

T H E  
Scottish Toleration

Truly Stated

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*London, Printed in the Year. 1712.*

*The Scottish Toleration truly stated  
in a Letter to a PEER.*

My Lord,

**I** Return you the Letter, dated (as it were) on the 24. of *January* 1712, in *Scotland*, by a Prophetical Spirit; given in to answer a Bill of a Posterior Date, offered to the Parliament of *Britain*, with design to hinder the reading of the Gospel solemnly in Churches, to reject the Apostles Creed, by prohibition of its use, to countermand our Saviour's express Command for saying the Prayer prescrib'd by him, when we pray; the casting off, the plain and express Form of Government and Discipline prescrib'd by the Apostles, and practis'd by the Apostolick and Primitive Church; denying Superiority and Subordination in Church Offices; and in consequence, rejecting all natural as well as legal order: To force and oblige People to pray publickly, without allowing premeditation to any of what is pray'd for, in the Congregation, but to one allennarly; and not allowing even that one to set what he says in order; secluding antecedent rational Consideration; setting the chief and principa-

Concerns of Christianity (*viz.* publick Prayer) on Enthusiasm; yea, so deep Enthusiasm, as to prescribe Days and Hours to the Spirit of God, when it shall inspire Prayer: To pray without Book in the Congregation; and Preach N—se to them; to treat the Sacraments as bare Symbols; to esteem the Sacraments as Ceremonies; and decent Ceremonies, as Superstition and Idolatry: I say, these things being enforced by a pretended Church, seems to be a Refusal of Christianity in that Church.

There are many Volumes written, which sufficiently prove the Matters of fact in the Tyrannick Persecutions practis'd by the Presbyterians on Christians in *Scotland*; and, for the foremention'd Causes. There are also Demonstrations and sufficient Proofs printed and publish'd, exposing their Antichristian Doctrine and Practices: And nothing is more notorious to those who know them, than that their Assertions in point of fact, are seldom accompanied with any Truth. And as to their Principles and Doctrines, they are supported only, by wresting Scripture into Heterodox Senses; and to interpret Laws, contrary to Reason.

If they have obtain'd some Laws to establish their Iniquity; it is their Interest, to have these unalterable, or unaltered.

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As nothing is more pernicious than the Presbyterian Government and Discipline (not as it stands in Law, but as they practise it in fact) except their Mis-application of Law and Gospel; so, nothing can be more contrary to the Peace, Prosperity and Union of *Britain*, than to give them loose Reins in their Fury, or to encourage them, by refusing to tolerate true Christianity in *Scotland*.

The Characters of their Church, consist, in not using of the Prayers commanded by Christ, the Creed own'd by the Apostolick and Primitive Church; the Ecclesiastick Government and Discipline prescrib'd and practis'd by, and in the Christian Church; in not reading of the Scriptures publicly in Churches, nor praying with premeditation or order, except by one only in a Congregation, and seldom by that one; in owning of the Divine Sacraments, as only external Symbols, whilst they disown decent and indifferent Ceremonies, as high Superstition and Idolatry; and as sufficient grounds of Separation from Christ's Catholick Church.

But to draw our Consideration to what is more proper, for the present State of the Case mention'd in the Letter from *Scotland*, concerning that Toleration, which is now laid before her sacred Majesty and the

High Court of Parliament ; I shall now forbear them in their many Assertions, as to Doctrines and Matters of Facts wherein they have expos'd themselves, in innumerable Instances ; and in all which they are more than sufficiently expos'd to all who have considered, or will consider what hath been written in favour of the oppressed People there ; and shall come to their new and unparallell'd pretence, *viz.* that whatever be in their Presbyterian frame, yet, it, and all things which have reference to it, are so fenced by Acts of Parliament and a Treaty, that it is legally impossible to alter any thing therein.

If this be true, 'tis folly to debate, whether their Doctrine, Discipline and Practices be Christian or Antichristian, in order to amend or reform them : If Dagon be in the Temple, there he must be.

