AMUEL RUTHERFURD, PROPAGANDIST AND EXPONENT OF SCOTTISH PRESBYTERIANISM.

AN EXPOSITION OF HIS POSITION AND INFLUENCE IN THE DOCTRINE AND POLITICS OF THE SCOTTISH CHURCH.
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Bracketed numbers in the Summaries refer to pages in the editions used.
Samuel Rutherford was born about the year 1660 in Nisbet in the parish of Crailing was almost certainly the place of his birth. There are two conflicting statements regarding his parentage. McWard, his amanuensis and student, says he was a "gentleman by extraction". Wodrow writes, "he was of poor but honest parents". The truth lies probably between these two. McWard's stated intention in the preface to Joshua Redeivivus is to recall to the nobility and lairds the part played by their fathers in the establishment of covenant ed religion, in order that they may be persuaded to support the covenanting cause. This propagandist objective, coupled with the hero worship of a student, for a teacher, and of a covenanter for a martyr, not unnaturally causes him to claim Rutherford as a gentleman-by extraction. Wodrow, on the other hand, the exalter of the faithfulness and steadfastness of the poor, the humble and the oppressed, under the persecution of an apostate nobility, with a Scotsman's sentimental admiration for the success of independent poverty, claims him, without too much regard for fact, as being of poor, but honest parents. It is more than conjectural, that he belonged to the class of yeoman farmers or 'bonnet lairds'. There seems good reason for believing that his parents, even in a Scotland of depreciated currency and bad economic conditions, due to the loss of French and Flemish trade, were, if not affluent, at least comfortably circumstanced. The fact that his mother resided with him in Anwoth, and that none of his brothers seems to have inherited property in Nisbet, suggests that his father was a rather 'weel to do' tenant farmer, whose property was shared by his family on his demise. Rutherford himself, despite the poor stipend in Anwoth,
Anwoth, his exile to Aberdeen, the expense of his stay in London, never once refers to a personal need of ready money. On the contrary he is able to afford two Edinburgh doctors for his wife in Anwoth, his library even then was a good one, and despite the vicissitudes of his fortune, his will is not that of a man in straitened circumstances. On the whole it may be gathered that, if he was not born with the proverbial silver spoon in his mouth, it was at least one of good Scots pewter.

There is no evidence as to where Rutherfurd received his education. His only reference to the place of his birth suggests that it was lacking in cultural and religious facilities. Murray's inference that he was schooled at Jedburgh seems feasible. From there he went to Edinburgh in the year 1617.

The ultimate object of his early studies at the University are uncertain. Law may have been his intention. His works show a mind with a legal and casuistic bent. He is the one Scottish theologian to venture into the realm of pure law, as divorced from its ecclesiastical aspects (vide "Lex Rex"). He himself says his youth was not by any means religious, but this is in his characteristic strain of rhetorical self depreciation. Letter LXI written in late July, 1636 states that for sixteen years he has desired to suffer for Christ. This would date a "conversion" or call about 1620, or 1621 as he was nearing graduation (1621). From this time he became set on the ministry and his appointment to the Regentship of Humanity afforded him further opportunity of study for it.

1. Letter 334.
In 1623 he secured this charge, although, in the examination, he had in the opinion of the judges shown inferior Latinity to another competitor. "The whole regents out of their particular knowledge of Mr. Samuel Rutherfurd demonstrated to them his pre-eminent abilities and virtuous disposition wherewith the judges declared him successor to the regentship of Humanity." Principal Boyd's influence, for although deposed he continued resident in Edinburgh, may have helped in Rutherfurd's election.

"In the end of this year" (1625) writes Crawford "Mr. Samuel Rutherfurd, Professor of Humanity having given some scandal in his marriage, was forced to demit his charge." His tenure of office was brief. Round these words centre the whole controversy of the "Rutherfurd scandal". Many with more flair for the dramatic than taste for the critical have held him guilty, while revering him as a second Augustine. Yet the only objective evidence that can be adduced is an accusation by Principal Adamson which is never minuted as proved. In the Records of the Town Council of Edinburgh February 3rd, 1626 appears "Forasmeikle as it being declared by the Principal of the College that Mr. Samuel Rutherfurd, regent of Humanity has fallen in fornication with Euphame Hammiltoun and has committed ane great scandal in the College and likewise has since divestit himself from his charge therein, therefore, electis and nominates........ to convene .......... for depriving of the said Regent gif any scandal shall happen to fall furth his person."

Adamson the accuser was a member of the Court party, anxious to/

2. Crawfurd, " " " 103-4.
to get rid of a colleague who since the advent of Boyd had been increasingly outspoken in his comments on the prevailing system. The accusation follows close on the conflict between Bobt. Rankine, Regent of Philosophy and Rutherfurd over the precedence of their respective chairs. Rankine was a 'die hard' Episcopalian and creature of Sir John Hay, Clerk Register, that "slave to the Bishops and the court". There was thus motive for getting rid of him. Adamson probably made Rutherfurd's marriage without his knowledge and consent along with some idle rumours the grounds of his charge. The later practice of the Presbyterians themselves in indicting the Bishops showed how easily such ill-founded charges could be made, used and acted upon. This specific charge was never minuted as proven. The Town Council records of March 29th, 1636, cites the same commission of investigation, meeting "for the trial and planting of the Regent of Humanity in place of Mr Samuel Rutherfurd who has made demission of the same". There is no reference to guilt, and no formal deprivation.

Thos. Crawfurd is reported to be "both meitt and qualified for the charge". Crawfurd in his History himself adds "according to the wonted bounty of the city, Mr Samuel Rutherfurd had an honest gratification at his demission' Such would hardly have been paid to one notoriously 'scandalous'. A fair interpretation of the evidence would be that Rutherfurd, vexed by contention with his colleagues, and resentful of their intrigue, resigned in disgust. The subservient Town Council, which had let Boyd go, were only too glad to have him gone on any pretext and salved their conscience with an 'honest gratification' and the omission in the second minute of a charge they could not and did not substantiate.

1 Crawfurd, History of Edinburgh University. I03-4.
2 Balfour's Annals, II, I93.
5.

Any other evidence clears rather than condemns him. Admittedly, his appointment to the ministry is not a sure proof of his innocence, for the sentence and subsequent procedure of the Church in dealing with this specific sin depended on the character of the guilty and mayhap on the influence of his friends. William Wedderburn of Bathelny in 1642 was accused of fornication, confessed, was deprived and admitted to make repentance by the Synod of Aberdeen. At the next Synod, October, 1642 "he gat oversicht to teach and preach here and there but thai would nocht admit him to serve at the cuir of any Kirk". He was reponed by the subsequent General Assembly to serve at any Kirk he could procure and became minister of Strathdon in 1643. Baillie cites the case of James Houston, "a Pious and very zealous young man" who falls into fornication after admission to Glassford. He was deprived, became an army chaplain and had his return suited by Glassford. This the Presbytery opposed but were overruled by the Synod, moved thereto by Dickson. The Assembly upheld the Presbytery's decision, but did not prevent him from procuring another charge. He was admitted to Houston in 1644 but deposed 1647. Calderwood and Baillie state other causes of deposition ad vitam for this fault. From the foregoing it would appear that his admission to the ministry can neither prove nor disprove his guilt, except that if he had been guilty some record or tradition or sentence and repentance would surely have been preserved, such being necessary before his admission to a charge.

2 Fasti, Vol. VI.
Evidence of a more positive nature comes from Baillie.c. In 1637 writing in direct reply to a query of Spang concerning Rutherford, he says" the man is godly and a pretty scholar." He was then by no means favourable to Rutherford's opinions, and had he known anything "scandalous" he would have narrated it. There is no such mention. Further, neither the Bishops, nor Maxwell his most violent antagonist, nor any of his opponents (and he had many in his tempestuous political and polemical life) ever name him scandalous, or fornicator. In these days a controversialist with a past seldom got off lightly.

The circle of Rutherford's Edinburgh friendships precludes the idea that it was one in which he would fall into such a sin, or which would tolerate a man avowedly scandalous:- Baillie Fleming of Leith, John Mein, William Rigg of Athernie Baillie of the city, (man who "had the spirit of a magistrate beyond many being a terror to all evil doers." ) Boyd of Trochrigg, Lord Craighall even then connected with the University. It is even more improbable that he would have "dealt with" them in the hortatory even rebuking style of his later letters to them, if they had known him as a scandalous man, or that they would have written to him in the respectful manner they did. Murray in Appendix B of his biography gives the registry of the birth of Rutherford's child, with Andrew Stevenson as a witness, April 14th, 1616. Concrete evidence of fault there could not be, for that opposer of the Perth Atricles would have been no witness to a child born, or conceived in sin. References to his own sinful youth throughout his letters may be discounted as rhetorical self depreciation, but letter LXI already quoted as expressing his desire"to suffer for Christ" 1.

from 1620, states a strange ambition for a fornicator. Finally there is the phrase in Letter CLXII in which he confesses his sinfulness "except for open outbursting."

The charge brought against Rutherfurd was of the same category as many of those brought against the Bishops in 1638. When he resigned in disgust, or despair, the object of getting rid of him was achieved, and the charge dropped. The experience deepened that curious introversion of his mind, which though it poured itself out to others is often in reality engaged in building an inward heaven for itself, indeed he encourages such a practice in his hearers. He could write with feeling in 1630 "Innocence and an upright cause is a good advocate before God."

What was the early speculative theological and ecclesiastical environment in which Rutherfurd lived? Founded in 1582 the College of Edinburgh had no long tradition. What tradition there was, was only mildly Presbyterian, certainly Erastian. Rollock, the first principal was "a man of good conversation, a powerful preacher, but simple in matters of Church government." Charters (1600-1620) who followed was of like nature. Sands was incapable (1620-1621). Boyd who imported too Melvinian ideas lasted five months till James VI "outed" him. Adamson his successor taught orthodox Calvinism and kept his place in 1638 by siding with the Presbyterians to the disgust of his previous allies, Mitchel and Rankine. It cannot be said this tradition was "uncalvanistic". Calvin had counselled submission to princes, had approved of the "superintendents" and had on more than one occasion rebuked the French Protestants for taking the law into their own hands.

It was the introduction of the specifically French interpretation of the Genevan doctrine and practice into the Scottish Church that had caused the clash between Church and State. The author of the "De Jure Regni" learned its doctrine in Paris from Protestant—and Catholic. In Paris Andrew Melville studies. His later teaching years were spent in Geneva but "La Genève protestante n'y a pas eu importation de Génève en France, il y a eu exportation de France en Suisse". From France, not Geneva, came the 'platform' of Church government by courts, which he gave to the Scottish Church. "Les protestants sont les plus anciens républicans français," writes Vienot. A more conservative historian writes, "Suivant nous les Reformés n'ont fait qu'introduire dans l'ordre politique ce qui existait déjà pour eux dans l'ordre ecclésiastique, car, de même qu'ils avaient des consistoires, des colloques, des synodes provinciaux, et des synodes nationaux, ils ont eu des conseils provinciaux des assemblées provinciales, des assemblées de cercle et des assemblées générales" From these the relation of democracy in Church to democracy in state is patent. James saw it. He knew the source from which 'Presbyterianism' came—France; he knew it had for the time being achieved a democratic and political independence which made it a state within a state. He was, therefore, consistent in his own political theory of opposing it resolutely.

Yet the recrudescence of ultra-Calvinism at the end of his reign was materially, if indirectly, helped by James himself. The exile which he forced on the leaders of the Presbyterian party was spent by many of them in France. To France went many of their sympathisers, including Robert Boyd of Trochrig. The France of Henry IV was abundant in free controversy of religious matters.

1 Vienot. Histoire de la Reforme Francaise, 284-5.
The Paris controversies and pamphlets of De Moulin and Suarez and other protagonists of their respective causes, developed the technique and form of the later Scots and English ecclesiastical pamphlet. "Peu a peu" writes Pannier "se forme une sorte de tradition il y a en Sorbonne et dans les couvents d'une part, dans les académies protestants d'autre part, une sorte de cours pratique d'apologetique ou l'on apprenait à répondre de telle manière à telle question."¹ The quaint titles of pamphlet and counter pamphlet, with reply "duply" and "tripl'y", the discursive system of question and answer, the prevalence of syllogistic verbal form at the expense of clear thought, the use of "testimonies", all to become commonplace of Carolinian religious polemic, had their origin in France. The Scots who returned came back with the arrows of controversy pointed and shaped, and their quivers full. Even the Scots at home had their armoury refurbished, for the correspondence of Boyd and others shows a constant interchange of thought on matters ecclesiastical between the Scots in France and those at home (vide appendices to M'odrow's Life of Boyd). The influence of the French Protestant colleges of Montauban, Saumur, Saint and Strie on Scottish post-Reformation thought has yet to be sufficiently estimated. Even Leyden in the early seventeenth century with Du Moulin, Du Jon and Duneau showed strong French influences. Rutherford's life as student and regent was spent in these latter years of James with their growing atmosphere of polemic. The very act of controversy was encouraged as an academic exercise. ² Then criticising his later works for their too polemic form, it is to be remembered he was mentally fashioned in the crucible of it. ³ Pannier. L'Eglise Reformée de Paris. Page 238. ⁴ Crawford. Hist. of Edin. Univ.
Though ecclesiastical subjects were forbidden in public, it is impossible to believe they were not discussed in private. Rutherfurd's work early shows acquaintance with the controversy of Suarez and Du Moulin (Molineus). His polemic method is that imported from France, his logic the logic of Ramus. His work shows the he, along with the keenest of his contemporaries in Glasgow and Edinburgh is thoroughly acquainted with all the questions speculative ecclesiastical and doctrinal, mooted in the French Protestant Colleges (e.g. the Tilenus "heresy", vide Life of Boyd appendices.) Although the Synod of Dort was to condemn Arminianism in 1619, it was not a "cause célèbre" in Scotland till fifteen years later. The harder Calvinism resultant from that controversy, emphasised by Dutch theology, thus came to Scotland a decade later than this. It confirmed and hardened, rather than added to existing Calvinism. It destroyed a freer evangelical note which the Scots had not yet lost, and which is found in Dickson, Blair, Livingstone, Rutherfurd in their early years despite their controversial. This note can be traced through Robert Boyd of Trochrig to the Hugenots of France. These men effected the religious revival in Ayrshire and the South West (1625-30), supported the cause of private "meetings" in the subsequent assemblies and formed the more evangelical group in the Presbyterian party. They were all pupils or colleagues of Boyd. A study of the "Fasti" shows that all of Boyd's students (1615-1623) were with two or three exceptions firmly Presbyterian, some survived to be "outed" at the Restoration. Of these students the slight majority incline to "Protester" rather than "Resolutioner", and perhaps naturally for Glasgow men, the largest proportion of them settle in the South West. Boyd, himself a native of it, was therefore
an indirect factor in the growth of "ultra-Presbyterianism" there.

