlie with ane assurit appointment, where they fall receive ther livings asweill by gane as to come, and not to live as beggars as presentlie they doe.

And in lyke manner, to desyre, and with all humilitie to requyre, that the transgressours agains the ordinances, asweill from tymes past as from

this tyme foorth, be punished according to the faids lawes and ordinances, and especially agains them contemnes and comitts inobedience agains the faid lawes in Aberdeen and the Carfe of Gowrie, in Seafield, and in fundrie uther places, as falbe specifiet.

After the foirfaids articles were notified and declared to my Lords the Erles of Murray, Argyle, Glencarne, and to my Lord Secretar, being present and fend be the Queens Hienes to the Assëmblie, to know what things was proponit therin, thocht the faids articles as they were conceivit not so convenient to be proponed as appertained; and therfor thocht it meit to colleēt twa heids therof, whilk they themselves wald propone to the Queens Majestie, whilk heads followes.

And first, they wold declare to her the good myndes and obedience of them there assëmblit.

And as tuiching the estate of religioun, feing it tuichit the faids Lords most speciallie being members of the faid kirk, they wald labour at her Graces hands that the same might be obsèrvit according to the ordour established at her Hienes arrivell, and doubtit not to obtaine sikk gentle ansuer and aggriment of her Majestie in that behalfe as might satisfie the faid Assëmblie.

The other heid tuiching the sustentatioun of the ministers, the faids Lords in lyke maner promised to labour at her Hienes hands that they might have appointment of the faids stipends, and hoped to adressè her Hienes so that they fould be reasonablie satisfiet of ther desyre in that point.

Thereafter the faids Lords declarit how they had proponit the faids heids to the Queens Majestie, and how they were not only accepted be her Hienes in good part, but als gentlie ansuerit and accordit to the performance therof; and therfor the faids Lords promised in her Majesties name to the hail Assëmblie the accomplishment of the faids desyres, of the whilk they were not in any wayes to doubt; for if they had been surely perswadit in their awin hearts that her Hienes had meant uther wayes nor they had declared, her Grace fould have found uther messingers than they to have shawin the same in her Hienes name. Whilk being be them declared, the hail number present first thanked God, and her Majestie, that ther reasonable desyres were so generallie answerit; and for recognosceing of ther awin ductie, desyreit the faids Lords reciprocally to promise to her Majestie in ther behalfe all dutifull obedience, love, and submissioun, whilk



can be lookit for be any Christian Prince, of most faithful, humble and loving subjects; promifeing therewithall if any of ther number fould happin to forget the duetie of a good fubjeët offending her Majesties lawes, that they all afaldlie wald concurre to the punition of the offendour according to the qualitie of the trefpas, as they fould be comandit.

Anent the fatiffieing of pure labourers of the ground against the unmerciful exactioun of ther teinds, John Maxwell Terregleis Knycht friely promifeit that what tyme the fuperintendent of the weft fould refort toward the parts wher he has any teinds, and fould choofe unto himself fax, fevin or aucht of the most wife and discreit perfons within the faids bounds wher he hes the faids teynd, and whatfoever the faid fuperintendent and honeft perfons fould advyfe him to doe, allweill tuiching the intromiffioun as prices of teynd, he promifes to fulfil the fame, fo that the poore labourers fould feile at his hands ease and fupport within his roumes.

In like manner my Lord of Murray was content, and for his teynd within Fyfe nameit the Laird of Lundie, that fall modifie either money or victualls.

Alfo Alexander Bifchop of Galloway promifed to doe how foone the take of his teynd comes in his awin hand and bees run out.

The Erle of Monteith, my Lords Lindefay and Ochiltrie, my Lord Secretarie, the Superintendent of Fyfe, the gentillmen in the weft, and among them, the Laird of Kars, and the goodman of Loathein, all of ther awin frie will promifed to doe according as the faid Maifter of Maxwell had promifed.

Tuiching the aët of Parliament anent the gleib and manffes, the hail Affemblic request Mr James M·Gill Clerk Register to extract the famein and fubfcrive it, to the effect it may be produceit before the Lords of the Secret Counfell the morne, or how foone guidlie he may doe the famein, that ordour may be tane theranent for the ludging of the Ministers.

[The Superintendent of Angus, the Abbot of Culros, Mr Johne Spence of Condie Advocat, Mr George Buchanan, and Mr Robert Pont, war appointed to goe apart, and confider whether it were more expedient that Mr Andrew Simfon fould remain Minister at Dunning and Cargill, or be removed to Dunbar, according to his own promife made to Dunbar. It was decerned be them that he fould be removed. C.]

Sess. 5<sup>ta</sup>, penult. Junij 1564.

Anent the causes of the whole Kirk and jurisdiction therof, the Assemblies appointed thir persons underwritten; to wit, The Laird of Dun Superintendent of Angus and Mernes, Mr John Wynrhame Superintendent of Fyfe, Mr John Spotiswoode Superintendent of Lowthiane, and Mr John Willock Superintendent of the West, with the assistance of Mr John Row, George Hey, Robert Pont, Christopher Guidman, Thomas Drummond, Johne Knox, Johne Craig, Johne Rutherford, George Buchanan, Robert Hamiltoun, Clement Little, the Lairds of Lundie, Elphinstoun, Carnell, Kers, and Thomas Scott of Abottishall, and ordained thir foirnamed persons to conveye the morne after the fermoun, and to reason and confer anent the faids causes and jurisdiction pertaining to the Kirk, and to report ther opinions againe to the next conventioun.

Anent the question moved, whither a minister anes lawfullie placed at a kirk, may leave his ministrie at the said kirk and passe to another at his awin pleasure; it was concludit be the haill Assembly, that he may na wayes leave the congregation being anes placed, without knowledge of the floke, his superintendent or haill kirk, and that the cause why he wald leave that kirk be considerit be the Superintendent or haill kirk, whither it be lawfull or not.

The haill Assembly in ane voyce choose James M'Kaitney to be Soliciter for the [actions of the Kirk to be pleaded before the Lords of Secreit Counsell or Session; to proceed with advice and counsell of Mr Thomas Makcalzeane, David Borthwick, and Richard Strong, Advocates. C.]

Becaus Mr Alexander Jarden minister of Inchture, Kilspindie and Rait, was in the last Assembly suspendit from all function of office within the Kirk, for causes conteint in the Second Session of the last Assembly, to this conventioun, when he sould receive ansuer, whither he sould returne to his office or not; the haill Kirk, in consideration of his marriage and publick satisfactioun wher the offence was committed, ordainit to make humble request to my Lord of Murray to be content that the said Mr Alexander sould be received againe to his ministrie in respect of the premisses, and thereafter that the Superintendent of Fyffe sould restore him againe to his ministrie as of befor.

Anent the requiest of Mr Patrick Constance minister of Cyres, desyreing the licence to passe to France and uther countryes, for augmenting of his knowledge, for a tyme, the hail Assembly in ane voyce dissentit therfra, and ordainit that he sould not passe out of this country, nor yet leave his congregation wher he travells, without special licence of the hail Kirk, if they fall heirafter think it expedient or necessarie.

[It was appointed that a Request sould be presented to the Queen, for obtaining the gift of the Friers Kirk of Kirkubright, to be holden herafter the Parish Kirk of Kirkubright. C.]

Sess. 6<sup>a</sup>, ult. Junij 1564.

[Mr Donald Monro his Commission to plant kirks within Ross was continued for a yeere. Commission was given to Mr Knox to visit the North, and to remaine there six or seven weeks, becaus the North Parts war destitute of Superintendents or Commissioners, for visiting of their kirks, and overseeing of ministers, exhorters and readers already placed.

Mr George Hay Minister to the Secreit Counsell was appointed to visite the kirks of Renfrew, and to remaine there twentie dayes. Mr Craig was ordained to visite the South parts for a moneth; and Mr Gudman Minister at Sanct Andrews to teache in his absence at Edinburgh. C.]

Forfameikle as it was complainit be the Commissioner of Murray upon William Sutherland, person and exhorter at the kirk of Moy, that he had not only disobeyit his charge commanding him to marie the woman with whom he befor had committit fornication, but also had, in despyte of the said commissioner, ryven his letters of charge therto, and had not obeyit his sumounds chargeing him to compeir to this Generall Assembly: In consideratioun of this dispytefull ryveing of the Commissioners letters, and also not compeiring to this Assembly, the Kirk depyves him fra all ecclesiastical functioun, and also ordaines the censure of the kirk to proceed agains him for his contempt.

[It was ordained that the Superintendent of Lowthiane sould proceed to censures against Mr Patrick Cockburne, minister at Haddingtoun, in case he resorted not to the General and Synodall Assemblies. C.]

A. D. M.D.LXIV.

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THE Generall Affemblic of the Kirk gatherit and conveyit at Edinburgh the 25 of December 1564, haldin in the Over Tolbuith therof: In the whilk wer the Superintendents and Ministers present, with the Comissioners of Shyres and particular Kirks; the exhortation being made be Johne Knox, minister of Edinburgh.

For eschewing of confusioun, and that every brother fould speake in his awin rowme with modestie, it was thoght good that ane moderator fould be appointed, and swa with full consent of all the brethren present, was John Erkine of Dun, Superintendent of Angus and Mernies, appointed to be moderator for this Affemblic, who acceptit the office upon him.

Ordainit that no question be proponit be any brother unto the tyme the affaires of the kirk and ordour therof be first treatit and endit; and thereafter if any brother have a question worthie to be proponit, that the samein be put in wryte and presentit; and if the samein requyres hastie resolution, it falbe decydit in this present Affemblic, before the end therof, urtherwayes the decision of the samein falbe referrit to every ane of the Superintendents within whose bounds the question is proponed, and they and every ane of them, with ane certain number of the ministers as they fall think meit to appoint for assisting to heir the reasoning of the faids questions, and thereafter ther reasons to be put in wryte, affirmative or negative, whilk every ane of them fall report to the nixt Affemblic.

[William Wallace of Carnall, and Andrew Ker of Fadownside, war sent to the Lords of Secreit Counfell, to requeist their honours to assist the Affemblic with their presence and counfell.

When the Superintendents of Lowthiane and Angus, the Comissioners of Galloway and Orknay, war removed to be tried, it was proponed be some of the brethren, that the Comissioners of Galloway and Orknay fould be demanded, whether in their consciences they judged that they might both dewlie use the office of a Superintendent and the office of a Lord of the

Session and Colledge of Justice. The Superintendent of Fyfe was challenged for slackness in visitation of his kirks. He alledged age, evill payment of his stipend, and a great number of kirks within his bounds, as excuses: howbeit otherwise he was diligent. C.]

The same day the haill Assemblie caufit to present to the Lords of Secret Counsell the heids and articles following, and requyrit ther honours to obtaine anfuer therof at the Queens Grace, and to signifie unto them her Majesties pleafure therintill.

#### TENOUR OF THE ARTICLES.

I. The haill Assemblie requyres humble there honours to signifie to the Queens Majestie, that the transgressours of the proclamatiouns past against the heirars and fayers of messe, together with the abusers of the Sacraments, are now so common, that it may be greatlie feared that judgements fall suddenly follow, except remeid be provydit in tyme.

II. To requyre payment to ministers of there stipends for the tyme by past, according to the promise made, and to let the Assemblie know how the ministers falbe sustained in tyme to come.

III. To requyre Superintendents to be placed wher none are within this realme, viz. in the Mers, Tevedail, Forrest, Tweddall, and the rest of the deales in the South not provydit; with Aberdeine, and the uther parts in the North, lykewayes destitute.

IV. To requyre punishment of sick as hes steiked the doores of the paroch kirks, and will not oppin the samein to preachers that presentit themselves to have preachit the word, sick as Paisly, Aberdein, and Curry, Duplin, and Aberdagie.

V. Humble to requyre of the Queens Majestie, what the kirk fall looke for, tuiching provision of benefices vaikand and to vaik.

VI. To crave ane resolutioun and declaratioun of the mannes and gleibs, whither they be sett in few or not, and be what means the ministers fall come to the use and possessioun therof.

VII. The actis tuiching the reparatioun of the kirks to be put to executioun.

The anfuer of every ane of the particulars the Generall Assemblie humble requyres.

Seff. 2<sup>da</sup>, haldin the 26 of December 1564.

[It was ordained, That the same perfones who war nominat for election to the fuperintendentship of Aberdeen, December 1562, fould now againe be putt in leitts : That Edicts be ferved, and the perfon chofen be inaugurat in the New Kirk of Aberdeen the fecond Sunday of Marche nixt to come ; and that the Superintendents of Angus and Fyfe, with fuch minifters as they fould choofe, be prefent at the faid Inauguration.

Becaus it was murmured, that manie ignorant men, and of bad converfation, war admitted to be Minifters, Exhorters and Readers ; it was ordained, that the Superintendent of Angus fould vifite the kirks in Nithfdail, Galloway, Carriët, Kyle, Cunninghame and Cliddifdail ; the Superintendent of Lowthiane, the kirks of Angus and Merns ; the Superintendent of the West, the kirks of Lowthiane, Merce and Teviotdail ; Mr Knox, the kirks of Fyfe, Stratherne, Gowrie and Menteith ; and try Minifters, Exhorters and Readers, everie one within the forfaid bounds, refpectivè, to fufpend for a tyme, or depofe for anie cryme, or ignorance and inabilityie, as they fall find them guiltie or unable ; and for that purpofe that commiffions be given to everie one of the faid vifitors, and that they report their diligence to the nixt Affembly in writ.

It was ordained, that everie Minifter, Exhorter and Reader, fall have one of the Pfalme Bookes latelie printed in Edinburgh, and ufe the order contained therein in Prayers, Marriage, and miniftration of the Sacraments. C.]

Anent ane fupplicatioun prefentit be Beatrix Livingftoun, tuiching ane promife made to her be Patrick Hardie, to have folemnizat the band of matrimonie with her a long time fince, his wyfe Kathrine Rutherford being on lyfe, and no divorcement paff betuixt them ; bearing alfo and make-and mention of ane decret and decifion of the faids premisses, and nullitie therof, given and pronouncit be John Erskine of Dun, Alexander Guthrie of Halkertoune, Robert Campbell of Kingeancleugh, and Mr Robert Hamiltoun ; for verification wherof the faid Beatrix produceit the faid decret fubfcrived by the forfaids perfones in prefence of John Willock Superintendent of the West, Chriftopher Guidman, and Mr George Hay, of the dait at Edinburgh the 1 day of July 1563, bearing in effect, that the faid promife made be the faid Patrick to the faid Beatrix on na way might be

fuftainit be the law of the Evangell, and therefor the faid Patrick to be quyte therfra in all tyme comeing, in refpect of the mariage ftanding be-tuixt him and his wyfe forfaid indiffolvit; and that the faid promife was not only null in the felfe, but alfo unjuft and unlawfull, and that the makers thereof had offendit and was worthie of punifhment at the difcretion of the Kirk. Whilk fupplicatioun being red and confiderit, the haill Affembly in ane voyce authorized and allowed the faid decret pronouncit be the faid brethren, and alfo pronouncit the faid Patrick and Beatrix to be free fra the faid pretendit promife in time comeing, requyreing [referring?] that punifhment for making of the faid promife heirafter to the kirk and difcretioun thereof.

Seff. 3<sup>a</sup>, 27 December 1564.

Anent the fupplicatioun presentit to the Affembly in name of Paul Methven, and tuiching diverfe petitions therein conteinit, wherewith the Affembly being rypelie advyfeit, and after long reasoning had therein, with mature deliberation gave ther anfvers as follows.

Anent his receiving to repentance &c. the haill Affembly with ane voyce are content to receive the faid Paul to repentance, alwayes presentand himfelfe perfonalie befor them, declaring evident signes of unfained repentance, willing to obey fick injunctiouns as the kirk fall please to appoint him to doe and fulfill.

Tuiching his defire to delete his proces out of there bookes, thereto the Kirk can na wayes condifcend, neither think they that fick a petitioun can proceed of the Holie Ghoft, feing David a notable fervant of God efchewed not to write his awin offence to Gods glorie and his awin confufioun.

Anent his admiffioun to the miniftrie within the realme, that was thocht no wayes fufferable unto fick tyme as the memorie of his former impietie be more deiply buried, and fome notable kirks within this realme make earnest requieft for his new acceptatioun. In lyke maner the Kirke fignifies unto him, that his entrie in the miniftrie in the parts of England, he being excommunicat and unreconciled, hes greivoullie offendit them; as alfo the laft part of his wryting, wher he accuses fallse witneffes, wha hes deponit no other thing in effect nor he hes confefsed with his mouth in write. Farther the Affembly requyrit the brethren to whom the faid Paul

writes, that amongs uthers ther anfuers they signifie unto him, that he may safelie repaire toward this realme, notwithstanding th'act latedie proclaimed agains adulterers.

[Mr Andrew Johnstone complaining, that the judges deputed to tak cognition of the articles for which his brother Mr William was condemned be the Popish bishops, wold not proceed to declaration, whether the said articles war repugnant to the holie Scripture: The Affemblic decerned the articles not to be hereticall, so that a godlie interpretation be admitted in everie one of them; therefore ordained the judges to proceed to the finall decision of the said action.

Full commiffion was given to the superintendent of Fyfe, the bishop of Galloway, Mr John Row, Mr Christopher Gudman, to tak cognition of the mutuall complaints of the proveft and bailiffes of Coupar, upon Mr Robert Montgomrie their minister, and of his upon them, and to decide therein; and that their decreit be in readines to be shewed to the visitor-depute for Fyfe, when he shall come in thofe parts. C.]

Tuiching sick as are relapse the thrid tyme in any kind of crymes, sick as fornication or drunkenness, it is statute and ordainit that no particular minister admitt sick perfones to public repentance, but to fend them to the superintendent of the dyocie wher the crymes are committed, with information therof, wha fall give them sick injunctiouns as they think may make the offences to be haldin in horroure; but chieffie that they compell the offender to fatisfie the kirks wher the offences was made moe dayes nor ane, as the said superintendent fall thinke good.

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A. D. M.D.LXV.

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THE Generall Assemblie convenit at Edinburgh, in the Nether Tolbuith therof, the 25 day of Junij 1565. In the whilk were present the Superintendents, Ministers, and Commissioners of Shyres and Kirks. The invocatioun of the name of God being made by Johne Willock, Superintendent of the West.

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

[It was ordained, if anie superintendent had anie thing to lay to the charge of anie minister, exhorter or reader within his bounds, that he present the same in writt this day and the morne; and sicklyke, if anie person had anie thing to lay to the charge of anie superintendent.

The Superintendent of Lowthiane and Mr Knox gave account of their visitations, according to the commission given to them in the Assemblie immediatlie preceeding. The Superintendents of Angus and of the West alleged lawfull impediments which occurred since the last Assemblie; they wer ordained to putt in execution their commissions against October.

Mr Johne Frude, minister of Dummenie, and Patrik Craigh, minister of Ratho, being complained upon for not repairing to Linlithgow, to the exercise of prophecyng, excused themselves with want of charges, be reason their stipends were not duellie payed unto them. Mr Patrik Cockburn being complained upon for obstinat refusing to come to the Synodall and Generall Assemblies, it was ordained that he fould be summoned to compeir upon Wedinsday. The Superintendent of Fyfe complained, that the kirk of Kilmanie, pertaining as a common kirk of

Sanct Salvators Colledge in Sanct Andrews, wanted a preacher; Mr John Rutherford, provest, and William Ramfay, one of the masters of the said colledge, war content to stand to the decision of the Superintendent of Angus, the Superintendent of Fyfe, Christopher Gudman and Mr George Buchanan.

The parochiners of Tinninghame complained, that they payed their tithes to the new colledge in Sanct Andrews, and wanted not the lesse the ministrie of the word and ministratioun of the sacraments: The rector of the universitie, and Mr John Douglass, master of the said colledge, promised to satisfie the complainers. The Superintendent of Fyfe complained upon William Heriot, reader in Monyvaird, for removing to Strathardail without licence obtained be him or the parochiners: The Assemblie ordained the Act made Junij 1564 to be putt in execution. The parochiners of Kilconquhar complained upon Mr Alexander Spence, minister, for not ministring the communion these six years bypast: The Superintendent of Fyfe and Christopher Gudman were appointed to have a care that the communion sould be ministring in the said kirk before Candlemas nixt to come. C.]

Sessio 2<sup>da</sup>, haldin the 26 of Junij 1565.

The haill kirk present for the tyme humblie requyreit the nobilitie present to be humble futers at her Hienes for the executioun of the law and actis latelie made agains violaters of the Sabbath day, committers of adulterie and fornicatioun, and desyred every superintendent to sute for comissions to judges within their jurisdictionis, giveand power to them to execute punishment agains the comitters of the saids crymes, according to the tenour of the saids laves and actis. And in lyke manner to requiest her Hienes to cause thankfull payment be made of the ministers stipends throughout all this realme. As also to complaine to her Grace, that wher of befor the kirk of [Commonnell, C.] in Carrick was assignit for payment of the ministers stipends in Kyle and Carrick, is now givin be her Hienes to the zong Laird of Skeldoun; and in lykemaner the parochiners of Dalry shew that the lands of the kirk was assignit to the ministers of the parochin, and now was givin to the Lord Provand, and to understand her Grace will heiranent.

Ordaines for ordouring the articles to be sent to the Queens Majestie, Johne Erskine of Dun Superintendent of Angus and Mernes, Johne Willock Superintendent of the West, Christopher Gudman minister of St Androes, and Mr Johne Row minister of St Johnstoun, to conveye after xi houres, and sett them forth and present them to the Assemblie this day afternoone; whilk ordinance the saids perfonnes obeyit, and presentit the articles to the Assemblie.

#### TENOR OF THE ARTICLES.

Imprimis, That the papisticall and blasphemous messe, with all papistrie, and idolatrie, and popes jurisdictiones, be universallie suppressed and abolished through the hail realme, not only in the subiects, but also in the Queens Majesties awin person, with punishment agains all persons that salbe deprehendit to offend and transgress the same; and that the sincere word of God and his true religion now presentlie receivit might be established, approved, and ratified throughout the whole realme, alsweill in the Queens Majesties awin person as in the subiects, without any impediment, and that the peple be astricted to resort upon the Sundayes at least unto the prayers and preaching of Gods word, lykeas they were astricted befor to resort to the idolatrous messe; and thir heids to be provydit be act of Parliament with consent of the estates, and ratification of the Queens Majestie.

Secondlie, that sure provisioun be made for sustentation of the ministers, as weill for the tyme present as for the tyme to come; and that such persons as are presentlie admitted to the ministrie may have there livings assignit to them in the rowmes wher they travell, or at the least nixt adjacent therto, and that they have no occasioun to crave the same at the hands of any uthers; and that the benefices now vaikand or hes vaikit since the moneth of Marche 1558, or that heirafter fall happin to vaike, be disponed to qualified and learned persons, able to preach Gods word, and discharge the vocation concerning the ministrie, be the tryall and admision of the superintendents; and that no bishoprick, abbacie, pryorie, deanrie, provestrie, or any uther benefices havand many kirks annexit therto, be disponit altogither in any time comeing to any one man, bot at the least

the kirks therof be severallie disponit and to severall persons, swa that every man having charge may serve at his awin kirk according to his vocation; and to this effect that the gleibs and manſſes be givin to the ministers, that they may make residence at ther kirks, wherthrow they may discharge ther conscience conforme to ther vocation; and also that the kirks may be repaired accordinglie, and that ane law may be made and established heirin be Act of Parliament as said is.

Thridlie, That none be permittit to have charge of schooles, colledges or universities, or get privatlie or publicklye to instruct the youth, but such as salbe tryed be the superintendents or visitors of the church, found found and abill in doctrine, and admittit be them to ther charges.

Fourthlie, For sustentation of the poore, that all lands foundit to hospitalitie of old be restored againe to the same use, and that all lands, anuelrents or any uther emoluments, pertaining anywayes sometyme to the freirs of whatſumever ordour, or anuelrents, altarages, obits pertaining to preists, be applyit to the sustentation of the poore, and uphold of the schooles in the townes and uthers places wher they lie.

Fyftlie, That sick horrible crymes as now abounds in the realme, without any correction, to the great contempt of God and his holie word, sick as idolatrie, blaspheming of Gods name, manifest breaking of the Sabbath day, witchcraft, forcerie and inchantment, adulterie, incest, manifest whooredome, mantenance of bordellis, murther, slaughter, reise and spuilzie, with many uther detestabill crymes, may be severelie punished; and judges appointit in every province or dyocie for the execution therof, with power to doe the same, and that be Act of Parliament.

Laftly, That some ordour be devyſit and established for the ease of the poore labourers of the ground, concerning the unreasonable payment of ther teynd, tane over ther heids without ther advyſe and consent.

[Walter Lundie of that Ilk, William Cunninghame of Cunninghameheid, William Durham of Grange, George Hume of Spott, James Baron burgess of Edinburgh, war appointed to present these articles to her Hieneſſe, and to report ane anſwere before the diſſolving of the Aſſembly, if they may convenientlie; if not, to the ſeſſion of Edinburgh, that they may ſignifie the ſamen to the ſuperintendents.

Adam, Biſhop of Orknay, Meſſrs Johne Craig, Chriſtopher Gudman, Johne Row, George Buchanan, and Robert Pont, were ordained to convene and ſit from ſex till eight in the morning, to decide queſtions pro-

poned or to be proponed, and to report their decision to the Assemblie, that the sament may be insert in the register.

The Commissioners appointed to trie the qualification of Johne Lynd minister at Irving, reported that he was insufficient for the charge in that place.

Beaus fundrie ministers complaining of none payment of their stipend desired libertie to remove, and passe to suche places destitute of the word, where they might be reasonable sustained be the godlie ; it was statute and ordained, That no minister, exhorter or reader placed presentlie at anie kirk, fall attempt to remove himself till answer be received againe from the Queens Majestie to the articles directed to her ; and that thereafter none remove himself without the advice of the superintendent of his diocie, and his licence in writt, under paine of deprivation from his office. C.]

The same day the Lairds of Carnell, Sornbeg and Dreghorne, requesting humbly for support of a ministrie for the kirks of Rickartoun and Dundonnald in Kyle, promisit of their awin friewill that they fould provide stipends sufficient according as the Kirk wald appoint, and that they fould not remove from ther kirks for seiking payment of the same ; whilk request of thers the hail Kirk praisit, and promisit satisfioun of their godlie desire.

Sessio 3<sup>a</sup>, 27 Junij 1565.

Anent the question proponit, whither children may contract marriage and marie without consent of ther parents ; and in special whither the promise made betuixt Robert Paterfone and Jenat Little, without the consent of her parents, may stand ; it is found that the said Robert and Jenat hes not orderlie procedit in the said promise, in sa farre as they neither obtainit the consent of the parents, nor get the lawfull ordour, repairit to the Kirk of God to lament that cause, and seik the ordinarie meane thairat be the Word of God appointit ; and therefore the commissioners appointit by the Kirk for the decisioun of questiouns, discernis they have not lawfullie procedit in making the said promise of mariage ; and they fould of duetie thus have procedit, first, to requyre the consent of the parents, whilk being refusit, then to make ther sute unto the kirk, to concurre with them in ther lawfull procedings according to the ordour observit in Gods word ; and for the offence and unlawfull proceding by past to make satisfioun

to the Kirk, as they falbe appointit thereto. And heirupon ane generall ordour to be sett foorth, as the General Affemblic fall think good, to be observed in all particular kirks in all tyme comeing. This was subfcriyvit be the Commiffioners underwriten : Messrs. John Dowglas rector of the Univerfite of St. Androes, Christopher Gudman, George Buchanan, John Craig minifter, John Row, Robert Pont.

Ane uther queftioun, whither if a learned man having a benefice givin in Papiftrie, or lately fen the word hes bein preached in this realme, may leave the parochin wher he is perfon, deftitute of preaching of the word, and enter minifter to ferve in another place for larger fpend. The foirfaids commiffioners concludit, as followes : It is thought aggriable to the word of God, that no faithfull preacher of Gods Word may enjoy ane benefice or living pertaining to the Kirk, except he remaine at the faid Kirk to difcharge his office for the whilk he receivit the faid benefice : And that if he be transported be the kirk or fuperintendent to any uther place, whereby he may not difcharge his duetie in baith, that he be depryvit of the ane, and it be to be beftowit upon another ; provyding allwayes the foirfaid perfon be fufficiently anwerit of his fpend.

Ane other queftioun, whither if a man abufeing his coufignes, his fathers brothers daughter, fevin zeirs, and begottin children, and presentlie wald marie her, and underly correctioun, may marie or not. The degries are fecond of confanguinitie.

Thogh this be not found contrair to the Word of God, yet becaufe it hes bein publickly reveilit in this realme, and that diverfe inconvenients are perceivit to enfeu of this liberty ; thinks it good, that it be offered to the civill magiftrate, or els to ane parliament, for ordour to be taken therein ; in the mean time, that men take not libertie to themfelves according to there flechly filthie affectiouns ; notheles that the perfones, in whofe name this queftion was proponit, be joynit in marriage after there public repentance for the offences bygane, without any hope that uthers have the like licence, whill farther ordour be tane be the civil magiftrat, as faid is.

Anent the complaint givin in be the Superintendent of Fyfe, for the want of a preacher at the Kirk of Kilmany, pertaining as ane comoun kirk to St. Salvators Colledge in St. Androes, Mr John Rutherford Provest, and Mr William Ramfay ane of the minifters, was content that the Superintendent of Angus and Fyfe, Mr Christopher Gudman and Mr George Buchanan, fhould confider this complaint, and whatfoever they decydit therein and

ordainit to be done, they should fulfill the same in sick fort that no complaint should be heard heirafter.

Ane complaint was given in be the parochiners of Tinninghame, who payes ther teinds to the New Colledge of St Androes, and hes no preaching nor ministratioun of the sacraments, Mr John Dowglas rector of the Universitie and maister of the said Colledge promised to the kirk to satisfie the saids complainers reasonable, that heirafter the kirk shall not be troubled with farther complaint.

[Tuiching the request of the Commiffars of Edinburgh, that everie Minister or Reader should have a register of the names of the deceased of the place where they dwell, the day of the moneth and yeere, and deliver the copie thereof to the procurator fiscall, that pupills and creditors be not defrauded: It was answered, they could not lay such a charge upon their brethren, in respect none or few of the Ministerie had manfes and gleebes to make residence in; but how soone they obtained their manfes, they should exhort them, as they shall be required, to doe conforme to the said Request. C.]

Sessio 4<sup>ta</sup>, 28 Junij 1565.

Anent the complaint given in be Mr Donald Monro, against Mr John Robertstone, thesawrer of Ros, minister of Urquhart, and Johne Watson, minister of Alves, That wher they both accepted the ministerie on them, and receivit ther stipends therfor, and now hes left ther vocation, requyrit the kirk to take ordour heirin: The haill Assemblie ordainit the saids persons to repaire towards there charges in the ministerie, and enter againe therto incontinent after they be chargeit, under the paine of disobedience of the kirk, and dischargeing of ther allowance and stipends.

[Mr Robert Pont commissioner of Murrey, was appointed to trie, if Williame Roffe, Donald Adamstone, John Murquhoustone, and Alexander More, were worthy to be admitted be Mr Donald Monro as exhorters, to baptize and solemnize mariage.

Commissioun was given to Mr George Hay, parson of Ruthven, to visite kirks, schooles and colledges from Dee to Spey, to plant, remove simpliciter, or for a season, ministers; to eradicate idolatrie, &c. till a Superintendent be admitted in the North, or at least till nixt Generall Assemblie.

The Superintendent of the West was enjoyned to visite the kirks betwixt Ure and Neth, as he doeth other kirks within his jurisdiction of Glasgow, becaus these kirks pertained to that diocie of old; yitt the bounds of Superintendents charge was not conforme to the limits of the old diocies, for the diocie of Sanct Andrews was divided, and all the countrie dailes belonging to Glasgow of old. C.]

The haill Assemblie with ane voyce and mynd choose Johne Knox, minister of Edinbrugh, to receive the anfuers of articles fend from the Assemblie be the commiffioners therof to the Q. Majestie, and to advertife the superintendents of the same; and also that he advertife the faithfull of things necessar that fall happin betwixt this and the nixt Assemblie.

Thanks beand givin to God be John Willock Superintendent of the West, and the 25 of December nixt to come appointit for the nixt Assemblie to convein in Edinburgh, this Assemblie was dissolved.

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A. D. M.D.LXV.

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THE Generall Affemblic of the kirk, haldin in Edinburgh in the Ovir Tolbuith therof, the 25 of December 1565. In the whilk were present the Superintendents, Ministers, Exhorters, and Commiffioners of townes and kirks. The invocatioun of the name of God was made be John Knox, minifter of Edinburgh.

Sessio 1<sup>ma</sup>.

First, for eschewing of confusioun in reasoning, and that every brother speak in his rowme with sick modestie as becomes the ministers of Gods word to doe, with the whole consent of the brethren present, was chosen Johne Erskine of Dun, knyght, Superintendent of Mernes and Angus, to be moderator at this tyme, who acceptit the office on him.

[The superintendents of Louthian and Fife excused their slackness in visitation be the absence of the people following the Queen according to the proclamation. The Superintendent of Angus confessed, that he had not visited any kirk for two moneths bypast; but alledged withall, that his visitations could not be very profitable, in respect it behoved him to lodge in time of visitation with his friends for the most part, who had most need of correction and discipline; therefor he besought the Affemblic to provide some other to that office. Alexander, Commissioner of Galloway, excused his not visiting, with the building of his nephews house.

Tuiching ministers, exhorters, or readers disobeying their superintendent; the Affemblic ordained the superintendent to call the disobedient before himself and some of the neerest discreit ministers; and if being convict of disobedience, he refuse to satisfie according to their injunctions, that he be suspended from his ministrie and stipend till the nixt Affemblic: At the which the superintendent shall notifie the whole proceeding, that

be their censure he may be farther corrected, or els restored to his former estate, according to the evidence of his repentance ; provided his kirk be provided for in the meantime be the superintendent.

Sir John Bellenden of Achinoull knight, Justice-Clerk, Mr James Makgill of Rankeillour, Mr John Row, John Craig, William Christefone, David Lindsay, ministers, and David Forrest, were appointed to conveen upon Wednesday, to decide questions proponed, and to report their decisions. C.]

The superintendent of Lowthiane complainit upon Mr Johne Frude, minister of Dumemanie, that wherin the last Generall Assemblie of the kirk it was decernit that Robert Paterfone and Jenat Litell fould have satisfied the kirk of Edinburgh, for the offence committed be them in contracting mariage without parents counsell, zet nevertheles the said Mr John had perfwadit them to solemnize the said mariage, ther bands not being proclaimit, and na satisfiactioun made to the kirk of Edinburgh ; and also had causit Mr Patrick Creich minister of Ratho to solemnize the said mariage betwixt the said parties in the kirk of Dumemanie, in great contemptioun of the decreit foirsaid, and all good ordour heirtofoir obseruit in the reformit kirk ; desyreing the kirk publicklye assemblit to take ordour herein, asweill anent the saids parties as the saids twa ministers. The kirk ordainit to call both the saids parties and ministers to ansuer to the said complaint, betuixt this and the end of the Assemblie.

In lyke maner, Mr Johne Winram complainit upon the said Mr Johne Frude, that by his counsell and perwasion the Ladie Kilconquhar and Johne Weymis had contractit mariage [per] verba de presenti, notwithstanding that ane woman, called Elizabeth Pot, had claimed the said Johne Weymes before the superintendent, whilk clame was not zet justified ; and that Mr Andro Kirkadie had married the saids perfouns, after the minister was departed out of the kirk where they were married. Ordained in like manner to ansuer to this complaint.

The hail Assemblie appointit Mr Johne Row at St Johnstoun to put in wryte answers to the answers givin be the Queens Majestie to the Articles presentit to her Hienes be the Commissioners of the last Assemblie of the Kirk, becaufe her Hienes ansuers satisfied not fullie the Kirk, as in the samein plainly appeareth ; and the said Mr Johne to present them the morne after the preaching to the Assemblie, to advyse therwith, befor ther presenting to her Grace.

Followes the anfuer givin be the Queens Majestie to the Articles presentit to her Grace be the Commissioners of the Affemblie last haldin the 25 of Junij 1565, and als anfuers and requiefts to these anfuers now conceivit in this Affemblie.

#### The Queens Majesties Anfuer.

To the first, defyreing the messe to be suppressed and abolished, alsweill as in the head as in the members, with the punishment agains the contraveiners; as also the religioun now professit to be established be ane act of Parliament: It is answered first, for the part of her Majesties selfe, that her Hienes is nawayes yet persuaded in the said religioun, nor yet that any impietie is in the Messe, and therefor believes that her loving subjects will no wayes please her to receive any religioun agains her awin conscience, whilk should bring her to perpetuall trouble be remorse of conscience, and therewith ane perpetuall unquietnes. And to deall plainly with her subjects, her Majestie neither may nor will leave the religioun wherin scho hes been nourished and upbrocht, and beleives the samein to be well groundit; knowing, besides the grudge of conscience, if scho should receive any change in her awin religioun, that sho should tyne the freindship of the King of France, the ancient allya of this realme, and of other great princes her friends and confederates, who would take the samein in evil part, and of whom scho may looke for great support in all her necessities. And having no consideration that may counterwey the same, sho wilbe laith to put in hazard the lose of all her freinds in ane instant; praying all her loving subjects, seeing they have had experience of her goodnes, that scho neither hes in tymes bypast not yet meanes hereafter to please the conscience of any man, but that they may worship God in sick fort as they are persuaded to be best, that they also will not please her to offend her awin conscience.

As for establishing of religioun in the body of the realme, they themselves knowe, as appears well be ther Articles, that the same cannot be done be only assent of her Majestie, but requyres necessarlie the consent of the thrie estates in Parliament; and therfor so soone as the Parliament holds, that whilk the thrie Estates aggries upon among themselves, her Majestie shall grant the same to them, and allwayes make them sure that no man

falbe troublit for using themselves in religioun according to ther confcience, so that no man fall have cause to doubt that for religious fake mens lyves or heiritages falbe in hazard.

To the second article it is anfuert, that her Majestie thinks it no wayes reasonable that schoould defraude her selfe of sa great a part of the patrimonie of her crowne, as to put the patronage of benefices furth of her awin hands; for her awin necessitie in bearing of her port and commoun charges will requyre the retentioun of ane good part in her awin hands. Nottheles her Majestie is well pleased, that confideration being had of her awin necessitie, and what may be sufficient for her, and for the reasonable sustentatioun of the ministers, ane speciall assignation be made to them in places most comodious to intronett therwith; the whilk her Majestie fall not intronett with, bot suffer the famein to come to them.

To the thrid Article, her Majestie fall doe therein as falbe agreeit be the Estates in Parliament.

To the fourth Article, her Majesties liberalitie towards the poore falbe alwayes als farre extendit as can be reasonable requyrit at her hands.

To the fyfth Article, her Majestie will referre the takeing ordour with th at, andals of the saxt Article, to the Parliament.

The anfuers of the Kirk to thir above wrytin followes.

First, where Her Majestie anfuers that scho is not perswadit in religioun, neither that scho understands any impietie in the Messe, bot that the famein is well groundit. That is no small greife to the christian hearts of her godlie subjects, confidering that the trumpet of Chrysts evangell hes bein so long blown in this countrey, and his mercie so plainly offerit in the same, that her Majestie remains yet unpersuadit of the truth of this our religioun; for our religioun is nocht els bot the same religioun whilk Jesus Chryst hes in the last dayes reveilit from the bosome of his Father, whereof he made his Apostles messingers, and they preachit and establischt among his faithfull, to the gaine comeing of our Lord Jesus Chryst; whilk differs from the impietie of the Turkes, the blasphemie of

the Jewes, the vaine superstitioun of the Papists, in this, that our religioun hes only God the Father, his only Sonne Jesus Chryft our Lord, his Holie Spirit speikand in his Prophets and Apostles for authors therof, and ther doctrine and practife for the ground of the fame; the whilk no uther religioun upon the face of the earth can justlie alledge or plainly prove; zea, whatsomevir assureance the Papists hes for manteinance of ther religioun, the same hes the Turkes for manteinance of ther Alcoran; and the Jewes farre greater for defence of ther ceremonies, whether it be antiquitie of tyme, consent of peiple, authoritie of [counsellis,] great number or multitude consenting together, or any other sick lyke cloakes they can pretend; and therefor, as we are dolorous that Her Majestie in this our religioun is not perswaded, so most reverentlie we requyre in the name of the Eternal God, that her Hienes wald imbrace the means wherby scho may be perswadit of the trueth; whilk presentlie we offer unto Her Grace as weill be preaching of his Word, whilk is the chiefe means appointit be God to perswade all his chofen children of his infallible veritie, as be publick disputation agains the adverfares of this our religioun, deceivers of her Majestie, whensoever it falbe thocht expedient to her Grace. And as to the impietie of the Messe we darre be bold to affirme, that in that Idole ther is great impietie; from the beginning to the ending, it is nothing els bot ane masse of impietie; the author or fayer, the actioun itselke, the opinioun thereof conceivit, the heirus and gazers upon it allowes sacriledge, pronounces blasphemie, and committs most abominable idolatrie, as we have evir offerit and zet offer ourselves most manifestlie to prove.

And wher her Majestie esteims that the change of religion fould dissolve the confederacie and allyance that sho hes with the King of France and uthers princes: Assuredly Christs true religion is the undoubtit meane to knitt up sure true confederacie and friendship with him that is King of all kings, and him who hes the hearts of all princes into his hands; whilk ought to be more precious to her Majestie nor the confederacie of all the princes; without the whilk, neither confederacie thereof nor kindnes can indure.

Concerning her Majesties answer to the second article, wheras scho thinks it no wayes reasonable to defraude her selfe of the patronage of the benefices, whilk her Majestie esteimes to be ane portion of her patrimonie, and that her Majestie is myndit to retaine a good part of the benefices in her awin hands to support the comoun charges.

As to the first point, [our mind is not], that her Majestie or anie uther patron of this realme fould be defrauded of ther just patronages; bot we meane whensoever her Majestie or any uther patron does present any person to a benefice, that the person presentit fould be tryit and examineit be the judgement of learned men of the kirk, sikk as presentlie are the superintendents appointed therto. And as the presentation of benefices pertaines to the patrone, sa aucht the collatioun therof be law and reason pertaine to the kirk; of the whilk collatioun the kirk fould not be defraudit, more nor the patrones of ther presentation; for utherwayes, if it salbe leifum to the patrone absolutely to present whomever they please, without tryall or examination, what then can abyde in the kirk of God bot meere ignorance without all ordour.

As to the second point, concerning the retentioun of a good part of the benefices in her Majesties awin hands: this point aberreth so farre from good conscience, alfweill of Gods law as fra the publick ordour of our comoun lawes, that we are loath to opin up the ground of the matter be any long circumstances; and therfor we most reverently wish that her Majestie wold consider the matter with herselfe and her wise counsell, that howsoever the patronage of benefices may appertaine to hir selfe, yet the retentioun therof in her awin hands, undisponit to qualified persons, is both ungodlie and als contrair to all publick ordour, and brings no small confusioun to the poore soules of the comoun peiple, who by this means fould be instruetit of their salvation. And wher her Majestie concludes in her second answer, that scho is content that ane sufficient and reasonable sustentatioun of the ministers be provydit to them, be assignatiouns in places most comodious to them, consideratioun beand had of her awin necessitie; as we are desyreous altogether that her Graces necessitie fould be releivit, so our duetie craves that we fould notifie to her Grace the true ordour that fould be observit to her in this behalfe, whilk is this: The teyndis are properlie reputit to be the patrimonie of the kirk, upon the whilks befor all things they that travells in the ministrie therof, and the poore indigent members of Chryst, aucht to be sustaint, the kirks also repairit, and the youth brocht up in good lettres. Whilks things beeand done, then uther necessitie reasonable might be supported, according as her Grace and her godlie counsell could think expedient. Allwayes, we cannot but thank her Majestie most reverently, of her liberall offer of assignatioun to be made to the ministers for ther sustentation, whilk not theles is so generallie conceivit, that without more speciall

condefcending upon the particulars therof, no executioun is able to follow therupon. And fo to conclude with her Majestie at this present, we defyre most earnestlie the faids ministers articles to be reformat; beseikand God, that as they are reasonabie and godlie, fo her Graces heart, and the estates presentlie conveyit, may be inclynit and persuadit to the performance therof.

Sess. 2<sup>a</sup>. 26 December 1565.

Anent the generall complaint of the ministers, exhorters and reidars, for wanting of their stipends, and as touching them that hes put violent hand in ministers for reproveing of vyce, the haill Assemblie ordainit ane generall supplicatioun to be presentit to her Majestie and counsell; and als requieftit the Lord Lindefay, and David Murray, brother to the Laird of Balvaird, to present the same, and to report the anfuer againe to the Assemblie.

The tenour of the supplication followes.

Unto your Majestie and most honourable counsell, humble meanes and complaines, We your Graces most obedient subiects, the confessors of Chryst Jesus, and his holie evangell within this realme, in name and behalfe of our ministers, exhorters and reidars; that wher oft and divers tymes promise hes bein made to us, that our faids brethren, travelers and preachers in the kirk of God, fould not be defraudit of their appointit stipends, neither get in any wayes fould be molestit in their functioun; get nottheles universallie they want ther stipends appointit for diverse tymes by past; violent hands are puttin in some for no uther cause, as they alledge, but for reproveing of vyce; and none knowes what assureance he fall have of any reasonable lyfe in tyme to come. Our most humble requieft is therfor unto your Majestie, that our ministers may be payed of ther by gane stipends; that sick as hes receivit assignatioun therof from the former collectors, may have executioun of ther assignatiouns; that your Grace pleases to appoint the assignatioun promised into your Hienes last ansuers to the petitionis of the kirk, fo that we may know be what meanes our faid ministers may be sustaint in tyme to come; and finally, how they may live without molestatioun of wicked men: And your Graces anfuer we most humble beseik.

Anent the question, whither any might marie his wyfes brother daughter, or his wyfes sifter daughter, and what ordour sould be tane if any sicker mariages be made, it was votit and found be the word of God, that none may marie his wyfes brother or sifter daughter, and if any such mariages was contracted, the samein to be null and aught not to stand.

Persons revolting from the professioun of the gospell, by offering ther children to be baptized after the papistickall maner, or receiving themselves the sacrament of the altar, after admonitioun, to be excommunicat if repentance intervein not, &c.

[The Commissioners of Sanct Andrews requested that Mr Knox might be transplanted and placed in Sanct Andrews, which was refused. The Assembly willed them to choice one out of their own univerfities, in place of Christopher Gudman, who lately departed into England. C.]

Sess. 3<sup>a</sup>. 27 December 1565.

Anent the complaint givin in be the Superintendent of Lowthiane aganis Mr Patrick Creiche, minister of Ratho, for the marieing of Robert Paterfone and Janet Littell in Dumanie kirk, neither the bands being proclaimit, nor yet satisfactioun made to the Kirk of Edinburgh, according to the tenour of the decret of the last Assembly: The said Mr Patrick grantit publickly that he had offendit, and submittit himselve to the correctioun of the kirk. Therfor be the hail Assembly he was ordainit to satisfie the kirk of Edinburgh, upon two severall fondays, be his awin opin confessioun, when the said Kirk of Edinburgh shall requyre him; and the thrid fonday, to satisfie the Kirk of Dumdanie, wher the offence was committed; suspending for this present all farther correctioun, in hope of his better bearing in tymes to come.

The hail Assembly in ane voyce statutes and ordaines, that no minister heirafter receive the parochiners of ane other paroch to be married, without a sufficient testimoniall of the minister of the paroch wherfra they came, that the bands are lawfullie proclaimit, and na impediment found; sua that the ordour that hes bein tane be the kirk in sicker affaires be dewlie observit, under the paine of deprivation fra his ministrie, tinfell of his stipend, and others paines, as the Generall Kirk shall heirafter thinke to be injoynt.



Anent the complaint givin in be the Superintendent of Fyfe agains John Melvill, minister of Craill, alledging the said John to préceid to the solem-nizatioun of mariage betuixt Robert Arnot and Euphame Corstarphin, notwithstanding that ane uther woman claims the said Robert ; the hail kirk assemblit, ordainit ane inhibitioun to passe agains the said Johne, that he in no wayes solemnize the said mariage untill sick tyme as Mr John Dowglas, rector of the Universtitie, and Mr James Wilkie regent, heare the complaints to be givin in be the said superintendent, and alsé any uther partie haveand entresse, and the same to be discuffit be them ; give-and power to them to give foorth sentence according to Gods word, and to use the censures of the kirk agains the disobeyars.

Seff. 4<sup>ta</sup>, 28 December 1565.

[The Affemblic gave commission to Mr John Row, minister of Sanct Johnston, to visite kirks, schools, colledges, to remove or suspend ministers, exhorters, readers, in Kyle, Carrick, and Cuninghame, as they shall be found offensive or unable, to eradicat idolatrie, &c. and the Superinten-dents of Angus and Fife to supply his place in his absence alternatim.

Mr Knox was appointed to penn a comfortable letter, in name of the Affemblic, to encourage ministers, exhorters, readers, to continue in their vocation, which in all likelihood they were to leave off, for lack of pay-ment of stipends ; and to exhort the professors within the realm to supply their necessities. He was appointed likewise to visite, preach, and plant kirks in the South, where there was not a superintendent, and to remain so long as occasion might suffer. C.]

Master Johne Frude, minister of Dumemanie, is ordained to satisfie, as is befor sett downe in the thrid sessioun anent Mr Patrick Creich, for his offence specified in the act of the first sessioun ; suspendand the said Mr Johne fra all functioun in the ministrie in the meantime, whill the com-pleiting of the said satisfactioun, and thereafter to returne to his vocatioun and ministrie.

[The brethren appointed in the first sessioun to decide questions, reported the questions and decisions to this sessioun. C.]

It was askit, if it be lawfull that a minister, what title or honour that ever he beare, receiving sufficient benefite and provisioun of his flocke, may leave them, and make his comoun residence in uther places, so that his

flocke is destitute alswell of his doctrine and ministrie, as of other comfort that the flocke fould receive of ane faithfull pastour, notwithstanding that worldlie reasons may seime to excufe the absence of some?

The answer.—No minister of the evangell of Jesus Christ, nor no person receiving sufficient living for the preaching of the evangell, may with safe conscience leave his vocation, together with his flocke, and the place appointed for his ordinarie residence, what permissione and oversight that ever he hes be corruption of tymes, or negligence of rulers, sa to doe.

If sicker as hes once entrit in the ministrie, bein appointed be the superintendent, and receivit of the peiple, may leave ther vocation and follow the world, because they cannot have a sufficient stipend?

The answer.—Seing that our master Chryst Jesus pronounces that he is but ane mercenarie shepheard, who seeing the wolfe comeing, flieth for his awin safeguard, and that the very danger of lyfe cannot be ane sufficient excufe for sicker as fall back from Jesus Chryst; We on na wayes thinks it lawfull that sicker as once puts there hand to the plough, fall leave that heavinlie vocation and returne to the profane world, for indigence or povertie. Lawfullie they may leave ane unthankfull peiple, and seik wher Jesus Chryst his holy evangell may bring fourth greater fruit; but lawfullie they may never change their vocation.

[Their judgement concerning marreage contracted without consent of parents, was referred to farder advisement; the order prescribed be the Assemblie to Robert Paterfon and Janet Littill excepted. C.]

If knowin murtherers, with convict adulterers, together with sicker as comitt [the like] horrible crymes, may not, upon the notoritie of ther fault, be denunceit excommunicat, for declaratioun that the kirk abhorres sicker impietie, &c.?

Answer.—The kirk may and aught to purge her selfe of sicker notorious malefactors, provyding that the offenders be lawfullie callit, and convict either be ther awin confessioun or witness.

The ordour to call them for the slander (for civill things we remit to the civile magistrate) we judge to be this: Whensoever sicker fearfull crymes are comittit, if it be in the country, the minister, reidar, or exhorter of that place, or if ther be nane, the minister of the place next adjacent, aught to give significatioun of the fact to the superintendent of that dyocie, who without delay ought to direct his fumounds, chargeing the persons slanderit to compeir before him at a certaine day and place.

Or, if it be done in townes wher ordour is established, the fessiou therof aught to call the accusit offenders, who, if they compeir, and either alledge just defence, or shew themselves unfainedly penitent, then man the superintendent, and kirks reformed without the superintendent, dispense fomewhat with the rigor of the punishment, secluding onlie the offender fra participatioun of the sacraments till farder tryall of his repentance, and that baith ther diligence and sentence be publickly pronouneit in the kirk wher the offence is knowin.

Bot if the offender be stubborne, as if he compeir not or shew himselfe litle touchit with his offence, then aught the superintendent, with advyce of the nixt reformit kirk, to discern him or them to be secludit from all participatioun of comunion with the faithfull members of Jesus Chryst, and to be givin to Satan to the destruccion of the flesh, whois slaves, (be impietie committit, and impenitencie shawin), they declare themselves to be ; and ther sentence to be publishit in all places wher the offence is knowin. If the persons secludit from the sacraments be negligent in feiking reconciliatioun with the kirk, behave themselves insolentlie or utherwayes then it becomes penitent persons, the kirk, after admonitioun, may proceed to the uttermost ; for wanton behaviour, after iniquitie comittit, is ane plaine argument of impenitency ; and negligencie to feik reconciliatioun, declares that contempt lurkes in the heart.

If baptisme be administrat be ane papist preist, or in the papisticall maner, salbe reiterat.

When sick children comes to zeirs of understanding, they fould be instructit in the doctrine of salvioun ; the corruption of the papistrie must be declared to them, whilk they must publickly damne befor they be admittit to the Lords Table, whilks if they doe, there neids not the externall signe to be reiterat, for no papists ministers baptisme without watter, and some forme of word, whilk are the principalls of the externall signe. We ourselves were baptized be papists whose corruptiouns and abuses now we damne, cleaving only to the simple ordinance of Jesus Chryst, and to the vertue of the Holy Spirit, whilk makes baptisme to work in us the proper effects therof, without any reiteratioun of the externall signe. If such children come never to the knowledge of the true doctrine, they are to be left to the judgement of God.

What ordour ought to be usit agains sick as oppressis children ?

As concerning punishment, the civile magistrate aught therein to dif-

cerne ; as touching the flander, the persons aught to be fecludit from participatioun of the Sacraments, whill they have fatiffied the kirk as they falbe comandit.

What punishment falbe ufit agains them that ly in fornicatioun, under promife of mariage, whilk they deferre to folemnizat, and to fatiffie be publick repentance for the flander givin? Alſweill the man as the woman, fould publickly in the place of repentance lykewayes fatiffie on ane Sunday befor they be maried.

[Mr John Craig, one of the minifters of Edinburgh, Mr John Douglas rector of the Univerſitie of Sanct Andrews, Mr Robert Maitland deane of Aberdein, William Chriftieſone miniſter at Dundie, Mr David Lindſay miniſter at Leith, Mr Gilbert Garden miniſter at Moniefuth, Mr Thomas Mackcalgean, and Mr John Marjoribankes, commiſſioners for Edinburgh, were appointed, in the third ſeſſion, to collect the heads and cauſes of the publick faſt : They returned in this ſeſſion, and declared the neceſſitie of a publick faſt at this time ; therfor the Aſſembly, with ane voice, ordained Mr Knox and Mr Craig minifters at Edinburgh, to ſet out the form therof, with the exerciſe to be uſed in the ſame, and to cauſe Robert Likprevick print it. C.]

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A. D. M.D.LXVI.

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THE General Affemblic of the kirk, haldin in Edinburgh, within the counsell house therof, the 25 day of Junij 1566. In the whilk were prefent Erles, Lords, Barons of the Privie Counsell, viz. Erle of Huntlie, chancellor, and Erle of Argyle, Alexander of Galloway, Adam of Orknay, ane of the fesslioun, Johne, commendator of Lindoiris, Johne Balfour of Pettindreich, knycht, with the Superintendents, Ministers, and Commiffioners for townes and particular kirks. The invocatioun of the name of God made be Mr John Craig, minister of Edinburgh.

First, for eschewing confusioun in reasoning, and to the effect that every brother speake with sick modestie and meafure as becomes the ministers of Gods word to doe, with the assent of the whole Affemblic, Johne Erkine of Dun, knycht, Superintendent of Angus and Mernes, was continuat moderator, who was content for the present to use the office.

[In the tryall of superintendents, the Superintendent of Fife confessed his own inabilityie to discharge the office, and desired the Affemblic to denude him of it.

Mr Johne Douglas rector of the Univerfite of Sanct Andrews, Mr George Hay minister of Ruthven, Mr George Buchanan, Mr Robert Pont and Mr Robert Hamiltoun, were appointed to sit apart at set times, to receive and decide questions, and to report the decisions to the Affemblic. C.]

Ordaines that some of the brethren, in name of the hail kirk, make supplicatioun to the Secreit Counsell and Sesslioun of Justice, that no excommunicat person have any proces befor their honours unto the tyme they be reconcileit to the kirk, cheiffie when it is notour and objectit agains.

Anent the supplicatioun presentit be this Affemblic, in name of Robert, comendator of Halierudehouse, shawand in effect how it was not unknawin

to there wifdoms, that he had diverſe godlie and learned men of his awin place of Halyrudehous, ſick as Alexander Forrefter and Peter Blackwood, who are men of good converſation and literature, were received and admittit be the kirk in the miniſtrie, and how he had diverſe kirks pertaining to the ſaid kirk, as the kirks of Tranent and St Cuthbert, and alledgit that moſt decent and convenient it were that his ſaids kirks ſould be fervit be the fervants of the ſaid abbay: Heirfor requieſtit moſt earneſtly that the kirk preſentlie aſſemblit ſould tranſport Mr Thomas Cranſtoun and William Harlaw, now miniſters of his ſaids kirks, and place them at ſome uther kirk as ſould be thoght good be the haill Aſſembly to appoint them, and to place his ſaids fervants at his ſaids kirks as miniſters, there to be fervit be them in tyme comeing, as in the ſaid requieſt at lenth was conteinit.

The kirk having rypely conſiderit the ſaid ſupplicatioun, and advyſeit therupon, cauſit call befor them ſome of the elders of the ſaids parochines, and diligently inquyred if they had any fault to lay againſt there miniſters, or if they wald be content that they ſould be tranſportit fra them? Anfuer was givin, that they had no cryme nor fault to there miniſters, but that they were better contentit with them then they wald be with any other who could be preſentit to them, and attour on naway wald be content that any of them ſould be tranſportit from them. Therfor the kirk preſentlie aſſemblit, on naway could condiscend to the tranſportatioun of any of them, for the reſpects befor rehearſit; bot brotherly requieſtit the ſaid Lord Comendator to provyde for ſome uther godly miniſters for ſome uthers of his kirks whilks are altogether deſtitute of the preaching of the true word of God, the ſpeciall foode of ther ſoules, whilk they doubt not but his Lordſhip will doe for diſcharge of his awin conſcience.

[It was ordained that a requieſt be written, and ſent to the noble men in whoſe bounds ſome popiſh preiſts haunted and remained, and abuſed the ſacraments, and celebrated marriages for lucre. C.]

Seſſ. 2<sup>da</sup>. 26 Junij 1566.

The haill Aſſembly, in reſpect of the perrills and dangers wherwith the kirk of God is affaulted, and that be the mightie enemies, concludit a generall faſt to be publiſhed throughout this realme in all the kirks reformeit.

[A publiſh faſt was appointed to be holden on the two laſt Sabbaths of

Julie nixt, and the communion to be ministred upon the saids Lords days, if it may be done convenientlie. C.]

Anent the supplicatioun givin in be Paul Methven, makeand ane lang rehearfall of his miserable estate, the supplicatioun presentit in his name to the Generall Assemblye haldin in Edinburgh in December 1564; of the estate of the ansuer therto from the said Assemblye; of his long and tedious journey out of England to Scotland, and impediments that chanced him by the way. Finallie, requiests for ane of thir twa, that is, either to suspend excommunicating of the kirk for a tyme, and receive him in the fellowship of the same, as ane poore sheip, upon ane condition, wher evir he chances to be, upon halfe a zeirs warning, he salbe bund to returne againe at command of the kirk, and obey sikk injunctiouns as they wold command him to doe. Or if the kirk pleasit not this petitioun, then to committ his ansuer to sikk as the kirk fould please appoint, whose judgement and determinatioun (as his bodie nicht beir) he promised be Gods grace most humble to obey. Finallie, all counsell that have followit heirtofoir, and himselfe he most humble submittit to the judgement of the present Assemblye, as in the said supplicatioun at length was conteinit. Last of all, it was ordainit that he present himselfe personallie befor the Assemblye; and being entrit, prostrate himself befor the whole brethren, with weiping and houeing; and commandit to ryse, might not expresse farder his requiest, being as appearit so fore troublit with anguish of heart, was defyrit to be of good confort, and depart to his ludging, whill ordour were tane anent his requiest.

And forsameikle as in the said Assemblye, haldin in December 1564, it was concludit to receive him to repentance, now ressit to conclude upon the maner theroof what he fould doe, when and wher; and for that purpose was appointed the Superintendent of Fyffe, Mr Johne Dowglas rector of St Androes, David Forrest, Mr George Hay minister of Ruthven, Mr Johne Craig minister of Edinburgh, Johne Row of St Jonstoun, William Chrystefone of Dundie, and Adame Heriot of Aberdeine, ministers, that they fevin or fixe of them fould conveyne the morne, at fevin houres befor noone, and appoint and take ordour in the premiffes; and whatsumevir they doe heiranent, to signifie the same to the superintendent of Laithiane and session of the kirk of Edinburgh; and ordaines them to put the commissiouners ordinance to execution; and als ordaines that the said Paul Methven obey the same according to ther directiouns; and ordaines that

the said superintendent and kirk of Edinburgh, delyver the said ordinance to the scribe of the Generall Affembly, that he may infert the same among others acts of the Generall Affembly, for ane remembrance to the posteritie.

#### Questions and ther Anfuers.

First, It is asked, if any man contract mariage with ane woman once married, and her husband departing fra her to uther countreyes, and being absent ix or x zeirs together, the woman having no testimoniall of his death or not?

Anfwerit, The woman desyreing to marie, aught to feik, or caufe to feik, whither her first husband be dead or not, and to report ane sufficient testimoniall of his death or ever scho may joyne herselfe to another husband.

Whidder, if any person feikand donatioun or confirmation of benefices at the Popes kirk, may be admittit to minister in the kirk of God?

Anfwerit, That sikk a person aught not to be admittit to the ministrie, as the question is conceivit.

[Whether a minister may enjoy a benefice sufficient for his sustentation, where he travelleth not in the preaching of the word? It was answered, That he ought to travell in the word where he receaveth his sustentation, unless the kirk appoint otherwise. C.]

The commissioners appointit be the Generall Affembly for ordouring of Paul Methven his repentance, [reported the same to Mr John Gray scribe of the Affembly, in the tenour as followeth. C.] In consideratioun of the said Pauls lamentable supplicatioun to the kirk, humble submissioun of himselfe to the same, and his absence out of this realme the space of two zeirs or mair; Ordaines the ministrie of Edinburgh, that he upon ane Sunday after fermoun notifie unto the peiple the said Paul his supplicatioun, and how the General Affembly hes ordainit to receive him to repentance with the conditions underwryten: And therfor to admonish all faithfull brethren that they, within the nixt aucht dayes, notifie to the said minister of Edinburgh, if any of them hes any knowledge, or are surelie informit of the said Paul his conversatioun and behaviour since his departure forth of this realme, whilk might impeded his receiving to repentance; whilk falbe on this maner, viz. The said Paul, upon the said two preaching dayes betuixt the Sondag, fall come to the kirk doore of Edinburgh, when the second bell rings, clad



in sackcloath, baireheidit and bairefoottit, and there remaine whill he be brocht into the fermoun, and placeit in the publick spectakill above the peiple in tyme of every sermon dureing the said two dayes, and in the next Sunday thereafter fall compeir in lykemaner, and in the end of the fermoun fall declare signes of his inward repentance to the peiple, humblie requyring the kirks forgivenes; whilk done, he salbe cled in his awin apparrell, and receivit in the society of the kirk, as ane lyvelie member thereof; and this fame ordour to be observit in Dundie and Jedbrucht, alwayes secluding him fra any functionn of the ministrie of the kirk, and also from participatioun of the table of the Lord Jesus, unto the 25 of December next to come, when the Generall Assemblie of the kirk conveines, unto the whilk they ordaine the said Paul to resort, bringand with him sufficient testimoniall from autentique persons, of these places where he in the meane tyme fall chance to remaine, reportand his conversatioun and behaviour; at the whilk tyme the kirk fall take farder ordour what fall be done anent him.

[Mr John Craig, minister of Edinburgh, desired that John Carnes, who had read prayers and exhorted four zeirs and more in Edinburgh, and had weill profited, so that he was now able to be admitted to the ministrie, might be joyned with him as colleague in the kirk of Edinburgh, in respect he was alone: The Assemblie ordained the kirk of Edinburgh, with the assistance of the superintendent of Louthian, to consider whether he were fit and sufficient for that place, or some other. C.]

A. D. M.D.LXVI.

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THE General Affemblie of the Kirk, haldin in Edinburgh, in the Nether Counfell Houfe therof, upon the 25 day of December 1566. In the whilk were present the Superintendents, Ministers, and Comiffioners of Shyres, Townes, and Kirks. The invocatioun of Gods name made be Mr Johne Craig minifler of Edinburgh.

In the first, for ordour to be obfervit in reafoning, and that every brother fpeake to his purpofe in fick meafure as it becomes the minifter of Gods word to doe, Johne Erskine of Dun, Superintendent of Angus and Mernes, was continewit moderator, wherof he was content.

[Beside the triell of the fuperintendents, James Knox, reader in Bathgate, was censured for baptizing of bairns and folemnizing of marriage, he being but a fimple reader, and taking money for the fame from fuch as were without the parochie. C.]

Seffio 2<sup>da</sup>. 26 December 1566.

Anent the affignatioun of the penfioun of money and victualls offerit be the Queens Majestie and her most honourable counfell, for the fuffentatioun of the minifters within this realme; the hail brethren present requyreit the minifters being in the Seffioun to paffe foorth of the Affemblie, and with mature deliberatioun to confult and advyfe with the faid confignatioun, whether they fall think it good to accept the fame for releife of ther present neceffitie or not. After lang reafoning and mutuall conference anent the faid affignatioun, returneing againe in the Affemblie, thought it good for fupport of the minifters neceffitie to accept of the faid

offer of money and victualls, if they might be gottin haillie : Nottheles, in confideratioun of the law of God, ordaines the perfons who heirs the doctrine of falvatioun at the mouthes of his minifters, and thereby receives speciall food to the nourifhment of ther faules, to communicat temporal fuffentatioun on ther preachers, there anfuer is, that having juft title to crave the bodily food at the hands of the forfaids perfones, and finding na others bound unto them, they only requyre at ther awin flocke, that they will fufftaine them according to ther bunden duetie ; and what it fall pleafe them to give them for ther fuffentatioun, if it were but bread and watter, neither will they refufe it, nor defift from their vocatioun ; but to take from uthers contrair ther will whom they ferve not, they judge it not ther duetie, nor get reasonable ; alwayes they moft heartlie thank the Lords that beftowit ther labours and pains in purchafing the forfaid affignatioun, moft heartlie requeifting ther honours to perfevere whill they bring it fome perfection.

Nevertheleffe, the haill Affemblic folemnie proteftit that this acceptation of the foirfaid affignatioun for the releife as faid is, prejudges not the libertie of the Kirk to fute for that thing that juftlie pertaineth to the patrimonie of the fame, in tyme and place convenient, in any tyme heir-after.

[The Affemblic appointed Alexander, bifhop of Galloway, Mr John Spotswood Superintendent of Louthian, the Lairds of Carden and Keir, to repair to Stirlie, and to folicite for the extracts of the faid affignation from the comptroller and clerk-register, that letters may be raifed thereupon ; and that they report their anfwer to the feffion at Edinburgh, that the commiffioners which are to be appointed for divifion of the faid affignation may be advertifed. The commiffioners were chofen and appointed to convene at Edinburgh, within ten days after advertifement, to divide the faid affignation of money and victualls among minifters, exhorters, and readers, according to their difcretion. C.]

The fame day were proponit thir queftiouns underwryten, and anfuers givin therto as followes.

Whither if the teindis properlie pertaines to the kirk, and fould only be applyit to the minifters fuffentation, to the poore, mantaining of fchooles, repairing of kirks, and uther godlie ufes at the difcretioun of the Kirk ?

Anfwerit affirmativè without contradicthioun.

Secondlie, if the teindis pertaines to the kirk, and aught to be imployit to sick godlie uses as said is, Whither if the ministers, who are the mouth of the kirk, may with safe conscience keip silence, seeing the patrimonie of the kirk most unjustlie tane up and wastit in vaine things be sick perfonas as beares no office in the kirk of God, and in the meanetyme the ministrie ceasand for necessitie, the poore perishing for hunger, schooles decayand, and kirks falland to the ground?

Ansuerit, They ought not to keip silence, but earnestly to admonish every man of his duetie, and desyres all men to fute for that whilk pertaines justlie to the sustaining of the things foirfaids.

Thridlie, Whither if the kirk may justlie requyre of all possessours the teyndis to be payit to the kirk only, and inhibite all uthers to intromitt therwith; and in case of disobediencie, what ordour fall be usit be the kirk agains them.

Ansuerit, After dew admonitioun usit, and no obedience found, to use the censures of the kirk.

Sessio 3<sup>a</sup>. 27 December 1566.

Anent Mr Knoxs requiest to passe to the realme of England to visite his children, and to doe his other busines, the haill Assenblie grantit gladly licence, with letters testimonialls of his honest conversatioun and godlie doctrine within this realme, with provision as is conteinit in the faids letters; the tenour wherof followes.

The Superintendents, Ministers and Commissioners of Kirks within the Realme of Scotland presentlie assenblit, To all and fundrie faithful brethren to whose knowledge thir presents fall come, wifcheth grace, mercie and peace from God the Father, and from our Lord Jesus Chryst.

Witt gour Univerfities, that our loving brother Johne Knox, bearer of thir presents, hes bein and is ane true and faithful minister of the Evangell of Jesus Chryst within this realme of Scotland, continually within thir viij zeirs by gane or therabout; in doctrine pure, and sincere in lyfe and

converſation, in our ſights inculpable, and heſ ſo fruitfully uſit that talent grantit to him be the Eternal, to the advancement of the glorie of his godlie name, to the propagation of the kingdom of Jeſus Chryſt, and edifieing of them who heard his preaching, that of ductie we moſt heartilie praiſe his godlie Majeſtie, for that ſo great ane benefite grantit unto him for our utilitie and profite. And becauſe he, for the naturall love and affection he beares to his childrein, now being within the realme of England, and favour to uthers his brethren, requested us to grant him licence for ane ſeaſon, to repaire toward the ſaid realme of England, for the cauſes above mentionat, We, after mutual conference in full Aſſemblic, thocht this petition juſt and reaſonable, and therfor all in ane voyce grants licence to our ſaid brother, according to the Queens Majeſties conduct, to paſſe to the ſaid realme, for the purpoſes ſoirdſpoken and uthers his lawfull affaires, what time he ſhall think moſt comodious for his journey; provydeing all-ways that he returne to this realme of Scotland before the 25 of the moneth of Junij nixt infewing, to continue in his former vocation, and na utherways. And this we make knowin to all and fundrie to whom it effeirs, be thir our Letters Teſtimionalls, givin at Edinburgh in our General Aſſemblic, and thrid Seſſion therof, ſubſcryvit be the Clerk of the ſame, the xxvii of December.

Attour ordainit ane letter to be directit to the Biſchops of England, that they wald be content gentlie to handle the brethren preachers, touching the habits ſurp-cloathes and uthers abulgements, whilk appeirantlie tends more to ſuperſtition nor to edification; and requeiſts Maſter Knox to put the heads in write whilk he thinks neceſſar to be wryten to the ſaids Biſchops. The tenour whereof followes.

The Superintendents, Miniſters, and Comillioners of Kirks within the realme of Scotland, to there brethren the Biſchops and paſtours of England, who heſ renunced the Romaue Antichryſt, and does profeſſe with them the Lord Jeſus in ſinceritie, deſyres the perpetuall increaſe of the Holie Spirit.

By word and write it is come to our knowledge, Reverend Paſtors, that diverſe of our deireſt brethren, among whom are ſome of the beſt learnt

within that realme, are depriuit fra ecclesiastical functioun, and forbidden to preach, and so by you are stayed to promote the kingdome of Chryst, because ther conscience will not suffer them to take upon them, at the comandment of the authoritie, sick garments as idolaters in the tyme of blindnes have usit in the tyme of idolatrie ; whilk brute cannot be but most dolorous to our hearts, myndfull of that sentence of the Apostle, saying, If ge byte and devore ane another, take good heid least ge be confumit ane of another.

We purpose not at this present to enter upon the ground whilk we heare of either partie to be aggriet with greater vehemence then well lyketh us ; to witt, whither sick apparrell be to be countit amongs things that is simple and indifferent, or not. Bot in the bowells of Chryst Jesus we crave, that christian charitie may so farre prevail in you, in you we say the Pastors and Leaders of the flocke in that realme, that ge doe not to uthers that whilk ge would uthers did not to you ; ge cannot be ignorant how tender a thing the conscience of man is ; all that have knowledge are not alyke perswadit, get conscience reclaimes not at the wearing of sick garments ; bot many thousands both godly and learned are utherwayes perswadit, whose consciences are continually striken with thir sentences ; Whatt hes Chryst Jesus to doe with Belial ? Whatt hes darknes adoe with light ? If surp-claithes, cornett cap and tippet, has bein badges of idolaters in the verie act of ther idolatrie, what hes the preacher of Christian libertie and the oppin rebuiker of all superstitioun to doe with the dregges of that Romish beast ; gea what is he that ought not to feare either to take in his hand or foirheid, the print and marke of that odious beast ? Our brethren that in conscience refuses that unprofitable apparrell, does neither damne nor molest you that use sick vaine trifles : If ge fall doe the lyke to them, we doubt not but therein ge fall please God, and comfort the hearts of many whilk are woundit with the extremitie that is usit against these godlie and our belovit brethren. Colour of rhetorick or manly perswasion will we use none, bot charitable we desyre you to call that sentence of Peter to mynd, Feed the flocke of God whilk is committed to your charge, careing for it not be constraint bot willinglie, not as thogh ge were Lords over Gods heritage, but that ge may be ensamples to the flocke. And farther, also, we desyre you to meditate that sentence of the Apostle, saying, Give none offence neither to the Jewes, nor to the Grecians, nor to the Kirk of God. In what condition of tyme ge and we both travell in

the promoting of Chryſts kingdome, we ſuppoſe you not to be ignorant, and therfor we are more bold to exhort you to walke more circumſpectly, then that for ſick vanities the godly ſould be troubled; for all things that may ſeime lawfull edifie not. If the comandment of the authoritie urge the conſcience of you and of our brethren farther than they can beare, we unfainedly crave of you, that ye remember ye are callit the light of the world, and the ſalt of the earth. All civill auctoritie hes not the light of God alwayes ſhyning befor the eyis in there ſtatutes and comandments; bot there affectiouns favour over meikle of the earth and of worldlie wiſdom, and therefore we thinke ye ſould boldly oppone yourſelves to all that power that will or darre extoll itſelf, not only agains God, but alſo agains all ſick as darre burdein the conſciences of the faithful, farther then God hes burdeinit them be his awin word. Bot heirin we may confeſſe our offence, in that we have entrit farther in reaſoning then we purpoſed and promiſed at the beginning; and therfor we ſhortlie returne to our former humble ſupplicatioun, whilk is, that our brethren who among you reſuſe the Romiſh ragges, may find of you, the Prelates, ſick favour as our Heid and Maſter comands every ane of his members to ſhaw to another; whilk we looke to receive of your gentlenes, not only for that ye feare to offend Gods Maſteſtie, in troubling of your brethren for ſick vaine trifles, but alſo becauſe ye will not reſuſe the humble requeiſt of us, your brethren and fellow preachers, in whom albeit there appeir not great worldlie pompe, yet we ſuppoſe that ye will not ſo farre deſpyſe us, bot that ye will eſteime us to be of the number of them that fights agains that Roman Antichryſt, and travell that the kingdom of Jeſus Chryſt may be univerſallie advanceit. The days are ill; iniquitie abounds; chriſtian charity alas is waxen cold; and therfor we ought the more diligentlie to watch, for the houre is uncertaine when the Lord Jeſus ſhall appeir, befor whom ye, your brethren, and we, muſt give account of our adminiſtratioun. And this in concluſion, we anes againe crave favours to our brethren, whilk grantit, ye in the Lord ſhall command us things of double more importance. The Lord Jeſus rule your hearts in true feare to the end, and give to you and us victorie over that conjured enemye of all true religioun, to witt over that Roman antichryſt, whoſe woundit head Satan preaſes by all means to cure againe. Bot to deſtructioun ſhall he and his maintainers goe, by the power of the Lord Jeſus: To whoſe mightie proteſtioun we heartlie comit you.

From Edinburgh, out of our Generall Affemblic, and 3 fesslioun therof, the 27 of December 1566.

Your loving brethren and preachers in Chryst Jesus,

[JOHNE CRAIG.

JOHN ROW.

JAMES MELVILL.

DAVID LINDSAY.

ROBERT PONT.

JOHN ARESKINE.

WILLIAM CHRISTESON.

JOHN WINRHAME.

NICOL SPITTLE.

JOHN SPOTSWOOD. C.]

Ordaines ane humble supplicatioun to be made to the Lords of Secret Counsell, anent the comission of jurisdic̄tioun supponit grantit to the Bischop of St Androes, to the effect that ther honours stay the same, in respect that these causes for the maist pairt judgeit be his usurpit authoritie pertaines to the true kirk; and howbeit that for hope of good things the Kirk oversaw the Queens Majesties comission givin therintill to sick men, who for the most part was our brethren, yet can the Kirk no wayes be content that the Bischop of St Androes, ane comoun enemy to Chryst, to use that jurisdic̄tioun; and als in respect of that colourit comission, he might usurpe againe his auld usurpit auctoritie, and the samein might be the meane to oppresse the haill kirk be his corrupt judgement.

The tenour of the said supplicatioun followes.

The Generall Affemblic of the Kirk of Scotland conveyit at Edinburgh the xxv of December 1566, To the nobilitie of this realme that professes the Lord Jesus with them, and hes renounceit that Roman antichryst, desyre constancie in faith and the spirit of righteous judgement.

Seing that Satan, be all our negligence, Right Honourable, hes so farre prevailit within this realme within these late dayes that we do stand in extreame danger, not only to lose our temporal possessions, but also to be deprivit of the glorious evangell of Jesus Chryst, and soe we and our posteritie to be left in damnable darknes; We could no longer contane ourselves, nor keep silence, least in so doing we might be accuseit as guiltie of the blood of sick as fall perish for lake of admonishment, as the Prophet threatens. We therfor in the feare of our God, and with greife and anguish of heart, complains unto your honours, zea we must complaine unto God,



and all his obedient creatures, that that conjured enemie of Jesus Chryft, and cruell murtherer of our brethren most fallie styllit Archbifchop of St Androes, is reponit and restoreit, be signatur past, to his former tiranie; for not only are his ancient jurifdictiouns (as they are termit) of the hail bifchoprick of St Androes grantit unto him, but also the executioun of judgement, confirmation of testaments, and donation of his benefices, as more amplie in his signatur is exprest. If this be not to cure the head of that venemous beaft, whilk once within this realme, be the potent hand of God, was so banished and brockin downe, and be curing it wold not hurt the faithfull, judge ze. His ancient jurifdictioun was, that he with certaine his collegues collateralis, might have dampnit of heresie as it pleasit him, and then to take all that were suspeçt of heresie. What they have judged to be heresie heirtofoir ze cannot be ignorant; and whither they remaine in ther former malice or not, ther plots and travells oppinly declares. The danger may be fearit, say ze, but quhat remedy? It is easie and at hand, Right Honorable, if ze will not betray the cause of God and leave your brethren, whilks never will be more subieçt unto that usurped tyranie then they will unto the devil himfelfe. Our Queine belyke is not well informit; scho aucht not, nor may not justly break the lawes; and so consequentlie, scho may not sett up against us, nor without our consent, that Romane Antichryft againe: For in ane lawfull and most frie parliament that ever was in this realme before, was that odious beaft depryvit of jurifdictioun, office and auctoritie within this realme. Her Majestie at her first arrivall, and be diverse her proclamatiouns sensyne hes exprestly forbidin all other forme and fact of religioun, but that whilk scho fand publicklye establisht at her arriveal; therfor scho may not bring us, the greatest part of the subjects of this realme, back again to bondage, till that als lawfull and als frie ane Parliament as justlie damned that Antichryft and his usurped tyranie, have given decisioun betwixt us and him. Heirot and of uther things that no lesse concernes your selves then us, ze plainly and boldly admonish our soveraigne, and without tumult only crave justice. The tyrants darre no more be sein in lawfull judgment nor darre the howlets in the day light. Weigh this matter as it is, and ze fall find it more weighty then to many it appears. Farther at this present we complain not, bot humblye craves of your Honours ane reasonable ansuer quhat ze will do, incase that sick tyrants, and invadeing wolves, be givin to devore the flocke of Jesus Chryft within this realme, under quhat title that ever it be; for this we boldly confesse, that we will never acknow-

ledge, neither pastors to our souls, nor yet judges to our cause. And if that, for denyall therof, we either suffer either in bodie or goods, we doubt not but we have not only a judge to punish them that unjustlie trouble us, but also an advocat and strong champion in heavin, to recompence them who for his namesake suffer persecutioun: Whose holie spirit rule your hearts in his true feare to the end. Your Lordships answer we againe crave. Given in the Generall Assemblie and thrid Sessioun therof, at Edinburgh the 27 of December, 1566.