Let us suppose that there is a Church Government establish'd in *Scotland*, by Acts of Parliament ; and that we grant an Act of Parliament to be a valid Right, until it be rescinded ; the first Question then is, if an Act of Parliament do impose a down-right Iniquity ; can that Act of Parliament with Justice make that Iniquity unalterable ? Thus, *in foro Divina.*

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But, *in foro humano*, can a humane Legislative Power, make an Evil thing, a good thing? Or can it bind a Nation or a Person, to what is unjust or wicked? Is it Lawful or Just, to persecute Persons, for owning or practising the Religion, profess'd in and by, the reformed Church of *England*? Is the Doctrine and Worship of the Church of *England*, Superstitious and Idolatrous or not? And, if it be not, can it be just or lawful to persecute it, or any Member of it, for being Superstitious and Idolatrous, when it is not such.

In the next place, supposing that there had been perpetual Laws, or *Leges sine termino*; Establishing the Popish Religion, as the only Religion of Christ in *Scotland*; and this for many Parliaments and many Kings Reigns; and Kings and Queens sworn thereto, at their Coronations: Cannot this be altered, nor a better Religion be brought in? Would it have been impious, in these Kings and Queens and their Parliaments to give Toleration to Protestants in their Reigns, or to stop Priests and Priest-ridden Judges from persecuting the Reformed? Would it be a good Excuse in the Day of Judgment, for Kings or Queens to obtrude such an Act of Parliament or Treaty, for their Excuse.

It may perhaps be said, that these were Popish Laws, and I say, *mutato nomine, de te fabula narratur* : And, *Crimen quos iniquat, equat* : However, both the Persecutions, are against Protestants ; which puts both the Laws under the same Specification, in and by their Objects.

But to go yet further into the monstrous pretence of the Presbyterian Plea, let us try, what is this, that the Law has so secured ? Is this a thing, or only a Name ; it is a compleat thing, and its Name may be very equivocal ; but, these Parliaments (Presbyterian as they were) had some Pity and Foresight in wording of their Acts : They establish'd Presbyterian Government with an expresse Republication ; That is to say, an Ecclesiastical Government consisting of Kirk Sessions, Presbyteries, Provincial Synods and General Assemblies.

Adhering to my former Ground, that this Law, tho' a perpetual one. *i. e. sine termino, est de jure alterabile*, and in justice shou'd be altered ; but, *sive sic, sive sic*, will this Inalterability go in the Council of Trent's Extension ; go to all things in any Sense, which to Church Matters hath reference ? Will this Inalterability and Infallibility communicate its Nature and Perpetuity to Civil Matters and Affairs, which may relate to  
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the Church ; *Ex. Gr.* to Church Lands, to Mortifications, to Laick Patronages belonging to the Crown, or Subjects, &c.

To Mortals, these Acts and Laws, would seem strictly and particularly, to relate only to the Jurisdiction and judicative Power in *Scotland* ; and now, there is none contending for ; nor pretending to any Ecclesiastical Jurisdiction, but these only, who are cast in the Presbyterian Mould, and so, the Controversy, doth not fall upon the Form of their Establish'd Government, but is indeed a Complaint *de abusu Potestatis Ecclesiasticae*, which, few *Papists* will deny to be a just Ground of Appeal, and consequently for Redress.

Another Specification of the Scots Presbyterian Government mentioned in these Acts, is, that the Presbyterian Government Establish'd by these Laws, was such a Presbyterian Government, as reformed *Scotland* from Popery : If the present Mode of Presbytery be far different from that, tho' it claim the Name, yet it is not the thing, which can claim the Benefit of this Law ; for it is positively asserted, and can be prov'd by Records of Trans-Parliament and Church, that the Judicature which reformed *Scotland* from Popery, was nothing such as this present Presbytery is.



— A Third Character of the Presbytery Establish'd by these Laws ; is, that it is the Government which is most consonant to the Inclinations of the People : If their Word be taken on this, they will prove that ; and much more, but, *sub periculo causa*, there are Two for one in *Scotland* against their present Constitution and Exercise thereof.