Rutherfurd was a student of Boyd's for the five months of his Principalship. His appointment to the regentship was slightly subsequent to Boyd's dismissal from office. But this only increased his respect for him. Of Boyd Baillie writes "Si quando in se laxasset (nam neque omnium hominum neque omnium horarum homo fuit) humanissimae comitatis, et apud familiares aliquando leporis erat, etiam festivi" Livingstone says that "Although he was a man of sour like disposition and carriage I always found him so kind and familiar as made me wonder." "His learning was so great that all his quotations from the Greek Fathers which were frequent and sometimes very long, he repeated by heart, and never made use of any note except an extraordinary long passage out of Chrysostom." None would have been more calculated to appeal to the mind and spirit of Rutherfurd than the austere scholarly, yet kindly Boyd. It may be noted he remained in Edinburgh two years after his demission of office. He was according to Row very popular in the town, probably in that very circle in which Rutherfurd moved.

To Boyd during, and probably even after his Principalship, Rutherfurd owed his introduction to the Protestant theology and controversy of France. None in Scotland possessed the former's knowledge of continental thought, gained by a decade and a half of teaching in Montauban and Saumur.

The soteriological views of Piscator and Tilenus, although they post-dated those of Arminius, early attracted attention in Scotland (vide correspondence of Boyd & Welsh. Appendices Wodrow, "Life of Boyd) because of their French origin the controversy of Du Moulin with the latter, and the report that Andrew Melville inclined to them. Tilenus held that only the sufferings of Christ on the Cross were imputed for man's righteousness. There were several variants of the doctrine.

Boyd in his commentary on Ephesians (791 - 796) upholds Du Moulin, that all Christ's sufferings, life and obedience are imputed. It was his view which Rutherfurd maintained in the Westminster Assembly. He inherited also his extreme predestinarian and supra-lapsarian theology, in contradistinction to the infr-lapsarian Melville. Boyd's sources were Augustine Ambrose, Bernard, the Fathers, rather than the Reformers. (In his commentary Augustine is quoted 120, Bernard about 50, Ambrose about 50 times, Calvin 5, Luther once.) To these sources Rutherfurd, with a little more respect for the Reformers, followed him.

On the demission of his Principalship in Glasgow, Boyd writes

"I am resolved more and more not to change, or alter myself any jot of custom, ceremony, or discipline, until the whole kirk of this kingdom, freely, willingly, uncompelledly, resolvedly, and peaceably receive and embrace them with full contentment and approbation.... also to tell and teach my hearers what is my judgement therein with greater freedom and plainness than I ever did."¹ If he taught in such a spirit in Edinburgh, there is little doubt concerning the fountain of Rutherfurd's anti-episcopal "anti-ceremonial" zeal. A certain timidity was to keep Boyd during his lifetime from publishing his views on Church and State, or from even expressing them fully. But in his posthumous Commentary his

¹ Wodrow. Life of Boyd.
Exposition of Ephesians, 6, is significant. "Deinde leges humanas proprie ac directe conscientias humanas non obligare sed Dei legem duntaxat; Immo quod hic innuit Apostolus, meminerint reges et principes, se Dominos tantum esse secundum carnem. Non autem Ecclesiae Capita Rectores Judices in rebus conscientiam." Perhaps some of the whispered perplexities of Boyd find ultimate resonant utterance in the brilliant political apothegms of the "Lex Rex."

Boyd was the "Father" of the more evangelical group of the Covenanters. In this connection one may note that he was the encourager if not instigator of the "private conventicle," - a custom prevalent of necessity amongst the French Protestants, resident in Catholic territory - but one which under oppression might spring up in any land. He certainly fostered it in Scotland. As early as 1619 he was present with the veteran Robert Bruce at such a meeting in Monkland, and in 1624 was before the Council for holding such meetings. Livingstone, Blair, and others of his students carried the practice to Ireland, Dickson and Rutherford used it in Scotland, the latter defending it in a treatise. All four supported it in the Assemblies at which it was condemned, manifesting, like their principal, fervent evangelism coexisting with their extreme Calvinism.

Two others of Rutherford's colleagues may be mentioned. In Andrew Stevenson, regent of Humanity, and regent of Philosophy, he found a kindred spirit. To both alike the Perth Articles were anathema. Andres Ramsay, regent of Divinity was of different sort. A "moderate" Calvinist, a temporiser in ecclesiastical affairs, Rutherford yet seems to have respected his learning, and retained enough affection for him.

1. Commentary on Ephesians 904 - 5.
2. Calderwood IV. 394.
to keep up a correspondence from Anwoth. On more than one occasion Ramsay informs him of affairs in Edinburgh, and manages some matters for him there. He may have been endeavouring to stand on both sides of the ecclesiastical fence. Both parties accused him of it, but Rutherfurd's friendship seems to argue a measure of sincerity in him. A temporiser was not then popular, and his unpopularity soured him. Neither of these two were great enough intellectually to leave any permanent impression on Rutherfurd's thought or character.

THE LOCAL PROPAGANDIST, 1627 - 1636.

Samuel Rutherfurd's Galloway ministry is typical of the ways and means by which Presbyterian principles and politics were spread in the parishes of Scotland between 1625 - 1650, the years in which Scotland became definitely Presbyterian throughout. That a state may, and must, impose religion on its people was the dogma of the Presbyterian party from Knox to Rutherfurd, but they were painfully aware that such an imposition did not ipso facto make the people religious. The pages of Calderwood, the records of the early assemblies are full of "grievances" at the ignorance, immorality, backsliding of the people, the lawlessness of the lairds, the luck of "guid and godly" men to bring about a better state of affairs. The only remedy was concentrated evangelisation, and since for its protagonists Presbyterianism was a form of ecclesiastical government with defined civil relationships, evangelism concurred with propaganda. The grave fault of Episcopacy was not that it was an imposition - so was Presbyterianism, and only subsequently did each develop the theory of "jus divinum" to justify their own imposition by the civil power and damn the others - but that as a religious system it made little effort to raise the
spiritual or intellectual level, or better the condition of the common folk. It produced preachers and scholars. Donne, Hooker, Cudworth, Taylor, Fuller, Tillotson and many more, but the pastoral curate was often a Parson Adams little above the level of his flock. Years later the satire of Swift, Fielding and Addison, and the advent of Wesley manifests episcopacy's failure to heighten England's spiritual life by a respected pastorate. Law Mathieson and Lord Tweedsmuir, the panegyrist of the early Scottish episcopate, when dwelling on the moderation of Spottiswoode, the scholarship of Forbes, the piety of the Bishop of Argyll omit that while the life of the Scot at this time was "nasty, brutish and short"¹ these men did little to improve it. In 1636 Charles rebuked the Bishops for their remissness in planting schools in the parishes, which had been ordered by the Privy Council in 1616 and enjoined by Parliament in 1633.² The reluctance of the heritors to provide funds may be pleaded in their defence, but the Presbyterian succeeded where they failed. Burnet's statement of the Bishop of Argyll "that he caused churches and schools to be everywhere founded" quoted by Law Mathieson³ is not verified by the facts. (cf. Fasti, Vol. IV). Whatever the Presbyterian party achieved, or failed to achieve in the years between 1625 and 1660 they endeavoured to raise the mental, moral, spiritual, and social condition of the people by "planting" the parishes with a pastor and a schoolmaster.

There was now a more plentiful supply of men ready for the ministry, or in it. Many of them came from the "people" (burghers or farmers). They had grown up in a Protestant and Calvinist generation and had been trained in Scottish Universities. Perhaps they were therefore, more apt to know and appeal to the people than men like Bruce and Boyd, who, a little overlearned, still retained some of the stiffness of the seigneur under the Geneva gown. The Presbyterian ministry was now becoming increasingly democratic in personnel. A political "mistake" of Charles I was to them the opportunity of using the means and developing the method of their ecclesiastical propaganda.

The Act of Revocation destroyed the Episcopate which it was meant to serve. So long as the bishops and their ministers were content to remain "tulchans", so long was episcopacy safe. Charles' attempt to erect the ecclesiastical benefices into something of their former well being, ruined it. Menmuir's "Constant Platt" of 1596 became substantially law in an act of James VI 1617, whereby a minimum of 500 merks. and a maximum of 800 merks. stipend. was made payable to the pastor from the teinds of every parish. This left the dangerous matter of the changed ownership of ecclesiastical lands yet unsolved. It was the one social, economic and ecclesiastical problem which Charles solved justly, and for his own cause, ruinously. In 1625, he issued an Act of Revocation annulling all grants to the prejudice of the Crown, particularly the erection of Church lands before and after the Act of Annexation of 1587. Subsequent proclamations in 1624 - 27 adduced as reasons: the provision for the ministry, education, the redress of the great disorder and incommodities arising from teinds. Amongst the latter was the fact that the secular holder of the ecclesiastical benefice, the
"titular of the teind" could hold up the crops of the lesser laird or tenant till teind was paid to him. The titular acquired thus a power over the lesser lairds and heritors which he had not before possessed. Charles offered a fair compensation, allowed the nobles to retain all estates except the bishops, and to hold them from the crown at a specified rental until these should be redeemed at fixed prices. It was further made a principle that every man should own his teinds. To put that glorious work anent the teinds to a full perfection thereof, His Majesty with the consent of the three estates by these present statuits ordains and declares That thair shall be no teind sheaves or other teinds, personage, or vicarage, led and drawn within the kingdom. But that each heritor and lyfrenter of lands shall have the leading and drawing of their own teind the same being first trewlie and lawfully valued." The value at which the heritor was to buy the land from the titular was fixed at nine years purchase. 800 merks was the minimum stipend, there was no maximum.

Charles pleased none but his bishops. That some of the Edinburgh ministers and other episcopal partisans began to inveigh in the pulpit against the noblemen who would not quit their teinds did not help his cause. Newer and more luxurious ways of living had depleted the noble pocket. The titular's rental to the crown was an added burden to many already bankrupt or near it, nor did he wish to sell the teinds and lose the relation of patron and client engendered between himself and the lesser heritor by their secular ownership.

2. Ibid. Cap. 17. Page 97.
The latter had no love for an increased minimum stipend and their gratitude to Charles was not apparent. Moreover the lesser lairds were the most genuinely Presbyterian part of the nation. From them, many of that party's leaders, e.g. the Melvilles, Bruce, Boyd, Blair; later Baillie, Trail, Durham, arose. The king foolishly left everything in doubt by the last clause of the Act ratifying the Commission's findings in 1627, which runs "And that his Majestie takes in his own gracious consideratione what to doe thereanent in whole or in part as his Majestie in his royall wisdom sail think most expedient and whatever his Majestie sail doe now and hereafter thereanent sail be as valid and effectual as if the same had been particularlie exprest in this present Act." Charles' royal wisdom was often to be questioned. He found here, as later with the "Ship Money" a law also just and sound of itself, that to touch the pocket of the landed proprietor was to seek to rob a beehive of its store.

From now all parties in the state, except the bishops very slowly to a coalition against Charles. The immediate effect here to be considered is that Presbyterian propaganda and preaching now enjoyed greater freedom and encouragement than at any time since 1590. The greater nobles distrusting its democratic savours had never (with a few exceptions) warmly supported the Presbyterian faith on its own merit. They had been content with the episcopal or semi-episcopal establishment of James VI, especially as they still enjoyed the ecclesiastical rents and teinds.

"Their opposition to the Anglicanism of Charles was largely due to the fact that it involved sooner or later a redivision of ecclesiastical plunder, they would vehemently oppose any church except one which they could starve. Now begins a skurrying for "guld and godly" men to fill their parishes; and uproot all things episcopal; men who like Rutherfurd would be unworlthy enough to be content with 300 merks stipend instead of 800.

The common folk of the Midlands and Lowlands had hitherto been more anti-Romanist than ultra-Presbyterian. From this time they were to be proselytised and evangelised as never before. The "Stewarton sickness" was to infect many parishes in the land. The former popular zeal against idols was to be redirected by Charles' folly and Presbyterian policy against the "ceremonies". Added to this evangelical fervour was the inculcation of two great principles; the divine right of Presbytery, and later still the almost as sacred institution of the Covenants. At all this the nobility now connived or secretly encouraged where they did not openly help.