[The Assemblie appointed the bishops of Galloway and Orkney, the Justice-Clerk, and David Forrest, Mr John Row, David Lindsay, Robert Pont, William Christeson, to reconsider and revise the answer made be Mr William Ramsay, one of the masters of Sanct Salvators colledge, to Henrie Bullingers book anent abuses of preachers in England.

The Assemblie being advised with the interpretation of the Confession of the kirk of Zurich, be Mr Robert Pont, ordained the same to be printed, together with an epistle sent be the Assemblie of the Kirk of Scotland, approving the same, providing a note be put in the margin, where mention is made of the remembrance of some holy days.

This confession was penned be the pastors of Zurich, and is otherwise called the latter Confession of Helvetia: It is allowed and subscribed, not only be the Tigurins themselves and their confederates of Berne, be Schaphausen, Sangallia, Rhetia, Millan, and Viemid, but also Geneva, Savoy, Polonia, and Hungaria. In this confession, superioritie of ministers above ministers is called an humane appointment; confirmation is judged to be a device of man, which the kirk may want without damage; baptism by women or midewives condemned: Item, prolix and tedious publick prayers hindering the preaching of the word; canonical Hours, that is, prayers to be chanted and often repeated at sett times, as the popish manner is; heaping up of ceremonies in the kirk, to the prejudice of Christian libertie; observation of saints days: But this Assemblie would not allow the days dedicat to Christ, the circumcision, nativitie, passion, resurrection, ascension and pentecost days, but took exception against that part of the Confession.

The bishops of Galloway and Orkney, the Justice Clerk, Mr Robert Pont, David Lindsay, William Christeson of Dundie, George Lesley of Stramigloe, William Ramsay and David Forrest were appointed to receive and decide questions, and report their decisions. C.]

Questiouns and ther Anfuers.

Ane certaine maried man past to the wares of Denmark about four zeirs fyne; his wyfe hes joynit her felse within this twa zeir to ane uther man in whooredome; now they desyre to be maried, becaufe they have the attestation of twa unfuspectit witnesses, wha spake with Captaine Clark that her husband was flaine in the Castell of Barronburgh in Denmark, upon Pasch day bygane ane zeir. Queritur, Whither if the parties may be joynit in lawfull mariage or not?

Ordaines the names of the man and woman to be givin up to the fessioun of the kirk wher they dwell, to be accusit criminallie for ther offences, givin in tyme of her husbands lyfe, or befor the knowledge of his death, scho joynit her bodie to the uther man, that they both may be punischt accordinglye.

Ane man forwarnit that he might not marie his father brothers daughter, past in contempt of the kirk, and was maried in the Chappell Royall December 1566. Queritur, What ordour falbe tane therwith?

Ordaines, To delate the proces to the Justice Clerk and kirk, and declare ther names to the effect they may be punisht.

And farther, becaufe diverse persons, alsweill women as men, who are separate for adultery, the partie offendand joynes themselves in mariage againe, contrair to the law of God, wherthrow great flanders and inconvenients followes.

Ordaines the superintendents to admonissh all ministers within ther jurisdictiones, that none joyne any partie separatit for adulterie in mariage, under paine of removeing from the ministrie.

[It was asked, What order should be taken with such as have communicated at the Lords table, and afterwards became witnesses at the baptism of children baptized by a papistical priest in a private place? It was answered, After admonition, let the censures of the kirk be used. C.]

Sess. 4<sup>ta</sup>. 28 Dec. 1566.

Anent bischops, abbots, pryors, and uthers persons benefices being of the kirk, who receives teinds and awaites not upon the feiding of the flocke comittit to ther cure, neither presents themselves to the General Assemblye.

Ordains all fuperintendents to fumound and warne all bifchops, abbots, &c. that receives teyndis within ther jurifdictiouns, and wher no fuperintendents are, that the fuperintendent neireft fend his lettres to the minifters nixt adjacent therto, to fumound the foirfaids perfons to compeir at the nixt Generall Affemblie, to give ther affiftance and counfell to the faid Affemblie in fick things as appertaines to Chriftian religion and preaching of the true word, and farther to know the ordinances of the kirk to be made theranent, &c.

[The fuperintendent of Angus defired to be exonered of his burdenfome calling, in refpect of the weaknefs and debilitie of his bodie, wherby he was unable to execute that charge as was required ; but the Affemblie wold not altogether exoner him, but permitted him to appoint fome of the beft qualified within his bounds, to vifit when he found himfelf unable. C.]

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A. D. M.D.LXVII.

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THE Generall Affemblic of the Kirk conveyit at Edinburgh, in the Nether Tolbuith therof, the 25 day of Junij 1567. In the quhilk were present the Erles, Lords, Barrons, Superintendents, Ministers, and Comissioners of Townes. The invocatioun of the name of God was made be Mr John Craig, Minister of Edinburgh.

Sess. 1<sup>a</sup>. 25 Junij 1567.

For eschewing of confusioun in reasoning, the whole Affemblic present conveyit nameit Mr George Buchanan, principall of St Leonards Colledge, moderator dureing this conventioun, who accepted the charge hac vice.

The kirk appointit the Lairds of Dun and Bargany to passe to the Lords of Secretit Counsell, and to requeist ther Lordships to conveye and concurre with the kirk presentlie assemblit, for heiring of sick articles as falbe thocht good for the establisshing of Gods word, the true religioun, and supporting of the ministrie within this realme.

[Some were appointed to decide questions which were to be proponed, and to revise the order of excommunication penned be Mr Knox, and to report their judgement to the Affemblic. C.]

Sess. 2<sup>a</sup>. 26 Junij 1567.

Forfameikle as it is thocht good be all the brethren presentlie conveyit, that ane Affemblic Generall be appointit to conveye againe the 20 day of July nixt to come, in this towne of Edinburgh, for the setting fordward sick things as fall at that tyme be proponit; and for that purpose ordaines to wryte missives to all and fundrie erles, lords, barrons, and uthers brethren, requyreing them to conveye the said xx day of Julij, and to that effect appointit also comissioners to present the said missives, and requyre according to ther commissiones.

Tenour of the faids lettres missive, sent to the faids erles, lords, barrons, comendators of abbayes, followeth :

My Lord, (or Worshipful Sir,) after our maist heartlie commendatioun of service in the Lord Jesus: Having now of lang time travellit both in public and private with all the Estates, continually craveing of your Honours in special, that the course of the Evangell of Salvation, now once of the liberal mercie of God restorit to this realme, might continue to all your comforts, and your posteritie; and that for the maintainance and furthering thereof, ane perfyte policie and full libertie might be grantit to this reformat Kirk within Scotland, the ministrie, the pure and failzeit provydit for sufficiently, as God and all good police and civil lawes ordaines and requyres; and that all superstition and idolatry, and the monuments therof, might be utterly removit and banishit out of this realme, quhilk God of his infinite mercy hes so lovingly and willingly callit from darknes to light. This matter indeed was lyked of all men; but sick impediment gave the enemie of the Kirk in his members to stay the good worke of God, that moyen could there none be had, but be the contrair, at every light occasion, the ministrie frustrat of all lyfe and sustentatioun; the lamit and impotent members of Chryst lying in the street as dung, perishing for hunger and cold, sea and the whole flock of Jesus Chryst within this realme continuallie threatnit with the execution of that most cruell decreit of the last counsell of Trent, wherin was determinit and decreeit to make ane sacrifice of the whole professours within all Europe, be the tyranny of that Roman Antichryst. We are not ignorant how farre the samein was attemptit be way of deid within the realme of France, how farre now in Flanders and the parts neir adjacent therto; and also quhat practising to that effect hes bein continually thir thrie zeirs by past, and even now of late dayes, within our awin bowells, be our commoun conspired enemies, alswell within as without this realme, how they were bent to ther enterprize, if God had not of his meere mercie preveined beyond all our knowledge and expectatioun, ther cruel and craftie practises. Upon the quhilk consideratioun, the Assemblie at this present convention of the Kirk, accustomed at the course of tyme occureand, hes thocht it needfull to repaire the decay and ruine of that Kirk so vertueously begun amongst us be ane universall concurrence and consent of the haille professours of Chryst Jesus within this realme, and be the same meanes to meet the forsaid dangers hingand over our heids, pro-

ceiding from the craft of our implacabill enemies, alswell within as without the fame; and to that effect hes ordainit ane Generall Affemblic of the haill professors of all estates and degries within the kirks of Scotland, to be haldin heir within this towne of Edinburgh, upon the xx day of this nixt moneth of Julij, quherby ane perpetuall ordour may be takin for the libertie of the Kirk of God, sustentatioun of the ministers and sailzeit members therof, and that ane sure union and conjunctioun may be had amongst the haill members for the libertie of Gods Kirk, quherby we may be able to withstand the rage and violence of the forsaids enemies. And because it hes pleased the goodnes of God so to move your Lordships heart, that ge are a notable instrument and member of his Kirk, as our hope is, so fall our prayer be, that ge may continue increasng from vertue to vertue unto life everlasting, we thocht it our duetie, in name of our haill brethren heir conveyit, to notifie to your Lordship the foirsaid appointment of the said Affemblic, and in the name of the Eternal our God, to recomend to your care and sollicitude the building of this ruinous house of God within this realme: Requyreng also in his name, that ge will give your personal presence, your labours and concurrencis to that effect, as in the forsaid Affemblic to be haldin the said day, that the haill body may be comforted be the presence and good advyce of so notour ane member therof. And because we doubt nothing but your Lordship salbe present, shewing so long experience of your good part in all tymes past, we cease to trouble you with longer letter, referring the rest to be declarit be our brethren the comissioners of the Kirk, who to this effect are direct to your Lordship, and uthers our brethren in these partis; and we for our part, with earnest prayer to God, fall pray to augment in you his love and feare, and blesse your Lordship to the comfort of his Kirk, Amen. From Edinburgh, the 26 of Junij 1567.

We your Lordships to command with service in Chryst Jesus, in  
name of the rest of our brethren,

JOHN KNOX.

JOHN ERSKINE OF DUN.

JOHN ROW.

JOHN SPOTISWOOD.

JOHN CRAIG.

JOHN DOWGLAS.

The names of the persons to whom this letter was directit, are the Erles Huntlie, Argyle, Cassills, Rothes, Crawford, Menteith and Glencarne,

Lords Boyd, Drummound, Sanchar, Herreis, Cathcart, Yester, Mr. of Grahame, Fleming, Levingstoun, Forbes, Salton, Glames, Ogilvie, Mr. of Sinclair, Gray, Oliphant, Methven, Inermeath, Mr. of Somervell, Barrons, Lochinvar, Gairles, Sherriff of Air, Glenurquhair, Sir James Hamiltoun, Bonytoun, Comendators, Arbroith, Kilwinning, Dumfermeling, St. Colmes, Newbottle, Halyruidhoufe.

The Superintendents and Quarters of countreyes were ordained to direct this letter to the foirfaids perfons severallie.

Tennour of the Commiffiouns givin to every ane of the foirfaids Commiffioners, within every ane of ther bounds respective, followes :

Forfameikle as Satan this long tyme in his members hes fo rageit and perturbit the good successe and proceeding of Chryfts religioun within this realme, be craftie meanes and subtill conspiracies, that the same from tyme to tyme doeth decay, in hazard altogether to be subvertit, unlesse God of his mercie find hastie remeid, and that cheiflie through the extreame povertie of the ministers who sould preach the word of lyfe to the peiple, who therthrow are compellit, some to leave the vocation alluterlie, and some uthers so abstractit be carefull povertie, that they may not infist so diligently in the exercise of the word as they wold doe ; and therfor the kirk presentlie conveyit at Edinburgh in this Generall Affemblie, hes thoght it most necessar be thir presents to requeist and admonisch most brotherlie all sick perfons as truely professes the Lord Jesus within this realme, of what estate or degrie thatevir they be, asweill the nobilitie, barrones and gentlemen, as all uthers true professours, to conveye in Edinburgh the 20 day of Julij nixt, in ther personall presence, ther to assist with the counsell and power, for ordour to be tane asweill toward the establishing of Chryfts religioun univerfallie throughout this haill realme, and abolishing of the contrair, whilk is papistrie, as the sustentation of the ministers, not only for the present tyme and instant necessitie, but also for ane perfyte ordour to be tane and established in all tyme comeing, toward the haill libertie of the patrimonie of the kirk, and the due restoring of the same to the just professours therof, according to the word of God : With certification to all and fundrie, of what estate and degrie so evir they be that compeirs not, due advertisement being made, that they salbe repute



heirafter as hinderers of this godlie purpose, and as diffimulat brethren, unworthie to be esteimit heirafter of Chrysts flocke, seing God of his mercie at this present hes offerit some better occasioun nor in tymes bygane, and hes begun to tred downe Satan underfoote. And for the dew requiritioun and admonitioun, in name of the eternall God, to the effect foirsaid, to all and fundrie the brethren, alswell to brugh as to land, the kirk presentlie conveyit in this Generall Assamble, be thir presents gives ther full power and commissioun to ther lovites N. and N. for the bounds of N. In verificatioun heirof thir presents are subscryvit be the comoun clerk of the kirk, in the said Generall Assamble, and 2 Seff. therof, haldin at Edinburgh, the 26th day of Junii 1567.

Seff. 3<sup>a</sup>. 27 Junij 1567.

[Mr John Row, minister of Sanct Johnstone, was ordained to attend upon the printing of the commissioun direct be the Kirk, for presenting of the forsaids missives, and to bring so many as shall be necessarie to be sent, to be subscribed be the clerk of the Assamble, and the names of the commissioners to be insert accordingly. And in like manner ordained Mr John Wood to cause write so many missives as shall be needfull, to be sent to the earles, lords, and barrons, and other brethren, and to return the said missives to be subscribed and directed.

Mr John Davidfone and Mr David Wemes, ministers of Hammiltoun and Glasgow, were ordained to pass to Lanerk, and there to convene the balgies and counfellours of the said town, and to require them to assist John Leverance minister, and to punish manifest offences, maintain Christian religion within that town, and to support the said minister with things necessary for his sustentation; and if they deny to doe the said premisses, then the forsaid ministers to give to the said John Leverance their testimoniall of simple demission from the said kirk of Lanerk, and libertie to be placed whersoever it shall please God to call him.

Mr John Row, Mr John Douglafs rector, Mr John Craig, William Christeson minister at Dundie, Mr Robert Hamiltoun minister at Irving, Mr Robert Hamiltoun minister at Sanct Andrews, Mr James Melvill minister at Tannades, appointed in the first session to decide questions, report their decisions at this session. C.]

## Questions and ther Anfuers.

Ane man being accufeit of notorious fornication, promifeit faithfullie to the minifter for the tyme to abftaine in all tymes comeing from all ſocietic of that woman, and in cace he chancit to have any deale with her heirafter, he fould marie her; therafter he medlit with the ſame woman. Queritur, Quhether this man may be compellit to keip the foirſaid promife of mariage or not?

The kirk dicernes all ſick promifes to be of none effect, and that none be compellit to marie upon ſick promifes; and ordaines this offender to be puniſhed for his offence.

Quhether if it be lawfull to marie her quhom he befor, in his wyfes tyme, had pollutit with adulterie, his wyfe now being dead. The kirk will not grant that thing to be lawfull quhilk Gods law damnes, neither yet admitt any ſick mariages, for cauſes conteinit in the law.

Ane man being divorceit for adulterie, queritur, Quhether he may marie again lawfullie or not? The kirk will not refolve heirin ſchortlie, bot prefentlie inhibites all miniſters to meddle with any ſick mariages, quhill full decifion of the queſtion.

Seff. 4<sup>ta</sup>. 28 Junij 1567.

Anent ane complaint given in be the brethren of the kirk of Machlen, that quher they had, be the juſt law of God, pronouncit the ſentence of excommunication againſt Johne Spottifwood of Foullar, ſome tymes ane elder of the ſaid kirk, for the horrible cryme of adulterie committed be him: Nottheles, Sir William Hamilton of Sanquhar knight, now an elder of the ſaid kirk, plainly mantaineth the ſaid John in his houſe, notwithstanding the ſaid John is excommunicat, to the greater ſlander and offence of God and his law. And albeit the ſaid Sir William hes bein diverſe tymes admoniſhed to withdraw his familiar companie fra the ſaid John, yet will not abſtract the ſame, to the offence of many; requyreing the kirk prefentlie aſſemblit to take ordour heirin according to the wiſdome of the brethren prefent, that farther ſlander ryfe not therthrow.

The kirk ordaines ane letter to be ſent to the ſaid Sir William, requyreing him to remove the ſaid John Spotifwood out of his companie, and the

fame to be fubfcrived be the fcrbye of the Affemblic; the tenour wherof followeth.

Right Worſhipfull, &c. Forſameikle as we are informit be the miniſter and ane part of the elders of the kirk of Machleine, that ane called John Spotifwood, fometyne ane elder of the ſaid kirk, for the adulteries committed be him in the tyme he was ane elder, and the ſame beand ſufficientlie provin, hes bein and is excommunicat: Nottheles ge now being ane elder of the ſaid kirk, contrair to your charge and vocation, mantaines and keips in your companie the ſaid Johne, notwithstanding diverſe admonitions made to you to put him therfra, to the great contempt of Gods ordinance, and flander of the kirk of Jeſus Chryſt; quhilk we lookit not for at your hands, being placeit in ſo honorable ane rowme within his kirk. Heirfor this is moſt heartlie to requyre you, in the name of the eternall God, and as ge look to reigne with his Sonne Jeſus Chryſt for ever, to remove from you all manner of flander, and be not partaker of uther mens fins, bot remove from your ſocietie that wicked perſon, who being abhorreit be the faithfull, may be Gods grace repent his impietie, and returne to that companie of the faithfull, fra the whilk be his haynous offence he hes ſo horrible fallin; in the quhilk doing ge fall not onlie pleaſe God, but alſo have praife of us your brethren: Utherwayes we may not with ſafe conſcience ſuffer ſick mantaining of maniſt wickedneſs, but muſt oppone ourſelves therunto, and uſe the cenſures of the kirk alſweill againſt the mantainer as the committer of maniſt crymes. Thus wiſhing unto you the ſpirit of righteous judgement, comitts you to the proteſtioun of the Omnipotent. From Edinburgh, out of our Generall Affemblic, and 4th Seſſioun thereof, the 28 of Junij 1567.

The haill kirk thocht good that ane publick faſt ſould be proclaimed in the towne of Edinburgh only, to begin on Sunday the 13 of Julij nixt, and on Sunday the 20 of the ſame. And ſo was the Affemblic diſſolvit, and appointit the 20 day of Julij nixt to come into the towne of Edinburgh.

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A. D. M.D.LXVII.

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THE Generall Affemblic of the Kirk of Scotland, conveyit at Edinburgh, in the Over Tolbuith of the fame, the 21 of July 1567. In the quhilk were affemblit Erles, Lords, Barrons, whose names are wryten after the articles be them fufcryvit, with the Superintendents, Minifters, and Commiffioners of townes. Thanks was givin to God be Mr John Craig Minifter of Edinburgh.

[Mr John Row Minifter at St Johnfton, was chofen Moderator.

It was ordained, That the brethren of every fhire fhould chufe fome out of their number, and the minifters likewise chufe fo many from among themfelves, to reafon and confer upon the affairs of the Kirk, and to form articles in writ, and prefent the fame to the Affemblic, to be confidered. C.]

Seff. 2<sup>da</sup>. 22 Julij 1567.

[The Commiffioners appointit to deliver their miffives to the Earles, Lords, Barrons, and other brethren nominat, exhibited their Rolls. The Earle of Argile his letter, excufing his abfence, alledged, that the brethren already affembled in Edinburgh were in armes, and fo far as he underftood, the reft were to come likewise in the fame manner, and he not being privie to ther proceedings, nor having get joined himfelf to them, therfor he could not at this time be prefent: In the mean time defireth, that no innovations be attempted till the meeting of the other brethren; fo much the rather, becaufe their adverfaries would not allow of their doings; promifeth in the mean time to continue in the maintainance of true religion.

The Commendator of Arbroth alledged the like reafons for his abfence. C.]

Tenour of the Lettres of Excufation of the Erle of Argyle, of his abfence fra this Affembly, followeth :

After our moft heartlie commendatiouns; we have receavit your wrytings, underftandand be the fame your earneft travells and godlie zeale in erecting of this our Kirk within Scotland, according to our dewties and your Affembly to this effect, quherunto ye have defyreit us; yet something having in admiratioun, that ye fould have affignit your Affembly, quherunto ye defyre the principall members of the hail Kirk, without their awin advyfe and univerfall confent, having concurrit with them of befor, allweil anent the places of Affembly, as in matters to be treated in the fame; be reafon the brethren els affemblit in Edinburgh ar in armes, and as we underftand the reft that are to come ther comes in the lyke manner, quhilk is farre by the ufe and accuftomit manner and fafhion that we have feen of befor; and as it is not unknowin unto you quhat varietie is prefentlie in this realme, yet not doubting their intents and mynds to be only directit as ye have afoir fhawin; nottheles, becaufe our brethren els affemblit in Edinburgh are in armes accompanied with men of warre, we not being participant with ther proceeding, neither yet hes adjoynit ourfelves therintill, cannot at this tyme be prefent in the places appointit, according to your defyre; yet affuring you, lykeas in tymes paff we have not only beftowed our goods in the maintainance of Gods caufe, but alfo hes hazard our life and freinds in the fame fute, we mynd fill to continue; and fen the impediment of our conveyeing, albeit willing to all godlie proceeding, is for the caufes after fpecificet, in the mean time we will earneftlie requere you, that no innovatiouns or alteratiouns be made or attempted quhill our meeting, quhilk we trust to God falbe fhortlie; fo that nane of our brethren, nor we in abfence, have occafion to millyke any of your proceeding, becaufe fuch grave matters requyres ane comoun confent, allweill in ther approving, as that they may be the better borne out; for your awin wifdomes, we doubt not, will confider the factiouns of our adverfares, that they will never allow our doings; and therfor it is more than neceffar there be no diverfitie of mynds amangft ourfelves; ze we will find all matters frame the better if we be all prefent when they are concludit. So not willing to impeafche you with farder lettre, hes committed farther of our mynd to this bearer, your fervitour, to whom pleafe give credit: And fwa comitts you to God. Of But, the 28 day of Julij 1567.

Yours, affurit in the Lord,

AR. ARGYLL.

The tenour of the commendators of Arbroth, Killwinning, and my Lord Boyds excufatioun, aggrieing in all points as followes.

After moft heartlie comendatiounes in the Lord Jefus; we have receivit your wryteing daittit at Edinburgh the 26 day of Junij, fhawand in effect, albeit God of his goodnes hes fend the light of the evangell of falvation within this realme to the great confort and prosperitie of all the faithfull within this realme and ther poffteritie; yet nevertheles Satan with his minifters, at every light occafion, hath frustrat in tymes by paff the minifters of ther life and fuffentatioun, the lame and impotent members of Chryft afweill frustrate of ther livings, dieing in the ftreits for hunger and cold, and the haille flock of Chryft Jefus within this realme continuallie threatened to be made facrifice of, be the practife of the enemies, as your wryteing conteinis at lenth; for in meiting of the quhilk, and provideing of remeid therto, we defyre us to be in Edinburgh the 20 day of this infant, at the Affembly of the Kirk, quherby ane perpetuall ordour may be takin for the libertie of the kirk of God, the fuffentatioun of the miniftrie and failzeit members therof, fo that the haille members of the kirk might, be fure unioun and conjunctioun, be more able to gainftand the violence of the foirfaids enemies. For answer, it is not unknowin unto you, how the nobilitie of this realme are devydit, be reafon of the Queens Majesties haldin quher fcho is; and that the towne of Edinburgh, quher we defyre us to conveye, is keipit ftraitlie be one part of the nobilitie and men of warre of their retinew, to quhose opinioun we are not adjoynit as yet, and therfor we cannot thinke ourfelves fure to conveye the faid day and place we defyre us to keip, and els thinks marvell the haille multitude of Proteftants within this realme fould have been defyreit to have conveyit in fick a place, the matter ftandand as it does. Nevertheles we for our awin pairt falbe weill willing at all tymes to fett fordward the light of Chriffs evangell to be truely preachit, and the minifters thereof to be fuffainit, and the furth fetting of the policie concerning the kirk in all forts, fo farre as it may ftand be ane law, lykeas we have bein in all tymes by paff, fen it pleased God to opin our eyes and fhew the light of his bleffed word: And thus will cumber you with no langer letter, bot prayes God to have you in his eternall protectioun. Of Hamilton 29 of Julij 1567.

Your loving freind at power, in all godlines,  
Arbrothe.

## Aberdeine Excusatioun.

Right Honourable and welbelovit Brethren: After our heartlie commendatioun in the Lord Jefus, this present is to advertife you that we have receivt your letter, and at the requisition of our minister and proveft having commiffion therto, hes fightit, fein, and confidderit your wryting and aet of the Generall Affemblic, in the quhilk is containit the great labours tane be Satan and his members, makand impediment to the proceedings of the evangell and fourth fetting of the glorie of God, fuffentatioun of the miniftrie, the poore and neidie, and the contrair now to be provydit be the Affemblic Generall of the Chrifian kirk of this realme, now to be conveynit be the xx day of Julij infant; craveing of us our concurrence to the effect forfaid, together with our perfonall prefence. It fall pleafe your wifdomes to underftand, and moft affuredlie to beleive us profeffours of the evangell within the burgh of Aberdeine, to be of ane mynd, and be the grace of God to continue to the mantenance of the furthfetting of the glorie of God, teaching of the true evangell, and fuffentatioun of the minifters, with help unto the poore; and unto the tyme your wifdomes with the nobilitie find ane ordour univerfall for the miniftrie, we fall for our awin pairt, God willing, fuffaine our minister, fa that of reafon he fall have no caufe of plaint, and to the poore, according to our power, doe femblable as uthers burrowes fall take ordour; and as to our perfonall prefence to conveyne at this tyme, hes givin and fend our minister, Adam Herriott, to concurre and affift in our name to the effect foirfaid, and to declare unto your wifdomes the impediment of our perfonall prefence at this tyme; craveing your wifdomes, notwithstanding of our abfence, to credit us faithfullie to abyde at your decree, to be fett out be you and the Affemblic to the effect foirfaid, and to mantaine the fame with our bodies and goods as tyme fall requyre. And farther having no occafion for the present to wryte, comitts you to the protection of the Higheft. Wrytin the 12 of this infant Julij, and fubfcribit with our provefts hand, at our command at Aberdein, be them that are your affurit.

Thomas Meinzie.

[The Affemblic appointed fome brethren to convene in Mr James Macgills houfe, to vifite and advife upon the affignations made latelie be the Queen to the minifters, and of the payment thereof. C.]

Seff. 3<sup>a</sup>. 23 Julij 1567.

Certaine brethren was appointit to conveine to fie and advyfe upon the assignatioun of the stipends of the ministrie latelie assignit be the Queens Majestie the good payment, who fand in effect as followes.

We have sein the assignatiouns within the schirefdomes of Kincardin, Forfare, Perth, and Fyfe, and finds that all the heale conteinit therin, at least for the most part, hes bein thankfullie payit, and that the collectour hes givin his charges for payment therof dewlie, and rests nothing but to put them to the horne; that ther be lettres directit and commissioun givin in the faids lettres, with consent of the thesaurer, to collect and uptake the haill fruits of the benefices of so many as passe to the horne for the lxvi geir, and sicklyke for the lxvii geir instant, so long as they remaine at the horne, and to make count of the thrid to the ministrie, and sa meikle of the twa pairt as they intromett with to the thesaurer as escheitt. And as to the victualls within the forfaids shyres, we find that long before any lettres raisit upon this assignatioun, and before the baptisine of the Prince, they were fauld be the comptroller; and therfor he man be chargeit in his compts to rander sa meikle of the pryces heiroy againe to the ministrie as is containit in this assignatioun. Tuiching the thrids of the ministers assignatioun beyond Die, except Orknay, finds be the collector, that the lxvi geirs crope is not usit to be payit whill Lammes in the lxvii geir and after; and for executioun givin to him within the boundis, fall passe with possible diligence, and charge that haill boundis according to the lettres, of the quhilks he suppones good payment as hes bein of befoir, except the bishoprick of Caithnes, quhilk the collector alledges the bischop payes to his ministers of his awin kirks, conforme to the booke and compts made of befoir.

Item, Deare, Dunet and Pillorth are givin frie to the Erle of Marchell and freirs of Aberdein, and Captaine Lauders; bot it is understand that all the gifts are revockit, and therfor the collector is to charge them.

Item, that victualls within the same boundis are fauld ut supra; and therfor the comptroller in his comptis fall rander conforme to the 1 Article.

Item: be fouth Forth nothing gotten in; bot the collector alledges that Duncane Livingstoun hes tane up ij<sup>c</sup> xxxvij ſi. ij ſ. ij d. as he hes



grantit be the particular reffaitt, and therfor he man be chargit to delyvor the fame to the faid collector.

Item, of the thrids that is conteinit within this collectorie, that is alledgit difcharged. The thrid of the Abbay of Cambuskineth to iij<sup>c</sup> xxxij li. ij ſ. 8 đ. iij chalder beir, and iij chalder meill.

The thrids of [Inchmahomo] lv li. 6 ſ. 8 đ. ij chalders beir, iij chalders meill.

The thrids of Drybrugh, iij<sup>c</sup> iij li. and 62 pairt boll wheat, viij chalders, 2 bolls, 2 pairt boll beir, vij chalders, x bolls, 2 pairt boll meill.

The thrids of Melrofe, Haddingtowne and Northberwick; the thrid of Kelfo and Coldinghame.

As to Dumfrieis, Annandaill, Kirkudbright and Wigtown, the Bifchop of Galloway hes deput certaine collectors for fatiffactioun of the miniftrie within the fame.

Item, within Kyle, Carrick, Cunninghame, executiouns past, and belevis to have payment at the nixt ganging in the countrey. Item, Corsraguell is givin frie, and the minifter of Failfuid is ill payit.

Memorandum. That the Act be raifit made be the Queens Grace and Secreit Counfell, difchargeand the gifts and taks of all the thrids; and that nane fould be givin heirafter without advyfe of the Secreit Counfell, to the effect the collector may charge notwithstanding any fick gifts.

Remember that ilk collector execute within his bounds, that lettres be directit with confent of the thefaurer according to the first Article.

[Seff. 4<sup>ta</sup>. 24 Julij 1567.]

It was thought expedient that the portions assigned to the minifters for 1566 years be diftributed be the collectors already appointed, and that they diftribute the fame, according to their rolls to be given be the fuperintendents and commissioners which are to be appointed in this Affembly where there are no fuperintendents, to the faid collectors.

The tennor of the Commiffion which is to be given to the Revifer of the Rolls of Minifters Stipends.

At Edinburgh, the 24 day of Julij 1567. The whole Affembly in one voice thought meet, anent the affignation of money and victuals be the

Queens Majesty, for the sustentation of the ministry the 1566 years, that the distribution thereof shall be made be the collectors already appointed, according to the tenor of the rolls of appointment of stipends, which the superintendents and commissioners to be appointed shall receive from the keeper of the book of the ministers stipends; and after the said superintendents and commissioners have diligently marked these that are dead, or have not diligently waited on their charges, as they will answer to God and the kirk thereupon, to deliver the rolls to the said collectors, to every one within his own bounds; commending the collectors to pay every minister, exhorter and reider, the third part of that appointed in the rolls for said, the superpluss to be made compt of to the Assemblée.

Sess. 5<sup>ta</sup>. 25 Julij 1567.

The articles advised upon and formed be such as were chosen in the first session, were read publicly in presence of the whole nobility and brethren assembled, and were allowed be them all who were present, and subscribed first be the nobility, and after be the barons, superintendents, and commissioners of towns.

It was ordained, that the commissioners appointed in the last Assemblée should every one of them have an authentic coppie of the articles, subscribed be the clerk of Assemblée, or Alexander Hay scribe to the Secret Counsell; and that the said commissioners require all and sundry earles, lords, barons and other faithfull brethren, who excused themselves for not giving their personall presence to this Assemblée, to subscribe the said articles with the rest of their brethren, according to their promises made be word or be write; with certification to them that refuse, that the kirk hereafter will not repute them as members of their body; and to return the rolls of the said articles, subscribed be the scribe of the Assemblée, to the effect their subscriptions may be set down in the Register with the rest. C.]

#### Articles.

The noblemen, barrons, and uthers under-subscryveand in this present Assemblée of the kirk of God, hes aggriet and condiscendit to the articles after following, at Edinburgh, 20 July 1567.

In the first, forsameikle as there was ane parliament haldin in this realme before the Queens Majesties arrivall in the same, be the estates conveyit for the tyme, authorized with her Hienes awin power and commission, in the quhilk parliament it was concludit, that the religion of Jesus Chryst then univerrallie receivit within this realme, sould be univerrallie establisched and approvit within the same, and all papistrie with the papists usurpit jurisdiction, all idolatrie, and in speciall the blasphemous mefs, be abolischt and simpliciter put away, as the Actis made therupon purportis; quhilk Actis, together with the Queens Majesties power to hald the same parliament, the noblemen, barrons, and uthers under-subscryveand, willis to be extractit and put in full executioun as ane publick law, and that the transgressours therof be punischt according to the same, throughout the whole realme without exceptioun. Quhilk parliament, in all things concerning the religioun, they shall defend and mantaine at ther uttermost in the first parliament quhilk shalbe haldin, and at all uther tymes and occasiouns convenient.

Item, that the Act already made towards the thrids of the benefices within this realme, principallie for sustentatioun of the ministrie, may be dewlie put to executioun, according to the ordour of the Booke of the appointment of ministers stipends, asweill for them that are to be appointit as for them already placeit, and that the ministers be first dewlie answerit and sufficientlie sustained of the same, to the releife of ther present necessitie, and quhill ane perfyte ordour may be tane and establischt toward the full distribution of the patrimonie of the kirk according to Gods word; and that also the ordinance made be the Queens Majestie and her counsell toward the small benefices, now extending to the valour of thrie hundreth marks, be dewlie put to executioun, alsweill toward the benefices quhilk hes vaikit sen the dait of the said ordinance, as concerning them that shall happen heirafter to vaik; and sikk lyke the act made toward the anualls, obits, and altarages of burrowes.

Item, how soone ane lawfull Parliament may be had, or that the occasioun may utherwayes justlie serve, the nobills, barrons, and uthers of the kirk after subscryveand, shall labour and preafe to ther uttermost, that the faithfull kirk of Jesus Chryst profess within this realme, shalbe put in full libertie of the patrimonie of the kirk, according to the booke of God, and the ordour and practise of the primitive kirk; and that nothing shall passe in parliament unto the tyme the matters of the kirk foirsaid be first confi-

derit, approvit and establihit; and in the meanetyme the professours under-  
 subscriue and consents and offers to reform themselves according to the  
 booke of God, quhilk they fall put in practise, and the refusers and contra-  
 veiners to be secludit fra the bosome of the kirk. And moreover, in the  
 said nixt Parliament, or utherwayes at the first occasioun, ordour salbe tane  
 for ease of the poore labourers of the ground, toward the payment of there  
 teinds in reasonable maner, and how the same fall not be fett over there  
 heids without ther advyse and consent.

Item, that nane be admittit nor permittit heirafter to have charge over  
 schooles, colledges or universities, or get opinly or publicklye to instruct  
 the youthheid, bot sikk as hes bein tryed be the superintendents and visitors  
 of the kirk, salbe found found and able in doctrine, and admittit be them  
 to ther charges.

Item, that all crymes, vyces, and offensis committit agains Gods law,  
 may be severely punishit according to the word of God; and quher lawes  
 are presentlie appointit for the punishment, and judges also to that effect  
 deput, that the execution be made therupon as effeirs; and quher neither  
 law nor judges are appointit for sikk crymes as are to be punishit be the  
 law of God, that in the first parliament the same judges may be appointit,  
 laws establihit, as God commands in his word.

Item, that sen the horrible murther of the King, the Queens Majesties  
 husband, is so odious not only before God, but also the whole world, be  
 continuall infamie and shame to this haile realme, if the same murther fall  
 not be punishit accordingle; therfor the noblemen, barrons, and uthers  
 under-subscriue and fall with all ther forces, strenth and power, concurre  
 and assist to take plaine part together, to further and mantaine the punish-  
 ment of the said murther on all and quhatsoever persons that salbe found  
 guiltie of the same, seeing the plague of God fall not depart from the  
 countrey or towne wher innocent blood is shed, befor the same salbe  
 cleansit be shedding the blood of the offenders.

Item, sen it hes pleasit Almightye God of his mercie to give ane native  
 prince to this countrey, appeirand to be our soveraigne, to the end he be  
 not cruellie and shamefullie murtherit as his father was, the nobilitie, bar-  
 rons, and uthers under-subscriue and, fall assist, mantaine and defend the  
 prince against all that wald violently oppresse him or doe him injurie.

Item, that all kings, princes, and magistrates quhilk heirafter in any  
 tyme to come fall happin to beare reigne and rule over this realme, [at] ther

first entres befor they be crownit and inaugurat, fall make ther faithfull league and promise to the true kirk of God, that they fall mantaine and defend, and be all lawfull meanes sett forward, the true religioun of Jesus Chryst presentlie confestit and establisht within this realme, even as they are obleischt and astrictit in the law of God, asweill in Deutronomie as in the second chapter of the Booke of the Kings; as they crave obedience of there subiects, so the band and contract to be mutuall and reciproque in all tymes comeing betuixt the prince and God, and also betuixt the prince and faithfull peiple according to the word of God.

Item, that the prince whom God hes givin us, asweill for his suretie as good educatioun, fall be comittit to wife, ancient, godlie and learned men of the realme, to be brocht up within the same in the feare of God and virtue, wherby he may so profit in his youth, that when he fall come to his yeirs of majoritie, he may be able to discharge himselfe of that honour and place quherto he salbe callit, and prove that good king quhilk with all ther hearts they wisch him to be.

Item, the nobilitie, barrons, and uthers of the kirk undersubscryveand, in the presence of God hes faithfullie promised to conveine themselves, together with ther power and forces, and heir to begin to ruit out, destroy and alluterlie subvert all monuments of idolatrie, and namely, the odious blasphemous messe, and thereafter to goe forward throughout this whole realme, to all and fundrie places quhatfumevir idolatrie is fostred, hanted or maintained, and cheiflie quher messe is said, to execute the reformation forsaid, without exceptioun of place or persons; and fall to the uttermost of ther power remove all idolaters, and uthers that are not admittit to the ministrie of the kirk, fra all function therof, asweill privat as publick, that they hinder not the ministrie any maner of way in ther vocation; and in place of the premisses, sett up and establissh the true religioun of Jesus Chryst throughout this hail realme, be planting of superintendents, ministers and uthers neidfull members of the kirk; seeing the host of the Lord fall passe through the whole countrey to this effect, and also fall proceed to the punishment of idolaters, according to the lawes therupon pronouncit, and sick lyke fall punish and cause be punished all uther vices that presentlie abounds within this realme, quhilk Gods law and the civill law of this realme comands to be punished, and cheiflie the murther of the King laitlie comittit. And in lyke maner promise faithfullie to reforme schooles, colledges, and universities throughout the whole realme,

and expell and remove the idolaters that hes charges therof, and uthers quho hes not get joynit themfelfe to the true kirk of Chryft, and plant faithfull instructors in ther rowmes, to the effect that zouth be not infectit be poysonable doctrine at the beginning, quhilk afterward cannot be well removeit away.

Followes the subcription of the Erles, Lords, Barrones, and uthers Comiffioners present for the tyme.

Mortoun, Glencairne, Mar, Hume, William Lord Ruthven, Sanchair, Patrick Lord Lindfay, Grahame, Lord Innermaith, Ochiltree, Sir James Balfour, James M'Gill, Tullibardin Comptroller, William Maitland, John Erkin, John Wischart, Glenbervie, John Cunighame of Drumquhassill, William Kirkadie, John Cathcart of Cariltown, William Moncreiff, Drumlangrick, Bargany, Andro Wood of Largo, Andro Stewart, Robert Fairlie of Braid, Archibald Wood, George Barclay of Mathirs, George Corrie of Kelwood, George Hoome of Spott, Mr William Lundie, Gilbert Kennedy of Dalquharrane, John Melvill of Raith, Quhittinghame, Raffyth, Baro, Pittencreiff, Andro Car in Faudonesfyde, Thomas Scott of Harne, Robert Cambell, Henrie Grahame, Johne Fullerton of Dreghorn, Alexander Guthrie of that ilk, William of Craigings, Williame Durhame of Grange, Thomas Difchingtoun, Thomas Scott of Thirlstoun, George Straiton of that ilk, Alexander Creichtoun of Karko, Mr John Wood, Alexander Ogstoun of Fethercarnie, Patrick Kyninmonth, Robert Lindfay, Thefaurer, John Colles, William Meingies, John Mellvill, William Edmeistoun of Duntreith, Robert Murray, John Schaw, John Stewart of Minto, Gilbert Ogilbie of that ilk, James Chalmer of Gaitgirth; Comiffioners of townes, for Edinburgh, Alexander Clark bailgie, Mr Clement Litle, Mr John Prestoun, Mr Richard Strang; for Air, Paul Reid, Richard Bannatyne, Gilbert M'Millane; for Irwin, Alexander Cuninghame, Alexander comendator of Culros; for Glasgou, Mr David Weymis, James Boyd; for Jedbrucht, William Howburne, Alexander Forrester.

[Names of those that subscribed afterward at the desire of the Commiffioners. William Chirnefyde of Eiftnisbet, Kenneth M'Kenzie, Robert Monro of Foulis. C.]

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A. D. M.D.LXVII.

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THE Convention of the Brethren, haldin in Edinburgh the 15 of December 1567 zeirs, befor the Generall Affemblie of the hail Kirk to begin the 25 of the month forfaid.

First, were nominat and chofen for every province certaine brethren to reason and conferre upon sick things as appeirandly fould be neceffar for fetting forward the affaires of the kirk, without prejudice of the Generall Affemblie and actiouns therof.

xxii Decembris 1567.

Anent the crymes of inceft and adulterie, and punifhment to be takin theranent in the nixt Generall Affemblie, the brethren presentlie conveyit thinks it neceffar that every minifter, with the elders and deacons, fall fearch out within ther awin bounds at ther felfiouns the foirfaid crymes, if they be notour; therafter to fignifie the fame to the fuperintendent of the dyocie at his fynodall conventioun; and he therafter to notifie the fame to the fupreme magistrat, requyreing him to minifter juftice and punifch sick haynous offences according to the law of God, as he will anfwer to that Supreme Judge at that day when no refpect of perfons falbe had: And wher no fuperintendent is yet placed, that the minifters, elders, and deacons, declare the faids crymes to the Generall Affemblie, to the effect forfaid.

A. D. M.D.LXVII.

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THE Generall Affemblic of the Kirk conveyit in Edinburgh, in the Nether Tolbuith therof, the 25 of December 1567. In the quhilk were present Erles, Lords, Barrones, Superintendents, Ministers, and Comissioners of Townes and Kirks. The invocatioun of Gods name was made be Mr Johne Craig ane of the Ministers of Edinburgh.

For eschewing of confusioun in reasoning in this present Affemblic, was chosen Mr Johne Row minister of St Johnstoun to be moderator.

[The Superintendent of Fife was complained upon for not visiting kirks, nor teaching in kirks subject to his charge, nor taking up crymes and offenses to be punished.

Adam called Bishop of Orkney, Commissioner for Orkney, being absent, was delated for not visiting the kirks of his country, but from Lambmes to Hallowmes. Item, That he occupied the room of a judge in the session, the sheep wandering without a pastor. Item, Because he retained in his own companie Sir Francis Bothuell, a papist, to whom he had given benefices, and placed a minister. Item, Because he solemnized the marriage of the Queen and the Earl of Bothuell, which was altogether wicked, and contrair to Gods law and statutes of the kirk.

Alexander called Bishop of Galloway, commissioner, was accused, That he had not visited these three years bygone the kirks within his charge; that he had left off the visiting and planting of kirks, and he haunted Court too much, and had now purchased to be one of the Session and Privie Councill, quich cannot agree with the office of a pastor or bishop; that he had resigned Inchechaffrey in favours of a young child, and set diverse lands in feu, in prejudice of the kirk.



Certain commiffioners were appointed to vifit kirks: Mr John Knox minifter of Edinburgh, was appointed to affift the fuperintendent of Louthian, in his vifitation from Stirline to Berwick, and therafter to vifit Kyle, Carriēt, and Cuninghame. C.]

Seff. 2<sup>da</sup>. 26 December 1567.

[Mr John Craig, David Lindfay, George Buchanan Principall of Sanct Leonards Colledge, and Mr George Hay, or any two of them, were appointed to direct their edicts to all minifters, elders, and deacons of kirks, under the Superintendent of Fife his charge, to compear at Couper the 22d day of Januar, with their complaints againft the faid fuperintendent, to try and report to the nixt Affembly. C.]

The hail kirk affemblit thocht it meitt, that certaine brethren be appointit to concurre at all tymes with fick perfons of parliament or feccret counfell as my Lord Regents Grace hes nominat for fick affaires as pertaines to the kirk and jurifdictioun therof, and alfo for decifions of queftions that may occurre in the meane tyme, whose names followe: Mrs Johne Knox, Johne Craig, minifters of Edinburgh, the fuperintendents of Angus and Lowthiane, David Borthwick, Thomas M'Calgean, Mr David Lindfay minifter of Leith, George Hay of Ruthwen, and Johne Row of St Johnftoun.

[Mr Clement Little, Alexander Sim, and Richard Strang, were appointed Procurators, to defend and purfue all Actions pertaining to the Kirk, before whatfoever Judge or Judges; Mr George Makefon was chofen Solicitor, James Nicolfon was Comptroller, keeping the rentalls of the Thirds of Benefices, and Affumptions therof. C.]

Seff. 3<sup>a</sup>. 28 Decembris 1567.

[The Lairds of Braid, Whittinghame, and Elphingftone, Mr Alexander Arbuthnot, John Braid minifter, were joyned to the Brethren nominat in the Second Seffion, appointed to concur with the Lords of Secret Counfell for decifion of queftions after the Affembly. C.]

Ordaines that Superintendents and Commiffioners appointit fall plant

Minifters vacand in fick rowmis wher the parochiners will gladlie fuftaine them on their awin expenfis, whill uther ordour be had ; and that they remove none out of the rowmes, being found qualified, without advyfe and confent both of the Kirk and Minifter that is found worthie of the place.

Self. 4<sup>a</sup>. 30 Decembris 1567.

[Mr Patrick Craigh minifter of Ratho, for celebrating the marriage of James Lindfay, and a woman whom he had abufed in fornication, without proclamation of bands or a testimonial therof, and upon a ferial day, contrair to all order eftablifhed in the Kirk, and chiefly ane Act made in December 1565, was fufpended from his miniftrie, and lifting up of his ftipend. C.]

Anent the accufatioun laid to my Lord Argyles charge, tuitching the feparatioun betuixt him and his wyfe, declarit that he was not the occafion therof. As to uther offences quhatfoever, quherthrow he hes bein any wayes flanderous to the Kirk, he was content to fubmitt himfelfe to the difcipline of the Kirk at all tymes moft willinglie ; and therfor the Kirk ordainit the Superintendent of Argyle to take tryall of the faids flanders committit be the faid Erle, and thereafter to caufe fick fatiffaëtion be made as Gods law appoints, and to report the ordour therof to the nixt Generall Affemblic of the Kirk, together with his awin diligence in execution of his office of Superintendentrie.

[The Bifhop of Galloway, accused for neglect of preaching and overfeeing the kirks within his iurifdictioun thefe three years bygone, and attending upon Court, Seffion and Secreit Counfell. He granted that he offended in all that was laid to his charge. His Commiffion continued till the nixt Affemblic, with admonition to be diligent in vifitation. C.]

Anent the Mariage of the Queine with the Erle of Bothwell, be Adam callit Bifhop of Orkney, the hail Kirk finds that he tranfgreff the aëct of the Kirk in marrying the divorcit adulterer ; and therfor depyvis him fra all functioun of the miniftrie, conforme to the tenour of the aëct made therupon, ay and quhill the Kirk be fatiffied of the flander committit be him.

The fame day, Mr Johne Craig was bruitit for proclameing the bands betwixt the Queine and the Erle Bothwell ; who anfwerit be word, iuffifie-

ing his proceedings theranent, and was ordainit to give in his purgatioun in wryte, to the effect that his good mynd and proceedings may be knawin to all and fundrie that heirafter wald be satisfieid heiranent.

Tenour of the forsaide Purgatioun.

To the end that all that feares God may understand my proceedings in this matter, I fall shortly declare what I did, and what moved me to defend the same, leaving the finall judgement of all things to the Kirk. First, be the request of Mr Thomas Hepburne, in the Queins name, to proclame her with my Lord Bothwell, I plainly refuseit because he had not her hand wryte; and also the commoun brute that my Lord had both ravischit her and kept her in captivitie. Upon Wedinsday nixt, the Justice Clerk broght me ane wryting subscribed with her hand, bearing in effect, That she was neither ravischit, nor yet retainit in captivitie, and therfor chargeit me to proclame. My answer was, I durst proclame no bands (and cheiflie such) without consent and comand of the Kirk. Upon Thurefday nixt, the Kirk, after long reasoning with the Justice Clerk and amongst the brethren, concluded that the Queines mynd should be published to her subjects thrie next preaching dayes; but because the Generall Assemblie had prohibited all such marriages, we protestit we wold neither solemnize, neither yet approve that mariage, bot wald only declare the Princes mynd, leaving all doubts and dangers to the counsellours, approvers and performers of the mariage. And so upon Fryday nixt, I declarit the hail mynd and progresse of the Kirk, desyreing every man in Gods name to discharge his conscience before the Secret Counsell, and to give boldnes to vthers. I desyrit of the Lords ther present tyme and place to speake my judgement before the parties, protesting if I were not hard and satisfieid, I either wald desist from proclaiming, or els declare my mynd publickly before the Kirk. Therfor being admittit after noone before my Lord in the Counsell, I laid to his charge the law of adulterie, the ordinance of the Kirk, the law of ravisching, the suspicioun of collusion betwixt him and his wyfe, the sudden divorcement, and proclaiming within the space of foure dayes, and last, the suspitioun of the Kings death, quhilk her mariage wald confirme. Bot he answerit no thing to my satisfactioun; quherfor after many exhortatiouns, I protestit that I could not but declare my mynd publickly to the Kirk. Therfor, upon Sunday, after I had declarit quhat they had done, and how they wald pro-

ceid quhither we wold or not, I tooke heavin and earth to witnes that I abhorrit and detestit that mariage, becaufe it was odious and slanderous to the world ; and seeing the best part of the realme did approve it, either be flatterie or be their silence, I desyrit the faithfull to pray earnestly that God wald turne it to the comfort of this realme, that thing quhilk they intendit agains reason and good conscience. I, becaufe I heard some persons gangand agains me, usit thir reasons for my defensis : First, I had brock-in no law be proclaiming of thir persons at their request ; secondlie, if their mariage was slanderous and hurtfull, I did weill in forewarning of all men of it in tyme; thirddie, as I had of duetie declareit to them the Princes will, sa did I faithfully teach them be word and example what God craveit of them. Bot upon Tuesday nixt I was callit befor the Counsell, and accuseit that I had past the bounds of my commissioun, calling the Princes mariage odious and slanderous befor the world. I ansuerit, The bounds of my commissioun, quhilk was the word of God, guide lawes and naturall reason, was able to prove quhatsoever I spake ; sea that their awn conscience could not but beare witnes that sikk a mariage wald be odious and scandalous to all that fould heir of it, if all the circumstances therof were rightlie confidderit : Bot quhill I was coming to my probatioun, my Lord put me to silence and fend me away. And so upon Wednesday, I first repeated and ratified all things befor spokin, and after exhortit the brethren not to accuse me, if that mariage proceedit, bot rather themselves, who wold not for feare oppone themselves, bot rather sharpit their tongues agains me becaufe I admonished them of their duetie, and sufferit not the cankerit consciences of hypocrites to sleip at rest, protesting at all tymes to them that it was not my proclaiming bot rather their silence that gave any lawfulness to that mariage. For as the proclaiming did take all excuse fra them, so my privat and publick impugnation did safe my conscience sufficiently ; and this farre I proceedit in this mariage, as the kirk of Edinburgh, Lords, Erles, and Barrones that heard me will beare me witnes. Now seeing I have been shamefullie slanderit both in [England and] Scotland, be wrong informatioun and false report of them that hateit my ministrie, I desyre first the judgement of the Kirk, and nixt the same to be publishit, that all men may understand quhither I be worthie of sikk ane brute or not.

Seff. 5<sup>a</sup> ultimo Decembris 1567.

[The power of commissioners appointed to visit and plant kirks, was limited in manner following: They are to consider what persons possess benefices within the bounds of their visitation, how long, and at whose presentation, also their qualities and sufficiencies: And if any vaick in the time of their presentation, to dispone the same to qualified persons, being presented be the right patrons; and if they dispone any benefice to unqualified persons, they shall underly the censure of the kirk at the next Assembly, shall be punished accordingly, and the benefice shall be bestowed upon another who is qualified. C.]

Anent the complaint givin in against my Lady Argyle, declaring how sho once, being at the table of the Lord Jesus, and professing his Evangell, had revoltit therfra in giving her assistance and presence to the baptizing of the King in a Papisticall maner. The said Ladie being present, grantit that sho had offendit to the eternal God, and bein ane slander to the Kirk, in committing the premisse, and therfor willinglie submittit her selfe to the discipline of the Kirk and discretioun of them. Therfor the Kirk ordaines the said Ladie to make public repentance in the Chappell Royall of Strive-ling, upon ane Sunday in tyme of preaching, and this to be done at sick tyme as the Kirk heirafter shall appoint be the superintendent of Lowthiane, provydeing alwayes it be before the next Assembly.

[Twelve or thirteen brethren wer appointed to convene and choose Collectors, for uplifting and inbringing the Thrids of Benefices in every province, and enjoin what every one of them shall observe.

The Kirk presently assembled in the Tolbooth of Edinburgh, hath elected, nominat, made, constitute and ordained, and be the tennor hereof elects, makes, nominates, constitutes and ordaines their beloved Brother N. their collector within the bounds of N. granting, giving, and committing to him full power, authority, special command, and charge, to ask, crave and receive, in name of the said Kirk, intromett and uptake all and fundrie the thrids of whatsoever benefices lying within the said bounds; together with the whole fruits of common kirks, and all other common rents; whole fruits and rents of Freirs lands, places and livings; whole superplus omitted, and benefices or chapplanries not given up in rentals, lying within the bounds above specified, which are now be Parliament givin and assigned to the Ministrie of the Kirk, of the crop and year of God

1567 years instant, and siclike yearly in time coming, quhill he be lawfully discharged; acquittances and discharges thereupon to make, give and subscribe; and generally all and sundry other things to doe and exerce, that to the office of collectorie in such cases, by law and consuetude, is knowen to pertain; firm and stable holding and for to hold all and whatsomevir things the said collectors doeth in the premises, or lawfully leadeth to be done; provyding alwise that he use the said office of collectorie, and behave himself therein, according to the injunctiouns given to him therupon; and make compt reckoning and payment of his intromissions, after the form and tenor therof. Given in the General Assemblie, and fifth Session therof.

The Tennor of the Caution for everie Collector, according to the Injunctiouns, followeth:

We N. and N. Forfameikle as the Assembly holden at Edinburgh the 2d of Januar 1567 years, hath made and constitute their loving brother N. within the bounds of N. collector, and hath made and given to him certain injunctiouns, with commissioun for using of the said office for the crop and year of God 1567 years instant, and siclike yearly, and in time coming, quhill he be lawfully discharged, as at more lenth is contained in these said injunctiouns and commissioun: Therfor we bind and obleige ourselves, our Heirs, Executors and Assigneys, to Mrs Clement Little and Richard Strang, Procurators for the Kirk, and in their names, that the said N. shall truly, leilly and diligentlie use and exerce the said office, to the weel and utility of the Kirk, without fraud or guile, according to the commissioun and injunctiouns given to him therupon; and shall make reckoning and thankfull payment of his intromissions during all the time of his office; and if he fail, we shall refund and pay to the Kirk all and whatsomever things the said N. shall happen to be addebted to them, during all the time forsaide: And for more sure payment of the premises, we are content and consents that this our assignation be acted in the books of Counsel, and decerned to have the strength of a decreit of the Lords, and executorials to passe thereupon in form as effeirs. And I the said N. bind and oblige me myself, my heirs, executors and assigneys, to free, releve and keip skaithless the said N. and N. my soverties, &c. In witness of the whilks, we have subscribed this obligation with our hand at Edinburgh the day of .

It is required, that every collector be known to be of sound religion ; that they shall do their office without suspicion of fraud or avarice, make payment to every superintendent, commissioner of the Kirk, minister or reader living within their bounds, of the stipend appointed to them quarterly, at four terms in the year, and that the said payment be made to every one that ferveth that hath stipend or fee, at their own houses, that they be not compelled to seek abroad, and leave their vocation : That where the rental beareth victuall, they shall not have power to sell the victuall or any part thereof, or sett price thereupon, but be the advice of the Assembly allenerly, or such as they shall deput commissioners thereto in every province ; and that the said collectors shall have their hand-writs to shew at their compts, and shall sell no victuall till the ministers be first furnished, or els refuse to receive the samein upon the prices which shall be appointed : And if the poor labourers be not able for povertie to deliver the bolls, he shall take no higher prices than is appointed, nor put up in the garnel, where he may have the prices befor appointed.

Item, that they shall not drive time fraudulently, in payment of ministers stipends ; that they be not compelled through necessity to give acquittances of greater sumes than they shall happen to receive, or take the victualls at dearer prices than shall be appointed : And if it be known that he hath dealt fraudulently or covetously, to the hurt either of ministers or subjects, that he shall incur the pain of twa hundereth pounds, to be applied to godlie uses.

Item, That they shall make a just account to the Assembly, or others to be appointed to receive the same, of their particular intromissions with their foirlaids thrids, and make faithfull payment of the superplusses resting in their hands above the payment of the ministers, or els give in letters of horning sufficiently execut and indorsed, of their diligence.

Item, That they resign their office in the hands of the Assembly, whensoever they shall be charged, or found negligent or fraudulent. Item, That they find some sufficient landed man or burgeses, cautioner, one or more if one be not sufficient for the faithful administration of their office, under pain of refunding all damages, skaiths, and entres which the Kirk or any member thereof shall sustain through their defaults, the samein being summarily liquidat and known, and los of their office ipso facto, and under pain before expressed in the fourth Article.

Seff. 6<sup>ta</sup>. ... Januarij 1567.

The Superintendent of Angus presented a supplication in write, or rather a dimission of his office of superintendancie, be reason he was not able to discharge that office in respect of his age and infirmity: The Assembly notwithstanding would not accept this his dimission, for divers respects, to be shewn to the said superintendent, and continued him in the said vocation till farder advisement.

Seff. 7<sup>ma</sup>. ... Januarij 1567.

It was ordained, That a letter should be sent to England to Mr Willocks to request him to return; the tenor wherof followeth.

Videbam Satanam sicut fulgur de cœlo cadentem.

As the Lord our God hath at all times been from the beginning of this his work of reformation and restitution of the purity of his true worship and religion within Scotland, loving brother in the Lord, most beneficiall and bountifull toward this realme, so hath he now be this last, but most miraculous victory and overthrow, poured forth in greatest abundance the riches of his mercies, in that not only he hath driven away the tempest and storm, but also hath quieted and calmed all fourses of persecution; as now we may think weal our ship is received, and placed in a most happy and blessed port; our enemies, praised be God, are dashed; religion established; sufficient provision made for ministers; ordour taken, and penaltie appointed, for all sort of transgression and transgressours; and above all, a godly magistrat, whom God of his eternall and heavenly Providence hath reserved to this age, to put in execution whatsoever he by his law commandeth. Now then, loving brother, as your presence was to us all in time of trouble most comfortable, so it is now of us all univerfally wished, but most earnestly craved be your own flock, who continually at all Assemblies have declared the force of that conjunction, the earnestness of that love, the pith of that zeal and mutual care that bindeth the pastor with his flock, which neither be progreffes of



time is diminished, nor be separation and distance of places restringed, nor yet be tyrannie and fear dissolved. True it is, that at this their most earnest and just petition, we have ever still winked this time past; not but that to us all your absence was most dolourous; but in respect of troubles, we judged more meet to await for such opportunity as now God, in this most wonderfull victory of his evangel, hath offered: Therfor feing all impediments are removed, and your flock still continueth in earnest suit for you, and now every where throughout the realme commissioners and superintendents placed, and one offered to them, and be them refused altogether, awaiting for you; we could no longer stay, but agree to this their desire, in suit whereof neither through fear have they fainted, nor by charges retarded, nor yet by any kind of offer delisted; and as we have been moved to grant to them that which they have thus humbly and continually suited, we cannot but perswad ourselves but ye will satisfie the same; neither can we think that the shepherd will refuse his flock; that the father will reject the just petition of his son; least of all, that the faithfull servant of God will shut up his ears at the voice and commandment of the Kirk, or yet deny his labours to his own country. The time is proper now to reape with blythnesse that be you before was sowed in tears, and enjoy the fruit of your most wearisome and painfull labours. It shall be no less pleasant to you to see your own native country at liberty and freedom, quich ye left in mourning and sobbing, under the heavie burden of most cruell servitude, then comfortable to behold the religion of Jesus Christ throughout all the realm flourishing, vertue increasing, vertuous men in reputation; and finally to embrace those dayes, quich howsoever hath been be your self most piously desired, yet could ye never look to obtain the same. Now, at last to conclude, unless ye will be anemie to your country, ye will not refuse these requests; unless ye will be stubborn and disobedient, ye will not contemn the commandment of the Kirk; unless ye will be careless and unthankfull, ye will not dispise the humble, continuall and earnest suit of your flock; and last we assure ourselves, that ye are not so afflicted and addicted to your own particular, as that this generall and common cause should be in anywise be you neglected. Now shall ye see the kaipstone of that work wherof ye laid the foundation. Thus we cannot look for any other answer then ye shall give be your self, and that with all expedition possible. Our state, ye know, is not so sure but we ever stand upon our watches; but that, we know, will not stay

you, feing your compt is fo laid. Thus we commit you to the protection of our Lord Jefus. At Edinburgh, in our Generall Affembly, and feventh felfion therof. C.]

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A. D. M.D.LXVIII.

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THE Generall Affemblic of the Kirk conveyit in Edinburgh, in the Nether Tolbuith therof, the first day of July 1568 : In the quhilk was present the Nobilitie, Superintendents, Ministers, and Commissioners of Townes and Kirks. Thanks was given to God, and supplicatioun made for his assistance of his Holie Spirit, be Mr Johne Willock.

The same day, for eschewing of confusioun in reasoning, and that every brether speake moderatlie in his awin rowme, and that with reverence and licence, the haill brethren assemblit choose Mr Johne Willock, Superintendent of the West, to be moderator for this present Affemblic, quho being chosen accepted the office, under protestatioun that obedience be given.

[The commissioners depute be the last Affembly to take trial of the complaints givin in, or to be given in, against the Superintendent of Fife, produced the execution of their commiffion subscribed be Mr David Spence their scribe for the time. Others were appointed to revise their proceedings and to report. He was accused of negligence in his visitations ; that he was careles in punishing adulterers ; that he retained one called Flecher, a reader in the kirk of Lewchars, whom Mr Knox had found unable. To this last he answered, that he knew not that Mr Knox had pronounced any such sentence against him. It was alleged be the laird of Tarbett, that, when he was visiting the kirk of Skennie, Mr William Blackwood desired him to declare of his conscience, whither the messe was idolatry, when he alleged that tithes should be paid to none but such as have recanted the messe, the said superintendent in audience of the whole people, bad the said Mr William take it on his conscience. His answer was, it is long since I thought the messe idolatry, but I said ye most condemn it in your own conscience.]

Some brethren were appointed to revise the travels of the superintendents and commissioners, appointed by the last Assembly, to visit kirks, to note the notorious crimes and names of the offenders, that their names might be presented to the Regent with a supplication of the Assembly for justice, to wit, Mr John Craig, John Row, William Christefone, John Duncanfone, David Fergufone, and Mr Robert Hammilton minister at Sanct Andrews.

It was ordained, that superintendents should command readers to abstain from all ministrations of the sacraments, under the pain to be accused as abusers, and criminall according to the act of Parliament. C.]

Sessio 2<sup>a</sup>. 6 Julij 1568.

Anent the ordour heirafter to be usit in Generall Assemblies, to the defyre of ane lettre presented by ane brether for receiving of the ordour heirtofoir, the haill votit and concludit as followes, viz. That give the ordour already received pleases not men, be reason of the pluralitie of voyces; it was thought meitt to reforme in this maner:

First, That none have place nor power to vote, except superintendents, commissioners appointit for visiteing kirks, ministers brocht with them presentit as persons abill to reason, and having knowledge to judge. With the foirnamit fall be joynit commissioners of burghes and shyres, together with commissioners of univerfities.

Secondlie, Ministers and Commissioners of Shyres fall be chosen at the synodall conventioun of the dioces, by consent of the rest of the ministers and gentill men that fall convene at the said synodall conventioun. Commissioners of burghes fall be appointit by the (L) counfall and kirk of their awin townes.

Thridlie, none to be admittit without sufficient commissioun in wryte; and on aventure that this should come ane monople and perpetuall electioun of a few certaine ministers and commissioners, it is concludit that they be changeit fra Assemblie to Assemblie.

Anent the questioun of murther committit upon suddentie and for satisfactioun to be made to the Kirk therfor; First, it was answered, that the cryme being confestit, or convict lawfullie, the offender fall be admonishit

be the superintendent, or be the nixt reformed kirk where the slaughter was committit, to abstain from all participatioun of the Sacraments, untill that he satisfie the kirk as fall be appointit, and that their admonitioun fall be publihit where the cryme was committit, and where the recent brute therof was spread; to the end that men may understand that the Kirk winks not at the shedding of innocent blood. Secondlie, if the cryme be denied, and yet the brute therof be constant, and as it were publick, yet fall the suspect be commandit to abstaine fra the use of the Sacraments, untill sick tyme as farder tryall may be had, or els that he be solemlie purgit of the brute. As for the sudden murther and that quhilk is committit wilfullie, we remitt the anfuer therof to ane former act.

Anent the forme of receiving the homicide or adulterer to the Kirk; nane that hes committit slaughter, adulterie, or incest, or heirafter fall committ the same, fall be receivit to repentance be any particular kirk, till that first they present themfelse befor the Generall Assembly, ther to receive their injunctiouns, and thereafter they fall keip the same ordour that was prescryvit to Paul Methven in his repentance: This being addit, that he or they fall beir into there hand, at all the tymes of the publick repentance, the same or lyke weapon wherwith the murther was committit.

[As for oppressors of children, they are to be admonished be the Kirk to make publick repentance in sackcloth, barefooted and bareheaded, so oft as the particular kirks shall appoint.

Because the Assembly was troubled with reading and answering of bills, the superintendent of Fife, Mr George Hay, William Christefon, David Lindfay, ministers, were appointed to read the bills, to write their answer according to their judgment on the back, and to report all to the Assembly. C.]

Sess. 3<sup>a</sup>. 7 Julij 1568.

It was delaitit and found that Thomas Bassandine, Printer in Edinburgh, imprintit ane booke, intitulat the Fall of the Romane Kirk, nameing our king and soveraigne fupream head of the primitive kirk: Also that he had printed ane psalme booke, in the end wherof was found printed ane bauldie song callit Welcum Fortoun, whilk books he had printit without licence

of the magistrate, or revifeing of the Kirk: Therfor the hail Affemblie ordainit the faid Thomas to call in againe all the faids bookes that he hes fauld, and keip the reft unfauld untill he alter the forfaid title, and alfo that he delete the faid baudie fong out of the end of the pſalm booke: And farther, that he abſtaine in all tyme comeing fra farther printing of any thing without licence of the fupreame magistrate, and revifeing of fick things as pertaine to religioun be fome of the Kirk appointit for that purpoſe. Attour the Affemblie appointit Mr Alexander Arbuthnet to revife the reft of the forfaid tractat, and report to the Kirk what doctrine he finds therin.

[It was ordained, That no office bearer in the Kirk ſubſcribe any affigation, or give charge to any collector, to answer any man of any portion of the patrimony of the Kirk, but ſuch as bear office in the Kirk; and that according to the rolls given to them, ſubſcribed be the keeper of the register of miniſters ſtipends.

It was thought neceſſar that order ſhould be taken, that common kirks and tithes vacant ſince the laſt Parliament through neglect of preſentation ſhould be diſponed to qualified men, able to diſcharge their calling to the comfort of the people.

It was ordained, that ſuperintendents and commiſſioners require ſuch as enjoy benefices, and have gifts enabling them to the miniſtrie, to be preſent at the next Affemblie, to accept thereof according to their ability. C.]

Seſſio 4<sup>ta</sup>. 8 Julij 1568.

[Mr Patrick Creich is ordained to make his repentance in Edinburgh the next Lords day; and if he committ the like offence for which he was ſuſpended in the former Affemblie, it is ordained that he be depoſed from the functioun of the miniſtry, and underly farther correſtion as the Kirk ſhall think meet; and that quhoſoever ſhall be found guilty of the like offence, incur the like puniſhment. C.]

Anent the excommunicatioun of papifts, and ſeparatioun of them fra the ſocietie of Chryſts bodie, after due admonition reſuſeing to joyne themſelves to the Kirk; it is concludit, that after they have receivit ſufficient admonitioun according to the ordour eſtabliſhit in particular kirks, and

they get remaining obstinate, they shall be declarit publickly in all congregations necessar to be out of the societie of Chrystis bodie, and to be excommunicat.

[Follow the heads which the Assemblie willed the brethren appointed in the third session to present to my Lord Regents Grace. C.]

#### Articles presentit to my Lord Regent.

First, Let his Grace know the heavie and grievous complaint of the ministers agains them that subscryve the assignatiouns, through the quhilk they are altogether dissapointit of their stipends; for the assignatiouns standing, the thrids are not able as they are ordourit to pay the ministers halfe yeirs stipends, and in some parts not the quarter therof.

It is thought a thing verie unrefonable, that the papists, enemies to Gods Kirk and the commoun wealth, and uthers that labours not in the ministrie, shall possessè friely without imposition the two part of the benefices, and the Kirk quhilk labours shall not possessè the thrid. Heirfor the Kirk desyres that my Lord Regents Grace will take sick ordour, that the commoun charges might be sustained upon the twa part of the benefices possessed be the papists, swa that the thrid may remaine frie to be disponed be the Kirk. Not that the ministers desyres more nor their reasonable stipends, but that the superplus might support the schooles and the poore, according to the will of God; and that the collectours of the Kirk shall yerlie make count thereof, so that my Lord Regents Grace and the counsell shall know the dispositioun of the samein.

Item, to shew my Lord Regents Grace, that ther is fundrie benefices vacand, and specially the benefices of the commoun, pertaining to cathedrall and metropolitane kirks: That his Grace wald present them to qualified men, be the advyse of the Kirk, at this tyme the Kirk being assemblit; urtherwayes the Kirk must dispone them, as falling unto them be reason of fixe monthes past, and nane being presentit; and also the Kirks of the Nonryes presentlie vacand, to present qualified men to them, as in speciall to North Berwick.

Item, that my Lord Regents Grace wald give commissioun and authoritie to certaine persons for reformatioun of the colledge of Aberdein, that the corrupt office bearers, regents and uthers be removeit, and uthers

qualified persons placed in their rourmes, so that the youth may be instructed in godlines and good lettres.

Item, to desyre of my Lord Regents Grace, ordour to be taken for suppressing of vyce, quereby the plague of God may be withdrawn from this realme; and that his Grace will take diligent care anent the executioun of justice agains sikk odious crymes as fall be givin to his Grace in bill, be the superintendents and commissiouners of countreyes.

Item, that his Grace wald cause sikk as are appointit of the Counfell, conveyne with them that are appointit of the Kirk, tuitching the jurisdiction of the same to decide therin, that tyme and place may be condiscendit upon to that effect, and that it be done before the Parliament.

To advyse with my Lord Regents Grace and counsell, that in the rowmes and countreyes quher no superintendents are, they may be placed.

Item, to understand quhat may be done anent augmenting or appointing ministers stipends, as neid requyres.

Anfuers to the forfaids Articles be my Lord Regents Grace.

At Edinburgh, the viii day of Julij 1568, being on the Secreit Counfell, my Lord Regents Grace, my Lord Sempill, my Lord Glames, the Secretar, Lord Ochiltrie, and my Lord Balmyrrinloch.

Anent the complaint made be the Kirk, for default of payment of the thrids of benefices to the sustentatioun of the Ministrie, the persons addebtit for payment of the same being at the horne, and no farther diligence to be useit for obtaining of payment; my Lord Regents Grace, with advyse of the Lords of Secreit Counfell, ordaines the Thesaurar to receive all lettres of horneing, to be presentit be quhatsoever collectours, either of the lxvi yeirs crope, or of the lxvii, or in tyme comeing, and upon the saids lettres of horneing to direct letters to officers of armes, or to the shyreffs of the shyres, or uther ordinar judges, to uptake the escheits of the persons denunceit to the horne, and of the first and readiest of the saids escheitts, to pay to the collectors the sowmes aughtand, for the quhilk the saids persons was put to the horne; frielie takeand up the remanent to our soveraine Lords use, at the least takeand sa meikle above the valour of the debt aughtand, as will make the expenssis upon the executioun of the letters in uptakeing the escheitt, so that no expenssis in executioun of the



faid letters be made, utherwayes but of the efcheitt of the perfons denunceit.

All commoun kirks fall be givin to qualified perfons, ministers; and als where any prebendaries are foundit upon the fruites of teyndis, as Dum-bernie, and Ormestoun in Lowthiane, as the prebendarie vakes, to be uptakin be the collectours.

Ordaines ane commiffioun to be made for reformatioun of the colledge of Aberdein, and for placeing of godlie and qualified perfons masters therin.

The roll of the committers of the vyces to be presentit to my Lord Regents Grace, who fall caufe the Justice Clerk proceide in forme of justice agains them.

Item, my Lord Regents Grace fall give warning to the perfons nameit, in the end of the Parliament, to conveyne the viii day of Auguft.

To the faxyt heid, forfameikle as superintendents cannot presentlie be appointit, the Kirk man appoint commiffioners for the felfe fame purpose, as they fall think good to give commiffion, quhill the nixt Generall Affemblic.

To the vii heid, anent the advyfe for augmenting or appointing of ministers stipends, be advyce of my Lord Regents Grace and counfell, the clerk of register, the Laird of Pitcarro, and Mr Henry Balnaves, were appointed with fuch of the Kirk as they fall think mait, or any twa of them.

#### The Regents Lettre anent the Chaplienries.

We understand that ther is some chaplenries properlie pertaining to the Kings Majesties presentatioun, and some at this present to be disponit. We heirfor have thocht good to requyre your opinion how we fall proceed in that behalfe presentlie, and in tyme coming, that ignorantlie we doe nothing wherwith the Kirk may justlie find fault heirafter.

JAMES REGENT.

Seff. 5<sup>a</sup>. 9 Julii 1568.

[Mr Robert Pont is continued commiffioner for vifitation of Murray till the next Affemblic, notwithstanding that he desired to be placed in a particular congregation.

For answer to the supplication presented in the Bishop of Cathnes

name, the Assemblie giveth commiffion to the faid bishop for a zeir to vifit and plant kirks ; and for his flipend thought meet that he fhall have his quhole thrid of the bishoprick dimitted, providing he fustain minifters in his own kirks thereupon ; the reft of the minifters of the diocie to be fustained upon the reft of the thrids within their bounds, according to their flipends already modified.

Mr Knox his commiffion to vifit the kirks of Kyle, Carrick, and Cunninghame, is continued till the nixt Assemblie ; and he ordained to begin when he may conveniently, quhich hithertills he could not conveniently get done.

The brethren appointed to decide queftions, report their decifions. C.]

Ane reidar was provin and conviēt for meddling with ane certaine woman, and afterward was verified that the fame woman had ane husband liveand when the faid reidar medlit with her, bot alledgis he knew not the fame, and fho had not bein in the uther mans companie a certain fpace of befor. At comand of the Kirk, the reidar put away the faid woman, who hes bein from him the fpace of ane yeir paff or therby. This reidar defyris to be admittit to his office againe, in refpeēt of his bypaff converfatioun be the faid fpace of ane yeir, and to doe farther what the Kirk will injoyn him. Queritur an debeat. Anfuer, after publick repentance according to the ordour, receive him.

Ane minifter conveyit be contract with a certaine vicar, and the vicar fauld his vicarage of the kirk wher the minifter fervit, in favours of the minifter ; and the minifter promeift againe to pay him a certaine fmall fowme at tymes and dayes, for the goodwill of the vicarage, and that in manner of compofitioun, nomine penfionis : And now ane uther minifter accuses this former minifter befor the Kirk, as ane man unworthie to bruik office, becaufe of the faid contract, quhilk he alledges to be fimoniall ; and the uther protefts that he be conviēt in pœna talionis, in cace it be not foundin. Queritur primum, an predictus contractus fit Simonis ; et fi fit, qua pœna puniendus est ille primus minifter ? Secundo, fi accusator cadet caufa, qua pœna est ille puniendus qui illud fcandalum fuscitavit ? Anfuer, publick repentance for his accusatioun.

Seff. 6<sup>a</sup>. 10 Julij 1568.

It is statute and ordainit be the hail Affemblie, that ministers, exhorters, reidars, or uthers persons heirafter trouble or molest not the Generall Affemblie with sick things as superintendents may and aught decyde in their fynodall conventiouns; and if any chance to doe heirafter in the contrair, their lettres fall be rejeētit.

Touching the bischop of Orknayes suspensoun from the ministrie the last Affemblie, and his obedience and submissioun, the Kirk restores him againe to the ministrie of the word, and els ordaines him one some Sunday when he best may for weaknes of his body, to make a fermoun in the kirk of Halierudehous, and in the end therof to confesse the offence in marieng the Queine with the Erle Bothwell, and defyre the Kirk ther present for the tyme, to forgive him his offence and slander givin be him in doing the foirnamit act. The quhilk he promised to doe.

[The Commiffioner of Galloway is ordained to come to Edinburgh at the time of the nixt Parliament, and shew his diligence in the charge committed to him in that province; and to answer whether he will awaite on court and counsell, or upon preaching the word and planting kirks. The superintendents of Angus, Fife, and Lothian, were appointed to report his diligence and answers to the nixt Affemblie; and in the mean tyme Mr John Row was appointed to visite Galloway.

Mr George Hay being complained upon be Andrew Murrey of Blackbaronie, in name of the parochiners of Edlestone, quherof he had the personage, for that he neither preached the word nor ministred the sacraments to them, was sharply rebuiked.

Seff. 7<sup>ma</sup>. . . . Julij 1568.

Mrs John Willock, John Craig, John Row, Robert Pont, James Gray, Williame Christefone, and David Lindfey, were appointed to revise the form and order to be used in excommunication, which is penned be Mr Knox at the desire of the Affemblie, and to report their judgment. C.]

A. D. M.D.LXVIII.

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THE Generall Affemblic of the Kirk haldin in Edinburgh, in the Neither Counsell-houfe, the 25 of December 1568 : In the quhilk were affemblit the Superintendents, Minifters, and Comiffioners of Townes and Kirks : Thanks being givin, and invocatioun for the affiftance of the Holy Spirit, be Mr Johne Knox, Minifter of Edinburgh.

Anent the lettre receivit fra my Lord of Glencarne, daitit at Glasgou the xxi day of December instant, bearing in effect the great zeale his Lordship beares to the glorie of God, the mantaining of the commoun caufe, and instant neceffitie of the minifters of Chryfts evangell, for fupport wherof his Lordship hes put the Kirk in poffeffion of the thrids of the biffhoprick of Glasgou, more regarding the mantaining of the miniftrie nor his Lordships awin profite or commoditie, fhewing his Lordships great defyre to have been at this prefent Affemblic, if the urgent caufe of the commoun weill now in hands, and als the diftance of the place now impedit, promifeing quhatfoever beis in this Affemblic godlie concludit on, his Lordship will fett forward the fame at the uttermoft of his power ; requesting alfo for the placing of Mr Johne Porterfield, now banifcht from Dumbartan, as in lyke manner for ane godlie learned Inglichman, and for their reasonable flipends, off the quhilk his Lordship godlie zeale and benefite beftowit on the Kirk, as alfo the earneft carefulnes for fupporting the paffours of Chryfts flocke. The hail brethren affemblit unfainedly praifes God, and thanks his Lordship moft heartlie, not doubting but the Spirit of the Lord Jefus Chryft will ftrenthen his Lordship to the end. As to the twa brethren requeiftit for be his Lordship, the brethren affemblit hes givin commiffion to Mr Andro Hay to place and appoint them according to his confcience.