That which is yet to be said, is of great Consequence, *viz.* Is there a supreme legislative and jurisdicitive Power, yet extant in *Britain*, or not ? I presume all will grant that there is, and there is but one ; for Two Legislatives would be Two Causes of perpetual Disorder and Contention : Of such Confusion, God was never Author ; yet, some such thing hath been, and may be amongst these Inventions, which corrupted Mankind, hath found out to himself : Yea, the Romans, and several Republicks in *Greece*, had some such Establish'd Mischiefs notwithstanding of their Vanity in Politeness ; from which did arise their Tumults, Civil War, and final Ruin.

But of all such complex Legislatures, none hath been so pernicious, as when one of the Contenders, pretends to a *Jus Divinum*, for their Authority.

All do, or should acknowledge, that God is the supreme Legislator, and that his Laws are

are transcendent over all possible Powers ; and, when a Competition occurs, betwixt his Authority and any other possible Pretender to Supremacy ; beyond doubt, it is better to obey God than Man. We must obey God ; but, since all Powers are of God, we must submit to the Sanction, tho' we do not obey the Law.

But from this, to infer different Legislative Powers, in one Body politick, is an Imagination propagated by the grand Author of Confusion ; pull'd by some Church-men into the Church, and on that Stuff, hath Antichrist raised his Throne ; from which good Lord deliver us.

If there be one, and but one Legislative in *Britain*, it seems foolish, to contend, that they cannot make Laws or alter Laws ; yea that they shou'd not do so *in Bonum Reipublicæ*.

A Legislative being once constituted ; especially, if it be constituted by Compact and Treaty, of Two or more Constituents ; whether that Legislative can alter its own Constitution, and change it into another Form ? is a sublime Consideration : But this doth not at all concern what is now in bate ; which only relates to Things and Matters, extrinsick and subject to the supreme Legislative, (I mean, supreme on Earth)

Earth) and who can doubt of this, when the Subject of the Debate, is such things as have their Beings and Forms from the Civil Legislative Power; the Author of the Letter against the Toleration, hath sav'd our Pains, to prove that Presbytery in *Scotland*, that is to say, the Ecclesiastick Government which consists in Kirk Sessions, Synods, and General Assemblies, stands on, and by Acts of Parliament. He hath diligently demonstrated, that it doth so, from its first Origination in the Year 1581, till it ended in the Year 1610, and from its first Resurrection, by a Rebellion in the Year 1638 or 1641, to its second Extinction in the Year 1662; and from its third Appearance in the Year 1690, to this Day. Are not all these Births and Resurrections, by Acts of Parliament; and were not all their Deaths and Alterations, by and from the same Authority: Does not this demonstrate, that this Government is by, and under the Legislative. Did not the Legislative just so, by Popery, and Popish Ecclesiastick Courts? Did this hinder posteriour Parliaments to reject, much less did it hinder Parliaments from reforming the Ecclesiastical Courts, in their Administrations: In arguing thus, the Presbyterian proves *felo de se*? Did the Parliaments ever transfer their Legislative

gislative Power, upon the Church Judicatures? Surely, humble and moderate Presbytery, would not accept of such an Offer. It was to cut off such Lordships from Churchmen, that they pray'd and preach'd from the Year 1581 and still thereafter, except when the Power was in their own Hands (for that alters the Case.) Was it not to pull down extravagant Power in Churchmen, that they did zealously preach up Rebellion in 1638, and contriv'd a national Covenant against Church Power? For this also, did they preach up and raise the Rebellion *Anno* 1644 with greater Vigour and Zeal? Was it not for this, that they then entred into the League and Covenant, with those in *England*, to pull down the Hierarchy there, with a perpetual Obligation on them and their Posterity, to prosecute that Resolution with Arms and Arts, and with their Lives and Fortunes, until they should bring down the English Hierarchy? And is it not for the same end, that the Presbyterians in *Scotland*, do with such Zeal adhere to their Covenants, as to assert their Tenour and Obligation constantly, and to put it in the room of the Apostolick Creed, in Baptism.