The placing of Rutherfurd in Anwoth in the middle of 1627 illustrates the new attitude and policy of the nobility towards the Presbyterian preacher. In a letter to Lady Kenmure (iii) he speaks of her husband's "intended courses anent the establishing of a powerful ministry in this land." The house of Kenmure (Lochinvar) was one which had thriven on the Reformation. Sir John Gordon of Lochinvar had charters of ecclesiastical lands in the bishopric of Galloway and the Abbey of Tongland. Although alive at the time of Rutherfurd's induction he was a dying man and affairs had passed into the hands

2. Historical Account of the House of Kenmure.
of his son, the laird of Ruscio in Anwoth, and future Viscount Kenmure. Spottiswoode tells that the bishopric was almost ruined by alienations and grants for life pensions. The threatened reducing of the episcopal lands was a severe blow to the spendthrift Kenmure. He was at this time, and even later a timeserver of Charles, and had his revenues not been threatened there would have been no "intended courses for establishing a powerful ministry" nor a Rutherfurd in Anwoth. His policy is evidenced by his trying to obtain John Livingstone for the parish of Anwoth. The latter, already noted as an evangelical preacher and staunch Presbyterian, had been evangelising in the South West subsequent to the Stewarton "revival". In April, 1626 Kenmure offered to disjoin Anwoth for him by August. This parish had been joined to its neighbours by Cowper. "The bishop to carry favour of a nobleman and gentleman consented to these unions. Mr. W. Cowper Bishop of Galloway condescendit for pleasure of his friends and allies to unite kirks which before had been planted severally....... He united the kirks of Kirkmabreck and Kirkdale with the kirk of Anwoth, a kirk distant from the other two six miles of mountainous and hard way, the parishioners lying distant in some places ten miles from it? Calderwood's statement shows Kenmure and his father at this time (1622) entirely heedless of the spiritual welfare of their tenants and complacently snaring the spoil with the bishop. Was it of this Rutherfurd thought when he wrote to Lady Kenmure in 1633 to remind her husband "of the sins of his father's house"? "He must reckon with God for his father's debt."? (Letter XXX). This policy was now reversed. Fear of a wealthy episcopate whetted the noble desire for a preponderance of Presbyterian, but poorly paid, clergy in the Gordon country which was all the Stewartry and the western third of the Shire.

2. Calderwood. History of the Kirk VII.
Anwoth was again erected a parish in the Autumn of 1626. Livingstone however, refused the charge. "They got" he wrote "a great deal better that worthy servant of God, Mr. Samuel Rutherfurd." Kenmure since his meeting Livingstone in Borgue in 1626 was looking for a man who was evangelist, Presbyterian and propagandist, he found one who more greatly and more violently combined these qualities, who was to become a greater power in the Gordon country than he himself. Rutherfurd, along with Lady Jane Campbell whom Kenmure married in 1628 was to keep the latter faithfully in these principles which he first adopted for reasons of policy.

The means of Rutherfurd's introduction to Kenmure was John Ker, minister of Prestonpans, cadet of the house of Roxburghe, Protestant of 1617, opposer of the Perth Articles, and for than confined to his parish in 1624. In letter 47 when negotiating for a minister for Kirkcudbright he writes: "We shall cause Mr. John Ker who conveyed myself to Lochinvar to use means to seek a man if Mr. Hugh fail us." Bonar annotating Lochinvar as the place, misses the whole point of the sentence. Lochinvar was the title of Kenmure then only Sir John Gordon of Lochinvar as his father had been. As will be seen later Letter XLVIII was written in 1632, not in 1634 as placed in the collection so that Kenmure had not then received his title and was only "Locainvar." John Ker of Prestonpans, from his Presbyterian principles, his proximity to Edinburgh and this record application for a "sound" pastor is obviously the person concerned. Andrew Ramsay may have had some slight share in the matter.

The exact date of Rutherfurd's induction to Anwoth is uncertain. It was probably early in the latter half of 1627. A petition of his
parishioners to the General Assembly of 1638 giving reasons why he should not be removed says Mr. Samuel has servit the cuir of Anwoth these eleven years by gane? Owing to frequent error in the placing of many of the dates of his letters, that of Letter 1, June 6th 1627, cannot be accepted as an accurate terminus a quo. Wodrow says he entered without giving any engagement to the bishop. The evidence of McWard and Livingstone supports him. The latter writes "some few by moyen suffered to enter the ministry without conformity." Rutherfurd's views on ministerial calling and election, which he believed should be popular are as early stated as Letters IL and Lll. Letter CL shows that he counted episcopal induction an intrusion and the people the true electors. He was therefore, unlikely himself to accept such induction. Kenmure's influence probably placed him without any engagement given to Lamp. 

The Field of Rutherfurd's early Work.

The field of Rutherfurd's early labours and influence was to encompass a good part of South West Scotland. The ultra Presbyterianism of South West Scotland from Glasgow to Dumfries was to be a prominent factor in the ecclesiastical politics of the next seventy years. Its existence cannot be explained at its inception by any native religious temperament, but was the result of geographic political and economic conditions coinciding at the "moment juste" in South West more so than anywhere else, with an intensive Presbyterian and evangelical propaganda. The advent of Dickson, Blair, Livingstone, Rutherfurd, and others of Boyd's pupils, who spent much of their earlier, maybe their better, certainly their most evangelical years in the South West, inculcating Presbyterian doctrine, coincided with the period subsequent to the act of Revocation. The "Stewarton sickness" occurred when the nobility...
were most desirous of spreading the infection.

Certain subsiding "factors" may be noted in the growth of South Western Presbyterianism which according to a petition of the inhabitants of Galloway (vide infra) Samuel Rutherford did so much to foster and form.

In geographic position Galloway and Southern Ayrshire was remote and secluded, but not isolated. Early in the fifteenth century the English Lollard hunted from his Lancastrian home by the zealous and politic orthodoxy of Henry V, and later of his sons "Protectors" found an asylum in the glens of Galloway and the uplands of Southern Ayrshire. The Solway crossing was an easy and quick escape. The Lollards of Kyle, (1494) whatever their doctrines may or may not have been evidence a stream of reforming thought trickling into Scotland through the bare Galloway hills. It is notable that those districts in which Lollardy gained strongest hold, became subsequently most aggressively Protestant; e.g. South Western England which suffered most heavily under the Marian persecution, and which rising solidly for Monmouth suffered again the "Bloody Assize". The track of land from Southern Ayrshire to the coast between Wigtown and Kirkcudbright, the Lollard "trail" surely, became in an ultra Presbyterian country, more than ultra Presbyterian, the home of the Cameronian and the slaughter house of the dragoon. Woodrow preserves the fact that some of the lairds in that country like Gordon of Airds, ancestor of the Kenmures, were traditionally Lollard.

The South West also formed an asylum for the later Scottish Reformer. In the minority of Mary it was the only safe one.
North and west he could hardly go for he spoke a strange tongue to the Gael. North east he dare not go for Huntly was Roman Catholic and orthodox. So Kyle again assumes its role as "an old receptacle of the servants of God." Wishart was to "flee to South Ayrshire and preach there. Knox followed in the winter of 1556 and also in 1562, drawn no doubt by policy and sentiment. The first to defy the Queen Regent, to meddle with their preachers, was a band of Ayrshire lairds, direct descendants of the Lollards of Kyle, headed by Chalmers of Gaitgirth, a house, still staunchly Presbyterian in the days of Rutherfurd.

The political situation aided the geographic in keeping a reformist tradition alive in the South West. The history of Scotland from 1400 - 1550 is a sordid story. No great social or even political movement can be seen in it, but only a nobility obeying their own whim, in a search for power, or a grab for land, reckless of their own, their family's or their country's honour. Till the Reformation which at least gave some of the nobles a common cause for which to fight, even if it was only for a common ecclesiastical purse to loot, internal politics are a vortex of feuds, jealousies and assassinations. The Scottish baron, as long as he had riders at his back, recked little what they believed. James V. and Beaton when they stirred the fires of persecution only provoked a few sparks which burned and died upon themselves.

None of the South Western nobles distinguished themselves by their zeal for orthodoxy, or for Stewart royalty. The relationship of the

2. Letter 187, Spottiswoode, History of the Church. 94.
Stewarts with them is more than interesting. The old Douglas house, Lords of Galloway, had perished by the treachery of James II. The South Western nobles were responsible for the overthrow and assassination of James III. The "Assured Scots" (1542 ff) were mostly of the South West and too near English Gold for loyalty to the Scottish crown. Holinshead quotes the Prior of Whithorn as agent in some dealing whereby all the gentlemen of Nithsdale, Galloway and Annandale came over to Henry's party. What religious views the greater nobles, such as Cassilis Glencairn and Maxwell, had, were inclined to the reformed doctrines current in England. For the lesser raiding not religion, was his preoccupation. Perhaps the Wycliffite and later the Reformed wheat flourished here and there in the South West because of, and not despite, its concealment by so much armed thistle.

Stewart orthodoxy therefore, found few to sponsor it here, and there is little or no record of religious persecution. What tentative support their self interest allowed, the nobles gave to the reformed preacher. Maxwell, Catholic though he was moved in Parliament that the Bible be read in the vernacular. The Douglases to oppose Beaton leant an ear, and Cassilis and Glencairn, both of them, to the reformed doctrine, especially as preached by Sir Ralph Sadleyr, who was as Lang says, very ready to suborn to the glory of God. The lairds followed their overlords.

There were thus, certain pre-natal conditions which favoured the birth and growth of Presbyterian Protestantism in the South West.

Except when a portion of the lairds seduced thereto by Maxwell supported Mary at Langside, their policy is consistently Protestant. The visits of Rough, Wishart, and Knox have been noted. In 1557 the Band included Glencairn, Boyd, Ochiltree and Argyll, whose arm stretched far down the West. In 1558 occurred the defiance of the Regent by Chalmers of Gaitgirth, showing the lairds of South Ayrshire solidly Protestant. The First Book of Discipline was signed by most of the South Western peers and barons, Glencairn, Maxwell, Drumlanrig, Lochinvar, Jarlies, Bargany; the lesser lairds and barons of Galloway being again in preponderance amongst their kind in support of the Reformed faith. The Band of Ayr, 1562 (Glencairn, Loudon, Gaitgirth, Dalrymple, Fergushill) shows united adhesion to the cause. Langside only temporarily detached Lochinvar. In 1574 comes the first hint that the opposition to Papacy would now in the South West transfer itself to opposition to Episcopacy. John Davidson, tried for his book "Dialogue of a Clerk and a Courtier", withdraws to Rusco in the parish of Anwoth, a house of Lochinvar. The gentlemen of the West failed to get him pardoned and he was exiled.

From now, until the Bishops' Wars, with the exception of the Johnstone Maxwell feud, the South West remains politically quiet. James VI managed his nobles as none of his fathers before him had succeeded in doing, and gained a peace they had seldom enjoyed. The regencies of Moray and Morton certainly assisted him in this, as did also the fact that most of the old turbulent leaders were dead. The church lands were safely in the hands of the nobility; of the Bishopric of Galloway, Spottiswoode writes, "it was so dilapidated that it was scarcely remembered to have been."

3. do. VII. 190 (4) do VII. 212.
New houses like Gordon of Lochinvar, Stewart of Garlies, McClelland of Kirkcudbright, rose on the spoils, balancing the power of the older feudal houses. The peace of the land, and the willingness of the earlier bishops to be "tulchans" allowed James after 1690 to carry out his ecclesiastical policy with little opposition from his nobility, greater or lesser, Northern or Southern. Even in 1618 they remained tacit under the Perth Articles. That they did not wholly assent to them appears in that half of the shire commissioners including those of the South West noted against them in the Parliament of 1621. Then followed the upheaval of the Act of Revocation, already noted. The Act was ill advised in the bad economic state of the country, the English alliance closed the Flemish Spanish and French markets to Scotland, whilst England refused to open hers. Thus there was no outlet for the staple products of the country and circulating cash was scarce in all classes of producers. This made the redemptive clauses of the Act especially burdensome on titular and heritor. Crown employment so much sought after was found to be not a revenue, but an added source of expense. Many who held Crown office suffered heavily. (Argyll later retired to his castle to avoid his creditors, and Traquair was driven to soliciting in the street.) A few years after the act matters were even worse. Spalding, no enemy of Charles, writes on the value of the small currency of the reals, "all change and tred was taken away throu want of current money becas thes slight turnouris wis the only money passing through all Scotland."¹ Galloway suffered more than most parts of Scotland owing to a poor soil and difficult transport.

Taxation also hit the South West hard according to Baillie. "In all bygone times our West country hath been much oppressed in taxation. There, lands are so high retoured that a forty merk land with us will not oft pay so much as a two merk land elsewhere, by which means it comes that some five or six poor shires in the West, as Ayr, Galloway, Clydesdale, Lennox and Renfrew will pay more taxation than all Scotland besides". There existed then, in the South West, a high taxation, a nobility, new and old alike, whose needs far outran their purse, even when enriched by the Church spoils, a clergy which was to profit at their expense, a Bishopric, which like others in the country had been richly re-endowed by James and Charles. The economic motive behind the nobles' Presbyterian ardour is apparent.