Because of the rarenes of this Assemblie, the 25 day of Feberwar nixt was appointit to conveye on, and lettres of advertifement was ordained to be send to every superintendent ; whose tenour followes.

The hail brethren presentlie assemblit, having confideratioun not only of the brute and seiknes within this brugh, albeit, God be praifed, ther is no occasioun of feare therof, bot also the great tempest and storme of weather thocht to be univerrallie within this realme, as weill in the north as in the south ; That throw the feare of the ane, and impediment of the uther, the brethren, superintendents of Angus, Mernes, and Fyffe, ministers and commissiouners, and uthers, asweill of these parts as of the west and south, might not compeir at this Assemblie, according to the appointment therof in the last sessioun of the Assemblie haldin in July last, was thocht meit to continue all actiouns quhatsoever unreasonit and undecydit quhill the 25 day of Februar nixt to come, and then to have the hail brethren forfaids to conveye in Edinburgh be themselves ; or if any thing chances in the meane tyme, wherthrow justlie they are impedit, their commissiouners sufficientlie authorized, if the said day and place please not the hail brethren, or maist part therof, To reason and conclude all actions pertaining to the ministrie ; to condiscend and appoint some uther day and place, not only convenient for the ministers, and commissiouners of townes and kirks ; but also apt for resorting of the nobilitie and Privie Counsell, whose presence is verie requisite for setting forward the affaires of the Kirk ; and therfor exhortit the said brethren, Superintendents of Angus and Fyfe, to advertise their uther brethren, ministers, and commissiouners of townes and kirks, within their bounds respectie, as was appointit in the last Assemblie ; To convene in Edinburgh the said 25 day of Februar nixt to come, as the brethren of west and south fall be in like manner warnit therto. Given in the Generall Assemblie and first sessioun therof, subscryvit be the clerk, of the same day, yeir, and place forfaids.

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A. D. M. D. L. X. V. I. I. I.

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THE General Affemblic of the Kirk conveinit in Edinburgh, within the Over Tolbuith thereof, the 25 day of Februar 1568: In the quhilk were affemblit the Superintendents, Ministers, and Commiffioners of townes, kirks, and univerfities.

And for efchewing of confufion in reafoning among the brethren conveinit presentlie, with ane voice was present chofen Mr David Lindfay, to be Moderator for this present Affemblic.

[The Affembly thought good to ask at the Regent, if they fhall enter in procefs againft the Earle of Huntly, for removing the collectors of the Kirk in his bounds; and in cafe of difobedience, excommunicate him, feing he outwardly profeffeth our religion. It was ordained that a miffive fhould be written and fubfcribed be the clerk, to be fent to Robert Lord Stewart, Commendator of Halyrudhoufe, to affift Mr James Annand and Mr Gilbert Foufie, Commiffioners appointed to vifit and plant kirks in Orkney and Zetland, and to maintain the collector in gathering of the thirds for fufftentation of minifters. C.]

Seff. 2<sup>da</sup>. 26 Februarii 1568.

The hail brethren conveinit and affemblit, thocht meit, that ane fupplicatioun be presentit to the fupream Magiftrate, anent fick perfons as hes receivit their benefices in Papiftrie, payand now allanerlie their thridis,

thinkand themselves therthrow dischargeit of all farther cure in the Kirk; requyreing at his Grace quhat ordour fall be tane anent sick perfons.

Item, whether it be lawfull to a minister of Gods word having benefice, to sett takes thereof to any particular perfon within the parochin, or without the fame; and if ane law fall be made, that no minister fell his benefice to any particular perfon.

Item, ane supplicatioun to be made to the Regents Grace, for reduktion of all benefices given to any perfon contrair the act of Parliament, or Secret Counsell, grantit in favours of the Kirk, or ministers of the fame.

The fame day Mr Andro Blakhall, minister of Ormestoune, was accusit be the Commiffioners of the towne of Edinburgh, for marrieing of ane callit James Hamilton, indwaller of the towne of Edinburgh, with ane Jenat Huntar in Ormestoun, without lettres testimoniall of their bands proclaiming; agains the quhilk James the Kirk of Edinburgh had something to say for offences committit. After all defences made be the said Mr Andro, the hail Kirk finds him to have broken the act, That na minister fall marie the parochiners of another parochin, without a sufficient testimoniall, and so guiltie of the paine conteinit therein: Not the less the commiffioners and ministers of Edinburgh made supplicatioun to the hail Assemblie, that the rigour of the act fould not strike upon him, but that some satisfactioun fould be made to the Kirk of Edinburgh, at the discretioun of the hail Kirk. Quhilk supplication the hail brethren acceptit, and ordainit that the said Mr Andro fall compeir before the session of the Kirk of Edinburgh, on Thursday next to come, and ther confesse his awin offence, defyreing pardon therof, with promise never to offend in sick sort heirafter, under the paines containit in the said act, to be execute to the rigour therof.

[Mr John Spotswood, Superintendent of Lothian, was delated for slackness in visitation of the kirks, &c. He alleged non-payment of his stipend for the three years bypast; and that diverse times he had exhibite to the Justice Clerk the names of haynous offenders, but could find no execution.

Seff. 3<sup>a</sup>. ... March 1568.

Commiffion and power was given to the Superintendent of Angus, Mr George Hay, minister of Ruthven, Mr Robert Pont, Commiffioner of the

Kirks in Murrey, and Adam Heriot, minister of Aberdein, to require the Earle of Huntly to restore the Collectors of the Kirk to their places; and if he refuse, to summond him to compear before them, or any two of them, when and where they shall think meet, to answer anent the premisses; with certification, if he compear not, nor get restoreth the said Collectors to their places, due admonitions preceeding, that they shall proceed to the sentence of excommunication.

The Bishop of Caithness is continued till the next Assembly. C.]

Seff. 4<sup>a</sup>. 7 March 1568.

Tenour of a lettre sent be the Duke of Chattelherault His Grace to the Assembly.

Grace, mercie, and peace from God the Father, throw Jesus Chryft, we wish you.

Brethren, we thocht it expedient to certifie you, that being in France, and hearing of the great troubles of this our native countrey, of conscience and duetie was compellit to come home, desyreous to help to pacifie the same at our utter power, first to the glorie of Almightye God, and nixt to the releife of the right fair and lamentabill opprest true subjeets, whose innocent blood and innumerable herschips, oppressiouns, wrangis, and stouthes that hes bein committit, and daylie is upon them, is to us so grievous and intollerable a burden, both in conscience and honour, that we rather refuse not only this our native realme, but also the hail world, or it were not reformat. And albeit, in my absence, I have sustaint wrang, I assure you, my awin particular, neither in blood, lands, nor geir, is so heavie to me as the great danger this hail kingdome stands in, if be the grace of Almightye God, and help of the auld and native Scottis blood, it be not foirsein and releivit in tyme. Heiring of your convention, brethren, at this tyme, I have send this beirar to you, to declare this to you to be our full and determinat mynd, to follow be the grace of God, first that the word of God may have frie passage through this hail realme, and that the sacraments may be ministrat according to the institucion of Chryft Jesus his Soune our Saviour; nixt, that everie true subjeet within this realme may



live without feare upon that quhilk is justly his owne, according to Gods calling and comandement. In this cause of this present diversitie of our native soveraigne and a part of her subjects, for the quhilk we are verie heartlie forie, and, as the Almighty God knowes, innocent of foirknowledge of any doing, so we wold wisch all uthers to be sick lyke; our desyre is, that all hostilitie and troubles might be pacified, according to the command of Almighty God, and that the haill estates in quyet and peaceable manner may conveyne, and first calling for his grace and holie spirit of righteous judgement, might consider the ground and beginning of this altogether evill deid, I meane the slauchter of the Queins late husband, quhat hes proceedit therupon sensyne, and quhat God wald of reafon fould be done therfor; and this to be devysit either be the haill estates, or xxv of the wisest of the nobilitie chosin be the haill, and to be followit be the haill peiple of the realme; wherunto we of the nobilitie, and all that continues under our obedience to the Queine our soveraigne, fall for Gods cause, and for the commoun weill, be found aggrieable. I avoyde the wrongous judgement may be spokin, that we wryte this to you because of proclamatiouns the Erle of Murray hes made in diverse shyres in this realme, to have the peiple in Glasgou the x day of March. We wold ye fould consider we doe it not for that cause; for first, as ye know, sen befor thir troubles begouth, we have nevir bein in this countrey befor the 25 day of this instant Februar, wherthrow we might have shawin our mynd heirin, and all the peiple of Scotland was gatherit together, both for nativnes of blood, and, forgive, my deserving of my forbearers and myfelfe; there is the strength of the world wher I could wisch my felfe and find me most sure: and if the said Erle of Murray wald take upon him to invade me or any of my freinds or dependers, or any true men of this realme, (as I cannot thinke he will) then trest I that the nobilitie or peiple will not assist him therto, whill first they find ane cause worthie, and be declarit be the ancient lawes of the realme. And thogh we desyre thir conventiounes, and forces of men of warre, to be turned upon the theifis and oppreffours of the realme, wherunto we fall be most readie with our bodies and geir to doe the devoir of the noble and true men, yet if he will perseverere to perfew us, we doubt not in God and the justnes of our cause, to find all the noble and true men so favourable to us, that it fall not be in his power to doe us wrong upon particular malice, altogether without deserving. Therfor we requyre you, in Gods behalfe, to make some of

our affairs and mynd patent unto the peiple ; and if ge find nocht on our part focht heir and offerit that to our Christian professioun pertaint, duetie requireth that ye come and reason the same with us, whair ge fall find us reasonable in all caufes, according to Gods word and equitie ; on whose divyne protection we commit you. Of Hamiltoun, the 27 of Februar.

Your Christian brother,

JAMES HAMILTOUN.

After reiding of the said lettre, the brethren being advyfeit therupon, anfuerit to the beirar of the lettre, that the Kirk wald fend some of the brethren to my Lord Regents Grace, to know his pleasure, whither they fould write, or fend ane certaine of the Kirk with commissioun fra the same, to my Lord Dukes Grace, shewing and declaring the opinioun of the Kirk touching his Graces lettre.

And for that same, the hail Kirk gave commissioun to the brethren, Mrs Johne Spotifwood, Johne Wyrhame, and Johne Row, to passe to my Lord Regents Grace, and know his pleasure concerning the said lettre ; and thereafter to passe according to his Graces command to my Lord Dukes Grace, and conferre with him, and uthers of the nobilitie whom they find present ; and be all meanes possible to reconceile the nobilitie forsaide to the obedience of the Kings Majestie and his Regents, and farther to doe as the said commissioun proports.

Seff. 5<sup>ta</sup>. 8 Marche 1568.

It was concludit be the hail brethren assemblit, that ane generall fasting be proclaimit through all Scotland, and to begin in Lowthiane, Fyfe, and sick uther places as may receive advertifement, the 13 day of this instant. Thereafter the superintendents and commissiouners of provinces to advertife and begin at sick tymes as they thinke most expedient, and to continue fra the first day to that day aught dayes inclusive ; and in the meane tyme to use the exercife accustomeit in the kirk of the first institutioun, and els to use fobrietie in eating and drinking in tyme of the exercife. Moreover concludit that all Superintendents and Commissiouners of provinces

fall heirafter intitute and use the fame ordour of fasting, so oft as just occasioun fall serve and fall seime meit be ther godlie wifdome, without any further appointment be the Generall Assemblie.

[Certain heads were formed, quhich were to be presented to the Regents Grace and Counsell, and Commiffioners appointed to present the same, and crave answer ; the tenor of quhich heads followeth. C.]

#### Articles sent to my Lord Regents Grace.

[That such as have benefices, and doe nothing but pay their thrid, may be compelled to bear farther burden with the Kirk, and for support of the poor ; for it seemeth altogether unreasonable, that idle bellies shall devour and consume the patrimony of the Kirk, while the faithfull travellers in the Lords vineyard suffer extreame poverty, and the needy members of Christs body are altogether neglected.

That such as have many benefices may be compelled to demitt all except one.

That ordour may be taken that the Collectors may be obeyed, quho are now univerfally disobeyed, as well be Protestants as Papists. C.]

That remedie may be provydit agains the oppressioun of the Earle of Huntlie, and of uthers, who hes deposit the Collectours of the Kirk, and tirranoullie placeit their awin.

That it may please his Grace and the Secreit Counsell, that the Kirk fra admonitions may passe to farther censures agains the said Erle, and all uthers guiltie of the lyke oppressioun, unto publick excommunication, in cace of his and their contempt.

That the Kirk, without offence of his Majestie, may appoint their brother, Mr Robert Pont, quher his labours may be more fruitfull then they can be for this present in Murray.

[That remedy may be provided against the chopping and changing of benefices, felling of the same, diminishing of the rentals, setting of long tacks, in defraud of ministers, both for the present and for the time to come ; against the quhich, except substantiall remedy be provided, not only shall the Kirk suffer damage ; but also that portion quhich might support the common affairs of the realme, shall be craftily fold.

That order may be taken with such as are already excommunicat, and doe contemn the censures, may be punished. C.]

That ordour may be takin, that sick odious crymes as this day provocks Gods displeasure against the haille land, may be punished as God hes commanded. If his Grace fend us to the Justice Clerk, experience hes taught us sufficiently what he hes done in any sick matters.

The Kirk requyres, that anes the jurisdiction therof may be separate fra that which is civill.

That the question of adulterie may once take effect; at least a decision in that heid, whether the adulterer shall be admitted to the benefite of marriage or not.

Seff. 6<sup>a</sup>. ... March 1568.

[It was ordained, that the letter directed to the Lords who have made defection from the Kings Majesty, after it be returned from the Regents Grace, shall be registered amongst the acts of the Kirk, and that it be printed.

Anent proceeding by degrees in schools to the degree of a Doctor of Divinity; it was ordained, that the brethren of the Colledges of Sanct Andrews convene and form such order as they shall think meet; and that they present the same to the next Assembly to be revised and considered, that the Assembly may eek or diminish as they shall think good, and that thereafter the order allowed be established. C.]

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A. D. M.D.LXIX.

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THE Generall Assemblie of the Kirk, conveyit in Edinburgh and Nether Counfell house, the 5 day of July 1569: In the quhilk were present the Superintendents, Ministers, Barrons, and Commissioners of the Townes and Kirks.

For eschewing of confusion, quhilk might chance in reafoning among the brethren presentlie conveyit, with ane voyce was chosen for Moderator, William Christefone minister of Dundie, for this conventioun; quho being chosen, acceptit the office on him.

[Read and allowed the decret and sentence given be the Lord Regents Grace, his Counfell, and the Superintendent of Angus and Mernes, against the Principall and uther Members of Old Aberdein; the tenour quherof followeth.

We, John Arefkine, Superintendent of Angus and Mernes, and Commissioner within the bounds of the Shirefdome of Aberdein and Bamf, and the Ministers and Commissioners within the said bounds, being assembled in the High Kirk of New Aberdein, willing to reform abuses within the said bounds, and in speciall, in the Colledge of Old Aberdein, we directed summons against Mr Alexander Anderfone, principall, Mr Andrew Galloway, sub principall, Mr Andrew Anderfone, Thomas Owften, and Duncan Norie, regents of the saids Colledge, to compear before us, that trial may be taken if they were found in religioun; quhich being found, they were to be suffered to continue in their offices; otherwife, if they

were found corrupt with Popery and errors, not agreeable to the truth, as it is professed faithfully within the Kirk of Scotland, to be deposed, and inhibited to teach and instruct the youth, privately or publickly, in that colledge, or any uther school or colledge within the realme; that uthers well qualified may be placed in their room, able to bring up the youth in the true faith, right worship of God, and good letters. In this mean time, my Lord Regents Grace called before his Grace and Counsell the foresaid persons, being delated to his Grace as very obstinate Papists, enemies to the truth; and required them, as professors of Christs religion, to subscribe the articles following: We, whose names are under-written, doe ratify and approve, from our very hearts, the Confession of Faith, together with all uther acts concerning our religion, given forth in the Parliaments holden at Edinburgh, the 24 day of August 1560, and the 15 day of December 1567; and join ourselves as members of the true kirk of Christ, whose visible face is described in the saids acts; and shall in time coming be participant of the sacraments, now most faithfully and publickly ministred in the said kirk; and submit us to the jurisdiction and discipline thereof. This was done the penult day of June, and not finding in them obedience, referred them to the last of June: the quihilk day they compeared before his Grace and the Counsell; but most obstinately contemning his Graces most godly admonitions, refused to subscribe the saids articles: Wherefore, my Lord Regents Grace and Lords of Privie Counsell, with deliberation, pronounced the decreet and sentence quhich followeth: Apud Aberdein, ultimo Junii 1569. The quhich day Mr Alexander Anderfone, principall, Mr Alexander Galloway, sub principall, Mr Andrew Anderfone, Mr Thomas Owsten, Mr Duncan Norie, regents of the Colledge of Aberdein, being called in presence of my Lord Regents Grace and Lords of Privie Counsell, being desired, be their subscriptions, to give attestation and plain profession of the faith, with all uther acts made concerning Christian religion, in the Parliaments holden at Edinburgh the 24 day of August 1560, and the 15 day of December in the year of God 1567; the saids persons refused to give their said profession be their hand writtes: In respect quherof, the said Lord Regents Grace, with advice of the saids Lords, have found the saids persons dangerous, and unmeet to have the cure of the instruction of the youth, for the perill of inconveniences both to body and soul: Wherefore, and in respect of the act of Parliament, reporting that none be permitted, nor admitted, to have charge or cure in

schools and universities, nor instruct the youth, privately nor publickly, but such as shall be tryed be the superintendents and visitors of the kirks ; As for the saids persons denieng to join to the true kirk of God, according to the said Confession of Faith, my Lord Regents Grace, with advice of the saids Lords, declareth and decerneth, that the saids persons are, and shall be deprived, and presently are deprived, ipso facto, of all instruction of the youth within this realme, and of all honours, dignities, functions, preeminence, faculties, and priviledge within the said colledge ; and ordaineth letters to be direct, charging them to remove, desist and cease therefra ; to the effect that uther qualified persons, of found doctrine and sufficient literature, may be placed therein for instruction of the youth in times coming. The foresaid decret my Lord Regents Grace intimated to us, with the process used against the saids persons, the quich we did most heartely allow, and gave to God thanks therefore ; and because the errors and obstinacy of the foresaid persons were sufficiently declared unto us, be their refusal to subscribe the godly articles foresaid, as the act of Counsell testifieth, we thought it not expedient to proceed farther in triall of them : And therefore in presence of Mr Alexander Anderfone, principall, and Mr Andrew Anderfone, regent, who only compeared, we pronounced the sentence against them, conform to the decret of the Counsell, as followeth.—I John Areskine, Superintendent of Angus and Mernes, having commission of the Kirk to visite the Shireffdome of Aberdein and Bamf, be the advice of Counsell, and consent of the Ministers, Elders, and Commiffioners of Kirks present, decern, conclude, and for final sentence pronounce, that Mr Alexander Anderfone, sometime principall, Mr Alexander Galloway, sometime sub principall, Mr Andrew Anderfone, Thomas Owsten, and Duncan Norie, sometime regents in the Colledge of Old Aberdein, are not to be reputed as members of this kirk ; and therefore exclude them, and every one of them, from using any office or jurisdiction in the Colledge of Old Aberdein ; and inhibite them, and every one of them, to teach publickly or privately, in time coming, in that colledge, or any uther part within this realme ; and ordain them to remove forth of the same colledge with all diligence, that uther godly and well qualified persons may be placed therein, for upbringing of the youth in the fear of God and good letters. This our sentence pronounced, we ordain to be published and intimated to the saids persons, and to the con-

gregation of New and Old Aberdein, publickly the next Sunday, the 3 of July next 1569.

In the triall of the superintendents, the Superintendent of Lothian and Fife was delated for slackness in visitation, and reparation of the fabricks of kirks.

Mr John Kerfwell, Superintendent of Argyle, was reproved for accepting the Bishoprick of the Isles, without making the Assembly forseen; and for riding at, and assisting of the Parliament holden by the Queen, after the murder of the King. C.]

Sess. 2<sup>a</sup>. 6 July 1569.

Anent the defence givin in the Assembly holdin in December 1567, be Mr Johne Craig, one of the ministers of Edinburgh, touching the proclaiming of the Queine and the Erle of Bothwall; the said defence beeing publickly and presentlie red, the hail points therein conteinit be the hail Assembly maturelie considerit; it was found be the hail brethren, that he had done the duetie of ane faithfull minister, and had committit nothing slanderous to sikk as hes righteous judgement, in respect of the defence forsaid, quhilk was found both godlie and sufficient for declaratioun of his innocencie theranent; quhilk the hail Assembly declarit and testifiet, and ordainit the sament to be notified to all and fundrie.

[Some adulterous and incestuous persons excommunicated for their offences, compeared, partly to relieve their fureties, partly to know quhat the Assembly would injoin them. The Assembly ordained every one of them to repair to their superintendents, or to the ministers, elders and deacons of their own kirks respective, and to receive injunctions from them how they shall beheave themselves till the next Assembly; and that then they bring a testimoniall from their ministers of their behaviour to the Assembly, and that they present themselves to the next Assembly, bare headed and bare footed, in linnen cloaths, humbly requesting the Assembly for farther injunctions for their offenses, and restitution to the bosome of the Kirk. C.]



Seff. 3<sup>a</sup>. 7 July 1569.

Anent the punishment of adulterers, murtherers, and uthers criminall and capitall crymes quhilk deferves death : Whither the fupream magiftrate aught firft to declare his mynd of his fatiffactioun and admiſſioun ; or if the Kirk fall receive them to repentance befor the declaratioun of the faid magiftrates will.

Anent perfons guiltie of capitall crymes, found be fuperintendents, minifters, elders or deacons of reformed kirks, to compeir to this Affemblic, or any uther Affemblic heirafter, and the faids perfons found not compeirand ; the Kirk ordaines the faids fuperintendents or minifters to proceed to excommunicatioun againft them ; and to notifie to the fupream magiftrate fo many as for their offences are already excommunicate, that farther punishment may be execute.

[Commiſſion was given to the Superintendents of Angus, Fife, Lothian, Argile, Mr Knox, Mr David Lindſay, Robert Fairly of Braid, William Douglafs of Whittingham, the Lairds of Keir, Lundie, Mr Robert Hamilton, miniſter at Sanct Andrews, Thomas Wallace, commiſſioner from Sanct Andrews, Mr John Row, miniſter of Saint Johnſtoun, Patrick Murray, commiſſioner of Saint Johnſtoun, the Laird of Barganie, Mr Andrew Hay, miniſter of Ranfrew, Mr David Weems, miniſter of Glafgow, Mr William Chriſtefon, Mr Gilbert Gardin, James Baron, burgefs of Edinburgh, David Ramfay, burgefs of Dundie, to preſent to the Regent and to the nobility affembled at Sanct Johnſton, the 25 of this inſtant July, the articles following, with their answers. C.]

Certaine of the Articles preſented to my Lord Regent.

[In primis, touching the heads quhich my Lord Regents Grace ſent to the Affembly with Mr John Wood ; the Affembly hath given their full power to their commiſſioners ſent preſently to his Grace, to reſolve fully thereupon, conform to the answers given to the faid Mr John Wood.

Item, the Affembly deſireth the act made in this Generall Affembly, concerning the aſſignation of the miniſters ſtipends, be ratified and approved with letters thereupon, as is contained in the ſame.

Item, that the manſes and gleebes may be given to the miniſters for their

residence at their kirks; and that the law hereupon may be made clear, that it may have execution; and, in like manner, concerning the reparation of kirks.

Item, that all that have benefices be compelled to pay their thrids, so that payment be made of the years bygone, as well as to come. C.]

That ordour may be takin for sustentatioun of the poore, and that ane portioun of the teinds be appointit for that effect; and in lyke manner, that the pure labourers of the ground may have intromission to lead their awin teinds, upon reasonable composition.

[Item, that some auditors of the Exchaque be appointed to convene with the auditors of the kirk, to hear the collectors of the kirk their compt.

Item, that immunitie may be granted to the commissioners of the Kirk sent to Generall Assemblies, that during the time of the Generall Assemblies they be not molested in civil actions.

Item, that superintendents may be planted through the whole realme, as are already in some parts.

Item, that commissioners may be appointed throughout the whole realme, to cognosce in causes of divorcements.

Item, that such as have benefices, and doe nothing but pay their thrids, be compelled to bear some further burthen with the Kirk, and chiefly for support of the poor. C.]

Item, that such as hes plurality of benefices, may be compellit to denunce all save one.

That remedie may be provydit for chapping and changing of benefices, and felling of the same, diminishing of the rentall, of setting of lang takis in defraude of the kirk; and that all taks sett fen the assumption of the thrids, may be diffannullit, with expresse inhibitioun against the same in tyme coming.

[Item, that order may be taken, that such odious crimes as this day procure Gods hevie displeasure against the whole land, may be punished as God commandeth. C.]

Item, that the jurisdictione of the Kirk may be separate fra that quhilk is civil.

[Item, that the question anent adulterers may be once decided, as well concerning the punishment of the adulterers, as quhither the adulterer shall be admitted to the benefite of marriage again or not. C.]

Answers given by my Lord Regents Grace, with advice of the Lords of Secret Counsell, and others of the Nobility, assembled in the Convention at Perth, the penult day of July.

Anent the act made in the Generall Assembly, concerning the assignation of ministers stipends, my Lord Regents Grace, with advice of the Lords of Secret Counsell, and others of the Nobility and Estates, assembled at this present Convention, ordains the assignation to be put in form, and thereafter to be presented to the Exchaque, to be seen and considered by the Lords auditors thereof; to the effect, that the order being found good and reasonable by them, and such of the kirk as shall happen to be present with them, provisions may thereafter be made, and expedite thereupon, according to the meaning of the said act; providing that commissioners or procurators of the Kirk, at the said Exchaque, present the names of the whole kirks in Scotland, and how many ministers are presently thereat; to the end it may be known what kirks are presently provided, and what desolate and destitute of the ministry; and also shew a perfect order how they would the ministers should be paid, by the thirds or otherwise; or have all the writts in readiness, which may clear doubts, and further resolution.

Anent the article desiring that the manse and glebs may be given to the ministers for their residence at kirks, and that the law thereupon may be made clear, that it may take execution, and likewise concerning the reparation of kirks, my Lord Regents Grace, with advice foresaid, promiseth, that he shall cause four, three, or two godly, discreet, and wise men, within the bounds of every superintendents charge, pass with the superintendent or commissioner within the countrey or province, and visit the manse and glebs of all kirks within the same; to the effect they may report to my Lord Regents Grace, and Lords foresaid, what is the particular quantity of every manse and gleb, by whom the same is presently occupied and inhabited, and by what right and title; as also how much they think sufficient for the lodging and commodity of every minister and reader; and, if they may, to appoint the minister or reader with the possessor of the manse and gleb; and as they do, to report; upon whose report his Grace shall hold hand to see the kirk and ministers presently put in possession of so meikle of the said manses and glebs as shall be

thought neccessar, be the said superintendents and viliters, for the lodging and commodity of the minister or reader, as said is, where there is no title to impede the same; and in case the same title, by law, be reduceable, or may be declared null, his Grace shall hold hand to see justice ministred thereupon with expedition: and where the matter standeth in terms, that the present possessors cannot be removed by order of law, without an explanation of the act of Parliament, his Grace shall travell to have the same act explained and made clear at the next Parliament; to the effect it may take execution in all times hereafter: and toward the reparation of the kirks, his Grace understandeth that there are acts of the Secret Counsell sufficient in that behalf already, if the same shall be put in execution.

Anent the article desireing superintendents may be planted throughout the whole realme, my Lord Regents Grace is content that so be done, the persons being godly and learned.

Anent the article desireing that commissioners may be planted throughout the whole realme, to cognosce in cause of divorcements, my Lord Regents Grace promifeth to take sufficient order in that behalf, be ane of the Lords of Session, at the next sitting down thereof.

Anent the article desireing that remedy may be provided against chopping and changing of benefices, and selling of the same, diminishing of the rentals, setting of long tacks in defraud of the Kirk, and that all tacks sett since the assumption of the thrids may be difannulled, with exprefs inhibition against the same in time coming, my Lord Regents Grace ordaineth the said article to be well dilated and extended, and presented to the next Parliament, quhere the same shall have a good answer and resolution, quhich presently cannot be done, through default of a speciall and exprefs law against such abuses.

Anent the article desireing that the jurisdiction of the Kirk be separate from that quhich is civill, C.] my Lord Regents Grace ordaines the persons nominate in the act of Parliament to conveye the tyme of the Checker, and defyne and limitat the said jurisdiction, according to the word of God, and the said act of Parliament. *Extractum ex libris actorum Secreti Confilii,*

ALEXANDER HAY.

[The Earle of Argyle, by letter, required the Assembly to cause his wife adhere to him: The Assembly ordained the Superintendent of Fife

to admonish her, and report her answer to the commissioners appointed to be at the Convention at Sanct Johnston. C.]

The tenour of the Act made for Assignatioun of Stipends.

Forſameikle as this long tyme bygane the miniſters hes bein univerſallie defraudit and poſtponit of their ſtipends ; and now at laſt it hath pleaſed God to move the hearts of the ſuperiour power and eſtates of this realme, to grant the thrids of the hail benefices within this realme to the miniſters of Chryſts religioun, be plaine and publick parliament, as at mair length is conteinit in the ſaid parliament haldin at Edinburgh in the moneth of December 1567 ; in reſpect wherof, the Kirk preſentlie conveyit finds it moſt neidfull and expedient, that all ſuperintendents, miniſters, exhorters and reidars, ſhall have their awin particular aſſignatiouns appointed to them, to receive the ſame fra the hands of the labourers, takſmen, or uthers addebtit in payment of the ſaids thrids : And therfor the Kirk in ane voyce, be this act, gives their full power and commiſſioun to every ſuperintendent and commiſſioner of kirks within their awin bounds, that they and every ane of them, be advyſe and conſent of the commiſſioners of provinces appointed in the ſynodall conventiouns, give and make particular aſſignatiouns to every miniſter, exhorter and reidar within their awin bounds, as they ſhall find the ſame moſt expedient, under the ſuperintendents ſubſcription and miniſters forſaids, with all claufes neidfull and expedient therto ; quhilk ſhall be als ſufficient as if the ſame were ſped be the Generall Aſſembly of the Kirk : And as concerning the ſuperintendents and commiſſioners of kirks, their proviſion and aſſignatiouns to be made be the Generall Aſſembly of the Kirk, and to the effect this act may take full perfection, the Aſſembly preſent requyres moſt humble my Lord Regents Grace and Secreit Counſell to interpone their authoritie heirto ; that the aſſignatiouns forſaids, generall and particular, as they ſhall be preſentit to his Grace, may be ſped in forme of proviſioun ad vitam, under the privie ſeale, with ordinance therupon, that lettres may be direct at every mans inſtance under all the foure formes, as is grantit to the poſſeſſours of the twa part ; and als to the ſame end, that his Grace and his Counſell forſaid wold diſcerne the thrids of the benefices forſaids within this realme, to be ſeparatit and devydit reallie, and with effect, fra the 2 part ; ſo that the Kirk may intromett with the thrid part, as the old poſſeſſours does

with the two part ; the superplus alwayes to be comptabill to the common affairs, according to the act of Parliament.

[And for accomplishment thereof, the Affembly giveth commiffion to the forfaid brethren appointed to goe to the convention at Sanct Johnfton with the articles before regiftred, that, among the reft, they may obtain the confirmation of this act.

Mr Alexander Gordon, fome time commiffioner of Galloway, was ordained to come to the nixt Affembly, and in the mean time inhibited to exerce any function in the kirk, conform to the act made againft him in the Generall Affembly holden in July 1568, in quhich he was difcharged to exerce the office of a commiffioner in that country, or take up the thrids quhich he had for that office, in cafe he compeared not before the laft Sef-  
fion of the faid Affembly.

Seff. 4<sup>a</sup>.

Mr Andrew Hay, commiffioner of Cliddisdail, and Mr Robert Pont, commiffioner of Murrey, desired to be difburthened of their commiffions, quherein they had travelled diverfe years bygone.

David Hume, minifter at Aldhamstocks, protested, that if it happened that Mr Thomas Hepburne were received to publick repentance for his offense committed, &c. the fame fhould no wife be prejudiciall to the gift he had from the fupreame magiftrat of Aldhamstocks, through forefulture of Mr Thomas ; quhich proteftation was admitted. C.]

Seff. 5<sup>a</sup>. 9 July 1569.

[Mr John Wood prefented the Regents letter, and according to the credit given him, proponed certain heads to the Affembly, quhereunto answers were given. C.]

My Lord Regents Lettre to the Affembly.

After our moft heartlie commendatiouns, feing we are not able to be prefent at the Affembly now approacheand, as our intentioun was, we

thought it convenient breiffie to give you signification of our meaning in wryte; of the quhilk we pray you take good consideration, and accordingly to give your advertisement. Ye are not ignorant, as we suppose, quhat hes bein the estate of the kirk of God within this realme, both befor we accepted the burdein of regment and senfyne; how first the thrids of benefices were grantit, and the ministrie therby partly releivit, and sustaint in sick fort, that nothing inlaikit that our travells could procure. The first ordour, indeid, was diverse wayes interrupted and brokin, bot chiefly in that geir when we were exylit in England, quherthrow the hail ministres that yeir were frustrate of their living. Shortlie the estate of goverement altering at Gods pleasure, and the King, our foveraine Lord, being inaugurate with the crowne of this kingdome, the first thing that we were carefull of, was that the true religioun might be established, and the ministers of the evangell made certaine of their livings and sustentation in tyme comeing. Ye know at the Parliament we were most willing that the kirk should have been put in full possession of the proper patrimonie; and toward the thrids, we exped in our travell, and inlaikit only a consent to the dissolution of the prelacies; quherunto although we were earnestly bent, yet the estates delayit, and wold not aggrie therunto. And sen that tyme to this houre, we trust ye will affirme, that we have pretermittit nothing that may advance the religioun, and put the professors therof in furetie; quheranent the hail and only inlake hes bein in the civill troubles that God hes sufferit the countrey to be plaguit with. Now the matter being, after so great rage, brocht to some stay and quyetnes, it was convenient that we returne wher matters left, and preafe to reduce them to the estate they stood in. Ane thing we man call to remembrance, that in sick tyme as we travellit in the parliament, to cause the estates to grieve that the thrids should be discernit to pertaine to the ministrie, they plainly opposit them to us, in respect of the first act, alledgand, that with the sustentation of the ministrie, ther was also regard to be had to the support of the prince in sustaining of the publick charges; quhilks if they had not some releife be that meanes, the renew of the Crowne being so diminished, and the ordinar charges come to sick greatnes, on force they wald be burdenit with exactiouns; and so this dangerous argument compellit us to promitt to the estates, that we wald take upon us, the act being grantit to the Kirk, they should satisfie and aggrie to any thing should be thought reasonable for supporting of the publick charges of the Prince; and

according to this, the commissioner deput for the affaires of the Kirk, aggriēt to certaine assignatiouns of the thrids, for supporting of the King, and us bearing authoritie: Quhilk ordour had bein sufficient for the hail, if the civill trouble had not occurit; yet the disobediēce growand so univerfallie, we are content to sustaine our part of the inlake and los for the tyme bypast. But because ther hes bein murmure and grudge for that thing assignit to the Kings house, and ours, and some uther neidfull things in the state, as that therby the ministrie were frustrate of their appointed stipendis; some communicatioun was had at St Androes, and nothing yet concludit quhill the Generall Assemblie of the Kirk, quhilk now moves us to wryte to you in this forme; prayand you rightly to consider the necessitie of the cause, and how the same hes proceedit fra the beginning; haveing respect that the Kirk will be verie evill obeyit without the Kings authoritie and power; and that now the propertie of the crowne is not able to sustaine the ordinarie charges; how in the beginning the thrids had not bein grantit, if the necessitie of the Prince had not bein one of the cheife causes; and at the parliament, the estates, as we befor have wrytin, stak to consent that the hail thrids should be declarit to pertaine to the ministrie, quhill first we tooke in hand that they being made without condition in favours of the Kirk, the same wald againe condescend to sa meikle as wald be sufficient to the support of the publick affaires, in fourth setting of the Kings authoritie; and that therfor ge will now aggrie, and condescend to ane certaine and speciall assignatioun of it, that shall be imployit to this use, the quantitie wherof diverse of your selves, and the beirar Mr Johne Wood our fervand, can informe you, that after ye may distribute to every man having charge in the Kirk of God his stipend, according to the condition of the place he serves in, at your wisdoms discretioun. Heirby all confusioun, that lang hes troublit the estate of the Kirk toward the stipendis shall be avoydit, and some speciall provision being made for sustaining of the publick charges, we may the better hold hand to see the Kirk obeyit of that wheron the ministers should live, as we [have bein willing hertofor, and as we believe your collectors] shall report, that during our travells in the north countrey, they have found our effectuous good will and travell in their furtherance. Farther we man pnt you in mynd breiflie of ane matter, that occurit at our late being in Elgyn. Ane Nicoll Sudderland in Forres, was put to the knowledge of ane assyse for incest, and with him the woman. The assyse hes convict him of the



fault. But the question is, whither the same be incest or not ; sa that we behoovit to delay the executioun, quhill we behoovit to have your resolution at this Affemblie. The case is, that the woman was harlot of befor to the said Nicolls mother brother. Mr Robert Pont can informe you more amplie, to whose sufficiencie we remitt the rest.

Moreover, at our coming at Aberdeen, ther came ane nameit Porterfeild, minister, provydit of befor to the vicarage of Ardrossand, and requyrit also of us, that he might have the viccarage of Stevinsone, feing both was ane matter meane enough to sustaine him, and because the kirks were neir, he might discharge the cure of both, we haveing him commendit be diverse great men to the same ; bot thocht good to advertise you, that this preparative induce not evill example and corruptioun ; alwayes in case sick things occurre heirafter, let us understand what ze wald have us to doe. As in lyke manner towards the chaplenries that fall happin to vaike, wheranent because ther is no certaine ordour prescryvit, some confusion stands ; some desyreand them for lyfetye, some for infants that are of the schooles, and some for vii yeirs, we are sometyme preasit to receive or confirme assignatiouns, or demission of benefices, the preparative wherof appeirs to bring with it corruptioun ; and so we wold be resolvit how to proceed befor our coming fra Fyfe. And sensyne we have bein verie willing to doe justice on all persons suspectit of witchcraft, as also upon adulterers, incestuous persons, and abusers of the sacrament, wherin we could not have sick expeditioun, as we would have wischit, because we had no uther probabilitie, wherby to try and convict them, bot ane generall delation of names ; the persons suspect not being for the most part tryit, and convict be ordour of the Kirk of befor ; this hindrit many things, quhilk utherwayes might have bein done ; and therfor we pray you appoint and prescryve, how the judgement of the Kirk may proceed and be execute against all sick trespassors, befor complaint be made to us ; that when we come to the countrey, we may cause execute the law, and be releivit of the tryall of inquisition heiranent. We thocht expedient to give you this to advertisement ; and so remitts the hail to your care and diligence : committs you in the protection of the eternal God. Aberdeene the last day of Junij 1569. Your assurit friend,

JAMES REGENT.

[Farther ye shall credit the bearer towards the business of my Lord Huntly and the Abbot of Deir.]

[Thir are the heads proponed be Mr John Wood, in my Lord Regents Graces name, to the Kirk conveyined the 5 day of July, at Edinburgh 1569, with the resolutions and answers thereto.

Articles and their Anfuers.

In primis, That a sufficient sume be taken of the whole thrids of benefices and rents now in your hand, be the last act of Parliament, and particular presentations since that time, and granted for certain years to my Lord Regent now present for support of the publick charges; and that the same may be assigned in place and room commodious.

It is answered be the Kirk, that upon just consideration of my Lord Regents Graces necessity in the publick charges he presently beareth, they have consented, and consenteth, that the whole fumes of [viſtual] and money craved and desired by his Grace, in the last Convention of some of the Lords for that effect in Sanct Andrews, in the moneth of May last was, be granted and allowed, and readily answered be the Collectors, when the same shall be appointed and assigned; and for the more commodious assignation thereof, ordains ane ample and sufficient commission to be made to the Commissioners that shall pass from this present Assembly to the Convention to be holden at Perth, the 25 day of this instant, givand and grantand full power to the saids Commissioners, or most part of them, to assigne the foresaid sumes of viſtuall and money upon such benefices and thrids as shall be most commodious for the Kirk, and the Regents behove, with consent of his Grace; and the same assignation to stand ay and whill the Kirk shall take further order herewith: Providing alwise my Lord Regent shall not pass, nor solcite the Kirk to dispone, any farther of their rents, nor confirm any other pension granted furth of the saids benefices, or thrids quhatſomever, farther then law will compell the Kirk to doe. C.]

To the questioun, Whither the cryme before specified, committed be Nicoll Sudderland, be incest or not. Anſuerit: The Kirk finds it incest, and so hes resolvit.

[Item, ane speciall answer anent the interpretation of double benefices be Mr John Porterfield, minister at Dumbartan. Answered and concluded: That no such gifts shall be in tyme coming; and that which is given is dissolved already. C.]

Item, anent the chaplenries that fall happin to vaik. Anfuerit: The Kirk aggries, that they be disponit to the colledges, or to the pure, conforme to the act of Parliament, and no utherwayes.

[Item, ane order to be taine anent the demission or resignation of benefices. Answered: The Kirk understands that all resignations and demission of benefices must be made in the hands of the Kirk; the patronages alwise reserved to the lawful patrons.

Item, to know what actions ye receive, to be inquired of be the ministry; and that the delations be so amply taine as ane dittay may be sufficiently formed, that the civil sword may follow. Answered: It is referred to the convention at Sanct Johnston.

Item, anent the desires for my Lord Huntly and Deir. Answer: Because of my Lord Regents Graces request, the Kirk would gladly doe that thing quhich lay in their power; but be reason of the rigorous handling of my Lord Huntly, in the great necessity of the Kirk in these parts, and of the great poverty quhich the poor brether sustaineth in these bounds, the Kirk can in no wise remitt the thing that pertains to the poor ministers: And likewise of my Lord of Deir, who debursed his money to the enemies of God, to persecute his servants and banish them out of the realme.

Item, what they will doe anent my Lord Regents supplication in favours of George Robson of Dundie. Answered: The Kirk aggreeth hereunto, in respect of many circumstances; providing likewise this be not a preparative to any others.

Item, a declaration, how my Lord Regents answers please them, anent the precept granted to Mr James Harvie. Answered: The discharge of the writting, given to the said Mr James and his complices, please the Kirk very well, and thanketh his Grace thereof.

The Assembly appointed the Superintendent of Lothian, Mr Knox, Mr John Craig, and Mr David Lindfay, to revise the acts of the Generall Assemblies, and note the acts quhich concern the common affairs of superintendents and ministers, and cause the sament to be printed; and also the form of excommunication, with the inauguration of the superintendents and ministers.

It was ordained, that such as come to the Assembly, repaire in due time, before the beginning of the same; otherwise to proceed against them. C.]

A. D. M.D.LXIX.

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[THE Generall Affembly, quhich should have been holden in Stirling, the 25 day of February, was continued to the first of March, to be holden at Edinburgh; becaufe none conveened but the Superintendent of Lothian, John Duncanson, Minister to the Kings Majesties house, Patrick Gillespie, Minister at Sanct Ninian, John Clapperton, Exhorter at Livingston, be reason of the murther of the Regent, and for other causes. C.]

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A. D. M.D.LXIX.

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THE General Affemblic being appointit the 25 of Februar, in Stirling, be reason of troubles fallin out be the slaughtir of my Lord Regents Grace, was continuit till the first of Marche, and begun in Edinburgh the said day, 1569, in the Tolbuith therof; quher were present the Nobilitie, Superintendents, Commiffioners to plant kirks, Ministers, Commiffiouners of kirks and townes. The fermoun and prayers made be William Christefone Minister of Dundie, last Moderator.

Seff. 1<sup>a</sup>.

[Mr Knox, Mrs John Craig, John Row, William Christefon, were appointed to consult upon the order of proceeding in actions to be treated in the Affembly, which they did, as followeth. C.]

Ordour to proceid in the Affemblics.

First, that he who was Moderatour in the last Affemblic, fall make the prayer and exhortatioun in the Affemblic thereafter following; quhilk endit, the Kirk proceidit to the choosin ane new Moderatour, who fall continue and make prayers and exhortatioun, as said is, and so furth fra Affemblic to Affemblic.

Secondly, the tryall of Superintendents, and Commiffioners for planting of kirks, with the accusatiouns, if any beis, be Superintendents, Commiffioners, or any uther, against ministers.

Thridlie, the penitents remittit to their Superintendents or Ministers, at the last Affemblie, to be receivit according to the ordour appointit be the said last Affemblie; and els to give injunctiouns to uthers notorious criminall persons, that either are fummoned be the Superintendents, Commissioners of the Kirk, or of their awin frie will, moveit be haittreit of their cryme, presents themselves to the Generall Affemblie.

Fourthlie, to discerne upon sick things as either was undecydit at the preceidand Affemblie, and remitted to this; or els referritt hitherto be the Lords of Sellioun, auditors of Checker, or uther wayes.

[In the fifth place, collectors shall be called to give their accompts of their diligence, namely of the horners, that thereanent remedy may be provided; and also that they may be discharged, or continued, as occasion shall serve.

In the sixt place, the complaints of countries for want of Superintendents shall be heard, and provided for, according to the necessity of the countrey which requireth; and likewise appellations interponed from the Synodall Affemblies to the Generall, shall be received.

In the seventh place, questions proponed in the first and second day of the Affemby, shall be decided be such as shall be appointed thereto.

In the eight place, all bills and complaints shall be read and answered.  
C.]

Seff. 2<sup>a</sup>. 2 Marche 1569.

The hail brethren conveint, in ane voyce, for eschewing of confusioun in reasoning, choose Mr Johne Craig, ane of the Ministers of Edinburgh, to be moderator in this Affemblie, and to make the prayers and supplicatioun in the beginning of the nixt Affemblie, according to the ordour appointit.

[The superintendent of Fife complained upon Mr George Lesly, Minister of Kilconquhar, for not making residence at his kirk, but travelling in diverse parts of the country at his pleasure: It was ordained that he be admonished, and in case of disobedience, suspended or deposed.

Mr Andrew Hay, Commissioner of Cliddisdail, complained upon David Hammliton, Exhorter at the kirk of Monkland, alledging that he had committed double fornication, and refused to underly correction: The Af-

fembly ordained to proceed to excommunication againft him, and to depofe him from all function in the Kirk. C.]

Anent the complaint givin in be Thomas Smith in Uchiltrie, agains Mr Johne Inglis, minifter in Uchiltrie, for debarring of the faid Thomas fra the Lords table, becaufe he removeit ane shoe of ane horfe upon ane Sunday afternoon in Ochiltrie, wher neither preaching nor publick prayers was: After long reafoning, the hail Kirk ordainit the faid Thomas to be receivit to the participatioun of the Lords table, and uther benefites of the Kirk hereafter, notwithstanding of the allegit fault above mentionat.

[Some adulterers and inceftuous perfons compeared in linnen cloaths, bareheaded and barefooted, with testimonials of their honeft behaviour during the time of their publick repentance fince the laft Affembly, according to the injunctiounes given them. They requested for farther injunctiounes, if it was the will of the Affembly that they might be received to the fociety of the faithfull. The Affembly ordained the faid perfons, and every one of them, and all others, who hereafter fhall happen to fulfill their injunctiounes, C.] and hes not ftubronlie contemnit the admonitiounes of the Kirk, nor sufferit the fentence of excommunication for their offences, fall make publick repentance in sackcloath at their awin kirks, bare heidit and bare foottit, thrie feveral days of preaching; and after the faid thrid day, to be receivit in the fociety of the kirk in their awin cloaths. The uthers that has bein excommunicat for their offences, fall prefent themfelves in sackcloath, bareheidit and barefoottit, faxe preaching dayes; and the laft after fermon, to be receivit in their awin clothes, as faid is.

[John Adam of Mauchlin, excommunicat for prefenting his child to be baptized be a popifh prieft, in papifticall manner, prefented himfelf. He, together with other adulterers and inceftuous perfons, were admitted to publick repentance, conform to the order fett down in the fecond felfion of the Affembly, holden in July 1569.

John Flint, Vicar penfioner in Aitton, fummoned to compear for abufing the facraments, compeared; and was ordained to abftain from all function within the Kirk, till the fuperintendent of Lothian tried his ability and learning. C.]

Sessio 3<sup>a</sup>. 3 March 1569.

Anent homicides, incestuous persons, and adulterers, not fugitive from the lawes, bot continuallie futeing to be receivit be the Kirk to publick repentance: After long reafoning, with mature deliberatioun, the hail brethren presentlie affemblit concluded, that all sick persons humblie fuiting fall be receivit to give the signes of their repentance in their awin kirks, according to the ordour appointed befor, at quhilk tyme the minifters fall publicklye notifie their crymes, that thereby the civill magistrates may know the crymes, and pretend no ignorance thereof.

[The particular injunctiōns to be used be every particular kirk, touching the trial of signs of repentance of these that are admitted, or hereafter shall be admitted be the Generall Affembly to publick repentance, for slaughter, incest, adultery, or other haineous crimes, are these, to wit: C.] If they be excommunicat for their offences, they fall stand bareheidit, at the kirk doore every preaching day, betwixt the assemblies, secludit from prayers before and after fermoun; and then entir in the kirk, and fitt in the publick place bareheidit all the tyme of the sermons, and depart before the latter prayer.

The uther that are not excommunicat, fall be placed in the publick place, wher they may be knowin from the rest of the peiple, bareheidit the tyme of the sermons; the minister remembring them in his prayer in the tyme after preaching; all the faids persons to bring their ministers testimonials to the next Assembly, of their behaviour in the meane tyme, according to the act made thereupon be the Kirk, in the 2 sessioun haldin the 7 of July 1569.

Anent the complaint of the parochiners of Kilmenie, for want of a minister to preach Gods word, and minister the sacraments: The hail Kirk concludes, that in respect of the number of qualified and learned men of the auld Colledge, able to preach, and also the neirnes of the said Colledge to the said kirk, that some of them fall either preach and minister the sacraments to the peiple, or els injoyne uthers to doe the same, quhill farder ordour be tane.

[In respect that James Hunter, armorar in Edinburgh, was reconceiled with his first wife, and cohabited with her till her lifes end; the Assembly judgeth him not to be subject to the act made against adulterers separated



for adultery ; but that he may marry again, providing he satisfie the Kirk of Edinburgh, for breaking the publick order of the Kirk at his second marriage.

Sess. 4<sup>a</sup>.

Certain scandalous persons were admitted to publick repentance, conform to the injunctions made in July 1569, and uniform order sett down in the third session of this Assembly.

Sess. 5<sup>a</sup>.

It was ordained, That all collectors be warned to compare at all Generall Assemblies, which are to be holden hereafter, to know the mind of the Assembly anent their offices, and other affairs pertaining to them and the Kirk, under the pain of deprivation from their offices ; and that this advertisement be given to them be any Superintendent, Commissioner of kirk, or Minister.

The Superintendent of Fife, Mrs John Row, David Lindfay, and James Nicolson, were appointed to convene with the Clerk of Register, and consult for taking order, touching such things as were referred to the Assembly, be Lords auditors of the Checker ; and chiefly anent the diminishing of the rentals of the thrids.

As for the selling of victuals from year to year, The Assembly thinketh it expedient that every Superintendent or Commissioner, where there is any, and that failing, the next Superintendent or Commissioner adjacent, with the assistance of such assessors as they shall think good to assume and choose to them, shall appoint the prices yearly of victuals, and notify the same to collectors in such quiet manner as they shall think expedient.

The Superintendent of Fife, Mr David Lindfay, and Mr John Row, were ordained to convene with the Advocats of the Kirk, and James Nicolson, and advise upon the matters referred, be the Lords auditors of the Checker, to the Assembly ; and to give their judgements therein, which, with the doubts they shall find, they shall report to the Assembly.

Sess. 6<sup>a</sup>.

It was concluded, That Superintendents, Commissioners of kirks, present and to come, with the Ministers of their provinces, or most part thereof, in their synodall conventions, shall choofe and depose their collectors, as occasion shall serve.

The Assembly appointed every Superintendent and Commissioner, in their own provinces, with the assistance of so many Ministers as they shall choofe, to take particular assumps of the thirds of all benefices not assumed; and to report the same to the next Generall Assembly.

The heads of the accusation, and chief offenses, laid to Adam bishop of Orkney his charge, which the Assembly desired to be redressed.

In primis, The said Adam being called to the said office of Bishoprick, and promoted to the profit thereof, and specially in Christs Kirk, received the charge of preaching of the evangell; to be also Commissioner in Orkney, which he accepted, and executed for a certain space thereafter: quhile now of late he hath made a simoniacall change of the same with the Abbacie of Halyrudhouse; yet bruiking the name, and stiled Bishop of the same, contrar to all laws both of God and man made against simony.

Secondly, He hath demitted the said office and cure, in and unto the hands of ane unqualified person, without consent and licence asked and granted be the Assembly, leaving the flock destitute without shepherd; whereby not only ignorance is increased, but also most abundantly all vice and horrible crimes are there committed, as the number of six hundreth persons, convicted of incest, adultery, and fornication in Zetland, beareth witness: and hath simpliciter left the office of preaching, giving himself dayly to the exercise of the office of a temporall Judge, as a Lord of the Session, which requireth the whole man, and so rightly no wise can exercise both; and stileth himself with Roman titles, as Reverend Father in God, which pertaineth to no Ministers of Christ Jesus, nor is given them in Scriptures.

Thridly, To the great hurt and defraud of the Kirk, hath both all the thirds of the said abbacie of Halyrudhouse from the said Lord Robert and his bairnes, alledged just possessors of the same, at least made a simonia-

call change thereof with the rents of Orknay for the same, without consent or knowledge of the Assembly, as diverse contracts made thereupon bear witness; and he hath sett 19 years tacks of the lands of Broughton to his wife.

Fourthly, That he neither planteth kirks destitute of ministers in either of the said rooms; neither sufficiently provideth nor sustaineth the small number planted before his entry; so that except hasty remedy be found, for meer poverty the poor ministers most depart from the saids places, with dolour of their hearts, and also the flocks committed to their charge, as in particular the kirks of Liberton and Sanct Cuthbert can bear witness; and the remanent wholly destitute: also two kirks, to the number of six hundred foules, that never heard the word twice preached, nor received the sacraments, since the Reformatione, viz. Fawkirke and Whytkirke, among all the rest of the number of 27, or thereby, in Lothian, and Galloway.

Fifthly, All the said kirks, for the most part, wherein Christs evangell may be preached, are decayed, and made, some sheepfolds, and some so ruinous, that none darre enter into them for fear of falling; specially Halrudhouse, although the bishop of Sanct Andrews, in time of papistry, sequestrate the whole rents of the said abbacy, because only the glassen windows were not holden up and repaired.

Sixtly, The said Adam hath accused, both publickly and privately, the Ministers of Edinburgh, as persons that have past the bounds of Gods word in their publick teaching, &c.: In token whereof he hath absolutely absented himself from all preaching in the said kirk, and receiving of the sacraments, howbeit he hath had his dwelling place within the said burgh, at certain and diverse times senfyne.

Many moe might be laid to his charge; but the Assembly trusting the former being amended, the rest will the better be redressed, doth superfeed.

Patrick Galbraith at Garvett, was ordained to compear, the first Teusday of Aprile nixt to come, before the Superintendent of Lothian, in the Synodall convention of his province in Edinburgh, there to be excommunicate be him. C.]

Seff. 7<sup>a</sup>. 9 of March 1569.

Anent Robert Lickprivick his supplicatioun for support of the Kirk in his office of printing : The Kirk, having respect to his povertie, the great expensses he hes made in buying of printing yrnnes, and the great zeale and love he beares to serve the Kirk at all tymes, hes assignit to him fiftie pundis, to be yearlie payit out of the thrids of the Kirk, be the collectours underwrytin, viz. be the Collectour of Lowthiane x lb. the Collectour of Fyfe x lb. the Collectour of Angus x lb. ; quhilk fowme the auditors of the comptis for the Kirk fall thankfullie allow to every ane of them.

[Some brethren were appointed to convene apart, and decide questions.

Seff. 8<sup>a</sup>. 10 of March 1569.

It was ordained, That every Superintendent, or Commissioner for the time, shall modify the stipends, augment or diminish the same, as occasion shall serve, with the assistance of the brethren presently nominated ; providing they report the said stipends, the Ministers names hereafter to be planted, the augmentation or diminution of the stipends, to the register of the Ministers and their stipends ; noting the time of appointing of the stipend, the entry of every minister, and time of augmentation of the stipend, to the effect that they and collectours may have the extract, and rolls thereof. C.]

It is statute and ordainit, That no minister provydit, or that heirafter fall be provydit to benefices, sett in taks, any manner of way, their gleibs and manfes, neither yet any part of the fruites and emoluments therof, in diminutioun of their rentalls ; under the paine of depryving fra their benefice for ever : discerning also the taks sett in manner forsaid, to be null and of no effect, as done be him that hes no power.

Seff. 9<sup>a</sup>.

[Andrew Lord Uchiltrie, George Hume laird of Spott, Robert Fairlie laird of Braid, William Lawder laird of Hautone, Andrew Ker

laird of Fadounside, Mr John Spottwood, Superintendent of Lothian, Mr Knox, Mrs George Hay, David Lindfay, John Row, were appointed to convene before the Nobility presently assembled in Edinburgh, or whenever they shall assemble hereafter, till the next Assembly; and in their name present some articles, require and receive answers, and report the same to the next Assembly.

Seff. 10<sup>a</sup>.

Mr Patrick Adamson shewing that he was appointed, be the advice of the brethren then convened in Edinburgh, to await on Court and preach to my Lord Regents Grace, and for that purpose was modified to him five hundred marks per year, and had served three months upon his own expence; therefore requested the brethren to appoint where he shall receive payment of his stipend pro tanto; which was done.

The Bishop of Orkney presented his answers to the offenses layed to his charge.

To the first he answered, That it is true, that in the 58 year of God, before the reformation of religion, he was, according to the order then observed, provided to the Bishoprick of Orkney; and when idolatry and superstition was suppressed, he suppressed the same also in his bounds, preached the word, administered the sacraments, planted ministers in Orkney and Zetland, disposed benefices, and gave stipends out of his rents to ministers, exhorters and readers; and when he was a Commissioner, visited all the kirks of Orkney and Zetland twice, to the hazard of his life in dangerous storms on the seas, whereby he contracted sickness to the great danger of his life; till he was suspended from the exercise of the said communion, in the year 1567, be reason of his infirmity, and sickness contracted through the air of the country, and travells in time of tempest: at what time he desired some other place to travel in, which was then thought reasonable.

As for demitting of his office, He denied that ever he demitted to my Lord Robert the same, or any part thereof: but that the said Lord Robert violently intruded himself in his whole living, with bloodshed and hurt of his servants; and after he had craved Justice, his and his servants

lives were fought in the very eyes of Justice in Edinburgh; and then was he constrained, for meer necessity, to take the Abbacie of Halyrudhoufe, be advice of fundry godly men; because then we could not have the occasione of a Generall Assembly.

As to the second, He denyed that he had abandoned absolutely the preaching of the word, or that he intended so to doe; but was to bestow his travells in preaching, as the ability of his body, and sickness whereunto he was subject, would suffer or permit. He confessed, that, in the 1563 year of God, he was required by the Kings mother, to be a Lord of the Sessione, which he accepted, with advice of godly and learned men, compting it not repugnant or contrariouse to any good order as yet established in the Kirke; and alledged that diverse others having benefices, have done the like, and are not condemned for so doing; yea, he doubted not to affirm, that as the office itself was allowable, so it should be profitable for the Kirke, that many preachers of the evangell were placed in the Sessione. Item, seeing superintendents and ministers are, and may be temporall judges in other inferior offices, and no fault layed to their charge, he wondered why it should be counted a fault in him only.

As for the latter part of the second article, he answered thus, With pardon and reverence of the Assembly, I may declare, that I never delighted in such a stile, nor desired any such arrogant title; for I acknowledge myself to be a worm of the earth, not worthy any reverence; giving and attributing to my God only, all honour, glory, and reverence, with all humble submission.

To the third article he answered, That it is true, that he had sett ane affection of the fruits of the bishoprick of Orknay to the said Lord Robert, for the yearly payment of certaine dutys contained in his tacke; and albeit the said Lord Robert, for payment of a part of the yearly duty forsaid, assigned to him a certaine pensione, which his bairnes had assigned unto them, of the fruits of the Abbacy of Halyrudhoufe; of which pension they had confirmation be act of Parliament, and were in real possession without impediment diverse years; with provision also, that in case it shall happen, the pension be evicted from them, the said Lord Robert shall pay to him so mickle silver, victuall, and goods of the fruits of the Bishoprick of Orknay, as extend to the just valuation of the said pension; which thing is done, and permitted univervally throughout the whole realme, that any ecclesiasticall person may sett a part of his benefice in tack for the

yearly payment of a just duety, and so there is nothing bought or sold in defraud of ministers: but be the contrar, he being troubled be vertue of letters of horning, at the instance of the collectors of the Kirk, and also at the instance of the said Lord Roberts bairnes, charging him to make double payment, he meaned himself to the Lords of Session, desiring both the parties to be called before them, and to decide who had just title; which action was yet depending before the Lords to his great hurt, for in the mean time his whole living is sequestrate: and in case the collectors of the Kirk evict, he will get recourse and payment of the fructs of the bishoprick; and that he has made no other plea or impediment be himself, or be his procurators.

To the first part of fourth article, he answered, That he had no commission to plant or visite, since his entry to the said Abbacy; but if they would give him a conjunct charge with the superintendent of Lothian, he should so travell that they should be satisfied.

As to the second part, he answered, That the whole thrids of the benefice of Halyrudhouse, are to be paid forth, either to the collectors of the Kirk, or to the Lord Roberts bairnes: and attour the most part of the fructs of the two part of the said Abbacy is assigned and given forth in pensions to diverse persons, before his provilion; and yet he hath payed to the ministers their stipends, as they were wont to receive forth of the said Abbacy, and hath augmented some ministers stipends: and also, if the plea depending before the Lords were decided, would be as liberall in the sustentation of ministers as become him, having respect to the rent of the benefice; and withall desiring, that so many ministers, some times Channons of the place, having a great part of the living assigned out of certain kirks now altogether destituted, might be charged to serve rather in the saids kirks, then in others, as other Channons doe in other kirks, whereof they receive their living; and promised, if so were done, to augment their stipends largely.

As to the fifth he answered, He was but of late come to the benefice; and the most part of these kirks were pulled down be some greedy persons, at the first beginning of the Reformatione, which hath never been helped or repaired senfyne; and few of them may be repaired be his small portion of the living; but specially the Abbay Church of Halyrudhouse, which hath been, these 20 years bygane, ruinous through decay of two principall pillars, so that none were assured under it; and two thousand pounds bestowed upon it, would not be sufficient to ease men to the hearing of the

word, and ministration of the sacraments. But with their consent, and help of ane established authority, he was purposed to provide the means, that the superfluous ruinous parts, to wit, the Queir and Croce Kirk, might be disposed be faithfull men, to repair the remanent sufficiently; and that he had also repaired the kirks of Sanct Cuthberts and Liberton, that they were not in good case these 20 years bygone: And farther, that there was ane order to be used for reparation of kirks, whereunto the parochiners were obliged, as well as he; and quhen they concurred, his support should not be inlaiking.

As to the last, He denied that he spake any thing, but that which he spake in the last Assembly in their own audience. God forbid that he should be a detracter of Gods ministers, for any privie injuries done to him, as he alleged none: if there were any, he would rather burie them, then hinder the progress of the evangell.

As for absenting himself from their preaching, he answered, He only kepted his own parish kirke, where he received the sacraments.

Mr Knox, Mr John Craig, Mr David Lindsay, were appointed to try the sufficiency of these answers, and to report to the next Assembly.

Mr David Lindsay was appointed to present certain articles to the Lords of Session, and to require their answers: The articles and answers follow:

First, The thrids are decerned to pertain to the Ministers, be a law and act of Parliament past *in rem judicatam*, and have received execution of a decreit and sentence of liquidat fumes and victualls; against the which your Lordships, by your dayly practice, use to give no suspension, without consignation of the fumes decerned: and notwithstanding, there are so many suspensions of this execution for the thrids given, that both your Lordships are troubled with the proceffe, and the poor ministers defrauded of that quheron they should live; for remeed quherof, the Assembly most humbly requireth your Lordships to take such order herein, as that no suspensions be given for the thrids in times coming, except the complainers desiring the suspension, make payment to the collector of so meikle as is out of question, if it stand in difference of the question of the rentals; and consigne in the Clerke of Registers hands, so much more, as shall happen to be decerned, or find caution in Edinburgh responsable therefor; And likewise consigne, or find caution, if he claimeth the whole thrid to be discharged, for the whole: And that none of thir pass upon light causes,



but be read in prefence of your whole Lordships, before the bills be past and delivered.

Item, That no letters past upon your Lordships decreets given upon new provifiones or fummons warrand all parties to hear letters given, except there be speciall provifione and exceptione made of the thrid therein; or els that the complainer have fufficient testimony that the thrid is allowed in his stipend, or remitted be some good order, and shew the Kirks admiffion and ordinance thereupon: And for observing thereof, that your Lordships would take fuch order with your own Clerks of the Seflion, that no lettres pafs by the provifion foresaid; and that the cautions be given, or fufficiently notified in writt, to the Clerk of the Collectory, or to the procurators of the kirks, to the effect that the Kirk may call therefor, when time is.

16 Martii 1569.  
Agreed.

Agreed.

Item, That your Lordships will give letters, at the instance of the procurators of the Kirk, to charge all beneficed persons that as yet have not given in their rentalls, to produce and give in the same, at ane certain day to be appointed be your Lordships therto; with certification, if they failzie, your Lordships will direct letters to uptake and bring in the whole fructs of their benefices, to the use of the ministry, conform to the first act and ordonance made for uplifting of the thrids, and, in the mean time, that ye would give command to the Commiffars to sequestrate the whole fructs of their benefices forsaid, not given up in rentall, as said is; with letters of full inhibition be your own deliverance, that none answer, obey, nor make payment of any part of the fructs of the said benefices, unto the time the possessors pretending right therto, give in sufficient rentalls thereof; and either give a particular assumption, or caution for the thrids, as the Kirk will stand content with.

Agreed.

Item, That according to your Lordships order already taken anent the calling of the Kirks actions, and promise made thereupon, that ye will cause the same to be observed; to wit, that every day of the Seflion, ye will call one of the Kirks actions to be given in be the Soliciter and procurators of the Kirk, as weil of the particular as generall causes therof. And because it is well known to your Lordships, that fra ye enter in other causes, it is not possible to you to get any other called; therefore your Lordships will condescend and ordain the said actions of the Kirke, to be dayly called first before any other, so that it be not deferred to the end; wherethrough both the actions lye

uncalled, and your Lordships are troubled and slandered, that ye doe nothing in the Kirks caufes.

Anfwer: The Lords will doe fuch diligence to fatiffie this article, as they may goodly.

GEORGIUS GIBSON, Scriba Confilij,  
de mandato Dominorum Confilij.

The brethren appointed to refolve queftions, exhibite their refolutiones, as followeth:

Queftion, C.] Quhat fall be done to them that will not forbear the companie of excommunicat perfons. Anfwer: After due admonitiouns, to be excommunicat, except they forbear.

[Q. If it fhall be thought good, that excommunicatione fhall be orderly fulminat againft the wicked murtherer of my Lord Regents Grace; and againft all thefe that had any part, art, or counfell therein, or yet were maintainers of the fame. A. The perfone committer is to be excommunicat in all notable tounes; and the excommunicatione is to be notified in paroch kirks, where there is order; and the reft are to be proceeded againft, as they may be lawfully convict.

Q. Seeing the prefent eftate of the Kirk, What is now prefently to be defired at the Counfell and Nobilitie, for the weale of the fame; and if rati-ficatione is to be craved of fuch things as my Lord Regents Grace lately granted to the Kirk. A. Ratificatione of things done by my Lord Regents Grace is to be required; and farther as the Affembly fhall think good.

Q. If baptifme is to be miniftred to the children of the excommunicat. C.] The children of excommunicat perfons to be receivit be a faithfull member of the Kirk to baptifme.

Q. [If two parties be contracted, the bannes proclaimed, and the day appointed for folemnizatione of marriage before the minifter and congregation, the woman refufe allutterly to take the man, Whither ſhe fhall be compelled or not; and what fhall be the minifters part in this cafe. A. The matter is to be referred to the Commifars; and the woman to be punished upon trying of her caufe, according to the order of the Kirke.

Q. What order shall be taken anent abbacies now vacant, and not provided. A. It is to be meaned to the Lords by way of supplicatione, that the tithes may be employed to the sustentatione of the ministry.

Q. Shall the single woman committing adultery with a married man, be equallie punished with the man, and compear before the Generall Assembly. C.] A. A single woman committing adulterie with a married man, fould be equallie punishit [with the man, and receive injunctions of the Generall Assembly.

Q. A woman divorced for adultery committed be her, contracting marriage with another, beareth a child to him, and desireth to proceed to the solemnizatione of marriage, Whither shall the man be permitted to marrie this woman. A. Let her present herself to the Assembly to be punished; and then let her supplicatione be given in, and she shall have ane answer.

Q. What shall be done,] where a man repudiats his wyfe and bairnes without a cause, and no wayes will receive her againe. A. The minister fould labour for reconciliation; and the partie offendit complaine to the Judge competent.

Q. A promise of marriage made befor the reidars and elders in a reformat Kirk, the parties contractit compeirs before the minister and session, requires the bands to be proclamit; quhilk beand done, the Kirk finds carnall copulation to have followit be confessioun of both the parties: When the Kirk requyres them to proceed to the solemnization, the woman refuses. A. Admonische the partie refuseand to solemnize the marriage; or els to get a decreit from the Judge competent, that they fould not marrie, under the paine of excommunicatioun.

Q. Persons, after promise of marriage [made before witnesses,] and proclamation of the bands, desyreand to be frie from the bands, no carnall copulation following. A. They fould be frie, si res est integra, and their inconstancie punishit.

Q. [Two men haveing lyen with two sisters, If any of them may

marrie the daughter of the other man begotten upon another woman, and not upon any of the two sisters before mentioned. A. No impediment found.

Q. If a Minister having a benefice in one shire, and another in another shire, may be chosen to the thirde office, viz. to be a Superintendent, or Commissioner. A. Not, except the particular kirks be provided according to the time.

Q. In respect of the great offences committed in disturbing of the common peace, and breaking the unity which God hath made betwixt the realms, and that be these who have avowed themselves professors of the word of God, who have not allanerly often times committed the forsaide offences, but still to aggrege the same, have received and maintain the rebels of England, despising herein both God, and the present authority: The minister where such enormities are committed, requireth your judgement, What becometh him to doe, and how he shall use himself towards them for safety of his conscience, and avoiding of slander. A. Let him reprove vice, without exceptione of persones, conforme to Gods word prudently.

Q. If any persone having already of the Kirk a sufficient living, and after called to the office of a Superintendent or Commissioner, shall have a new stipende appointed, or rather be content of the old living, if it be sufficient for his office; or at most to receive such augmentation as the burthen of the office requireth. A. Let this be considered by their discretion, at their electione.

Q. A man having two benefices in fundry shires, and under fundry superintendents, serving for one of them, If he shall have thrid of the other discharged. A. Because this question hath been moved before, and, as we understand, resolved, we remitt the answer to the sight of the same in the Register.

Q. If it be lawfull for Ministers to leave their vocation, and use uther offices and charges within the commoun weill. C.] A. It is not leifum for Ministers to leave their vocation, and use uther offices and charges

within the commoun weill, without consent of the Kirk; and, in tymes coming, it is neidfull, that all that ferves in the ministrie be publicklye inaugurate.

[Q. A certaine man, whose wife was banished of Dundie ten years since, for certaine crimes committed be her, hath begotten a child upon another woman about two years since, not knowing whither his wife was living or dead; for which offense he was punished be the magistrat; and hath made diligent inquiry, according to the injunctiões given to him, to learne whither she was living or dead, and can come to no certaine knowledge thereof, as his testimonials bear witness: He requireth now, Whither the Assembly will injoyn him any farther satisfactiõe for his crime, and whither he may have liberty to marry. A. Ediçts are to be served for farther searching of the woman; and farther punishment for proceeding in marriage is to be suspended to the nixt Generall Assembly.

Seff. 11<sup>a</sup>.

The Commillioners appointed in the last Assembly to give answer to my Lord Regents Graces desires, produced the said answers with his Graces promises contained therein; together with the assignation of money, and victualls to the Kings Majesties house, the Regents Graces, and others; both subscribed with his hand.

First, They condescended, That the assignations before granted for the Kings Majesties house, and other common affairs, stand in form as before; and that during the Kirks will.

Item, That the sumes appointed for my Lord Regents own house, extending to five thousand merks or thereby, which the collector should have paid, shall be paid.

Because thir premises are granted, my Lord Regent promiseth faithfully not to charge the Kirk with any farther duty of the thrids; but if a superplus remain, the Ministers being paid, it shall be bestowed to such Godly uses, as the Assembly thinketh best, be his Graces advice.

And, to the effect that good payment may be gotten of the whole, my Lord Regents Grace promiseth to travell to the uttermost of his power,

that obedience may be given ; and that the laws made againſt diſobedients ſhall be executed.

Farther, His Grace giveth power to chooſe, or depoſe, if need be, their own collectors, and to call them to accompt, when they think good ; without prejudice to the generall compt yearly to be made in the Exchequer.

In like manner, His Grace condeſcendeth to the particular aſſignation of Miniſters, where they may be conveniently gotten, without prejudging the aſſignations before granted, and the ſumes granted to my Lord Regents Graces houſe ; providing the foreſaids aſſignations, ipſo facto, be diſolved, whenſoever the aſſigney obtaineth any benefice ſufficient for his ſtipend, or that the Aſſembly ſhall think otherwiſe.

Item, That Miniſters, and Superintendents ſtipends ſhall be modified, and appointed be ſuch as the Generall Aſſembly, having warned his Grace and Counſell thereunto, ſhall appoint. C.]

JAMES REGENT.

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A. D. M.D.LXX.

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THE Generall Affemblic of the Kirk, haldin at Edinburgh, in the Nether Counsell Houfe, the fyft day of Julij 1570; quher were affemblit the Nobilitie, Barronis, Superintendents, Commiffioners of Kirks, Provinces, Townes, and Minifters. The exhortatioun and prayer made be Mr Johne Craig.

The hail brethren prefentlie conveyit choofe Mr Robert Pont, Moderatour for this Affemblic.

Seff. 1<sup>a</sup>.

[The Superintendent of Fife was delated for negligence in reparation of Kirkes. His excufe was, He could gett no officer of armes to putt in execution letters againft parochiners, where the faid kirks were ruinous. The Affembly ordered the Superintendents, and Commiffioners for planting of kirkes, to charge the Collectors officers within their provinces refpective, to execute letters for reparatione of kirks decayed, as the faids Superintendents or Commiffioners fhall charge them; who fhall caufe them be fatiffied at the difcretione of the Affembly, conforme to their diligence and pains taken thereanent.

Commiffion is given to Mr John Robertfone, Thefaurer of Roffe, to affift Mr Donald Monroe, Commiffioner of Roffe; becaufe the faid Commiffioner was not prompt in the Scottifh tongue. C.]

Seff. 2<sup>a</sup>.

Penitents that for their offences resorts to the Generall Assembly, either to receive injunctiouns, to shew signes of their repentance, or that fould present themselves before the same in linnen cloathes, and receive farther injunctiouns; That they be warnit [by their Superintendents, Commissioners or Ministers,] to compeir the second day of the Assemblie peremptorie.

[Because some, who had once accepted the office and charge of preaching the word, had deserted their calling, the Assembly ordained, That all and sundry Ministers, who hereafter shall accept the said office, shall be inaugurate publickly, conforme to the order appointed in the end of the Booke of Excommunicatione: And] Ministers at their publick inauguration shall protest solemnly, that they shall never leave their vocation any tyme thereafter, under the paine of infamie and perjurie; [and that this be done and execute be Superintendents, and Commissioners appointed for planting of kirkes: And in like manner, That all Ministers already placed before the making of this statute, shall make the like protestatione, in their Synodall conventiones, before the Superintendents or Commissioners, who shall insert the said protestationes, from time to time, in their bookes, ad futuram rei memoriam. C.]

Anent the tryall of yong children, and how they are broght up be their parents in the true religion of Jesus Chryst: It is ordainit, that Ministers, and elders of kirks shall universallie, within this realme, take tryall and examine all yong children, within their parochin, that are come to nyne yeirs, and that for the first tyme; thereafter, quhen they are come to 12 yeirs, for the second tyme; the thrid tyme to be examined, quhen they are come to 14 yeirs; quherthrow it may be knowin that they have profited in the schoole of Christ, fra tyme to tyme: [And that the names of them that shall be tryed, be written be the Ministers, and elders; and every one of them within their own parochies.

The penitents compearing to submitt themselves to the discipline of the Kirk, were ordained to repair to their owne Ministers respective, who would shew to them the injunctiounes appointed be the Assembly, to be fullfilled for signes of repentance unto the next Assembly; and to compear



in linnen cloathes, bare headed and bare footed, the second day of the next Assembly, to receive farther injunctiones; and every one of them to bring a testimoniall from their owne Minister, of their behaviour in the meane time.

Others compearing in linnen cloathes, bare headed and bare footed, with testimonialls from their Ministers, or testificacione of their Ministers there present that they had fulfilled the injunctiones appointed to them, were remitted again to their own Ministers respective, to be received to the societie of the faithfull, according to the act of the Generall Assembly, made the second of March 1569, and second Sessione of the same Assembly.

Others summoned be the Superintendents, Commissioners, or Ministers, often times called, but not compearing; it was ordained, That the sentence of excommunicatione should be reiterat against them who were already excommunicate, and the cause declared wherefore it was so done; and that they proceed to excommunicatione against others, for their disobedience.

Seff. 3<sup>a</sup>.

Mr John Craig, John Row, and David Lindsay, Ministers, Mr Thomas Makcalgean, Advocate, David Forrest, Generall of the Congie house, Mr James Lawfone, Subprincipall of Aberdeen, were appointed for decision of questions.

It was statut and ordained, That as it pleased God of his mercy to erect the authority of the Kings Majesty, with publick consent of the Estates in Parliament, even so the samen ought, and should be universally obeyed throughout this realme, without acknowledging any other authority, whatsoever title be pretended.

Moreover, Ministers are commanded, in their publick sermons, to pray publickly for the preservation of His Majesties person and authority; with certification, that all such as shall be found negligent or disobedient, shall be punished as the Assembly shall think expedient.

And farther It was declared, That if any subject or subjects of this realme, of what estate foever they be, shall presumptuously take upon them to inhibit any Minister to obey this ordinance of the General Assembly, what cloke or colour foever he or they pretend; or by minacing make

impediment unto them, so that without fear Ministers may not serve God in their vocation; that, in that case, such troublers shall be summarly, upon the notoriety of the fact, excommunicate, and shall be holden rotten members, unworthy of the Society of Christs body.

And last, The Affembly commandeth all Superintendents, and Commissioners of Provinces, to cause this determination to be published in all the parochie kirks, that nane hereafter pretend ignorance.

Item, It was ordained, That this act and statute should be printed be Robert Likprivick, that no man pretend ignorance. C.]

It is ordaint, be reason of the great troubles laitlie risen in this realme, be defection of some fra the Kings Majesties lafull authority, That certain brethren be sent fra the Kirk, to all Erles, Lords, Barrones, and Gentill men quhatfoevir, that hes made the forsaide defection, and travell with them be all meanes possible, to reconcile them to the lawfull obedience of His Majestie; and to certifie them that disobeyis, that the haill Kirk will use the sword against them, quhilk Gods word hes committit to them. Commissioners for that effect: Mr Andro Hay, [Commissioner of the West,] and Mr David Lindesay, [Minister of Leith,] to my Lord Dukes Grace, the Erles of Argyle, Eglintoune, Cassills, my Lord Boyd, and uther Baronis and Gentill men that they can goodlie meit with within the West partis: The Laird of Dunne, Superintendent of Angus and Mernes, to the Erle of Craufurd, the Lord Ogilvie, and their assisters. Quhilks Commissioners were commandit to report their ansuers to the next Generall Assembly.

[Power was given to Mr Robert Pont, Commissioner of Murray, with the assistance of the Kirke of Elgine, to proceed, after due admonitiones, to excommunicatione against Patrick Bishop of Murray.