And, since these Leagues and Covenants, not only relate to Presbytery, but are amongst  
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it's best fundamental Charters; were contrived for it's Security; and that Presbytery and the Covenant do support one another reciprocally; and that Vows and Covenants are stronger Obligations than Acts of Parliament, there's no doubt, they will carefully and boldly assert, and teach their Disciples to believe, that the Obligations with these Covenants are without, nay, above the Reach of the civil Legislature; and so continues still in force, when occasion shall offer in *Britain*: These are too sad Truths and not to be overlook'd supinely by all concern'd.

It were very tedious, and I hope useless to use more Arguments for proving, that there is a Legislative Power (and but one) extant in *Britain*, which hath as much Power, to make and abrogate, to alter and reform Laws; especially Acts of former Parliaments, in every thing (excepting perhaps their own legal supreme Constitution) which concerns the Lives and Liberties of the People, and the Exercise of all other Judicatures and Courts, which are not of the Legislature: And the Writer of the Letter hath taken up a Plea, which indeed tends to prove, that the Presbyterian Form of Government in *Scotland*, tho' it hath it's Being and Subsistence by Acts of Parliament;

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as he himself has prov'd; yet that it is not under the Legislative Power; which Assertion, contains a heap of inconsistent Absurdities

And yet, the whole of the Letter and of all that is pleaded by the Scotch Presbytery, against Toleration, does not in the least concern the present Case: For it is not desired that the Government by Sessions, Presbyteries, Synods, and General Assemblies, should be taken away: nor is it desir'd that there should be any other Ecclesiastical Jurisdiction, or jurisdiction Court, set up in *Scotland*; nor is it desir'd, that any Ecclesiastick Benefice, Gleib or Manse, should be taken from the Presbyterian Ministers: Nor is it desired that the Presbyterians should assume any who is not of their Confession and Profession, into their Judicatures, no, nor into their Congregations or Communion, against their Will: Which doth superabundantly contain all that the Acts of Parliament mention'd by them, can import.

'Tis indeed wish'd, that since there are some Differences between the Members of the Kirk of *Scotland*, and those of a Church in *Scotland*, which is both Christian and Reform'd; in Conformity to other Reform'd Churches, especially to *England*; I say 'tis wish'd that in these Differences, a Party,  
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who is a declar'd Adversary, should not be Judge in these Differences.

2. 'Tis wish'd that such Reform'd Church Members may have Protection in worshipping God, in the Reform'd Manner; tho' they do not worship God, in the way which the Presbyterians calls Heresy; since the way so call'd by them, is the Religion profess'd by the Sovereign and Legislative Body of *Britain*.

3. 'Tis wish'd, that since, by an Act of Parliament the Right of Presentations to Benefices, did justly and legally belong to the Crown and other Laicks, was taken from them, on a Supposition, that this would conduce to the Peace and Quiet of the People: And now, it being found by many sad Experiments, that the popular Call has occasion'd more Tumults; and that the Presbyteries have, *viis & modis* drawn the Presentations even from the Heretors, and brought into the Hands of the meanest of the People, *alamode de Jeroboam*; and that this Matter of Patronages, was not only consistent with, and own'd by the Presbyterian Government, establish'd in the Years 1581, 1592, and 1638. (which were the three fundamental Constitutions of Presbytery in *Scotland*.) It is not, nor can it be understood any essential Part of the Presbyterian Government, now  
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re-establish'd in *Scotland*: But a Matter and Subject of an Act of Parliament, distinct from the other Acts, constituting Presbytery; and after that Presbytery was establish'd; and as it was *quod adest vel abest, sine Presbyterii interitu*; and consequently is very accidentally a Concern of Presbytery; and that the Hopes of any good from it, are found to be Mistakes and Disappointments: That therefore the Presentations of Ministers to Benefices may be restor'd to the antient and just Titulars, *viz.* the Queen and other Laick Patrons; since *Res eodem modo dissolvuntur quo componuntur*: So may that Act of Patronages, be rescinded as to the Effect of Representations to Benefices, allennarly.