Amid all this, what of the common people of the district? Till the Covenant, one hears their voice but little. The early anti-Romanist rioting, often for immediate loot, could hardly be called a religious manifestation. Calderwood draws a gloomy picture of the state of common religion in 1582. Grievances are received by the General Assembly that Papistry is spread all over the land. "An exceeding great grief to behold the true Word of God contemptuously despised by the great multitude, the Sacraments profaned, the discipline of the Kirk set nothing by,----for what part of the land is not a spait with the abusing of the blessed name of God, with swearing, lies, perjury, with mercats, gluttony, drunkenness, fighting, playing, dancing, with rebelling against magistrates, with blood-taking, incest, fornication and adultery?" Records do not show the people of Galloway any better in these respects than their neighbours. Livingstone calls them a poor ignorant people. Constant reference to them in his letters, shows that Rutherfurd found the district in a low
spiritual, moral and educational state.

This then was the field in which Rutherfurd began his labour. It had been traditionallt Protestant, but the tradition was often limited to the household of the laird, where the Word had been preached by such a chaplain, resident or itinerary, as he could secure. Till the accession of James to the English Crown, the lairds lived in amity with the Episcopal system, indifferent to the attainments of the ministry or the evil of Episcopal non-residency. The subsequent intensification of James's Episcopal policy, however, did awaken in some the desire for a purer and more 'primitive' faith, fostered, as before noted, by contact with French thought. In fairness, be it said, that from 1605, not a few of the landowners began to press for better parish ministers, and the supply became better. The gap between mere anti-Romanism and Presbyterianism in the people's faith is slowly filled. Finally, by the Act of Revocation, the search for guid and godly pastors is intensified. The whole of the people are carried into the movement by an intense propaganda culminating in the National Covenant, and fulminating forth in the Solemn League and Covenant as militant Presbyterianism. It was the work of Samuel Rutherfurd and men like him, which gave the people of Scotland, especially in the South West, to the cause--- the people, not an unruly city mob, for the peasant of the South West remained firm in the day when an Edinburgh mob could let him go to the scaffold as a rebel to the Merry Monarch.

The Means of Evangelical and Presbyterian Propaganda.

Before studying Rutherfurd's work in Galloway, one may consider the equipment of the party to which he belonged for the task before them.
The great lack of the Presbyterians in the 'Twenties', was a cohesive directorate at the head of affairs. Boyd was a scholar and somewhat of a recluse; Bruce was old and feeble; Dickson had been silenced, and any others were too widely dispersed to hold convenient council. When in 1637-38, they achieved such a directorate, they became politically irresistible. At present they were a dispersed command without a G.H.Q.. The Episcopal party certainly possessed a G.H.Q. in the Episcopate—in justice to Spottiswood, Sydserf, Maxwell, Forbes, a brilliant one intellectually. But the clerical rank and file were half-hearted, mercenary in support, and of no high endowment. The Presbyterians, on the other hand, possessed the material of all revolutions—men of intelligence, conviction and zeal. In their work of evangelical and ecclesiastical propaganda, such men were a paramount necessity. Not a few of them, as has been seen, were Boyd's gift to the cause. Their more democratic origin (though the lairds were still worthily represented among them) and their native and Calvinist education has already been noted. Logically they found it impossible to separate the Calvinist doctrine from Calvinist discipline and the Arminian and Episcopal attack on the former only strengthened their assertion of the latter.

These men made full use of their forum—the pulpit, whether it was in church, chapel, house or heugh. For the propagandist purpose, the spoken discourse, exegetical or hortatory, even the extempore prayer were far more effective than a liturgy. The Episcopalians' lack of inspiring preachers, their moderate outlook, their half-hearted obedience to the dictation of Laud and Charles, destroyed them in the battle of pulpits. The instructive exegesis of Scripture, matters of faith and morals, as the strife became keener, semi-political and even 'treasonable' ideas, poured forth from the Presbyterian pulpit. Gradually throughout the Lowlands the people came to listen with avidity to their doctrine; the only
compulsion was their own will to hear, for excommunica
tory power then
rested with the bishop and neither pastor, session nor presbytery enjoyed
their later coercive powers. The sermon of such masters of the pulpit
as Dickson, Blair, Rutherfurd, Livingstone, show them expressing great
doctrines in the simple word and homely analogy suited to the minds of the
hearer. Dickson objected to over-elaboration in sermons, because the
"cook should bring no meat to the table, but what the men are to eat" and
to parade of learning, "as if the cook should bring up the spit and raxes
to the table, which are fit to be kept in the kitchen to make ready the
meat". Livingstone's instructions on the art of composing sermons might
still be practised with profit by most ministers. The Scottish preachers
of this age may lack the wit of a Donne or the style of a Taylor, but they
converted more souls, which is the specific work of a sermon. While in
their zeal they may exuberate on occasion, they never rave in the manner
of the later saints of the Covenant. Their sermons were as often exeget-
cical and experiential as theological and polemic, though to neither of the
latter sort were they strangers. By their efforts, the bulk of the people
of Scotland were won to Presbyterianism before 1638, and not terrorised
into it afterwards as some historians aver.

A custom grew up, whereby some of the ablest ministers would preach
preach in other parishes at Communion season, or such times as markets
when people were wont to gather. Blair, Rutherfurd, Livingstone, Dickson
seem to have been in great demand. The flame of Presbyterianism was const-
stantly kept lit at its fiercest torches. After the Stewarton
revival, the value of such meetings impressed itself on the Presbyterians
and the practice established itself firmly.
The unwillingness of the bishops to "place" young men of Presbyterian leanings gave rise to a great deal of itinerant preaching. Blair was charged with it before the Council. Men like Livingstone and Gillespie, unable to find a change, moved here and there, settling for a little as chaplain under the protection of a Presbyterian baron or laird and supported by him alienating his tenants from the Episcopal cause. Thus instead of being localised where a resident bishop might have controlled them, they were dispersed and more easily spread the infection. Since they moved quickly from jurisdiction to jurisdiction, it was difficult for a non resident bishop to deal with the matter. These men addressed themselves to groups of the "well affected" in each parish, organised and formed even more of them from the leading men in each, thus creating local nuclei of Presbyterian thought and politics. So important did such meetings become that Rutherfurd wrote a treatise (now lost) on their use.

Nor were the Presbyterians unaware of the importance of "key positions", such as the kirk of the county town, or that situated on a main "through fare". The letters to Rutherfurd from what directing body existed in Edinburgh, asking him to get a sound man planted in Kirkcudbright is an instance of this, and a hundred similar little intrigues were occupying the attention of both sides. The years 1625-1639 witnessed a ceaseless juggling for such positions.

Moreover one great necessity of a party conflict they Presbyterians possessed - a definite programme or "platform". They had evolved a native system of doctrine and discipline from France and Geneva. They knew unanimously what they wanted, and how they wanted it. The bishops may have known Charles' "wants" but most of them doubted the wisdom of
of them, and were at a loss to procure the fulfillment of his wishes. They were also divided doctrinally on the Arminian question.

One has seen the technique of the religious controversial pamphlet developed in France. Episcopal control prevented the Presbyterians using the press to a great extent in the early years of the controversy, but the work of Rutherfurd in his early years shows that written "papers" were constantly circling surreptitiously. As Charles' power decreased, pamphlets began to circulate more freely. Baillie in 1637 mentions "the scandalous pamphlets that come daily new from England add oil to the flame."

The Scots soon showed they needed little incentive to the task of controversial pamphleteering.

Anwoth Ministry — the local "propagandist."

Of the year of Rutherfurd's placing in Anwoth and that subsequent there is little or no record. Bonar's dating of the letters is extremely faulty, e.g. Letter XLVIII dated December, 1634 refers to the late news of Lutzen which most obviously dates it December, 1632. Other even more flagrant errors in dating exist, which have to be corrected. There are only two letters dated 1628, and the second (Letter III) by its reference to Parliament may be considerably later. This evidence or lack of it, together with a reference in Letter XX (1632) to his having left the Parish only once in four years suggests that he spent the years '27 '28 and '29 mainly among his congregation in the work of instruction. It was Livingstone, who knew the district, who called them "a poor ignorant people" and in Letter IV their pastor sees "exceeding small fruit of my ministry."
The early letters show a young man in an uphill fight, a little weary in his work, but not weary of it.

To these early years belongs the drafting of the Catechism preserved in M.S. in the Edinburgh University Library and published in "Catechisms of the Scottish Reformation", (Mitchell.) In Letter CLXVI he refers to "That Catechism I taught you." A catechism was the first necessity of his set task of instruction, and this one shows some signs of being a youthful production. Wyllie of Lorgue, a neighbouring parish (1641 - 1646) made an abbreviated copy of it. This suggests that Rutherfurd established a local catechetical tradition and that neighbouring ministers availed themselves of "papers" of his catechism, as being drawn up by the ablest theologian of the district. Copies probably circulated in the district long after he had left it, one of which Wyllie possessed, used and abbreviated. The catechism was prepared for parochial use. It contains much popular analogy adapted to explaining doctrine to simple hearers. "Quhat is the second work of God's providence? He setteth all things that worketh and moveth to work, as the rider spurring his horse, or the carpenter that moveth his axe or saw, quhilk would not move nor cut except he moved them."

This catechism and his first published work "Exercitationes apologeticae pro Divina Gratia" show him more interested in doctrine than ecclesiastical polemic. Of this Rutherfurd, the Archbishop Usher story might well be true, for they both agreed in the sound Calvinism of their doctrine. The inculcation of this doctrine, in its rigour but also in its grace was Rutherfurd's first and most loved work, though circumstances and temperament were soon to make him the instigator of anti Episcopalianism and the propagandist of Presbyterian doctrine, throughout eastern Galloway.
The three letters dated 1629, contain little personal history, except the illness of his wife. The Presbyterian zealot is becoming more apparent. His growing familiarity with the house of Kenmure makes him a more outspoken agitator against the ceremonies. By Feb. 1st, he can write charging them, "that ye should not love these dumb masks of anti-Christian ceremonies." To Marion McNaught (Mrs. Fullerton), the wife of the Provost of Kirkcudbright, his other correspondent at this time, he writes in much the same strain, and informs her of John Maxwell, the Bishop's court agent, who has procured a letter from the King, "to urge conformity to give communion at Christmas." He seems thus early to have been kept well informed of the ecclesiastical manoeuvring of both parties.

The year 1630 further matured his thought and tendencies. The long illness and death of his wife brought a deepening of spiritual experience, whilst almost collaterally the growing antagonism of his opponents roused him to more violent effort against them, and stiffened his hatred of all things Episcopalian. About the New Year of 1630, he left the parish, probably to go to Edinburgh. The business may have been his wife's illness, or he may have heard rumours of his citation to the Court of High Commission, which occurred in May. If there he may have had some share, along with Kenmure, in agitating and formulating the 'grievances' presented by some of the nobles and burgesses, to a convention of the Estates in July. In May he was cited before the Court of High

I Sir John Gordon of Lochinvar and Lady Gordon are referred to as Lord and Lady Kenmure as they are thus later known, though the peerage was not conferred till 1633.

II Row-Histor. of the Kirk. Year 1650.
Commission, but evaded the charge through the influence of Lady Kenmure and Alexander Colvile. He had by now the ear of Gordon and his wife. Bailie, speaking politically, says, "All the South (depended) on Kenmure" His closeness to the Kenmure counsels may have prompted this early attempt at removal by the other party.

His letters show him taking more active interest in the affairs of the Church at large. He is now ecclesiastical adviser in the councils of the "godly" party in Kirkcudbright, perhaps of Kirkcudbrightshire—a fact due no doubt to some extent to his known familiarity with the Kenmures. He spares no effort to procure the election of a worthy successor to Robert Glendinning, the aged minister of that burgh. His letters to Marion McNaught are full of negotiations and suggestions. Letters X and XII deal with an early attempt, and refer to one, "Who would gladly have the Lord's call for transplantation, for he knows all God's plants set by his own hand thrive well." "If the work be of God, he can make a stepping stone of the devil himself for setting forward the work." The passage points to Blair, who was harassed in Ireland and who visited Scotland in 1630 and 1631. In 1632, Blair mentions a visit to Rutherford and Marion McNaught both of whom he wished to see. It is therefore feasible that they had 'dealt with' him as early as 1630, in hopes of getting him for Kirkcudbright. Letters XI, XII, and XIII show that their ecclesiastical leanings had fomented some hostility against the Provost and his wife involving the former in some litigation.

The Kirkcudbright affair was still engrossing his attention in the beginning of 1631. So far efforts had proved unavailing and the only result of them civic contention between Provost and bailies. If letter XVI is accurate, this was temporarily smoothed out by the middle of the

I Row Life of Blair 8ff.
II Row Life of Blair 96.
Rutherford himself counsels moderation. To the Provost’s wife he writes, "the way to overcome is by patience, forgiving and praying for your enemies". There is much in this strain at this time, suggesting he was working for a reconciliation in the interests of the Kirk. Needless 'bickerings' only destroyed the cause.

He has now become the Stewartry correspondent with the Presbyterian party in Edinburgh, and is kept informed of Charles's latest innovations and any measures spiritual or temporal to counteract them. The information he receives is to be passed on to the 'well-afflicted' with whom he holds conclave in the houses of lairds and others supporting the cause. (XV)

His unpopularity in the Presbytery mentioned in this letter may have been due to these 'meetings', which ministers of different doctrines would naturally regard as intrusions. According to his own witness, he is "most unkindly handled by the Presbytery" and is the only sound Presbyterian within it. (XV). The letter refers to the 'English Service', King James's Psalms, and the organ, all to be imposed upon the Church by warrant from the King, brought up by Sir William Alexander. The Psalms were delivered to the Presbyteries for the subsequent report to the diocesan assemblies. Rutherford is well informed beforehand, doubtless to make what opposition he can. A side light on Ramsay's 'double dealing' appears. He elicits the news from Alexander and passes it on to Rutherford to use as he may.