It is ordained, That all Superintendents and Commissioners to plant kirkes, with such as they shall choose in their Synodall conventiones, shall hear the compts of the Collectors of their owne provinces, at such day and place as shall please them to appoint to the saids Collectors; and report to the next Assembly, quhat diligence and fidelity they shall find in them: and that they shall have power to depose, and retaine the saids Collectors, as occasion shall serve, conforme to the act of the said Assembly made of before thereanent. C.]

Seff. 4<sup>a</sup>.

The contraverſie in St Androes betuixt Mr Robert Hamiltoun, Miniſter ther, and his Collegis on the ane part, and Mr James Carmichell, and his Collegis on the uther part, is treattit and diſcuſit be the Aſſembly of the haill Kirk; becauſe the ſame concernes doctrine, ſlander that may riſe therin, or diſcipline of the Kirk.

[The brethren appointed for deciſione of queſtioned, reported their deciſiones, as followeth.

It was aſked, What is the juridiſtione of a Superintendent, and how far it is extended be Gods word. Answer: Remitt the answer to the Book of Diſcipline.

Q. If a Miniſter, Exhorter, or Reader, and any other man, be at debate for any injurie in word or deed, the aſtione being civill, Who ſhall be Judge in that matter. A. The aſtione of injurie belongeth to the Magiſtrates: The ſlander to the Kirk.

Q. If a Miniſter ſufficiently provided for his miniſtratione at any kirke, have other benefices wherof he receiveth the fruitſ, Whither the fruitſ he receiveth may be called thift, reaſe, ſacrilege, or juſt poſſeſſione. A. Referr this to the modifiers of ſtipends, as they ſhall answer before God.

Q. Whither it is better that all Miniſters were equall in labours, to wit, theſe that labour in touns were equall, and without touns ſicklike equall; or according to diverſe qualities and gifts, ſome ſhall be preferred to others; and if this be thought good, Who ſhall be Judge; Whither the Superintendent only, or not. A. This is answered be the appointment of moderators of ſtipends.

Q. Whither, If a man having the properties requiſite in a miniſter, not having a certaine flock, ſhall be admitted to preach, and miniſter the Sacraments, in neceſſity, or in default of a miniſter, if it ſhall pleaſe him; ſo that he promiſe to continue in the ſaid vocatione: or ſhall none be admitted who hath not a particular flock. A. This article is obſcure.

Q. Whither it be papiftry, when any man profeſt in ane abbay, ſhall be choſen miniſtrator, or œconomus, be ſuffrages of theſe that have been profeſt in ane abbay, which profeſſione is papiftry, and be that election brooke the title. A. Howſoever the profeſſione was papiftrie before, yet the miniſtratione of the temporal fruitſ is a part of the policie, and

no wife papistry. Mr John Rutherford protested, in so far as the answers to thir questions is not sufficient, that he may have remed at the next Asssembly, or otherwise, &c.

Q. A man having just occasion to suspect his wife of adultery, be common brute and otherwise, giveth in a complaint to the Sessione of Edinburgh, craveth tryal; but afterward moved with foolish pitie, taketh up his complaint, and desireth the Sessione of the Kirke to be silent and keep secret: Thereafter, in the same mans house, when he is furth of the cuntry, ane adulterer is deprehended with his wife be the Magistrate, at ten hours at even: The husband returning compleaneth again to the Sessione of the Kirke, craveth the last slander to be tryed, which was tryed: Moreover, the husband accuseth the adulterer before the Justice; and he is convict, be ane assise, of adultery committed with his wife: and sicklike he calleth his wife before the Justice. Now, in the meane time, before the day of her compearance, it is bruted, and vehemently suspected, that the husband is already reconciled with his wife, or to be reconciled, before satisfactione be made to the Kirke; and so is already, or intendeth to be a patron to his wifes adultery, and therethrow to committ lenocinium. What order shall be taken with this husband reconciled with his wife, without satisfactione made be her; or, What order shall be taken with such men as clocke the adultery of their wives, notoriously and publickly known. C.] A. Cloakers of adulterie sould be callit, and convict: and if it be found, that they have cloakit publick adulterie, after their knowledge, then let the rule have place. *Consentientes et agentes pari poena puniantur.*

[Q. Whither the Communion may be ministred upon Pasch day, or not. A. Why not, where superstitione is removed.

Q. Whither a man deflouring a virgine shall be constrained to marrie her; or, if paying her tocher, according to the discretione of the Kirke, he may be free to marrie whom he pleaseth in the Lord. A. Let the Kirke suite the Magistrats to consent to this law. C.]

Q. When a woman beares a bairne to a certaine man, and in the tyme of her birth, before the midwyfe, alledgis the bairne to be this mans, and beand callit befor a Judge beand ready to sweare the same; and this man

is readie to fweare the contrair, and that he had never carnall deale with this woman; and ther is no uther witnes: Whither fall credence be givin to the mans aith, or to the womans; and fall the bairne be left without a father knowin. Anfuer: Neutri credendum.

[Q. What shall be answered to these who charge Ministers to desist from praying for the King, or revenge of the Regents murther. A. The Ministers shall pray for the Kings Majesty, according to ane act made befor in this Affembly; and also for revenge of the Regents murther.

Q. What way shall the Lords of the Session that have benefices, and their thrids free, be compelled to provide Ministers to their own kirks. A. Lett the compleaners give in their complaints to the Kirk, that the Lords may be called befor the Kirk, for order to be taken with them.

Q. If those that withhold the duty of the Kirk, wherethrough Ministers want their stipends, may be excommunicate. C.] A. All things beand done that the civill ordour requyres of them that withhaldis the duetie of the Kirk, quherby Ministers wants their stipends; the Kirk may proceed to excommunication, for their contempt.

[Q. What order shall be taken with such ministers as are provided to benefices by the reformed Kirk, and have manfes, but will not make residence. A. Let them be admonished to make residence, under the pain of deprivation.

Q. What order shall be taken with such popish priests as are excommunicat for ministratation of the Sacraments, and selling of the same, yet will not abstain. A. Raife letters of caption upon them. C.]

Sess. 5<sup>a</sup>.

Compeirit Mr James M'Gill of Rankeillor-nether, Clerk of Register, and Counsellour to our Sovereine Lord, Lord John Ballantyne of Auchnoulhill, Knicht, Justice Clerk, Mr Archibald Dowglas, ane of the Lords of the Colledge of Justice, quho, in presence of the hail Affembly, proponit

in my Lord Chancellours name, how his Lordship had understand, that in the contraverfie among them in St Androes, there was conteinit some heids tending to treafon, and agains the Kings Majesties authoritie : Therfor reqyrit the Kirk presentlie affemblit, to superceid all decision in that matter, concerning the Kings Majestie, untill the tyme the Nobilitie conveyne, quhilk will be within ten dayis ; befor quhom that heid aucht to be fichtit : notheles that the Kirk proceed to fiek things therin, as pertaines to their awin jurifdictioun. To the quhilk protestatioun the Kirk aggriet.

The said day the hail Kirk presentlie affemblit, in ane voyce and mynd, gives full commiffion and power to the honorable, their loving brethren, Johne Erkin of Dunne, Knyght, Superintendent of Angus and Mernes, Mrs Johne Wynrhame, and Johne Spotifwood, Superintendents of Fyfe, and Lowthiane refpective, Mr James M'Gill of Rankeillor-nether, Clerk of Register, and Counfellour to our Sovereine Lord, Mrs Johne Knox, and Johne Craig, David Lindefay, of Edinburgh and Leith Ministers, the Proveft of Dundie, Mr Thomas M'Calgean, the Lairds of Balvaird, Spot, Braid, Carnall, Dreghorne, Lundie, Howftoun, Drumquahil, Coldonknowis, Carden, Fawdonfyde, Thornetoun, Inchbrakie, David Forrest, Generall of the Congie, David Ramsay of Dundie, Patrick Murray in St Johnftoun, and Robert Campbell of Kingeanceleuch, or any aucht, or fevin of them, to compeir in Edinburgh, the xij day of this moneth of July, with continuation of dayes, fa oft as the Nobilitie of this realme fall conveyne, betuixt this and the nixt Generall Affemblic : And ther, in name, and behalfe of the hail kirks in Scotland, propone and present to the said Nobilitie, articles, heids, fupplicatiouns, and complaints, fuch as the said Kirk hes already pennit and delyverit to their faids brether, or heirafter fall, before the nixt Generall Affemblic, delyver ; moft humble in their names, To requyre anfuers, and grant to their articles, and fupplicatiouns, and with redreffes of their complaints, according to equitie and juftice : To affift, concurre, and consent to all and quhatfomevir fall be treatit in the said Conventioun, tending to the fetting forward of the glorie of God, preaching, and maintaining of true religioun, within this countrey, the Kings Majesties authoritie, commoun weil, and authoritie of this realme : As also, To take cognition in all and quhatfomevir complaints, fupplicatiouns, and requeifts of brether, fpecially remittit to them be this Affemblic : And quhatfoevir beis done be them in the premisses, To

report the same to the next Generall Assemblie of the Kirk, to begin in Edinburgh, the first day of March next to come: firme and stable hold- and and for to hold all and quhatfomevir the saids brether, or any aucht, or fevin of them, in the premiſſes leads to be done.

The Kirk presentlie assembled, for certaine causes moving them, discharges all and fundrie assignatiouns, and pensions granted be the Kirk, during their will, to quhatfomevir person or persons, befor the daitt heirof; and ordaines the collectour of the Kirk to intromett therwith heirafter; and to put inhibitions to all them that heirtofoir hes had any sick assignatiouns or pensions; except that quhilk is assignit to the Kings Majesties house allanerly: [And this to be intimat to the Lords, Senators of Session of Justice, requesting their Lordships, that no letters be granted be them, to any person having assignation, or pension of the thrids, contrar to the tenor of this Act.

Mr Robert Pont, Commissioner of Murrey, and Mr Andrew Hay, Commissioner of Cliddisdail, desired them to be disburthened of their commission; but were requested to continue till the next Assembly. C.]

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A. D. M. D. LXX.

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THE Generall Affembly begun and haldin at Edinburgh, the fyft day Marche 1570 : In the quhilk were prefent the Barronis, Superintendents, Commiffioners to plant Kirks, Commiffioners of Provinces, Univerfities, Townes, Kirks, and Miniſters. Mr George Hay was choſin Moderatour be fuffragis, to make prayers in this Affembly ; and exhortatioun in the beginning of the nixt.

Seff. 1<sup>a</sup>.

[Mr Knox prefented the Regents letter, wherein he craved the Affembly to be tranſlated from Edinburgh to Stirling, or Glaſgow. The Affembly was willing ; but defired his Grace to hold them excuſed, becauſe the Barons, Gentlemen, and Commiffioners, ſome of them wanted horſe, ſome of them had other impediments ; The perfons ſummoned were warn- ed to compear at this place.

Some were appointed to revife the Commiffioners diligence in executing their commiffion. C.]

The Kirk affemblit ordaines all Superintendents and Commiffionars to plant kirks, to prefent heirafter their bookes of their viſitatiouns, every one within their province reſpective, to every Affembly heirafter following, to be ſichtit and confiderit be ſick brether as fall be appointed therto, fra Affembly to Affembly ; to the effect the Kirk may underſtand their diligence in executing their offices within their provinces.

The Kirk finds fault, that Mr Johne Rutherford, miniſter at Cultis, hes not done diligence in ſerving the ſaid cure, at leaſt certaine tymes in the



zeir : admonishing him therfor to amend the said fault, in tymes coming, utherwayes the Kirk will proceid against him, as a negleeter of his dutie.

[Anent the Jurisdiction Ecclesiastical, and what ought to pertain thereto, and to be futed for at my Lord Regents Graces hand : The Asssembly appointed the Superintendents of Angus and Fife, Mr Knox, Mr Robert Pont, Mr Johne Row, to conveen every day at seven hours, and pen and putt in order the heads and points in all forts, pertaining to the Ecclesiastickall Jurisdiction ; and thereafter to present the said heads again to the Asssembly, to be fighted and considered be them, to be sent be them thereafter to the Lord Regents Grace, with the instructions to be given to the Commissioners that are to be sent to his Grace.

Sessio 2<sup>a</sup>.

Captain James Cunninghame, servitour to my Lord Regents Grace, presented a letter to the brethren : The tenor whereof followeth.

After our most hearty commendations ; whereas we have some matters to be consulted upon before you, both concerning the estate and affairs of the Church ; as also the Kings Majesty, and common wealth of this countrey ; and because we may not as yet depart from these parts, while we have putt order to such confusion of things as occur, as also sundry other impediments moving us, we desire you most effectually, that ye would appoint your next Asssembly to be here at Glasgou, and that with all goodly diligence that ye may ; at the least, that a part of you may be sent hither, sufficiently authorized with commission from the whole number, to treat with us anent such things as shall be both for the Kirks, Kings estate, and common weale of the countrey ; wherein ye shall doe us most speciall pleasure. Referring all other things to your coming, committeth you, in the mean time, to the protection of God. From Glasgou, the 3 of March 1570.

The Asssembly gave commission to some brethren to goe to the Regent and treat with him : The tenor of the Commission followeth. Edinburgh, 6 March.

The brethren presently asssembled, in one voyce and mind, give their full commission and power to the honourable, and their loving brethren,

Johne Areskine of Dun, Knight, Superintendent of Angus and Mernes, Mr John Winram, Superintendent of Fife, Mr John Spotswood, Superintendent of Lothian, Mr George Hay, Commiffioner of Aberdeen, Mr Andrew Hay, Commiffioner of Cliddifdail, Mr David Lindsay, Commiffioner of Kyle, Carriët and Cunninghame, Mr John Row, Commiffioner of Galloway, John Duncanson, Minifter of the Kings Majesties houfehold, Mr William Lundie of that ilk, James Johnfton of Elphinfon, Alexander Fofter of Carden, John Lockart of Bar, Hugh Wallace of Carnall, Mr John Fullerton of Dreghorn, Mr John Prefton, one of the Commiffioners for the town of Edinburgh; or any ten of them, To compare before my Lord Regents Grace and Counfell in Stirling, the laft day of this instant month, or any other place, where my Lord Regents Grace fhall appoint, due advertifement preceeding; and there, in the Kirks name, moft humbly propone, fhew and declare articles, heads, fupplications and complaints, delivered to them be the Kirk, moft humbly requesting for answer thereunto; conferr, reason and conclude with his Grace and Counfell, upon fuch heads and articles, as fhall be proponned to them be his Grace and Counfell forfaid, according to the Affemblies instructions given to their faid brethren; affift, concurr and confent to all and whatfomever other things that fhall be treated, tending to the glory of God, fetting forward the preaching and maintaining of his true religion within this countrey, the Kings Majesty, and common wealth of this realme: And whatfoever happeneth to be done be them in the premisses, to report the fame to the nixt Generall Affembly of the Kirk, to beginn in Stirling, the 6 day of Auguft nixt to come: ftable and firm holding, and for to hold all and whatfomever the faids brethren, or any ten of them, in the premisses conclude to be done. Given in the Generall Affembly of the Kirk, and fecond felfion thereof. Subfcribed be the Clerk of the fame, day, year and place forefaid. C.]

Articles pertaining to the Jurisdiction of the Kirk, to be proponit to the Regents Grace and Secret Counsell, and socht to be appointit be them.

1. First, That the Kirk have the judgement of true and false religioun, or doctrine, heresies, and sicklyk, annexit to the preaching of the word and ministratioun of the sacraments.

2. Election, examination and admiffion of them that are admittit to the ministrie, or uther functions in the Kirk, charge of fauls, and ecclesiasticall benefices, the suspension and deprivation of them therefra for lawfull causes.

3. All things concerning the discipline of the Kirk quhilk stands in correctioun of manners, admonitions, excommunications, and receiving to repentance.

4. The judgement of ecclesiasticall matters betuixt persons that are of the Kirk, and specially among them that are constitute in the ministrie, asweill concerning beneficiall causes as uthers.

5. Jurisdiction to proceed be admonitions to the proces of excommunication, if neid beis, against them that robis the patrimonie of the Kirk pertaining to the ministrie, or utherwayes intrometts therwith unjustlie, quherby the ministrie is in danger to decay be occasion of the povertie of the ministrie.

6. And, Because the conjunctioun of marriages pertaines to the ministrie, the causes of adherents and divorcements aught also to pertaine to them, as naturallie annexit therto.

[The injunctions given to their brethren the Commissioners, sent to my Lord Regents Grace and Counsell, to be proponed, concluded and reasoned upon.

In the first, that his Grace and Counsell grant and consent, That no disposition of any benefice or presentation be made of any person, without the admision and collation of the Kirk, following upon just presentations; and if any disposition of benefices be made to any person or persons, that the same be discharged and brought back again, to the end that such have no place in times coming.

Item, That some order be taken with some horners, and persons disobedient, that payment may be had of them that disobey.

Item, That his Grace and Counsell approve the jurisdiction of the Kirk, conform to the particular information given thereupon.

Item, That such horrible crimes be punished, as provock Gods wrath against the realme, such as idolatry, incest, adultery and other like hainous crimes; and Commissioners of Justice be appointed in every province for that effect.

And in like manner, That ye agree, conferr and conclude with his Grace and Counsell, touching the pension concerning the Kings Majesties house; and also concerning my Lord Regents Graces house, anent the pension to be appointed thereto.

And, finally, To reason, conferr and conclude with his Grace and Counsell foresaid, concerning the appointment made betwixt the Kirk and my Lord Regents Grace, now resting with God, as shall be thought expedient, and agreeable to Gods glory, to the comfort and utilitie of the Kirk, the preservation of this common wealth, and due obedience to the Kings Majesty our Sovereign.

In the first, That his Grace would be content to take horners for payment.

Secondly, That he be paid, *secundum ratam*, according to the payment of ministers.

Thirdly, That he will discharge, in this respect, the superplus, if any were, to be employed in pious uses.

Item, To give answer to my Lord Regents Grace to Makquhyn and

his companions; and als for preservation and upholding of the Kirk of Glasgou, and upholding the leid thereof.

Item, To remember Mr Robert Hammilton, minister of Sanct Andrews, for payment of his stipend. C.]

Adulterers, incestuous persons, and homicides, [and other hainous offenders, requesting to be received to publick repentance,] were ordainit to repaire to their awin Ministers; there to receive their injunctiouns, quhill the nixt convention Synodall of the Superintendents and Commisionars of their awin provinces respectivé; and there to present themselves in linnen cloathes, bareheidit and barefootit, humblie requiestand the Kirk there assemblit, to receive them to the societie of the faithfull, with farther injunctiouns; and to bring their testimonialls from the ministers, of their behaviour in the meane tyme. [Others compearing in linnen cloathes, and submitting themselves to farther injunctiouns, the Assembly ordaineth them to be received in their own kirks, conform to the acts made thereanent. C.]

#### Selfio 3<sup>a</sup>.

Forfameikle as it hes bein ordainit be the Generall Assemblies, That all adulterers, murtherers, incestuous persons, and uthers committers of hainous crymes, first fould present themselves to the Generall Assembly, there to receive their first injunctiouns; and at the nixt thereafter following to present themselves in linnen cloathes, &c.: And forfameikle as diverse of the saids offenders partlie are farre distant fra the places of Generall Assemblies; uthers, for povertie, and deadly feids, may not, and darre not travell through the countrey to present themselves before the saids Assemblies, &c.: For thir causes, and uthers considerations moveing the Kirk presentlie assemblit, they statute and ordaines, That all sick offenders fall be callit heirafter be the Superintendents and Commisioners of provinces, to compeir befor them in their Synodall conventiouns, to be haldin be them twyse in the zeir; there to be receivit, and take their injunctiouns, conforme to the ordour usit befor be the Generall Assemblies, in all forts.

[The Diocie of Cathness craveth a superintendent, or commissioner to plant kirks, or visite kirks already planted. The Assembly not finding a man fitt, for the present, for such a charge, in that countrey, requested

John Gray of Fordell, who had taken great pains and travells before in the oversight of the said countrey, to continue in his supporting of the said diocie, with the assistance of the Bishop thereof, head Commissioner of the same, till the next Generall Assembly.

The Assembly ordained the Superintendent of Angus and Mernes to visite Dunkell, plant ministers there, expell idolatry, visite schools and colledges, as he useth to doe in his own bounds; and exercise and use all other things pertaining to the office of a Superintendent.

Mr John Row, Commissioner of Nithisdail and Galloway, Mr David Lindsay, Commissioner of Kyle, Carict and Cuninghame, Mr Andrew Hay, Commissioner of Cliddisdail, Ranfrew and Lennox, were continued in their commissions respectivé, till the next Assembly.

Mr George Hay, Commissioner of Aberdeen, required to be disburthened of his office, in respect there was no obedience in these parts, and Ministers were not answered; yet the Assembly requested him to continue till the next Assembly.

The Assembly directed this letter following to the Commendator of Halyrudhouse.

The Superintendents of Kirks, and Ministers of the reformed Kirk within Scotland, assembled in Edinburgh, the 5 day of March 1571, to the right worshipfull and their loving brother, Lord Robert Steuart, Commendator of Halyrudhouse, with grace, mercy, and peace from God the Father, through our Lord Jesus Christ, with continuall guiding of his Holy Spirit, for salutation.

Forasmeikle, beloved in the Lord Jesus, as we wrote to your Lordship, the 25 day of March 1568, to assist our brethren Commissioners to plant kirks in Orknay and Zetland; as also to further our collector of the thrids in these bounds for the sustentation of the Ministry, as your Lordship would declare yourself a letter forward of the kingdome of Jesus Christ, and have us to call to God for your prosperity, &c. And because we have received advertisement from Mr James Annand and Gilbert Foulfie, our Commissioners in these bounds, of your Lordships continuall assistance to them in executing of their office, as also of your Lordships support to our said collector; for the which we are not able to render thanks sufficiently;

God shall recompence to your Lordship comfort : This present is most humbly to request your Lordship, That as ye have begunn to declare yourself a patron of the Kirk in these bounds, even so your Lordship would continue to the end : and assure your self, if men should happen to be unthankfull, as God forbid, yet should the eternall God, who leaveth not a cup of water given to one of his, for his sake, unrecompensed, bless your Lordship and your posterity. Yet farther, we most request your Lordship, when our said brethren Commissioners shall signify to you such as are manifest adulterers, incestuous persons, murtherers, or others committers of hainous crimes, which provock the wrath of God to be poured out in this realme, that your Lordship would punish the said faults, according to Gods laws, and acts of Parliament ; that wickedness may be taken away : In doing whereof your Lordships remembrance and memory shall be immortall, and posterity to come shall praise God in your doings. What your Lordship shall doe in the premises, we look to be advertised by your Lordship, or our said brethren Commissioners, at the next Assembly to beginn at Stirling the 6 day of August ; where we look for one of them with full advertisement : And thus we committ your Lordship to the protection of the Omnipotent. Given in the Generall Assembly, and thrid session thereof, the 6 day of March 1570. Subscribed by the clerk of the same, at our command.

The Assembly ordained Mr John Knox, John Row, Robert Hamilton, John Craig, William Christefone, Robert Pont, and James Lowson, of Edinburgh, Perth, Sanct Andrews, Dundie, Murray, and Aberdeen, Ministers respectivé, to meet upon the decision of questions, the morne at 8 hours ; and to report their decisions, betwixt and the end of the Assembly, to be insert and registrat.

And because the Assembly is yearly troubled with solutions of questions, of which some are unprofitable, others may be easily resolved by Superintendents and Commissioners to plant kirks, with the assistance of their Ministers, in their Synodall conventions to be holden twice every year, &c. Herefore C.] The haill Kirk assemblit ordaines, That all questions hereafter be proponit and presentit to the Superintendents and Commissioners forsaids, in the said Synodall conventions, there to receive their solutions : And if any question happens to be hard for them that fall happen to be at the said conventions, then, and in that case, that the Superintendents and Commissioners of kirks present the said hard questions

to the Generall Affemblies, there to receive their folution in their rowme, according to the rule : With certification, that no questions heir-after fall be receivit in Generall Affemblies from particular Minifters. [The fame order to be obferved anent complaints in all forts, &c.]

Seffio 4<sup>a</sup>.

Forafmikle as trouble and flander hath rifen for folemnizing of marriages in private houfes, and that be minifters to whose paroch or kirk the contraveeners pertained not, wherethrough there hath been controverfy in particular kirks and feffions, for fatiffaction making for tranfgreffion of the publick order of the Kirk, &c. ; for efchewing of the which, C.] The Kirk affemblit statutes and ordaines, That all marriages be made folemnlie in the face of the congregatioun, according to the ordour publicklye etablifchit ; and als inhibites all Minifters and Exhorters, that nane of them folemnize marriages of any perfons of uther congregatiouns nor their awin, without fufficient testimonials from their Minifters, or els licence askit and givin be the contracters, under the pains etablifchit before agains the Minifters ; and the contracters, with their parents, to make publick repentance at the commoun pillar of repentance, at the discretioun of their awin kirks.

[Mr Archibald Douglas, one of the Senators of the Colledge of Justice, having a prefentation, under the Privy Seal, of the perfonage of Glasgou granted and givin be the Regent of good memory ; wherein he required the Affembly to give their letters testimonials, conform to his faid prefentation : The Affembly remitted him to Mr Andrew Hay, Commiffioner of Cliddisdail, to receive his answer. The Commiffioner refused to give letters testimonials ; becaufe the prefentation was not made according to the order agreed on betwixt my Lord Regents Grace of good memory, and the Affembly. Mr Archibald protested, that he might hear a reasonable caufe, why they refused. The Affembly alledged the reason before mentioned ; not the lefs they offered to caufe their folicitor to deliver to him a form of prefentation, fuch as the Kirk hath ufed to give their testimonials upon. From their refufal Mr Archibald appealed, verbotantum, to the Parliament, the Kings Majesty, and his Counfell, omni meliore modo.



Sess. 5<sup>a</sup>.

The said Mr Archibald appealed of new to the Parliament, the Kings Majesty and Counsell, omni meliore modo, &c. ; moreover required the Assembly to adhere to his appellation. The Assembly desired him to putt his appellation in due form, and deliver the same to them to advise with, and thereafter they should give their answer : whereupon the said Mr Archibald asked instruments.

The Assembly brotherly required Mr Patrick Adamson to enter again in the ministry, in respect of the good gifts that God had given him, and scarceness of ministers in diverse countries. He answered, That he would advise with himself and brethren that love him, till the next Assembly ; and promised then to answer, whither he would then enter in the ministry, or withdraw himself allutterly.

Compeared Mr Archibald Douglas, protested, that the answer given be the Assembly, that the presentation produced be him to the Commissioner of Glasgow, and thereafter to the Generall Assembly, together with the answer of refusal, alledging the same to be no lawfull presentation, it being founded upon the Kings priviledge, such laws and constitutions as have been used in this realme, at all times heretofore, together with the refusal of the said Kirk to adhere to his just appellation, as he alledged, interponed be him to the most honourable Parliament, Kings Majesty, his Regent, Secret Counsell, Lords of Session, or any of them that shall be found competent Judges herein, may serve him for a sufficient and lawfull testimonial upon his provision to the end of the plea, to be as sufficient as if the Commissioner or Superintendent had given the same ; and desired his protestation to be admitted, &c. : whereupon he asked a note. C.]

Sess. 6<sup>a</sup>.

The Kirk assemblit ordaines all ministers to inhibit all civil magistrates to hold their courts within kirks, and, if neid beis, to admonish.

The Kirk ordaines all Superintendents and Commissioners to plant kirks in their first Synodall conventiouns heirafter following, with the advyse of their ministers ; to reason [upon the necessity of publick fasts,]

and appoint publick fasting, if it fall be thocht necessar ; and als that they appoint certaine brethren to travel for vnitie and concord among the nobilitie of this realme.

Compeirit in Affemblie Mr Robert Wyrhame, collector of Fyffe, and shew how he was purgit be ane condigne affyse befor the civill magistrate, for the slaughter of Henrie Kairnes, citizen in St Androes : Not theles because the blood was shed against his will, always he willinglie offerit to the Kirk to vnderly quhatsoever vther thing they wold lay to his charge for satisfaction of the Kirk. The Kirk ordaines Mr Robert Hamiltoun, minister of St Androes, to declare after his fermon vpon a Sunday, the purgation of the said Mr Robert of the slaughter ; and therfor call vpon him to repare befor the pulpitt, exhorting him to enter in consideratioun with himself, according as is containit in the Booke of Excommunication ; and thereafter to humble himselfe, aske God, the congregatioun, and partie pardon, and all vthers that were slanderit with the fault.

Anent excommunicat persons for non-adhering to the establischt religioun, and not joynit therto of befor, get not theles presentlie of their awin frie will submitts themselves, and requyres to be receivit to the societie of the faithfull : The Kirk ordaines the saids persons to be receivit be their minister, in low and humble habite, with sackcloth, observing the ordour prescrivit in the Booke of Excommunication, in all ther points.

[Mr Robert Lumfden of Clowayeth craved a defalcation of the thrids of the vicarages of Logie-Buchan and Cushny, in respect of inlaiking of corpus presents, upmost cloaths, and pasch fynes, &c., which was granted ; and ten merks yearly defalked of the thrids of the vicarage of Logie-Buchan ; and 20 merks of the thrids of the vicarage of Cushny.

The brethren appointed for decision of questions, produced their solutions, as followeth :—

Q. Whither the Superintendents may or ought to take up the particular dilations, in their chief and metropolitan kirks, where good order is, and execution of discipline ; and the weekly affemby be the ministers, elders and deacons thereof, observed for the same cause. A. Lett the Superintendents and the Kirk agree therupon ; not stopping the discipline any way.

Q. And if he may take up the faids dilations, Whither he may doe it, without the advice of minifters and elders who ought to be his counfellers, be himfelf and his own fcribe. A. Thinks it were good, that he had fome of the elders with him, for avoiding all corruption and partiality.

Q. If it be not more expedient that the Superintendent, or Superintendents themfelves be executioners of excommunication, nor to committ the fame to the minifters; and that chiefly in landwart. C.] A. Quher minifters are not in praëtife of excommunication or will be contemnit in their executioun, it is neceffar that the Superintendent or fome uther fufficientlie qualified and authorized, ufe the fame.

[Q. Quhither if a Superintendent may abfolutely depofe and admitt minifters, without advice and confent of the chiefest minifters, and of his feat in fpeciall. A. We referr this to the ordinance made of before.

Q. If any perfon or perfons being in a reformed paroich or city, where order and difcipline is obferved, may be compelled to anfwer before their fuperintendent, in prima infantia, or yet before the Generall Affembly, the matter not being tryed, neither before their own particular Affembly, their immediat judge, nor before the fuperintendent. A. Appoints and ordains the order of the Book of Difcipline to be obferved herein, quhereunto the fuperintendents are fubjeët. C.]

Q. If it be leifum to the minifter to proceid againft the magiftrates quho will not put to execution the Aëts of Parliament concerning difcipline, and uther particular Aëts univerfällie aggreit on be their awin particular congregatioun, with the fentence of excommunication. A. This is els concludit; admonitions paffing duellie before againft them.

[Q. What punifhment fhall be infliëtet on minifters that will not execute the Superintendents letters. A. This queffion cannot be anfwered, be reafon of the generality thereof: But lett the Superintendent more fpecially take order herein, as he will anfwer to the Generall Affembly.

Q. Is it not expedient and neceffar, that an uniform order be obferved in all kirks, in making promifes of marriages, quhither they fhall be made,

per verba de futuro, vel verba de præfenti; or should no promise be made till the solemnization. C.] A. Promise of marriage, per verba de futuro, shall be made, according to the ordour of the reformed Kirk, to the minister, exhorter or reidar; takeand caution for abstinence till the marriage be solemnizit.

If a man ravish a woman against her will, and her parents will, and strike her parents under silence of night, and the magistrates will put no correction therto: Quhither if the Kirk should proceed with monitions and excommunication, to satisfie the slander. It is lawfull.

[Q. What punishment shall be inflicted on such ministers as refuse to be inaugurat in the ministry. A. If they will not be received according to the order taken by the Kirk, lett them not be admitted. C.]

Quhat ordour shall be taken with her who committing fornication with a man, dois suffer the same man hereafter to marrie her awin sister; and heiring the bands proclaimit wald not reveile the impediment, but be counselling of the cryme, was guiltie of the incest following. Both he and she to be punished according to the discipline of the Kirk, bot cheiflie the man; and the second cannot be his wyfe.

Quhat ordour shall be taken with them that impugnes proclamation of bands, and cheiflie be infamie, and proves not. Let sick persons be punished, according to the discipline of the Kirk, as infamers.

It is altogether unlawfull be any minister of Gods word, to receive any benefice be the presentation of a laik person, under paction and condition made with the patron therof, tending to symonie, viz. that the patron have the great part of the teyndis, and the minister the small part therof.

[When the minister cometh to the Generall Assemblies, with commission of his kirk, or for other needfull affairs, or chanceth to fall in sickness: Quhither if the Superintendent shall provide for some other to occupy his place, chiefly within burrowes and towns. A. Ordains the superintendent to take order that the kirk be not destitute. C.]

Quhat ordour shall the superintendent take with a man that hes suted

libertie to marrie thir thrie or foure zeirs, being befor be his awin particular kirk inhibite to marrie, becaufe he deflored a virgine beand his awin fervant, unles he wald take her to his wyfe ; feing the judiciall law is not get receivit, and the man hes hir difcharge of marriage, under the forme of instrument, before the decreit was pronuncit againft him be his awin particular kirk. All things beeand true, according to the narrative, it is thocht the decreit givin for fick a caufe may be reduceit be the fuperintendent, and the man may obtaine libertie to marrie ; zea, and there is injurie done to him alreadie.

[Q. Anent the queftion proponed before the particular Kirk of Edinburgh be the brethren thereof, touching fuch perfons as have fometimes been known and admitted to the generall Kirk as publick minifters, and of long time have made open defection, to the great flander of the Kirk : Quhat order will the Generall Affembly take thereanent. A. Such perfons fhall be admonifhed be the particular kirk, and if they refufe to hear admonitions, fhall be debarred from the facraments till they fatiffy the Kirk.

Q. A man excommunicat for adultery, and afterward abfolved, thereafter marrieth the woman whom before he had polluted with adultery : Quhither is this lawfull marriage or not. A. Unlawfull.

Q. If a laick patron present a man that can only read, and not preach, Shall he be admitted to the perfonage. A. Such perfons ought to be teachers, otherwife not to be admitted.

Q. If the Kirk, jure devoluto, may give a benefice which is difponed be a laick patron to ane unqualified perfon ; and if the fuperintendent or commiffioner to plant kirks, may doe the fame without the Generall Affembly. A. Referrs it to the Act of Parliament. C.]

A. D. M.D.LXXI.

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THE Generall Affemblie begun and haldin at Stirling, the vj day of August 1571 : In the quhilk were present the Superintendents, Commiffioners to plant Kirks, Barrons, Minifters, Commiffioners of Provinces, Townes, Univerfities, and Kirks. Mr Gilbert Garden Minifter at Fordyce was chofen Moderator.

Seff. 1<sup>a</sup>.

[Mr James Lawfon, Subprincipall of Aberdeen, David Wemes, John Dykes, James Melvill, Patrick Balfour, Archibald Keith, Minifter at Peterhead, were appointed to try the Commiffioners books of their vifitations fince the laft Affemby ; and, after triall, to report quhat they find, before the Affemby be diffolved.

The Affemby exhorted earnestly all and fundry the Superintendents and Commiffioners to plant Kirks, to be circumfpect and warie in giving their letters testimonials to any perfons presented to benefices, except to fuch allenerly as they perfectly fhould know, due examination preceeding, to be able to inftruct and teach fincerely in the Kirk of God, as they would anfwer, firft to God, and thereafter to his kirk.

Seff. 2<sup>a</sup>.

Mr Patrick Adamfon fent a letter to the Affemby, containing his anfwer ament his reentry to the miniftry. The Affemby ordained the Commif-

fioners appointed to ſpeak to the Lord Regents Grace, before or at the nixt Parliament, to take order with the contents of his letter, and to report what they ſhall happen to doe therein to the nixt Affembly.

The ſame day, Mr Knox his letter ſent to the Affembly was read : The tenor whereof followeth. C.]

The mightie Spirit of comfort, wiſdome, and concord [in God] remaine ever with you.

Deare Brethren,—If abilitie of bodie wald have ſuffered, I ſould not have troublit you with this my rud dytement. I have not forgot quhat was laid to my charge be famous lybells the laſt Affembly, and quhat a brag the adverſaries made perſonallie to accuſe me at this Affembly, quhilk I pray you patiently to heare, and judge of me as ge will anſuer to God ; for vnto you vnto that heid ſubmitt I my ſelfe, being affurit that I neither offendit God, nor get good men, in any thing that hitherto hes bein laid to my charge. And now, brethren, becauſe the [dayly] decay of naturall ſtrength threatens unto me certaine and ſudden departure fra the miſeries of this lyfe ; of love and conſcience I exhort you, gea, in the feare of God, I charge and command you, that ge take heid to your ſelvis and the flock over the quhilk God has placit you paſtours. To diſcourſe of the behaviour of your ſelves, I may not ; but to command you to be faithful to the flock, I dare not ceaſe. Unfaithfull and traitours to the flock ſhall ge be before the Lord Jeſus, if that, with your conſent, directlie or indirectlie, ge ſuffer unworthie men to be thruſt in into the miniſtrie of the Kirk, under quhat pretence that ever it be. Remember the Judge befor quhom ge muſt make account, and reſiſt that tyrranie as ge wald avoyd hells fyre. This battell, I grant, will be hard ; bot in the ſecond it will be harder ; that is, that, with the lyke uprightnes and ſtreuth in God, ge gainſtand the mercieſſe devourers of the patrimonie of the Kirk. If men will ſpoyle them, let them doe it to their awin perrill and condemnioun ; but communicat not ge with their ſins, of quhat eſtate ſoevir they be, neither be conſent nor get be ſilence : But be publick proteſtation make this knowin unto the world, that ge are innocent of ſick robbrie, quhilk will, or it be long, provoke Gods vengeance on the committers therof, quhereof ge will ſeik redreſſe of God and man. God give you wiſdome and ſtout courage in ſo juſt a cauſe, and me a happie end. Of St Androes, 3 Auguſt 1571.

Your brother in Chriſt Jeſus,

JOHNE KNOX.

[This letter was read, considered with mature deliberation and allowed in all points; with firm purpose to proceed and doe according to the godly counsell contained therein, &c. touching the affairs of the whole Kirk. And, as concerning his own part contained in the said letter, the Assembly ordained all persons to be warned at the Tolbooth door, that had or pretended to have any thing to lay to the charge of the Superintendents or Ministers, either presently convened or absent from the Assembly, to compare before the dissolving of the same and accuse, if they had any just matter; but chiefly these that gave infamous libells at the last Assembly holden in Edinburgh, in the moneth of March last by past; promising to hear their accusations, to try the same and to minister justice therein, in so far as in them lyeth, according to Gods word.

The Assembly ordained all collectors to give up the names of all persons who intromett with the thrids of the kirks, and make no payment thereof, with the executione of the letters of horning against them. C.]

Seff. 3<sup>a</sup>.

The hail Assemblie concludit, that certaine brethren, Commissioners, fall passe to my Lord Regents Grace, Counsell, and Parliament, to reason and conclude upon the heids, articles and delyris presentit in his Graces name to this Assemblie; to propone, humble request and desyre, in the Kirks name, the granting of sick heids, articles and redresses of complaints as fall be given to them be the Kirk, the ane and the vther always to be concludit on, conforme to the instructions to be delyverit to them. Commissioners, Johne Erskine of Dun, knyght, Superintendent of Angus and Mernis, Mr Johne Spotiswood, Superintendent of Lothiane, John Wynrhame, Superintendent of Fyfe, John Row, Commissioner of Nithisdaile and Galloway, Andro Hay, Commissioner of Ranfrew and Lennox, George Hay, Commissioner of Aberdeine and Banfe, David Lindefay, Commissioner of Kyle, Carrick and Cuninghame, David Fergusone, of Dumfermling, John Dunkesone, of the Kings Majesties house, ministers, Johne Ogilvie of Innerquharatie, Knyght, Mr William Lundie of that ilk, James Jonstoun of Elpheistoun, William Cunighame of Cunighameheid, Hew Wallace of Carnvall, Thomas Kennedy of Bargany, John Schaw of Grinock, Alexander Forrester of Carden, or any



elevin of them, to compear at Stirling the 22 day of this infant at nyne houres before noone, to counfell and reason, as in the commiffion given in the laft Affembly.

Seflio 4<sup>a</sup>.

[It was ordained, That the aēt made of before for prayer to be made for the Kings Majefty, fhall be execute in all points, with excommunication againft the difobedients, conforme to the tenor of the famen.

Commiffion of colleētorie was given to the Laird of Aflowan, within Aberdeen and Bamff.

The Affembly confidering the great troubles and oppreffing of the Kirk of God and minifters thereof, in the north parts of this realme, be the Earle of Huntly, his fervants and complices, and how that Mr Thomas Garden, now prefent colleētor within the Shireffdome of Aberdeen and Bamff, is not able, be reafon of the faid oppreffion, to gait any payment to the minifters which have been long poftponed and fruſtrate of their ftipends; in reſpect alfo of diverſe and profitable offers made by John Calder of Aflowan: therefore the Affembly hath thought expedient and concluded to remove the faid Mr Thomas Garden, and be theſe prefents removeth and diſchargeth him from the office of colleētorie, within the faids bounds, not in reſpect of any offence committed be him in the faid office, but in confideration of his prefent inability to diſcharge the fame: And of new hath elected, nominate and conſtitute, made and ordained, and be the tenor hereof electeth, conſtituteth, maketh and ordaineth the faid John Calder of Aflowan, their Colleētor within the bounds of the faids Sheriffdomes of Aberdeen and Bamff; giving, granting and committing to him full power, authority, ſpeciall command and charge, to aſk, crave and receive, and in name of the Kirk to intromett and uptake all and fundry the thrids of whatſomever benefices lying within the faids bounds; together with the whole fruēts of common kirks, and all other common rents, whole fruēts and rents of friers lands, places and livings, whole ſuperplus omitted, and benefices or chaplanries not given up in rental being within the bounds above ſpecified, which are be Parliament given and aſſigned to the Miniſtry of the Kirk, of the crope and year of God 1570 years laſt by paſt and of this prefent year and crope: and ſicklike yearly and termly,

in time coming, whill he be lawfully discharged ; and sicklike the rest of all the thrids and other rents pertaining to the collectorie, within the saids bounds, of all years bygone, resting adebted and unpaid ; acquittances and discharges thereupon to make, give and subscribe ; and, generally, all and fundry other things to doe, exercise and use, that to the office of collectorie in such causes of law or consuetude is knowen to pertain : firm and stable holding, and for to hold all and whatsoever thing the said collector in the premisses lawfully leads to be done ; providing alwise that he use the said office of collectorie and beheave himself therein, according to the injunctions given to him thereupon ; and make compt, reckoning and payment of his intromillion after the form and tenor thereof, and according to the act made upon his offers, the time of his acceptance of the said office. Given, &c.

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A. D. M.D.LXXI.

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THE Convention of the Kirk haldin in the Kirk of Leith, 12 January 1571: In the quhilk were present the Superintendents, Barrons, Commissioners to plant kirks, Commissioners of Provinces, Townes, Kirks, and Ministers. Mr Gilbert Gairdin continuit Moderator.

[Upon the 12 of January there was a Convention of Superintendents, Commissioners, Ministers, Commissioners from Towns and Kirks, in Leith, whose names doe follow, Johne Areskine of Dun, Knight, Superintendent of Angus and Mernes, Mr John Spotswood, Superintendent of Lothian, Mr John Winrame, Superintendent of Fife and Stratherne, Mr David Lindfay, Commissioner of Kyle, Cariet and Cunninghame, Mr Robert Pont, Commissioner of Murrey, Mr Andrew Hay, Commissioner of Clididfaill, Ranfrew, Lennox; Commissioners of Provinces, Towns and Kirks, Robert Grahame of Montrose, Mr James Halyburton, William Christefon for Dundie, Mr John Preston, Adam Fullerton of Edinburgh, John Anfruther of that ilk, John Beton of Balfour, Patrick Kinnimouth for Fife, Mr William Lundie of that ilk, Thomas Scot of Abbotshall, Mr John Young for Irving, James Dalrymple for Air, James Cockburne and John Gray for Haddinton, William Lawder of Hawtoun, Knight, Robert Fairley of Braid, James Rig of Carbarrie, James Johnstoun of Elphinston for Lothian, Andrew Ker of Fadownside for Teviotdaill, Walter Cant and Mr William Balfour for the Kirk of Leith, Mr James Wilky for the University of Saint Andrews; Barons, Thomas Kennedie of Barganie, John

Lockart of Barr, Hugh Wallace of Carnall, Hugh Montgomerie of Heflilhead, John Neilson of Craigaffie ; Ministers, Mr David Lindsay for Leith, John Duncanson for his Majesties house, Mr Andrew Simpson of Dumbar, John Brand of Halyrudhouse, Mr James Carmichael of Hadinton, Alexander Forrester of Tranent, William Sanderfon of Whittingham, William Harlaw of St Cuthbert, Alexander Blackhall of Cranston, John Burn of Muffilburgh, John Durie of Restalrig, John Clapperton of (Caldstreme?), Mr Thomas Cranston of Peebles, Mr Peter Primrose of Machlin, Mr John Inglis of Ochiltree, Mr David Wemes of Glasgow, George Scot of Kirkaldie, Mr William Edmiston of Cargill, Robert Grahame of Abertill, Mr John Rutherford of (Quilt?), Mr William Clerk of Anstruther, David Ferguson of Dumfermling, Peter Blackwood of (Salling?), John Dykes of Culrose, Mr James Pantoun of , Mr Robert Montgomerie of Dumblane, Mr George Lesly of Kilconquhar, Mr James Melvill of Menmure, James Anderson of Kettins. C.]

Sessio 2<sup>a</sup>.

The brethren presentlie convenit all in ane voyce concludit, That this present Conventioun sall have the strength, force and effect of ane Generall Assemblie ; and that all things be treatit and endit heirin, that may goodlie be done and useit to be concludit in any Generall Assemblie : Not theless, that all sick brethren as may goodlie travell, convene to the Generall Assemblie to begin in St Andros the saxt day of Marche nixt to come ; and the Moderatour to continue to that tyme, and make exhortation, [as before is ordained] according to the rule.

Sessio 3<sup>a</sup>.

[The brethren assembled, in one voice and mind, gave their full commission and power to the honourable and their beloved brethren, John Areskine of Dun, Knight, Superintendent of Angus and Mernes, Mr John Winrame, Superintendent of Fife and Stratherne, Mr William Lundie of that ilk, Mr Andrew Hay, Commissioner of Cliddisdail, Mr David Lind-

say, Commiffioner of Kyle, Mr Robert Pont, Commiffioner of Murrey, Mr John Craig, one of the minifters of Edinburgh, or any four of them, to compear before my Lord Regents Grace and fo many of the Lords of Secret Counfell as his Grace fhall appoint, in Leith this infant moneth of January, and there, in the Kirks name, moft humbly propone, fhew and declare the articles, heads, fupplications and complaints delivered to them be the Kirk prefently affembled, moft humbly requesting for anfwer thereto ; to conferr and reason with his Grace and counfell forfaid, upon fuch heads and articles as fhall be proponed to them be his Grace and Counfell, and to conclude therein, conforme to the inftructions given to them be the Kirk, &c., and to report the faids heads and articles with their conclufions thereupon to the nixt Affembly, to begin at Sanct Andrews the 6 of March nixt to come ; to the effect the fame may be infert among the Acts of the Generall Affembly, &c. : firm and ftable, &c.

Item, Ordaineth the faids brethren to pen the heads and articles for the Kirk ; and to deliver the double of them to the clerk, to be regiftred in the Register of the Affembly.

Seffio 4<sup>a</sup>.

Ordained, That William Chriftefon, Minifter of Dundie, warn John Calder of Aflowan, Colledtor of Aberdeen and Bamff, to refort to the nixt Affembly, to give ane account of his intromiffions fince his entry to the faid office, and to anfwer to fuch things as fhall be laid to his charge, under the pain of deprivation from his office ; and Mr George Hay, Commiffioner for the faid countries, to compear before the nixt Affembly, to give account of his diligence in execution of his commiffion.

Seffio 5<sup>a</sup>. January 17.

Compeared Mr Robert Pont, Commiffioner of Murrey, who declared in the Affembly, that through the troubles raifed in the north, where-through, as the brethren were not ignorant, he was not able to travell there in his commiffionary ; in refpect whereof he demitted his commiffion fimpliciter on the Kirks hands, requesting them to provide for fuch as they

thought might profite in the said countrey, that it be not destitute of a visitour. C.]

The Kirk understand that my Lord Regents Grace and Counsell was desyrous that Mr Robert Pont should accept the place of one of the Senators of the Colledge of Justice, quhilk he on nawayes wald accept without the advyse of the Kirk; therfor the haill brethren assemblit gives licence to the said Mr Robert to accept and use the said place of a Senatour in the Colledge of Justice, quhat tyme he shall be requyrit thereto; provydeing alwayes that he leave not the office of the ministrrie, but that he exercise the same, as he should be appoyntit be the Kirk: And this their licence to the said Mr Robert to be no preparative to other ministers to procure sikk promotioun, unless the Kirks advyse be had of befor, and licence obtained thereunto.

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[The Articles and Formes of Letters, concerning provilion of perfons to benefices, and spirituall promotions, agreed upon be the Commission of the Kings Majefty and the Reformed Kirk of Scotland, in their Conference had at Leith, in the moneth of January 1571.

Apud Leith, xvj die menfis Januarij, anno Domini 1571.

The quhilk day, my Lords Regents Grace, with advice of the Lords of Secret Counfell, in our Sovereign Lords name and authority, gives and grants power and commission to the noble and mighty Lords, James Earle of Morton, Lord of Dalkeith, Chancellor of Scotland, William Lord Ruthven, Thesaurer, Adam Bishop of Orknay, Robert Commendator of Dumfermling, Secretar to our Sovereign Lord, Mr James M'Gill of Rankeiler-nether, Clerk of Register, Sir John Ballenden of Anchnoule, Knight, Justice Clerk, Mr William Lundie of that ilk, Coline Campbell of Glenurquhy, or any four of them, to conveen, advise, treat and conclude with the Superintendents and Ministers in the Kirk, or Commissioners authorized be them, anent all matters tending to the ordering and establishing of the policy of the Kirk, the sustentation of the Ministers, and support of the Kings Majefty, and common affaires of the realme, to continue in such order as shall be agreed upon while his Highness perfect age; or while the same be altered and abolished be the three Estates in Parliament: promittand to hold firm and stable, all and whatsomever the saids Commissioners does and concludes in the premises. Subscribed be the said Lord Regent, day, year and place forsaids. Sic subscribitur,

JOHN REGENT.

Apud Leith, the xvi day of January.

The whole brethren conveened, in one voice and mind, gives full commission and power to the generous and loving brethren, John Areskine of Dun, Knight, Superintendent of Angus and Mernes, Mr John Winrhame, Superintendent of Fife and Stratherne, Mr William Lundie of that ilk, Mr Andrew Hay, Commissioner of Ranfrew, Cliddifdail and Lennox, Mr David Lindfay, Commissioner of Kyle, Cariēt and Cunninghame, Mr Robert Pont, Commissioner of Murrey, Mr John Craig, one of the ministers of Edinburgh, and Adam Fullertoun, one of the Commissioners of the town of Edinburgh, or to any four of them, to compare before my Lord Regents Grace, or so many of the Lords of his Graces Counfell as he shall appoint, this instant moneth of January or thereafter to the sixth day of March nixt to come; and there, in the Kirks name, most humbly propone, shew and declare articles, heads, supplications, complaints delivered to them be the Kirk presently assembled, most humbly requesting for answer thereunto; confer, reason and conclude with his Grace and Counfell forsaid, upon such heads and articles as shall be proponed to them be his Grace and Counfell, conform to the instructions given to them be the present Assembly; and to consent to all and whatsoever shall be treated in the said time, tending to the glory of God, setting forward the preaching of his word and maintaining thereof, the Kings Majesties authority, and common wealth of this realme. Whatsoever happeneth to be concluded on be them in the premises, to report the same to the nixt Assembly, to beginn at Sanct Andrews the sixt day of March nixt to come; or to the effect the same may be insert in the Register of the Assembly of the Kirk: firm and stable holding, and for to hold all and whatsoever the saids brethren or any four of them in the premises conclude to be done, &c. Given in the Generall Assembly and second session thereof be the Clerk of the same, day, year and place forsaid.



At Leith, the xvj day of Januar 1571.

Anent Archebifchoprikkis and Bifchoprikkis.

It is thocht, in confideratioun of the prefent ftate, That the names and titillis of Archebifchoppis and Bifchoppis are not to be alterit or innouat, nor ſit the boundes of the Dioceis confoundit ; bot to ftand and continew in tyme cuming, as thay did befor the reformatioun of religioun ; at leift, to the Kingis Maiefties maioritie, or confent of Parliament.

That perſonis promovit to Archebifchoprikkis and Bifchoprikkis be, fafar as may be, indewed with the qualiteis ſpecificit in the Epifllis of Paule to Timothe and Tytus.

That thair be a certane aſſembly or cheptoure of learnit miniſteris annex to euery Metrapolitan or Cathedrall featt.

To all Archebifchoprikkis and Bifchoprikkis vacand or that fall happin to vaik heirefter, perſonis qualifeit to be nominat within the ſpace of geir and day eftir the vacance ; and the perſonis nominat, to be xxx geirs of age at the leift.

The Deane, or failgeing the Deane, the nixt in dignitie of the Cheptoure, during the tyme of the vacance, ſalbe Vicar generall and vſe the iurifdictioun in ſpiritualibus as the Bifchop mycht have vſit.

All Bifchoppis and Archebifchoppis to be admittit heirefter, fall exerce na farther iurifdictioun in ſpirituall functioun nor the ſuperintendentis hes and prefently exerce, quhill the ſame be agreit vpoun ; and that all Archebifchoppes and Bifchoppis be ſubiect to the Kirk and Generall Aſſembly thairof in ſpiritualibus, as thay ar to the King in temporalibus ; and haif the aduife of the beſt learnit of the Cheptoure, to the nowmer of ſex at the leift, in the admiſſioun of ſic as fall haue ſpirituall functioun in the Kirk ; as alſua that it be lauchfull to als mony vtheris of the Cheptoure as pleſis, to be prefent at the ſaid admiſſioun, and to voit thairanent.

## Anent Abbacijs, Priorijs, and Nunrijs.

That na difpofitioun or provifioun falbe maid of ouy abbaceis or prioreis now vacand or that heirefter fall happin to vaik; nor na letters falbe grantit be the Lordes of Sefsioun for anfuering the fruitis of ony pairt thair of to ony perfoun or vfe, quhill firft it be confiderit quhat portioun of the rentis confiftis in kirkis and teindis, and quhat portioun in temporall landes: And, firft of all, prouifioun falbe maid be auife of the Bifchop or Superintendent, within quhais province the abbacy or priorie lyis, how the minifterie belanging thereto falbe fuftenit of the fruitis belanging to the fame kirkis, gif it be poffible, be fpeciall affignatioun of famekle zeirlie ftipend as falbe found reasonable, and be appoynted be the Bifchop or Superintendent of the province, and fic of the Kingis Maiefties Counfaie as falbe direæt to accord with him thairvpoun.

As for the remanent proffite and title of the benefice, becaus the poffeffoure of the fame mon fupplie the place of ane of the Ecclefiasticall Eftate in Parliament, neidfull it is, that he quha fall haue the file, title and place of Abbot, Priour, or Commendatar, be well learnit and qualifeit thairfore; and for triall of his qualificatioun, the Kingis Maiefties letter commendatary vnder the fignet, falbe direæt to the Archebifchop or Bifchop of the province, quhairin the abbay or priory lyis, to try and examinat his learning and habilitie; and vpoun testimoniaie of his habilitie fra the Ordinar, the perfoun nominat fall compeir befor the King and Regent, and gif his ayth in forme as the Bifchoppes dois; and then fall the Kingis letters and prouifioun vnder the great feill be exped, direæt to the Ordinar, Bifchop of the province, or vtheris brouking the dignities or fuperiour offices in the featt, to gif him intitutioun.

The prefent Convent of ony abbay or priory being hail departit this lyff, in thair places, the minifteris ferving the kirkis of the fame abbay or priory falbe the Cheptoure, or affeffouris to the Commendatar, in geving of ony infestmentis, takkis, richtis or difpofitionis of rentes concerning the leving.

That the perfonis thus prouidit and admittit Commendatares, may be promouit as thay falbe found worthy, to be Senatours for the Spirituall Eftate in the College of Iuftice; or may be employit be the King in the neceffar effaires of the common weil; it being firft prouidit, that na kirk belanging to thair leving be deftitute of miniftratioun, and the confent and beneuolence of the Ordinar alfa obtainit thairto.

## Anent Benefices of cure vnder Prelacijs.

All benefices (vnder prelacijs) havend cure of faules, quhilkis ayther of auld pertenis to the Kingis patronage, or newly ar cum in vfe, and be Parliament ordanit to be at his Hienes patronage, fall fua continew conforme to the Aëtes of Parliament; and that the lawie patrones alwayes brouke and vfe thair awin richtis.

Nane falbe admittit or reffautit to ony benefice of cure, bot sic as ar qualifeit; and fall then enter in the functioun of the minifterie alfone as they reffauie ony fruitis of the benefice, and fua continew.

Nane falbe admittit to the office of a minifter within the aige of xxiiij yeris compleit.

Quhair perfonages and vicarages ar coniunct, fa fall thay remane; and, likwife, quhair they ar feparat and difiunct, fa to continew.

It fall not be lefull to ony enterand in the functioun of the minifterie, to leif that vocatioun and the place appointed for his refidence, abone the fpace of fourty dayes in the geir, without a lauchfull impediment, and licence baith of the King, and Ordinar quhair the benefice lyes, vnder the pane of depriuatioun.

All sic as ar or falbe found worthy and qualifeit minifteris and preacheris, falbe plantit and deftribnted throuhout the hail realme: and that thair be redaires fpecialie appointed at euery feuerall kirk, quhair convenientlie it may be, quhilkis being found qualifeit be the Bifhop or Superintendent, and enterand be the lauchfull order of the true reformit Kirk, fall miniftrat the facrament of baptyfme, and mak mariages eftir proclamatioun of the bannes lauchfullie and orderlie as efferis.

All vicarages of or within the geirlye value of fourty pundes, may be conferred to redaires; but gif thay exceid the rent, nane to be admitted to thame bot sic as can preache or minifter.

Item, Lik as quhair the rent of the benefice is fmall, the ftipend mon be eikit; fa quhair the rent of the benefice is gretar nor the appointit ftipend of that place, the fuperplus fall ly and be comptable to the fupplie of vther rowmes not fa plenteous, be the Ordinar, with auife of fic as the King fall appoint to accord thairvpoun.

That all commoun kirkis be difponit as benefices to qualifeit perfones.

That nane be admittit heirefter to pluralitie of benefices with cure. The last presentatioun of the lawic patroun shall be admittit and preferrit.

The Vniuersities within quhilkis thair is exercife of liberall Science, fall brouke the patronage of the kirkis and chapellanries annext to thair Collegis, presentand qualifeit personis to the kirkis; and burfares within thair awin College to the chapellanries; quhairin gif thay failze, the Ordinar to dispone the same, jure deuoluto; and failzeing the Ordinar, the King.

Considering that the conservatioun and purgatioun of the religioun cheiflie appertenis to christiane and godlie kingis, princes, rewlayres and magistratis; and that it is maist requisite that the kirkis within this realme be seruit be pastoures of found religioun, obedient to the authoritie of the Kingis Maiestie oure Souerane Lord, it is deliberat, concludit, statute and ordainit be my Lord Regentis Grace, in his Hienes name, with auise of the Lordes of his Hienes Previe Counfell and of the Commiffioners of the reformit Kirk of Scotland, That euery persoun quha fall pretend to be a minister of Goddes word and sacramentis, or to brouke and possels ony spirituall promotioun or leving quhatsumenir furth of ony benefice or spirituall promotioun, fall, in the presence of the Bischop or Superintendent of the diocy quhair he has or fall haue ecclesiasticall leving, bering title of benefice, stipend, pensoun or portioun, declair his assent, and subscriue to all the articles of religioun, quhilkis only concernis the confessioun of the trew christian fayth and the doctrine of the sacramentis, contenit in the Actes of Parliament halden in the first zeir of the reigne of oure Souerane Lord that now is, intitulat, "The Confessioun of the Faith and Doctrine beleuit and professit be the Protestantes of the realme of Scotland, exhibeit to the Estates of the same in Parliament, and be thair publiet votes authorized as a doctrine foundit vpoun the infalible word of God"; and gif his aith for acknawleging and recognoscing of the Kings Majestie and his authority, according to the form presentlie sett out; and fall bring from the Bischop or Superintendent a testimoniale in writing, of sic assent, subscriptioun and aith; and oppinlie, on sun Sonday, in tyme of sermon or publiet prayers in the kirk, quhair, be resoun of his ecclesiasticall leving, he aucht to attend, or of the fruitis quhair of he ressauiis commoditie, reid baith the Testimoniale and the Confessioun; and of new mak the said aith, within the space of ane moneth estir his admissioun or prouisioun to the same ecclesiasticall leving or zeirliche commoditie, vnder the pane that euery persoun that fall not do as is abone appointed, within the space foirsaid, falbe, ipso facto, depriuit, and all

his ecclesiasticall promotiones falbe vacand, as gif he wer than naturallie deid; and that all personis to be admittit to Prelacijs, quhairby thay ar to haue vote in Parliament, mak the said ayth in presence of the King, his Regent, or Privy Counsell, within the said space, vnder the pane abone-written.

It is deliberat, thocht expedient and commandit, That all Bischoppes, Superintendentes, Preachers and Ministeris of the word of God, fall earnestlie and diligentlie admonishe the people within thair cures, to continew in thair faith and obedience to the Kingis Maieftie oure Soueraine Lord his Regent and authoritie; and quhaesair hes maid defectioun or heirefter fall mak defectioun from the same obedience, to admonish thame; and in cais of thair wilfulnes and obstinacy, to proceid agains them be censures of the Kirk, to excommunicatioun.

Of Prouestrijs of Colledge Kirkis, and vtheris benefices vnder Prelacijs, quhairvnto diuers kirkis ar annext.

That na dispositioun or prouisioun be maid of ony deanryes or prouestreis of Colledge kirkis, or vther benefices vnder Prelacijs, quhairvnto diuers kirkis ar annext, now vacand or that heirefter fall happin to vaik; nor that na letters be grantit be the Lordes of Sessioun, for answering the fruitis of ony part thair of to ony persoun or vse, quhill first it be considerit quhat is the rent of the benefice and quhairin it consistis; and that prouisioun be maid, how the ministerie of euery ane of the feuerall kirkis salbe sustenit of the fruitis of the same kirkis, gif it be possible, be speciall assignatioun of samekle zeirlie stipend as salbe found reasonable, and be appointed be the bischop or superintendent of the province, and sic of the Kingis Counsale as salbe direct to accord with him thairvpoun.

Item, Gif the leving baith of the prouestreis and prebendaries be foundit vpoun the fruitis of the parochie kirk, the kirk fall first be prouidit of a minister, and speciall assignatioun maid for his payment, befor the titill of the hail be disponit to ony ane persoun.

Of the dispositioun of Prouestreis Prebendareis in Colledge Kirkis, foundit vpoun temporall landes or annuellis, as alſua of Chapellanreis being of the like foundatioun, for ſupport of the ſcoles and increſ of Letters.

All prouestreis and prebendaries in Colledge kirkis, foundit vpoun temporall landes or annuellis, and all chaiplanryes being of the like foundatioun, now vacand or that fall happin to vaik, ſalbe gevin and diſponit be the Kingis Maieſtie, or vther lauchfull patronis, to burfares and ſtudentis in Grammer, Art, Theologie, the Lawes, or Medicine, in maner following; that is to ſay, the certane rentale ſalbe inquirit be the Biſchop or Superintendent of euery diocy, of all prouestreis, prebendaryes or chapellanries being within thair diocyes; and thairvpoun ane buke ſalbe deliuerit be thame to the Regent, and remane in the Register, betuix and the laſt day of March nixtocum.

Item, All prouestreis, prebendaries or chaipellanries being of or within the geirlie rent of xx merkes, ſalbe gevin to a burſar in Grammer; and of the ſowme of xx lb. or within, abone xx merkes, to a burſar in Art; and all of the ſowme of xxx lb. or within, abone the ſowme of xx lb. to a burſair in Theologie, Lawes, or Medicine.

Nane ſalbe admittit a burſair in Grammer being vnder the aige of ſevin zeirs, nor paſt the aige of xiiij; and fall brouke the commoditie during the ſpace of ſevin zeirs only.

Nane ſalbe admittit a burſar in Art being vnder the aige of xiiij zeirs; and fall brouke the commoditie during the ſpace of five zeirs only.

Nane ſalbe admittit burſair in Theologie, the Lawes, or Medicine, quhill he be firſt paſt Maifter in Arte in ane of the Vniuerſities of this realme; and fall brouke the commoditie during the ſpace of ſex zeirs only.

All burfares in Grammer ſalbe preſented to a Grammar ſcole in ane of the Vniuerſities, or vther famous ſcole in ane of the cheif burrowis or townes of the realme.

All burfares or ſtudentis nominat to ſic prouestreis, prebendaries and chaipellanries within the diocyes of Abirdene, Murray, Roſs, Caithnes and Orkney, ſalbe preſentit to ſtudy thair Art, Theologie, the Lawes, or Medicine in the Colledge of Abirdene.

All within the diocijs of Sanct Androis, Dunkell, Dumblane and Brechin, to study thair Art, Theologie, Lawes, or Medicine, within ane of the Colleges of the Vniuersitie of Sanct Androis, quhair my Lord Regentis Grace or the patronis fall appoint.

All within the diocyes of Glasgou, Galloway, Argile and the Iles, to study thair Art, Theologie, the Lawes, or Medicine, within the Pedagogy of Glasgou.

Nane salbe admittit to pluralitie of prouestreis, prebendareis and chaipellaureis; and quhair ony proueffrie or prebendarie excedis the fowme of xxx lb. in zeirlie rent, it salbe diuidit, and samekle thair of appointit to the burfair of Theologie, the Lawes, or Medicine, and the remanent, according to the rait and value, to ane vther burfar: And gif ony past his cours in Grammar be desirous to pas to the Vniuersitie, and study in Art, Theologie, the Lawes, or Medicine, the chaipellanry or prebendarie he had of befoir, may be of new conferrit to him, during his study in ony ane of the saidis Sciences, he haveand alwyse new presentatioun in ordinar forme.

The burfaires nominat fall first be found be the Maister or Principall of the College of sic aige as is befoir written, and apt for the study in sic faculty as he is ordanit vnto, befoir he gett the Kingis or vther patronis gift, and that vpoun report or testimoniale from the Maister or Principall of the College, according to the forme and order preferiuit; and gif he continewis not at the study during the tyme and in place appointit, or vtherwise gevis occasioun of deprivation, he salbe depriuit, and ane vther nominat and prouidit of new; quhairin the Kingis Maiestie and vtheris patronis fall alwyse haue thair place and patronage; and the maister fall certefie the caufs of deprivation to the patroun within a moneth efter the same, that the patronis may present within sex monethes of new.

#### Generall Articles for Reformatioun of certane Abuses.

Quhaireuir actioun or pley is or salbe tueching the payment of thriddes, befoir he that is in possessioun of the thrid be hard or admitted in proceffe, he salbe haldin to find cautioun to pay the ministeris seruing the kirk or kirkis of the benefice, out of the quhilk the same thrid fuld be payit of thair appointit stipendis, sa far as the thrid extendis to, during the dependance of the pley.

Item, In further punishment of the persons now at the horne, or shall happen to be denunciit rebellis, for non payment of the thriddis, and to further the recovery of payment of the same, That the persons gevin in dewly execute and indorsat at the horne, be chargit to compeir befor the Regent and Lordes of Secrete Counsale at ane certane day, to ansuer to sic things as falbe inquirit of thame; at quhais comperance thay falbe acculit for thair contempt, and falbe committit to waird quhill they haue payit the debt and obtenit thamefelffis relaxt fra the horne; and that the Solistlar of the Kirkis effaires await diligentlie heirvpoun, according as he shall ressaue aduertifment of the disobedientes fra the collectouris or vtherwise.

Item, That all sewes, rentales or takkis of ony spirituall levingis and promotionis, to be maid efter the dait of this present Act, in diminutioun, hurt or preiudice of the present rentale, falbe in law null and of nane avale. And that the certantie of the present rentale may be knawn, the Commissioners of the Kirk hes takin in hand to caus the same be drawin in ane autentik forme, betuix and the last day of Marche nixtocum, and a buke of the same deliuerit to remane with my Lord Regent to the Kingis vse; to the effect that mair formaly resolutioun may be takin in the nominatioun and dispositioun of ail benefices.

Item, The Lordes of Sessioun of the Spirituall Estate vnder Prelacijs that cleamys the immvntie of payment of thair thriddes, fall, at the leift, pay the stipend of the ministeris seruing at thair awin kirkis, as the same falbe modefeit and appointed be the Commissioners from the Kingis Counsale and Kirk.

Item, It is thocht meit, that be ane act and warrand of the Secrete Counsale, the Prouestis and Baillies of all burrowis that hes gottin the gift of thair annuellis, be chargit to fend, with thair Commissioners to Parliament, thair giftes to be sene and confidderit, the rentals of sic things as thay haue in possessioun or can cleame be the saidis giftes, to the end that it may be sene that the thing disponit be employit to godlie vses, according to the intentioun of the gevares and forme of the giftes.

For support of the pure in a part, That all to be admittit to spirituall promotioun, heirefter to be haldin to pay the tent part of all sic portioun of thair spirituall promotionis and levingis as consistis in teyndis, to the pure.



The Maner of Creating of a Bifchop.

Trufty and weilbelouit, We great ȝou weil : Forfamekle as the Bifchoprik of A. presentlie vaikis be the deceis or forfaltour &c. of the late incumbent of the fame, and calling to oure rememberance the vertu, learning, gude conuerfatioun and vther godlie qualiteis of oure trufty and weilbelouit B. C., preacher of the word of God, We haue thocht gude, be thir oure letters, to name and recommend him to ȝow, to be chofin to the faid bifchoprik of A. : Quhairfore We require ȝow immediatelie vpoun the receipt heirof to proceid to ȝoure electioun, according to the lawes of oure realme, and oure licence to cheis, fend vnto ȝow heirwith ; and the fame electioun fua maid, to certefie vnto ws vnder ȝoure commoun feill. Gevin vnder oure fignet and fubfcriuit be oure richt traift coufing, Johnne Erle of Marr, Lord Erfkein, Regent to Ws, our realme and liegis. At, &c.

Licence to Cheis.

Oure Souerane Lord, with auife and confent of his richt traift coufing, Johnne Erle of Mar &c., ordanis ane letter to be maid vnder the great Seill in dew forme, direct to the Deane and Cheptoure of the Cathedrall kirk of N., makeand mentioun, That it is humblie menit to his Hienes and his faid Regent on the part of the faidis Deane and Cheptoure, how the kirk forfaid presentlie vaikis and is deftitute of a pafour be the naturall death or be forfaltour &c. of the laft bifchop thairof, and that his Hienes will grant thame licence to cheis ane vther bifchop and pafour : His Maieftie faurable inclynand to thair defire, hes thocht gude to grant the fame ; requiring the faidis Deane and Cheptoure to cheis fic ane in bifchop and pafour of the faid bifchoprick, that falbe devote to God, and to his Hienes and his realme, profitable and faythfull ; and that preceptis be direct heirvpoun in dew forme as effeiris. Subfcriuit be the faid Regent. At, &c.

The forme of Ediēt to conuene the Cheptoure for Electioun.

Forfamekle as oure Souerane Lordes letters vnder his Hienes great feill, ar direct to the Deane and Cheptoure of the Metrapolitane kirk of A. grantand thame licence to cheis ane vther bifchop and pastoure, the fett now vacand be the naturall death of the last bifchop thairof; requiring thame to cheis sic ane in bifchop and pastoure of the fame, as falbe devote to God, and to his Hienes and his realme, proffitable and faithfull. And to the effect that the electioun may proceid to the pleafoure of God, and to the weill of the King, the Kirk and realme, the day of is appointit; requiring and charging heirfore all the godlie ministeris within the said diocy, nominat and appointed to represent the Cheptoure in the reformit Kirk, that they be present at B. the said day, to doe and performe that quhilk to thame in the said electioun appertenis. Subfcriuit, &c. At, &c.

The testimoniales of the Deane and Cheptoure returnit to the King and his Regent.

To the richt excellent, richt heich and michtie Prince James, be the grace of God, King of Scottis, oure Souerane Lord, goure Maiesties daylie oratouris and humble subiectis, the Deane and Cheptoure of the Cathedrall kirk of N. humble reuerence and submissioun: Forfamekle as we having goure Hienes licence to cheis ane bifchop and pastoure to the said kirk now vacand be the deceis of the last incumbent, hes tryit and examinat the qualificatioun of our weilbelouit brother, N. nominat and recommendit be goure Maiestie, quhome we haue found a personage indewit with virtew, learning, gude conuersatioun and vther godlie qualities, and able to discharge the office of ane bifchop in the Kirk of God; and thairfoir hes elected him thairvnto, humelie craving and requiring goure Hienes to grant goure Royall assent and approbatioun to oure said electioun, be gour Maiesties letters vnder goure great seale, in dew and competent forme as efferis. Gevin vnder oure commoun feill and subfcriuit with oure handes. At, &c.

In cais the Perfoun nominat be not found qualifijt.

Hes tryit and examinat the qualificatioun of N. nominat be goure Maieftie, and findis him not qualifeit in the haill or part of the qualities requirit in a bifchop; maift humbly thairfoir craving and requiring goure Hienes, That, with all convenient expeditioun, fum other fufficiently qualifeit may be of new nominat and recommendit to the faid bifchoprik, that the kirk of God be not deftitute of a pafoure.

The Confirmatioun, Prouifioun, and Royal Affent, vpoun the Cheptoures certificat maid of their electioun.

Our Souerane Lord, with anife and confent, &c. ordains ane letter to be maid vnder the great feill in dew forme, direct to the maift reuerend Father in God and his Hienes weilbelouit A. be the permiifioun of God, Archebifchop of S. or to quhatfumeuir vther bifchoppes to quhome in this part it appertenis, makand mentioun, That, the feitt of N. latelie vacand be the naturall death of the laft bifchop thairof, or be forfaltour, tranflatioun, dimiffioun or depriuatioun, &c. his Hienes, at the humble petitioun of the Deane and Cheptoure of the Cathedrall kirk of N., be his Maiefties letters vnder the great feill, hes grantit licence to thame to cheis ane vther in bifchop and pafoure of the feitt foirfaid. The fame Deane and Cheptoure, be virtew of the faid licence, hes choifit his Hienes weilbelouit, A. B. precher of the word of God, in bifchop and pafour to thame of the faid kirk; as be thair letters vnder thair commoun feill directit to his Hienes mair plainly may appeir: Thairfoir our faid Souerane Lord acceptand the faid electioun, hes gevin his royall affent thairto, as alfua his fauour; and fignifeis the fame to the faid Archebifchop or Bifchop be the faid letter, requiring, and in faith and lufe quhairby thay ar haldin to his Maieftie, commanding thame to confecrat the faid A. B. electit, asfaid is, in bifchop and pafoure of the kirk foirfaid, and to confirme the faid electioun, and all and findre vther thingis to do belangand to thair pastoral office in that part, efter the forme of the lawis of this realme, with all diligence, fauour and effect. Subfcriuit be the faid Lord Regent. At, &c.

Gif he be a Bifchop already, and is to be tranflatit, then to vfe thir wordes.

And the fame A. B. bifchop and pafoure of the Cathedrall Kirk foir-faid, be translatioun to confirme, &c.

Efter the Confecratioun, the new maid bifchop fall compeir befoir the Kingis Maieftie or his Regent, and mak his ayth, as followis.

I, A. B. now electit bifchop of S. vtterlie testefeis and declaires in my confcience, That goure Maieftie is the only lauchfull and fupreme Governour of this realme, as well in things temperall, as in the confervatioun and purgatioun of the religioun; and that na foreyne prince, perfoun, prelat, ftate, or potentat, hes or aucht to haue ony iurifdictioun, power, fuperioritie, preheminance or authoritie Ecclefiastical and Spirituall within this realme; and thairfore I vtterlie renunce and forfake all foreyne iurifdictionis, powers, fuperioriteis and authoriteis, and promifes that fra this furth I fall and will beare fayth and trew allegeance to goure Maieftie, goure aires and lauchfull fucceffours; and to my power fall aflift and defend all iurifdictiones, preuilegis, preheminances and authoriteis grantit and belangand to goure Hienes, goure aires and lauchfull fucceffours, or vnyted and annex to goure Royale croun: and farther I acknawlege and confeffe to haue and hald the faid bifchoprik and poffeffionis of the fame, vnder God, only of goure Maieftie and croun Royale of this goure realme: And for the faidis poffeffionis I do my homage presentlie to goure Maieftie, and to the fame goure aires and lauchfull fucceffours falbe faithfull and trew. Sa help me God.

#### Reftitutioun of the Bifchoppes Temporalitie.

Oure Souerane Lord, with auife and confent of his richt traift coufing, &c. ordanis ane letter to be maid vnder the previe feill in dew forme, mak-and mentioun, That, the bifchoprik of N. vacand be the deceis of the laft

bifchop thairof, the Deane and Cheptoure of the Cathedrall kirk foirfaid, be his Hienes licence focht and obtenit, hes electit his Hienes weilbelouit A. B. prechear of the word of God, in thair bifchop and pafoure: To quhilk electioun and perfoun electit his Maieftie hes gevin his Royale affent and fauour, and hes reffautit his fidelitie dew to his Hienes for the faid bifchoprik, reftorand to him the temporaliteis thairof be thir presentis; and that the faids letters be extendit in the beft forme with all claufes neidfull, with command in the fame to the Lordes of Counfaile and Sefsioun, to grant and gif letters in the foure formes, at the inftance of the faid A. B. now electit, admittit and confirmit Bifchop of C. to cauf him to be anfuerit and obeyit of the faid temporalitie thairof, and vthers fruitis and rentes of the fame fra the feift of D. laft bipaft, in dew and competent forme as efferis. Subferiuit be the faid Lord Regent.

Touard the Chapters of Metropolitan and Cathedrall Kirkis.

Becauf diuers of the Deanryes, and vther dignities and benefices callit Channonreis and Prebendareis in Metropolitan and Cathedrall kirkis, ar poffellit be perfonis that hes not maid profeffioun of the trew religioun; and vtheris that, althocht thay haue maid profeffioun of the trew religioun, zit haue not enterit be lauchfull order of the trew reformat Kirk in the functioun of the minifterie, and fa nather the ane nor the vther fort ar thocht meit to haue vote in the electioun of the trew bifchop; thairfoir, in tyme cuming, this order falbe obseruit as interim, alfweill for bifchoprikkis now vacand or that heirefter fall happin to vaik, falang as the benefices of the auld Cheptoure are not in the poffeffioun of the minifteris of the Kirk profeffouris of the trew religioun, that is to fay, fa mony of the auld ordinar Cheptoure as ar presentlie lauchfull Minifteris and profeffoures of the faid trew religioun, fall haue thair awin vote, place and priuilege; and in place of fa mony of the vtheris, present poffeffoures of the benefices of the Cheptoure, now poffellit be perfonis not profeffing the trew religioun, or that has not enterit or fall not enter be lauchfull order of the trew reformat Kirk, in the functioun of the minifterie, falbe nominat als mony of the maift godlie and learnit minifteris feruing the kirkis within that province.

It is confidderit, that of the Archebifchoprikkis within this realme and Bifchoprikkis, twa, viz. Sanct Androis and Galloway, had Chaptoures in

Cloisteris, and the Cheptoures of the remanent kirkis wer personis of parochie kirkis; and thairfoir sa lang as the benefices of the Cheptoure ar not in possessioun of the ministerris of the reformat Kirk, professours of the trew religioun, quhilk, God willing, with tyme (the present possessoures depart- and this mortale lyff) salbe, this order is thocht meit for the electioun.

First, For the feitt of Sanct Androis, That sa mony of the auld Cheptoure as levis, and ar ministeris professouris of the trew religioun, fall still be of the Cheptoure during thair naturall lyves; viz.

The Bischop of Caithnes, Commendatar of the Priorie of Sanct Androis,  
Deane.

The Priour of Portmook.

Patrik Boncle, Minister at Pallady kirk.

John Gudefallow, Minister at Eglisgreg.

Nicoll Spittell, Minister at Langforgound.

Dauid Robertfoun, Minister at Rossy.

John Vre, Minister at Lewchirres.

Peter Ramfay, Minister at Derfy.

Peter Watfoun, Minister at Merkinche.

Alexander Mure, Minister at Kilgoure.

Patrick Kinloch, Minister at Linlythgow.

Johnne Duncanfoun, Minister at Striueling.

Maister William Braidfute, Minister at Lathrisk.

Maister Thomas Biggar, Minister at Kingorne.