4. 'Tis wish'd that the poor Professors of the English Confession of Faith, or of other Reform'd Protestant Churches, may be protected from an Antichristian Spirit of Persecution; since a Persecution of any, who profess a Reform'd Christian Religion, by harassing of them in their Lives, Persons and Estates for no other Cause, but because they are of that Profession; may be justly and truly nam'd an Antichristian Persecution: For if there were a Law which did injoyn such a Persecution (as thanks be to God there is none) *queritur*. If a Prince or any Legislative Power can apply their Power and Authority



rity to the Execution of such a Law ; without incurring the same Sin with the Persecutors.

But (as is said) since the Laws past in Favours of Presbytery, do clearly import Toleration to other Reformed Christians, who are not of the Presbyterian Societies ; in so far as some of these Acts do allow, even Benefices and Churches to those of the Episcopal Perswasion, who give Testimony of their Loyalty and Affection to the civil Government, and others of these Acts do appoint the Privy Council to be Judges, when Differences do arise between these two Parties ; and since there is no Alteration desired or proposed, as to the Constitution of Kirk Sessions, Presbyteries, Synods, and Assemblies ; the Toleration desir'd for private Exercise in God's Service according to the Profession of the Church of *England*, ought rather be encourag'd, than refus'd.

And on the other hand, since there are standing good Laws for excluding Papists, Jacobites, and other Enemies of the civil Governments from all Benefices and Offices ; may there not be an Addition for saving of the State, from all those who think themselves and their Successors for ever bound, by the League and Covenant, to root out or overturn the Church of *England*, and to rise in arms for that effect ; or can any thing  
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be. more opposite than this is, and must be, to the Safety, Peace and Union of *Britain*: Especially seeing that by standing Laws and Acts of Parliament, the owning of Obligations by these Leagues and Covenants is declared High Treason: Should then these Obligations be preach'd up in Pulpits? And far less made Standards of a Creed, in Baptism, in lieu of the Apostles Creed so long rejected.

*England* may remember the old Advertisement.

*Tum tua Res agitur paries cum proximus ardet.*

This Paper is made too long, with the Design of giving a true View of Untruth and Sophistry, which are the great Engines of the adverse Party; therefore I shall here resume it shortly, to all who know any thing of the Scots Constitution.

1<sup>st</sup>. Position. There is a Legislative, and but one Legislative in the Body politick, *viz.* a Parliament;

2. Whatever that Legislative did make a Law, a succeeding Legislative could rescind or alter, extend, or restrict, and always did so, *de Jure & de facto.*

3. The Parliaments, by Acts, did constitute and regulate Church Matters, especially, *quoad Politeiam*; and yet more particularly,

larly, they did constitute Presbytery in it's quadriform Manner; they did alter it, refund it, restore it at Pleasure, and that notwithstanding these Acts and Constitutions, in their Tenour and Form, were such as are call'd perpetual, *sine Die & Termino*.

4. Of all Men, the Presbyterians are mostly in *mala fide*, to quarrel or impugn this Parliamentary Power, who have and owe their Being, to this Power and Practice of Parliaments active; to God permissive. 5. Tho' the Supreme Legislative Power, now might rescind, annul or alter, Ecclesiastical Constitutions, as well as the Parliaments which did constitute Presbytery, did rescind, and alter the Acts and Statutes of preceding Parliaments: Yet so it is, that the Toleration now desired, doth neither annul or rescind, the Constitution of Presbyterian Government; but only restrict it's Exercise from persecuting good Christians, tho' they be not Presbyterians; which is no Invasion on it, even tho' it were Christ's true Church in *Scotland, de quo dubitatur*.

F I N I S.