He is certainly the A.R. of this letter and it is hinted that he is being sounded concerning a pastor for Kirkcudbright.

Later in this year, it was mooted to bring Rutherford to Kirkcudbright. He counsels no haste in the matter, realising that once there, his notoriety might cause the opposition to have him 'outed' more quickly, whereas from the comparative obscurity of Anwoth, he could direct and intrigue more freely. Lamb, some months later, promised them...
them a man to their own mind, but not Rutherfurd.

His mind is becoming deeply engrossed with the Arminian controversy. A.R. informs him of Laud's treatment of the anti-Arminian preachers and pamphleteers. (Letter XV) Later he hears of Burton's committal for such preaching. (Letter XVII) Episcopacy he loathed, and was trying surreptitiously to undermine, ceremonies he hated and eschewed, but Arminianism, which destroyed "free grace" and "justifying faith", he regarded as the heresy of the devil himself to be violently attacked and extirpated. At this very time, John Maxwell was preaching in Edinburgh the divine right of Episcopacy, contrary to the doctrinal opinion and wishes of many of the bishops themselves. It seems that Rutherfurd fears that the next step will be the introduction of Arminian doctrine into the Scottish pulpit, a fear which was fulfilled two years later. Letter XVIII shows him unusually despondent and pessimistic. "I am fighting against a malicious devil of whom I can gain little ground." Was that "devil" the power of Episcopacy? Even Kenmure was failing him; the last letter of the year contains veiled hints to his wife of Lord Kenmure's self-seeking, even apostacy. Those to her in the next year, show him aware of a coolness which he is trying to overcome.

He now enters on the most active year of his Anwoth ministry. He is the disseminator of political information, (XXXI) the instigator of opposition to episcopal policy, the "manager" of burgh elections (XXXVI) He still persists in the Kirkcudbright affair, his papers on the evils of the time have become 'notour'. At the end of the year, he is in Edinburgh, partly to support Fullarton in his litigation, partly on some suit of his own (XLIX), probably also to assist in preparing Presbyterian affairs for the coming Parliament.

To reconstruct his activities at this time, Bonar's dating of the letters has to be completely rearranged. Seven of those placed in Row, History of the Kirk, Year 1037, July, 71.
in 1634 can be dated in the winter of 1632-33. The most flagrant error is the Letter XLVII which, dated December, 1634, refers to the late news of Lutzen which was of course, November, 1632. It is written from Edinburgh, where Rutherfurd must have been at that time. Letter XXVI cites a request from Edinburgh that he get a well-affected commissioner appointed from Kirkcudbright for 'the' Parliament. This is obviously early in 1633. Letter XLI refers to the forthcoming visit of the King, to the call of Hugh McKail (vide Letter XLVI), to his and the Provost's "business which we have now in hand in Edinburgh!" — all of which date it winter 1632-33. Letter XLIII dates at this time also. Crammond to which he is called, fell vacant in 1632, and the compromise in the Kirkcudbright affair suggests Lamb, not Sydserf, who succeeded in 1634. Letter XLVI refers to the King's coming, and, mentioning the success of Fullarton's legal business, dates that matter at the latest, early 1633. Letter XLVII is also about this date. There had been a project to bring Hugh McKail to Kirkcudbright but Letter XLVII mentions one from Dickson saying he is in being placed in Irvine. As this was in the first half of 1633, the project of bringing him to the county burgh must be in the winter of 32-33. Further, Rutherfurd refers to Gordon as 'Lochinvar'. If the Letter had been written in 1634, he would have used 'Kenmure'. Letter XLIX is good evidence of Kenmure's luke-warmness to the cause when place hunting before the King's visit. In the matter of Rutherfurd and the Fullartons' attempt to secure redress from the Episcopal party, 'My Lady saith she can do little, and it suiteth not her nor her husband well to speak in such an affair. " I told her my mind plainly."

Some of the violence which was to mar not a little of his later work, now becomes just visible. He himself knew and regretted
/regretted its presence. “My mother hath borne me a man of
contention” (Letter LXXV, LXXX.) As yet it is little more than open
and fearless criticism from a man who in a Presbytery minority of two
or three makes himself the spokesman of his small party. His supposed
rancorous opposition was reported by his fellow presbyters to Spottiswood
who informed Dalgleish of Kirkmabreck of it. (Letter XLVIII) Rutherfurd
says he is now “odious to the Bishop of St. Andrews.” It is possible
that the latter, unwilling to use strong measures, was trying to ease
the situation in Kirkcudbright and district, and somewhat still the
tongue of the agitator by a quiet hint to him through Dalgleish.

The dispute between the Provost of Kirkcudbright and some
of his bailies over the election of a minister there, had re-opened,
and at the end of the year was the cause of a process before the Council.
Rutherfurd would seem to have been in Edinburgh to lend Fullarton his
support and counsel but from Letter XLVI it is apparent he left before
the case was finished. The latter succeeded in “escaping without
discredit or damage.” Letter XLIX refers to some suit in which
Rutherfurd is personally involved. “In my business in Edinburgh I have
not sinned nor wronged my party – by his own confession and by the
confession of his friends I have given of my goods for peace and the
saving of my Lord’s truth from reproaches which is dearer to me than all
that I have.” Had his outspoken behaviour involved him in a claim for
damages which he settles in Edinburgh through the legal agents of each
party, to avoid public scandal? Such seems the likeliest conjecture.

Other affairs also occupied his attention. The return of the
bishops from London at this time, and their secret conclaves were giving
the Presbyterian party cause for anxiety.
The depositions in Ireland and the return of the ministers to Scotland especially to the South West was unsettling. Kenmure was in Edinburgh place hunting and Rutherfurd felt his presence needed to keep that nobleman "sound". A new Parliament house was being built. It was rumoured the king would attend. All these fears and rumours had been strengthened by a visit from Blair\(^1\) who had just returned from London and Charles. Probably this visit had sent him off to Edinburgh perplexed by the fear that "the King will not be resisted." (Letter XII)

No other record exists of his presence in Edinburgh at this time than these letters. But his later letters show his widespread acquaintance with that town's presbyterian citizens. He had appeared in Edinburgh in the winter of 1629 - 30, just before the Convention of Estates at which certain grievances in relation to kirk affairs were given in by some noblemen, barons and burgesses. He may have had some share in setting afoot the petition which James Hay, deposed minister of Dysart, subsequently handed to the Clerk Register before Parliament assembled.

On his return to Anwoth, more in the councils of his party than ever, he is entrusted with the task of seeing that a suitable Parliamentary commissioner is appointed in Kirkcudbright. William Glendinning, was appointed though Rutherfurd feared he lacked skill and authority. There can be little doubt that he voted against Charles in 1633, for a year of so later he was imprisoned for resisting Sydserf's intrusion of a minister. Charles, after this Parliament, granted Kirkcudbright a new charter with a larger council, perhaps with the view of having it more easily "packed". 2.

1. Life of Blair.

About this time, when they had failed in securing McKail, Kirkcudbright again sought Rutherfurd as their pastor. His inclination to accept forced Lamb to the promise that they should have a man to their mind, but not Rutherfurd. Upon this, and the rising of Parliament, affairs in Galloway proceed more quietly, if not more smoothly, till the appointment of Sydserf to the bishopric in 1634 stirred all parties into a fiercer activity. Early in the year on instruction and information from Edinburgh, he promulgates an unofficial fast amongst the well affected, the causes being the state of the Church at home and abroad; "the lamentable and pitiful estate of a glorious church (in so short a time against so many bonds) in doctrine, sacrament and discipline,"

At this time, Arminianism, whose adoption by Scottish episcopacy he had feared, now sounds loudly in that pulpit. The scholarly Forbes was inceptor and preceptor. Row writes that "Maxwell Sydserf and Mitchel were never heard to utter unsound heterodox doctrine except in the matter of prelacy and ceremonies till Forbes came to Edinburgh."¹ Rutherfurd's dealings with Arminianism now pass from the Academic to the polemic. They find literary outlet in the "Exercitationes Apologeticæ pro Divina Gratia" of 1636, and practical outcome in his exile to Aberdeen. He is yet however far removed from the Rutherfurd whose name was by the greatest - and most scurrillous -of his opponents, made to rime with the "civil sword"; and whose fame was later marred by incitement to oppressive use of it. At present he writes "when authority, king, court, churchman oppose the truth what other armour have we than prayer and faith."

¹ Hist. of Kirk, 1634.
In his affairs in Edinburgh, Rutherfurd had found a strong ally in William Dalgleish, minister of the neighbouring parish of Kirkmabreck. Their joint activities had caused their names to be given in to the Court of High Commission, a process which resulted in the deposition of Dalgleish in 1635. His colleague's fame reached even higher ears. In December, 1634, Rutherfurd writes, "By a strange providence some of my papers anent the corruptions of the time are come unto the King's hand." Baillie's version is "The Register dealing to have Mr. W. Rollock coadjutor to the blind bishop of Galloway did put in the king's hands a treatise written by Rutherfurd upon conventicles on the extent of private men's liberty in public praying and exponing of Scripture to be an argument of that Bishop's negligence." Sir John Hay, Clerk Register, had probably through the Rutherfurd Dalgleish affair, become possessed of some of the former's circulating papers and was using them as an argument as to Lamb's unfitness for his charge, and the necessity of appointing a coadjutor with him. Rutherfurd had written a paper on the uses of a group system of prayer meetings. Baillie in relating the "Conventicle" business of the 1640 Assembly states "Mr. Rutherfurd had in a treaties defended the lawfulness of these meetings in greater numbers and for more purposes than yet we have heard practised." The words 'in greater numbers and for more purposes' are significant. Rutherfurd practically established, used and encouraged the conventicle habit in Galloway, though the homes of the well affected and not as in more terrible days the heughs of the hills, were at present the habitat. He found, or fostered where he did not find, small circles of "well affected" in neighbouring parishes, visited them, supplied them with information,

2. ibid. " p53.
information, and encouraged them in opposition. Where the minister, like Dalgleish, was of his own party, the task was easy. Where he was hostile, a local laird - almost invariably a Gordon, (vide Knockbrex, Carlton, Earlston, Knockgray) - was won over and his house made the centre of evangelical propaganda. The existence of so many of his own letters witness to the prevalence of this practice. They are addressed to one person, but obviously are to be read to a few well-attuned ears. The early gathering of them into collections shows they were earnestly perused in these small circles he had fostered. The treatise, not now extant, was meant to justify the existence of conventicle groups in each parish and propagate them as useful nuclei of spiritual and ecclesiastical propaganda.

In September, 1634, Lord Kenmure died, Rutherford being present at his death. Later he made use of his presence to publish in the interests of the cause, "The Last and Heavenly Speeches of Viscount Kenmure". This practice had long been common in France and the multitude of 'testimonies' which were to appear then and later were a proselytising practice imported from that country. Letter XXXIX refers to his presence at the death bed. Despite Bonar's dating of the Letters, there is no evidence that he was in Edinburgh in 1634. The "Last and Heavenly Speeches" mention a visit to Dickson in Irvine.

Throughout 1635, fear of Sydserf, or rather fear of Sydserf's hand upon the Church, is Rutherford's preoccupation. Alexander Gordon of Earlston had been fined for resisting an intrusion of Sydserf. He was the "first in Galloway called out and questioned for the name of Jesus"
Rutherfurd's mind sways between passive resistance in flight to America, and active resistance as much as possible within the law. Even yet he hesitates to counsel or use resistance without limit. He anticipates Sydserf's coercing the civil power to intrude a minister on Kirkcudbright and counsels the Fullartons to seek advice as to how far they can legally resist. He is also by now in close touch with Dickson of Irvine, the doyen of Presbyterianism in the South West.

In 1636, Sydserf caused his indictment at the Synod. The charge which Rutherfurd gives is that of treasonable doctrine, preached in a sermon at Kirkcudbright. The register of the Synod of Galloway dates only from 1664, so that no record of the indictment exists. It was about this time that he had a conference with Sydserf himself. Baillie mentions "a pamphlet of his going short our people, a Relation of a conference of his with Sinceref of Galloway wherein he will have our kneeling black idolatry". According to Row, there were several such interviews between them. If they dealt with ceremonies, they can only have strengthened their mutual antagonism. Shortly afterwards, he was summoned before the Court of High Commission, which Sydserf had established at Wigtown, where according to Murray, he was deprived of ministerial office, and cited further before the High Commission Court in Edinburgh.

There are various accounts of the charges brought against him. In letterXL he cites his newly printed book against the Arminians, and 'not lording the prelates'. Letter XLIII says, 'The cause that ripened their hatred was my book against the Arminians, whereof they accused me on those three days I appeared before them'. Baillie also mentions his book for 'taxing Cameron, and his most indiscreet railing against Jackson', and adds his preaching against the Perth Articles, his pamphlets on

1 Baillie, I.8. 2 Row, History of the Kirk, 396. 3 Murray, Life of Rutherfurd, p. 18.
/conventicles, his relation of the conference with Sydserf, as reasons why 'they were animat against him'; but he carefully states that,'All thir things and some more did provoke them, but the allledged cause of their censure was only Conformity '. In letter CLXI, Rutherford mentions, that, 'I was three days before the Court of High Commission and charged with treason preached against our King, (A minister being witness went well nigh to swear it ).'Letter CLXXVIII states, 'my opposing the canons was a special thing that incensed Sydseff against me, also I was judicially accused of my book against the Arminians and commanded by the Chancellor to acknowledge I had done a fault in writing against Jackson, a wicked Arminian'.