The Cheptoure or Assembly of the Archebischop of Sanct Androis assessoris, consist, in tyme to cum, efter the death of the present Convent of the abbay, in xxj personis heirestir nominat, quhilkis personis nominat fall represent the Cheptoure in electioun of the Archebischop; and siclike, in tyme cuming, for electioun and spirituall effaires, alsweil befoir as efter the death of the Convent, without preiuging the auld Convent during thair lyftymes, in things temporall.

The Priour of Sanct Androis, Deane.

The Priour of Portmook.

The Minister of Edinburgh.

The Minister of Leith.

The Minister of Linlythgow.

The Minister of Striueling.  
 The Minister of Dumbar.  
 The Minister of Hadingtoun.  
 The Minister of Perth.  
 The Minister of Carrale.  
 The Minister of Coupar.  
 The Minister of Anstruther.  
 The Minister of Dyfart.  
 The Minister of Kirkcaldy.  
 The Minister of Kingorne.  
 The Minister of Dumfermling.  
 The Minister of Abirbrothok.  
 The Minister of Calder in Lowtheane.  
 The Minister of Fettercarne.  
 The Minister of Duns.  
 The Minister of Methven.

That in the feitt of Archebischoprik of Sanct Androis, vnder the Archebischop, thir Dignities or Superiour offices in the Kirk be retenit, quhilkis successiuelie having the Kings licence to cheis, fall convocat the Cheptoure to that effect.

The Deane quhais leving is and falbe the Priorie.

The Archedeane of Sanct Androis.

The Archedeane of Lowtheane.

The Chancellair, quha falbe the Prouest of the Queinis College beside Edinburgh.

And, in the meyntyme, quhill the levingis of the saidis Archedeanyes and Chancellarie vaik be the death of the present possessours, quhilkis ar not in the functioun of the Ministerie, the offices falbe feruit be

Maister John Winrhame, as Archedeane of Sanct Androis.

Mr Johnne Spottiswood, Archedeane of Lowtheane.

Mr David Lindesay, as Chancellair.

Nota. The like order for the Bischoprik of Galloway to be takin.

For the featt of Glasgou.

The Cheptoure consistit in xxxij Channonreis or Prebendaries foundat  
vpoun distinct and feuerall benefices ; that is to say,

Deanrie ; the personage of Hammyltoun.

Chanterie ; personage of Kilbride.

Chancellorie ; personage of Campsey.

Thefaurarie ; personage of Carnweth.

Subdeanrie ; personage of Calder and Monkland.

Archdeanrie ; personage of Pebles and Maner.

Archdeanrie of Teviotdail ; personage of Morbottill.

Personage of Glasgou.

Personage of Stobo.

Personage of Govane.

Personage of Renfrew.

Personage of Erkin.

Subchantorie ; personage of Durifdeir.

Personage of Carstaires.

Personage of Sanquhair.

Personage of Eglisshame.

Personage of Air.

Personage of Cardrois.

Personage of Kirkmaho.

Lord Provand.

Personage of Douglas.

Personage of Ancrum.

Personage of Cambullang.

Personage of Cumnok.

Personage of Auld Roxburgh.

Personage of Askirk.

Personage of Moffett.

Personage of Killerne.

Personage of Bothernok.

Personage of Eddieftoun.

Personage of Torboltoun.

Personage of Lus.



Off the present possessours of the benefices, onlie sex ar enterit in the functioun of the ministerie, quhilkis falbe of the Cheptoure for the electioun of the Archebischop ; as alsua how sone the remanent present possessours departes this lyff, the benefices fall alwyse be disponit to qualifeit personis that fall entir in the functioun of the ministerie, and thay to be of the Cheptoure ; and quhill the personis present possessours, not enterit in the functioun of the ministerie, be departed this lyff, to the sex of the Cheptoure quhilkis ar already ministerris falbe adionit the vtheris ministerris following, to represent and supplic the Cheptoure in electioun of the Archebischop.

The names of the sex of the Cheptoure that ar already Ministers.

Maister Johnne Coluile, Minister at Kilbryde.

Maister Andro Hay, Minister at Renfrew.

Maister Petir Young.

Maister James Striueling.

Maister George Hay.

Maister Johnne Hammyltoun.

The personis adioynit.

The Minister of Glasgow.

The Minister of Dumbertane.

The Minister of Irwing.

The Minister of Air.

The Minister of Lanerk.

The Minister of Hammyltoun.

The Minister of Campsey.

The Minister of Cammonell.

The Minister of Mauchline.

The Minister of Vchiltrie.

The Minister of Stevinsoun.

The Minister of Kirkpatrik.

The Minister of Peibles.

The Minister of Rutherglen.

The Minister of Stratoun.

That in the feitt of the Archebifchoprik of Glasgou, vnder the Archebifchop thir digniteis as superiour offices in the Kirk be retenit, quhilkis fucefliuelie having the licence to cheis, fall convocat the Cheptoure to that effect.

The Deane.

The Archedeane of Glasgou.

The Archedeane of Teviotdale.

The Chancellair.

The levingis of thir digniteis and offices ar knawin, and efter the death of the present poffeffoures, perfonis qualifeit ministeris being placit in the levingis, fall alſua difcharge the offices; and in the meyntyme of the election of the ſaid Archebifchop, thir perfonis fall represent and fupplie the ſamine offices;

Maifter Andro Hay, Deane.

Mr James Greg, Archedene of Glasgou.

Mr Johnne Coluile, Archedene of Teviotdale.

Mr Dauid Wemys, Chancellair.

Without preiudice of the present Cheptoure during thair lyftymes in thingis temporall.

The like order toward the remanent Biſchoprikis, having benefices appointed to ſic as ſould be of the Cheptoures.

The forme of a letter direct to the Ordinar, or, the feitt vacand, to the Deane, or vther nixt conſtitute in dignity of the Cheptoure, in the fauour of a perſoun to be promovit to ane Abbacy or Priory.

Reuerend Father in God, We great zow weil: Forſamekle as the Abbacy or Priory of A. preſentlie vaikis be the deceis of the late incumbent of the ſame; and having already maid prouifioun how the miniſterie of the kirkis of the ſame ſuld be fuſtenit, We haue thocht convenient to name and recommend oure weilbelouit clerk, B. C. to the Commendatary of the ſaid Abbay or Priorie of A. And ſen the poffeffoure of the ſame is to re-

present the place of ane of the Ecclesiasticall Estate in our Parliament, neidfull it is that he be sufficientlie qualifeit ; quhairfoir We require and pray you immediatelie vpoun the receipt heirof, to try and examinat his learning and habilitie, certefeing Ws of the same be your testimoniale, that thairvpoun We may prouide him of the said abbay or priorie as efferis. Gevin vnder our signet and subscriuit, &c.

The Testimoniale of the Ordinar returnit to the Kingis Maiestie or his Regent.

To the richt excellent, &c. your Maiesties humble oratours reuerence and submissioun : Forsamekle as having tryit and examinat the qualificatioun of oure weilbelouit A. B. nominat and recommendit be your Maiestie to the Commendatary of the abbay or priorie of A. we haue found him of sufficient learning and habilitie, quhilk we declair and signifie to your Hienes be thir presentis. Subscriuit with oure handes and vnder oure . At, &c.

In cais the perfoun nominat be not found qualifijt.

Hes tryit and examinat, &c. and hes not found him qualifeit in hail or part of the qualiteis requirit ; maist humblie thairfoir craving and requiring your Hienes, That, with all convenient expeditioun, sum vther sufficientlie qualifeit may be of new nominat and recommendit to the said abbay or priorie.

The Gift and prouisioun vpoun the Ordinaris certificat.

Oure Souerane Lord, with auise and consent, &c. ordanis ane letter to be maid vnder the great seill in due forme, direct to the reuerend Father in God, A. Archebischop or Bischop of B., makand mentioun, That the abbacy or priory of C. presently vaikis be the naturall death of the last abbat, priour, or commendatar thairof, or be forfaltoure, translatioun, dimissioun or depriuatioun, his Hienes hes nominat and recommendit his weilbelouit,

D. E. to the Commendatary of the said abbay or priorie of C., quha be his Ordinar is found of sufficient learning and habilitie thairfore ; and alsua hes gevin the confessioun of his fayth, his aith for acknowleging and recognoscing his Hienes autoritie, and dew obedience of his Ordinar in accustomed forme : Thairfoir gevand, grantand and disponand be the said letter to the said D. E. the said abbacy or priory of C. with all dignitie, richtis, rentes, patrimonie, priuilegis and possessionis quhatsumeuir belanging thairto ; and makand and constitutand him Commendater thairof during his lyftyme, to be brouked and joyfed be him als frelie as ony vther broukit and possessit the same in tyme bigane, but ony reuocatioun ; requiring the said reuerend Father to mak the said D. E. now nominat and admittit Commendater of the said abbay or priorie of C. haue institutioun and possessioun of the same ; and all and findre vther thingis to do concerning his pastorall office in this part, with all diligence, fauour and effect ; and that the said letter be extendit in the best forme with all claufes neidfull, with command in the samyn to the Lordes of Counsaile and Sessioun, to grant and gif letters for answering and obeying of the said D. E. now Commendatar of the said abbay or priory, of the rentes, fruitis, proffites, emolumentes and deweties thairof, during his lyftyme, and to nane vtheris. Subscriuit, &c.

The forme of a letter direct to the Maister of the Grammer Scoile,  
in fauour of a Burfar Student in Grammer.

Trusty and weilbelouit, We greit zow weil : Forfamekle as the prebendarie or chapellanrie of A. liand in the diocy of B. now vaikis be the deceis of vmquhile C. D. last possessoure of the same, the zeirlie rent quhairof is thocht not to exceid the sowme of xx merkes ; and We willing to confer the samine to a Burfair in support of his sustentatioun at the scole, for the increas and furtherance of gude letters, be thir oure letters nominatis and presentis oure louit, &c. requiring zow to try and examinat, gif he be past the aige of fevin and be within the aige of xiiij zeiris, gif he be apt to study in Grammer, and will promeis to continew his study vnder zow and be subiect to zoure discipline ; as alsua inquire quhair the chapellanrie or prebendarie lyes, and quhat is the certane rent thairof, that, vpoun zoure report to be returnit to Ws within the space of ane moneth efter the dait

heirof, We may refolve in the difpofitioun of the fame prebendarie or chapellanry as efferis. Subferiuit, &c.

The anfwer of the Maifter of the Grammer Schole.

To the richt excellent, &c. your Hienes humble fubiect, A. B. Maifter of the Grammer Schole of C. humble reuerence and fubmillioun: According to the command of your Maiefties letters, having taken triall I find D. E. nominat and recommendit be your Hienes to the prebendarie or chapellanrie of A., paft the aige of fevin, and within the aige of fourtene geiris, apt and difpofit to ftudy in Grammer, quhairin he hes promifit to continue and be fubiect to my difcipline; having alfo inquirit I find that the faid prebendarie or chapellanrie lyes within the diocy of F. and extendis to of geirlie rent. Subferiuit with my hand and vnder, &c.

The gift and prouifioun vpoun the certificat of the Maifter of the Grammer Schole.

Our Souerane Lord, with aduice, &c. ordanis ane letter to be maid vnder the previe feill in dew forme, makand mentioun, That the prebendarie or chaipellanry of A., liand in the diocy of S., vacand be deceis of umquhile B. C., laft poffeffoure thairof, his Maieftie hes vnderftand the geirlie rent thairof not to exceid the fowme of xx merkes money of this realme; and being certefeit, that his louit N. Q. is of convenient aige to entir in the ftudy of Grammer, and is apt and difpofit thairfore, and promifit to be fubiect to difcipline and continew thairin: Thairfore gevand, grantand, and difponand be the faid letter to the faid N. Q., all and hail the faid prebendarie or chaipellanrie of A., with all fruitis, rentes, proffites, emolumentis and deweties belangand thairto, in fupport of his fuffentatioun at the fcole, during the fpace of feven geiris efter the dait heir-of, with power to him be himfelf, his parentes and factouris in his name, to intronett and tak vp the fruitis, rentes, emolumentis, proffites and deweties of the faid prebendarie or chapellanrie during the faid fpace, to the effect abone writtin, with all and findrie commoditeis, fredomes, &c., als frelie, &c. as ony vtheris had and broukit the fame of befoir, but ony

reuocation, &c. ; and that the said letter be extendit in the best forme with all claufes neidfull, with command in the fame to the Lordes of Counsaile and Seffioun, to grant and gif letters in the foure formes, for anfuering and obeying of the said N. Q. of the fruitis, rentes, proffites, emolumentis and deweties of the said prebendarie or chapellanrie, during the space abone speaceit ; commanding alſua the Maister of the Grammer Schole of M. to reſſaue the said N. Q. vnder his cure and discipline, be the space abone ſpecificit ; and at the end of the fame, or in cais of his depriuatioun or not continewance in ſtudy, to certefie the fame, that ane vther may be prouidit to the said prebendarie or chapellanrie of new. Subſcriuit, &c.

For a Burfair in Art the like formes, changing the termes in the presentatioun, the space, and quantitie of rent.

Trusty and weilbelouit, &c. To the Principall and Maisteris of the College of M. N.

For a Burfair ſtudent in Theologie the like formes, changing termes in the tyme, quantitie of rent, and vther wordes neidfull.

Nota. The Burfares in Art, Theologie, the Lawes or Medicine, mon gif the confeſſioun of thair faith, and ane aith for acknawleging the Kingis authoritie.

The forme of the Ayth to be gevin be the perſoun prouidit to ony benefice with cure, the tyme of his admiſſioun be the Ordinar ; as alſua be Burfares in Art, Theologie, the Lawes or Medicine, the tyme of thair recept in the Vniuerſitie.

I, A. B. now nominat and admittit to the C. of D. vtterlie teſtefeis and declaires in my conſcience, That the richt excellent, richt heich and mich-

tie Prince James the sext, be the grace of God, King of Scottis, is the only lauchfull supreme Governour of this realme, als weill in thingis temporall as in conservatioun and purgatioun of the religioun; and that na foreyne Prince, Prelat, State or Potentate hes or aucht to haue ony iurisdiction, power, superioritie, preheminance or authorite Ecclesiasticall and Spirituall within this realme: And thairfore I vtterlie renunce and forsaik all foreyne iurisdictiones, powers, superioriteis and authoriteis, and promifes that from this furth I shall and will beare faith and trew allegiance to his Hienes, his airis and lauchfull successeures, and to my power fall assist and defend all iurisdictionis, preuileges, preheminances and authoriteis grantit and belanging to his Hienes, his aires and lauchfull successeures, or vnitid and annext to his Royale croun; and farther I acknowlege and confesse to haue and hold the said C. and possessionis of the same, vnder God, only of his Maiestie and croun Royale of this realme; and for the saidis possessionis I do homage presentlie vnto his Hienes in goure presence, and to his Maiestie, his aires and lauchfull successeures salbe faithfull and trew. Sa help me God.

Gif the benefice be at presentatioun of a lawic patroun: At the geving of the ayth, the persoun presentit shall say, I acknowlege and confes to haue and hold the said C. and possessionis of the same, vnder God, be his Maiestie, of E. F. lauchfull patroun of the same.

In benefices of cure, the personis admittit shall promise obedience to the Ordinar; and in Scoles or Vniuersiteis, to the Maister or Principall thair of.

Forsamekle as the heades and articles now talkit of, and put in sic forme as is contenit in this buke, can not haue full effect and executioun as lawes; nor na lawic patronis vnwilling can be compellit thairby, quhill the same be allowit and enacted in Parliament: Neuirtheles it is thocht and ment by my Lord Regentis Grace, That in sic thingis as he shall happin to pas in the Kingis Maiesties name; and the Bischoppes, Superintendentis, and Maisteris of Colleges and Scoles, in thair admissioun; and the Lordes of Sessioun, in granting of letters, shall haue respect to the keping and obseruatioun of the order now condescendit vpoun, as gif it wer establisht be law; and that all lawic patronis be perswadit to the obseruatioun of the same order, quhilk is ordanit to haue the strentth of ane act of the Secrete Counsaile: and that exact laboures salbe takin to gett this ordour allowit,

confirmit and establisht as law be the Parliament; and for that effect that the formes of signatoures and letters be kept vnalterit.

And a Register to be kept be the clerk of the Secrete Counsale, of all signatures, and vtheris grantis of ony Spirituall promotionis or maters concerning the same; and the feillis to ansuer na signatoure or letter vnregistrat and subscriuit on the bak be the said clerk: And in cais ony letter be past negligentlie the handes of the Regent different from thair formes, that the clerk stay the same vnregistrat, quhill the mater be oppynnyt to the Regent, and his mynd certainlie vnderstand; and na letters to pas with blankes; and na double gift to be registrat without the Regents mynd first knawin. Sic subscribitur.

Quhilkis articles and formes abonewrittin being sene and considerit be my Lord Regentis Grace, he, in oure Souerane Lordes name, allowis and approvis the same. At Leith, the first day of Februar, the zeir of God I<sup>o</sup> v<sup>c</sup> thre scoir elleuin geris. Sic subscribitur. JOHNNE REGENT.

Apud Leyth xxij Januarij, anno Domini I<sup>o</sup> v<sup>c</sup> lxxj.

The Commissionaris of the Kirk hes grantit and assignit, and be the tenour heirop grantis and assignis the fowmes of money and victuallis vnderwrittin for the support of the Kingis Maiesties estate and commoun effaris of the realme, of the crop and zeir of God I<sup>o</sup> v<sup>c</sup> thre scoir elleuin geris instant and in tyme cuming, that is to say, to the support of the Kingis Maiesteis house the fowme of iij<sup>o</sup> vj<sup>c</sup> xxxj fi iij s̄.

And for payment thairof.

The money of the thrid of the abbay of Kinlos, iij<sup>c</sup> lxxxiiij fi iiij d̄.

The money of the thrid of the Bischoprick of Murray, v<sup>c</sup> xlix fi xv s̄ ix d̄.

The money of the thrid of the Bischoprik of Aberdene, v<sup>c</sup> lj fi v s̄ viij d̄.

The money of the thrid of the Abbay of Abirbrothok, viij<sup>c</sup> xxvij fi xv s̄.

The money of the thrid of the Bischoprik of Sanct Androis, viij<sup>c</sup> iij fi xij s̄ iij d̄.

The money of the thrid of the Bischoprik of Dunkeld, v<sup>c</sup> fi.

Summa.



And becaus Sir Patrik Leirmonth of Derfy, Knycht, Prouest of Sanct Androis, hes obtenit ane decreit befor the Lordis of Counfall and Sessioun, twicheing his awin few males to be allowit to him in his bailliefe, quhairthrow sa mekill will presentlie inlaik of the thrid of the Bischoprik of Sanct Androis: Thairfoir in place thairof for the present geir and in tyme cuming quhill the said decreit be reducit, the Commissionaris hes grantit and assignit the fowme of xlvj fi xij š iij d to be payit be the Colleetour present and to cum.

Item, To the support of my Lord Regentis Grace hous, out of the handes of euery ane of the Colleetouris vnder written, the fowme of fyve hundrith and fifty merkis, with the thrid of the Prouestrie of Methuen, makand out in the haill v<sup>o</sup> merkis.

Item, To Maister James Haliburtoun, Prouest of Dundee, his pensoun out of the thrid of Scone, extending in money to xlvj fi xvij š.

Quheit out of Scone, v chalderis, ij bolls, ij pairt bolls.

Beir out of the same, xvj chalderis, x bolls.

Meill out of the same, vj chalderis.

Summa of victuale, xxvij chalderis, xij bolls, 2 pairt bolls,  
and of money xlvj fi xvij š.

To the Maister of Requeistis out of the thrid of Balmerinoch ij<sup>c</sup> fi.

As to the Lard of Granges auld pensoun or tak out of Wester Kingorne, Auchtertule and Fynmonth, extending to I<sup>c</sup> lvij fi ij š iij d money, ij chalderis x bolls beir, xiiij chalderis v bolls aittis, with the thrid of the lyme, and of the assignatioun maid to the Castell of Edinburgh of the siluer of the Abbay of Scone in money, ij<sup>c</sup> xxxiiij fi ij š 1 d 3 pt. d, and xlvj chalder victuale rynnand met, out of Scone, Dunfermling and Sanct Androis, quheit, beir and meill of the crop 1570; be agrement the same is ordanit to be equalie diuidit betuix the Ministerie and to the Kingis vse. And in respect of the assignatioun maid alreddy to the Ministerie of the same of this instant geir and crop, it can not convenientlie be sparit; bot thaireftir for the tyme to cum, the Commissionaris hes thocht meit and agreit, that it fall returne to the vse of the King for the support of the said Castell, howfone it cumis to his obedience, or vtheris the neidfull effaris of the State.

Item, To my Lord now Regent for support of his expensis attending

vpoun the Kingis persoun, the thrid of the siluer of Jedburgh with Reftennot, iij<sup>c</sup> xxxij fi viij s viij d; the commoun kirk of Welstoun xl fi; Vicarage thair of xv fi; Vicarage of Falkirk xij fi vj s viij d; Vicarage of Kilmacolme xj fi. Summa iij<sup>c</sup> lxxxij fi iij s iij d; togidder with the thrid of meill, quheit and beir of Jedburgh, and haill victuale of Dunblane, bayth extending to xli chalderis viij bolls iij fyrlots.

Item, For keping of the Castell of Dumbartane, out of the thrid of Paflay, xx chalder victuale.

Item, In hors corne to my Lord Regent, fourty chalder aittis grantit and assignit to be payit in maner following, viz. out of Fyff of the present geir 1571, and for the tyme to cum a speciall assignatioun falbe maid befor October nixt.

Item, It falbe lauchfull to the Kingis Maiestie, with auise of my Lord Regent, to mak and constitute Collektouris and Chalmerlanis ane or ma for craving, collecting and inbringing of the money and victuallis abone writtin, assignit to the support of the Kingis Maiesteis hous, and vtheris speciall assignationis abone writtin, dischargeing the Collektouris of the Kirk of all intromission with the same.

Item, Grantit and assignit to Agnes Scott during hir wedoheid, the sowe of twa hundrith merkis of the thrid of the Abbay of Culros.

And this assignatioun to lest and indure this present geir and crop, and geirle in tyme cuming quhill farder ordour be tane.

#### The names of the Collektouris and thair boundis.

Patrik Daidfoun, Ros Herauld, collektour of Ros, Sutherland, Strathnaver and Caithnes.

Dauid Dunbar, collektour of Murray.

Johnne Calder of Aflowne, collektour of Abirdene and Banff.

Williame Foulartoun, collektour of Mernis and Angus.

Dauid Murray, collektour of Perth.

Maister Robert Winrame, collektour of Fyff. } Togidder.

Thomas Lindefay, Snawdoun Herauld, collektour of Lowthiane and Mers.

William Ruthirfurd, collektour of Roxburgh, Selkirk and Peblis.

James Boyd, collectour of Lanark, Renfrew, Striueling, Dunbartane, Kyle, Carrik and Cunynghame.

Hary Smyth, collectour of Niddisdaill and Galloway.

R. Dunfermling.

Hew Wallace of Caruell.

Mr Andro Hay.

Johnne Erkin.

Maister Johnne Winrame.

Bellenden.

Maister Williame Lundy.

Robert Pont.

Dauid Lindefay.

The Commissionaris of the Kirk for diuers gude confiderationis moving thame, hes grantit and disponit to Alexander, Commendatare of Culros, one of the Senatouris of the Colledge of Justice, the thrid of his benefice of the Abbay of Culros, and makis and constitutis him self collectour and intromettour thairwith of this present crop and zeir of God I<sup>co</sup> V<sup>c</sup> lxxj zeris, and in tyme cuming, quhill farder ordour be tane; he payand zeirlie thairfoir the fowme of fyve hundrith merkis, that is to say, the fowme of twa hundrith merkis to Agnes Scott, and the rest to the Collectour of the thrid in theis partis; and ordanis the said Commendatare to find sufficient caution to the Collectour for the same.

. . . . .

Anent the supplicatioun presentit to the Commissionaris appointit be the Kingis Maiestie and the Assembly of the Kirk be Maister David Wemys, Minister at Glasgou, makand mentioun, That quhair he hes seruit in the office of Ministerie at the said Citie be the space of ten zeris bipast, in sum troubill and without certantie of his stipend; requirand that he may vnderstand at quhais handis he fall crave the same in tyme cuming, Quhidder of the personage of Glasgou quhair of the frutes ar now intromettit with be Maister Archibald Douglas, or otherways. The Commissionaris having confideratioun of the raritie of qualifiit personis Senatouris in the Colledge of Justice of the Spirituall Estate, and willing to remove all occasioun of contentioun, hes concludit, and be this present act decernis and declaris be consent of the saidis Maister Archibald and Dauid, That the said Maister Archibald falbe owerfene to brouke the personage of Glasgou be sic rycht and possessioun as he hes alreddy thairof during his lyff;

and the said Maister Archibald full content and pay to the said Mr David so lang as he full continew Minister of Glasgou, or to the vtheris that full succed to him in that charge, thair zeirlie stipend extending to the fowme of twa hundrith pundis, at twa termis in the zeir, Witfunday and Martimes in Wintir, be equall portionis; begynnand the first termis payment at the Feist of Witfunday nixtocum in the zeir of God I<sup>o</sup> V<sup>c</sup> thre scoir twelf zeris; and that in payment and satisfactioun of the thrid of the said personage, and to the effect the said thrid may be recoverit agane according to the full rentall that the samyn extendit vnto the zeir of God I<sup>o</sup> v<sup>c</sup> lxj zeris, commandis the Procuraturis of the Kirk to persew at thair instance for reduccioun of quhatfumeuir giftis and dispositiounis maid of the same thrid, in preiudice and diminutioun of the first rentall, quhairthrow the said Maister Archibald may brouke the said hail thrid, and may be abill thairby to pay the fowme of twa hundrith pundis to the Minister foirsaid: Prouiding that this salbe na preparatiue to vther the lyke thingis heireftir; and that the said Maister David be payit of his stipend as he hes bene heirtofoir quhill the said Feist of Witfunday nixtocum: And als, with auise and consent of the saidis Maister Archibald and David, ordanis thir presentis to be actit and registrat in the bukis of Counfall, to haue the strenth of ane act and decreit of the Lordis thairof, and letters and executoriallis of horning or pounding to pas thairvpoun in forme as efferis. In witness heirof the Commissiounaris of the Counfall and Kirk, hes commandit thir presentis to be subscriuit be the scribe of the Prevy Counfall in thair names. And the saidis Maister Archibald and David, in takin of thair consentis and for thair interefs, hes subscriuit thir presentis with thair handis, day, zeir and place foirsaid, befoir thir witnesses, Robert, Commendatare of Dunfermling, Maister James Makgill of Rankelour-nethir, Clerk of Registare, Johnne Bellenden of Auchnowle, Justice Clerk, and Alexander Hay, Scribe to the Prevy Counfall. Sic subscribitur Mr Archibald Douglas, Maister David Wemys, Minister at Glasgou, Alexander Hay. C. & Reg. Sec. Conc.]

A. D. M.D.LXXI.

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THE Generall Affemblie haldin and begun in St Androes [in Sanct Leonards school] the fast day of Marche 1571 : In the quhilk were present the Superintendents, Barrons, Commiffioners to plant Kirks, Commiffioners of Provinces, Townes, Kirks, Universities, Ministers, and Mr Johne Dowglas, Archbilshop of St Androes. Mr Robert Hamiltoun, Minister in St Androes, Moderatour for this present Affemblie.

Sessio 1<sup>a</sup>.

[At the triall of the Superintendents, Mr John Winram, Superintendent of Fife, was complained upon be Mr Thomas Kinneir, Minister at Carraill, That his kirk had not been visited thir three years bygone, and that at this last visitation there he used not due order, in so far as he consulted not with the Ministers and Elders touching things to be reformed, &c. : Nixt accused, that he had not visited Stratherne, Menteith, Braidalbane the year bygone : Thirdly, that he had given the vicarage of Kilmanie to one that is no Minister, nor hath any function within the Kirk, wherethrough the Minister of the said kirk planted by himself is frustrate thereof. Re-entering he answered to the first, That he referred to the book of visitation. The Assembly exhorted him to be more diligent in visitation as he might conveniently ; which he promised to doe.

Mr David Lindfay, Commiffioner of Kyle, Cariēt and Cunninghame, was accused for not putting order to certain enormities done to the kirk of Uchiltrie, and committed to him be the Affembly holden at Leith. He alledged for excuse the fhortnefs of time, and greatnefs of the fream. The Affembly required him to take order in the premisses how foon he might conveniently; which he promifed.

The Affembly appointeth Mr William Gardin, William Clark, James Carmichaell, John Inglis and George Scot, to conveen the morne at feven hours, to vilite the books of Superintendents and Commiffioners appointed to plant kirks, and to report again to the Affembly what diligence they find.

#### Seffio 2<sup>a</sup>.

The brethren conveened, remembring on the commiffion given to certain brethren in the Affembly, paff before, to conveen with the Regents Grace and Secret Counfell, to treat upon the heads which were to be proponed be his Grace and Counfell; as alfo fuch heads and articles as they had to propone in name of the Affembly: In refpect whereof, understanding that the faids brethren Commiffioners had already concluded upon fome heads with my Lord Regents Grace and Counfell forefaid, and had reported the fame to this Affembly, appointed the Archbifhop of Sanēt Andrews, Mrs John Knox, John Craig, John Row, Alexander Arbuthnet, James Wilkie, Patrick Adamfon, Gilbert Gairdin, William Clerk, Robert Montgomerie, William Chriftefone, David Fergufone, William Spence, George Leffie, George Scot, Mr John Rutherford, Patrick Kinninmouth, with the Superintendents of Fife, Mrs David Lindfay and Andrew Hay, Commiffioners before appointed, That they or eight of them conveen in Mr Knox houfe this day at two afternoon, and there confider and fight the faid articles and conclufions; and what therein they find agreeable to Gods word, and to the utility of the Kirk, to report the fame to the Affembly this night or the morne, that the faids conclufions may be infer in the Register.

Sessio 3<sup>a</sup>.

In confideration that the countrey of Murrey is presently destitute of a Commiffioner to vifite the Minifters and plant kirks, all in one voice gave commiffion to Mr John Keith, Perfoun of Duffus, to vifite Minifters, plant kirks where none are, fufpend and depofe as occafion fhall ferue, conferr benefices to qualified perfons, at the prefentations of the juft patrons, vifite colledges and fchools, &c.; and what he doeth in the premisses to report to the nixt Affembly.

Touching queftions and complaints given or to be given in: The Affembly appointed Mr Andrew Hay, Commiffioner of the West, John Rutherford, John Craig, Alexander Arbuthnet, Robert Montgomerie, John Ure, William Clerk, to conveen at two hours afternoon, read, confider and give answers to the faids complaints and queftions; and what they fhall happen to find worthy to be registered, to report the fame for that effect.

Mrs Andrew Hay, John Row and Mr David Lindfay were continued Commiffioners of Cliddifdail, Galloway and Kyle till the nixt Affembly.

The fame day Mr John Winrame Superintendent of Fife, of his own free will and for certain caufes moving him, purlie and fimpliciter dimitted the office of Superintendencie which he had within the Diocefe of Sanct Andrews in the Affemblyes hands, requesting them moft earnestly to provide for another in his room, for the comfort of the Kirk, and vifiting the Minifters within the forefaids bounds. C.]

Anent the complaint givin in be Mr Johne Rutherford, Proveft of St Salvators Colledge, againft Mr John Wyrhame, Superintendent of Fyfe, for the wrangous difponing of the Vicarage of the commoun kirk of Kilmanie pertaining to the faid Proveft and his Collegues brether of the faid Colledge; as alfo for obtaining of the gift and giving of ane altarage in the fame Colledge fituat at St Johns altar, the gift quhair of the faid Mr Johne as Proveft alledgit to have pertaint to him be vertue of foundation of the fame, &c. as at lenth in the faid complaint was conteinit, Requeiftand the Kirk prefentlie conveyit to take fick ordour in the premisses as godlines and equitie requireth, in fick fort that the Colledge and brethren forefaids be not put to fuffett and expenfes in feiking remedy befor vther Judges. The Kirk having confideratioun of thair complaint, thought meitt

to have inspe<sup>c</sup>ture of the foundatioun of the Colledge, and quhat the same conteinit anent the presentatioun and collatioun of the said Viccarage of Kilmanie; and, for that purpose, gave commissioun to thair brethren, Mrs Johne Row, Gilbert Gardein, William Christefone, Andro Hay and David Lindesay, to pass to St Salvators Colledge, consider and see the foundatioun thair of, and quhat they find concerning the said Viccarage of Kilmanie, and to quhom the presentatioun and collatioun thair of pertaineth; and quhat they happin to find, to report the same againe to the nixt Assembly.

The saids brethren returneand reported quhat they had found in the said foundation; the tenour quher of followes in thir wordes.

Vicarie de Kilmanie electio et presentatio ordinaria facienda ad Dominum Prepositum, et ceteros de dicto Collegio graduatos debent pertinere. Qui quidem Vicarius omnia onera ordinaria subire tenetur. In fundatione Collegii Sancti Salvatoris, ita invenimus ad verba scriptum. Testantibus nostris chirographis subscriptis, et ex commissione ecclesie ad id muneris destinatis, 7 mensis Martii 1571. Gulielmus Christefone, Andreas Hay, David Lindesay, Joanes Row, Gilbertus Gardein.

In respect of the premisses, the Kirk ordainit to wryte ane letter to the [Lords Senators of the] Colledge of Justice, testifieing quhat they had found in the said foundatioun, anent the presentatioun and collatioun of the forsaid Viccarage of Kilmanie.

Sessio 4<sup>a</sup>.

[Anent the supplication presented to the Generall Assembly be Mr Patrick Adamson, bearing in effect, That where my Lord Regents Grace of good memory had granted him a pension of five hundred merks yearly, to be lifted up of the personage of Glasgow at two terms in the year, Martimes and Whitfunday, requested the Assembly to ratify, confirm and approve the said pension, and to desire the Procurators of the Kirk to assist him in this his cause, because, for his own part, he was willing to endeavour himself to the uttermost of his power to the service of the Ministry, according as it should please the Kirk to call him; and nixt, if it should happen him to obtain the said pension in the said Personage, he would not only be at the Kirks command to employ his labours, but also



would be content the said pension be at their pleasure, as any thing pertaining to the Kirk. The Assembly, in respect of the said Mr Patrick his reasonable sute and offer, most humbly requested my Lords Senators of the Colledge of Justice to minister justice in the said action of pension as their Lordships may Godly, that the said Mr Patrick may the more heastily enter in the function of the Ministry: And, in like manner, earnestly desireth the Advocats for the Kirk actions to assist the said Mr Patrick in the said action, and to doe their diligence for obtaining the end thereof, as if the sament pertained to the generall Kirk; and when the said pension shall be obtained with the execution thereof, the Assembly promised to ratify the same; alwise providing the said Mr Patrick travell in the Ministry as he shall be appointed in the Kirk; whereunto the said Mr Patrick agreed, and in sign thereof subscribed the said supplication.

Anent the question, Whither if Superintendents and Commissioners to plant kirks where benefices vaik within their Jurisdiction, which is at the Kirks gift, pleno jure, shall give the sament to any other then to such as serve for the time in the Ministry where they vaik, and that be advice of a certain number of Ministers nixt adjacent, to the effect that others get not the same. Answer. Refers this to the discretion of Superintendents and Commissioners of Countries where the benefice lyeth, Requesting them to have consideration of these that travell in the kirks, and that they be preferred to others, *cæteris paribus*.

Anent the question, Whither the Person or Vicar ought and should furnish bread and wine to the Communion: After long reasoning, C.] It is concludit, that the Person should furnish bread and wine to the Communion, unlesse the Vicarage exceed the sament of xl lb.; and in that case the Vicar to furnish the same in tyme comeing.

[Anent the letter presented be some brethren to the Univerfity of Sanct Andrews, putting in remembrance how Mr John Douglas, Rector of the Univerfity, Provest of the new Colledge, when he was erected Bishop, promised to dimitt all the offices which might impede him to execute the office of a Bishop, and in speciall the said Rectorie and Provestrie, the Assembly was required to take order herein, that a Rector and Provest might be provided, &c. The Assembly for certain causes moving them continued the said Bishop in his office till the next Assembly; providing alwise he be diligent in visitation of his Kirk; and in the mean time a qualified man be

provided for the said Provestrie according to the foundation of the said Colledge. C.]

The Kirk ordaines the Superintendent of Fyfe to vse his awin Jurisdiction as of befoir in the provinces not get subiect to the Archbisshoprick of Sanct Androes ; and als requiests him to concurre with the said Archbisshop, quhen he requyres him in his visitioun, or vtherwayes within his bounds, quhill the nixt Generall Assemblie ; and the Superintendent to have the stipend as of befoir : and in lyke manner the Superintendents of Angus and Lowthiane [to continue in their Jurisdiction in manner fore-faid] without prejudice of the said Archbisshop, except be vertue of his commiffioun.

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A. D. M. D. LXXII.

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THE Generall Affemblic begun and haldin in the Tolbuith of Perth, the saxt day of August 1572: In the quhilk were present the Erles, Lords, Barronis, Superintendents, Commiffioners to plant Kirks, Commiffioners of Provinces, Univerfities, and Minifters. Johne Erskine of Dunne, Knyght, Superintendent of Angus and Mernes, was chofen Moderatour be the hail voyce of the Affemblic.

Seffio 1<sup>a</sup>.

To the effect that obedience be given to the Moderator presentlie and in all tymes heirafter, the hail brethren affemblit in ane voyce statutes and ordaines, That na person, of quhat estate that ever he be, take in hand to fpeake without licence askit and given be the Moderatour, and after licence obtainit, that the person fpeake and keip moderatioun in reafoning and anfuering, and els keip filence quhen he fall be commandit be the Moderatour, under the paine of removeing out of the Affemblic, and not to re-enter therin dureing that conveying: and this to be a perpetuall act for all Affemblies heirafter.

[The Affembly findeth and declareth the Diocie of Sanct Andrews, wheresoever it lyeth, to pertain to the Bifhop of Sanct Andrews, and to no other Superintendent to vifite and plant kirks: Therefore the faid Bifhop answered, Becaufe the bounds are great, and he not able to doe his office in his own person, defired fome of the Godlieft and beft learned to concurr

with him in taking order, how the whole Diocie may be served: And, for that purpose, he desired to have the counsell of the brethren underwritten, to wit, John Areskine of Dun, Knight, Superintendent of Angus and Merns, Mr John Spotswood, Superintendent of Lothian, Mr Robert Pont, Mr Andrew Hay, Commissioner of Cliddisdail, Mr John Craig, Minister; whereunto the whole Assembly agreed.

Mrs John Craig, William Christeson, Andrew Simpson, Robert Hamilton, John Duncanson and James Dalrympell were appointed to visite the books of the Bishop of Sanct Andrews, the Superintendents and Commissioners visitation.

Touching the revising of the heads and articles concluded at Leith in the moneth of January last, betwixt my Lord Regents Grace, Secret Counsell and Commissioners of the Kirk, the whole Assembly appointed the Superintendents of Angus and Fyfe, Mrs John Craig, John Row, William Christeson, David Fergufon, David Spence, John Rutherford, Patrick Kinninmouth, together with Mr Robert Pont, David Lindfay, Andrew Hay, and Mr William Lundie of that ilk, that they conveen upon Friday nixt to come at six hours in the morning in the Counsell house, and oversee and consider the said conclusions, and what they find therein, either to be retained or altered, to report the same again to the Assembly; ordaining all and sundry brethren that have any reason to alledge against the said conclusions, that they conveen with the foresaid brethren the said day or before, and shew their opinion; with certification, that thereafter they shall not be heard thereanent.

Sessio 2<sup>a</sup>.

Anent my Lord Regents Graces supplication for placing of Mr Robert Montgomerie in the town of Stirling, the Assembly willing to satisfy my Lord Regents Grace and town of Stirling in that behalf, consented that Mr Robert be placed there; alwise providing the act anent the removing of Ministers made the penult of July 1569, be observed. Alwise because it is supposed that the congregation of Dumblane hath no knowledge of the transporting of their Minister, The Assembly ordaineth the Superintendent of Stratherne to warn the said congregation before him, betwixt and the last day of this instant, and hear their alledgance, wherefore the

faid Mr Robert should not be removed from them and placed in the faid town of Stirling. Moreover, the Asssembly ordaineth, that if the faid Mr Robert be placed in Stirling, that the Collector of the West pay to him two hundreth merks, and the Collector of Stratherne ane hundreth merks for a year, till farder order be taken.

Anent the supplication of the town of Edinburgh touching the support of Ministers for their congregation presently destitute of preaching: The Asssembly gave commission to the Superintendent of Lothian with so many Ministers of the province as he should choose, with advice also of Mr Knox and the Session of the Kirk of Edinburgh, to nominat and choose any qualified Minister, as they shall think expedient to be joined with Mr Knox, Minister of the faid town; and whomsoever they shall happen to choose, that the faid Superintendent charge him to enter in the Ministry of the faid town with all diligence, under the pain of disobedience to the Asssembly.

The Asssembly ordained Mr Patrick Adamson to enter in the Ministry at Pasley at what time the Commissioner of Cliddisdail shall charge him thereto; which the Asssembly desireth to be done with all diligence, according to the faid Mr Patricks own promise.

The Asssembly, for certain causes, continueth all Commissioners already appointed still in their offices while the nixt Asssembly, at the which ordaineth them to be present, and bring with them their diligence in execution of their Commission.

#### Session 3<sup>a</sup>.

Anent answering and concluding upon questions and complaints: The Asssembly appointed the brethren under written, to wit, Mrs Alexander Arbuthnet, James Melvill, James Carnichaell, George Scot, Alexander Jerdan, Andrew Simpson, to meet at three hours after noon and give their answers, and report the same to the Asssembly.

The brethren appointed for revising the heads and articles concluded in Leith, in January last, with the Regents Grace and Secret Counsell, presented to the Asssembly a protestation with their opinion, anent some of the heads and conclusions, requiring the whole Asssembly to adhere to the same: The tenor whereof followeth. C.]

For fameikle as in the Assembly of the Kirk holdin in Leith in January last, ther was certaine Commiffioners appointed to travell with the Nobilitie and their Commiffioners, to reason and conclude upon diverse articles then thought good to be conferritt upon: According to the quhilk commiffion they have proceidit to divers dyatts and conventions, and finallie concludit for that tyme upon the faids heids and articles, as the same produceit in this Assembly propertis. In the quhilks beand confidderit and red are found certaine names, sicker as Archbifchop, Deane, Archdeane, Chancellour, Chapter, quhilks names were found slanderous and offensive to the ears of many of the brethren, appeirand to found to papistrie: Therfor the hail Assembly in ane voyce, asweill they that were in Commiffion at Leith as uthers, solemlie protests, that they intend not be useing sicker names to ratifie, consent and aggrie to any kynd of Papistrie or superstition, and wishes rather the faids names to be changeit into uthers that are not slanderous or offensive. And in lyke manner protests, that the faids heids and articles aggriet upon be only receivit as ane interim, untill farder and more perfyte ordour be obtainit at the hands of the Kings Majesties Regent and Nobilitie; for the quhilk they will preafe as occasion fall serve: Unto the quhilk protestation the hail Assembly presently conveyened in ane voyce adheres.

[Anent the names and titles of Archbishops, we think good that they that had the names of Archbishops heretofore, That hereafter in these things concerning the function of the Kirk, they shall use the name of Bishop and not Archbishop. Toward the names of Chapter, Dean and Archdean and Chancellarie, we think it good, that because thir names found to bring in superstition with them, and so offensive to the ears of a great number of the Kirk; therefore desire they may be changed in other names tending to the same purpose; such as the Chapter be called the Bishops assembly; the Dean, Moderator of the said Assembly. As to the function of the Deans, Archdeacons and Chancellers, we think good, that some be appointed be this present Assembly, to try and give in their Judgment concerning the said functions, how far they shall extend in particular; and also toward the function of the Abbots and Priors, and toward the interchanging of all their names in other names more agreeable to Gods word, and the policies of the best reformed Kirks; and they to report the same to the nixt Assembly, or else to the next Parliament, if any happen to be betwixt this and the nixt Assembly. And we think good,

that Commissioners be appointed be this present Assembly to await upon the Parliament, if it shall happen to be, or otherwise pass to the Regents Grace and Secret Counsell for such things as shall be given to those in commission: farther vifeing of the saids conclusions the said brethren continued till farther opportunity, alwise adhering to the former protestation.

Mr Knox sent the letter following to the Assembly.

Fight and faint not, for the battle is short, and the victory  
with Jesus Christ is rich and without end.

Albeit I have tain my leave not only of you, dear brethren, but also of the whole world and all worldly affairs; yet remaining in the flesh I could not nor cannot cease to admonish you of things, which I know to be most prejudicial to the Kirk of Christ Jesus within this realme. Above all things preserve the Kirk from the bondage of the Universities. Persuade them to rule themselves peaceably, and order the schools in Christ; but subject never the pulpit to their Judgment, neither yet exempt them from your Jurisdiction. Take heed that nothing proceed, under your name, be particular factions. Farther I have communicated my mind with thir two dear brethren. Hear them, and doe as ye will answer before God, who presently worketh potently, how blind that ever the world remaineth. Fight ye in the truth and for the liberty of the same, and be assured to triumph with Jesus Christ: To whose mighty protection I unfainedly commit you. Off Sanct Andrews, the 5 day of August, 1572.

With this letter, which was sent be Mr John Winram, Superintendent of Fife, and Mr Robert Pont, were sent thir articles following.

1. First, Desiring a new act to be made, ratifying all things concerning the King and his obedience that were enacted of before, without any change; and that the ministers who have contraveened the former acts, be corrected as accordeth.

2. That sute be made to the Regents Grace and Nobility maintaining the Kings cause, That whatsoever proceedeth in this treaty of peace, they be mindfull the Kirk be not prejudged thereby in any fort; and they specially of the ministry, that have been robbed of their possessions within the

Kirk during the time of the troubles, or otherwise dung and injured, may be restored.

3. To sute at the Regent, That no gift of any Bishoprick or other benefice be given to any person contrar to the tenor of the Aëts made in the time of the first Regent of good memory; and they that are given contrar the said Aëts, or to any unqualified person, may be revoked and declared null be ane Aët of Secret Counsell; and that all Bishopricks vacand may be presented, and qualified persons nominat thereunto, within a year after the vaiking thereof, according to the order taken in Leith be the Commissioners of the Nobility and of the Kirk in the moneth of January last; and, in speciall, to complean upon the giving of the Bishoprick of Rosse to Lord Methven.

4. That no pensions of benefices great or small be given be simple donation of my Lord Regent, without consent of the possessor of the said benefices having title thereto, and the admision of the Superintendent or Commissioner of the province where this benefice lyeth, or of the Bishops lawfully elected according to the said order taken at Leith; and desire ane aët of Counsell to be made thereupon unto the nixt Parliament, wherein the same be specially inacted, with inhibition to the Lords of Session to give any letters or decreets upon such simple gifts of benefices or pensions, not being given in manner above rehearsed; and that the Kirk presently assembled declare all such gifts null, so far as lyeth in their power.

5. That the first form of presentation to benefices, which were in the first and second Regents time, be not changed as now it is commonly; but that this clause be contained in the presentations, That if the persons presented make not residence, or be slanderous, or found unworthy either in life or doctrine be the Judgment of the Kirk, (to the which alwise he shall be subjeët,) or meet to be transported to another room at the sight of the Kirk, that the said presentation and all that shall fall thereupon, shall be null and of no force nor effect; and this to have place also in the nomination of the Bishops.

6. That ane Aët be made in this Assembly, That all things done in prejudice of the Kirks assumptions of the Thrids, either be Papifts or others, in giving of fewes, liferents or tacks, or any otherwise disponing the said assumed Thrids, be declared null, with a solemn protestation, The whole Kirk disassenteth thereto.

7. That ane Aët be made, decerning and ordaining all Bishops admitted



be the order of the Kirk now received, to give account of their whole rents and intromission therewith once in the year, as the Kirk shall appoint for such causes as the Kirk may easily consider the same to be most expedient and necessar.

8. Anent the Jurisdiction of the Kirk, That the same be determined in this Assembly, because this article hath been long postponed.

9. To make sute to the Regent and Counsell for remedy against Messengers and excommunicate persons.

10. Last, That order be taken anent the procurers of the Kirk, who procure against Ministers and Ministry, and for sisting of Justice of the Kirks actions in the session.

Thir questions were also presented at this Assembly.

If a Bishop, being elected to a great Diocie, may be admitted beside that to the office of Rectory of ane Univerfity or Provest of a Colledge, or any other like charge, or to bruike any inferior benefice.

If controversy rise upon Doctrine, before whom shall it be treated, where the Bishops are placed according to the order of the Kirk: Whether shall the Superintendents Jurisdiction expire or not.

If any Abbot may sett his whole Abbacie in prejudice of his fuceffors and of the Ministry, for the half of the thing it payed before, or otherwise far within the availl.

Thir articles were read in the Assembly with the former letter. The Assembly wrote again ane answer to Mr Knox thus.

We have received your writting, (dear brother in the Lord Jesus,) together with certain articles and questions, the which we have read and diligently considered, and find the same both reasonable and Godly; and therefore we have taine like order as we could for the furtherance thereof, as thir our brethren bearers of this present will declare unto you, beseeeking you to comfort yourself in the mercies of God through Jesus Christ. We think it not meet to trouble you presently with long letter, feing our minds are all bent (as we believe) to sett forward the self same cause, which our God hath putt into our hands, to the advancement of his glory

and comfort of his Kirk through Jesus Christ; to whose protection we committ you. Of Perth the 10 of August 1572.

Your brethren and fellow members in Jesus Christ,

MR JOHN WINRAME.  
DAVID LINDSAY.  
ROBERT PONT.  
JOHN ROW.

BISHOP OF CATHNES.  
JOHN ARESKINE.  
JOHN SPOTSWOOD. C.]

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[Apud Edinburgh tertio die mensis Octobris, anno Domini  
I<sup>co</sup> v<sup>c</sup> lxxij.

Forfamekle as be supplicatioun it is humblie menit and exponit to my Lord Regentis Grace and Lordis of the Kingis Maiesties Privie Counfall, be the Baronnis, Gentilmen and vtheris professouris of Christis Evangell, presentlie convenit in Edinburgh, That in respect of the grit murtheris, and mair then beiffle crewelteis, vfit and put in executioun in diuerse partis of Europe agains the trew Christianis within the same, proceidit no doubt out of that vnhappy, devillishe and terrible Counfall of Trent, and intendit not only to be execute in foreyn cuntreis quhair ayther thair power or tressoun may avale, but alsua intendit to be prosequute and followit furth with the like or gretar creweltie (gif it war possible) aganis the trew Christianis heir in this realme of Scotland, and ower all quhair ellis quhair ever Christis Evangell is sincerlie professit, maist humblie requyring the apparent danger to be foirsene and providit for, willinglie offering thame selffis and all that thay haif to the furtherance of the same; quhair-throw the wickit interpryses and diuises of the malicious and bludy papistis

and childrene of this warld (quhilkis in thair kynde ar mair bufy and fubtill nor the childrene of God) may with Godis help be preventit and refistit: My Lord Regentis Grace and Lordis foirfaidis, confidering the equitie and neceffitie of the faid fupplicatioun, ordanis letters to be direct, chargeing all and findrie oure Souerane Lordis fubiectis, profeffouris of Chrifteis Evangell, of all the reformit kirkis within this realme, be oppin proclamatioun at the mercat croces of the heid burrowis of the fame, in the parochie kirkis and vtheris places neidfull, That thay, and every particular kirk be thame felff, fend and direct thair Commiffioneris fufficientlie authorizit ane or ma, according to the qualitie and quantitie of the perfonis and rowme, to the Burgh of Edinburgh, or quhair my Lord Regentis Grace falbe for the tyme, the twentie day of Oetober instant, to confult, aduife and deliberat vpoun fic materis and overtures as may be proponit to my Lord Regentis Grace, and oure Souerane Lordis Privie Counfall foirfaid, tending to the preventing, refifing and mutuall defence of the profeffouris of Chrifteis Evangell within this realme, fra the furious rage and lawlis creweltie of the bludy and treffonable papiftis, executouris of the decreis of the faid devillifhe and terrible Counfall of Trent; and in fic thingis further as may advance Godis glorie and trew religioun foirfaid, as everie reformit kirk will thairby declair thair ernift and chriſtiane affectioun to the fame, in fa prefent perrell and commoun danger: grantand alſua full libertie, licence, proteſtioun and affurance to all Commiffioneris of kirkis, quhair evir thay dwell in ony partis of this realme, howfoeuir, in tyme bygane, thay haue bene inobedient to his Hienes authoritie, That thay may faulſie and frelie hant and refort and cum to the day and place appointit, and thair remane during the tyme of the Conventioun to be kepit for this purpoſe; quhair alſua thay falbe admittit to haue frie ſpeche and vote, and to returne at thair pleſoure to thair dwelling places, without ſtop, trouble, arreift, ſearche or impediment to be maid to thame in bodyis or gudis, for the ſpace of fyvetene dayis eftir the faid twentie day of Oetober, including alſua the tyme of thair travell preceding the faid twentie day: Certifeing all fic as fall require particular licences and affurances for this effect, that, vpoun thair deſyre, the ſame falbe grantit to thame; commanding all our Souerane Lordis officiaris, liegis and ſubdittis, That nane of thame tak vpoun hand to violat this prefent licence, proteſtioun and affurance, under all hieft pane, charge and offence, that thay and every ane of thame may commit and inrin ganis his Maieſtie in that part. Reg. Sec. Conc.]

[The Heads and Articles which are to be proponed in the name of the Ministers, Barons, and Commissioners of Kirks, to the Regents Grace, Nobility and Counsell.

The Assemblie of the Kirk convenit at Edinburgh, the 20 of October 1572, according to the Proclamatioun, First, hes thocht expedient in fa far as this present Conventioun is institute to provyd remeid aganis the tressonable crweltie of the papistis, and to resist the samyne, to mitigat the wrath and indignatioun of God, quhairby thaj ar steirit vp aganis ws for our finnis, Thair falbe ane publiēt humiliatioun of all thame that feiris God and professis his trew religioun, with publiēt prayer and fasting throchout this hail realme, to begin the xxij day of Nouember nixt to cum, and to end the last day of the said moneth: And to the effect, that thaj quha ar notorious offendaris and publick slanderers of the Kirk may be brocht to amendment of lyff, or els be excludit furth of the Societie of the faithfull, It is thocht expedient, that betuixt this and the xxij day of Nouember, in all provincis and parochie kirks quhair the ordour of discipline is, the Superintendants, Commissionars of cuntries, Ministaris and Eldaris, fall call befoir thame at appointit dayes all notorious offendaris within thair jurisdictionis, sic as murthoreris and assistaris of murthoreris, adulteraris, furnicatouris, roberis of the patrimonie of the Kirk, or vther menis possessiouns, and siclyk vtheris criminal personis in all estaitts, beginand at the Ministerie and Nobilitie, and sa proceeding to all vtheris, that wickitnes and such hynous crymes that offendis the majestie of God, may be purgit furth of this cuntrie. And speciallie, that it may be knowin that Ministaris quha aucht be good exempel, alsueill be doctrine as lyff, to provok vtheris to godlie conversatioun, be not exemit, bot rather first tryit, it is thocht necessar, that all Superintendants and Commissionaris of cuntries tak diligent inquisition of the lyfe of all Ministaris, Exhortaris and Reidaris, and quhat faltis falbe fund, seveir correccionne to follow thairvpone, according to the natur of the cryme. And in caice Ministaris fould appear to conceall thair awin imperfectionis, that all men be requyrit to declair to the Superintendants and the Commissionaris the vyces that thaj knaw to be in thame: And in lykwayes, becaus in the reformatioun of the Nobilitie consistis the chieff exampill of the hail cuntrie, we crave nocht onlie a general reformatioun of such imperfectionis as ar in

thame, but als that fuch vycis as in particular falbe gevin in to thame be amendit ; sic as that thaj be reformat in the wrangous vſing of the patri-  
 monie of the Kirk, applying the fame to their particular vſe, to the great  
 hurt of the Miniſterie, the Scullis and Poore : And that the Commonis  
 may be eaſed be thame, baith in paying of their teinds and vtheris dew-  
 ties, in reſpect of thair great pouertie ; and that thaj may amend thair  
 great negligence in tymes paſt in puneifſing of vyces, throchout this hail  
 realme, ficlyk as inceſt, adulterie, bloodſhedding, and forcerie, &c. ; and  
 that thair may be notabill perſonis deput with commiſſions for that effect  
 to execute the fame ; and that fic as haue reſſaut commiſſion alreadie,  
 to be chargit to proceed thairin : And that the actis of Parliament and  
 Counſaillis maid aganis the brekaris of the Sabbath day may be likewiſe  
 execute. Onto the quhilk heids contenit in this article we deſyre my  
 Lord Regents Grace and Counſell to aggrie, and to authoriſe the fame.

Secundlie, As concernyng the papiftis that be in this cuntrie zit re-  
 manyug, That thaj without all exceptionis of perſonis, grit or ſmall,  
 falbe chargit alſueill be the Counfall as Miniſterie, to compeir at certane  
 dayes, as falbe appoyntit, before fuch as the Kirk and Counſell ſhall ap-  
 point to giue confeſſioun of thair faith, according to the actis of Parlia-  
 ment ; and fuch as haue nocht recantit, to mak thair publict recanta-  
 tionis ; and thaj that are excommunicat for that caus, to vnderly fic in-  
 junctiouns as falbe laid to thair charge ; and gif any of thame failzies  
 heirin, their haill guidis and geir to be confiſcat, and thame felffis banift  
 off the cuntrie ; and thaj that ar benefited perſonis, thair benefices to  
 vaik, and to be diſponit to qualifeit perſonis ; and if thaj (being de-  
 cernit to be banift) be fundin heirefter in the cuntrie, it falbe leſum to all  
 the ſubjectis in this realme to invaid thame and euerie ane of thame to the  
 deith, as enemies to God, the King, the Kirk, and the commoun weill of  
 the realme ; and that fic as be convict be the law alreadie, or may be con-  
 vict, be execute with all rigour ; and all vtheris that be excommunicat for  
 ony vther cryme or offence, falbe callit lykwayes to particular dyatis, to  
 fatiffie the Kirk, or els to incur the lyk panis and puniſment as is befor  
 ſpecifeit ; and that thaj that reſetts and mantenis thame, if after due ad-  
 monition they deſiſt not from their company, falbe haldin partakaris with  
 thame, and be comptit in the rank of papiftis, to be puniſt in ſemblable  
 maner.

And forder, we deſyre that the Act of Parliament be put to execu-

tioun, That nane be admittit to publict offices of Counfall, Sessioun, or vtherwayis, that ar knawin to be papistis, or mantenearis or fauoraris of papistis: Also, becaus thair is Mefs said in certane places of this cuntrie, as in auld Abirdene, Dunkeld, Paslay, Eglingtoun, That thair be a speciall day assignit to assemble all the professouris of the religione in places nixt adjacent to the boundis quhair the said Mellis ar vsit, for apprehending of the Mefs sayaris; and also the heiraris to vnderly the law: Lykwayes, incaifs this present diuifioune tak sum aggrement and concord, That nane be comprehendit thairin bot sic as falbe obleist for the maintenance of the religioun aganis the enemies thairof: Attour, That all such personis, as haue (sen the Reformatioun began) socht from the Paip billis or benefices, falbe haldin as papistis, and pvnist thairfoir, conforme to the act of Parliament; and that all professouris of the religioun having benefices, and able to preitch, may be chargit to do thair office, seing that it is not rellonable that thaj tak vp the leiving, and remayne ydill.

Thirdly, For resisting of the papistis of forane cuntries, alsweill within as without, that my Lord Regents Grace and Nobilitie fall caus such ordour, That ane League and Confederacie be maid with our nychtbouris of England, and vther cuntries reformit and professing the trew religioun, that we and thaj be joynit togidder in mutuall amitie and societie, to support euerie ane vther, quhensoeuer tyme or occasioun fall serue for maintenance of religioun, and resisting of the enemies thairof: Lykas, That ane solempnit band and aith may be maid be all thame that be professouris of the Evangell within this realme, to joine thamefelffis togidder, and be reddie at all occasiouns for resisting the enemies foirfaids: And gif any beis fund negligent thairin, he falbe haldin for ane false broder, and excommunicatioun to proceid aganis him. Pollock M.S. & C.]

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A. D. M.D.LXXII.

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THE Generall Affemblic haldin in the Counfell hous of Edinburgh, the 6 day of Marche 1572: In the quhilk were presnt Barrons, Superintendents, James, Bifchop of St Androes, Commiffioners to plant Kirks, Minifters, Commiffioners of Provinces, Townes, Kirks, Univerfities. David Fergufone, Moderatour.

Seffio 1<sup>a</sup>.

[In the trial of Superintendents and Commiffioners to plant Kirks, John Brand Minifter of Halyrudhouse compleaned, That the Bifhop of Sanct Andrews admitted a Popifh Prieft called Sir John Forret, to minifter the Sacrament of Baptifme in the Merce in Swinton, to whom the Superintendent of Lothian had of before given certain injunctiions which the faid Prieft had not yet fulfilled. It was generally compleaned, That he had not vifite the Kirks within the bounds of Fife this half year bygane; and alfo for not preaching fince he was a Bifhop. To the firft he answered, That the foresaid Prieft recanted all Papiftrie in the Kirk of Sanct Andrews; and thereafter he admitted him to adminifter the Sacrament of Baptifme. The Affembly ordained the faid Popifh Prieft to repair to the Superintendent of Lothian to receive his injunctiions; and in the mean time to be difcharged of all office and functiion in the Kirk. To the fecond he answered, That he preached in every Kirk which he vifite be himfelf at all times, but excufes his not vifitation fince the laft Affembly be reafon of his ficknefs.

The Superintendent of Angus and Mernes was accused, for not making exhortation at the beginning of this Assembly according to the order. He excused himself be reason of the Sermon made in the Kirk, ended immediately before, and the advice of some brethren, who thought it not needfull, yet submitted himself to the correction of the Assembly.

Mr George Hay, Commissioner of Aberdeen, was compleaned upon, That he had one benefice in the North, another in the South, and was also Commissioner to plant kirks, of the which charges he could not sufficiently discharge himself. He answered, That he served the cure in the North be himself, and hath provided one who sufficiently will discharge the cure in the benefice in the South; as to the Commissionarie, He is content to demitt the same presently, if the Assembly think it good.

Mr David Lindsay, Commissioner of Kyle, Cariēt and Cuninghame, was compleaned upon, That he left his congregation destitute, the time that he visited the west countrey. He answered, That the Kirk was sufficiently provided the time of his visitation: To the Commissionarie, He is content to be discharged thereof as the Assembly thinketh meet.

Mr John Row, Commissioner of Galloway, was compleaned upon, That he had plurality of benefices, but they knew not how the Kirks were provided of preaching. He answered, That he had two Viccarages, but reapeth no profite of them; and withall desired to be disburthened of the Commissionarie of Galloway. C.]

Item, Master Johne Row complainit upon for solemnizing the band of matrimonie betuixt the Master of Craufurd and the Lord Drummonds Daughter without proclamatioun of bands, and, in lyke manner, out of dew tyme, viz. on a Thursday at afternoon prayers, anfuert, That he did nothing bot the command of the Sessioun of his Kirk and my Lord Ruthven, ane speciall ane of the elders of the said Kirk.

The Kirk presently assembliit ordaines the Act made against Ministers that marries vther parochiners without proclamation of bands, to have effect and strenght against Mr John Row, [for solemnizing of the foresaid marriage, and] to vnderly the samein dureing the Kirks will.

[The Assembly ordained all Superintendents and Commissioners to plant kirks, to give in their diligence of their visitations; and appointed Mr William Clerk, Minister of Anstruther, Mr Archibald Keith, Minister of Peterhead, George Scot, Minister of Kirkaldie, James Anderfone, Minister of Beduchie, John Dykes, Minister of Culros, Robert Fairlie of Braid,



Patrick Kynninmouth, to convene before the end of the Assembly; and what they find in the same diligences to report to the Assembly.

The whole brethren assembled in one voice gave their full commission and power to their brethren underwritten, viz. John Bishop of Sanct Andrews, John Areskine of Dun, Knight, Superintendent of Angus and Mernes, Mr John Winram, Superintendent of Stratherne, Mr Robert Pont, one of the Senators of our Sovereign Lords Session, Mr John Row, Mr David Lindfay, Robert Fairlie of Braid, Adam Fullerton, one of the Commissioners of Edinburgh, to concur with the Lord Regents Grace and Counsell, or with so many as his Grace shall appoint, to reason with them of such heads and articles as shall be proposed by my Lord Regents Grace and Counsell, or be the Assembly to his Grace, and to conclude thereupon, according to the instructions given to them by the Assembly, and to report their conclusions before the end of this Assembly. C.]

The Kirk assembled, for certain good considerations moving them, statutes and ordaines, That no collections for the pure be made in the tyme of the ministratioun of the tabill of the Lord Jesus, nor yet in the tyme of the sermons, hereafter within kirks, but only at the kirk doores.

#### Session 2<sup>a</sup>.

[The Assembly, for certain causes moving them, continued in the office of Commissionarie to plant kirks, till the next Generall Assembly, the persons underwritten, Mr George Hay for Aberdeen, Mr Donald Monro for Roffe, Mr David Lindfay for Kyle, Carict and Cunninghame, Mr John Row for Nithisdail and Galloway, Mr Andrew Hay for Cliddisdail, Ranfrew and Lennox.

The Assembly appointeth the Superintendent of Stratherne, Mr Robert Pont, one of the Senators of our Sovereign Lords Colledge of Justice, Mr John Row, Mr Andrew Hay, and John Johnstone, one of the Commissioners of Edinburgh, to convene the morne at two hours afternoon, to pen the heads and articles to be presented to my Lord Regents Grace and Secret Counsell, &c.; that thereafter they may be read, &c.

Sessio 3<sup>a</sup>.

Forfamikle as it is thought that diverse Ministers and other persons that have received benefices since the Reformation, make no residence at their kirks, nor yet discharge their office according to the tenor of their admiffions, for the reformation hereof, C.] The Kirk affemblit flatutes and ordaines all Ministers and vther beneficit persons that hes receivit benefices since the Reformation, to make residence at the kirks quher their benefices lyes, and vse their office according to the tenour of their admiffioun ; and if any beis found to doe in the contrair, that they be callit to particular dyatts befor the Superintendents or Commiffioners of the provinces quher fick benefices are, to quhom the Kirk gives power to depofe the faids persons in their vifitations, for none residence ; and quhatevir anie of the faids Superintendents or Commiffioners happins to doe in the premiffes, to report to the nixt Affemlie.

[The Regent sent to the Affemly the request following for Mr Knoxes Wife and Children.

Reverend fathers, trustie and well belovits, We greet you heartily well : Seing John Knox, Minister of the word of God, is now departed this life, after his long and faithfull travells in the Kirk, leaving behind him Margret Steuart his reliēt, and his three daughters begotten of her, unprovided for ; and feing his deferts merit to be favourably remembred in the help of his posterity, We will, effectuouly require, and pray you, to give and conferr to the said Margret reliēt and three daughters foresaids the pension which the said unquhill John had of the Kirk in his time, for the nixt year after his deceafe, viz. of the year of God 1573 years, to their education and support, extending to five hundreth merks money, two chalders of wheat, fix chalders bear, four chalders oats, to be lifted for that year out of the famine assignations and places that he had it of in his time ; wherein we doubt not but ye shall doe a work acceptable to God ; and We will also receive it in thankfull and good pleasure : Thus we committ you to God. At Edinburgh the 26 day of November 1572, Your affured friend,  
JAMES REGENT. C.]

The Assembly remembring the long and fructfull travells made in the Kirk of God be vmquhile John Knox, Minister of Edinburgh, lately departed in the mercy of God, leaving behind him Margret Stewart his reliēt and his three daughters gotten on her unprovided for, and seing his long travells and deserts merites to be favourable remembrit in his posteritie, being also required most earnestly thereto be my Lord Regents Grace, as his letters direct thereupon bear, have granted and consented to give, and be the tenor hereof grants, gives, consents and dispones to the said Margret reliēt, and her three daughters of the said vmquhile John, the pensiou which he himself had in his time of the Kirk, and that for the geir nixt approachand and following his deceis, viz. of the geir of God 1573 geiris, to their educatioun and support, extending to five hundreth marks money, tua chalder wheat, sax chalder beir, four chalder aittis, to be uplifted for that year allanerly out of the famine assignations and places that he had it in his time; and therefore requires, and in the name of God desires, the Lords of Counfell and Session to grant and give letters, at the instance of the said reliēt and bairns of the said unquhill John Knox, to cause them be answered, obeyed and payed of the said pensiou of the year forsaid, in the same form, and better if need be, as was granted to himself in his time. C. & B.]

[Richard Bannatyne Servitor to unquhill Mr Knox presented the supplication following.

Unto your Wifdoms humbly means and shews I your Servitor Richard Bannatyne servant to your unquhill most dearest brother [John Knox] of worthy memory, That where it is not unknowen to your Wifdoms that he left to the Kirk and town of Edinburgh his history, containing in effect the beginning and progress of Christs true religion, now of Gods great mercy established in this realme, wherein he hath continued and perfectly ended at the year of God 1564; so that of things done fenfyne nothing be him is putt in that form and order, as he hath done the former; yet not theless there are certain scrolls, papers and minutes of things, left to me be him to use at my pleasure, whereof a part were written and subscribed with his own hand, and another be mine at his command, which, if they were collected and gathered together, would make sufficient declaration of the principall things that have occurred, since the ending of his former history

at the year forsaide, and so should serve for stuff and matter to any of understanding and ability in that kind of exercise, that would apply themselves to make a history even to the day of his death: But forsamikle as the saide scrolls are so untacked and mixed together, that if they should come in any hands not used nor accustomed with the same, as I have been, should altogether lose and perish; and being also I am not able, upon my own costs and expences, to apply myself and spend my time to putt them in order, which would consume a very long time; much less am I able to write them, and put them in Register as they require to be, without your Wifdoms make some provision for the same; wherefore I most humbly request your Wifdoms that I may have some reasonable pension appointed to me be your Wifdoms discretion, that thereby I may be more able to awaitt and attend upon the same, least that these things done be that Servant of God, who was dear unto you all, should perish and decay, which they shall doe indeed, if they be not putt in Register, which I will doe willingly, if your Wifdoms would provide as saide is. And your Wifdoms answer, &c. C.]

The Kirk [accepted the saide Richards offer, and] requeisit the Kirk of Edinburgh to provide and appoint some learnit men to support Richard Bannatyne to put Johne Knox History, that now is in scrolls and papers, in good forme [with aid of the saide Richard]; and, because he is not abill to awaite therupon upon his awin expenlis, appoints to him the sowne of xl lb. to be payit off the lxxij zeirs crop, [be the collectors underwritten, viz. the Collector of Lothian, Fife, Angus, and the West, Galloway and Murrey, and every one of them to pay six pound thritteen shilling four pennies off the saide crop; and it shall be allowed to them at compt, bringing the saide Richards acquittance thereupon.

#### Sessio 4<sup>a</sup>.

For the more heastie dispatching of complaints, requests and questions, were appointed the brethren underwritten, viz. William Christefone, Minister of Dundie, Mr James Balfour, Minister of Guthrie, Mr Robert Hammilton of Sanct Andrews, Mr John Young of Irving, Mr William Clerk of Anstruther, Mr James Greg of Commonell and David Ramsay of Cleish, Ministers respectivé, to convene instantly in any place where

they please, and read the saids complaints, requests and questions, and give answer to the same; and what they find difficult, to send it again to the whole Assembly.

Session 5<sup>a</sup>.

The Assembly ordaineth every Superintendent and Commissioner to plant kirks, That they appoint Ministers, exhorters and readers to moe kirks then one according to the necessity of congregations and rarity of Ministers, as the Superintendents and Commissioners forsaids shall think meet and convenient, as they will answer to the complaints of the congregations, which hereafter shall have just cause to lament to the Generall Assembly.

Session 6<sup>a</sup>.

The Session of the Kirk of Edinburgh requested the Assembly to appoint one of the Ministers underwritten to be joined with Mr James Lowson already placed, to wit, David Fergusone, John Braid, George Scot, now Ministers of Dumfermline, Halyrudhouse and Kirkaldie. The Assembly giveth commission to their loving brethren, John Bishop of Sanct Andrews, John Areskine of Dun, Knight, Superintendent of Angus and Mernes, Mr John Spotswood, Superintendent of Lothian, Mr John Winrame, Superintendent of Stratherne, with advice of the Session of the Kirk of Edinburgh, to choose one of the forenamed, or otherwise satisfy the desire of the said Kirk of Edinburgh: and likewise another for the Kirk of Jedburgh; and whomsoever they shall happen to choose, the Assembly shall cause him enter, and this to be done before they depart out of this town.

The Assembly, for certain causes moving them, discharge Alexander called Bishop of Galloway to use any function within the Kirk of God, till they be farther advised; and ordaineth Mr John Row, Commissioner of Galloway, to summon the said Alexander, To compare before the next Generall Assembly to answer to such things as shall be laid to his charge, under the pain of Excommunication, &c.

The Assembly ordaineth the Superintendent of Strathern to pass to

Sanct Johnstoun and take order with Mr John Row and the Session of that Kirk, for the Solemnizing of the marriage betwixt the Master of Crauford and the Lord Drummonds daughter; and to report the order he shall happen to take therein to the next General Assembly. C.]

Ordains all and fundrie Superintendents and Commissioners to plant kirks, To proceed summarlie to excommunication against all Papists within their provinces, and that within eight dayes after they be admonishit to joyne themselves to the religion presentlie establishit within this realme, be hearing of the word of God, participating of the sacraments, subscribe and give their aith according to the Act of Parliament, and Acts aggriet on betwixt my Lord Regents Grace and Secret Counsell and the Kirk, [and if any shall refuse to proceed, &c. P.]

[Forfamikle as my Lord Regent desires to see the Acts of the Generall Assembly heretofore holden, and to see how many of them be perpetuall, and how many temporall, the Assembly agreeth therewith, and for that purpose appointeth their brethren, Mr John Spotswood, Superintendent of Lothian, Mr Robert Pont, one of the Senators of our Sovereign Lords Colledge of Justice, Mr David Lindsay, Mr James Lowson, Mr Clement Little, Advocate, and John Brand, Ministers of Leith, Edinburgh and Halyrudhouse respectivé, to convene with my Lord Regents Grace and Secret Counsell, to oversee the Acts of the General Assembly according to my Lord Regents Graces desire.

The Assembly ordaineth my Lord Argiles process against Jean Stewart his spouse, to be considered and lighted be the Session of the Kirk of Halyrudhouse, with advice of the Superintendent of Lothian; and if it be sufficiently and lawfully proceeded, that the said Superintendent direct his letters to the Minister of Halyrudhouse, charging him to proceed to excommunication against her, and that the said excommunication be published in the kirks of Edinburgh and Leith be the Ministers of the saids kirks.

Anent the difficulty of the question of divorcement betwixt my Lord Argile and Jean Stewart his spouse, the Assembly appointed Mr Robert Pont, one of the Senators of our Sovereign Lords Colledge of Justice and Minister of Gods word, Mr David Lindsay of Leith, Mr James Lowson of Edinburgh, Mr Clement Little, Advocate, and Alexander Arbuthnet, Principall of the Colledge of Aberdeen, Mr John Row, Minister of Perth, Mr John Craig, Minister of Gods word, Mr Robert Hammilton, Minister of Sanct Andrews, that they or any five of them convene with such persons as my

Lord Argile shall appoint to reason the said question of divorcement, and that the said brethren convene the next day after the dissolving of this Assembly: and the question being reasoned and brought to ane head wherein doubt standeth, wherein the said brethren cannot then instantly give resolute answer, that the same head be penned in proper terms, which my said Lord shall send to such reformed Kirks as shall be named be the forsaids brethren, upon his Lordships own expenses; whose resolution being authentically obtained, the Assembly promiseth to give to his Lordship their declaration conforme thereto.

Sessio 7<sup>a</sup>.

Forfamickle as fundry Superintendents and Commissioners to plant kirks, come not to the Assembly the first day, wherethrough fundry matters are undone, which might be sped and dispatched; and also other some depart before the dissolving of the same, wherethrough fundry matters are unresolved for laike of sufficient number: For eschewing of the premisses and for establing of better order in time to come, C.] It is statute and ordainit be univerfall ordour of this Assembly, That all Bishops, Superintendents and Commissioners to plant kirks present themselves in every Generall Assembly that heirafter shall be holdin, the first day of the Assembly before noone; and that they remaine quhill the end of the same, under the paine of the tinfell of ane halfe of their stipend for ane year, and notwithstanding to serve in the mean tyme of the wanting of the said portion of the stipend.

[Anent the hearing of the collectors compts at the Chekker, at what time my Lord Regents Grace shall appoint the same to begin, The Assembly appointeth John Bishop of Sanct Andrews, John Areskine of Dun, Knight, Superintendent of Angus and Mernes, Mr John Spotswood, Superintendent of Lothian, Mr John Winrame of Stratherne, Mr John Row, Commissioner of Galloway, Mr Andrew Hay Commissioner of the West, Mr George Hay Commissioner of Aberdeen, Mr David Lindsay, Commissioner of Kyle, Carick and Cunninghame, Mr Donald Monro of Rossie, Mr Robert Pont of Murrey, Commissioners respectivé, to convene the said time to be appointed as said is, to hear the saids collectors compts, with the rest of the Lords of our Sovereign Lords Chekker, allow and approve, or dis-

allow according to their wisdom and conscience, and after the said compts shall be made, to subscribe the same according to the order taken, &c.

Touching the complaint given in be Mr Robert Scot against Mr John Winrame, Superintendent of Stratherne, for refusing to give him his letters testimonials of the Vicarage of Strathmiglo, and for not admitting him to be reader in the said kirk, conform to my Lord Regents Graces presentation, The Assembly findeth the said superintendent to have done wrong, in refusing the said letters testimonials conform to the presentation forsaid, and giveth full power and commission to the Ministers, elders and deacons of the congregation of Sanct Andrews, to take cognition, decide and conclude upon the whole rest of the said Roberts complaints yet undecided, vocatis ad hæc quorum interest, and is to be done betwixt this and the next Generall Assembly; and to report their proceedings to the same, as in the former Act. C.]

Anent my Lord Regents Graces desyre touching [the placing] of some of the learnt Ministers to be Senatours in the Colledge of Justice, The hails Kirk presentlie assemblit having at length reasonit, Whether a Minister were able to discharge himselfe of both the vocations, votit throughout, That nane was able or apt to beare the saids twa charges, and therfor inhibits that any Minister occupying the vocation of the Ministrie take upon him to be a Senatour; Mr Robert Pont only excepted, who is already placit with [advice and] consent of the Kirk.

[John Areskine of Dun, Knight, Superintendent of Angus and Mernes, in respect the whole Diocie of Sanct Andrews is decerned be the Assembly to pertain to the Bishop of the same, protested, That he be no more burthened with any visitation in these bounds pertaining to the said Bishoprick; and in like manner, pertaining to the bounds within the Bishoprick of Dunkeld, how soon any Bishop shall be provided thereto.

In like manner, Mr John Spotswood, Superintendent of Lothian, protested, ut supra.

The Assembly referred to the Commissioners appointed to reason with my Lord Regents Grace and Secret Counsell, to take order anent these protestations with his Grace and Counsell, and what they doe, to report to the next Assembly.

Ordaineth the Commissioners already appointed to conferr with my Lord Regents Grace and Secret Counsell, to continue in commission before given, and it to stand in the same force and effect as is contained therein; and



moreover to conferr with the Lords of Articles of Parliament, if any shall be holden in the meane time, till the nixt Generall Assembly ; and to report then the heads concluded on be them, to the effect that they may be infert in the Register among the rest of the Acts.

Item giveth commiffion to the forsaid Commiffioners to choofe a collector for the province of Aberdeen, with advice of the Ministers of the said province ; which advice and opinion the Assembly ordains the saids Ministers to fend to the forsaid Commiffioners betwixt and the 24 of Aprile nixt to come.

The brethren appointed to decide questions and complaints reported the famine answered. C.]

[Articles and conditions presented be the Superintendent of Lowthiane and Ministers within his Jurisdiction, penned and subscribed be them in their Synodall Convention holden at Edinburgh, the 6 day of October : The tenor whereof followeth.

In primis, The brethren of the forsaid Convention craved, That a copie of the Acts of the Generall Assemblie be given to every Exercife, to the end that every Minister may have knowledge what order to observe in their proceedings, for it is most certain, that through ignorance of the forsaids acts many faults are committed which otherwise would not be done.

Secondly, It is craved be the brethren, That sick matters as falls out betwixt the Synodall Conventiouns and Generall Assemblies falbe headed and notit at every Exercife, 20 dayes befor the Generall Assemblie, that the brethren may be ripely advised with the famine, where through many things may be ended, which through laike of advifement suffer delay from Assembly to Assembly ; at the which time it is craved, that the brethren have their places in voting, and that no brethren be defrauded thereof, That the weighty matters of the Kirk be not concluded be a few, as often times they are without knowledge or consent of the brethren. C.& B.]