A slight discrepancy exists between Baillie's statement, that the only alleged cause of censure was non conformity, and Rutherford's own statement that he was 'judicially accused of his book against the Arminia'. The former's version may be more accurate. Calvinism had not yet been proscribed as heterodox: till it was Rutherford could not be 'judicially' accused of it. Some of the prelates who tried him,--sundry those whom he tells us spoke for him, were still Calvinist. With regard to his taving Cameron, and indiscreet railing at Jackson, the phraseology of the 'Exercitations', compared with the later Miltonic Millingsgate, or even with his own more virulent writing, is almost conversationally polite. 'Cameronis consequentia vana est' ('Exercitat. 357) of Jackson's doctrine, 'blasphemon est fingere inter creatorem et creaturam aliquam similitudinem, etc.'--these phrases, in the age of Lastwick, Fynme and Milton are no more than academic platitude. The explanation of the matter is as follows: The bishops were converts to a new doctrine and had the early zeal of men added to their love of power. The ablest doctrinal opponent was now before them: because the men were Churchmen, with the native Scots
flair for dialectic, the trial devolved into a theological debate, which obscured all other charges. To the accused, it might seem that his opposition to Arminianism was the central judicial charge. The debate seems to have been good-natured enough, except for Sydserf’s virulence and the Chancellor’s annoyance at Rutherfurd’s declination. Maxwell—who hardly deserve all the things Rutherfurd later says of him—remarked that "he had not thought there was so much learning in any Puritan." Some of the Bishops were even favourably disposed to him. Besides all this, Rutherfurd’s "Exercitationes" was his first publication; he was proud of it, and not averse to have it made famous in such a "cause célèbre". He certainly rejoiced a little in being "accused" because of it. Yet whether or not the Bishops were desirous of doing so, they could not sentence him judicially for anti-Arminian doctrine or polemic. The charge of treason, supported by only one witness, fell through. Rutherfurd might have been indiscreet in the pulpit, but his dialectic would easily argue him out of such a charge, whilst also at this time, he never expressed himself as being anything but willing to obey the King’s behests. The only charge which could be legally established against him was active non-conformity to Episcopacy and the ceremonies. On that charge, as Baillie says, he was sentenced and, despite the influence of Lord Lorn, exiled to Aberdeen; but it was the other counts against him that procured the heaviness of the sentence. Ministers had been deposed for non-conformity; few were definitely and definedly exiled. To have confined him to his parish would not have served the Bishops’ ends; he would still have been a storm centre even there. He had now become a power in the Gordon country of the South West— and even beyond it—too dangerous to be allowed to remain. Such was the real reason of his exile to Aberdeen.

His achievement for his party in the South West is best summarised in the words of the paper written on the eve of his translation to
St Andrews in 1639, entitled "Reasons why Mr Samuel Rutherfurd should not be translated from the place where he is". It is said that, "The principal means whereby the bodie of the gentry thair (at this time wanting a head) is united and stirred up, is some few ministers of whom he is the principal." By 1639, he fills Kenmure's place in the district, and Baillie as quoted before, says, "All the South West depends on Kenmure". It was the years of work in and from Anwoth, aided a little by the literary fame of the Letters, which gave him that place. Although appointed by the wayward policy of Kenmure, inspired by the Act of Revocation, Rutherfurd achieved a dominant influence over him, largely through the latter's wife. It was Rutherfurd, who in the winter and spring of 1632-33, kept Kenmure on the right side, or rather kept him from the wrong one, and caused him to withdraw from the Parliament, in which, if he would not vote against the King, he could not vote for him. Through Kenmure, he reached all the lairds in the Galloway parishes, some of them not at first keenly Presbyterian. By circulation of papers, by visit and interview, by Communion sermons in their parishes, by the small circle or conventicle of well-affected, he drenched them so deep in Presbyterian principles, that the flood of 1660-85 failed to wash these out. The Aberdeen Letters show every Galloway laird a personal acquaintance; the letters themselves are the continuance of his policy of keeping at them. With the laird went the tenant. An interesting light on Rutherfurd's work, is given by the signing of the Kirkcudbright petition against the Service Book, Oct.-Nov. 1637. This closely follows the 'National Petition' except for the necessary omission of the second paragraph. The Presbytery which had frowned on Rutherfurd a few years previously, is now enthusiastically anti-Episcopal. In that Petition is the signature of every one of his Galloway correspondents, and even of some of his Ayreshire ones, notably Chalmers of Gaitgirth, head of that ancient Protestant house. Provost Fullarton, Knockgray,
Of Rutherfurd it may be said that he prevailed by persistence. His pastoral work showed him constantly praying, preaching, catechising, studying. Few in his parish, even to the lairds, could withstand him. Kenmure rested ill when he fell foul of the persistent minister of Anwoth. It was the persistency of this one man that did so much to create the ultra Presbyterian party of the South West. No laird was too great, no cottar too mean to win the cause, or to reprove for backsliding. He cast many lines, and personally or by pamphlet or epistle he held every one of them. His sphere ranged from Ayr to Anwoth and Anwoth to Dumfries.

The influence of the pulpit in rural Scotland in the early seventeenth century is due to the fact that no such preaching had till then been heard. The parish priest was often unable to preach, if he was, his sermon was a rambling and magical excursus in hagiology not infrequently interspersed with indecent analogy and course illustration. Of preaching, as understood by the Reformed, there had been none. The expository preaching of Scripture came to the people with the force of the new and original which are always potent forces in conversion.

Contemporary opinion and the "English merchant" story preserved by Wodrow show that Rutherfurd, Dickson and Blair were considered the great preachers of their time. To them history adds John Livingstone as a great evangelical preacher. For better or worse they shaped the form of Scottish pulpit eloquence for many generations. Of the four, Rutherfurd was the greatest and most versatile, though he lacked somewhat the practical note of Dickson and the more lucid and orderly exposition of Blair and Livingstone. Unfortunately no sermons
Aristotle lays down in his "Rhetorica" that he who is to persuade must study carefully the inter-relation of audience, style and subject. More than the eloquent preacher of the English pulpit the Scot considered this matter. It is because he had a rude and homely people to convert that the language of the Scottish pastor is often rude and homely. The object of their preaching was to save and instruct, not to titilate and thrill. It is notable that the Crusades revived preaching in the middle ages. The crusade to win Scotland to a pure faith, as well as free it from the trammels of Episcopacy was the great spiritual incentive of all Scottish preaching. The crusader is always a propagandist with a definite object, his style is always dictated by its power in conveying the message, and converting to the cause. This principle underlies all Rutherford's writing. He has far more "styles" than are generally noted. Even in the "Letters" there are subtle differences of style when he addresses people in different stations, or subject to different experiences. This same principle underlies and explains the so-called "dualism" of his character noted by Taylor Innes, for his mysticism is more verbal than intellectual. Always the audience dictates the style. In "Lex Rex," written for the legal pundits of London, are passages reminiscent only of Bacon himself in weight and in pithiness of apothegm. In his polemic, the language is colourless, and excepting always the Rutherfordian epigram, the language of the schools. Again, his theological writings on "grace" because of his spiritual fervour show many passages worthy of Baxter at his best. The Preface to the "Trial and Triumph of Faith" can strike the note of sonorous meditation. "Christ for this cause especially left the bosom of God and was clothed with flesh and our nature, that he might be a mass, a sea, a boundless river of living and breathing grace.
/grace, swelling up to the highest banks, not only of the habitable world, but the sides also of the heaven of heavens, to overwater men and angels." The prose cadence of this sentence in flow, rise and fall is exactly that of Sir Thomas Browne, and its beauty is undeniable. In an early sermon he writes, "And indeed in my judgement it is a speech borrowed from a mother that has a bairn with a broken face, all bloody and all bleared with tears, and it comes to her (and woes her heart to see him so) and she sits down and wipes the tears from his eyes, and lays her hand softly on the wound and his head in her breast and dights away the blood and lays her two arms about him, and there is no end of fair words." There are many such passages in the early sermons, which for union of the prophetic and homely poetic can only be rivalled by the master of such language, Thomas Carlyle himself. Added to this, whatever literary opinion concerning his "Letters" may be, they are unique of their kind. To sum up, Rutherfurd considered the audience to which he preached or for which he wrote in relation to the message he had to convey, more carefully than is generally noted. He tried to shape the clothes of the message accordingly. In this he may have often failed, betrayed by his casuistic mind and scholastic training; but the wonder is, not that he wrote so much that is arid, but so much that is dignified English, or vivid poetic Scots prose. Compared to the rude syntax of the previous generation, his writing shows a vast improvement in style.

A reliable conception of his preaching can be formed from the extant volumes of his sermons. These show a definite development in style. The earlier are freer, less ordered, but more inspired, more vigorous, more fanciful than the later. The later are more doctrinal dialectic and ordered, though his wonderful attitude for pungent and
52.

And homely analogy still appears. The Galloway "communion"
sermons were posthumously printed in chap-books, from notes taken by
hearers. The existence of such notes argues early fame as a preacher.
Certain hiatus in thought and inconsistencies in style are explained,
by this method of publication. The more ordered form of the sermons
preserved and collected into the treatise the "Trial and Triumph of
Faith" is due to his own conscious revision, but some of these also were
Anwoth sermons. To Lady Kenmure he writes in the Preface "If some of these
sermons came once to your honour's ears; and now to your eyes, it may be
with more English language, I having staid possibly till the last grapes
were somewhat riper, I hope it shall be pardoned."

The style of the early sermons is that of a man at pains to
make himself understood to the ordinary hearer. The sentences are short
and simple as compared to those of his polemic work. There is constant
use of the short hortatory sentence e.g. "Rouse up your souls." "Beware
of that work," and of the rhetorical question inciting to self-examination.
These are devices more calculated to appeal to a rural, than to a more
sophisticated audience; there are less of them in the later sermons.
Especially is the "popular" appeal apparent in his characteristic use of
metaphor, simile and analogy. These may on occasion be extravagant, but
they are always explanatory. To expound a thought by conveying some
familiar picture to his hearers seems to have come naturally to him as
he preached. He loved the "fancy" (in the Elizabethan sense) but he loved
it, not for its own sake as the Jacobean preacher often did, but for its
power of illuminating the mind and moving the heart of the hearer.
Compare him to Donne, the great English master of the fanciful analogy.
The latter goes gloatingly from analogy to analogy, often puzzling his
his hearers by explaining analogy by an analogy more recondite.

(Vide Sermon XV p.6. Cambridge Plain Texts) Rutherfurd is simple,
expressive, homely, as in the analogy (already quoted) of the mother and
the bairn with the broken face, used to illustrate his thought of Christ
the Comforter. Though the analogy, as here, may be worked out a little
in the manner of the Homeric simile, it always gives an emotional fullness
to the picture and thought it has to convey. In his sermons, it is never
a mere intellectual juggling with form.

If to the power of simple language and apt analogy, he could have
added that of consecutive and selective thought, Rutherfurd would have been
the greatest of Scottish preachers. A certain thought may be well expressed
and the following thought as ably, yet their interconnection not obvious
and their relation to the main "head" not clear. A passage may resemble
more a series of obiter dicta, than the developing "head" of a sermon.
He often falls from the plane of devotional meditation to that of polemic
utterance, but as often rises from mere doctrine to brilliant rhapsody on
the person of Christ. In Dickson's sermons appears the "classic" method
of exposition, then raising of doctrine and refuting of objection, followed
by use and application, which was afterwards propounded in the "Directory
for Public Worship." In Rutherfurd's sermons there is a more minute
exegesis, and all three are interwoven in one paragraph on a single word
of a text. Whilst the method of the former is admirably adapted to moral
and doctrinal teaching, Rutherfurd's method, or lack of it, with the simpler
sentence, the homely analogy, the passionate rhapsody, brought home to the
common people those emotional and devotional experiences which must exist
in a religion centred on the person of Christ.
54.

The matter of his sermons is formally the same as that of his contemporaries,—exposition of the word of God. His breaking up of a text is often almost ultra exposition for no phrase is too insignificant for a symbolic meaning. The heads developed from the text thus treated are often little sermons or rhapsodies of themselves. There is in his sermons far less polemic than might even reasonably be expected, and hardly any scholastic treatment of doctrine. There is some outspoken criticism of men and affairs. (I see them fishing for baronies. Communion Sermons 198) But these are subordinated to his main purpose of commending the glory of the person and work of Christ in his Kirk, to the experience of sinful men, and of impressing on them the superlative power of the grace of God. There is hardly a "head" in all his published sermons in which these are not the "leit motif" now sounding tremulous, now majestic, now caressing, now condemning, so that the normal content seems often incidental and secondary. "Oh what a happiness for a soul to lose its excellency in His transcendant glory. What a blessedness for the creature to cast his little all in Christ's matchless all-sufficiency." (Pref. to Trial and Triumph.)