Thirdly, That sick matters as are referrit to the Generall Assemblie be the Particular, be pennit be the Superintendents Clerk, and faithfully reported to the Generall Assembly be the said Superintendent.

Fourthly, That the Generall Assembly be frequent with the Nobilitie and Barronis, as well as Ministers, that the face of the Assembly may be had in reverence as in foir tymes.

[Fiftly, It is required, That the whole rents, as well victualls as of money within the Collectorie of Lothian, be made known to all the brethren in these bounds, what is received thereof, and how it is disposed; and for this purpose, that the brethren of all parts be chosen at the Synodall convention to hear the collectors compts, as well of the rests of the former collector, as also since his own entry: Also, That the injunctions given to the collector may be read every Synodall convention, and triane how they are obeyed, but specially concerning the assignation of victualls to Ministers on the Kirks process; and that the collector according to the liberty granted to every Synodall convention may be alone discharged.

Sixtly, That the collectors officers charge for repairing of Kirks.

Seventhly, That all ministers may have assignation of their stipends.

Eightly, That the extracts of the Superintendents office registred in the Book of Discipline, may be given to the Minister of every province, to the end that the Superintendents may be tryed thereby, and as that they are found dilligent, to be continued or changed.

Nintly, That the procurators of the Kirk may be examined, Why they are so slack and negligent in the Kirks matters. C.]

Tently, That sick Ministers as hes not quherwith to buy bookes, may have bookes lousit to them be the collectour, and to allow the pryces thereof in their stipends.

[The Articles were subscribed as followeth,

William Harlaw,	Andrew Simfone,	Matthew Liddell,
Mr Adam Letham,	Mr William Strang,	Thomas Lichton,
Patrick Gilespie,	William Knox,	Mr George Ramsay,
David Hume,	John Spotswood,	Michael Bonkle,
Mr Walter Ballingall,	David Lindfay,	Andrew Simfone,
William Lamb,	Adam Johnstone,	John Clapperton,
Mr Thomas Makgie,	Thomas Dail,	Mr James Carmichall,
Richard Fleming,	George Thomfone,	William Sanderfon.

The Kirk approves and ratifies all the forsaide articles as necessar and profitable. C.]

Questio. It is asked if it be not very good and necessar for the Kirk, That Bishops, Superintendents and Commissioners purchase generall letters without delay, commanding all men to frequent preaching and prayers, according to the ordour receivit in their congregations; and also to charge the Magistrate to put the acts concerning the observance thereof, as weill grantit be Parliament, as frielic with uniform consent the congregations hes condescendit vpon, and for execution of discipline and punishing of vices; and the same to be putt in full execution and practice. Answer. It is thought most reasonable and expedient; and burtheneth Bishops, Superintendents and Commissioners to purchase generall letters without delay to the same effect. C. & B.]

[Q. What order shall be taken with them, that being admonished and making publick repentance for adultery, falleth again in the same crime. A. Refer to the Act of Parliament. C.]

[Q. If any man leave his wyfe and passe out of the countrey, and taries away the space of seven yeirs, and marries another woman in a strange country; and else his first wyfe be married upon another man in his absence, Whither is the woman that marrieth before the returning of her husband guilty of adultery. A. Both are adulterers, unlesse the sentence of divorcement had bein pronouncit be the Judge. C. & B.]

[Q. Whither it be necessar, That the names of excommunicants be published in all the reformed Kirks of that province and diocie where the excommunicants dwell, that no man pretend ignorance, and so haunt their company through ignorance. A. Refers to the acts of the Kirk made already thereanent.

Q. Whither be the word of God in New and Old Testament it is lawfull, That the two charges of function, to wit, the speciall administration of the Word and Sacraments, and the ministration of the Criminall and the Civill Justice in Judgement, be confounded, so that one person may occupy both cures. C.] A. It is neither aggrievable to the word of God nor to the practice of the primitive Kirk, That the speciall administration of the Word and Sacraments, and the ministration of the Criminall and Civill Justice be so confoundit, that one person may occupie both the cures.

[Whither it be leasom be the word of God and good order received, That such as are promoted to the sacred vocation of the Ministry may leave the vocation, no fault or impediment lawfull being in them. A. Refers to the answer already given be the Generall Assembly, as the act thereanent proports.

Q. Whither if a Minister having hundreth merks or hundreth pounds of benefice, should have his stipend augmented or not. A. The Ordinar ought herein to take order according to his ability that requireth the benefice.

Q. What shall be done to the Minister that is provided to a benefice and will not perswew the famine, but loseth it for fault of persute. A. Caveat Emptor.

Q. Whither if ane Abbot, Prior, or other beneficed man may fet the assumed thrid of his benefice in few, or long tacks, or not. A. Refers to the acts of the Generall Assembly.

Q. In respect of the act of Parliament and ordinance craving every Ministers residence; the Minister and reader both making residence at one kirk, having but one gleeb, Whither shall the Minister or reader be eased with the gleeb. A. The Assembly thinks, that the Superintendent should take such order, as that the Ministers be eased in speciall. C.]

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A. D. M.D.LXXIII.

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THE Generall Affembly begun and haldin [in the Tolbooth] at Edinburgh the 6 day of Auguft 1573: In the quhilk were prefent the Erles, Lords, Barrons, Bifchops, Superintendents, Commiffioners to plant kirks, Commiffioners of Provinces, Townes and Kirks, with the Minifters. Mr Alexander Arbuthnot was chofen Moderatour.

[It was voted firft, That the place of this Affembly fhould be as fufficient as if it were holden in Dundie. C.]

Seffio 1<sup>a</sup>.

Beaufe it is underftand that certaine of the Nobilitie of this realme and Secret Counfell are to repare to this Affembly, therefor the hail brethren ordaines, That the hail Nobilitie and Counfell, with Commiffioners of Provinces, Townes and Kirks, having power to vote, fall fitt within the barre of the faid over Tolbuith; and all vthers without the fame.

[In the trial of Superintendents and Commiffioners, Mr John Douglafs Bifhop of Sanct Andrews was accused for giving collation of the benefice of Pitcols, which was before given to a Minifter, to Mr George Lawder who had three other benefices, preached not, and was fufpect of Papiftry; that John Wemes of Brunteland entertained a Dutch woman as his wife, his own wife undivorced, and no order taken with him; Mr Magnus

Haleio excommunicate long since for adultery and haunting the company of Steuart, is not taken order with. Item, That he vifeteth be others and not be himself, and through his default, the Exercife of Sanct Andrews is like to decay; that fuch as have offended in Lothian he receiveth in Sanct Andrews; and admitteth fome to function in the Kirk, unable and untried, chiefly fuch as come out of Lothian and Merce. To the first he answered, That he knew not that Mr George Lawder had moe benefices then one, and farther he injoined him to haunt the Univerfity of Sanct Andrews for a feafon, or the Exercife of Dumbar: As to the fecond, He remitted him to his book of vifitation: As to the thrid, Remitteth to the procefs againft Mr Magnus: As to the fourth, Because of the rarity of people now in time of harveft, it is fuperceded till his returning.

Mr James Paton, Bifhop of Dunkeld, was delated, That he had received the name of a Bifhop, but they had not heard that he had ufed the office of a Bifhop within his bounds: Answered, That he had lately received that Bifhoprick, and that there was a Superintendent continued in that bounds till this Affembly. He was accused likewise, That he had not proceeded againft Papifts, and chiefly againft the Earle of Atholl and diverfe others within his bounds: That he was fufpect of Simonie committed betwixt him and the Earle of Argill, anent the profite of the Bifhoprick; and fufpected of perjury in receiving of the faid Bifhoprick, because he giveth acquittances, and the Earle receiveth the Silver of the faid Bifhoprick. Item, For voting in Parliament anent the Act of Divorcement lately made in prejudice of the Affembly, who had fufpended their Judgement in this matter till farther advifement, according to the Act of the laft Affembly.

Seffio 2<sup>a</sup>.

Mr George Hay, Commiffioner of Aberdeen, was accused upon fundry heads, and he was ordained to make answer in writt this day afternoon.

Mr Robert Pont, Commiffioner of Murrey, was accused, That he made no refidence in that countrey, and that he vifite not the kirks of the fame the two years bygane, except Inverness, Elgine and Forrefts, nor had appointed manfes and glebs according to the Act of Parliament: Answered,

He had no leasure to doe the forsaids, becaufe it behoved him to return before the last of June. C.]

[The Assembly appointed John Durie, one of the Ministers of Edinburgh, David Hume, Minister of Aldhamstocks, Mr Roger Gordon of Qubhitterne, Mr Peter Primrose of Mauchlin, Mr David Cunninghame of Monklane, Mr John Keith of Duffus, Mr Archibald Keith, Mr James Melvill, Alexander Keith, Thomas Morifone, Alexander Young and Peter Watson, to visite the books of visitations of Bishops, Superintendents and Commissioners to plant kirks, and to report what they find before the next Assembly. C. & B.]

[The Assembly giveth full power and commission to their loving brethren, John Areskine of Dun, Knight, Superintendent of Angus and Mernes, Mr John Winrame, Superintendent of Stratherne, Mr Robert Pont, Commissioner of Murrey, and one of the Senators of the Colledge of Justice, Mr John Row, Commissioner of Galloway and Nithfdaill, Robert Fairlie of Braid, Thomas Scot of Abbotshall, James Johnston of Elphinston, Adam Fullerton, Mr David Cock, David Marr and Robert Red, Commissioners of Edinburgh, Sanct Andrews, Aberdeen and Dundie respectivé, to concurr with my Lord Regents Grace and Lords of Secret Counsell, confer and reason upon such heads and articles as shall be proponed be his Grace and Counsell forsaide, and to receive answer to the articles and heads which are to be proponed be the Kirk to his Grace, and to report their conference and reasoning to the Assembly, before the dissolving thereof, that conclusion may be had therein.

### Sessio 3<sup>a</sup>.

The Collectors of the thirds were called to shew their diligences anent the horners, and to give up their names to their Bishops, Superintendents, and Commissioners, what time they shall be required thereto be them.

Forfamikle as the Commissioners sent to my Lord Regents Grace, should reason and confer according to the injunctions to be given to them be the Assembly, and articles, the Assembly appointeth Mr Clement Little, Advocate, Mr David Lindsay, Mr George Hay and William Christefone, to frame the heads and articles, which are to be proponed for the Kirk to

his Grace and Counsell, and to fend the famine to the brethren Commiffioners that are prefently with his Grace and Secret Counfell. C.]

Touching them that receives excommunicants and ordour taking thereanent, The haill Kirk presentlie affemblit ordaines all Bifchops, Superintendents and Commiffioners to plant kirks, and Ministers of particular kirks, to proceed to excommunication aganis all receivers of excommunicat perfons, if after due admonition the receivers rebell and beis difobedient, according to the ordour conteinit in the Book of Excommunication ; and quhofoever knawand and get receives and intertaines excommunicat perfons, albeit he defist after admonitioun, yet fall he underly the difcipline of the Kirk, be making of publick repentance, except fick as are exceptit of the Law.

And to the effect that none pretend ignorance of the faids excommunicat perfons, the Kirk ordaines [and flatutes], All Bifchops, Superintendents and Commiffioners in their Synodall conventions, fall take up in roll the names of the excommunicats within thair Jurifdictiouns, and bring thair names to the Generall Affemblies, to be publifchit to vthers Bifchops, Superintendents and Commiffioners, that they be thair Ministers in their provinces may divulgat the famein in their haill countreyes quher the excommunicats hants.

[The Affembly appointeth their loving brethren, Mr Gilbert Gardin, Mr John Craig, Mr Robert Hammilton, David Fergufon, George Scot, Patrick Kinnymouth and James Meldrum, or any five of them, to conven in the Inner Tolbooth afternoon, to give anfwer to queftions and complaints, and what they find difficill, to fend it to the Affembly for receiving refolution and anfwer.

Seffio 4<sup>a</sup>.

The Ministers, elders and deacons of the kirk of Mauchline, complained upon Mr John Hammilton, fon to unquhill Sir William Hammilton of Sanquhar, David Blair of Munckton, William Dumbare of Tarbolton, John Dumbar of Barr, Mr Hugh Farquhar in Crapton, Patrick Hamilton of Lynnerhauch, and Patrick Reid, brother to William Reid in Garfoll, That upon the thrid of Auguft laft by paff, being the day of their Communion, and they fitting afternoon in their Seffion, they accompanied with



200 perfons or thereby, brought with them the corps of the said unquhill Sir William, brake the doors of the kirk being clofed, while they were occupied in the Seflion anent the affairs of the Kirk, brought in the said corps, overthrew and brake down their table boards, whereupon the blessed Sacrament was ministred the fame day, and in place thereof buried the said corps, notwithstanding the said Sir William was, at the time of his departure, a parochiner of another paroich ; fo that it behoved them to rife from the Seflion, to depart out of the church, and give place to their rage and fury. The said perfons being fummoned be Mr David Lindfay, Commiffioner of Kyle, Cariēt and Cunninghame, often called and not compearing, the Affembly ordained to caufe fummon them to the nixt Generall Affembly, to compear under the pain of excommunication, and that the Ministers of their paroiches or kirks where they dwell, fummon them from pulpit to compear as said is ; not the lefs the Affembly giveth power to the Commiffioner of that province, to receive any of said perfons that willingly in the mean time offereth themselves to publick repentance for the said fault, according to the said Commiffioners difcretion.

Alexander Bishop of Galloway was fummoned be Mr John Row, Commiffioner of Galloway, to compear before the Affembly. He compeared. Certain heads and accufations were given in againft him be the Superintendent of Lothian, the Kirks of Edinburgh, Halyrudhoufe and Sanct Cutlbert.

In the firft, We the said Superintendent, Ministers and parochiners of the said kirks doe complain, That the said Mr Alexander intruded himself in the office of the Miniftry within the said burgh of Edinburgh, where he allured, drew and perfuaded a great part of the faids parochiners in a company, thereby confounding all good order, wherethrough their own lawfull Ministers were rejested.

Secondly, The said Mr Alexander taught the people moft perverse and ungodly doctrine ; but fpecially in perfuading, entyling and exhorting to rebell againft our Sovereign Lord, and to join with manifest rebels and conjured enemies.

Thirdly, The said Mr Alexander, contrar to the Act of the Generall Affembly made for the prayer for our Sovereign Lord, &c., moft maliciously transgressed the said ordinance, not only refufing to doe the fame, but also avowing in his prayer another Authority, and accufing and condemning all true Ministers, that did not the like that he did.

Fourthly, The said Mr Alexander being inhibited in speciall be ane Act of the Generall Asssembly, to have any intromission with the parochiners of Halyrudhouse, He hath notwithstanding compelled them to adjoin with his pretended Kirk, in receiving the Sacrament then abused be him within Edinburgh; causing his pretended Bailiffs, be the assistance of the men of war remaining within the said town for the time, to oppress and compell the said poor people to give him obedience.

Fifthly, The said Mr Alexander being sworn be his solemne oath, for due obedience to our Sovereign Lord and his Grace Regent and authority, come in the contrar thereof, and violate and brake his said former oath; but specially, sitting in a pretended Parliament for dispossessing of our said Sovereign Lord of his royal crown and authority.

Sixthly, The said Mr Alexander being one of the pretended Privie Counsell, after the horrible slaughter of Matthew Earl of Lennox, Regent to our Sovereign Lord, of good memory, gave thanks for the same and others sicklike openly in the pulpit to God, and exhorted the people to doe the same, saying, That it was Gods most just judgement that fell upon him; and as God then begann to execute his most just judgement upon him, he would not fail to execute the same upon the rest; comparing oftentimes our said Sovereign Lord, his Regent and true lieges, to Pharoah and wicked Absalom, and himself to Moses and David, whom God would defend.

Last, Be reason that the hainous faults of the said Mr Alexander have been so notoriously knowen to all men, not only such as have been committed before the Reformation, but also such as have been committed diverse times since, to the great and heavie slander of Gods true word, and professors thereof; wherethrough many of the said professors, and others our Sovereign Lords true and obedient subjects, sometime be him perverted, yet still remain in their wicked conceived error, and can scarce be persuaded in the contrar, except the said Mr Alexander be caused confess his errors publickly in all places where he hath offended, but specially in all the forsaid kirks.

Sessio 5<sup>a</sup>.

Mr Alexander Gordon, Bishop of Galloway, sent one of his servants

with ane answer to the accusations forsaide : But because he compeared not personally, the Assembly ordained Robert Drummond to summons him to compear personally before the Assembly the morne at ten hours, to answer farther to such things as should be laid to his charge.

Mr James Balfour, Minister of Guthrie, was ordained to pass to the Regents Grace, the Counsell and the Commissioners of the Assembly, who were with his Grace, and to shew the said Mr Alexanders answers to the said heads, and to desire his Graces advice therein, anent the alledge immunity, and incompetencie of the Judgement of the Kirk, and to report his Graces answer to the Assembly. Mr James returning reported, how after the Regent had heard the said accusations and answers thereto, declared, That his Grace was most willing to observe the heads of the Pacification, not prejudging the priviledge of the Kirk ; and willed that all notorious open slander should be satisfied according to the discipline of the Kirk : The tenor of his answers followeth.

Brethren, I am very loath, as God knoweth, to come in reasoning with your Wifdoms, concerning the complaint given in against me be the Superintendent of Lothian and Kirks of Edinburgh, Halyrudhouse and Sanct Cuthbert ; yet in respect of the highness and weightiness of the cause that dependeth thereupon, I am constrained, with your Wifdoms pardon, to answer thereto ; which is the priviledge and benefite of the Godly Act of Pacification, made be the procurement of the Queens Majesty of England, with consent of my Lord Regents Grace, the whole Nobility and Estates of this realme. Be virtue of the which Act, my Lord Duke his friends, my Lord Huntly, I and our friends, servants and dependents, are made from all transgressions, crimes, offences, done be us or any of us during the time of the troubles ; to the which Act the reformed Bishops, Abbots and Priors having vote in Parliament, consented in name of the Kirk : So my Lord Regents Grace for the Criminall and your Wifdoms for the Spirituall part, have no place to call us or any of us for any offence, during the said time, for the common cause, which was the maintaining of another Authority, or any thing that dependeth thereupon. And it is of verity, that the complaints given in upon me depend thereupon ; in speciall the greatest offence which may be laid to my charge, is only the preaching of the word, which I did at command of the other Authority, and be election and admiffion of such as professed the same : Therefore your Wifdoms can be no competent Judges to us, or any of us

contained in the forsaide Act of Pacification ; for as we were altogether disobedient, at that time, to the Kings authority and Kirk touching that point, allanerly in defending another Authority ; so are we by this Act of Pacification become obedient subjects to the King and Kirk in all things, except the offences forsaids, which are putt in oblivion by consent of the Three Estates, as if they had never been committed : Therefore we nor none of us ought, or should be troubled any wise for any offence done during that time, as said is. In respect of the premisses, I humbly beseeke your Wisdoms, to have regard to our estate, condition and service done by my Lord Duke his house, ours of Huntly and dependers, for maintaining of Gods word, and professors thereof, and how we have not spared in times bygone, our lives and heretages in defence of the same, and that I was the first that publickly preached Christ in face of the Authority ; that this our defection so honourably and lovingly remitted and put in oblivion, be no wise brought in disputation, again to prejudge the said Act of Pacification, ratified and approved in Parliament by consent of the Kirk, as said is. And if there be any other offence done by us then is contained in the said Act, that may anywise be slanderous to the Kirk, before the 15 day of June, anno 1567, untill the 24 of Februar 1572, we shall answer thereto, as becometh members of the reformed Kirk and true professors of the blessed Evangell ; neither can your Wisdoms have farther Jurisdiction over me, nor over the rest of the communicants contained in the said Act of Pacification, for the causes forsaids : Alwise offers me to your Wisdoms, all things bygone being putt in oblivion according to the said Act, to serve in my own Jurisdiction, or to desist, as your Wisdoms please appoint me.

Mr David Lindsay, Commissioner of Kyle, Carict and Cunninghame, complained upon George Boyd reader at Dalry, That where he was discharged from all ministration of the Lords Supper, he hath not the less ministered the same on his manner in the place of Kilbirnie the last Pasch. The Assembly ordaineth the said George to make publick repentance two severall Sundays, the one at Kilburnie, the other at Dalry, confessing his offence in presence of the parochiners, and farther at the discretion of the said Commissioner, &c. : And also statuts and ordains, That, if he hereafter transgress in semblable case, he shall be depofed from all function of the Ministry for ever : And sikklike, This act to strike upon all others readers, that shall be found guilty of the like crime.

Sessio 6<sup>a</sup>.

Mr Alexander Gordon being summoned and often called, compeared not. Robert Drummond is ordained to summon him to compear again three hours, with certification if he compeared not, That the Assembly will proceed to farther process against him. He was summoned but compeared not: Whereupon and for offences contained in the former accusations, led against him and not denied, it was concluded, That he should make publick repentance in sackcloth three severall Sundays, one in the Kirk of Edinburgh, another in Halyrudhouse, and the thrid in the Queens Colledge for Sanct Cuthberts Kirk; humbly confessing his offences and slander, asking the eternal God and his Kirk pardon for the same: And for this purpose, the Assembly ordained Mr James Melvill and Andrew Simson, Ministers of Menmure and Dumbar respectively, to pass to the said Mr Alexander Gordon, and admonish him in the Kirks name, to underly and perform the said injunctions, and to begin on Sunday next to come in the Kirk of Edinburgh, thereafter in the other two kirks successively, under the pain of excommunication. C.]

[The same day, Alexander Hay, Clerk to the Secret Counsell, presentit certaine heids proponed be my Lord Regents Grace to the Assembly, concerning the provision of Ministers stipends be particular assignation: C. & B.] [The tenor whereof followeth.

The Summ of the Report to be made to the General Assembly.  
At Halyrudhouse the 12 day of August 1573.

My Lord Regents Grace, even as he accepted on him the regiment, began to espie and consider the corruptions and abuses entered in the order of the Collee<sup>t</sup>orie, and to remember the sundry suites made be the Ministers of the Kirk in diverse Assemblies, to have certain assignations made to them of their livings and stipends, in places most ewest and commodious to their residence; and herewithall being carefull how the article accorded upon at Leith should take effect, viz. That the worthy and qualified Ministers and Preachers might be planted and distributed throughout the whole realme, and the readers specially appointed at every speciall kirk, where conveniently it might be: His Grace sensyne, at sundry diets, travelled

with the Kirk and their Commissioners for the perfection of this so Godly and necessary purpose; and be diligent labours, the names and numbers of the paroch kirks are collected, and the Ministers and Preachers present distribute among them, while it shall be Gods good pleasure to raise up more worthy and qualified persons, zealous and willing to enter in that function, who from time to time shall, God willing, be sufficiently placed and provided to competent livings. The stipends by common consent are modified, and certain assignments to be made for payment of the same out of the rents of the thirds of the benefices, common kirks or benefices, newly provided since the Kings coronation, beginning the order of payment of the fruits now growing on the ground.

The Minister shall likewise be first provided, and to that effect, where need be, the assumptions of the thirds of Prelacies, and others great benefices, altered, and the assignment of the Ministers and Readers stipends taken of the first and readiest duties of the kirk and parochine where they serve, out of the hands of the tacksmen, or such of the parochiners, as they themselves shall choose to be debtors unto them.

And in case any thing now assigned be before disposed or provided in pension, portion or otherwise, wherethrough the payment may appear uncertain and doubtful, they shall have another sure and special assignment out of some other part of the third of that benefice, or otherwise in some place where it may be most commodiously had to their contentment, and letters granted for execution hereof in due forme as effects.

Item, My Lord Regents Grace minds, with all convenient expedition, That qualified persons shall be promoted to the Bishopricks now vacant, the delay whereof hath not been in his Graces own default, but be reason some interests was given to these livings in favours of certain Noblemen, before his acceptance of the Regiment; yet his Grace is persuaded, that qualified persons shall specially be presented; and in case of failzie, will not fail, without the others consent, to present.

And in this meantime it was contented, That such Superintendents and Commissioners as the Kirk shall be content with, or shall appoint, continue in their charges as before, where Bishops are not placed, and have their stipends therefore, while the Bishops be admitted to their own places and offices, which shall not be retarded in his default.

And forsamikle as since the reformation of religion in this realme, sundry common kirks and common lands and sundry benefices are left be the

Prince in few and tacks, far within the just avall and rent which they were worth, and gave before the said reformation; or else in a pretended manner, as freely given be the Prince in pension or gift, upon the importunate sute of some persons, without consideration of any ground or right how the same might be done, no Law nor Act of Parliament yet passing, whereby the power of setting, sewing and disposition of the saids common kirks, common lands or thrids, were annexed to the crown, or declared to pertain to the Prince; It being good reason, that the Ministers of the kirks should be sustained upon the rents thereof, and that the saids common lands should be applyed to the help of the Schools, and otherwife, ad pios usus; therefore ordains Summons to be libelled, at the instance of the Kings Majestys Advocate, and of the procurators of the Kirk for their intres thereof, for reduction of the saids fews, tacks and dispositions, wherethrough the rents of the saids commons and thrids may be goodly and rightly applyed as effeirs.

It is resolved, That the executions of the sentence of excommunication against persons excommunicate, after the space of 40 days past, shall be presented to my Lord Theasaurer or his Clerk, who thereupon shall raise letters, be deliverance of the Lords of Session, to charge the persons excommunicate to satisfy the Kirk, and obtain themselves absolved under the pain of rebellion; and, in case they pass to the horn, to cause their escheits be tane up, and also to raise and cause execute letters of Caption against them, and that to be done at the Kings Majestys charges.

Touching the escheits of excommunicate persons, where the wifes and children are faithfull, The law already made is thought good and worthy to be execute; and all dispensations dangerous, and tending to the increase of contempt and disobedience.

Touching the pecuniall penalty to be raised on the resettlers of the excommunicate, Because as yet there is no exprefs law; therefore lett ane article be formed hereanent against the nixt Parliament, and in the meantime the Kirk to use the discipline thereof against such offenders.

And diligence possible shall be made for collecting and ingathering of the rests, to the help of the Ministers standing in doubt; and it is not thought that the uptaking of the escheits of the rebels shall prejudice them.

The order of upholding of Schools in burgh and to landward, would be declared in a more speciall article.

It is thought meet, The multitude of hereticall books brought in this

countrey shall be burnt; and that proclamation be sett out in strait manner, That none bring home hereticall books, nor pres to sell them while they be visied in time coming; and this Act to be extended in large form.

The law touching the manfes and gleebes is thought sufficient, if the execution of the same be duely fought.

Anent the sustaining and upholding of Cathedrall kirks which are paroch kirks, The same most be done as it had wont to be before, while a new or better order be taine thereanent be the Parliament.

For punishment of persons that pass in pilgrimage to wells, lett the discipline of the Kirk be used against the users of such superstition, and the civill Magistrat shall also hold hand to the punishment.

Let also ane article be formed and given in at the Parliament, for law to be made against such persons as make common buriall places of the paroch kirks, being commanded by the contrary.

Anent the heads and articles concerning the Jurisdiction of the Kirk, They are found very meet to be reasoned upon; whereunto my Lord Regents Grace will appoint some of the Counsell to conferr with others that the Kirk shall depute to this effect; so that it whereon they agree may be confirmed in Parliament, and have the force of a law thereafter.

Item, Seing the most part of the persons who were Channons, Monks and Friars within this realme, have made profession of the true religion; it is therefore thought meet, That it be enjoined to them to pass and serve as readers at the places where they shall be appointed.

To appoint a day for the election of the Bishop of Murrey.

To appoint a day for the election of the Bishop of Rosse.

That the day be kept for the election of the Bishop of Dunblane.

To appoint a day for the election of the Archbishop of Glasgou.

Commissioners in all provinces where bishops are not placed.

A Suffragan for the Bishop of Sanct Andrews in Lothian.

That every Commissioner tarry to see the principall assignation and order made for the payment thereof, for the weal of the Ministers within his charge.

Sellio 7<sup>a</sup>.

In respect that the Assembly cannot remain till finall ending of such



things as are treating betwixt my Lord Regents Grace and the Assembly, anent the distribution of Ministers, their placing, and assignation to be made for fure payment of their stipends, &c., The Assembly adjoins to their brethren already having commission to reason and conferr with my Lord Regents Grace and Secret Counfell, the brethren underwritten, to wit, John Bishop of Sanct Andrews, John Bishop of Dunkeld, Mr John Spotswood, Superintendent of Lothian, Mr David Lindsay, Mr George Hay, Mr Andrew Hay, Mr Donald Munro, of Kile, Cliddisdail, Aberdeen, and Rossé respectivé Commissioners, Mr James Lowson, David Ferguson, of Edenburgh and Dumfermling respectivé Ministers, John Brand, Minister of Halyrudhouse, Mr Alexander Arbuthnet, Principall of Aberdeen, and John Gray of Fordall, That the saids brethren, or any thirteen of them, concurr with my Lord Regents Grace and Secret Counfell, reason, conferr and conclude, anent all things to be proponed be his Grace and Secret Counfell forsaid, and touching the heads, articles, requests, supplications and complaints to be proponed in the Assemblies name be them, conforme to the instructions which are to be given to them; and to report all and whatsoever their proceedings to the nixt Assembly, to be registered among the Acts thereof: And to putt in forme the saids instructions to be delivered to the forsaids brethren Commissioners, the Assembly appointed Mr Robert Pont, Commissioner of Murrey, Mr John Row, Commissioner of Nithisdail and Galloway, Mr Gilbert Gardine, Minister of Fordyce, Mr David Cunninghame, Minister at Monkland, to convene afternoon this day, and putt the said instructions in forme, and deliver the same to the saids brethren Commissioners this night, that they may proceed conforme to the saids instructions.

Anent the supplication given in be Robert and John Seton, sons to the Lord Seton: The Assembly ordaineth the Superintendent of Lothian, with so many Ministers as he will assume to him, to take order with the saids persons; and if they will obey, submit and subscribe the articles of Faith, and swear obedience to the Kings Majesty, to receive them in the bosome of the Kirk according to the order. C.]

Tuiching the changing of the situation of the paroch kirks, their gleibs and manfles, for the commoditie of the parochiners: The Kirk gives licence to the Bishops, Superintendents and Commissioners to plant kirks, with the advyse and consent of the parochiners and Ministrie of the countrey, to change the paroch kirks, manfles and gleibs fra ane place to another

for commoditie of the said paroch; Provyding alwayes, that the change thereof be not hurtfull to the Ministrie, and that suretie sufficient be made of the lands in quantitie and goodnes as they were before, to remaine with the Kirk for ever, with mortification thereof be the Kings Majestie.

[Forfamikle as Alexander Bishop of Galloway, after his compearing before this Assembly at a time, was diverse times thereafter summoned personally and at his lodgings, to have compeared before the Assembly, to have answered farther to things that were to be laid to his charge, and to have received the injunctions of the Kirk for satisfaction of his offence and slander given be him, &c.: Being often times called and not compearing, The whole Kirk assembled decerned the said Mr Alexander to make publick repentance in sackcloth upon one Sunday in the kirk of Edinburgh, another Sunday in Halyrudhouse, and the third Sunday in the Queens Colledge for Sanct Cuthberts: Therefore the whole Kirk presently assembled, commandeth Mr Rodger Gordon, Minister of Quhitterne, to admonish the said Alexander Bishop of Galloway in the Cathedral Kirk of Quhitterne upon a Sunday in the time of publick preaching, to resort to the saids kirks of Edinburgh, Halyrudhouse and Queens Colledge respectivé, and there fulfill the forsaids injunctions, betwixt the day of the admonition and the 20 day of the moneth of September nixt to come, under the pain of excommunication; with certification to the said Mr Alexander, that if he doe not, the Kirk commands the Minister of Edinburgh or Halyrudhouse to proceed to excommunication against him, and to publish the same in the said other two kirks, and in other kirks as shall be thought expedient; and ordains the said Mr Rodger to send this present ordinance, duely execute under his subscription, before the said 20 day of September forsaide again to the Kirk of Edinburgh, as he will answer to the General Assemblie of his obedience, &c.

Mr Robert Pont, Commissioner of Murrey, Mr George Hay, Commissioner of Aberdeen, Mr John Row, Commissioner of Nithisdail and Galloway, Mr David Lindfay, Commissioner of Kyle, Carict and Cunninghamame, Mr Andrew Hay, Commissioner of Ranfrew, Cliddisdail and Lennox, Mr Donald Monro, Commissioner of Ross, were continued in their office till the nixt Assembly.

The Assembly giveth commission to their loving brother John Gray of Fordell, to plant Ministers, erect the face of congregations, visit Schools, &c., in ample forme within the Diocie of Cathness for the space of a year

nixt after the date hereof, and to report his diligence to the General Assembly.

In like manner giveth commission to their loving brother John Brand, Minister of Halyrudhouse, to visite Tiviotdail, Tweddail and Forrest till the nixt Generall Assembly, and to report his diligence done therein to the same Assembly. The said John protested, That he on no ways begin his journey to the said visitation, untill such time as a Minister were appointed to supply his place at Halyrudhouse in his absence. C.]

Seffio 8<sup>a</sup>.

Anent them that consults with witches : The Kirk presentlie assemblit ordaines all Bishops, Superintendents, and Commissioners to plant kirks, to call all sick persons as falbe suspect to consult with witches before them, at their awin particular visitations, or vtherwayes ; and if they be found to have consulted with the saids witches, That they cause them make publick repentance in sackcloath vpon ane Sunday in tyme of preaching, vnder the paine of excommunicatioun ; and if they be disobedient, to proceed to excommunication, dew admonitions preceeding.

Anent the uniformitie to be observit in proces of excommunication : It is statut and ordainit, That all Bishops, Superintendents and Commissioners to plant kirks, fall direct thair letters to Ministers quher the persons that are to be excommunicat dwells, commanding the saids Ministers to admonish accordingly ; and in case of disobedience to proceed to excommunication, and pronounce the sentence therof vpon a Sunday in tyme of preaching ; and thereafter the Ministers to indorse the saids letters, makand mention of the dayes of thair admonitions and excommunication for disobedience forsaid, and to report to the saids Bishops, Superintendents and Commissioners, according to their direction containit in the saids letters.

[The Assembly ordaineth the Bishop of Dunkeld to pass in visitation of his Diocie incontinent after the dissolving of this Assembly, and execute the Act of Parliament against Papists, of what degree soever they be, and all other criminall persons, according to the Acts of the General Assembly, and to report their diligence to the nixt Assembly.

The brethren appointed for answering to questions, reported the same and their answers as followeth.

Q. Ubique, Where the Nobility offends in such crimes as deserve execution of discipline in sackcloth, the Nobility will not receive it; men of poor estate for the most part contemn it: What remed shall be found. C.]  
A. Great men offending in sick crymes as deserves sackcloth, they should receive the samein als weill as the poore.

[Q. Whither if a Superintendent or Commissioner, with advice of any particular Kirk of their Jurisdiction, may dispense with the extremity of sackcloth prescribed by the Acts of the Generall Discipline, and that for a pecuniall pain ad pios usus. C.] A. Na Superintendent nor Commissioner, with advyse of any particular Kirk of thair Jurisdiction, may dispence with the extremitie of sackcloth prescryvit by the Acts of the Generall Discipline, for any pecuniall fowme or paine ad pios usus.

[Q. Why is order taken, That for no cause, how just so ever, no particular Kirk may excommunicate without the assent of the Bishop, Superintendent and Commissioner. A. The Assembly perceiving some to have been excommunicate without the due order of law, for redress of this misorder, hath thought it expedient, That the cause and order of the process be fought by the Bishop, Superintendent and Commissioner, before the sentence be pronounced.

Q. Whither if the Assembly may lawfully impone pecuniall pains to the committers of drunkenness, fornication, breach of the Sabbath, and such like, or not. A. The Assembly ordains, That, anent fornication and the breach of the Sabbath, the Acts of Parliament be putt in execution: as for drunkenness, They should give admonitions, which being disobeyed, they shall be repelled from the table of the Lord; yet Magistrates may inflict a pecuniall pain for the same, while order be tane in Parliament.

Q. May any Minister, with safe conscience, admitt to the table of the Lord and other benefits of the Kirk, those who in the late troubles opposed themselves against the lawfull Authority, and sustained the action of them who troubled the quiet state of the common weale, and of the

Kirk, who have not yet satisfi'd the Kirk, nor admitted themselves to the discipline thereof. A. They may not.

Q. What punishment shall the Minister incur, that wittingly and willingly admits such publick transgressors and slanderers of the word to the saids benefits, before any publick satisfaction be made. A. Refers the punishment of the Minister that offends in this case to his Ordinar, according to the quality of the fault committed, and the place where he serveth.

Q. A man willing to dimitt his benefice simpliciter, In whose hands shall he dimitt it. C.] A. Ane man willing to demitt his benefice simpliciter, fould demitt it in the hand of the just Patrone.

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A. D. M.D.LXXIII.

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THE Generall Assembly begun and haldin at Edinburgh [in the Nether Tolbooth] the 6 day of March 1573 : In the quhillk were present Earles, Lords, Barrones, Bifchops. [John Bifhop of Sanct Andrews, James Bifhop of Glasgou, James Bifhop of Dunkeld, George Bifhop of Murrey, Robert Bifhop of Cathnefs.] Superintendents, Commiffioners to plant Kirks, Commiffioners of Provinces, Townes, Kirks, Univerfities, and Minifters. Mr Andro Hay [Minifter of Ranfrew, and Commiffioner of Cliddifdail] was chofen Moderator.

Seffio 1<sup>a</sup>.

[In the trial of Bifhops, Superintendents and Commiffioners to plant kirks, John Archbifhop of Sanct Andrews was delated, For not vifiting his province of Fife ; for admitting a fimple reader, Robert Douglafs, to the Perfonage of Morvington, the profite whereof confifteth in thrids ; That he was not only Bifhop, but Reftor of the Univerfity, and Proveft of the New Colledge ; That he preached not in Sanct Andrews, where he made his refidence ; That he abfolved Mr Magnus Halcro, who was excommunicate in Orknay for adultery committed be him with Margrat Sinclair, fometimes wife to James Tulloch. To the firft he answered, That fince the laft Affembly he had been continually fick, and fo weak that he was not able to vifite his faid countrey, which excufe was thought reafonable. To the fecond he answered, That he underftood be relation,

that the saids teinds of Morvington were so small in value that scarce would they sustain a reader; notwithstanding the Assembly ordained the said Bishop to reform his collation of the said benefice, according to the laws already made anent personages. To the third, He alledged infirmity, and promised to preach in time coming according to his ability. To the fourth, alledged, That he absolved the said Mr Magnus be just process led before him in Sanct Andrews. The Assembly ordained the Bishop to produce the process before them that day eight days. Anent the retaining of the Rectory and Provestry, he answered, He was content to dimitt the one and the other, how soon my Lord Regents Grace and Commissioners shall come to Sanct Andrews for visiting of the Colledges.

James Bishop of Dunkeld was accused for admitting one called Sir Walter Robefone, to read in the kirk of Logyret, who, within 20 days thereafter, past with a dead corps to the kirk, having the Supercloath upon him in popish manner: Item, For admitting Michael Grey and John Drummond, two readers at the kirk of \_\_\_\_\_, who be their convention and troubles have raised a great slander against them and their offices: Thirdly, That he hath not execute the sentence of excommunication against the Earle of Atholl and his wife, conforme to the Act of Parliament. The Assembly ordained him to take order with the forsaids readers, that, all slander being removed, no cause of complaint be found hereafter. And sicklike with the said Walter Robefon, and try the forsaide alledgance touching the smelling of papistry. As for the oversight of the Earle of Athole and his wife, he confessed the same, and therefore was ordained to pass to the Cathedrall kirk of Dunkeld, and there upon a Lords day in time of preaching confess his fault publickly for not executing of the forsaide sentence; and farther, that thereafter within 40 days, the said Earle, his wife and so many of his family as shall be found disobedient, be excommunicate: The order of his excommunication, and indorsation thereof in authentick forme, to report to the Regents Grace, that order may be taken thereanent.

John Gray, Scribe to the Assembly, presented a book containing a visitation of the Diocie of Cathness, made be John Gray of Fordell, Commissioner of the said countrey; and also read a letter sent from him, wherein he desired to be discharged of that office, both for the weight of the burthen, his age, and meanness of the stipend. The Assembly could not give ane answer presently.

For vifiting of the books of diligences, of Bifhops, Superintendents and Commiffioners, were appointed the brethren underwritten, Mr James Greig, William Chriftefone, Mr David Wemes, Thomas Duncanfon, John Duncanfon, Mr Roger Gordon, David Fergufon, John Clapperton, Robert Monteith, James Anderfon, Mr Archibald Keith, to convene in this houfe upon Monday at feven hours before noon, for overfeing of the faids books, and fo continue from day to day, till the fame be perfectly overfighted, and what they find therein to report the fame to the Affembly.

Sellio 2<sup>a</sup>.

George Bifhop of Murrey was accused of fornication committed be him with one called Scot, reliēt of Diftington of Ardrofs: He answered, That, after admonition given him, he obtained from all cohabitation with the faid woman. He was removed, and the brethren chiefly in Fife were inquired, Whither he had given juft caufe of flander before admonitions given to him. And entering again he was ordained to purge himfelf before the Affembly of the forfaid crime. He desired time to advife with himfelf till the 10 day of this infant moneth, at what time he promifed to give answer. And becaufe the members of the Chaptour of Murrey had admitted the faid George to the Bifhoprick of Murrey in giving their letters testimonials thereupon, without juft trial and due examination of the faid George life, converfation, and qualification in literature, as appertained, wherethrough great flander is rifen; therefore the Affembly giveth commiffion to John Arefkine of Dun, Knight, Superintendent of Angus and Mernes, Mr George Hay, Commiffioner of Aberdeen, Mr Alexander Arbuthnet, Principall of the Colledge, Mr John Craig, Minifter of New Aberdeen, That they direct their citation to fummone the forfaid Chaptour of Murrey to compear before them, day and place as they fhall appoint, for the caufes above written; and what they happen to find in the faid matter, to report the fame to the nixt Generall Affembly.

To vifit the heads and queftions prefented to the Affembly be Alexander Hay, clerk of the Secret Counfell, fent be my Lord Regents Grace, and for giving answer thereto, were appointed the brethren underwritten, Mr James Boyd, Bifhop of Glafgow, John Arefkine of Dun, Knight, Super-



intendent of Angus and Mernes, Mr John Winrame, Superintendent of Stratherne, Mr John Row, Mr James Lowfon, Mr Alexander Arbuthnet, Mr Robert Matlane, Dean of Aberdeen, Mr Patrick Adamfone, the Laird of Lundie, the Laird of Quhittinghame, the Laird of Elphinston, the Laird of Barr, the Laird of Spott, the Laird of Kelwod, Alexander Udward, Commiffioner of Aberdeen.

The Affembly ordains Mr George Hay, Commiffioner of Aberdeen, to deliver ane juft copy of his compts of collectory of Aberdeen and Banff of 1572 years, to Mr John Craig, Mr Alexander Arbuthnet, to the effect that the Minifters of that countrey may underftand what allowances are taken of their flipends of the faid year, every one for his own part ; which ordinance the faid Mr George promifed to fulfill.

The Affembly appointeth Mr John Spotfwood, Superintendent of Lothian, Mr Clement Littell, Advocate, Mr Robert Pont, Mr James Lowfon, Mr David Lindfay, Mr Alexander Arbuthnet, Mr Patrick Adamfon, or any four of them, to revife and confider the reply made be John Duncanfone, Minifter of the Kings houfe, againft Mr James Tyries laft book ; and what the faid brethren find therein, to report again to the Affembly, to the effect it may be underftood, Whither the faid reply may be committed to print or not : And in like manner, that the faids brethren or any four of them, perufe and confider a book prefented to the Affembly be the Earl of Glencarne, fett out be a brother, and intituled, “ Of Gods Providence,” and to report their judgment thereanent to the effect forfaid.

Mr John Davidfone, a Regent of the Colledge of Sanct Leonards in Sanct Andrews, . . . . . declared to the Affembly, how he had been fummoned before the Counfell, and troubled a long time for a book, which was not unknowen to their Wifdoms, and what was his mind, and the whole procefs of it, and defired them to examine it ; and if they found it diffonant from the word of God, condemn it ; if confonant to the truth, approve it, and that with expedition, becaufe his ftaying was chargeable ; and Noblemens fons his fcholars were defrauded by his abfence. . . . . Some informed the Moderator, that Mr John Rutherford had made ane answer to it. The Affembly thought good, it fhould be prefented. He fhifted faying, He could not produce his ineptias, and that he had written but one copy which the Regent had. . . . .

It was voted, Whither he should be compelled under the pain of excommunication, to present his book, and was concluded as followeth.

Forfamekle as the Assembly understanding, that Mr John Rutherford, Provest of Sanct Salvators Colledge, hath published a book in writt against Mr John Davidfone his book ; therefore it was inquired, Whither the said Mr John ought and should produce the said book before the brethren of this Assembly. It was voted throughout, That he ought and should produce the same, to be sighted and considered be the brethren presently convened ; and therefore ordained Mr Robert Hammilton, Minister of Sanct Andrews, Mr James Melvill, Minister of Arbrothe, to require the said Mr John Rutherford, to exhibite the said book before the Assembly the morne at nine hours : And, in the like manner, That the said Mr John Davidfon present his book.

The Assembly ordaineth all Bishops, Superintendents and Commissioners to plant kirks, to give in writt the morne afternoon, the names of all such persons as they know to be able within their diocese, to serve in the Ministry, that they may be planted and livings obtained to them accordingly.

For answer to the last article sent to the Assembly be my Lord Regents Grace, anent the substantial cause, if any be, of mislyking the order agreed upon for payment of Ministers stipends, and assignation of the same, and what better order can be proponed and devised for the same : The Assembly appointed the brethren underwritten, to witt, James Bishop of Glasgow, John Areskine of Dun, Knight, Superintendent of Angus and Mernes, Mr John Winrame, Superintendent of Stratherne, Mr Gilbert Foulfie, one of the Commissioners of Orknay, Mr Robert Pont, Mr James Lowfon, Mr John Row, Mr David Lindfay, Mr Alexander Arbuthnet, Mr George Hay, Mr Patrick Adamfon, Mr Rodger Gordoun, Richard Melvill, Minister of Gods word, the Laird of Lundie, the Laird of Braid, the Laird of Barr, the Laird of Carnall, Andrew Ker of Fadounside, the Laird of Thorntone, David Lindfay, Lyon Herald, John Adamfone, one of the Commissioners of Edenburgh, the Commendator of Deir, Mr John Young, Minister at Irving, and William Hume of Hutton, to convene the morne at eight hours before noon in Mr James Lowfons chamber, and consider the forsaid article, and pen ane answer thereto, and report the same again to the Assembly.

Sessio 3<sup>a</sup>.

Anent the appellation interponed be George Cleppan of Corflogie, from the sentence of excommunication pronounced against him be the Bishop of Sanct Andrews, for causes contained in the said appellation : The Assembly ordaineth the said Bishop, with advice of so many of his Ministers as he shall think meet to assume to him, to receive the said George to the bosome of the Kirk, absolve him from the said sentence, if he will unfainedly require the same according to the order, and thereafter receive his purgation of the crime laid to his charge be his own oath ; admonishing him to adhere to his own wife in time coming, under the pain of incurring the said sentence of, &c. C.]

The Kirk ordaines all Commissioners of townes and provinces, That they searck and feik out the haille rentalls of the Hospitalls within their bounds respectiue, and give the same in to thair Bishops, Superintendents and Commissioners, shawand how the same are vsit or abusit, to the effect that my Lord Chancellour may releave the same, to report to my Lord Regents Grace ; and this to be done, betuixt and the tent day of Apryle nixt to come.

[Anent the Commission given in the last Assembly to the Laird of Dun and certain other brethren with him, to conferr and conclude with my Lord Regents Grace and Secret Counsell : The said Laird of Dun and brethren forsaid gave up their said commission, and protested, That nothing should be imputed to them, or laid to their charge, as done and concluded be them with my Lord Regents Grace, that might prejudice the brethren or the Assembly.

Mr John Davidfone, Regent in Sanct Leonards Colledge, conform to the command of the Assembly, willingly presented his book in writt, to be fighted and considered be the brethren appointed thereto, and alledged, that the same was printed without his advice and command ; alwise submitteth himself and his book to the judgment of this present Assembly.

The Assembly appointed Mr James Lowson, Mr David Lindfay, the Laird of Barganie, the Laird of Thornton, the Commissioners of Edinburgh and Sanct Johnston, to present a Supplication to my Lord Regents Grace this day at two afternoon, and to report his Graces answer to the Assembly : The tenor of the Supplication followeth. C.]

Unto the Lord Regents Grace [and Lords] of Privie Counsell, with  
vthers of the Estates conveynit with his Grace, the Kirk Generall  
now affemblit wisches everlasting health in Chryft.

It is not unknowin that holie mysterie of God that hes chosin to himselfe a Kirk, and that from the beginning, and fall continue for evir; and that is the congregatioun and companie of the faithful professours of Chryft: And in his Kirk God hes appointit his holie mysteries to be ministrat, and calls men to be ministers of the same, that be the samein ministrie the elect of God may be callit, regenerate and nourishit to the everlasting lyfe. For preservatioun of the holie Ministrie and Kirk in puritie, the Lord hes appointit Affemblies and Conventiouns, not only of the persons of the Ministrie, but also of the hail members of the Kirk professing Chryft: The quhilk Kirk of God hes continuallie vsit, and vses the same Affemblies, sanctified be the word of God, and authorized be the presence of Jesus Chryft. It is also knowin vnto your Grace, that sen the tyme God blessed this countrey with the light of the Evangell, the hail Kirk maist godlie appointit, and the same be Act of Parliament authorized, that twa godlie Affemblies of the hail General Kirk of this realme, fould be ever ilk zeir, asweill of all members therof in all Estates as of the Ministers: The whilk Affemblies hes bein sen the first ordinance, continually keipit in sick sort, that the most noble ther of the hiest Estate, hes joynit themselves, be their awin presence in the Affemblies, as members of ane body, concurreand, voteand and authorizand in all things their proceeding with their brether. And now, at this present, the Kirk is affemblit according to the Godlie Ordinance, and lookes to have concurrence of thair brethren in all Estates, and wisches of God, that your Grace and Lords of Privie Counsell will authorize the Kirk in this present Affemblie, be your presence, or be vthers haveand your commission in your Grace and Lordships names, as members of the Kirk of God; for as your Graces presence and the Nobilities fould be vnto us most comfortable, and so most earnestlie wisched of all, so your Graces absence is to us most dolorous and lamentabill; wherof followes the want of ane great part of the members, that weill cannot be absent from the treating of these things that appertaines to the Kirk and policie thereof, in Affemblie altogether, to be handlit be the advyse of all, and to the whilk end the Affemblies are ap-

pointit ; the authoritie quherof your Grace knowes to be sick as the contempt of it tends to the verie dishonour of God ; and therfor as ye esteime your selves to be members of Chryst and of his Kirk, shew the fruits therof ; of the quhilk it is not the least to joyne your selves to the Kirk, not only be hearing the word, and receiving the sacraments, bot also in conveying with your brether in the holie Assemblies : The quhilk to doe we give you admonition in the name of the Lord ; extending this our admonition to every person, of whatsoevir Estate, that are present with your Grace and Lordships ; and specially we admonish the Bischops and sick as are of the Ministrie, to joyne themselves with vs, according to their ministrie and duetic ; vtherwayes they will be thoght vnworthie of the office they beare. The tyme that the kirk will fitt will be short, and tyme wald not be neglectit ; and yet the kirk is not so rigorous, bot that men may, after thair presence givin in the Assemblée, have libertie, as tyme requyres, to waite vpon thair lafull buffines : And this admonition we give your Grace with all reverence and humilitie ; and that chieflie in respect your Grace, be your awin articles and questions sent to the Kirk, desyres first to be admonishit charitably, quhensoevir offences arises, befor the same be vtherwayes traduceit.

[Anent questions, complaints, bills and requests which could not be resolved and answered unto in the Synodall Conventions of provinces : The Assemblée appointed Mr Robert Hammilton, Minister of Sanct Andrews, Mr John Young, Mr James Balfour, Mr David Cunninghame, Mr David Wemes, Mr James Carmichael, Mr John Davidstone, Mr Andrew Simpson, to read and consider the saids questions, bills and complaints, and give answer thereunto, and report the same to the Assemblée again. C.]

[The Assemblée appoints James Bishop of Glasgow, the Superintendent of Angus and Mernes, Mr John Winrame, Superintendent of Stratherne, Mr Robert Pont, one of the Lords of the Session, and preacher of Gods word, Mr John Row, Minister of Perth, Mr Robert Matlane, Dean of Aberdeen, Mr Alexander Arbuthnet, Principall of Aberdeen, and John Duncanstone, Minister to the Kings house, That they convene the morne about 6 hours in the morning, in Mr James Lowfons house, to pen the heids and articles concerning the jurisdiction of the Kirk, and thereafter to present the same in to the Assemblée, to the effect that resolution may be had thereof at my Lord Regent Graces hand. C. & B.]

Anent the jurisdiction of Bishops in their ecclesiasticall function: The Kirk presentlie assembled hes concludit, That the same fall not exceed the jurisdiction of Superintendents, quhilk heirtofor they have had and presentlie hes; and that they falbe subiect to the discipline of the Generall Assemblie as members therof, as the Superintendents hes bein heirtofor in all forts.

That no Superintendents nor Commissioners for planting kirks, have nor fall give collatioun of benefices, nor admitt Ministers, without the assistance of thrie of their qualified Ministers of their province, quho also fall give their testimonialls to the saids Superintendents or Commissioners, subscryvit with their hands, in signe of their consent therto: And, in lyke manner, That no Bishop give collatioun of any benefice within the bounds of Superintendents within his dyocie, without their consent, and testimonialls subscryvit with their hands: And, that Bischopes within their awin dyocies, vilite be themselves, quher no Superintendents are; and give no collatioun ordinar vpon benefices, without consent of thrie weill qualified Ministers, as said is, of Superintendents and Commissioners to plant kirks.

Sessio 4<sup>a</sup>.

[The Assembly ordaineth the Bishop of Glasgou, to take order with John Hammilton, son to unquhill Sir William Hammilton, and to give him injunctions for satisfieng of the Kirk of Mauchlin. His complices, John Dunbar, Hugh Farquhar, Patrick Hammilton of Linnerhaugh, William Dumbar, parochiner of Tarbolton, David Blair, parochiner of Munckton, and Patrick Reid, being often called and not compearing, the Assembly ordained the said Bishop of Glasgou, To direct his precepts to the Ministers or Readers of the kirks where the forsaid persons dwell, to admonish them and every one of them respectivé in their own paroich kirk, to satisfy the kirk of Mauchlin for the offence done to the said kirk, under the pain of excommunication; and in case of disobedience of the saids persons, or any of them, that he give commandment to the saids Ministers or readers where the saids disobedients dwell, to pronounce the sentence of excommunication against them, according to the order appointed in the Book of Excommunication. C.]

Sessio 5<sup>a</sup>.

[The Assembly presently convened, in one voice and mind, giveth full power and commission to their loving brethren, John Areskine of Dun, Knight, Superintendent of Angus and Mernes, Mr John Winrame, Superintendent of Stratherne, Mr Robert Pont, one of the Senators of our Sovereign Lords Colledge of Justice, and Minister of Gods word, Mr John Row, Mr George Hay, Mr David Lindfay, Commissioners of Galloway, Kile, Cariot and Cunninghame respectivé, Mr James Lowfone, Minister of Edenburgh, John Duncanfoue, Minister of the Kings Majesties housé, to convene with my Lord Regents Grace and Lords of Secret Counfell, to conferre and reason vpon the heids concerning the jurisdictionn and policie of the Kirk, and sikk vther heids and articles as falbe proponit be his Grace and Counfell to them; and upon the heads, articles and requests, which are to be proponed to his Grace and Counfell, in name of the Assembly presently convened, and concerning all and fundry other things tending to the setting forward of the glory of the eternall God, maintaining the preaching of his word, the Kings Majestys authority, and common wealth of this realme: firm and stable, &c. C. & B.]

[Forfamikle as George Bishop of Murrey was ordained to have compeared before this Assembly the 10 day of this instant, to have given his purgation of the slander given be him of fornication, alledged committed with the Lady Ardrosse, and hath not yet compeared; therefore the Assembly ordains James Bishop of Dunkeld to warn the said George, to compear the 12 day of this instant moneth at 10 hours before noone, to make his purgation, according to the ordinance appointed to him the 8 day of this moneth.

The Assembly ordaineth the Bishop of Glasgou to take order with John Carmichael, Captain of Crauford, now submitting himself to the discipline of the Kirk for adultery committed be him, and to receive him to publick repentance, according to the Acts of the Generall Assembly heretofore made against the committers of such crimes.

Sessio 6<sup>a</sup>.

The brethren appointed to reason upon the Commissioners and their

commiffion, that are to pafs to the Regents Grace and Secret Counfell, do declare that their opinion was and is, That they fhould pafs the morne at time appointed to the Regents Grace and Counfell with their commiffion: and if they were refused to reafon as Commiffioners of the Affembly, then and in that cafe they fhould return again to the Affembly with their commiffion, and report their refufal, to the effect the Affembly may take order thereanent. This their opinion being read, was approved be the whole Affembly.

Anent the Affemblies answer, touching the head of allowing of the order of affignation of Minifters ftipends, &c.: The Affembly appointed Mr George Hay, Commiffioner of Aberdeen, and Mr Alexander Arbuthnet, Principall of the Colledge, to prefent the faid answer to my Lord Regents Grace, and to report his Graces answer again thereanent. C.]

Seffio 7<sup>a</sup>.

As concerning the appointing of fundrie kirks to one Minifter: To the end the matter may be plainer, and the mynd of the Kirk knawin to all men herein, the Kirk hes declarit, That howbeit fundrie kirks be appointit to ane man; yett fall the Minifter make his refidence at ane kirk, quhilk falbe properlie appointit to his charge, and he falbe callit principallie the Minifter of that kirk; and as concerning the reft of the kirks to the quhilks he is nominat, he fall have the oversight thereof, and help them, in fick fort as the Bifhop, Superintendent and Commiffioner fhall think expedient, and as occaffion fall ferve from his awin principall charge, the quhilk he in no wayes may negle&ct: And this ordour only to remaine quhill God of his mercie fall thruft out more labourers vnto his harveft.

[John Arefkine of Dun, Knight, Superintendent of Angus and Mernes, for certain caufes moving him, purely and fimpliciter demitted his office of Superintendency in the hands of the Affembly prefently conveened, defiring them to provide for another in that room, that the country be not deftitute of ane overfeer; not the lefs promifing to doe that thing which lyeth in his power for the comfort of the Kirk.

In like manner, Mr John Spottwood, Superintendent of Lothian, demitted his office in the hands of the Affembly, defired them to provide for another in his room, that the countries whereof he had the oversight, be



not destitute of a visiter ; desiring also the Assembly to be mindfull of his pains and travells tane be him these 14 years bygane, in overseeing and visieng of the kirks from Stirling to Berwick, and labour in such fort, that he may be payed of his appointed stipend, yearly not yet paid, either be payment of the same whole together, or, at the least, that such a portion yearly be paid to him, ay and while the said stipend be compleatly payed. The Assembly promised to travell with my Lord Regents Grace for performing of the said reasonable request, as occasion might serve.

Mr John Winrame, Superintendent of Stratherne, demitted purely and simpliciter his office in the hands of the Assembly.

Forfamikle as the Diocy of Glasgaw is of great and large bounds, so that impossible it is that the Bishop thereof may visite the same : In respect whereof, the Assembly thinks good, That there be two Commissioners appointed to support the visiting of the said diocy, to plant kirks therein. The naming of them, and their bounds where they shall travell, and their stipends for their travell was deferred ; but to be done before the dissolving of this Assembly.

Mr Robert Pont, Commissioner of Murrey, in respect that George Douglas, Bishop of Murrey, is admitted Bishop of Murrey, purely and simpliciter demitted his office of Commissionarie.

The Assembly ordaineth Alexander Sibbald, Commissioner for Sanct Andrews, to warn Mr John Rutherford to produce his book before the brethren, appointed to revise the same, upon Sunday at four hours afternoon, in the Minister of Edinburghs chamber. Incontinent Mr John personally compeared, and protested as follows : Forfamikle as I Mr John Rutherford is required be the Assembly to communicate a certain book, which I have written, albeit not of purpose to sett forth the same, without the advice of them to whom it appertaineth, to certain brethren, I protest it prejudice not the jurisdiction of the Rector, nor be prejudicial to me in any fort, seing it is but a free conference ; and the Rector be immediate Judge, is one of the persons with whom I am willing to communicate the same ; and alledges my book to be imperfect, therefore should not produce it, nor will not produce it, till I speak and advise with my immediate Judge Ordinar, the Rector of Sanct Andrews, &c. And thereafter he departed incontinent out of the Assembly. Notwithstanding the forsaid protestation, the Assembly ordained Mr Robert Hammilton, and Mr James Melvill, Ministers, To warn the said Mr John to produce

his book before the forfaid brethren, on Munday at 8 hours before noon, in the Ministers chamber, to be tryed and fighted there, under the pain of difobedience to the Affembly.

The Commiffioners appointed to try Mr John Davidfons book, were the Laird of Dun, the Bifhop of Sanct Andrews, againft whom Mr John excepted, but was not heard, Mr Robert Pont, the Dean of Aberdeen, Mr James Lowfon, Mr George Hay, Mr Alexander Arbuthnet.

A. D. M.D.LXXIV.

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THE Generall Affembly haldin and begun [in the upper Tolbooth] at Edinburgh the 7 day of August 1574: In the quhilk were presert Barronis, Bischops, Superintendents and Commiffioners to plant Kirks, Commiffioners of Provinces, Townes, Kirks, Univerfities, and Minifters. Johne Dunkanfone, Moderatour.

Sessio 1<sup>a</sup>.

The Affembly vnderftanding that be the deceis of Johne Gray thair late clerk, the faid office of clarkship is vakand, and none as yet is provydit therto; and therefor befor any proceiding, that it is neccellar the faid rowme be filled, hes appointed thir brethren vnderwriten, viz. my Lord Deane of Aberdeine, Andro Hay, James Lowfone, Alexander Arbuthnet, Principall of the Colledge of Aberdein, James Melvill, Clement Litle, and David Lindefay, Minister of Leith, (all Masters) to appoint the leits of them, of whose number the clerk is to be chofin. Quhilk brethren all in ane voyce nominat Mr James Ritchie, George Mackyfone, William Paterfone, Wryter, Patrick Fylder, fervant to Alexander Hay, clerk of the Secretit Counfell, to be the leits, of quhilk number the clerk of the faid Affembly is to be electit; and in the meane tyme, quhill the faid clerk be chofin and receivit, the faid Affembly hes ordainit Mr Andro Mylne to fupplie the place.

[In the trial of Bishops, Superintendents and Commiffioners: The

Bishop of Glasgow granted he had not exactly done his duty, alledging the cause thereof to have been his occupation in temporall affairs of the Bishoprick, and hearing Ministers preach at their own kirks; and promised amendment in time coming.

The Bishop of Dunkeld was complained upon, For not visiting of the kirks of Lothian which belonged to his diocy: Secondly, That he had taine no order with the reader of Abernethie, for his residence, nor for satisfaction of the slander given by him: Thirdly, For using Simonicall paction with unquhill Archibald Earle of Argile. To the first he answered, He had not opportunity to visite the kirks of Lothian: As for the second, He promised to take order with the said reader: To the thrid he answered, That my Lord Argile compelled him to give certain pensions forth of the Bishoprick, which he hath revoked sensyne: As for not excommunicating the Earle of Atholl, as he was enjoined in the last Affembly, could alledge no lawfull excuse.

The Superintendent of Lothian was not complained upon, howbeit he did not visite the whole kirks, feing his visitation was free, and upon his own charges.

For visitation of the kirks, of diligences of the Bishops, Superintendents and Commissioners of provinces, and of the questions and supplications to be given into this present Affembly, were appointed the brethren underwritten, to wit, John Porterfield, Mr Adam Johnston, Mr James Melvill, Peter Watfon, John Dykes, Mr Robert Wilkie, William Christefon, Mr George Mackefon, to assemble every day before noon ane hour, and ane hour after noon, while the books be perused, the bills, supplications and questions answered; and what they doe herein, to report to this present Affembly.

#### Sessio 2<sup>a</sup>.

The tenor of the examination of Mr John Keith, Dean of the Chapter of Murrey, and Mr Andrew Simpson.

Mr John Keith, Person of Duffus, and Dean of the Chapter of Murrey, being accused, Why he being summoned with the Chapter of Murrey to compare in Aberdeen before certain Commissioners appointed be the General Affembly the 26 day of May, to try of the Bishop of Murrey his

admission, stayed not the time of triall of their process, according as he and they were commanded: Answered, That at their coming to Aberdeen to the paroch kirk before the said Commissioners, the Commissioners began to intreat certain particular matters, concerning the state of the kirk there, and preferred not their cause and the triall of their process to any other purpose. The Commissioners answered, That their untimely coming caused them to enter into another cause; and when they desired them to stay till afternoon and the morning of the next day, they departed nevertheless upon the 27 day, without giving any advertisement unto them. The said Mr John being required, Whither, in conscience, he knew the approbation and witness given to the Bishop of Murrey his life, doctrine and good behaviour was true, as was written in the process, and of what assured knowledge they gave it: He answered, That the testimony of his conversation was only by report and brute as he heard, and not otherwise; whereupon they proceeded to that witness given. Being demanded, Whither these that subscribed his admission were altogether present, and heard his triall of doctrine and conversation: Answered, That the triall continued three days, but all were not present the said three days together at the triall of his doctrine; but the last day when they subscribed, all were present, except Alexander Winchester. Mr Andrew Simpson, Minister in Forres, one of the said Chapter, answered to the Second article, touching the cause of their testification of his willing mind, and uprightness to enter in the Bishoprick, That that which they did was upon his own confession, who testified as they wrote his fate to be, and because he alledged he knew him at all times to be of sincere religion: To the Third he answered, That upon Sunday the 20 of December, the first of the three days, the whole Chapter was present, except Mr Alexander Gordon, Chancellor of Murrey, Donald Dow and Alexander Winchester. And upon the third day of examination, which was the 22 of December, All were present, except Donald Dow and Alexander Winchester; and these that were present subscribed together.

Mr George Hay, Mr Alexander Arbuthnet, and Mr John Craig, Minister of Aberdeen, produced the process exhibit by the Dean and Chapter of Murrey the 26 of May 1574, concerning the admission of the Bishop of Murrey to the said Bishoprick, together with their animadversions upon the said process, which they desired to be registered in the books of the Assembly. The Assembly appointed Mr John Keith and Mr Andrew

Simpson and the rest of the Chapter to answer thereto the next Munday, at nyne hours before noon. C.]

Sessio 3<sup>a</sup>.

Anent the creatioun of ane Clerk of the said Generall Assembly of the Kirk: It was vottit through the said hail Assembly, and concludit, That of the foure persons appointit on the leits, Mr James Ritchie, be reason the greatest part thereof gave thair consent to him, fould be clerk; quho, in presence of the whole Assembly, solemnlie beand sworne to vse the said office of clerkship of the Kirk faithfullie, made promise to doe the same, and acceptit the said office vpon him.

[The Assembly ordaineth Mr Andrew Hay to proceed to deprivation, conform to the order, against John Anderson, because he had not kept the Synodall Assembly these seven years bygone.

The Assembly ordaineth, That humiliation and obedience being made be Tod in Glenquhome, he be admitted again to reading, and administration as before. C.]

Forfameikle as it is vnderstand to the said Assembly, That diuers Ministers within this realme vses the office of Collectourie and Chamberlainrie vnder Bischops and vthers beneficent persons, quherthrow they are avocat from thair cures, and gives great occasion to slander the Kirk: Therfor it is statute and ordained in this present Assembly, That fra this tyme furth no Minister vse and exerce the said office of Chamberlainrie or Collectourie vnder whatsomever beneficent men, quherby they may be abstractit fra thair vocation; and contraveiners therof to be deprivit of thair office, and to be secludit therfra.

Sessio 4<sup>a</sup>.

[Anent the supplication given in be Mr John Spotswood, Superintendent of Lothian, dimitting in the hands of the Assembly his office of Superintendentry, as well be reason of his age, now being unable to undertake the unportable travells committed to him in his office, as be reason that since his acceptation thereof, for the space of two years he received no stipend;

therefore desiring some zealous able person to take the said cure upon him, that the Kirk be not destitute in thir perillous times: The Generall Assembly having considered the said supplication, seeing the present necessity and state of time in danger, and appearand perrill effectually to succeed, in case the said dimission were received, brotherly requested the said Superintendent, in the name of God, to continue in his office till the nixt Assembly, using such diligence therein, as he may reasonably without hurt or damage to his person: and for assistance and aiding of him in his travells, the Assembly hath appointed Mr David Lindsay, Minister of Leith, or such two as he shall require within his bounds, who have promised to concurr with him; and in the mean time the Assembly shall procure at my Lord Regents Grace, provision to be made to him, and others of the like vocation and charge within the Kirk, for their stipend.

At the diet appointed Mr John Keith and Mr Andrew Simpson, for the Dean and Chapter of Murrey, to give in their replies to the animadversions produced be Mr Alexander Arbuthnet, Principall of the Colledge of Aberdeen, and his colleagues, against the process used be the said Dean and Chapter in admitting of the said Bishop of Murrey to the Bishoprick, conform to the last act of the Assembly in this case; the said Mr Alexander and Mr George Hay, one of his colleagues, being personally present, compared the said Mr Andrew and Mr John Keith, and produced their replies in writt. The Assembly continued their deliverance and answer in the said matter till the afternoon.

#### Sessio 5<sup>a</sup>.

Anent the deliverance and determination of the General Assembly upon the impuginations given in be Mr George Hay, Commissioner of Aberdeen, and his colleagues, against the process used be the Dean and Chapter of Murrey, in election and admission of the Bishop of Murrey to the said Bishoprick, produced by Mr Andrew Simpson and Mr John Keith, and upon the replies given in be the said Mr John and Mr Andrew, for the part of the said Dean and Chapter; the said Mr George and Mr Alexander Arbuthnet, one of his colleagues, being present, and the said Mr Andrew and Mr John likewise being personally present: the said Assembly continued

the pronouncing of the deliverance and determination of the said matter to the tenth of this instant.

Sessio 6<sup>a</sup>.

The Assembly hath concluded commission to be given to their loved brother John Areskine of Dun, Superintendent of Angus, Mr George Hay, Commissioner of Aberdeen, Mr Alexander Arbuthnet, Principall of the Colledge of Aberdeen, Mr John Craig, Minister there, Robert Fairlie of Braid, John Heriot of Trabroun, or any three of them, to treat with my Lord Regents Grace, upon the heads and articles concluded in this Assembly to be presented be them to his Grace, for resolution and answer to be had thereupon, conform to the commission granted to them thereupon; whereof, with the tenor of the saids articles, the contents after follow; and ordaineth a supplication to be direct to his Grace for his Graces answer upon the saids articles.

The tenor of the Commision given to the Commissioners of the Kirk, for presenting the Articles to my Lord Regents Grace.

At Edenburgh the tenth day of August 1574, the Generall Assembly of the Kirk of Scotland, convened presently within the same burgh for intreating of such things as concern the glory of God and weal of the said Kirk, understanding be diverse complaints proponed to them, the iniquity that universally abounds throughout this countrey; as also having putt in consultation diverse heads most necessar and godly, for the weal of the Kirk of God, and establishing of the Evangell, wherein my Lord Regents Graces good assistance and help would be earnestly craved; Has given, granted and committed, and be the tenor hereof gives, grants and committs to their loved brethren, John Areskine of Dun, Superintendent of Angus, Mr George Hay, Commissioner of Aberdeen, Mr Alexander Arbuthnet, Principall of the Colledge thereof, Mr John Craig, Minister there, Robert Fairlie of Braid, John Heriot of Trabroun, or to any three of them, their full, free and plain power to pass to my Lord Regents Grace, and to present to his Grace humbly the saids heads and articles, which the said Assembly hath putt in writt, direct with them to his Grace



to reason and confer thereupon; and to require his Graces answer upon the saids articles, to be reported again be them to their nixt Assembly: firm and stable holding and for to hold whatfomever the saids Commissioners, or any three of them, in the premisses, to the glory of God and his Kirk righteously leads to be done. C.]

[The tenor of the Articles of the Generall Assembly of the Kirk of Scotland, to be proponed to my Lord Regents Grace be the Commissioners of the Kirk. C. & B.]

In the first, That stipends be grantit to Superintendents in all countreys destitute thereof, whither it be quher ther is no Bischops, or quher ther is Bischops and may not discharge thair cure, as the Bischops of Sanct Androes and Glasgou.

Item, That in all burrowstouns, quher the Ministers therof are displacit and serves in vther kirks, that thair Ministers quho servit them of befor, be restoreit againe to awaite on thair cures, and they be not obleist to any vther kirk; or els that vthers be placit in the saids townes.

Item, That his Grace will give commission to certaine gentlemen in every countrey, that incest, adulterie, witchcraft and sick odious crymes, quherwith the countrey is replenishit, may be punishit.

Item, That in every kirk destitute of Ministers, sick persons as are present and readie to be plantit, be placit, and stipends grantit vnto them; whose names salbe given vp be the Bischops, Superintendents and Commissioners.

Item, In respect that in the ecclesiasticall functioun ther is two only distinct offices of teaching, the Doctour that interpretes the Scriptures, and the Minister to preach and apply the same: That his Grace will take ordour, that Doctours may be placit in Universities, and stipends grantit vnto them; querby not only they quho are presentlie placit, may have occasion to be diligent in thair cure, but also vther learned men may have occasion to seik places in Colledges within this realme.

[Item, That his Grace will take ordour with the Ministers, to whom there was resland awand of the Collectors of the years bygane, certain rests that may be paid.

Item, That the saids Commissioners travell with his Grace for Mr John Davidfon, anent his kirk. C.]

Item, That his Grace will take ane general ordour with the pure, especially in the Abbays, sitch as Aberbrothock and vthers, conforme to the Act made at Leith; and in speciall to discharge teind fybowis, leiks, keale, ongoons, be ane act of the Secreit Counsell, quhill ane Parliament be conveynit, that they may be simpliciter dischargit.

Item, That his Grace will grant commission to certaine persons in every dyocie to sitt in causes of divorcement, quher the parties are poore.

[Item, Because there are fundry Bishopricks vacand, such as Dunblaine, Rossie and others, That his Grace wald take order that some qualified persons be provided thereto with diligence. C. & B.]

[Item, Because there are diverse Ministers, whose cures are augmented and stipends diminished, That his Grace take order therewith. C.]

Item, That his Grace wald cause the books of the Assignatioun of the Kirk be delyverit to the Clerk of the Generall Assemblie.

[Item, Forfamikle as there is diverse books sett out be Jesuits and other hereticks and erroneous authors, containing manifest contumelies and blasphemies against God, and his revealed truth, and yet are dayly inbrought in this countrey be Poles, crammers and others, to the heavy offence of the Kirk of God, That his Grace will provide remeed.

Item, It is understand to the Generall Assemblie be credible report of certaine learned men lately arrivd within this countrey, that a French printer of the best renowned this day, nixt Henricus Stephanus, being banished with his wife and family from his countrey, hath offerd unto them to come in Scotland, and to bring with him three thousand franks worth of books, and to print whatsoever work he should be commanded; in so much that there should not be a book printed in French or Almain, but once in the year it should be gotten of him, if he might have sure provision of a yearly pension of three hundreth merk; which indeed is ane offer so comfortable to the countrey and Kirk, that it ought not to be overseen: That his Grace will consider the same offer, and take order therewith.

The form of the Supplication direct to my Lord Regents Grace be the  
 Assembly, with the Articles.

The General Assembly of the Kirk of Scotland, convened at Edinburgh the 7 day of August 1574, to my Lord Regents Grace wisheth perpetuall prosperity, and increase of the Holy Spirit.

It will please your Grace: In this our late Assembly diverse great enormities and faults being found universallly through the countrey, proponed for amendement thereof, and whereof very necessity craveth to have had correction; as also fundry other heads being putt in this consultation, very necessar and profitable for the advancement of the Kirk of God within this realme: most necessar it was thought of all, that your Graces help and assistance should be sought and implored thereunto, that the wrath of God, which presently hangeth over this realme be reason of the same enormities, may be taken away; and therefore we have direct commission to our beloved brethren, John Areskine of Dun, Mr George Hay, Commissioner of Aberdeen, Mr Alexander Arbuthnet, Principall of the Colledge thereof, Mr John Craig, Minister thereof, Robert Fairlie of Braid, John Heriot of Trabroun, or to any three of them, with certain articles to be presented to your Grace for reformation of such things as are contained in the same; whereof we doubt not, seeing the same are both godly and honest, and for the weal of the Kirk of God, which we doubt not but your Lordship tenders, but your Grace will give a reasonable and godly answer thereto; seeing your Grace is and should be the father of the Kirk and common weal, which we recommended to your Grace, praying God to preserve the same in good estate, to the comfort of his Kirk, and the common weal of this realme. From Edinburgh the eleventh of August 1574.

Your Graces most humble Subject, Mr James Ritchie, Clerk  
 of the General Assembly, at the commandment thereof.

Seffio 7<sup>a</sup>.

For reading and answering to the supplications and complaints given

to the Affembly, this prefent Affembly nominates and appoints their brethren, Mr David Cunninghame, Mr James Carmichael, Miniſter of Hadinton, William Sanderſon, Miniſter at Whittinghame, Alexander Foſter, Miniſter at Tranent. C.]

Forſamikle as it is vnderſtand to the General Affembly of the Kirk, that ther is diuerſe perſons quho, in their wyfes tyme, committs adulterie with vther mens wyves, and therafter, after thair wyves deceife, maries them quhom they have polluted in adulterie: Therfor it is ſtatute and ordanit be this prefent Affembly, That Biſhops, Superintendents and Commiſſioners of provinces charge all ſick perſons ſo joynt in that ſlanderous and vnleiſum band, to ſeparate themſelves and abſtaine fra vther, vntill the tyme it be decydit be the Judge Ordinar, Whither the ſaid mariage be lawfull or not, vnder the paine of excommunication to be execute againſt diſſobeyers.

[In the books of viſitation which ſhall be prefented to the Affembly be the Biſhops, Superintendents and Commiſſioners of provinces, it is ordained, That the names of their kirks be given up in ſpeciall be them in the beginning of the ſaids books.

Anent Biſhops, Superintendents and Commiſſioners of Kirks, who ſhall be found negligent in their office, or doe not their dutifull charge, either in their viſitation, doctrine or life: The Affembly hath decreed and ordained, That they ſhall be puniſhed and corrected according to the quality of their faults, either be admonition, publick repentance, deprivation for a time, or deprivation ſimpliciter, at the ſight of the ſaid Affembly.

Seflio 8<sup>a</sup>.

Anent the time appointed be the General Affembly to pronounce their deliverance and answers upon the impugnations produced be Mr George Hay and his colleagues, againſt the proceſs of admiſſion and election of the Biſhop of Murrey, produced be Mr Andrew Simpſon and Mr John Keith in name of the Chapter and Dean of Murrey, and upon the replies made thereto: The ſaid Affembly underſtanding, That the ſaid Biſhop hath ſpeciall intereſs in the ſaid cauſe, and is not ſummoned thereto, ordaineth a citation to be direct out for ſummoning of the ſaid Biſhop, Dean and Chapter, in the premiſſes to the nixt Affembly; and appointeth John

Durie, Minister of Edinburgh, and Mr George Mackefone, Soliciter of the Kirk, to travell with the procurators of the Kirk, for libelling of the said fummons against them, and to see that diligence be used for raising thereof.

Ordains Mr Andrew Milne, Minister, to cause the Superintendent of Mernes and Angus to fend over the Conference had at Leith, to be acted in the books of the Assembly. C.]

Tuiching the complaint made vpon the Bischop of Dunkeld, for ministratioun of the holy supper vpon worke dayes, at the kirks within his iurisdiction: It is thought good be the Generall Assembly, That the said Bischop forbear the ministratioun of the said sacrament vpon worke dayes, and cause it to be ministrat vpon the Sabbath dayes, according to the ordour of the rest of the kirks within this realme.

[Forfaulke as in the acts of the General Assembly concluded of before, the said Bishop of Dunkeld was decerned and ordained to pronounce the sentence of excommunication against John Earle of Atholl, wherein notwithstanding nothing is proceeded, but the said act plainly contraveened: Therefore it is statute and ordained, That the said Bishop proceed against the said Earle with the sentence of excommunication within 40 days next thereafter, under the pain of suspension of him from his said office; and to the observation of this present act, the said Bishop hath interponed his faithfull promise.

The same day, complaint being made upon John Brand, Minister of Halyrudhouse, That he had not pronounced the sentence of excommunication against Alexander Bishop of Galloway, conforme to the act of the Generall Assembly made of before: It was statute and ordained, That the said John proceed against the said Bishop and pronounce the sentence of excommunication against him, if the said Bishop compeared not betwixt and Lambmes next, and satisfie the said Kirk, under the pain of deprivation of the said John of his office, in case he failzie therein. C.]