These words are the key to his preaching. The very texts he chooses show a partiality for those capable of a symbolic Christological interpretation. Ten out of the twelve extant early communion sermons are of this sort. He is ready to symbolise as far as Protestant exegesis will allow him. In his fondness for the symbolic, in his lack of orderly method, in his mixture of simple interpretation and fanciful analogy, in his earnest appeal knit to the practical application, he is likest of all the Reformers to the father of all homiletics, Ὄρις ἕα.
Such was the preacher who filled the pulpit in Anwoth and drew hundreds to his communions. He doubtless preached many sorts of sermons doctrinal, polemic, didactic, but his two great themes, Christ's glory and Christ's grace prevailed throughout. Other men also, of both parties were to imitate his style and manner and develop it. Baillie writes in 1654 of Andrew Gray, "He has the new gayse of preaching which Mr. Hew Binning and Mr. Robert Leighton began, contemning the ordinarie way of exponing and dividing a text, of raising doctrines and uses, but runs out in a discourse on some common head in a high romancing unscriptural style, tickling the ear for the present and moving the affections in some, but leaving as he confesses, little or nought to the memory and understanding." Of this style of preaching which Baillie so disparaged, that which appeals to the heart rather than to the head, Rutherfurd and not Binning the Protester or Leighton the prelate, is the father. His subsequent letters maybe as much as his sermons gave it the vogue. With him it is more natural than literary, for his main purpose of moving the hearts of men to the glory of Christ subordinates all other considerations of homiletic technique. In the hands of Binning and Leighton this method is more consciously mannered, but yet of great devotional power and beauty; with lesser men it becomes sickly and effete, or riotous and indecent, the source of such caricature as in "Scots Presbyterian Eloquence."

Rutherfurd's greatest work as a local propagandist is as a propagandist of the gospel, an ambassador for Christ.

His catechetical work has been noted. The manuscript catechism which is preserved in the University Library in Edinburgh is from caligraphy, style, and material, undoubtedly his. It is probably a copy of the
catechism he used in Anwoth very slightly revised. Its earliness is apparent. The question, "To whom has God committed the power of excommunication?" is thus answered, "To the whole kirk of the faithful gathered together in the name and authority of Christ, the pastor in the name of the Kirk, pronouncing sentence, or rather, pronouncing the Kirk's sentence. " As it stands this is practically Parker's doctrine of congregational excommunication, with only a declaratory power in the minister, which in the "Peacable Plea" (1642), he was strenuously to deny. At this time, through opposition to Episcopacy, and contact with the Irish ministers, he inclines somewhat towards it. The Catechism is much less an instructional statement of doctrine, (such as the Shorter Catechism is) much more a popular exposition for rural catechumens. The form of the question is more often that which includes the doctrine itself, and asks for the reasons and truth of it in the answer, than asking for a statement of doctrine. This method is supported by the characteristic analogy, "What learn you of this (God's Providence)?" "They are unthankful that sinnes against God in his very armes, lik cursed children that strikes their mother's face, even quhile as she has them in her arms. " Few pages but have some quaint analogical gem. The whole tenour is that of patient and diligent exposition of great religious truths. The common problems of life are answered. "But the wicked live long and become old, the godly die young?" "As a great house full of copper or iron is not so much worth as a little portion of gold, so the few days of the godlie is better than the manie years of the wicked." The experience of everyday life finds expression. "Is it lawful to suspect evil of our neighbour and condemn him?" "Yes it is; providing we have good ground to do so, and break not charity." No catechism of the period is such a human document, revealing so much the mind and soul of its writer. The answers to the questions on Christ almost break into, rhapsody. "What is the third property
of this King?" "Most glorious; for he that rideth on the clouds, hes ane
rainbow on his head, his face as the sunne and his one foot standeth on the
sea and his other on the earth at quhilk time he standeth upon his own ground.
Rutherfurd shows what is apparent in no other catechism, an attempt to
understand the simple or child mind and to inculcate religious truth in it
by using pictorial illustration which they can readily grasp. Like his hated
opponents, the Jesuits, he knew that the work of religious propaganda among
the young, could not begin too early and he wisely paid attention to its
form. How successful he was, the subsequent Covenanting generation was to
tell.

The "Exercitationes Apologeticae pro Divina Gratia" which is theo-
logical and academic, had little effect on local politics and less on the
Bishops' indictment of him, than he himself was perhaps willing to believe.
It need not be noted here.
Rutherford came to Aberdeen in Sept. 1636, and remained for over eighteen months. Two hundred and twenty letters which he wrote from there are preserved. From his own words, it is obvious that he wrote many more. Little concerning his life in exile, can be gathered from them; they are records of feelings, not of facts, and have been alternately lauded as the acme of expressed Christian experience, and vilified as rabid outpourings of religious eroticism.

Why were they written? The primary and basic psychological reason was undoubtedly his thwarted homiletic faculty. His religious experience had to find expression, opportunity for which had been afforded by the pulpit. This now denied him, he turned to the letter. He often refers to the ban on his preaching as his heaviest cross. Secondly, there was the pastoral motive. The condition of the South West was a grievous burden to him. He pours out letters that are warning, anxious, hortatory, castigating the known sins of his flock, vindicating his doctrine, warning against Episcopal heresy. Thirdly there was the propagandist motive. He did all he could as an exile to win the nobility to his cause, indirectly through wives and relatives or by direct appeal. He constantly seeks fresh correspondents and endeavours by the witness of the exile, to win the heart of the Laodicean. There is a distinct literary motive. Despite his protests he was proud of his growing literary fame. The last hundred and fifty letters have constant reference to the multitude of his correspondents and old friends, like Hugh McKail, are put off with a brief note to make room for the many. There is evidence of hurry in the more frequent repetition of thought and phrase of the later letters.

Corresponding to these four motives, four literary traditions
mingle in the letters. The evangelical homilist is always present in them: many are homilies on the Christian life, based on his own experience, illuminated by passages of sound Scripture exposition. As in sermon, so in letter, the presentation of the glory of Christ is the greatest theme. He is preaching by letter. The pastoral motive gives him the tradition of the pastoral epistle. The influence of the Pauline epistles is clearly evident in the salutations. His letters to his parishioners are modelled on these and even reminiscent in cadence of IICorinthians. Paul was the obvious model for his task, and there is distinct evidence, in form, thought and style, of study of the Epistles for the work in hand. The letters are also in line with a new literary and propagandist form, the "testimony". In France, the converts to the new faith wrote "testimonies", to the strength of the faith which converted them. These were published by the Huguenots with a definite proselytising purpose. The Catholics retorted by publishing testimonies of perverts from the Huguenot party. These increased in literary scope to include death-bed speeches, or any other material likely to serve a propagandist purpose. Rutherfurd seems among the first to use this propagandist form in Scotland by the anonymous publication of the "Last and Heavenly Speeches of Viscount Kemmure" (1649). In the "Killing Time", the number of testimonies increased and later were collected in books, such as "Naphthali" and the "Cloud of Witnesses". They became a favoured form of Presbyterian reading. McWard edited the letters in "Joshua Redivivus" as a collective testimony with a propagandist purpose. The individual letters themselves are often little testimonies. He deliberately sets out to witness. Much of his so called ego-centricity is due to this conscious intention and heightened by it. It is inseparable from the form of a testimony. He is a man witnessing for Christ in order that others may be brought to witnes
There is lastly a literary tradition. It may be negligible, but the regent of Humanity would know the Letters of Pliny and may have decided to become a letter writer, but with more inspired objective.

Round the style of the letters controversy has chiefly raged. This is due to the fact that he is consciously 'witnessing', so much of the "indecency" is largely due not to any native delight in the erotic, but to the literary model—the Canticles—which he follows. In both cases, the ego-centricity and eroticism are formal rather than inherent and natural in the man. He is much less a religious erotic by nature, than Donne, for example. Erotic imagery was the fashion of the age in poem, pamphlet and pulpit. Rutherfurd, perhaps in this even an unconscious propagandist, sought to use the imagery of the earthly to win men to a higher love. He considered he had precedent in the accepted interpretation of the "Song of Solomon". Taylor Innes's theory of a dual personality was probably due to the recently published "Dr Jekyll and Mr Hyde". Rutherfurd was an intensely religious man, but no mystical erotic. His use of testimony and his clothing it in the imagery of Canticles lends colour to the charge, but as has been seen, these are literary conventions. There is no reason to doubt his sincerity, for a man may be sincere, whether he write well or ill. He often writes well; passages glow with religious emotion, the destroy with scorn or strike with homely metaphor or vivid apothegm of the sermons. His worst fault as a stylist is that Biblical language and cadence are not quite fused into his own native thought and style, with the result that passages seem phrasical quotation or imitative reminiscence, e.g. "For this cause write I unto you that my sufferings may glorify my royal King". (89) "That ye should in any sort forbear the receiving of the Lord's Supper but after the form I delivered it unto you according to the example of Christ our Lord." (269)
Such passages can be found in every letter.

The Letters at work.

The motives behind the Letters have been stated. These were not all concurrent. Rutherford came, only gradually, to the role of Apostle consolatory to a persecuted Church. The sixty Anwoth Letters were spread over nine years and written as the occasion directed. The early Aberdeen Letters were likewise written to the need of the minute. Bonar's dating is again inaccurate, so his growth towards such a position cannot be traced fully. Despite his protests that he did not wish "to be much thought of", he yet tried to fill the above role, which the demand for his letters certainly thrust upon him. It was probably the furious out-put of his pen in March 1637, occasioned by the imposition of the Service Books and its reception which strengthened his desire and intention to exhort and encourage and incite all whom his pen could reach. More than fifty of the Aberdeen Letters are of this date. The route of these Letters was by sea to St Andrews, through Fife to Edinburgh, Edinburgh to Lanark, (or Glasgow) Ayr and the South West. Along this route, he constantly seeks new correspondents.

In their relation to the external affairs of the Church, the Letters are more a by-product of them than an agent in them. They did not stir the mighty to action; they are not propaganda in the sense that the Letters of Junius are propaganda. Their chief historical importance is that they made the fame of their writer, who returned from Aberdeen to find his voice of increasing weight in the counsels of the Church. Value they had with lesser, but more faithful men than the Peers and kept them true to the cause they held. Row, himself a correspondent of Rutherford, writes, "They did great good, not only to those to whom they were written, but to others to whose view in providence they came, so that sundry began to gather tham
together, ......... for in them are handled many necessary cases of conscience...... also they speak much of the times and the bishops tyranny ..... also there are in them some prophecies concerning the downfall of the bishops fulfilled by proof." The letters were regarded as inspired. A successful prophet could not but make a successful propagandist.

The letters may be related shortly to concurrent events.
The earlier except for his brother's trial refer little to actual occurrences. His zeal, even in Aberdeen brings threats of more remote exile (LXXI). He is in as close touch as circumstances will allow with Dickson and the South West, which the failure of a New England expedition and the outing of the Irish ministers had filled with Presbyterian preachers. There is in the letters ceaseless agitation against the Service Book, Books of Canons, and King James' Psalms which increases towards March, 1637. Easter 1637 had been fixed for their imposition.
The great output of letters in March, 1637 reflects the agitation against this by the Presbyterian party. Henderson's letters (CXV) of March, 27th which were "apples of gold unto me", may have conveyed the knowledge that the imposition had been postponed. Now he speaks with a note more daring and passionate than hitherto. "I have a fire within me. I defy all the devils in hell and prelates in Scotland to cast water on it."(CXXVI) "But here in matters of conscience we must hold and draw with kings and set ourselves in terms of opposition with the shields of the earth." (XXXVII) His mind is being forced by circumstances towards the doctrines of the Lex Rex. The agitation against Episcopacy is even stronger than apparent to a modern reader.

His Christology and ecclesiology are interwoven. Christ's winning his bride can be readily equated with "felling the bishops and houghing the ceremonies". Opposition to the latter was a necessary part of Christological experience which he believed all should share. Thus what is on the face a Christological thought can have a secondary, more polemic even propagandist meaning. "Fear not to back Christ for he will conquer and overcome" (CXXI) can refer both to Christ's power in the soul, and to support of Presbyterian principles also. This intrusion of the propagandist on the experiential theologian was a commonplace in the Letters.

Between March and September 1637, there is an even flow of letters and a steady growth in literary consciousness and purpose. These like CLXXI show it has become frequent for people to solicit him to write to their friends. There is much concerning practices but little concerning events, with regard to the latter he is more in the position of informed than informer. High and low, rich and poor, parishioner and peer, receive letters whose predominant theme is, "Steadfast in the Presbyterian Faith, I, an exile, witness to its truth and ultimate triumph." Dating is difficult, but there seems to be a thickening around the middle and end of June. The threatened imposition at Easter had not materialised, the bishops postponing it to October, but Charles, in a Proclamation issued through the Privy Council in June 13th, enforced the purchase and use of the Service Books in strenuous terms. These summer letters (vide those to Craighall) show a preoccupation with the ceremonies, and that men were turning to him for guidance in this matter. They are all, with the exception of one to Lady Culross and the Craighall correspondence) written to the South West, chiefly to
to Galloway. He is deliberately strengthening opposition to the storm he knew was coming.

The storm broke with the riot in St. Giles on July 23rd. Thereafter ensued the intrigues of proclamation and petition. The council met on September 20th to give effect to a letter of Charles re the Service Books but were beset by a concourse of nobles, lairds and ministers who presented no less than sixty nine petitions against the Service Books. Choosing three of these, the council promis'd to communicate the answer to the petitioners before 17th October. On this date three proclamations of Charles postponed the answer to the petitioners and ordered them to leave Edinburgh, removed the law Courts to Linlithgow, and more definitely imposed the Service Books. The reply was the "National Petition," drawn up by Balmerino, Loudon, Dickson, and Henderson, copies of which were sent to the country for signature.