Sessio 9<sup>a</sup>.

[Forfamikle as be imprinting and putting [to] light of works repugnant to the truth of Gods word, or containing manifest error, the weak ones of the truth may be heavily prejudged and seduced from the truth: There-

fore the Generall Affembly presently conveened, all in one voice have given power to their loved brethren, Mr Robert Pont, Provest of the Trinity Colledge, Mr James Lowfone, Minister of Edenburgh, Mr David Fergusone, Minister of Dumfermline, Mr David Lindfay, Minister of Leith, Mr Clement Little, one of the Commissioners of Edenburgh, John Brand, Minister of Halyrudhouse, or any three or four of them conjunctly, To visite and overseer all manner of books or works that shall be proponed to be printed, and to give their judgement thereupon, if the same be allowable and approved be the Law of God or not; their judgement and opinion thereof be their subscription and hand writt to witness and testify for relief of such as shall read the said works: which commission of oversight forsaide the said Generall Affembly willeth to endure firm and stable to their next Affembly.

For reviewing and fighting of the history of Job compiled be Mr Patrick Adamfone in Latine verse: The present Affembly hath willed their loved brethren, and the right honourable Mr George Buchanan, keeper of the Privy Seal, Mr Peter Young, Pedagogue to our Sovereign Lord, Mr Andrew Melvill, Mr James Lowfon, Minister of Edenburgh, to take travell in perusing of the said work; and if the same be found be them agreeable to the truth of Gods word, to authorize the same with testimony of their hand writt and subscription. C. & B.]

[Anent the petition of Mr Robert Pont and Mr Thomas Makcalgean, two of the Senators of our Sovereign Lord his Colledge of Justice, proponed in name and behalf of the said Colledge, desiring the Generall Affembly to provide, That the readers of ilk kirk note up the names of the persons departed within their parishes yearly, and deliver the same to the Superintendents to be exhibite be them at ilk Affembly: For satisfieng of the said petition, it was thought good and delivered be the said Affembly, That the readers at every kirk, in the Synodall Affembly present the catalogue of the names of the persons deceased within their paroch to their Superintendents, to the effect that they may report the same to the Generall Affembly, to be delivered to such as shall be appointed be the saids Lords for receiving of the same. C.]

For avoyding of Simonie in the Kirk, the hail Affembly of the Kirk, all in ane voyce, hes vottit, concludit and decretit, That all sick persons as either buyes or sells benefices, or vses any vther kynd of coupling thereof, either directlie or indirectlie, falbe depyvrit of all kynd of function within

the Kirk, and the discipline of the Kirk strike vpon them with all kynd of rigour and extremitie; and the buyers, sellers, or vtherwayes coupers of the benefices to tyne the same for ever.

It is ordained, That the Clerk of the Assembly receive of the Bishops, Superintendents and Commissioners, the names of the Ministers and readers provided since the decease of unquhill John Gray, late Clerk of the said Assembly, with the day and date of their admiffions, to the effect their names may be insert in the books of the Kirk.

Ordains to writt to the brethren Commissioners appointed for presenting the articles concluded in this Assembly to my Lord Regents Grace, to receive the saids articles with their commiffion and supplication to his Grace; and, in speciall, to putt them in remembrance touching Mr John Davidsons Dialogue.

That the Bishop of Dunkeld, for his departing before the dissolution of this present Assembly, against the tenor of the act made the 13 of March 1572, be delated at the next Assembly.

The Commissioner of Cliddisdail, Ranfrew and Lennox resigned over in the hands of the Assembly his commiffion in these parts, praying the Assembly to provide some qualified zealous person in his place, that the countrey grow not to all kind of insolence and dissolution; which dimiffion the said Assembly, in respect of the present state and necessity of time, would not receive, requesting him brotherly to continue in his commiffion till the next Assembly, with such diligence in his office as he may reasonably use, that the Kirk be not destitute in the mean time.

The tenor of the commiffion given to Mr John Robertson and Robert Grahame, Commissioners of Cathness.

At Edinburgh, the eleventh day of August, the year of God 1574 years. The whole Kirk presently assembled, in one voice and mind, giveth full commiffion, speciall power and charge to their loved brethren, Mr Robert Grahame, Archdeacon of Rosse, and Mr John Robertson, Thesaurer thereof, conjunctly and severally, to pass to the countries of Cathness and Sutherland, and there to visite Kirks, Colledges and Schools and other places needfull within the saids bounds, and in the same to plant Ministers, Readers, Elders and Deacons, Schoolmasters and others members necessar and requisite for erecting of a perfect reformed Kirk; suspend

for a time or simpliciter deprive such as they shall find unworthy or not apt for their office, whither it be for crimes committed or ignorance; abolish, eradicate and destroy all monuments of Idolatry; establish and sett up the true worship of the eternal God, as well in Cathedrall and Colledge Kirks, as in other places within the saids bounds, conform to the order taine and agreed on in the Book of Discipline; and also to search and inquire the names of all these that possess benefices within the saids bounds, at whose provision they have been; and if any vaikie or happen to vaikie within the Commissionary, to confer and give the same to the persons qualified, and being presented be the just patrons of the same, the due examination preceeding, to reject and refuse such as they shall find unable and not apt thereto, as they will answer to God and the Kirk thereupon: Their diligence to be done therein with their presents, to report them to the next Assembly, where it shall happen to be holden for the time. Given in the Generall Assembly and 9 Session thereof. Subscribed be the Clerk of the same, day, year and place forsaide.

Sessio 10<sup>a</sup>.

Anent the answers reported from Mr Robert Hamilton, Minister of Sanct Andrews, direct to the Moderator present, to the bill direct from the Assembly to him for his compearance before them to answer super inquirendis, excusing him be the business of the Colledge, and be the Superintendent of Stratherne who declared to him that the Assembly was to dissolve incontinent: The Generall Assembly of the Kirk giveth commission to Mr John Spotfwood, Superintendent of Lothian, Mr Robert Pont, Provest of the Trinity Colledge, Mr David Lindfay, Minister at Leith, John Brand and the Kirk of Edinburgh, with any three of the fornamed persons, conjunctly to summon the Ministers, Elders and Deacons of Sanct Andrews to compear before them and to try the cause, why the Fast was not kept among them according to the Act of the said Assembly; and of the violation of the Sabbath day by profane playes, and such other things as they shall inquire of them at their coming; and what beis done be them hereinto, to certify the brethren in their next Assembly.

The brethren underwritten, they are, to witt, Mr Robert Pont, Provest



of the Trinity Colledge, and the rest of the Commissioners depute be the Kirk to the conference with my Lord Regents Graces Commissioners, reproduced in plain Assembly the tenor of the said conference, hinc inde in writt ; which conference the said Assembly caused deliver to Mr George Mackefone, Soliciter for the Kirk, to be copied and given out in examples to the Bishops, Superintendents and Commissioners of the Kirk and Ministers, as he should be required upon their reasonable charges.

Questio, To the question moved to the Assembly, C.] Whither if the parochiners of a towne, or the Provest and bailies thereof, aught to have the electioun of thair awin belman and Clerk : It is answerit, That sicker as payis them shold choofe them.

[The brethren appointed for vilitation of the books of Bishops, Superintendents and Commissioners of provinces, gave their judgement thereof in writt to the Assembly.

Forfamikle as it is necessar, in case of the Assembly of the Estates of the realme or Parliament, that the Kirk be resolved in such things as they have to propone to the same, which necessarily requires a certain space of before : Therefore C.] The brethren hes thought good, in case of any Parliament to be haldin, or any vther weghtie cause requyreand necessarlie the presence of the body of this hail Assembly, That the Superintendent of Louthiane, Mr James Lowfon, Minister of Edinburgh, Mr David Lindefay, Minister of Leith, make lauffull premonitioun and advertisement to thair brether, to be present vpon sicker competent space before as they shall think needfull ; quhilk Convention of before shalbe recountit for ane Assembly.

That absents from this Assembly be fumound to the next Assembly to heir them convict of absence ; and punishment to be joynit to them at the sight of the Kirk.

A. D. M.D.LXXIV.

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THE Generall Assembly begun and holdin at Edinburgh [Counsell house] the vij day of Marche 1574: In the quhilk were present Earles, Lords, Bischops, Superintendents, Commissioners to plant Kirks, Commissioners of Provinces, Townes, Kirks, Vniverfities, and Ministers. James Bischop of Glasgou, Moderatour.

Sessio 1<sup>a</sup>.

[IN the trial of Superintendents, Bishops and Commissioners, The Superintendent of Angus was complained upon, that quires within his diocye were ruinous: He answered, He had appointed taksmasters within every paroich, raised letters and used diligence, and farther upon his own cost supported diverse quiers as he might.

The Bishop of Dunkeld was delated, for not proceeding against the Earle of Atholl to excommunication; that he departed from the last Assembly before the dissolving thereof; for making Simoniacall pactiō with unquhill Archibald Earle of Argile. To the first he answered, That he had used admonitions against the Earle of Atholl, who desired some conference of godly and learned men, to the effect he might be resolved in such doubts of religion as presently move him, seeing that hitherto he hath not heard preaching; and required the aid of the Superintendent of Angus, the Superintendent of Lothian, Mr John Winram, Prior of Portmook, Mr James Lowson, Minister of Edenburgh, Mr George Hay, Commissioner of Aberdeen. The Superintendent of Lothian was absent: But the Assembly ordained the rest, or any three of them, to confer with his

Lordship afternoon, and to confer with him upon such heads of religion as he standeth unresolv'd in, and to report his answer to the Assembly. To the second he answered, That he being advertis'd of a bairne deadly sick who soon after departed, went in haste out of the town, without advertisement of the brethren; and if this excuse was not sufficient, was content to underly the will of the Assembly for a penalty. To the third he answered, He made no paction for the promotion of him to the Bishoprick, but refused when he was required.

Sessio 2<sup>a</sup>.

The Bishop of Brechin complain'd upon the Bishop of Dunkeld, That in the last Assembly he should have alledged that he was compelled by the Earle of Argyle, now resting with God, to give out pensions, which alledgance was a flandering of the Nobleman departed, and desired it to be proven. The Bishop answered, That he declared he was press'd by the said unquhill Earle of Argyle to doe something against his will. He shall give in writt his declaration wherein he was press'd; and if he have failed in terms, he shall refer him to the brethren. The brethren appointed him to exhibit the declaration in writt upon Wedensday.

The Bishop of Murrey removed, It was remembred by some of the brethren that the question is yet undecided, if he be Bishop lawfully chosen or not; which most first necessarily be resolv'd, before he be tryed in life and doctrine as a Bishop. The Assembly deputed their brethren underwritten, Mr John Winram, Prior of Portmook, &c., Mr Andrew Hay, Commissioner of Ranfrew, &c., Mr David Cunninghame, Mr Andrew Melvill, Principall of the Pedagogie of Glasgow, to convene the morne at seven hours, and advise with the process of the said Bishops election, and thereafter give their opinion and judgement anent the said question.

The Bishop of Glasgow being removed, It was complain'd, that fundry Papists are within his bounds adjoined to the Kirk, and yet doe not communicat; and that a great number of kirks within his diocye are ruinous. To the first he answered, It was true, but he desired the Assembly to prescribe such order and discipline as should be used against them, which he promised to follow. And as to the ruinous kirks, It is not in his power to repair the same; albeit he had used the common order for reedifieng of them.

Mr George Hay, Commissioner of Aberdeen, was complained upon, That the Synodall Affsemblies were not kept by him; and a day being appointed for the Synodall Assembly, he discharged the same; and further, that none of the Ministers, betwixt Dee and Spey, convened to this Assembly: next, That the most part of the kirks were ruinous through his diocoy: and last, That there was no discipline used against hainous offenders within his bounds. To the first he answered, That the Synodall Affsemblies were kept; and that the Assembly appointed to be holden in Turreff was discharged by him, because he might not be present thereat, being occupied in reconceiling of the deadly feid; as for the Ministers who were absent, they had promised to be present, namely Mr Craig, who had sent his excuse in a letter. As for the second, He had appointed taskmasters, and used the order that became him. What he had done for correcting of vicious persons and injoining discipline to them, referred to his books of visitation.

Mr Patrick Adamson, Commissioner of Galloway, confessed he had not used that diligence which lyeth to the full execution of his office, because no stipend was appointed for the same; and yet did *pro virili*.

Mr John Row, Minister of Perth, detained in his bed by the fever, sent his excuse to the Assembly, and willed them to appoint some learned men for further triell of Mr Andrew Grahame, son to the Laird of Morphie, presented by my Lord Regents Grace to the Chapter of Dumblane, to be promoted to the Bishoprick thereof. The Assembly directed the said Mr Andrew to give proof of his doctrine before the whole brethren who shall be assembled in the Counsell house, the morne at eight hours, upon the text appointed by them to him.

The brethren appointed to confer with my Lord Atholl, reported, That he was not fully resolved in fundry heads of religion, and desired he might have some conference with some of the gravest of the Ministry, as the Superintendent of Angus, the Prior of Portmook, Mr James Lowson, Mr George Hay, Commissioner of Aberdeen, promising of his honour, that he should assist my Lord Bishop of Dunkeld for punishing of offences within his bounds, and setting forward of his Synodall Affsemblies, and that no slander or offence should be found within his house. The Assembly appointed the same brethren to confer and reason with him till the morne.

Sessio 3<sup>a</sup>.

Anent the judgement of the brethren, touching the question anent the triell of the Bishop of Murrey: The Assembly findeth it meet, and ordaineth their brethren, appointed before to deliberate upon this difficulty, to propone their judgement thereupon at afternoon.

After the exercise made be Mr Andrew Grahame, elect of Dumblane, the Assembly, for better triell of the said Mr Andrew his doctrine and erudition, appointed Mr James Lowson, Minister of Edinburgh, Mr Andrew Hay, Commissioner of Ranfrew, Mr John Winram, Prior of Portmook, Mr Robert Matlane, Dean of Aberdeen, Mr George Hay, Commissioner of Aberdeen, Mr David Cunninghame, Mr Andrew Melvill, to try the said Mr Andrew be questions on the Scripture, at two afternoon; and so many as were present before, to be present at this triell.

The Assembly findeth it meet, that the Earle of Atholl his demand be given in writt with his offers, and appoints Mr David Lindfay, Minister of Leith, and Mr George Hay, Commissioner of Aberdeen, to require the same of his Lordship; who, at the same instant, being dispatched from the Assembly to the Earle, returning, reported, That his Lordship futed a delay, while he might have consultation of learned men to the resolution of difficulties; and what he had promised of before, of his honour he should keep the same to the least point. The Assembly earnestly craving the saids Lords conversion, and willing to win him be all means possible, that he might be joined to the Society of the Kirk, assigneth to the said Lord, betwixt and Midsummer nixt, to be resolved in the points of religion; and if he failgie therein betwixt and the said day, and continueth in his former opinion, standing obstinat therein, ordaineth the Bishop of Dunkeld to proceed against him with excommunication, under the pain contained in the Assembly preceeding made thereupon: And, in like manner, to proceed with the same sentence against his Lady, if, betwixt and the said day, she join not herself in like manner to the religion, according to the order presently established; with admonitions in the mean time to be made to that effect.

Touching the complaint of the Bishop of Glasgow, that his bounds belonging to his jurisdiction was so large and wide, that one person was not able to visite and oversee them: Whereof the Assembly having con-

lideration of before, gave commiffion to Mr Patrick Adamfon and Mr Andrew Hay, to vifite certain parts and bounds limited in their commiffions, who, for inlaike of fipend, may not await thereupon: And feing he payeth his thrid, and cannot upon the two part fultain them, defireth the Affembly to take order herewith: Who ordained ane humble fupplication to be made to my Lord Regents Grace for providing the faids Commiffioners for byganes, till farther order be taken, to be prefented to his Grace be John Arefkine of Dun, and Mr James Lowfon, Minifter of Edenburgh, and to report his Graces anfwer the morne.

In name of my Lord Maxwell, Lord Hereis, Lairds of Dumlanrig, Clofeburn, Larg, James Crichton of Garko, prefented a letter to the Affembly, wherein they lamented, that thefe three years bygane, their bounds, for laike of Superintendents and vifiters, had become altogether forgettfull of their duty toward God, and altogether before this time had fhaken off obedience, if Mr Peter Watfon had not taken pains to vifite, and water the poor ones with the Evangell; defiring therefore the brethren to give commiffion to the faid Mr Peter to vifite the faids bounds, as their letter dated at Dumfreis, fubfcribed with the faid Noblemens hands the            day of February 1575, bears: Wherewith the faid Affembly being advifed, commending the zeal of the faid Noblemen, hath given, and be thir presents gives commiffion to the faid Mr Peter to vifite the bounds of Nithifdaill, [and] Annandaill, conform to the commiffion given to him to that effect, till the nixt Affembly.

In like manner, The Affembly giveth commiffion to their brethren, Mr Andrew Clayhill to vifite the bounds of Tiviotdaill and Tweeddaill, and to plant Minifters, &c., conform to the commiffion given to him thereupon.

Sicklike, Giveth commiffion of a Superintendentship to Mr John Winram, Prior of Portmook, in the bounds of Fife and Stratherne, exeeming the bounds appertaining to the Bifhop of Dunkeld.

The Superintendent of Angus and Mernes continued in his office till the nixt Affembly, and the Bifhop of Brechin required to be prefent with him at vifitation, that he may fee the order and proceeding ufed be the Superintendent in his office.

For fatiffieng the complaint given in againft the Bifhop of Dunkeld, for not appointing of Minifters to Prefton and Bonkle, The Affembly ordaineth the Bifhop to plant Minifters at the faids kirks, and to vifite the fame, that no farther complaint be heard.

Sessio 4<sup>a</sup>.

For reading and answering of bills and complaints, The Assembly appoints their well beloved brethren, Mr Patrick Adamson, John Brand, Mr Gilbert Gardin, Minister at Elgine, and George Scot, to convene in the Ile of the kirk, at seven hours in the morning, and at one afternoon, till the same be wholly resolved and answered, and to remitt such as they find doubtfull to the consultation of the whole Assembly.

Anent the supplication given in be Alexander Bishop of Galloway, desiring the Generall Assembly that he may make satisfaction in any kirk to be commanded be them, without sackcloth, and namely within his own jurisdiction, seeing that, by reason of his non compearance before them, he was ordained to be excommunicat, then being at the horn and unable to compear, as the same at length bears: The said Alexander removed out of the Assembly, the brethren after long disputation whether the said decreet ought to be satisfied, notwithstanding the alledgance of horning, or if he should be heard, notwithstanding the decreet given against him, to answer to the accusations which of before were laid to his charge, Found in respect of the alledgit impediment of horning, that once yet he should answer to the same accusations. And being called in Assembly, the particular heads of accusation, contained in the books of the Assembly, read in his presence, answered to every accusation orderly: And to the first, That he was compelled be authority that then was to accept the Ministry, and was chosen be the flock then present: And to the second, Grants he preached the Queens authority to be lawfull, and enjoyes the priviledge of the Pacification: To the thrid, He made prayers for her, and otherwife would not have been suffered to preach: And as to the condemning and accusing of the Ministers, Denyes the same, with the first accusation: And as to the fift, answered, That he with certain others in the first Regents time in Parliament, protested, that in case the Queen were sett at liberty, that their promise and faith were freed: and denyeth the sixt accusation, with protestation to the Assembly, that they would have some consideration of his case, seeing in Gods presence he damns his former offences. Who being removed again out of presence, after deliberation and long reasoning upon the whole circumstances and estate of the matter, with consideration of my Lord Regents Graces request made in his favours, the

brethren ordained the said Bishop to appear before the Kirk of Halyrud-houfe, without sackcloath, upon Sunday nixt to come, and in prefence of the congregation therein conveened, humbly to confefs his offences and ask the Eternal God mercy.

The brethren depute to the penning of their judgement upon the question moved upon the Bishop of Murrey his triell, gave in their opinion in thir words: That they think it needfull, in respect of the suspicion conceived be the triall of his doctrine and manners, that he give personally such tryal of his doctrine as the shortness of time will permitt; and sicklike, that he make his purgation of the slanderous crimes whereof he was accused in the Assembly before, without prejudice of the procefs depending. The determination hereof the brethren reserved till the morne.

Sessio 5<sup>a</sup>.

For visitation of the books, The brethren appoints Mr James Melvill, Mr James Hepburne, Mr Adam Blackhall, Mr Andrew Clayhills, Mr Peter Primrose, to concurr and meet at two hours afternoon where they think expedient, and continue in perusing thereof, while the same be thoroughly read and considered, and to report to the Assembly what they find in the same.

The Superintendent of Angus and Mernes reported my Lord Regents Graces answer anent the Commissions of the Bishop of Glasgow and Superintendent of Lothian, That his Grace promised to take order therewith.

Anent the judgement of the brethren depute to the triell of the Bishop of Murrey, reserved to this days determination: The whole Assembly, according to the opinion of their said brethren, thought their judgement most probable; therefore calling in the said Bishop, demanded, How he had satisfiied the act of Assembly, concerning the purgation of the slander: who answering, That he come before the Bishop of Sanct Andrews now resting with God, and satisfiied the said act, whereof notwithstanding he had no witnesses to affirm his assertion. The General Assembly gave commission to their brethren, the Superintendent of Fife, Mr James Wilkie, Rector of Sanct Andrews, Mr William Cooke, Commissioner of Sanct Andrews, present, to take the saids Bishops purgation of the said slander



the morne, in the said manner as he should have done before the Bishop and Kirk of Sanct Andrews; and because he is presently under medicine, that he may not travell for teaching to give proof of his doctrine, deposes their brethren, Mr John Winram, Superintendent of Fife, Mr George Hay, Commissioner of Aberdeen, Mr Andrew Melvill, to conferr and reason with him upon the points of religion the morne at seven hours, and what they find thereanent to report to the Assembly.

Anent the opinion of the brethren appointed to visite the process of the election and examination of the Bishop of Rosse: The whole Assembly, according to their judgement, found it meet, that he give new proof of his doctrine and literature in presence of the Assembly, upon Saturday at eight hours, and appointed to him the last part of the first chapter of Zechary.

Because in the Assembly holden in August last, ane act and ordinance was made for summoning of the Chapter and Bishop of Murrey, to hear triell taken of the process of his election, wherein notwithstanding nothing is done nor putt in execution be the brethren appointed to take triell therein, be reason of pretended ignorance of the said ordinance; therefore be universall consent of the brethren, it is of new concluded, That a citation be directed out against the said Chapter, and Bishop for his intres, for production of the said process in the Assembly next to come, to hear and see triell taken thereof, with certification if they compear not, the same shall be declared null and void in the self; and for execution of the said summons, the said Assembly hath appointed Mr Robert Grahame, Commissioner of Rosse, now present and accepting the charge.

For redressing of the general complaint made be fundry brethren, That the exercise within towns is dishaunted, and that Bishops, Superintendents and Commissioners are not so diligent as duty requireth to attend the keeping thereof, the same being so necessar a mean to the furtherance of the course of true doctrine: It is statut and ordained, That all Bishops, Superintendents and Commissioners within their bounds be carefull and diligent to enterteane the said exercise upon the days appointed thereto, and specially the Superintendent of Fife.

The Assembly appoints the morne at two hours to the Commissioners appointed to the conference with Mr Andrew Grahame, elect of Dunblane, to conferr and reason with him as was enjoyned before. C.]

Sessio 7<sup>a</sup>.

Forſameikle as the greateſt part of the doctōrs and interpreters of the Scriptures that hes travellit in the interpretatioun and expoſitioun of the ſame, hes wrytin and comentit in the Latine tongue, and therfor it is thought neceſſar for ſick as enters in the function of the Miniſtrie, to have vnderſtanding and knowledge of the ſame: Therfor the Generall Affemblic of the Kirk hes votit and concludit, That, fra this tyme foorth, nane ſalbe admittit to the functioun of a Miniſter within the Kirk, be the Biſchops, Superintendents and Commiſſioners of countreyis, but ſick as hes vnderſtanding in the Latine tongue, and are able to interpret the Comentares wrytin in the ſame language, and ſpeake congruous Latine, except ſick as be examination of the Generall Affemblic of the Kirk, for thair ſingular graces and gifts of God, ſalbe found able be them to vſe thair function without knowledge of the Latine tongue.

[Seing not only it becomes the true Meſſengers of the Word of Salvation to bear in their conſcience a good teſtimony of unfained humility and ſimplicity of their hearts, but alſo in externall habit and behaviour to repreſent the ſobriety and humility of their minds, that the mouths of the godleſs generation which are opened to blaſpheme the godly calling of the Miniſtry, may be ſhut up from juſt accusation and ſlandering of the ſame; therefore, be determination of the whole Affembly, it is ſtatut and ordained, That all that ſerve within the Kirk apparell themſelves in a comely and decent cloathing, as becometh the gravity of their vocation, and that they conforme their wives and families thereto, that no ſlander nor offence ariſe to the Kirk of God therethrough. And to the effect it may be notified to the whole brethren, what ought to be eſchewed in apparel, the Affembly hath injoynd the loved brethren, John Areſkine of Dun, Superintendent of Angus and Mernes, Mr Andrew Hay, Commiſſioner of Ranfrew, &c., Mr James Lowſon, Miniſter of Edenburgh, Mr John Winram, Superintendent of Fife, Mr George Hay, Commiſſioner of Aberdeen, to adviſe thereupon the morne at ſix hours in the morning.

Forſamikle as it is conſidered, that the playing of Clerk playes, comedies or tragedies upon the Canonical parts of the Scripture, induceth and bringeth with it a contempt and profanation of the ſame; therefore C.] It is thought meit and concludit, That no Clerk playes, comedies or

tragedies be made of the Canonick Scripture, alsweill new as old, neither on the Sabbath day nor worke day, in tyme comeing; the contraveiners heirof, (if they be Ministers) to be secludit fra thair functioun, and, if they be vthers, to be punischt be the discipline of the Kirk: and ordaines ane article to be given in to sikk as fitts vpon the policie, that, for vther playes, comedies, tragedies, and vthers profane playes as are not made vpon authentick partes of the Scripture, may be considerit befor they be proponit publicklye, and that they be not playit vpon the Sabbath dayes.

Sessio 8<sup>a</sup>.

Anent Ministers proceeding to the mariage of parties, lauffull impediment being proponed vnto them, quhilk afterhind is tryit and found to be of veritie: The hail Assembly referris the discipline to be vsit agains sikk perfons, to the Bischops, Superintendents and Commissioners of the countreyes quher they serue.

[Anent the report of the Bishop of Murrey his purgation for the slander of fornication, as well befor his inauguration as sensyne, and sicklike of his doctrine: The Superintendent of Fife, one of the brethren appointed to that effect, reported, That the said Bishop was content to purge himself befor the said Superintendent and Kirk of Sanct Andrews, if it be not found in the books, that he had not purged himself of befor, and since his inauguration; and becaufe he is under medicine and sickly, and cannot presently give specimen of his doctrine, desired a delay. The Assembly as of befor, ordaineth the same Commissioners appointed as of befor, to pass to the said Bishop the morne, and to report his purgation vpon the first head of the slander of fornication befor his inauguration, and to conferr with him in his doctrine according to the ordinance preceeding.

Anent the supplication given in to the Generall Assembly be Mr Thomas M<sup>c</sup>Kalgean of Crichtonhall, one of the number of our Sovereign Lords Colledge of Justice, making mention, that where vpon his late supplication presented in their last Generall Assembly, touching his not admitting to the holy Sacrament of the Supper, they, be their act and ordinance, ordained Mr Robert Pont, Provest of the Trinity Colledge, the Ministers of Leith and Cannongate with the Kirk of Edenburgh, to take triell, if his remaining in Edenburgh a certain tyme of the late

troubles was be compulsion, &c. ; and if it was so found, to mitigate their act, &c. : For taking of the which triell he hath insisted often times, and they convening together have putt no end thereto, but for some good consideration, as he supposes, hath remitted the cause unto their Wifdoms : wherefore most humbly beseeeking them, since his remaining within this town is notoriously knowen to have proceeded from compulsion, just fear and dreadour, that they would take such order, as he may be admitted to the next communion which is to be celebrate in this town. The said Mr Thomas being personally present, and the Commissioners appointed in the last Assembly for taking triell, If the said Mr Thomas remained in the town of Edenburgh for just fear and dreadour, which might fall in a most constant man, compearing be Mr James Lowson, Minister of Edenburgh, and their process being read and considered in open Assembly, the said Mr James, in name of the Kirk of Edenburgh, being required, Why the said Kirk admitted not the said Mr Thomas to the communion, answered, For two causes ; first, Because the Kirk of Edenburgh received none that remained within the town in time of rebellion, without first compearing before them, and submission of them to the Kirk ; and secondly, That he was ane elder and bare office within the said town. The Assembly notwithstanding having considered the qualification of the said Mr Thomas just fear remaining within the said town, voted and concluded the said Mr Thomas oath to be taken, If upon just fear he remained within the said town, and bare office, as said is ; who being called on, and re-entring, declared in his conscience, That he remained, as said is, within the said town, and bare office therein, for most just fear and dreadour, which might fall in a constant man : Therefore the said Assembly taking consideration of the said Mr Thomas declaration, as said is, ordains the Kirk of Edenburgh to admitt the said Mr Thomas to the next communion and participation of the Sacrament to be celebrate within this town ; the said Mr Thomas appearing before the pulpit of Edenburgh in his own gown, and making repentance for his said offence in the face of the congregation ; and thereafter giving to the poor the gown, wherein he maketh the said satisfaction, or else the price thereof.

For reading and answering the bills : The brethren appoint Mr Patrick Adamson, Minister of Pasley, John Brand, Mr James Melvill, Mr Robert Montgomery, to convene the morne at six hours, and so to continue till the same be answered. C.]

Sessio 9<sup>a</sup>.

Anent the difficultie proponit vpon the presentatioun of Mr Andro Grahame, presenting him to the Bischoprick of Dunblane, vnder the name of ane preacher, although he had bein none: The Kirk finds that finall conclusion is not yet had, That all Bischops shold be first preachers, and alwayes, if he be qualified, the presentation to be obeyit; and yet, for farther tryall, appoints him to exercise vpon Wednesday nixt in the Magdalene Chappell before the Bischops, Superintendents and Ministers that may be present, and speciallie the Minister of Edenburgh, and so many of the Chapter as may be ther, at ten houres afternoone, vpon the beginning of Romans 5.

[Because it is generally complained be the brethren, that the Acts of the Assembly concerning universallly the whole Kirk, as also sundry questions coming in dayly use in particular Assemblies, and resolved in the Generall Assemblies of before, are not come to their knowledge, which were most necessar to be known and notified to the whole brethren, that none should pretend ignorance thereof: For remeed hereof, C.] The Assemblie hes willit thair lovit brether, Mr Robert Maitland, Deane of Aberdeine, Robert Pont, Provest of the Trinitie Colledge, Johne Brand, James Carmichaell, [Minister of Hadington,] to take travell in visiteing and perusing of the saids acts; and sikk as are generall with the Generall Assemblies, to marke and note the samein, that thereafter they may be drawin and extractit out of the bookes, that all pretext of ignorance may be tane away.

[Anent the policy and jurisdiction of the Kirk: The Generall Assembly of the Kirk ordains the brethren that hath travelled and written in this argument, to meet the morne at seven hours in Mr James Lowson his chamber, and to conferr their labours and writing, to be presented thereafter to the whole Assembly.

The Generall Assembly of the Kirk nominateth any two of their brethren after specified, whom it shall please my Lord Regents Grace to accept, to wit, Mr Robert Pont, Provest of the Trinity Colledge, Mr Andrew Hay, Commissioner of Cliddisdail, Mr Patrick Adamson, Minister of Pasley, Mr John Row, Minister at Sanct Johnston, John Duncanson, Minister of the Kings house, Mr Andrew Melvill, Principall of the Pedagogie

of Glasgow, in the place of Mr Alexander Arbuthnet, Principall of the Colledge of Aberdeen, and Mr John Spotswood, Superintendent of Lothian, to concurr and reason with my Lord Regents Grace his Commissioners upon the jurisdiction and policy of the Kirk, at such time as they shall convene; and what beis condescended to be his Grace, ordains them to remain and await thereupon, as they will answer upon their obedience to the Kirk: and after that the said conference is ended, the saids Commissioners to bring the copies thereof with them in all provinces, to be shewen to the Ministers of the same, to the effect they may be the better resolved, when matters shall come to open reasoning.

Sessio 10<sup>a</sup>.

Anent the ordinance given to Mr John Winrame, Superintendent of Fife and his colleagues, to take the purgation of the Bishop of Murrey concerning the slander of fornication, conform to the acts of the Assembly made of before, and to conferr and reason with him upon the heads of religion: The Assembly as of before appointed the said Bishop being present, the morne to make his purgation of the said slander to the Superintendent of Fife and his colleagues depute be them before thereto, and ordaineth them to report their opinion of his knowledge in the Scriptures to the rest of the brethren, with his purgation, the same day.

Sessio 11<sup>a</sup>.

According to the ordinance and appointment of the Generall Assembly, for tryall of the doctrine and ability of Mr Alexander Hepburn, elect of Rosse, the said Mr Alexander, in assembly of the greatest part of the brethren, exercised upon the last part of the thrid chapter of Zechary, as was enjoined to him be the Assembly; and after removing out of the Assembly, the brethren with one consent approved the said exercise and doctrine, and praised God for the same.

The Assembly ordaineth ane article to be given in to them that reason upon the policy and jurisdiction of the Kirk, that a law be made, That no Bishop be elected to a Bishoprick be the Chapter, before he give proof of

his doctrine before the Generall Assembly, and triell be taken be them of his doctrine, life and conversation: And, in the mean time, the said Assembly discharges and inhibites all Chapters, that they proceed not to the election of any Bishop, as said is, without triell taken before of his doctrine and conversation before them; and thereafter he report his testimoniall of the said Assembly to the Chapter, that thereafter they may proceed to his election.

Forfamikle as it is complained be diverse within the Kirk, that such as were Papists, and have since the Act of Parliament made confession of their faith, have notwithstanding as yet no ways participate of the holy Supper of the Lord, pretexting vain excuses, wherethrough it appeareth that they were never in heart truly converted to God: [Therefore C.] It is statute and ordainit, That the Bishops, Superintendents and Ministers in all parts, admonish sick as were papists, and hes sen the Act of Parliament made confession of thair faith, and notwithstanding hes no wayes get participate the holy Supper of the Lord, to participate the Sacrament with the rest of the congregation; and if they disobey, to be haldin as relapse, and to proceed aganis them as relapse with the sentence of excommunication.

[The brethren having consideration that their brother Mr John Spottwood, Superintendent in Lothian, is become sickly and not altogether able, in his own person, presently to visit the whole bounds allotted to him in Commission; and understanding that their brother Mr James Lowson, Minister of Edinburgh, is purposed to pass through the Countrie and visit the said bounds, hath thought meet and ordained the said Mr James to support and aid the said Mr John in his office of visitation, and to make such supplie to him therein as he goodly may to the next Assembly.

Alexander Arbuthnet, burgess of Edinburgh, presented to the Assembly certain Articles for printing of the English Bible, quherof, with the answers of the brethren, the tenor followeth.

The Articles given in to the General Assembly concerning the Printing of the Bible, with the answers of the Kirk thereto.

Imprimis, Anent the godly proposition made to the Bishops, Superintendents, Visitors and Commissioners in this General Assembly be Alex-

ander Arbuthnet, Merchant burges of Edinburgh, and Thomas Baffanden, Printer and burges of the said burgh, for printing and setting forward of the Bible in the English tongue, conform to the Proof given and subscribed with their hands: It is agreed betwixt this present Assembly and the said Alexander and Thomas, That every Bible which they shall receive advancement for, shall be sold in albis for four pound thirten shilling 4 pennies scotts, keeping the volum and character of the saids Proofs delivered to the Clerk of the Assembly.

Item, For advancement of the godly and necessary work and furtherance thereof, and home bringing of men and other provisions for the same: The Bishops, Superintendents and Commissioners bearing charge within this realm, underwritten, viz. James Archbishop of Glasgow, Moderator, &c., have in presence of the said Assembly faithfully bound and obliged them and every one of them, That they shall travell and do their utter and exact diligence for purchasing of such advancement as may be had and obtained within every one of their jurisdictions, at the hands of the Lords, Barrons and Gentlemen of every paroch; as also with the whole Burrows within the same; and shall try how many of them will be content to buy one of the saids volumes, and will advance voluntarily the foresaid price, whole, or half at the least, in part of payment, and the rest at the receipt of their books; and shall try what every burgh will contribute to the said work, to be recompensed again in the books in the prices foresaid; and so many as be content to the advancement of the work foresaid, that the said Bishops, Superintendents and Visitors collect the saids summs and inroll the same with their names what every one of them gives; which roll subscribed with their hands, and money, shall be sent be them to the said Alexander and Thomas, betwixt and the last of Aprile next to come, and shall receive upon their deliverance of the saids summs and rolls the said Alexander and Thomass handwritt; to the effect they and their cautioners may be charged for the said books, conform to their receipt.

Item, That every person that is provided of old as well as of new, be compelled to buy a bible to their paroch kirk, and to advance therefore the price foresaid, and the said prices to be collected and inbrought be said Bishops, Superintendents and Visitors within each bounds and shire within their jurisdiction, betwixt and the last day of June; and because the said act appertains and is expedient to be ratified be my Lord Regents



Grace and the Lords of the Secret Council, and an act of Council to be made thereupon: The Assembly ordains Mr David Lindfay, Minister of Leith, Mr James Lowson, Minister of Edinburgh, and Alexander Hay, Clerk of Council, to travell with his Grace and Lordships for obtaining the famine, together with the priviledge of the said Alexander and Thomas for imprinting of the said work. The Kirk ordains the said Mr James and Mr David to travell with Mr Andrew Polwart and Mr George Young, or any of them, for correcting of the said Bible, and to appoint a reasonable gratitude therefore at the cost of the said Alexander and Thomas.

Item, The Kirk hath promised to deliver the authentick copy, which they shall follow, to them betwixt and the last day of Aprile.

Item, For reforming of the said work be the said Alexander and Thomas; they have found cautioners, Archibald Seingeur and James Norvell burges of Edenburgh, with themselves conjunctly and severally, that they shall deliver so many books as they shall deliver advancement for perfecting of the said work, which shall be, God willing, betwixt and the last of March the year of God 1576 years; and the said Alexander and Thomas are bound and obliged to relieve them. Sic subscribitur Alexander Arbuthnet with my hand, Archibald Seingeur, James Norvell with my hand, Thomas Baffanden with my hand.

Answer of the Generall Assembly to the saids Articles in their order.

To the first article, answered, Referrers the procefs to the Counsell.

To the second, The Kirk promises faithfully.

The Kirk gives Commillion to the persons following, to wit, to Mr Robert Pont, Mr James Lowson, Mr David Lindfay, Mr James Carmichael, Mr Andrew Polwart, Mr Peter Young, or any three of them, to oversee every book before it be printed, and lykways to oversee the labours of others that have travelled therein, to be given in to the printing betwixt and the last of Aprile.

Forsamikle as there is expectation had of a Parliament to be shortly, whereunto fundry things are to be proponed be the Kirk, which of before would be ripely resolved be common judgement and opinion of the whole

brethren: C.] It is thought meitt [and expedient be uniform resolution of] the haille brether, That the ministers of Edinburgh and Leith give warning and advertisement to the Bishops, Superintendents and Commissioners of Countreys, aught dayes before the Parliament, to the effect that they may warne the rest of their brethren to be present, to consult and put in deliberation sick things as falbe thoght, after good advyse, to be proponit to Parliament: which Convention falbe comptit for ane Assemblie.

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A. D. M.D.LXXV.

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THE Generall Affembly haldin and begun the 6 day of August 1575, in the Ovir Tolbuith of Edenburgh: Wher ther was present the Bifchops of Galloway, Dunkeld, Brechine, Dumblane, Glasgou, and the Bifchop of the Yles, Superintendents of Angus and Lowthiane, Commiffioners of Countreyes and Townes, with the Minifters. Mr Robert Pont, [Proveft of Trinity Colledge] Moderatour.

Seffio 1<sup>a</sup>.

According to the ordour and custome of the Affemblic, it was proceedit to the examination and tryall of the lyves, converfatioun and doctrine of Bifchops, Superintendents and Commiffioners of Provinces.

[The Bifchop of Glasgou was exhorted to be diligent in preaching which was neglected be him. C.] Johne Durie, ane of the Minifters of Edinburgh, protests that the tryall as Bifchop prejudge not the opiniouns and reasons, quhilks he and vther brether of his mynd hes to oppone agains the said office and name of a Bifchop.

[The Bifhop of Dunkeld removed, was delated, That he dwelt not within his diocefe; That there is no exercife observed there; That he wrote a letter to George Lundie, Minifter of Crammond, to ferve equally four kirks every Sunday about, under the pain of deprivation; That the ordinance concerning the Earle of Athole is not kept; That he had delapidat the patrimony of the benefice. Reentering, he answered, He made little refidence in any one place, as may appear be his book of

visitation, and was oftener in Dunkeld, since the last Assembly, than in any other place. 2d, That the exercise is holden in Perth, and that his Ministers goe thither. To the 3d he answered, That a part of the benefice he had sett in feu to the possessors of the ground, without diminution of the rental. Being inquired, if he had sett any victuall for silver, which before was not sett for money, answered, He sett none in Lothian for money; but within the bounds of Dunkeld he had sett victuall for silver, viz. a nineteen year tack of 36 chalder of teind victuall for 5s. 8d. the boll to the Earle of Argile. To the 4th, produced two of my Lord Athols bills, but granted he had not excommunicat him. C.]

The Generall Assemblie ordaines the Bischop of Dunkeld, betwixt and nixt Assemblie, to resort himselfe with his familie to Dunkeld, and make residence ther, vnder the paine of excommunication.

The brethren in ane voyce finds great fault with the dilapidatioun of his benefice; and ordaines the acts of the Assemblie to be visit and to be considerit, if ther be any penaltie appointit for the said dilapidatioun, betwixt and the sext day of this instant, and continues thair farder determination therypon to the said day.

[The pretended excuse in not excommunicating of the Erle of Athol, is rejected as frivolous, and the Assembly decernes, That, for not obedience to the ordinance of the Assembly, he hath incurred the pains contained in the act and ordinance made thereupon.

The Superintendent of Angus and Mernes was complained upon, That he admitted ane Mr Robert Merfer, Minister at Banquhar ternitie, unable to discharge his cure: Answered, The said Mr Robert was admitted with the advice of his brethren of Aberdeen, and was tryed be them. The Assembly ordaineth the Principal of Aberdeen with John Craig, Minister there, to take tryall of his doctrine and literature.

The Commissioner of Aberdeen complained upon, That the Readers and Ministers in the countrey keep certain patron and festival dayes, and on these dayes conveen, pray and preach, and foster the people in superstition. Item, That there is no discipline kepted within the diocese. To the first he answered, That some Ministers of the countrie think it lawfull, but for his own opinion he wished it should be taken away by an ordinance of the Assembly: As for the 2d, refers him to his books.

Mr Robert Grahame, Commissioner of Cathness complained upon, That he had not been diligent in his visitation; That he hath moe offices nor

he may discharge. Item, there is a marriage made betwixt the Erle of Caithness daughter and the Laird of Innies, she being divorced for adultery from her husband, and, that he gave command thereto. To the first he answered, That he was compelled to come there four tymes in the year, and grants that he was in Caithness but once: That he is denuded of the Commissionarie, and has no commission for Rosse, albeit he support the countrie this year. As to the marriage, Grants he gave to her such liberty as the Kirk gives to others; and that she has made her repentance bareheaded and barefooted. The brethren discharge him of his commission, and ordaineth, That he be not admitted again till farther advisement.

Sessio 2<sup>a</sup>

The Assembly appointed some brethren to reason with the Bishop of Dunkell and such others as he will joine to him, anent the dilapidation of his benefice, and to see why the said dilapidation is not cause of deprivation. Afternoon C.] The Bishop of Dunkeld compeirand in the Assembly, desyrit that he might have Mr Johne Grahame, Advocate, to reason for him in a matter of dilapidation; quhilk beand thocht a new thing, and by custome of the Assembly, was finallie votit and concludit to be ane novatioun and to introduce some contradictioun; and fand him not to be admittit nor nane vthers quho are not of the functioun of the Kirk; and therfor ordaines him to ansuer in his awin person, the 9 of this instant, or to choose any of the brether of the functioun of the Kirk to reason for him.

[Mr Thomas Howeson produced an act of the Synodall Assembly of Murrey, bearing that there was no question moved at the Bishop of Murrey his election, and what purgation he would make of the slanderous bruit raised upon him and the Lady of Ardross; and farther excused the said Bishop his absence, because he was slandered, in the last Assembly, be Mr Walter Balcanqual, as fornicator with the Lady Ardross. The Assembly judgeth the excuse frivolous. C.]

Because certaine of the Bishops and Superintendents compeirit not the first day of this Assembly, it was thocht good to call them, and the absents to be notit.

[The Superintendent of Fife complained upon, C.] That none of the Vniverſitie of Sanct Androes is preſent, nor nane to come heir; [That the Kirk of Ryne hath no Readers, by reaſon of a controverſie among the Readers; That the exerciſe is taken away fra Sanct Leonards to the pariſh kirk, and yet neither preaching nor exerciſe kepted that day. To the firſt he answered, That it is not his duty to name Commiſſioners for the Univerſity, but it belonged to themſelves; and that they had nominat Mr Robert Hammilton their Miniſter: To the 2d, That the matter being remitted to him, he found no ground, and has remitted the ſame to the Aſſembly; quherin they have decerned the poſſeſſor to remain at the ſaid kirk; and ſinceſyne the pariſhoners agreed to another thrid perſon: To the 3d, That there was an order ſet down for the exerciſe, and a roll of the exerciſers written; and not the leſs no exerciſe has been kepted ſince Paſche by paſt a year; whereof he deſired the brethren to provyde ſome remedy. The Aſſembly ordained the exerciſe to be reſtored again to Saint Leonards Colledge, and the Fryday preaching to be kepted; but yet Mr Robert Hammilton to be heard, when he comes to the Aſſembly. Sicklyke the Aſſembly ordaines the ſaid Superintendent to place the ſaid John Pitcarne in place of the Reader, and to give him his letters of concurrence, ſuch as were given be the unquhill Biſhop of Sanct Andrews, conforme to their decret.

Mr Peter Watſon, Commiſſioner of Nithſdale complained, That the Toun of Dumfries, on Juile day laſt by paſt, ſeeing that neither he nor the Reader would read nor uſe doctrine upon theſe dayes, brought a Reader of their own with tabron and whiſle, and cauſed him read the prayers; which exerciſe they uſed all the days of Juile. This complaint the brethren thought good ſhould be intimat to my Lord Regents Grace, that he may find remeed herein.

The ſaid day, Alexander Biſhop of Galloway preſented to the Aſſembly the tenor of his ſatiſfaction, decerned to be performed be him, and decret of the brethren, and deſired to know, if he had ſatiſfied the ſentence preſented be them: Which they found ſatiſfied and fulfilled in all points, according to the contents thereof.

Anent the apperraling of the Miniſtry omitted in the laſt Aſſembly: The Aſſembly appoints their loving brethren, to whom commiſſion was given of before, to conveen the morne, at 7 hours, in Mr James Lowſon, Miniſter of Edenburgh his houſe, to pen ſuch apparrelling as is to be

eshewed be them, conform to the act of the last Assembly, and to report the same to the brethren the morne. C.]

Sessio 3<sup>a</sup>.

The brether appointit to pen their judgement anent the habite of the Ministers and their Wyfes, presentit the same to the Assembly, quhilk was found good; and all the brether serving the function of the Kirk, ordaines to conforme themselves and their wyves therto, and ordainit effectuoullie to follow the same: Quherof the tenor followes in their wordes.

Forfameikle as a comely and decent apparrell is requisite in all, namelie in the Ministers and sick as beares function in the Kirk: First, we thinke all kynd of brodering vnseimlie, all bagaries of velvett on gownes, hoses or coat, and all superfluous and vaine cutting out, steiking with silks; all kynd of costlie sewing on pafiments, or sumptuous or large steiking with silks, all kynd of costlie sewing or variant hews in farks, all kynd of light and variant hews in cloathing, as red, blew, zeallow, and sicklyke, quhilk declares the lightnes of the mynd; all wearing of rings, bracelets, buttons of silver, gold or vther mettall; all kynd of superfluitie of cloath in makeing of hose; all vsing of plaids in the kirk be Reidars or Ministers, namelie in tyme of their ministrie and vsing their office; all kynd of gowning, coating, or doubliting, or breiches of velvett, satine, taffettie, or sicklyke; all costlie gilting of whingers and knyves, or sicklyke; all silk hatts, or hatts of divers and light collours: Bot that their hail habite be of grave collour, as black, ruffet, sad gray, sad browne, or searges, wirffett chamlet, growgrame lytes wirffett, or sicklyke: and to be short, that the good word of God be them and their immoderatenes be not slanderit; and their wives to be subiect to the same ordour.

[Anent the terme appointed to the Bishop of Dunkell to reafone in his own cause be himself or some of the brethren of the function of the Ministry, concerning the dilapidation of the benefice: The said Bishop being present, declared he had sought assistance of some of the brethren of the Ministry, and could have none; and therefore desired the Articles of his accusation to be given him, and a delay to the next Assembly, that he and some brethren may be advised therewith for their answer; and to

that effect produced his supplication in writt. The Asssembly found that no further delay should be given, but till Thursday next to come; and appointed the Bishop of Glasgow, Mr George Hay, Mr John Row, Minister of Perth, to give their advice to him, and to reason for him the said day.

The same day, James Nicolson, Collector Clerk, exhibited to the Asssembly a roll of the Ministers that had wasted the patrimony of their benefices, and made no residence at their kirk: whereof the particular catalogue followeth. John Webster alias Watson, Parson of Camusbie, hath dilapidat his benefice; Alexander Urchart, Parson of Olrick, has dilapidat his benefice, and waiteth not on his charge; George Sinklar, Chancellor of Cathnes, waites not on his cure; Gilbert Gray, chanter of Cathnes, and Mr George Monro, waite not on their cure; Mr John Gordon, Minister of Speinie and Keith, Mr Patrick Dowglas, Treasurer of Murrey, Mr Alexander Gordon, Chancellor, await not on their cure; Andrew Spence, Minister at Forg, Drimblait and Collamand cannot await on his cure, because he occupyeth an servile office in my Lord Forbess house of Drum-mynoure, far distant from his charge; Mr John Barton, Minister of Clunnie Kilmavenock, Mr James Hering, Provest of Methven, Mr George Ramsay, Minister of Fouldon and Chirneside, Mr William McGawin, Commissar of Wigton, Person of Minto in Tiviotdale, William Bonkle, Vicar of Hadinton, Robert Dowglas of Mordingtoun, James Stewart, Parson of Glenwhinie, James Stirling, who sold the Parsonage of Carstairs, Waltar Haddon, a new Person, awaite not upon their cure; John Kin-naird, Vicar of Carstairs, awaiteth not on his cure, and hath slain the Laird of Corston; Mr John Colvill, Chanter of Glasgow, and Minister of Kilbryd, Mr Patrick Adamson and Mr Andrew Polwart, Ministers of Paisley, Mr William Chirnside, Parson of Lufs, wait not on their cure; Mr John Rynd, Parson and Vicar of Cumnock, has fett the same for fourty pound; Mr Archibald Sinclair, Parson of Zuddick, James Preston, Parson of Daylie, Mr John Walker, Minister of Monigafe, await not on their cure. The which persons being called, The said George Monro, Mr James Herring, and Mr Patrick Dowglas compeared. The Asssembly appointed the eleventh of this instant for them to answer, and to take order with the absents. C.]

It appeirit to some of the brether that the lang continuance of Commissioners in thair offices, should induce some ambition and inconvenience



within the Kirk ; and therfor was thocht a matter to be consultit in this Affemblic, Whither it were best that the Commissioners of Provinces fould be changit, fra zeir to zeir, fra the countreyes quher they travell to vthers. After long reasoning, the greatest part of the Affemblic thocht best, quher men may be had abill to vse the Commissioun, that ane zeirly exchange fould be. [And for the present transports Mr George Hay from Aberdeen to Cathness, and in his room placeth Mr John Craig, Minister of Edinburgh: And sicklyke appoints Mr David Lindsay to support the visitation of Murrey, and consider the Bishops diligence, with the complaints of the Ministers of the countrie against him, during his residence there: And sicklyke, Mr John Row to visit the bounds there appertaining to the Bishop of Dunkelds jurisdiction, upon the Bishops expens: And sicklyk continueth the Superintendents of Fife and Lothian in their offices respectivé. Mr Andrew Hay, Commissioner of Renfrew, desired to be exonered of his Commission, but is exhorted to continue in his charge till the next Assembly: Mr Peter Watfone continued Commissioner of Nithisdale, and Mr Andrew Clayhills, Commissioner of Tiviotdaill. Sicklyke the Assembly continues Mr John Duncauson, Minister of the Kings house in his Commission of Galloway till the next Assembly, and exhorts the Bishop of Galloway to assist him, when he comes in the Countrie.

For visitation of the Books: The Affemblic appointed their lovit brethren, William Christeson, Minister of Dundie, Mr Gilbert Gardin, Mr James Greg, Mr Roger Gordon, John Fullerton, Minister of Sanguhar, Mr Andrew Mylne, George Scott, Mr Thomas Biger, Mr James Carmichall, Minister at Hadinton, to convene at 7 hours the morne, in the Upper Tolbuith, and to continue till the same be perused.

For reading and answering of bills and complaints: The brethren appoint Mr David Lindsay, Minister at Leith, David Ferguson, Minister of Dunfermline, John Duncauson, Minister of the Kings house, Mr Andrew Melvill, Principal of the Pedagogie of Glasgow, Mr Alexander Arbuthnet, Principal of the Colledge of Aberdeen, and Mr Walter Balcanqual, one of the Ministers of Edinburgh, to meet at two afternoon, in the Over Tolbuith, and so forth to continue till the same be answered and resolved.]

Ordaines Mr James Lowfone, James Bishop of Glasgow, Mr Andro Hay with Alexander Hay, Clerk of Privie Counsell, to conceive ane

article in wryte, concerning the vnioun of paroch kirks, to be presentit the morne to the brether to be confiderit be them.

Sessio 4<sup>a</sup>.

[The General Affembly of the Kirk enjoyed their beloved brethren, Mr David Lindfay, Minister at Leith, Mr John Row, Minister at Perth, and Mr Andrew Hay, Commissioner of Ranfrew, to form and pen the Articles to be presented to my Lord Regents Grace in writt, with such possible diligence as they goodly may, and hereafter to produce them to the whole brethren to be considered, if the same shall be found good to be directed to his Grace : who being depeſhed from the Affembly, returning again, presented the said Articles to the said brethren ; which being read were found worthie and expedient to be presented to my Lord Regents Grace : always if any other articles shall be thought good be the brethren to be eeked hereto, they are desired to exhibit the same, afternoon.

The General Affembly of the Kirk all in one voice giveth commiſſion and power to the right honourable and their loved brethren, James Bishop of Glasgow, John Areskin of Dun, Superintendent of Angus and Merns, Mr John Spotswood, Superintendent of Lothian, Mr John Row, Minister of Perth, and Mr David Lindfay, Minister of Leith, to pais to my Lord Regents Grace, and present unto his Grace the articles of the said Affembly, contained in writt and delivered to them, and, with all humility and dew deference, to require his Graces good answer thereto, conferr and reason with his Graces answer thereupon, and to report his Graces answer to the said articles, against the 12th day of this instant before the dissolution of this Affembly.

Followeth the tenor of the said C.] Articles to be presentit to my Lord Regents Grace.

Imprimis, For planting and preaching the word through the hail realme : It is defyrit, That so many Ministers as may be had, quhilks as yet are vnplaced, may be receivit, asweill in the countrey, to releive the charge of them that hes many kirks, as vtherwayes throuhout the hail realme ; with Superintendents or Commiſſioners within these bounds quher Bishops

not, and to help these Bishops that hes ovir great charge, and reasonable livings to be appointit to the forfaids; and also payment to them that hes travellit befor as Commissioners in the zeirs of God 1573, 1574, and fo fourth in time coming, without the quhilk the travells of sick men will cease.

2. That sick impediments be removit away as makes hinderance to the progresse of the doctrine, sick as abundance of vice in all parts of this realme vnpunishit, marketts vpon the Sabbath day, and Ministers troublit in the executioun of thair office.

3. That the ordour already tane toward the poore may be put in full executioun: And to that effect, that a portion of the teinds quhilk is thair awin patrimonie, asweill of the twa part as of the thrids, may be employit for thair sustentation, according as necessity craves; and to this effect, that the Hospitalls quhilk hes bein of auld, may be restorit to thair awin vse, notwithstanding of any title made therof to vther persons; and also that sick ordinar almes as hes bein appointit fourth of Abbayis or vther benefices, be long consuetude, may be payit to the poore as of befor.

4. Because the Schooles are the fountaine fra the quhilk Ministers must flow, That provision be made for them, not only for sick as remaines within the realme, but also for men of good ingyne, quhilk be the Kirk sould be found [meet] to visite other countreyes and Vniversities for thair furtherance in learning; and cheiffie for Glasgow, because it is new erectit, and hes not sick provision as vther Vniversities.

5. That sick assignatiouns as hes bein appointit be the Prince and the Kirk, and alterit without the advyse of the Kirk, may be repairit; and that, in tymes coming, sick assignatiouns as falbe appoyntit, be not alterit without the advyse of the Kirk, vtherwayes no Minister falbe sure of his assignatioun.

6. Quher Ministers produces letters of horning to the General Collec-tour, vpon sick persons as are assignit to them for payment, the said col-lectour may be causit to make payment to the saids Ministers.

7. That all dayes that heirtofoir hes bein keipit holie, besydes the Sabbath day, sick as Zoole day, Sainets dayes, and sick vthers, may be abolischit; and a civill penaltie against the keepers therof be ceremonies, banquetting, playing, fasting, and sick vther vanities.

8. That all sick Ministers or Reiders as, either be infirmitie or age, becomes vnable, may have their stipends indureing their lyfetyemes.

9. That the Clerk of Affemblie be anfuert of the ordinarie stipend appointit to the Clerk of befor, namelie, in respect of his labours multiplied be wryting of the hail Ministers and reidars letters, asweill for anfuering them of their stipend as of their gleibs and manfes, gratis; and that his name may be infert in the booke of assignatioun, with his stipend, as vse was; and sicklyke be anfuert of the zeir bypast that he hes fervit.

Anent the question proponit be certaine brether of the Affemblie of the hail Kirk, Whither if the Bischops, as they are now in the Kirk of Scotland, hes their function of the word of God or not, or if the Chapter appointit for creating of them aucht to be tollerated in this reformed Kirk: For better resolution heirof, the Generall Affemblie of the Kirk appoints thair lovit brether, Mr Johne Craig, [Minister of Aberdeen] Mr James Lowfone, [Minister of Edenburgh] and Mr Andrew Melvill, Principall of the Colledge of Glasgou, on that ane part; George Hay, [Commissioner of Cathnes] David Lindefay, [Minister of Leith,] Johne Row, [Minister of Perth,] on that vther part, to conveine, reafon and conferre vpon the said questioun, and to report thair judgement and opinioun thervpon to the Affemblie befor the dissolving therof, if they be resolvit betuixt and the same.

Seffio 5<sup>a</sup>.

[Anent the term appointed to the Bishop of Dunkeld, to reason in his own cause concerning the dilapidation of his benefice, and to propound what defence he had therein, why the samen merits not deprivation: The said Bishop compearing in Affemby declared, That the fetting of the tack of the 36 chalder victual for six shilling 8 pennies the boll (confessed be him before) to the Earle of Argile, was not voluntarily, and that divers tymes it repented him thereof; and yet, be the grace of God, is willing to have it reformed, either be favour and good will of my Lord Argile, or be procefs of Law, wherein my Lord Regents Grace had promised to him his assistance, as my Lord Justice Clerk being present could testify his Lordships good will therein; who lykeways, be a writing of his Grace direct to him, declared, he minded to travell with the Erle of Argyle, that it

may be reformed, and desired my Lord Regents Graces requiest, That all farther procefs against the said Bishop should be intermitted, till the next Assembly. The Generall Assembly willing to satisfie my Lord Regents Graces suit and requiest, and looking, that be his Graces travell and diligence, and procurement of the said Bishop to be tane be him in this intermediat tyme, that matters shall take better fruit, and be reformed, hath continued and continues the said cause in the same force and effect as it is now, to the first day of their next Assembly; and the said Bishop is warned thereto.

Because of sundry acts and conclusions holden in the Assembly, for excommunication of the Erle of Athole, which notheles have not been put in execution, for which cause the Bishop of Dunkeld is presently suspended from his office: Therefore the Generall Assembly hath ordained a writting to be direct in their names to his Lordship and his Lady, requiring them, if they sute conference or reasoning of any of the brethren, to choise three or four, with Mr John Row, Commiffioner, appointed in these parts, whose conference and counsell they may have, and whom the saids brethren commands to give their consultation to them, that they may be resolved in the points of religion, betwixt this and Martimafs next to come; and their meeting to be in Dunkeld and Saint Johnstoun: Which conference being had, and they not resolved, as said is, betwixt and the said day, Ordaines the said persons with the said Mr John, to pronounce the sentence of excommunication against them: and if they refuse the said conference, ordaines the said Mr John Row, with assistance of the Superintendent of Angus and Mernes, the Superintendent of Fife, William Christefon, Minister of Dundie and Tibbermuir, to pronounce against them the sentence of excommunication within Dunkeld: and if they be stopped, or troubled there, that they may not pronounce the same, to execute and pronounce the same in Sanct Johnstoun. C.]

Ordaines ane article to be made to the Lords of the Sessioun for Ministers and Reidars, that they may have expedition of their procefs perfewit befor them, that they be not abstractit from thair charges.

Sessio 6<sup>a</sup>.

[The Commiffioners direct to my Lord Regents Grace with the

Articles of the Assembly, for receiving his answer thereto, reported, His mind was to ride shortly toward the borders; and because some of the articles craved the advice of the Council, which could not presently be had, desired therefore that the Kirk should give commission to some of the brethren to await upon his Grace and Council, and to reason and conferr upon the said articles, and receive answer thereof. The Assembly of the Brethren ordaines the said Commissioners, or so many as shall be present, to wait upon my Lord Regents Grace and Counsell, and to reason and conferr upon the saids articles, and to receive his answer thereof; and if either answer be not received, or that they be not present to receive the same, that they wait thereupon the first day of November next to come.

The brethren delated for not making residence at their kirks, and for wasting and dilapidation of their benefices, appointed to give answer this day, compared. Mr George Monro his excuse, that he might not travell at his kirk for deadly feed, was accepted. Mr Andrew Young denied that he served the kirks contained in his roll. Mr Patrick Dowglafs granted he made no residence, be reason he had gotten nothing to serve for, and yet gave out a pension to a bearn to hold him at the School; and sicklyke sett the gleeb in few. Mr Andrew Polwart ordained to serve at Paislay, according to his promise made to the Bishop of Glasgow. C.]

The brethren appointit to reason and conferre vpon the function of the Bishops as they are now in this realme, and if thair Chapters appointit for creating of them, be tollerable, and to returne thair judgement to the Assembly, gave in thair opinioun as after followes, in wryte, viz. They thinke it not expedient presentlie to answer directlie to the first questioun; bot if any Bishop be chosen who hes not sick qualities as the Word of God requyres, let him be tryit be the Generall Assembly de novo, and so deposit.

The poyntis quherin they aggrie concerning the office of ane Bishop or ane Superintendent.

First, the name of Bishop is commoun to all them that hes a particular flock over the quhilk he hes a peculiar charge, asweill to preach the word as to minister the sacraments, and to execute the ecclesiasticall discipline with consent of his elders; and this is his cheife function of the Word of God. Attour out of this number may be chosen some to have power

to oversee and visit sick reasonable bounds, besides his own flocke, as the Generall Kirk shall appoint; and in these bounds to appoint Ministers, with the consent of the Ministers of that province, and the consent of the flock to whom they shall appoint; and also to appoint Elders and Deacons in every principall congregation where there is none, with the consent of the people thereof; and to suspend Ministers for reasonable causes, with consent of the Ministers forsaids.

[Anent the proposition of my Lord Galloway to the Assembly, desiring their resolution, What is meant by them by his suspension, Whether he be suspended from all preaching of the Word of God, as from all communion within the Kirk: The Assembly of the Kirk declareth, That no fault they will find, that he will preach truly the Word of God, albeit he stand suspended from communion of visitation; always exhorts him to concur and help the Commissioner of Galloway in his visitation, for keeping good order and discipline within these bounds. C.]

Questio. What punishment deserves that Minister that marries persons refused by their ordinary Minister, and that in respect they keep open house together uncontracted, and will obey no discipline; and where their ordinary Minister desyrith them to obey the discipline, they wound him to the death; upon the morne the said Minister married them, without satisfaction made to the Kirk for wounding their Minister. A. Refers the punishment of this Minister to the punishment of Mr Patrick Creiche.

[Questio. Whether the contract of marriage used to be made before the proclamation of banns betwixt man and woman, should be made by words of the present tyme, The man saying to the woman, I take thee to be my wife, and the woman saying to her husband, I take thee to be my husband; or should there no contract or promise be made while the instant time of solemnization of the marriage. A. Let the order observed within the reformed Kirk of Scotland be kept. C.] Parties to be married should come before the Assembly, and give in their names, that their bands may be proclaimed, and no farther ceremonies visit.

[Questio. Whether if the Kirk, by the law of God, hath power to cognosce and discern upon heresies, witchcraft, blasphemy of the name of God, and violation of the Sabbath day, especially upon the quidditie thereof;

or whither if the Criminal Judge shall give sentence of death for such crimes, before the Spiritual Judge decerne upon the quidditie thereof. C.]

A. The Kirk hes power to discern and cognosce vpon heresies, blasphemation of Gods name, witchcraft, and violation of the Sabbath day, not prejudgeand the punishment of the civill magistrate.

[Q. When a bearn is gotten in incest, adultery or fornication, and the father is unknown fugitive, or will not recognosce the bearn to be his, Whither shall this bearn be baptized without delay, or shall the baptisme of it be deferred, till the father be found, and hold up his own bearn to baptisme, and satisfie the Kirk; seeing that the Kirk may lift no pains upon caution for such causes. A. This question would be conceived more distinctly.

Q. A man and a woman were in their parish kirk upon a Sunday, in presence of fundrie of the parishioners, publickly married, or hand fast be the Reader, and thereafter have mutual cohabitation together at bed and board, as married folks so reput and holden: The Minister of the same kirk, at the womans desire, a good space thereafter, leads a forme of divorce betwixt them, in this manner: He calls the woman before him, and causeth her swear that her husband had never carnal copulation with her, and thereupon, without asking farther question at the man, decernes them separat and divorced from other, the man always dissenting thereto, and still claiming her to be his lawfull wife: Whither is this forme of divorcement allowable in a reformed Kirk that hath received the Evangel; and if it be not, What correction deserveth the Minister, that usurpeth and useth this manner of process and judgment. A. This divorcement is not lawfull, and meriteth suspension, and the Minister to make publick repentance.

Q. If it be expedient, that there be in notable towns and congregations the best learned Ministers, and if there be not, that the same be reformed: That where men of good judgement are in some places, and their labours, as it were, lost, they may be transported to places where they may better edifie; and others of smaller judgement repair to their places where they are interessed, to serve. A. Referrers to the discretion of the Bishops, Superintendents and Commissioners.



Q. What shall the Minister do, who is required to marry a man that has committed adultery in his wives tyme, now his wife is departed, and he hath satisfi'd the Kirk therefore, and desires to be married upon another woman that he had in his wives tyme. A. Ordaines to form this question better.

Q. A woman hath committed incest with her mothers husband, and hath satisfi'd the Kirk therefor; and now the said woman desires to be married to another man, with whom she has committed fornication, What shall the Minister doe in this case. A. Let this be formed better, and this to be moved to the Regent.

Q. Whither an officer of arms is to be admitted to be a reader in the Kirk. A. Thinks it not convenient. C.]

[Q. Whither a zong man, after he hes lyin with a zong woman that is esteimit a virgine, na marriage preceidand, nor promise alledgit be her, be compellit be any particular Kirk, at the sute either of the woman or of the parents, either to marie her, or pay her tocher good. A. There is no law establischt, that the man should either marrie her or pay her tocher good. C. & B.]

Q. Whither if a Bishop absolutely, be his own authority, may change or transport Ministers from kirk to kirk at his pleasure, by their consents, and of the Kirk where they serve, or not. A. He may with advice of his Assembly.

Q. Whither bairnes gottin afoir marriage, the lawfull marriage following, are lawfull, or not. A. They are lawfull. C. & B.]

[Q. Whither if divorcement made by any other Commiffars than the Commiffars of Edinburgh, (the causes of divorcement being lawfully proven,) be lawfull or not. A. Impertinent. C.]

Q. What punishment salbe for ane Minister that baptizes ane murtherers bairne not of that paroch, on ane Monday not being ane day of preaching, and without repentance of the murtherer remainand at the Kings horne. A. He deserves depositioun.

[Q. A certaine man with his complices ravisheth, and violently taketh away a woman ; thereafter marrieth the said woman, without proclamation of bannes, neither solemnizes the marriage in face of the Kirk, but in privat house, Whether is the marriage lawfull ; the bearnes begotten therein legitimat, or not ; and what punishment to the Minister that so abuseth marriage. A. Referres to the answer made before.

Q. Whereas great inconveniences follow upon the refusal of certain Ministers, to administrat the Sacrament of the Lords Supper on Pasche day, such as the profanation of the same by privat persons, in profane houses, If it be lawfull for any Minister to satisfie the peoples appetit thereinto. A. Where the day is superstitiously keepeed, it is not thought meet that the Communion be ministrred that day. C.]

Q. If it be lawfull for any Minister to dispense with the number of dayes appointit for the repentance of incestuous and adulterous persons, in respect that the lyke obedience cannot be obtainit in all places. Na answer.

Session 7<sup>a</sup>.

[Anent the supplication given in to the General Assembly be Alexander Arbuthnet, making mention, that where it is not unknown to your Wifdoms, what great work and charge I have interprised concerning the imprinting of the Bible ; for accomplishment whereof, your Wifdoms understood, that the office of a corrector, his diligence and attendance therein is most necessar : And therefore I humbly desire your Wifdoms to requiest my Lord Abbot of Dumfermline to licentiat Mr George Young his servant, whom I think most fitt to attend vpon the said work of correctorie, to concurre and assist me during the tyme of my travell, to the effect that the notable work begune and interprised may be consummat and perfyted in all points : The charges and expenses of his travells I shall reasonably deburse, conform to your Wifdoms discretion, so that the work may pass foreward and be decent, as the honesty of the same requires ; whereunto I require your Wifdoms diligent answer : And, in like manner, it is not unknown to your Wifdoms, that for the furtherance of the same godly work tane on hand be me, the order is tane, that the Bishops, Superinten-

dents and Commiffioners should diligently travell for collec̄ting, inbringing, and execution of the charge of our Soverane Lords letters direct to that effect: In confideration whereof I earnestly defire your Wifdoms to command and charge every Ordinar within his jurifdiction, to put the faid letters to due execution, and make me to be payed, conform to the tenor of the fame, whereby the godly interprife of the famine may take full effect with expedition: And becaufe your Wifdoms fufficiently underftand, that the concurrence of my Lord Fewar of Orknay fhall greatly help to the expedition of the faid work within his Lordships bounds, I humbly defire fupplication and requieft to be made to the faid Lord, that he would, within the bounds of his jurifdiction, caufe obedience and payment be made, conform to the tenor of the faid letters; whereby I your Wifdoms fervitour fhall pretermitt no kind of diligence, expenfes, or poffible power in me lyeth, that fo the faid godly work may take full furtherance and effect to the glory of God and the weale of his Kirk.

The faid fupplication being read and confidered be the faid Affembly, they all in one voice give commiffion to the brethren appointed to prefent the articles to my Lord Regents Grace, to travell with my Lord Dumfermline for fatiffying the firft article; and as concerning the reft, willingly condefcends to the fame.

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A. D. M.D.LXXVI.

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THE Generall Affemblic of the Kirk conveinit in the Ovir Tolbuith of Edinburgh, the 24 of Apryle 1576: Wher ther was present Lords, Baronis, the Bifchops of Glaſgow, Dumblane, Dunkeld, Roſſe, Brechine, Murray, Superintendents of Lowthiane and Angus, and Commiſſioners of Countreyes, Townes, Kirks, and Miniſters. Mr John Row, [Miniſter of Perth,] Moderatour.

Seſſio 1<sup>a</sup>.

[The Biſhop of Glaſgow removed, was delated, For not preaching in the toun of Glaſgow ſince he entered in his office, and alwiſe rare preaching, howbeit he was thought diligent in viſitation; 2. That no injuncti- ons were given to adulterers delated to him, nor ſummoned to receive injunc- tions; 3. That kirks within his dioceſe were not repaired; 4. That he hath no particular flock; and 5thly, Being required before his removing he the Moderator, to render the commiſſion of viſitation he had in the hands of the Affembly, he answered not directly, but only, That he would do reaſon. Being called in again, he answered to the firſt, Preaching is the good gift of God, which is not equally beſtowed on all, and excuſed himſelf, that he was not ſo able, nor ſo liberally doted with underſtanding as others; always it cannot be denied but that he preached, and eſpecialy at Govean and other kirks, and was willing to doe his duty: To the ſecond, If the particulars were expreſſed, he would anſwer, but remembers not that he hath failed, as that head purports: To the 3d, He granted the

kirks are not repaired, and complains thereof as they do : To the 4th, That he received no particular flock in the entrie of his office, nor no question was then moved thereupon ; but if the Affembly think that he should be astricted to a particular flock, he should either obey the Ordinance of the Affembly therein, or give place to others : To the fyfth, If the Affembly findeth that the commiffion which he hath, should endure only from year to year, he is content with the censure of the Affembly.

The Superintendent of Lothiane removed, was complained upon, For rare visitations, notwithstanding he had an aēt of the Affembly, for concurrence and assistance of such as he would require thereto ; next, That he had initiated the Bishop of Ross in the Abbay of Halyrudhous, being admonished of the brethren not to doe it : Answered, That he had travelled in visitation till Januar, and sennyne hath been sick, and could not charge any of the brethren be reason of the evil weather : To the 2d, He grants his fault.

The Bishop of Dumblane removed, complained upon, That he had not taught since his entrie to his office, nor yet makes residence, nor hath a particular flock : Answered, He had not yet received any fruits of the benefice, hath been diseased thir three weeks begane ; alwise promifeth amendement in time coming. Being demanded, If he would demitt the commiffion of visitation which he had of the Affembly, answered, He was content, if the Affembly thought it good.

The Bishop of Murrey removed, was delated, first, That he had no particular flock ; next, Charged be Mr Patrick Balfour, that his stipend, be the negligence of the Bishop, is changed, and his name left blank in the rolls, and a dead person called James Sibbet put in the room of another, that he is not able to edifie the flock ; He grants he hath no particular kirk : As for the rolls he shall take order with the Clerk, that if any wrong be done, it may be reformed, and that there is no dead man placed in the books : Farther, He declared he was presently under process of horning, and, be the Regents Graces tollerance, came down this day, to present himself to the Affembly. The Affembly, in respect of his own confession, that he is at the horne, ordained him to be removed till he be relaxed.

The Bishop of Rosse being required to dimitt in the hands of the Affembly the jurisdiction of Visitation, which he had of the Affembly, condescended, and was exhorted to be diligent in visitation.

Sessio 2<sup>a</sup>.

Anent the action of accusation led against Mr James Paton, called Bishop of Dunkeld, for diminution of the rents of the Bishoprick, be setting of a 19 year tack of 36 chalders of victual, for five shilling 8 pennies the boll, to the Erle of Argile, continued to this present Assemblie: The said Bishop being present in Assemblie, inquired, What he had done since the last Convention of the Kirk, for repairing of the said fact, declared, It had pleased my Lord Regents Grace to commune with the said Erle in the said matter, who promised to his Grace and lykwife to himself, to satisfie the Assembly therein, desiring a delay thereof to his coming: which desire being be vote of the Assembly refused, with his other sute of delay, whill he conferred with the brethren appointed to that effect in the last Assemblie, in respect of the long continuation of tyme which he hath had since the last Generall Assembly, wherein he might have been sufficiently provided, and have consulted with the said brethren, whose deliberation he, not the less, hath not fought; the said Assembly desired, what defences he had, why the said fact merits not deprivation, to propone the same, namely, in respect of the Act of the Generall Assembly made the 9 day of March 1569, Sessio 8, against such persons as diminish the rents and fruits of their benefices: Which act being publickly read, the said Bishop alledged a certain obscurity to stand in thir words of the act, "where the contraveners thereof are decerned to be deprived of their benefice;" desiring the interpretation and meaning of the whole Kirk herein; which being, be the greatest part of the Assembly, resolved and interpret to be this, That the contraveners of the said act shall be deprived of their offices, and all that they have of the Kirk therethrough, so far as this lies in the power of the Kirk: The said Bishop alledged and propounded, That the said act and execution thereof should not strike upon him, the same being unknown to him, and never coming to his ears, nor never published; That an ordinance of the Kirk was, that all the acts of the Kirk should be revised, and such as were found unmeet to be retained, to be tane away; of which number he knowes not if the same may be one: That the said act means only of Ministers, and of the setting of manfes and glebs, and is not meaned of Bishops; and last, The said fact done by him proceeded upon a most just fear, which might fall on a most constant man,

his house being befeiged, and his son taken away. All which defences being at length heard and considered by the brethren, and the said matter being profoundly and freely reasoned by certain of the brethren, both of the Law of the eternal God, and upon the said act, in utramque partem, Whither the said fact merits deprivation, or not: The whole circumstances of the fact, together with the confession of the said Bishop weyed and rypely advised by the Assembly presently convened, having chiefly regard to the glory of the name of God, and his Son Jesus Christ, for the most part resolved and concluded, The said Bishop to have contravened the tenor of the said act, and therethrough to incur the penaltie thereof, to wit, deprivation from his office, and that which he hath of the Kirk therethrough, so far as lyes in their power for ever. The said Bishop appealed from the said sentence verbo, to the Lords of Parliament.

This sentence was thought meet by the Assembly, to be intimat to my Lord Regents Grace; and to that effect directed Mr David Lindsay, Minister of Leith, and Mr Patrick Causlean. C.]

Anent the pluralitie of offices objected to Mr Robert Hamiltoun, Minister of Sanct Androes: The said matter beand long debaittit with reasons on every fyde, and rypely advyfit, the present Assembly, in respect of the circumstance of place and congregation of Sanct Androes, Finds and declares the twa offices joynit in his person to be incompatibill in him. [Mr Patrick Auchinleck, Commissioner for the town of Sanct Andrews, protested in name thereof, That this sentence prejudice not the town of Sanct Andrews, nor ingender any prejudice to them touching their Minister, without they be called and heard.

Conforme to the order taken in the last Assembly, for calling and summing of persons delated for non residence, and dilapidation of their benefices, within every province, and for such as were then present and delated: The Assembly commandeth Mr James Hering, either to serve and make residence at his kirk, or else to dimitt his benefice. The persons with whom the Bishops, Superintendents and Commissioners had taken order with, conform to the ordinance of the Assembly; James Stirline and John Kinnaird excommunicat by the Bishop of Glasgow; Mr John Rynd his accusation found to be untrue; Mr John Colvill summoned by the Visiter to compare upon Fryday; Andrew Spence had not obtained his Manse, yet used reading in my Lord Forbes his house; Mr William M'Gown, William Boile and James Stewart ordained to be

charged be their Commiffioners refpectivè, to enter to their charges, and make refidence at their kirks, as becometh them.

Mr David Lindfay and Mr Patrick Adamfon returned from my Lord Regents Grace, with his Graces answer concerning the Bifhop of Dunkeld, That the Kirk hath proceeded againft him, and deprived him worthilie for his offence, he could find no fault therein; yet his defire is, that a policie and univerfal order were eftablifhed in the Kirk, for fuch and other proceedings; and to that effect, fuch things are were penned in that argument in the laft conference, fhould be revifed and feen; or that, with fome of the Counfell, if the heads conceived before miflyked them, they fhould fitt down and penne other heads; or elfe, themfelves to fett down and devife the faid policie, to be prefented to his Grace, that lawes may pafs thereupon. In this mean tyme, in cafe of the faid Bifhops complaint upon the Kirk to the Counfel, that fome of the learned be depute be the Affembly, to await upon the Counfel, and to reafone the matter formalie.

The Generall Affembly hath defired the honourable men and brethren underwritten, to advife what answer fhall be given to my Lord Regents Graces defire herein, to wit, the Lairds of Lochlevin, Wedderburne and Braid, with the Bifhop of Glasgou, the Laird of Dun, Mr Robert Pont, Mr Andrew Melvill, Mr Clement Littill, Mr James Lowfon, Mr Alexander Arbutnet, Mr John Craig, Mr Patrick Adamfon, Mr David Lindfay; and to that effect to convene in the kirk, the morne at fix hours, and report their advice to the Affembly. C.]

Anent the advyfe and opinioun of the brethren given in, in the laft Affembly, concerning the queftioun movit, Whither if Bifhops, as they are now in Scotland, hes thair functioun of the word of God: The hail Affembly, for the greateft part, after reafoning and long difputation vpon every article of the faids brethrens opinioun and advyfe, refolutelie approvit and affirmit the fame, and every article thereof, as the fame is given be them; quherof alfo the tenour is heir reportit.

First, the name of Bifhop is commoun to all them that hes a particular flock, over quhilk he hes a particular charge, afweill to preach the word as to minifter the facraments, and to execute the ecclefiafticall difcipline with consent of his elders; and this is his cheife functioun in the word of God.

Attour of the number may be chofin fome to have power to vifite and



overſie ſick reaſonable bounds beſyd his awin flock, as the Generall Kirk ſhall appoint, and in theſe bounds to appoint Miniſters, with conſent of the Miniſters of that province, and the conſent of that flock to quhom they ſhalbe appointit; alſweill to appoint Elders and Deacons in every particular congregation quher ther is none, with conſent of the peiple thereof; and to ſuſpend Miniſters for reaſonable cauſes, with conſent of the Miniſters forſaids: And to the effect that the ſaids articles condiscendit vpon be the ſaid Kirk, may be the better followit out, and readie executioun enſewit therevpon as appertaineth, Ordaines the Biſchops, quho hes not ȝit receivit the charge of a particular congregation, to condiscend, on the morne, quhat particular flocks they will accept to take the cure therof.

Sellio 4<sup>a</sup>.

[Forſamekle as the great and intollerable burden lying to the charge of Biſhops, Superintendents and Commiſſioners, is, and hath been the very cauſe, that the whole Kirk within thir bounds could not be duely overſeen, conſequently good diſcipline unexerciſed within the ſame for lack of viſitation: Therefore it is thought meet, that ſuch bounds be appointed to every Commiſſioner and Viſitor, as may be duely viſit and overſeen be every one of them; and to that effect the Aſſembly preſent hath elected the Commiſſioners of Countries with the perſons joyned to them under named, to conveen at extraordinar hours to make a proper diſtribution and diviſion of the whole bounds of this realme, and to give in writt their opinions and judgement how every bounds may be beſt viſited, to the morne at nine hours.

The Names of the ſaid perſons follow,—

FOR GALLOWAY.

John Duncanſon.  
Mr James Fotheringhame.  
The Laird of Gadȝcart.

## FOR NITHSDAILL AND ANNANDALE.

Peter Watfon.  
 John Fullerton.  
 Lyon Brown.  
 Mr John Porterfield.  
 Mr Andrew Polwart.

## FOR TIVIOTDAILL.

Mr Andrew Clayhills.  
 The Laird of Fawdounside.

## FOR TUEDALE.

John Brand and  
 The Laird of Traquair.

## FOR LOTHIAN AND MERCE.

The Superintendent of Lothian.  
 Mr David Lindfay.  
 The Laird of Braid.  
 The Laird of Spott.  
 David Hume.  
 William Hume.

## FOR FIFE.

The Reſtor of St Andrews.  
 Patrick Weems.  
 Patrick Kinninmonth.  
 Mr James Wilkie.

## FOR DUNBLANE.

The Biſhop of Dunblane.  
 Mr William Stirlane.  
 Robert Graham.

## FOR STRATHERNE.

The Laird of Craigie,  
 Adie, and Strathurer.

Archibald Hering.  
Mr John Row.  
Andrew Merfer.

## FOR AIR.

The Bifhop of Glasgou.  
Mr John Young.  
George Campbell.  
The Minifter of Air.  
Mr David Cuninghame.

## FOR CLIDDISDALE.

Mr Andrew Hay.  
Mr David Cunninghame.

## FOR ANGUS, MERNES, STORMONT AND GOWRIE.

The Laird of Dun.  
William Chriftefon.  
Mr Andrew Mylne.  
The young Laird of Dun.  
James Anderfon.

## FOR ABERDEEN AND BAMF.

Mr John Craig.  
The Principal of Aberdeen.  
The Laird of Craig.  
The Laird of Innertowchie.  
Mr Gilbert Gairdin.

## FOR MURREY.

Mr Robert Pont.  
Mr John Keith.  
Patrick Balfour.

## FOR ROSS.

The Bifhop of Roffe.

Robert Graham.  
Mr John Monro.

FOR CATHNESS.

Adam Davidfon.  
Robert Graham.

For order to be tane with the parts of Argile, ordaines Mr Andrew Hay to desire my Lord Argile to be present in the Affembly : and ficklyk ordaines the Reçtor of Sanct Andrews, Mr John Row, Mr Patrick Adamfon, Mr Alexander Arbuthnet and Mr Andrew Melvill, to pafs to my Lord Regents Grace, and declare to him the proceedings of the Kirk in this matter, the morne at seven hours.

Anent the lamentable writing direçt from the French Kirk exiled in England to the Kirk of Scotland, bewailing their forrowfull estate and condition, and desiring the almes collected be the brethren to be sent to them : The whole Affembly, after reading of the said writting, with the procurator of the said exiled brethren direçt for receiving of the said contribution, being inwardly touched with the forrow of their brethren grievously borne at under with the hard dart of necessity, willing, with all heartie and tender affection, to utter their brotherly care toward them, has ordained the summes already collected to be delivered and sent away to them, with such securitie as shall be devised be their brethren, Mr James Lowfon, Minister of Edinburgh, and Mr David Lindfay, Minister of Leith : And, in the mean tyme, becaus a great part hath promised their charitable almes, which is not yet performed, ordaines the Bishops, Superintendents and Commissioners of Countries to labour earnestly at their hands, for inbringing of the sament within 20 days next thereafter, and what is ingathered to deliver the same to Mr James Lowfon, Minister of Edinburgh ; and a general writting to be framed be Mr David Lindfay to this effect.

The brethren appointed to conceive and forme the power and jurisdiction which shall be given be the Kirk to the Visitors of Countries, gave in their judgement and advice therein, which was allowed and approved of the whole Affembly : The tenor whereof followeth.

## Articles concerning the Office of Vifitors.

That he call the rest of the Ministers together within the bounds of his vifitation, as also to hold Synodall Affsemblies, to be Moderator there, to try the Ministers, and have the oversight of the schooles ; and he to be tried be this Affembly : To propone the matters that are to be consulted of, to gather the votes, and declare what is found be votes.

He shall have the oversight of all the particular Kirks within the bounds of his vifitation, and Ministers thereof, that every one of the Ministers exerce their own vocation diligently with their own congregations, and in the bounds of his vifitation ; to appoint Ministers with advice of the Miniftrie of the Province, affembled in the Provincial Affemblyes, at the least six of the best learned within his bounds, or in laiking of that, of the next adjacent, to be chosen in the Synodal Affembly, with the consent of the people to whom he shall be appointed Minister : and that becaus the power stands not in the Vifiter, but in the Kirk, as to the suspension or deposition of any Minister from his office, the samen shall be done be the Vifiter and Miniftrie in the said Synodal Affsemblies, the caus being there tried, particular intimation being made to his particular congregation to be present ; except some urgent cause occurre, that it be necessar to doe the same with short advice ; as if the Minister committ some notorious crime, whereby he cannot be longer retained in his office : In the which caus the Vifiter may convene them that are upon the exercise in that Province, and they with him, and the Session of the particular Kirk, to proceed to suspension be the lawfull tryal of the offence.

Upon the presentations of Patrons to the Vifiter, he, with consent of the Synodall Affembly of his Province, shall give his letters testimonial to him that is presented, lawfull impediments being tane away, at the least with advice of six Ministers within his bounds, or in lacking that, of the next adjacent, to be chosen in the Synodal Affembly, providing always that the consent of the flock where he should be appointed be had, or else a reasonable caus be them shoven why not ; and in case he had been a Minister before, he to receive his letters testimonials upon the presentation, with the advice of the Ministers of the Exercise within that Province ; and none to give collation of any benefice without the bounds appointed to him be Commiffion of the Kirk.

That an admonition be made to all Ministers, that unadvisedly they proceed not to excommunicat ; and if difficultie arise herein, that the Visiter and the rest of the countrie be advised with ; and sicklyk in absolution.

Where there is not Ecclesia bene constituta, that he travell to constitute it.

That he take head to the keeping of Exercise, repairing of kirks, kirk yairds, designation of manfes and glebs, and all other charges pertaining ad decorum Ecclesiæ, and granted to the Kirk be the Lawes of the Countrie.

For reading and answering of bills and supplications, to be given in to this present Assembly, and, sicklyke, for reviewing of the books of Visitation, the Kirk deutes their brethren underwritten : They are to say, Mr Robert Hamiltoun, Mr Alexander Arbuthnet, Mr Andrew Melvill, Mr John Craig, Mr Gilbert Gairdin, Mr Andrew Cuninghame, Mr Andrew Polwart, John Brand, Mr John Duncanson, Mr Andrew Clayhills, to convene every day in the morning, till the same be answered and reviewed.

To the question moved, If a Bishop, Superintendent or Commissioner of a Countrie may remove a Reader from a kirk, he being lawfully placed thereat, without a just cause : It was answered be the Assembly, That he may not be removed be them, without a just cause.

#### Sessio 5<sup>a</sup>.

According to the order taken the day preceeding, the brethren and others appointed to the limitation of the bounds to be committed to the Visitors of Countries, gave in their judgment, how they might be best and most commodiously visited ; wherewith the Assembly being advised, divided the bounds to the Visitors underwritten, as after follows :—

To Mr Gilbert Foulfie,	}	Orknay and Zetland.
Mr James Annand,		
The Bishop of Ross, and his particular Kirk to be	}	Ross.
Channonrie of Ross, of his own consent,		
Mr George Hay,	-	Cathness.
The Bishop of Murray with assistance	}	Murrey.
of Mr George Hay, as he may,		

Mr Gilbert Gairdin :—Aberdeen and Bamff, the Kirks of Boyn and Buchan from Etham, not exeeming Mr George Hay his Kirk.

Mr John Craig :—The Laigh of Marr and Garrioch, with the Kirks of the Mernes beyond the Munt upon the water of Dee.

John Strathawechin :—The High of Marr and Garrioch, with Mr George Hay his kirk.

The Laird of Dun,	}	Angus and Merns.
William Christefon,		
James Anderfon,		

Mr John Row, with the assistance of Duncan M'Aula :—The bounds of Dunkeld, with the kirks of Sanct Andrews within Strathern, except the kirks of Dunkell within Fife and Angus, committed to the Visitors thereof.

The Bishop of Dumblane :—Dumblane, and the Kirk of Dumblane to be his particular kirk, of his own consent.

Mr John Winrame with such others as he shall chuse, with advice of the Commissioners that are to pass to Sanct Andrews :—Fife from Sanct Andrews to Leven.

David Ferguson :—From Leven to Cambuskenneth, the kirks of the Diocese of Sanct Andrews, from Forth to Tay on both sides, to Newburgh, and therefra west, on the South side of the Ochills, the kirks of Sanct Andrews and Dunkeld.

The Superintendent of Lothian,	}	From Stirlin to the Water of Leith.
Mr James Lowfon,		

Mr David Lindfay :—From the Water of Leith to Cockburnes Peth inclusive.

John Clapperton, Minister of Coldstream :—Of Merce and Lamermuir.

Mr Andrew Clayhills :—For Tiviotdail.

John Brand :—For Tueddall.

Mr Andrew Hay,	}	For Cliddisdail, Renfrew, and Lennox.
Mr David Cuningham,		

Mr Peter Watfon :—For Nithisdale and Annandale.

Mr John Duncanson :—For Galloway.

The Bishop of Glasgow being inquired, If he would accept of a particular charge and flock, or not, gave in his answer in writt to the Assembly, That he is content, while the next Assembly, unbound to travel with some

several parishes, at such tyme as his leasure and other necessar causes will permit, provyding he be not astricted to the said congregation; and at the next Asssembly he shall give his answer, whither he will accept a particular flock or not: and if he refuse, the Kirk not to reprove him for his last promise; and if he accept one, the samen shall be at his own option, and shall have another to assist him in the Ministrie of the said flock, because of his visitations and other charges: And also that the said Bishop shall not be precluded of his office accustomed in the rest of the parts of his Diocie, and service of the King, conform to the first admission; and desired thir things to be allowed be the Assembly now present. The Generall Assembly continues him in the office of Visitation of the bounds which he had before, to their next Assembly. C.]

Mr James Lowson, Robert Pont, Alexander Arbuthnet, William Christefon, Johne Row and Johne Craig, with the Laird of Dun, are ordainit Commissioners to visite the Colledges of the Vniverfitie of Sanct Androes, and to consider the same, the maner and the estate therof; and quhat they find to report to the next Assembly.

[Anent the question moved in the Assembly, Whither if the Asssembly may proceed against the unjust possessors of the patrimony of the Kirk and the poor, or not; and if they may proceed, how far they may: For answering directly and formally hereto, the Asssembly thought meet; first, it should be reasoned and disputed, If the Asssembly may proceed against such persons, unjust possessors of the said Patrimony of the Kirk; and after debating of the argument on either side, C.] The hail Assembly concludit affirmativè, That they may proceed against unjust possessors of the Patrimony of the Kirk, in respect of the notorious slander; [and that as upon slander,] and sicklyke, that they proceed against them be doctrine and admonitioun; and last of all, if no remeid beis, with the censures of the Kirk: and farther, that the Patrimony of the Kirk, quherypon the Kirk, the poore, the schooles should be sustainit, is ex jure divino; leivand the farther disputation of this matter to the first day of May next; and then the description of the Patrimony of the Kirk to be inquyrit at that day, and farther reasoning had for full resolution of the questioun.



Sessio 7<sup>a</sup>.

[Forſameikle as there are diverſe queſtions and difficulties moved, and proponed to this Affembly, whereof the full and finall reſolution, be reaſon of the ſhortneſs of the continuance of this Affembly, cannot preſently be had, it is thought meet, That a copy of the ſaids queſtions be delivered to the Biſhops, Superintendents and Viſiters of Countries, to be propounded and adviſed in their Provinciall Conventioun, and reported again to the next Generall Affembly.

The Biſhop of Murrey, required be the Affembly to give proof of his doctrine be the brethren, declared, That he was content to give ſpecimen and proof of his underſtanding, in the toun of Aberdeen, Dundie, or Murrey, before Mr John Craig, Miniſter of Aberdeen, and Mr Alexander Arbuthnet. The Affembly ordaines him to give the proof of his teaching before the ſaids perſons, in their Provincial Affembly next to come in Aberdeen, and the ſaid brethren to report their judgment and opinion thereof to the next Generall Affembly: Farther, the ſaid Biſhop, at the will and fight of the ſaid Affembly, was content to accept the cure of a particular flock. C.]

[Ordained their brethren, Mr Robert Pont, Proveſt of the Trinitie Colledge, Mr James Lowſon, Miniſter of Edinburgh, Mr Alexander Arbuthnet, Principal of the Colledge of Aberdeen, Mr Andrew Hay, Perſon of Renfrew, Mr David Lindſay, Miniſter of Leith, to review and overſie the book wrytin be their brother, Mr George Hay, contra Tyrie, and to conſider and try the ſaid work; and what judgment or opinion they conceive, the ſamen to propound to the next Affembly of the brethren. C. & B.]

[Anent the demand of Mr Andrew Hay, Perſon of Renfrew, If every Viſitor within his own bounds hath like power and juridiſtion to plant Miniſters, ſuſpend or depoſe for reaſonable cauſes: The Affembly reſolvèd affirmativé, That they have a like power and juridiſtion therein, as is contained in the particular articles printed concerning the juridiſtion of the Viſitors.

Forſameikle as it is heaviely deplored and lamented be certain of the godly brethren, That the Countrie, in all quarters thereof, is miſerably divided in factions and deadly feed, in ſo much as the pariſhoners, for fear

and fufpicion which they have of others, dar not refort to their parifh kirks, to hear the word of unity preached, nor to receive the facrament and feals of their falvation ; quherof rifeth a fhamefull and infufferable flander to the Kirk of God, and his true religion within this realme : It is therefore thought good, and concluded univerfally, That the Vifitors of the Countries in all parts zealoufly fhall endeavour themfelves, and travell with parties, to reduce and bring them to a chriftian unitie and brotherly concord, as becometh the brethren and members of Jefus Chrif ; exhorting them, as they tender the falvation and well of their own fouls, to be at a heartie concord one with another, that the bleffing which is pronounced for the peaceable may be imparted and given to them ; and flander and offence arifeing to the Kirk through the occafion of their ungodly factions, may be cutt off and removed. C.]

[Fer making an overture of the policie and jurifdiction of the Kirk, and uttering the plain and fimple meaning of the Affemblic therein, the Affembly prefent hath moved and requiefted their brethren underwritten, to travell and take pains to reafon and conferr upon the heads of the faid argument, and to deliberat gravely and circumfpectly thereupon, that they report their opinions advifedly to the next General Affembly, that is to fay, For the Weft Countrey, the Bifhop of Glafgow, Mrs Andro Melvill, Andro Hay, James Greige, David Cunighame ; for Lowthiane, Mrs Robert Pont, James Lowfone, David Lindfay, Clement Litle and Alexander Syme ; for Fyffe, The Superintendent therof, with the principall Mafters of the Vniverfitie ; for Angus and Mernes, the Laird of Dun, William Chrifefon, Johne Row, William Rynd, Johne Duncanfone ; for Aberdeen, Mr Johne Craig, Alexander Arbuthnet, George Hay : and thir perfons to conveine ilk countrey and rank in the places following, viz. The Weft in Glafgow ; Lowthiane in Edinburgh ; Fyfe in Sanct Androes ; Angus in Montrois, the firft Tuefday of Junij next to come, to conferre and advyfe vpon the faid matter, and make generall meiting and conventioun, twa or ane at leaft, of ilk countrey above wrytin, in Stirling, the laft of Julij thereafter, to communicat and cognofce vpon thair hail travells and labours taken heirin, and to conferre vniverfallie heirvpon together, and report quhat they have found and conceivit in the faid matter, to the nixt Affemblic quhilk is appointit to be in Edinburgh the 24 of October nixt to come, in cace no Parliament : and in cace of a Parliament,

the Kirk ordaines the Minifters of Edinburgh to make intimatioun therof to the Bifchops, Superintendents and Vifitors of countreyis, that the Kirk may be conveinit foure dayes befor the faid Parliament, and that the Barrones and gentlemen be exhortit to be prefent with the Commiffioners appointit in the Provinciall Affembles. C. & B.]

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A. D. M.D.LXXVI.

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THE Generall Affemblic conveinit at Edinburgh, the xxiiij day of October 1576: Wher there was present the Bifhops of Glasgou and Dumblane, Superintendents, Commiffioners of Provinces, Townes, and Vniuerfities. Mr John Craig [Minifter of Aberdeen] Moderatour.

Seffio 1<sup>a</sup>.

[In the tryal of Bifhops, Superintendents and Commiffioners, Mr Andrew Clayhills, Commiffioner of Tiviotdale, was complained upon, That, after he had difcharged the Minifter of Ankrom to baptize a mans child, who had an idol in his houfe, he himfelf came after, and caufed the faid Minifter to pafs out of his pulpit, and baptized the bearne, whereupon a fhifme followed in his congregation: 2dly, He had refused to give forth an edict, as the Synodall Affembly had ordained, to fummond perfons who had not repaired to the Communion: 3dly, He would not be tryed be the Synodall Affemblic, as they were be him, but faid that he would be fuperior over them: Fourthly, That he reftored two Readers who were fufpended be the faid Affembly, within eight days after their fufpention, without their advice. To the firft, he answered, He baptized the faid bearn, becaus after that George Johnfton, Minifter, had refused to baptize him at his command, the woman who bear the bearn, conceived difpleafure and dyed; whereupon her husband conceived a deadly feed againft the Minifter, and would not fuffer him to baptize the bearne; alwife, after

promise taken to put away his idol, for eshewing of greater inconvenience, he baptized the bearn. The 2d and 3d he denied. As to the last, He restored the Reader with consent of the brethren.

Mr George Hay, Commissioner of Cathness, at the desire of the Assembly, rendered up his commission, as also did the rest of the Commissioners who were present. Mr Andrew Hay, John Duncanson, Mr Peter Watson, Mr John Row, were not only willing to give up their commissions, but also craved to be exhonored thereof. C.]

Mr John Row, David Lindesay, Patrick Adamson, were directed fra the Assemblie to sute my Lord Regents Graces presence at this Convention, or vthers authorizit with his commissioun.

Sessio 2<sup>a</sup>.

[The brethren directed to my Lord Regents Grace] reportit, That the charge of the Kirk came so suddenie [to him] that he could not be present, nor addresse his Commissioners thereto: Alwayes, if the Kirk thinks meitt, he fall appoint certaine of the Counsell to conveine with the Commissioners quhilk the Kirk fall appoint, at sick tymes as the Kirk fall think good, to conferre vpon sick things as may further the glorie of God.

[Forfamekle as the Assembly preceeding had given commission to some of the brethren to consult upon the matter of the Policie of the Kirk, and to report their judgment contained formalie in writt to this Assemblie, wherein some travels have been taken be the brethren, and something penned: C.] It is thocht good be the Kirk, That sick things as are alreadie pennit anent the Policie of the Kirk, as was ordainit be the last Assemblie, fould be revisit, and vther things quhilk falbe presentlie given in, sightit and put in good forme [and order:] And to that effect the Kirk requicfts my Lord Chancellor, the Laird of Lundie, Mr Andro Hay, Andro Melvill, James Lowson, Johne Durie, Robert Pont, James Wilkie, Reçtor of the Vniversitie of Sanct Androes, Johne Row, George Hay, Clement Litle, to conveine at afternoone, and daylie dureand the Assemblie, at sick hours as they aggrie vpon, to conferre vpon the things already pennit, with vthers quhilk wilbe given in, and advyse therevpon, collect together in good forme, and present the same to the Assemblie, befor the dissolving therof.

Because of the multitude of the bookes of Commissionars quhilks are to be examinat in the Generall Affsemblies, and large tyme spendit therin ; befyd sikk as are deput thereto knows not the proceedings of the saids Commissioners sa weill as thair Synodall Affsemblies : Therfor, it is decreit and statute be the Kirk present, That the bookes of the Visitors and Commissioners be tryit and sein in there Synodall Affsemblies, and subferyvit be the Clerks therof, and the most part of the said Affembly, and reportit againe to ilk Generall Affembly be the Commissioners, that the Kirk may consider thair diligence in thair offices.

[The Affembly remembring the Bishop of Murrey his admission to stand yet under question, and that he, with his Chapter, was ordained to have been summoned to fundrie Affsemblies, to have heard trial taken of the said proces, with certification, if they compeared not, the sament should be declared null and void in itself in tymes coming, and yet nothing done, hath ordained summons to be direct, summoning him, with the Chapter foresaid, To produce the said proces, and hear trial taken therein, the second day of the next Affembly, with certification, if they compeared not, the same shall be declared null and void in the self in times coming ; to be execut be their brethren, Mr George Hay, &c.

Forfamekle as the dischaunting and intermission of Exercise almost every where is greatly lamented, and the chief reason thereof is for lack of penaltie and punishment of such as either should prophesie themselves, or occupy the second place of Addition : Therefore C.] The Affembly present hes [thought meet and] ordainit, That all Ministers and Reidars within aught myles, or vtherwayes at the good discretioun of the Visitor, fall resort to the place of Exercise ilk day of Exercise, and namlie the Ministers that sould prophesie, and that sould adde : Quherin if either of these two failzie, That, for the first fault, in presence of the brethren of the Exercise, vpon thair knees they confesse thair offence ; That, for the second, they make the lyke submissioun befor the Synodall Affembly ; if they incurre the thrid, That they be summoned befor the Generall Affembly, and receive discipline for their offence ; and if they fall in the fourth fault, That they be deprivit of thair offices and functiouns of the Ministrie.

The Kirk gives commission to the Laird of Dunne to summons Mr James Fotheringame befor him, and to take tryall of the slander of haynous adulterie betuixt him and Margret Lindesay, and of ane pretendit mariage

alledgit folemnizat and compleit betuixt them, and to report his proceeding heirintill to the next Generall Affemblic ; with power alfo to him, to charge the faid Mr James and Margret Lindefay to feparate themfelves fra vther, quhill tryall be takin of the faid flander, under the paine of excommunicat ion ; and if they difobey, to excommunicat them : And, in the meane tyme, in refpect of the contempt of the Kirk, in not making his purgatioun of the faid flander befor the faid Superintendent, being thereto fummoned, the Affemblic prefent fufpends him fra all functioun and office within the Kirk.

Seflio 3<sup>a</sup>.

Anent the propofitioun of certaine brethren of the Affemblic, declarand that the Regents Grace hes prefentit Mr Patrick Adamfon to the Bifhoprick of Sanct Androes, and that, be the ordinance of the Affemblic, Bifchops fould be tryit befor them, befor they be admittit be the Chapter, Requyreand both the counfell and advyfe of the Kirk herein : The faid Mr Patrick being prefent anfuerit, That my Lord Regents Grace had difchargit him to proceid farther in this matter, in refpect the faid aet and ordinance of the Kirk is not accordit on ; and therfor he wald not midle farther and make instance therein ; quhillk anfuer the Kirk thocht fould be given be the Chapter to my Lord Regents Grace.

Seflio 4<sup>a</sup>.

[The Affembly thought meet, that Mr Patrick Adamfon, Mr John Row and Mr David Lindfay notifie to the Regents Grace the order to be taken for the Vifitors of Countries, and what number the Affembly thinks good, according to the divifion of the bounds, with the names of the Vifitors, if he fhall require ; defiring provifion to be made for them, and to returne his Graces anfuer again.

Sessio 5<sup>a</sup>.

The brethren direct to the Regents Grace, to know his Graces will concerning the Visitors, returned his answer, That he would be advised with the rolls and the Collectour. C. & B.]

[The Affembly continueth all the Commissioners that were appointed in the last Affembly, except Mr John Gairdin, in their offices till the next Affembly; and in place of the said Mr John Gairdin, gives commission to John Vre to visit the bounds appointit to the said Mr John of before.

Mr Andrew Hay protested, That he be not obliged to farther than he may doe reasonably upon his own expences, otherwayes accepteth not the commission.

The same day, C.] Alexander Hay, Clark to the Secret Counsell, presentit to the Affembly certaine questiouns, quherof he craveit decision for the better expedition of the platt; declaring it to be my Lord Regents Graces will, at the least so many as now may [goodly] have resolution; [that others of greater importance and difficulty be referred to better opportunity.]

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[The Questions are not extant in the Register of the Affembly, but the tenour of them found in a certain copy, followeth:—

1. Ought there to be any degrees of dignitie, and order among Ministers, in respect of learning, age, or places where they make residence.
2. May Elders, Deacons, Ministers once elected, and accepting the charge, leave the same again during their lityme.
3. Shall the order of the Elders and Deacons be alike in every parish, as well without burgh, as within; in little parishes, as mekle; as well where there wants a Minister, as where there is one; shall their power and authority be in every particular parish alike, and their number alike.
4. Ought any teinds or dueties be sought from the parochiners that want ministration.



5. Resteth the power of excommunication with the Minister, Elders and Deacons of every particular Kirk ; or is it requisite, That they receive advice and direction thereanent from the Archbishop, Bishop, Superintendent, Commissioner or Visitor of the Diocie.

6. How many of their names and offices are tolerable in Gods Kirk ; and what is the difference between them.

7. Shall he that overseeth the other Ministers, whether he be provided for term of life, or for a tyme, do things him alone, or shall he have any Counsell, Assessors or Chapter.

8. How far may the Ministers, Elders and Deacons of every particular kirk and parish proceed ; and in what causes.

9. What cause properly belongs to the decision of the particular Assembly of any Diocie, Shyre or Province ; who are subject to convene thereto, how oft, and at what places.

10. How many Generall Assemblies ought to be within a kingdom ; be whom they should be convocat ; for what cause ; what forme of summoning and of proceeding ; who shall be President ; and how many shall have power of voting ; upon what matters may the Generall Assembly intreat ; what executions and pains upon the acts and decreets ; what persons ought ordinarily to be present thereat ; what pains against them that ought to come, and absent themselves ; how far may be proceeded, in case the greatest part that should come, compare not ; and whether may the fewer number convening, give law to the greater being absent.

11. Who shall occupie the place of the Ecclesiastical Estate in the Kings Parliaments, Conventions and Councils, and how many.

12. What is the proper patrimonie of the Kirk.

13. Shall all Ministers livings be alike in quantitie, because they are thought to be alike in dignitie.

14. He who is thought worthy to preach the word and minister the sacraments, Is he not also worthy to be promoted to any benefice, seeing it is thought there is no preferment of dignitie among Ministers in respect of any qualitie.

15. Shall benefices be conferred to particular Ministers in title, or shall the rents of all come to a common collection, and be distributed at the discretion of the General Assembly of the Diocie.

16. Shall the Diocese, or provinces and the parishes continue accord-

ing to the present division of them; or if there appeareth any alteration requisite, be whose authority ought it to be done.

17. What are the causes, and what shall be the manner of suspension and deprivation of persons being in the Ministerie from their functions and livings, and whether shall the process . . . or shall the person accused have a libell to answer unto, and what execution shall follow upon the sentence.

18. Shall deposition from the office and function induce also deprivation from the benefice and living, and what forme of process in that behalf.

19. Whether dilapidation of the rents of the benefices, non residence, pluralities, committing of slaughter, adultery, simony and such detestable crimes deserve deprivation of persons provided to benefices, and what manner of judgment therefore.

20. What is Simonie.

21. If non residence of persons bruiking benefices, and occupying of ordinary offices in the Kirk, merits deprivation, why should not the order as well extend to them provided of old, as to them provided since the Kings coronation, considering whatever is unlawfull against conscience, and contrar the will of God at this present, hath been wrong and unjust in all times preceeding; and the longer unjust possession continues, it heapeth the greater damnation upon the possessors.

22. Whether may any man be both a Minister, and a Master of a school, or Provost of a Colledge.

23. Whether may a man be both a Bishop, and a Lord of the Seat.

24. Whether may a man be both a Minister and a Procurator or Man of Law, a Sheriff, a Toun Clerk, a Notar or a Consistorie Clerk.

25. Whether may a man be both a Minister and a Commiffar of the Consistorie.

26. Whether may a man be both a Minister and a Sheriff or Justice Criminall, or Provost, Bailiff or Seargant of a toun.

27. Whether may a man be both a Minister and a Reader, or an officer of armes, or a Lord or Lairds steward, grieve, pantryman, or porter.

28. Whether if a man may be both a laird or landed man, and therewithall a Minister or a Reader: in case the Kings proclamation come, or that he be summoned upon assises or inquests in criminal or civil causes,

ought he to pass to the warrs, and keep the Shireff and Justice Courts ; or is he, be any law, exeemed, in respect of his ministrati<sup>o</sup>n or reading.

29. In case the Minister or Bishop conquers lands to be holden of the King, or other superior, for personal service in the warres or sicklyke, how may he of conscience discharge both the one and the other function.

30. Shall payment of the thrids be perpetual, or for a time.

31. What benefices presently ought to pay thrids, and what benefices none.

32. What provision for the wives and bearnes of the Ministers deceasing, and how long shall they continue with the manes and gleebes unre-  
moved.

33. Who shall be judges in causes of matrimony and divorcement, of testaments, of the right of patronages, of benefices, of tinfell and deprivation from benefices, of the payment of Ecclesiastical rents and livings, of flanders.

34. How many sufficient and worthy Ministers to preach the word and minister the sacraments, is there presently within the realme of Scotland, and what are their names, at what kirks were it meetest to place them, what living and stipend to appoint to every one of them, and whether meeter to provide them for terme of life, or but from Assembly.

35. What shall be the condition of kirks and parochies, where no Ministers are presently to be placed.

36. Shall the Readers be presently discharged, or not ; what are there names, and how many of them esteem ye worthy or unworthie to be continued.

37. A man provyded of old to a benefice, and now serving at another kirk for a stipend, Whether is he just possessor of the benefice, or may he be compted mercenarius for his stipend.

38. What difference to accept the title of a benefice of four parish kirks annexed to it, and to accept the service and ministrati<sup>o</sup>n of four several parish kirks that are no greater bounds nor number of parishioners than the other.

39. Are the articles and forms accorded upon at Leith, in Januar 1571, altogether to be followed, or altogether presently to be casten off and rejected ; or what indifferent thing were proper and convenient to be followed.

40. Is it against conscience and good order, That one man shall be

appointed Reader to fundrie kirks, or that one mans name fall be twife written in the book to two fundrie places, that he may thereby get two stipends.

41. Whether hath the City of Geneva committed sacriledge, or not, in appointing of the rents and teinds of their Bishopricks to their common theaſure, paying but a certain portion thereof to the ſtipends of their Miniſters.

42. Since be the lovable cuſtome of the primitive Kirk, the Kirk rents were diſtributed in four parts, viz. to the ſchools, the poor, the upholding of kirks, and the Miniſter or Paſtor, Ought not the rents of all benefices and ſtipends now poſſeſſed and received be Miniſters, and the rents of all lands, or teinds conquiſſed and poſſeſſed be them, either of the former kirk rents, or be meane thereof be the new reformed Kirk of Scotland, ſemblable be divided, and applyed according to this order of the primitive Kirk. C.]

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Anent the qualities of Readers, It is thought meit, That the hail Reidars within this realme ſalbe examinat and tryit de novo in thair Synodall Affemblies; and if, after examinatioun, they be found to want the qualities preſcryvit in the Booke of Diſcipline, to be deſoſit, and removit fra thair offices: And, ſicklyke, That no Reidar within this realme miniſter the holie ſacraments of the Lord, except ſick as hes the words of exhortatioun, in their mouths.

[For reiding of the bills and ſupplicatiouns given in to this Affembly, and anſwering thereof, the Affembly hath named and deſt their brethren, Mr James Melvill, Mr Andrew Mylne, Mr James Carmichael, John Duncanfone. C.]

Seffio 6<sup>a</sup>.

[Anent the propoſition made be Mr Henry Kinrofs, Advocat, in name of our Soverain Lords Seſſion, putting the Affembly in remembrance of an act and order made be them, for in bringing of the perſones deſunct,

desireing the Kirks answer, what had been done herein : The Assembly and Commissioners present understanding be the greatest part of the brethren, that the said act was not put in execution for lack of knowing of the same ; after public reading thereof, ordaines the said act and ordinance to be kepted and observed against the next Assemblie ; and the names of the persons deceifed since the date hereof, to be reported to the Generall Assembly, conforme to the said ordinance : And to the effect, that the same may be univervally kepted and observed in times coming, It is thought meitt, that in every parochin, ther be persons appointed to break the earth, and to make sepulchres, that shall notifie the names of the persons deceifit to the Reidars, that they may present the same to the Commissioners, to report the same to the Generall Assemblie. C. & B.]

Forfameikle as the Kirk and Commissioners present, advysedlie considering the great prejudice and hurt done to the Kirk of God be benefic persons within the Ministrie, that settis sewis and taks of thair benefices and ecclesiastical livings, lands, rents, teinds and fruites of the samein, defraudand not only their successours of that quhilk justlie should pertaine to them, and quhervpon they ought to be sustaint ; bot also bringand vpon the Kirk be thair inordinat and corrupt dealing, infinite scandals and inconvenients : Therfor, with vniformitie of votes and myndes, they have concludit, That no benefic person within the Ministrie, Bischops or vthers, shall sett sewis or taks of their benefices, or ecclesiastical livings, lands, rents, teinds and fruites of the same, or any part therof, to quhatsoever person or persons, without the advyse and consent of the General Assemblie of the Kirk : and, sickerlyke, that no Minister subscriue nor give thair consent to the saids sewis or taks, in any wayes, quhill they see the consent of the Assemblie.

For better resolution of the questiouns given in be Alexander Hay, Clerk of the Secreit Counsell, and expeditioun of the matter of the Policie ; The Kirk present hes ordaint Mr Johne Craig, William Christefone ; George Hay, John Duncanfone, Andro Melvill, James Melvill, Andro Hay, David Cunnighame, Johne Row, James Greig, James Lowfone, David Lindesay, Robert Pont, David Fergufone, Robert Hamiltoun, Johne Robertfone, Johne Erskine of Dunne, ane of the Visitours of Angus and Mearnes, if he beis present, to conveyne the next day after the dissolution of this Assemblie, and visit and consider the heids of the Policie, advyse and consult diligentlie therupon, and vpon the saids questiouns, and

to report their judgements theranent, conceivit formallie in wryt, to the next Affemblic.

[Anent the heads and articles of accusation given against Mr Thomas Hepburne: The Affembly committs the visitation of the same to their brethren, Mr John Row, Mr James Lawfon, Mr David Lindfey and Mr Andrew Melvill, and to receive his answers to the said accusations afternoon. The same day the accusations with their answers being reported to the Affembly at afternoon, and read, and the said Mr Thomas inquired, namely, of the doctrine taught be him, That no Soul entereth in heaven, where Christ is glorified, while the latter judgement, if the same be damnable and erroneous, or not: Answered, That he had learned the same opinion out of certain ancient Doctors of the Kirk; nevertheless if a better reason be brought to refute the same, he will not adhere contumaciously to his own witt, but yield to the better reason: for which purpose he desired he might have conference and privie concurrence of certain of the learned brethren, namely, of Mr John Craig, Mr John Row, Mr Andrew Melvil, Mr Robert Pont, Mr George Hay, Mr James Lawfon; wherunto the Affembly accorded, and appointed the said brethren to convene the morne, at 8 hours in Mr James Lawfons house, with the said Mr Thomas to that effect, and to report their judgements upon his answers, as well concerning the said article and doctrine, as other articles of accusation laid to his charge, at ten hours. C.]

Anent the fummounding of the Moderatour, and Mr Andro Hay, Commissioner of Cliddisdaile, to compeir befor my Lord Regents Grace and the Princes Counfall, bringand with them the act and ordinance, made be the Affemblic for excommunication of the Captaine of Crawford, with the act quherypon the same proceidit, that the veritie might be knawin: The Kirk ordaines thair brether to appear befor my Lord Regents Grace and Counfell, and give obedience, and to report quhat beis done in that matter.

Returneand to the Affemblic fra his Grace and Counfell, they declarit, That, in respect they producit not the acts and ordinance forsaid, quhilk they excused be shortness of the charge, and occupation of the Clark, his Grace and Counfell hes suspendit the said sentence of excommunication quhill the production of the saidis actis; quherfor they protestit for the libertie of the Kirk.

[Anent the supplicatioun given in be the toun of Dumferline, for liberty to be granted them to play upon a Sunday afternoon, a certain play which is not made upon the Canonical parts of the Scripture: The Assembly refuses to give libertie to the Bailzie of Dumfermling to play upon the Sondag afternoone, a certaine play quhilk is not made upon the Canonicall parts of the Scripture, in respect of the aēt of the Assembly past in the contrair; exhorting the Bailie of Dumfermling, presenter of the bill, to requiest the toun to keep the ordinance of the Assembly. C. & B.]

Sessio 7<sup>a</sup>.

[Anent the doubts and difficulties proponed in the matter concerning Mr Robert Hamilton, Minister of Sanct Andrews, and Provost of the New Colledge thereof, to witt, Which of the two offices, Provestrie, or Ministrie of Sanct Andrews, he should retain and enjoy; seeing it is Found and thought he may not brook both. The Assembly and Commissioners present, after long and prolix reasoning had in the matter, considering the said Mr Roberts first entrie in the function and office of the Ministrie of Sanct Andrews, quherto, without advice of the Assembly, he had unite the said provestrie: and seeing, be the aēt of the last Assembly, the said two offices are not found compatible in his person, Decerns and ordaines the said Mr Robert Hamilton to remaine still with the Ministrie and Pastorship of Sanct Andrews, and to watch and attend zealously and diligently upon the cure and charge thereof, as becometh a faithful and vigilant pastor to doe to his flock, and in the name and fear of God, to leave and cast off the said office and charge of Provestrie of the New Colledge, as an impediment, stay, and hinderance to his office and calling of the Ministrie, under the pain of the censures of the Kirk. C. & B.] Mr William Skene, Commissioner of Sanct Androes, in name of the New Colledge and electours of the said Mr Robert to the said Provestrie, dissentit fra this sentence; quherunto the said Mr Robert adherit, in respect, as he alledgit, the Kirk could not discharge him of the Provestrie, and that he could not beare the burden of the hail Kirk of Sanct Androes in his awin person.

[According to the ordinance of the Assembly, the brethren depute to the reason and conference with Mr Thomas Hepburne, anent the

Article of doctrine teachit and professit be him, That never Soule went to heaven before the latter day, and to give their judgement upon his answer thereto, with the answer made to the remanent articles laid to his charge, reported, That they had entered in reasoning and conference with the said Mr Thomas, concerning the article of Doctrine above written, and laid before him fundrie testimonies of Scripture, and reasons confuting and evicting the said error, which always have not satisfi'd the said Mr Thomas; yet if the Assemblie present will damne the same article of doctrine, as erroneous and heretical in whatsoever professing the same, the said Mr Thomas will give place to their judgment, and leave his opinion therein; which report being allowed be the said Mr Thomas to be his mind and declaration: The Kirk, after reiding publiclie of the said Article, of ane mynd and voyce but exceptioun, altogether damnit and detestit the said Article, and adjudgit the samein to be heretical, false, and erronious, repugnant and contrarious to the plaine and evident word of God, reveilit in his sacred and holy Scriptures, foundit and having the ground only upon curiositie of mens witts, without assurance of Gods law; and, therfor, inhibites all and whatsoever persons publickly or privatly to mantaine and defend the said error, vnder the paine of the censures of the Kirk; leavand alwayes the said Mr Thomas to privie conference with sic brether of the Ministrie, as he thinks good, for his resolution in the said matter: And alwayes for consideration presentlie moveand the Kirk, discharges the said Mr Thomas fra entering in the Ministrie, quhill the Kirk be farther advist. C. & B.]

[Ordaines the Ministers of Edinburgh to try diligentlie and examine

Forlyth, proponed to the brethren presentlie to enter in the Ministrie, if he be qualified and apt for the charge thereof, and able to discharge the dutie and office of a Minister, without the knowledge of the Latin tongue; and if they after trial, do find him meet for the samen, notwithstanding the inlaik of the knowledge of the said tongue, to give their testimonial therupon to the Commissioner of the countrie, within whose province he shall happen to receive the cure, that they may admit him; otherwise reject and repell him. C.]

Auent the proposition of the brether of the Chapter of Sanct Androes, declarand that my Lord Regents Grace hes presentit Mr Patrick Adamson to the Bischoprick of Sanct Androes; and they beand of the Chapter, in respect of the act and ordinance of the Generall Assemblie, delayit thair



proceeding therin, desyreand the Assenblie present to proceed to the tryall of him, conforme to the said act: The said Mr Patrick being present and requyrit be the Assenblie, If he wald submitt himselfe to the tryall and examinatioun of the Assenblie, and receive the office of a Bischop according to the injunctions of the Kirk, and conditionis qualified in the Register of the Kirk: He answered, He could not doe the same.

[Questions resolved by the whole Assembly.

Q. Whether if salt pans, mylnes, and other labouring, which drawes away innumerable people from hearing the word of God, should be permitted to goe on the Sabbath day; and, Whither the Assembly should not oppone themselves hereunto, and make strait acts in the contrair. C.]  
 A. Salt pannes, mylnes, and vther labouring, quhilk drawes away innumerable people from the heiring of the word of God, should not be permitted, and the violaters to be debarrit from the benefites of the Kirk, quhill they make thair repentance, and the continuers therin to be excommunicat.

[Q. Whether if a man or a woman divorced for adultery ought to be admitted to the second marriage; and if the Kirk ought not, like as they have inhibit the Ministers to marrie any such, so plainly to give their judgments in this case, and to declare it to be unlawfull, specially in respect of the great inconveniences that follow daily thereof; namely, some forge causes of adultery; some make causes indeed; and some be collusion corrupt judgements; and all in hope of a new marriage, which daily they attain unto be some hyreling snaiikes, who are but suspended therefor for a while; swa that if provision be not shortly made hereunto, no man may brooke his wife, nor no wife her husband longer than they lyke; and a barbarous confusion unknown to the very Ethnicks and Turks shall enter in among us. C.]  
 A. The Kirk will not presently resolve the question, Whither if a man or a woman divorcit for adulterie, ought to be admitted to the second marriage; but inhibites all Ministers and Reidars to marie any sick persons, vnder the paine of deprivation simpliciter, without any restitution to thair offices in tymes cuming; and the persons so joynt, to be chargeit to separate themselves, conforme to the Act of the Assembly in August 1574.

[What forme of repentance shall be enjoined to a man that committs both adultery and inceft. C.] A. Ane man that committs both adulterie and inceft, fould be double punished.

[Whether if a Minifter or Reidar may tap aile, bear, or wine, and keep an open tavern. C.] A. Ane Minifter or Reidar that taps aill or beir or wyne, and keips ane opin taverne, fould be exhortit be the Commiffioners to keip decorum.

Whither if burialls fould be in the kirk or not : Anfuerit, Not : and that the contraveiners be fuspendit fra the benefites of the Kirk, quhill they make publick repentance.

[What punishment shall be enjoined to an adulterer relapfed : C.] A. Relapfe in adulterie is double punifchit.

#### Seffio 8<sup>a</sup>

Anent the requifition of the Affemblic made to James Bifchop of Glafgow, to give his anfuer, If he will accept of the charge of ane particular flock, and vifitation of fick bounds as the Kirk fall think good and appoint to him, conforme to the articles concludit in the Affemblic : The faid Bifhop being prefent exhibite to the Kirk his anfwer heirto in wryte, as followes.

Forfameikle as it is not vnknowin to your Wifdomes, that ge gave commiffion and charge to certaine learnit, godlie, and difcreit brether of the Miniftrie, and vthers, Elders of the Kirk, to commoun, treat, conclude, and agrie with certaine vther Noblemen, Commiffioners from the Kings Majestie, Johne vmquhile Erle of Marre his Regent; at the quhilk Conference it was agreit be the hail Commiffioners, afweill of the King as of the Kirk, anent the name, fyle, power and jurifdictioun of the Bifchops, with the forme and manner of thair institutioun, Ordainit to fland and remaine quhill the Kings Majesties zeirs of minoritie, or, at the leaft, quhill a Parliament fould vtherwayes decyde ; and, conforme to the ordour therin conteinit, he was receivit in the faid Bifchoprick of Glafgow, and made his fermoun to the Kings Majestie, in things pertaining to his Hienes ; and fwa if he fould

change or alter any thing pertaining to the ordour, manner, or priveledges, or power of the samein, I fould be afrayit to incurre perjurie, and might be callit befor the Kings Majestie, for changing ane Member of his Estate : bot to the effect your Wisdomes may know, he desyres not to be exeimit from travell, and bestowing of sick gifts as God hes communicat to him, he is content, at thair command, to haunt to ane particular kirk, and to teach therat, quhen he dwells in the Sherifffdome of Air, and that be discretioun and sight of the brethren of that Countrey ; and quhen he is in Glasgou, to exercese lykwayes at some part, quher the brethren ther think most necessarie, and to abyde thair judgment of his diligence in that behalfe, without binding him ony wayes, or prejudging the power and jurisdiccioun quhilk he receivit with the said Bischoprick, vnto the tyme prescryvit in the said Conference, that farder ordour be tane be the haill Estates theranent ; at quhilk tyme he salbe content with all good reformation as salbe fund expedient. Quhilk ansuer beand red, the Kirk continuit, and continews the said Bischop in the visitation of the bounds quhilk he had befor, to the nixt Assembly ; and as to the particular flock, [the Assembly is content he take the care of a particular flock,] as is mentionat in his ansuer, to the nixt Generall Assembly.

Anent the forme of repentance of fornicators : The Kirk and Commissioners present hes vottit and concludit, That ane of the dayes of thair appeirance to make repentance for thair offence, be on ane Sunday at ten houres befor noone, in tyme of preaching, in presence of the congregation ; and that double fornicators receive double punishment for thair offence.

[In respect of the absence of John Vre, one of the Commissioners appointed to the visitation of Fife, the Generall Assembly ordaines David Ferguson, one of the said Commissioners, to supply his room in entering of the Ministers and Readars within his bounds, in the book of assignations, hac vice tantum.

The same day, Mr James Lowson, Minister of Edinburgh, reported to the Assembly and Commissioners present, an acquittance and discharge of the money collected for the help and supply of the exiled brethren of the French Kirk in England, with a roll of the names of the persons contributing thereto, and the quantity of every mans contribution, desiring the one and the other to be inregistrat and booked in the Register of the

Kirk, ad perpetuam rei memoriam; which desire the Affemblic thought good, and ordained, and ordaines the sament to be registred among the Actis of ane Affemblic, to be a testimonial to the posterity and age to come, of the good mind and zeal of the charitable persons, that succoured the necessity of their said brethren in the day of their extremity: The tenor of the said exoneration and rolls shall appear hereafter. Further, the said Mr James expounded and shewed, that, since the delivery of the said money, be the diligence and procurement of the Visitors and Superintendents, some more money is brought in and received be him; willing the Affemblic to declare what shall be done therewith, and how the same is thought to be employed: The Affemblic thinks it meet, That the sament shall be kept be the said Mr James, and remain in his hands, till order be tane herewith. C.]

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[Apud Haliruidhous penultimo Octobris Anno m<sup>o</sup> v<sup>o</sup> lxxvj.

Sederunt.

Jacobus Dominus Regens.

Archibaldus Comes Angusie.

Comes de Buchane.

Joannes Dominus Maxwell.

Joannes Dominus Hereis.

Jacobus Episcopus Glasguensis.

Adam Episcopus Orchadensis.

Robertus Commendatarius de Dunfermling.

Commendatarius de Culros.

Marcus Commendatarius de Newbottill.

Anent the complaint maid to my Lord Regentis Grace and Lordis of Secret Counsaile be Johnne Carmichaell of Medoflatt, makand mentioun, That quhair vpon proclamatioun of bandis for mariage to be completit

betuix him and Elizabeth Scott his spous ; they beand fre perfonis, thair mariage wes folempnizat in the moneth of Apryle laft bipaft, conforme to the ordour of the Kirk ; zit be quhat occafion he knawis not, Maifter Williame Livingftoun thair Minister, allegeand him to haue command of the Bifchop and Commiffionar within the Diocie of Glasgou, to admoneis the faid Johnne Carmichaell to abftene fra his faid spous, vnder the pane of excommunicatioun, quha myndis to proceid therto : ffor remeid quhairof he prefentit himfelf to the prefent Generall Affemble, defyrand the faid command to be difchargeit, in refpect of his faid mariage ftandand vn-reduceit, or difchargeit null be the Juge Ordinar ; nottheles Maifter Johnne Craig, Moderator, opponit in the contrair, allegeand the Kirk to haue maid ane generall aet and ordinance anent all perfonis allegeit adulteraris, quhairby thay haif ordanit the faid Johnne Carmichaell to abftene fra his faid spous, ay and quhill it be decernit and tryit quibidder thair mariage be lauchfull or not, vnder the pane of excommunicatioun : Quhilk ordinance is and mon be repugnant to the law of God, infafar as they are mareit conforme to the ordour of the Kirk, with all folempniteis requirit therto ; fwa of the law it is prefumit to be lauchfull, and neids na forder declaratour ; and gevand it wer not lauchfull, zit the faid admini-tioun is evill vfit aganis the faid Johnne befoir cognitioun be tane theranent, quhilk is not zit done : And attour, gevand they haue ony fic aet, that aet is bot prevat, na publicatioun being maid thairof, nor zit authorizit be Parliament, as it aucht to be befoir it tak effect ; and thairfoir is null with the faid executioun following thairupoun ; notthelefs thay will not fail to proceid to the faid excommunicatioun aganis all reffoun, without remeid be prouidit. And anent the charge gevin to James Bifchope of Glasgou, Maifter Johnne Craig, and Maifter Andro Hay, to haue comperit befoir my Lord Regentis Grace and Lordis of Secreit Counfale this day, bringand with thame the faid command of excommunicatioun togidder with the aet quhairupoun the famyn procedit, to the effect that thay mycht vnderftand the trewth of the faid matter, and thairefoir tak ordour thairin as ap-pertenit, lyke as at mair lenth is contenit in the faid complaint : The faid Johnne Carmichaell comperandpersonalie with Maifter Henry Balfour his pre-locutour ; and the faids James Bifchop of Glasgou, Maifter Johnne Craig, and Maifter Andro Hay, being alfuwa personalie prefent ; the faid Maifter Andro wes requirit to produce the faid aet quhairupoun the faid command of

excommunicatioun, gevin be him, procedit : And he refusand, allegeand the fame not git to be extractit furth of the bukis of the Generall Assemble of the Kirk, my Lord Regentis Grace thairfoir, with auife of the faids Lordis, suspendis the executioun of the said act and command following thairupoun, in tyme coming, vpoun the said Johnne, ay and quhill the samyn be produceit befor his Grace and Lordis foirsaid, and that the said Johnne be warnit to the productioun thairof, as efferis.—Reg. Sec. Conc.]

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A. D. M.D.LXXVII.

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THE Generall Assemblie convenit at Edinburgh, in the Counsell house, the first of Aprile 1577: Wherein were present the Bishops of Glasgow and Dumblane, Superintendents, Commissioners of Countreyes, Kirks and Univerfities, Ministers and vthers. Mr Alexander Arbuthnet, Principall of the Colledge of Aberdein, Moderatour.

Because the said Mr Alexander, Moderatour, was absent from the last Assemblie, and, in that respect, not forsein of the things done therin, at his desyre the Kirk appointit [their loved brethren] the Laird of Dun, Mrs James Lowson [Minister of Edinburgh,] Robert Pont, [Provest of the Trinitie Colledge,] David Lindesay, [Minister of Leith,] Andro Hay, [Commiffioner of Cliddisdail,] John Craig, [Minister of Aberdeen,] Andro Melvill, [Principall of Glasgow,] to concurre with him the morne at seven houres in the morning, [in the Nether Tolbuith, to conferr] and advyse with him vpon sick things as falbe thoght good to be handlit in this Assemblie.

Sessio 1<sup>a</sup>.

[Forfameikle as the chief and principal argument to be treatit and reasoned in this Assemblie, is the Policie of the Kirk, reserved in their last Assemblie to be handled and disputat at this, the brether deput to the conceiving and forming of the heids therof, being callit to give count of thair diligence and industrie in this behalf, presented the heads of the Policie, as

they had made partition therof at thair Affemblic in Striveling, with the judgment of the labours of the whole brethren tane therein. C. & B.]

Thereafter was presented the heids pennit be Mrs Johne Row and James Lowfone, which were red, and nothing agains said, except ane of the said Mr Johnes articles referrit to farther disputation; all men beand requyrit, that had good reason or argument to propone in the contrair, to alledge the same; or if they wald not publickly reason vpon the said heid, to resort to the saids Commissioners, quher travell fould be taken to satisfie them, leavand to them also libertie, befor the heids be recollectit and ordourit in ane bodie, to make argument as they think good against the same.

The heid given to the Laird of Dun, conforme to the order of distribution foresaid, being thocht be him obscure and mystlick, the Kirk defyrit him to conferre with the remanent Commissioners the morne at seven houres, that he may be resolvit of the meaning therof.

The remnant heids beand prolix, [and amplie written be the Commissioners,] were thocht good to be contractit in short propositions [and conclusions,] to be presentit to public reiding [thereafter.]

#### Sessio 2<sup>a</sup>.

The heid committit to Mr Andro Hay red in face of the Affemblic: nothing was opposit against the same, except the article anent the Suspension of Ministers, referrit to farther reasoning.

[The part of the Policie given to David Ferguson red: Sicklyke the 18 article was referrit; and nothing spoken be any man against the rest. C. & B.]

The pairs committit to Mr Andro Hay, Robert Pont, David Lindesay: nothing alledgit in the contrair.

The heids committit to Mr Johne Craig red: some things were defyrit to be contractit, andvthers referrit to farther reasoning.

#### Sessio 3<sup>a</sup>.

The hail labours of the brethren tane vpon the matter and argument of the Policie beand haililie red in publick audience of the Kirk, it was



thought expedient [and good,] That thair haille travells and wark in this matter, being now disperfed, fould be revifit and pervfit be fome brethren, and digeftit and difpofit in good and convenient ordour, and therafter to be prefentit to the Affembly : And for that effect the Kirk appoints thair brethren, Mrs James Lowfone, Andro Melvill, Johne Craig, George Hay, to convene together, to appoint the houres and place therto, and remaine therat quhill the matter be brocht to end ; and, in the meane tyme, if it pleafe any man to reafon with them in the matter, to have acceffe therto.

[In the trial of the Vifitors, John Clapperton, Commiffioner of the Merce, was accused, That he refused to defigne the gleeb to the Reader of Langtoun : He answered, That he could not have the concurrence of the parifhioners conforme to the act of Parliament. The Affembly ordaines the Reader to feek remeed at the Lords of Counfell, and the Commiffioner to defigne the faid gleeb conforme to the acts of Parliament.

The Affembly ordained the Commiffioners to be placed in the parts of Fife, where Mr John Colvill remains, to burthen him with the cure of a kirk there conforme to the act made before, and to proceed againft him if he difobeyed ; and fickleke the fame Commiffioners, and the Commiffioners to be appointed for Cliddifdail, to charge him to provide his kirk in Cliddifdail. C.]

#### Seffio 4<sup>a</sup>.

Anent the accusatioun laid agains Mr Patrick Adamfone, callit Bifhop of Sanct Androes, That he had entrit in the faid Bifhoprick agains the acts of the Generall Affembly, and ufurpit the office of Vifitatioun within the bounds of Fyfe, vnauthorized be the commiffion or power of the Kirk, and left his ordinar office of Miniftrie : The Generall Kirk, in refpect of his abfence to anfuer heirto, Gives thair full power and commiffion to [their brethren] Mrs Robert Pont, James Lowfone, David Fergusone, and the Superintendent of Lowthiane conjunctlie ; and in cafe of the faid Superintendents inability, to Mr David Lindefay, or John Brand, to direct out fummounds agains the faid Mr Patrick, fummounding him befor them at fickle day or dayes as they fall think good, within the towne of Edinburgh, to try and examine his entrie and proceeding to the faid Bifhoprick, vfurpatioun of the faid office of Vifitatioun, and diferting his

ordinar office of Miniftrie quhilk he had of befor ; with power to them to fummound the Chapter of Sanct Androes, or fo many of the Chapter as fall feime to them expedient, if neid requyre, and the Ordinars and Inaugurers of the faid Mr Patrick, as they fall thinke good, for the better tryall of the premiffes : And what heirin they find be proces of examination, to report againe to the next Generall Affemblie ; and, in the meane tyme, in name of the Kirk to difcharge him of farther vifitation of the faids bounds quhill he be admittit be the Kirk.

Seflio 5<sup>a</sup>.

[The which day, James Blackwood, Perfon of Sanquhar, being accused, That he bruikit twa benefices, viz. the Perfonage of Sancquhair and Vicarage of Saline, yet ferves not at ane of the kirks : The Affemby, after fome reafoning, Found he fould demitt ane of the faid benefices, and appointed him the morne to advife, and refolve which of them he would refigne. C. & B.]

[Concerning the Bifhop of Glafgow his diligence, and feeding of a particular flocke as was promifed in the laft Affemblie before : It was found be report, and witneffing of the countrey, and Commiffioners thereof, that he had kept his promife theranent ; for which the Affemby praised God, and required farther that he fhould accept of a particular flock in tyme coming, conforme to the order and acts of the Affemby, who willingly agreed thereto.

Seflio 6<sup>a</sup>.

Anent the refolution to be given be James Blackwood, Perfon of Sanquhar, to the determination of the Affemby given yefterday : The faid James prefent refolved, and declared, That, for fear of his life, he dar not refort to Sanchar to difcharge his cure there, and always he fhall ferve at Sawling while he get fecurity of Sanchar : In this mean time, matters ftanding uncertain, humbly prayed the Affemby, that he were not compelled to refign any of them. That answer being confidered be the faid Affemblie, they ordained him to travell at the kirk of Sawling till the

next Generall Affembly, if he may not fecurely exercife his office at Sanquhar; and, in the mean time, that John Foulter fupport the kirk of Sanchar upon his cofts; always providing that the faid James infift diligently be the laws of the realme, to get poffeffion of his benefice at Sanchar, and fhew his diligence thereupon, betwixt this and the next Generall Affembly: And ordaines the Commiffioners of the country to admonifh the Tutor of Sanquhar to make no impediment or trouble to the faid James, in ufing his office, and ferving the cure at Sanchar, under the paine of the cenfures of the Kirk to be ufed againft him, if he difobey. C.]

It was thoght expedient be the Kirk, that certaine of the brether be direct to the Regents Grace to informe him, that the Kirk is travelling in the matter and argument of the Policie; and quhat beis farther procedit therin, his Grace fall receive advertifement befor the end of the Affembly. In this meane tyme, fundrie inconvenients may fall out befor this be perfytit, quhilks it wald pleis his Grace to confidder and remeid: And for this effect were difpatchit from this Affembly Mrs David Lindefay and Johne Duncanfone, quho returneit and reportit, His Grace lykit weill of thair travells and labours that they tooke in that matter, requyring expeditioun and hafte outred therof: As for the particulars they informe wald be occurrit, let them be givin, they fall have good anfuer.

Seffio 8<sup>a</sup>.

The particulars of fick things as are defyrit to be ordinat be my Lord Regents Grace, befor the worke of the Policie came out, beand conceivit in a few articles, quhilk after fall appeir, were delyverit be the Kirk to thair brether Mrs David Lindfay, Andro Polwart, Johne Duncanfone, to be proponit to his Grace, and to that effect to awaite afternoon for his Graces anfuer; quho returning reportit that his Graces anfuer was, That, if the articles might be refolvit be himfelfe without the Counfell, they fould receive his anfuer the morne in the morning; vtherwayes the Counfall fould be conveyit the morne at afternoon, and thereafter anfuer fould be given to fick as the Kirk directit to receive the fame; for the quhilk effect the Kirk directed Mrs John Craig and David Lindefay.

The tenour of the Articles above specified.

First, That provisioun may be had for visitors of the Countreys.

2. That ordour may be tane, that persons depryvit be the Kirk for not doing thair offices, may be depryvit of thair benefices.

3. That his Grace will putt ordour to sikk as receives benefices, and thereafter coupes them.

4. That quhen benefices vaikes, they may be disponed rather to sikk as hes fervit at the kirks therof, than to vthers not so weill qualified.

5. That the acts of Parliament made against adulterers may be put to executioun, namelie, against Willian Cochron, notorious adulterer.

6. That his Grace wald discharge playes of Robin Hood, King of May, and sikk vthers, on the Sabbôth day.

7. Because ther is diverse Reidars not entrit in the Booke of Assignatioun, partlie be reason of inlaik of Commiffioners, and partlie be thair negligence, That ordour may be provydit therfor.

The proces perfewit be the Laird of Tulliealane against Johne Dykes, Minister of Culros, was sictit be some brether, and the head of the bill was not found provin. The debait was finallie endit be the travells and perswasion of the brether appointit therto.

Sessio 9<sup>a</sup>.

Anent the complaint made be David Fergusone vpon Mr James M<sup>c</sup>Gill, Clark of Register, and the zong Laird of Rossyth, That, against the actis of the Kirk, they causit burie the vmquhill Laird of Rossyth in the Kirk of Dumferling, albeit the said David made them foirsein of the said act: The Kirk ordainit Johne Durie to warn the Clerk Register to anfuer heirto, the first of May nixt to come.

Sessio 10<sup>a</sup>.

[The Affembly] ordaines the brether [appointed] to waite on my Lord Regents Graces anfuer, to make fute for Mr John Davidfones libertie to come in the countrey, for his favour, quhen he lykies to returne.

Anent the ordinance made in the last Assembly, and execution thereof, concerning the inbringing of the names of the persons defunct be the Commissioners of the Countries, conforme to divers other acts past of before : The Superintendent of Lothian answered, He hath presently certain names ready to be delivered to the Procurator Fiscal ; Mr John Craig for his part declared, He had delivered the names of the defunct within his bounds to the Commissioner of Aberdeen ; William Christefon, That he had delivered the names to the said purfevant, direct to the Commissioners. The Assembly and Commissioners present have ordained the whole Commissioners of Countries to send in the names of the persons defunct within their bounds to the Procurator Fiscal at Edinburgh, if they be ready betwixt and the next Assembly ; otherwise simpliciter to produce them then to be delivered to him, and to keep the act and ordinance made theranent before. C.]

The brethren appointit to collect the heids of the Policie presentit of before, reportit the same collectit in ordour, and digestit in one bodie ; and all men requyrit that had good reason or argument to propone, to offer them thereto.

Thrie heids were callit in doubt be certaine ; ane de Diaconatu, another de Jure Patronatus, the thrid de Divortiis, quherin they were not resolvit nor satisfied : As to the rest, nothing was thought to the contrair, nor opponit.

Thir thrie heids standand in contraverfie being publickly disputed and reasoned in utramque partem, get farther disputation was reservit till the morne, to any man that lykit to take the part of reasoning upon him agains the faids heids.

The Commissioners appointit to awaite vpon my Lord Regents Graces anfuere, reportit, Because they had no commiffion in wryte, his Grace gave no anfuere to them.

[Questions proponed in the Generall Assembly, and their decisions.

Q. What shall be done concerning such persons who will not receive the Communion but in Lentron. A. Such persons ought not to be satisfied, nor their superstition nurished therein.

Q. What shall therefore be done to Ministers and Readers, that, at such tymes in Lentron, or upon Saints dayes as they call them, as Jule and Pasche and such superstitious times, read, preach, or minister the

Communion, to retain the people in blindnes. A. The Vifitor, with advice of the Synodall Affembly, ought to admonish fuch Ministers or Readers to defist and abftain therefrom, under the paine of deprivation ; and if they difobey, to deprive them.

Anent the complaint made upon the Clerk of Register, That he caufed burie the late Laird of Rofflyth in the Kirk of Dumfermline againft the aëts of the Kirk : C.] The Clerk Register beand present, declared, That the Provest and Bailgies of Dumfermline aggreit to burie the Laird of Rofflyth in the Kirk, and that he was not the caufe therof ; fubmittand himfelfe alwayes to the judgement of the Kirk, if any offence be found done by him.

[The Affembly requiefted the Commiffioners of Countries to continue in their commiffion and office of Vifitation till the next Generall Affembly, and to ufe fuch diligence and travels as they may goodly doe for the comfort of the Kirk. Mr Andrew Hay, Commiffioner of Clidfedale, protested, That he be not burdened with the Over Ward of Cliddisdail from Hamilton up ; always promifed to keep Synodall Affembles. C.]

The Generall Affembly of the Kirk of this realme, confidderand the great aboundance of iniquitie overflowing vniverfallie the hail face of the commoun weill, now in fo great light and revelatioun of the true and Chrif-tian religioun, juftlie provoking and ftriving up the juftice and equitie of God to take judgement and vengeance on this unworthie and vnthankfull nation ; feand alfo the many perrillous ftormes and rage of perfecutioun daylie invadeing the Kirk and Spous of Jefus Chryft ; the found and extreame troubles of the zealous members therof in the partes of France and els quher, profefling with them ane Saviour, Lord, and Meffias ; the work of eftablifching a perfyte ordour and policie in the Kirk being presentlie in hand, Hes thought it good [meet and expedient] for the fame reafons and good caufes, That earnest and fpeidie recourse falbe had to God with commoun fupplicatiouns and prayers : And to that effect, a generall Faft be obfervit vniverfallie through all the kirks of this realme, with doëtrine and inftruëtion to the peiple ; to begin the fecond Sunday of Julij nixt to come, quhilk is the nynt day therof, and to continue to the nixt Sunday thereafter, vjing, in the meanetyme, exercife of doëtrine according to the accuf-tomit ordour ; and to that effect, that intimatioun be made heirof be Com-

missioners of Countreyes to the Ministers within their bounds, as appertaines. Given in the Generall Affembly.

[Concerning the proposition of Mr James Lowfon, Minister of Edinburgh, desiring the mind and declaration of the Affembly, How they think to be done with the money which was collected to the support of the French Kirks, being yet in his hands undisposed: The Affembly present willeth the said money, or sameeke farther which shall be inbrought of that which was promised for their support, to be employed to the use and necessity of the Kirk. C.]

Because the matter of the Policie of the Kirk, collectit be the brethren, is not yet in sikk perfyt forme as is requisite; and fundrie things largelie intreatit, quhilk wilbe more summarlie handlit; vthers requyring farther dilatioun: For recollecting therof, and puting the same in good ordour and forme, and for avoyding of superfluitie and obscuritie, the substantialls beand keipit; the Kirk presentlie hes willit thair belovit brethren, Mrs Robert Pont and James Lowfone, to take travells and labours in the premisses: and to the effect that the worke may be the better compleit and in readines against the nixt Generall Affembly, quhilk is ordainit to begin at Edinburgh the 25 day of October nixt to come, the Kirk hes ordainit thair brethren, the Laird of Dun, Mrs Alexander Arbuthnet, Andro Melvill, Johne Craig, Andro Hay, George Hay, Johne Row, David Lindefay, Johne Duncanfone, to conveyne and assamble together, the 19 of October nixt, in Edinburgh, to revise and consider the travells of their said brether, that the same may be the more advyfedlie proponit publicklye, as said is. In this meanetyme, sikk as pleases to reason in the matter, to have accessse to the said brether: and lykewayes ordainit the Visitors of Countreyes to make intimatioun to the Barronis, that the said warke is in hand, and to be treatit in the nixt Generall Conventioun; desyreand thair presence and concurrence therto.

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A. D. M.D.LXXVII.

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THE General Affembly of the Kirk conveyit at Edenburgh, in the Laigh Tolbuith therof, the 25 day of October 1577: Where ther was present the Commiffioners of Countreyes, Provinces, Townes, and Vniverfities, with the Minifters. Mr David Lindfay [Minifter of Leith] Moderatour.

Sellio 1<sup>a</sup>.

Because of great confufioun heirtofoir in Affemblies quhilk fell out be cafting in of purpofes vnforfein afoir, and be the multitude of the proponers therof, it was thocht meit, dureing this Affembly, that certain brether fould conferre with the Moderatour vpon matters to be intreatit on at this conventioun, viz. Mrs John Row, Alexander Arbuthnet, Andro Melvill, William Chriftefone, James Lowfone, Robert Pont, Andro Hay, Johne Duncanfone, [and the brethren to conveen with the Moderator at eight hours in the morning, and at half hour to two in the afternoon during the Affembly]: and fickleke it is thocht good, that the acts made in the Affembly be confiderit be the faid brether joynit to the Moderatour, and therafter red in opin Affembly.

The Kirk thocht meit, that my Lord Regents Grace fould be defyrit to be in this Affembly in proper perfon, or be Commiffioners; and to that effect were directit Mrs Johne Row and James Lowfone, quho immediately returnit with anfuer, That his Grace had no leifure to talke with them, for occupatioun.



The hail Affemblic ordainit Mrs Johne Craig and Johne Brand to gang to his Grace for the same effect, and to report his answer the morne at nyne houres.

[In the trial of the Commissioners, Mr Peter Watfon was delated for marrying Garleis in a privat house: He granted, but alledged he followed the example of Mr Willock, who had done the lyke there: The Affembly in respect of the acts made, prohibiting privat celebration of marriage, ordained the said Mr Peter to pass to the parish kirk of Difeid, where the said parties should have been married, and upon a Sunday in presence of the Congregation and Mr James Beton, Minister, confess his offence in transgressing of the said act, which he shall also read in presence of the people, and to report a testimonial to the next Affemblic from the said Mr James of the performance of this ordinance. C.]

[The brethren direct to my Lord Regents Grace reported his Graces answer was, That he was so occupied in earnest affaires of the Counsell, that he had no leisure to conferre with them. C. & B.]

The Kirk hes thought it meit that their brethren, John Brand and Mr John Craig passe againe to his Grace, and require his personal presence in this Affembly, or Commissioners [to be directed from his Grace] authorized with his Commission, [and to report his answer again the morn at nyne hours.]

Because the matter of the Policie and jurisdiction of the Kirk committit to the recollecting, formeing and dispositioun of certaine brether, beand now presentit be them, was thought expedient to be proponit and entreatit the morne: after the reiding of the generall heids therof, the hail brether was requyrit to advise with themselves if they fand any vther heids necessar to be disputit then these, and to signifie the same to the Affemblic the morne.

### Sessio 3<sup>a</sup>.

Johne Brand returneit my Lord Regents Graces answer, That in respect of fundrie importunat buslines he could not have the Counsell so soone conveyit, he could not satisfie the petition of the Kirk, desyrand that the brether that were send to him befor, sould come downe and speak with his Grace; and because the Kirk is labourand in the Policie, pray-

and them to gang fordwart earnestlie and put the same to end. The Kirk ordainit Mrs James Lowfone and Johne Row to passe to his Grace the morne according to his defyre.

Mr Patrick Adamfone, in my Lord Regents Graces name, exhibite to the Affemblie a letter direct from the Queins Majestie of Ingland to his Grace, making informatioun of a certaine Counsell to have bein haldin at Magdeburg for establishing of the Augustane Confessioun, with ane letter wrytin from the Cassimire to her Majestie of that same argument, defyre and the Affemblie to advyse if they thocht meitt that any of the learned Ministers of this natioun fall repare thither, and quhom they will name and find good to this effect : To the quhilk defyre the Kirk continewit to give anfuere to the 28 day of this instant.

The residue of this day beand consumed in examinatioun of the travells takin vpon the Policie, as it is notit therypon, to the nixt Session, the Kirk ordainis it to be proceidit farther therin.

Sessio 5<sup>a</sup>.

[Concerning the motion made be Mr Patrick Adamson, in my Lord Regents Graces name, touching the resolution of the Assembly if they thought needfull, That some of the brethren be directed to the Counsell which is to be held at Magdeburg, and whom they thought meet to be nominat thereto : C.] The Affemblie present in one mynd resolvit and adjudgeit it very necessar, that some of the Kirk should be direct to the Counsell to be haldin at Magdeburg, and hes nominat any twa of the brethren following as false thocht most meit be my Lord Regents Grace, viz. Mrs Andro Melvill, Patrick Adamfone, David Cunighame, George Hay, David Lindesay, William Christefone, Alexander Arbuthnet and Robert Pont ; whose names the Kirk ordaines to be presentit to his Grace be Mr Craig, and to report his anfuere againe.

Compeirit Johne Anderfon in linnen cloathes, in prefence of the hail Affemblie ; and being prostrat on his knies, confessit he had offendit Mr Robert Boyd, Minister, in drawing of his blood, quherof he repentit with his heart, and asked God and his Kirk forgiveness, promising, be the grace of God, not to fall in the lyke wickednes in tyme comeing.

Sessio 6<sup>a</sup>.

This Sessioun being haillilie imployit in reafoning vpon the heids of the [Policie and] Jurisdiction of the Kirk, the same argument was ordained to be [profecut and] followed out the morne, fo farre as tyme may serve thervnto.

Sessio 7<sup>a</sup>.

Concerning the number of the brethren givin in to his Grace, [who are to be directed to the Council which is to be halden at Magdeburg, Mr Patrick Adamson reported my Lord Regents ansuer, That] it lyked him weill that the Kirk had givin him choise out of so reafonable a number, and that, in his opinion, Mrs Andro Melvill, George Hay and Alexander Arbuthnet were meitest for the purpose ; alwayes desyred the advyce and judgement of the Affemblie heirin, that after he may take resolutioun with his Counsell : The Kirk willit the said Mr Patrick Adamson with Mr Johne Craig and William Christefone, to travell with his Grace to know farther his Graces mynd in this behalfe ; and sicklyke to desyre his Grace to appoint the modifiers to conveye to the ordouring of the rolls of the Ministers, and to report his Graces ansuer againe to the Affemblie.

[For answering of the complaints and questions to be given in to this Affemby : The Affemby hath appointed their bretheren, John Duncanson, William Christifon, John Braid, Mr James Carmichael, to conveye at extraordinar hours to that effect ; and als to visit the proces of Kelfo, and to report their judgement to the Affemby. C.]

Sessio 8<sup>a</sup>.

The persons directit to his Grace [to know farther of my Lord Regents Grace his mind concerning the persons directed to the Council which is to be holden at Magdeburg ; and the ordering of the rolls,] reportit, That he lykit weill Mrs Andro Melvill and George Hay to be directit to the said Counsell ; alwayes he wald know the advyce of the Counsell therin, quherof he wald make them to be informed : And, con-

cerning the rolls of Ministers, had appointit the Abbot of Dumfermling, George Auchinleck, Mr Nicoll Elphinstoun, and James Nicollfone to take ourdour therewith.

Seffio 9<sup>a</sup>.

Thomas Myrtone, feear of Cambo, and Mr Thomas Ramsay, gave in ane bill of accusation against Mr Thomas Kynneir, Minister of Craill, containand fundrie heids of slander layand against him, as, namely, suspitions of adulterie with Agnes Guidland, spous to Sir Johne Browne, drunkennes, tuilzefomenes, felling of the sacraments: The said Mr Thomas beand present denyit the hail poynts therof; and the saids bill beand referrit to the accusers productioun for proving therof, they produceit David Fermour, David Monypennie, Mr James Haliburtoun, Provest of Dundie, Johne Herreis and Mr Thomas Fermour, quho being admittit, and nothing opponit against them be the said Mr Thomas, were ordainit to be examined be William Christefone and Johne Durie, and thair depositions to be presentit againe to the Assembly, to be considerit quhat they may import.

Seffio 10<sup>a</sup>.

The depositions of the witnes being examinat in the said cause being reportit at afternoone, the Assembly continewit the pronouncing of thair sentence in the matter to the morne, and warnit both the parties therto.

Mr Androw Polwart was decernit to be frie and at libertie fra the kirk at Paislay, that he may serve vther quher it pleases God to call him; because of the contempt of the discipline, thair manifest vyces, minacing and boasting of him in doing his duetie, his labours cannot be profitable to them; besydes some privat causes quhilk were considerit be Mrs Andro Hay, Alexander Arbuthnot, George Hay, and Andro Melvill, and they reportit thair judgement, quhervpon the decret past.

Sessio 11<sup>a</sup>.

Anent the greivous accusation laid agains Mr Thomas Kynneir be the Laird of Cambo and Mr Thomas Ramsay, concerning his slanderous and vngodlie lyfe: The haill Affemblic, after publick reiding of the witneses and probatioun deduceit in the matter, and dew consideratioun therof, and after takeing oath of the accusers that they accuse neither for malice nor choler, but for conscience cause, knawand the accusations they charge him with to be trew, Decernes, all in ane voyce, the said Mr Thomas to be deprivit, lykeas they deprive him of the Ministrie in all tyme comeing; debarreing him from the participation of the holie Supper of the Lord, ay and quhill his repentance be testified to the Generall Affemblic be the Visitor of the Countrey quher he remaines, and humble supplicatioun be made be the said Mr Thomas to the haill Affemblic, to be admittit therto, and receive thair ansuer to that effect: And that this sentence be intimat in the Kirk of Craill in the pulpit therof be the Commiffioner of the Countrey.

Sessio 12<sup>a</sup>.

[Anent the determination of the Affembly concerning James Blackwood, Reader at Sauling, for marrying of the Commendator of Dumfermline and his wife, being resident without his parish, without testimonials of the Minister of the parish where they make residence: The Affembly decernes the act made against such persons, the 27 day of December 1565, to be execut against him, to incurre the pains thereof, viz. deprivation of his office, tinsell of his stipend, and other pains, as the Generall Affembly shall thereafter think meet to be enjoyned. C.]

Sessio 13<sup>a</sup>.

Forfameikle as the heids of the Policie and Jurisdiction of the Kirk beand haillilie red in the audience of the haill Affemblic, and thought good [and expedient,] that the samein sould be presentit to my Lord Regents

Grace, as was agreeit be reasoning amongst the brethren, saifand the head, de Diaconatu, quhilk is ordained to be givin in with a note, That the same is agreeit be the most part of the Assembly, without prejudice of farther reasoning : To the effect the saids heids may be put in mundo, disposit and sett in good ordour, according to the mynd of the Assembly, the Assembly hes willit Mrs James Lowfone, Robert Pont, David Lindesay, and the Clark of the Assembly, to travell with diligence therin : And the same beand put in mundo be them, according to the originall, to be sein and revisit be Johne Duncanfone, David Fergufone, the Laird of Dunne, if he be present, Mr James Carmichaell and Johne Brand ; and beand found be them according to the originall, to be presentit be the saids Mrs James Lowfone, Robert Pont and David Lindesay, together with ane supplicatioun pennit and delyverit to them be the Kirk, to my Lord Regents Grace : and in cace conference and reasoning be foct be his Grace vpon the saids heids presentit to his Grace, the Assembly hes ordainit Mrs Patrick Adamfone, the Laird of Dunne, Johne Craig, Johne Row, Alexander Arbuthnet, Andro Melvill, James Lowfone, Robert Pont, David Lindesay, Andro Hay, George Hay, and Johne Duncanfone, to concurre and awaite vpon the said Conference as they salbe advertised be his Grace.

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