This period is one of intense activity in the Letters Letters CCXXXIX - CCLXXIll are all dated September 1637, the bulk of them between September 5th and 9th. This group is written to a more widely scattered audience due in measure to the growth of his correspondence, but also to the more national aspect which the whole matter now possessed for him. The mantle of national prophet sits on his shoulders as affairs move to a crisis. "Scotland's withered tree shall blossom again." (CCLXXXI) "Christ's glory of triumphing in Scotland is yet in the bud and in the birth, but the birth cannot prove an abortion. He shall not fail nor be discouraged till He hath brought forth judgment unto victory." (CCLIII)
The prophecies mentioned by Row abound most in this last group. The writer is aware that the hour is at hand. All his male correspondents are signatories of the "National Petition." The Preservation of the Kirkcudbright Petition is interesting. On October 18th when the Petition was drawn up it was decided that some copies be made, whereupon far different presbyteries may put their hand for the present.¹ Kirkcudbright Presbytery drew up their petition on parchment and had it signed between October and November. It is exactly the sphere of Rutherfurd's influence, West Kirkcudbrightshire, which signs most largely. All the names of his correspondents are there, twenty from Anwoth, fifty seven from Kirkcudbright. It is signed by Chalmers of Gaitgirth in Ayrshire. In CXXXVII (dated only "Aberdeen 1637"). Rutherfurd writing to Lady Gaitgirth, thanks her husband for "his care of me in that he hath appeared in public for a prisoner of Christ." The signing of the Kirkcudbright petition may thus have been the occasion of some agitation for Rutherfurd's return, fostered by Chalmers. LetterCLXXXIII encourages the people of Galloway to draw up a supplication on his behalf. No time could be more fit than now. The signatories to the Kirkcudbright petition are adequate testimony to his work in the South West.

Few letters come from Aberdeen after September 1637. This is perhaps explained by the setting in of the winter season, but it may be that he is girding his loins for the more active battle. He is more hopeful. "I am fully persuaded of Christ's victory in Scotland." 'CCLXXII. The growing power of the tables is reflected in his last letter to Loudon which shows more the spirit of a winning cause.

¹ Rothes Relation page 21.
His last letter from Aberdeen is undoubtedly that of February, 4th, that dated June 11th is obviously an error for January 11th. His own reference to his exile as lasting eighteen months dates his return in February, 1638. The object which drew him South was the signing of the National Covenant.

The Letters at Work. (2) The Correspondents.

Rutherford's correspondents are varied enough. Peers, peasants, lawyers, soldiers, minister, lairds, wives of the great, wives of the humble. What is pertinent to the point of view from which these letters are studied is that there are definite differences of approach to them all. Despite his own fixed point of view, and introspective mind he makes an attempt (maybe not always successful) to enter into the mood of the recipient, and despite Taylor Innes assertion to the contrary into their mind also. The Craighall correspondence, his later conduct in the "conventicle" controversy shows that he made some effort to understand respectively, an alien condition of mind, and position in doctrine. Doubt, fear, sin-consciousness, grief, love, joy are all known to him. Through these emotions he seeks to enter into contact with the recipient, intent on the scriptural injunction to rejoice with them who rejoice, and weep with those weep. This method of gaining a hearing may be open to criticism; but others have played on these, and on the unworthier emotions of men for far worse purpose. There is no need to doubt that his sympathy was genuine. Derogatory stress has been laid on his letters to women. These to Lady Kenmure and Marion McNaught were to people of importance likely to influence their husbands. Only sixty out of the two hundred and eighty Aberdeen letters are to feminine correspondents; mostly to wives of lairds likely to influence a husband or a son.
At the bottom of his emotion-alism and his literary mannerism is the cause of Christ and his Kirk. He seeks to save the unbelieving husband by the wife, perhaps more especially to stir him to the cause as evidence of that saving. But in his letters to the peers there is little that could be called erotic or effeminate.

Pungent and vitriolic, they show a stauncher man than the recipient often was. Nor is he entirely lacking in tact. The Craighall correspondence shows how he feels his way to a closer knowledge of the mind and opinions of his correspondent. The same appears in that of Loudon and Lady Boyd, to mention only two. There is always a measure of restraint in the first letters which decreases as he becomes more conversant with the political views of the recipient. In the later letters, personal knowledge and the urgency of his cause make him more outspoken. The letters to Cassilis and to Loudon are interesting. Those to the former are more restrained than those to the latter, because of his known loyalty to the Crown. Even his first letter (March 1637) to Loudon is moderate enough. "I am not of the mind that tumults in arms is the way to put Christ on his throne, or that Christ will be served or the truth vindicated only with the arm of flesh and blood". His first letter to Cassilis is even more moderate. The second letter (CCLVIII) to Loudon is more bold; it touches on the prerogative and goes on, "suppose the bastard laws of men were against you, it is an honest and generous error if you slip against a point or punctilio of standing policy; but the corresponding letter to Cassilis (CCLXVIII) omits any mention of the prerogative. The last letter to Loudon is violently denunciatory, even
/even that to Cassilis shows increased vehemence. They were both now committed to the cause of the Presbyterianism.

The Craighall correspondence best shows him at work. The letters are written in a judicial manner, weighing the pros and cons of Church and state, ceremony, and abolition thereof, temporal and eternal, exactly, because they are written to a jurist. The first letter is an answer to Craighall who has asked his opinion on the ceremonies and refers to him a Mr. Laudian's views that they are things indifferent. It is a guarded reply. Craighall was son of Sir Thomas Hope, Lord Advocate and himself a Lord of Session. Sir Thomas was a zealous Puritan, friendly to the covenanting cause, secretly sponsor to the National Petition. But he and his son held Crown office, the father had by nature of that office prosecuted Balmerino and also drafted the Act of Revocation. There was thus enough to make extreme Presbyterians a little suspicious though unjustly so. Hence Rutherford's first answer is guarded (LXXXVI). The most he says is that ceremonies are popish, and Laudian's arguments for their passive acceptance, weak. Even for an early letter this is mild; he fears a trap. "I desire not my name take journey and go a pilgrim to Cambridge for fear I come to the ears of authority. I am sufficiently burnt already." More correspondence is interchanged. Letter CLXXIV is more outspoken and trenchant. "A marquis (Hamilton) or a king's word when ye stand before His tribunal, is lighter than wind. Consider how many in this kingdom ye shall cause to fall or stumble if ye go with them." The postulate that the King's will justifies, is resolutely refuted. His next letter is curt and disappointed owing to rumours of Craighall's pledge to the King to support the ceremonies. Letter CCXXVII is one of the most dignified he ever
68.

...ever wrote. Unlike many of the others it does not strive
or cry aloud but has the calm reasoned note of earnest pleading, asking
Craighall at least to wait on victory if he will do nothing to help it.
His last letter to him is more formal suggesting that Rutherfurd is still
doubtfull of the judges orthodoxy, but the same reasoned, balanced note
prevails.

From the close study of the letters, Rutherfurd is thus seen to
have adapted or sought to adapt himself to the mind, mood, or position
of his correspondent. This is itself part of the art of the propagandist. His subsequent fame bespeaks his success.

The Letters at Work. (3) The matter.

It is difficult to classify the matter of the letters. One may
follow Row's "cases of conscience........much of the times and bishop's
tyrananny.......some prophecies." The writings of men like Dickson,
Blair, Livingstone and Rutherfurd show that their religion was a deep
personal experience essentially Christocentric. Rutherfurd's letters
are an attempt to communicate such an experience to others. Harnack's
view is that such an experience is ipsa natura incommunicable. Yet at
least the letters are windows which reveal a man's soul to his fellows,
and the glimpses they got were sufficient to encourage most, and convert
some. His analysis of his own case led many to believe he could analyse
and prescribe a cure for theirs, so that he came into the role of spiritual adviser to the more evangelical part of the Presbyterian party: As
cases of conscience were closely allied to cases of polity, vide the
Graighall letters, this was of no small advantage to the propagandist.
God and the Devil, Christ and sin, Presbyterianism and the ceremonies, were all corelated antithesis of good and evil. In exile Rutherfurd himself drew up a "Directory" for dealing with cases of conscience. In letter CLVII Fleming of Leith asking for a Christian "Directory", he sends his "what he would have been at himself" but says it was not completed. Since then an old M.S. has come to light. "A Reflex upon a man's Mispent Life" by Samuel Rutherfurd. It is an enlarged version of the letter and is in three parts. (1) Challenges, i.e. spiritual questionings of the soul; (2) Helps to a more exact walking with God; (3) Supplementary. Some ways of benefiting. The whole is a little treatise in sound practical theology and is possibly the Directory he essayed in Aberdeen. There is always of course, the possibility of someone having redacted the Letter. The caligraphy of the M.S. is uncertain.

Rutherfurd is always seeking the troubled heart. Even when he does not know its state, he hypothetically postulates its condition, and answers it—as often in the letters to Lady Kenmure. Debarred from polemic, he constantly finds the battle in his own soul, and as if that were insufficient, seeks it also in the souls of others, in his fervid imagination outlining it attack, repulse, counter attack, defeat, and victory. He could not cease from mental strife.

"Much to the times"; In the Letters is little direct reference to contemporary events,—doubtless his carrier told much more than was written—but much to contemporary practices. There is trenchant criticism of the Service Book and steady growth of the view that a King who imposes it must be resisted. In four separate letters, with Anwoth
as a case in point he upholds the view that the people alone have the right of electing a minister. Much of the substance of his treatises can be found in germ in the letters. No one from peasant women to peers, escapes the inculcation of the divine right of resistance to ceremonies, and as feeling grows stronger, of resistance to any who impose them. In this aspect of the letters he is the open and avowed propagandist.

"Some Prophecies." To Rutherfurd there seemed an exact parallel between his position and that of the seer of Patmos. He shows all through his homiletic a partiality for quotation from the Apocalypse. The theme of the ultimate vindication of the persecuted righteous was one he often preached and firmly believed. In the letters his denunciatory passages are Johannine or Jeremaic in note, the former predominating in the latter letters as victory appears nearer. Fortunately for the prestige of the writer, Presbyterianism did triumph, and to those who had read them the prophetic passages seemed little short of inspired. "Some prophecies which the Lord caused his servant to utter, now since fulfilled by proof and experience." Such was Row's opinion and the opinion of many more. It is unfortunate that the "prophecies" of the letters helped to inspire the pseudo prophetic preaching of the later covenanters, so mercifully satirised by Scott in Ephram Macbriar, and Habukkuk/ Mucklewraith. In the present case the vindicated prophet grew great in the counsels of his Church.
Rutherford returned from Aberdeen in February 1638, whether before or after the signing of the Covenant, is uncertain. There is no contemporary record of his presence in Edinburgh during that event, nor does he ever mention it in his letters. Had he been there, the event would have surely found some emotional record in them. He returned with the combined prestige of a martyr, prophet, theologian, preacher and propagandist. His formerly local reputation was now national. The few letters of these years are significant. That to the persecuted Church in Ireland and that to the parishioners of Kilmalcolm, are very much set pieces of writing, by a man aware of his fame and position. To say this is not to question the sincerity of the sentiments expressed. Parochial affairs gave way to national and Anwoth sees less of the man who formerly hardly left the district. His first public appearance is when, on the eve of the Hamiltons' arrival in Edinburgh in June 1638, with the King's Proclamation on the Covenant, he preaches in the College Hall to the Nobility, Commissioners and Townsfolk, and "feels the fourteen bishops and houghs the Ceremonies". He incurs with Cant, Douglas, Livingstone and Blackhall, the displeasure of Hamilton for preaching the extirpation of the prelates. Enforced silence had engendered increased vehemence. Warriston mentions his sermon without special note, but from now dates the acquaintance of the two, which was to produce the "Lex Rex", but also to have the baneful effect on Rutherford in the days of the "Protester" controversy.

1 Baillie, I, 79.
2 Johnstone of Warriston's Diary, I, 369.
The latter may have been among those who welcomed Hamilton on June 8th, and among those who supported Warriston as he read the Protest against the King's Proclamation on July 4th. He is not yet in the inner council of the Church, possible because Henderson felt his vehemence a danger to negotiation. He is employed as a propagandist. At the desire of the citizens of Glasgow, he and Cany are appointed to preach there and receive their subscription of the Covenant.

From this time till December, he resumes his parochial duties. In December, along with Dalgleish and McLelland, ministers, and Earlston and Knockbrex and W. Glendinning, elders, he is chosen by the Presbytery Commissioner for the Assembly of 1638. At the Assembly, the validity of the elders' commissions and of the commissions of those appointed by the votes of elders, was questioned by Hamilton. Dr Strang, Principal of Glasgow University, had a fortnight previously protested in his Presbytery against the voting of elders in the election of commissioners and had framed a protest, signed by six other ministers. This found its way to Hamilton, who used it to delay the receiving of commissions by encouraging others to protest against the presence of 'lay' elders and of those elected by such. Baillie, Dickson, Henderson and Rutherfurd were appointed to confer with Strang and have him resile from the protest—which in a half-hearted way he did. Thus for the first time, Rutherfurd is officially employed in controversy for his cause. From now, the duty of semi-official polemic for the Church is gradually given to him. Committees for

1 Baillie, I, 88.
2 Baillie, I, 99.
the investigation of Ceremonies, for the planting of Churches, anything which calls for the propagandist rather than the diplomat, are incomplete without him. He seldom draws up a "paper" but is frequently called upon to criticise them. The committee for considering the Ceremonies, of which he was one, was a rather formless affair, and ended in a paper of Baillie's being read as a report. Rutherfurd was also appointed with others to deal with James Affleck in respect reputed Arminianism.

In this Assembly Rutherfurd admits the only cause of his censure to have been non-conformity. He cites the declinature of the Court of High Commission's judicature, but does not here mention his opposition to Arminianism as a definite charge against him. He adds he could get no copy of his sentence, as Sydserf had illegally got the clerk to add what had not been part of his sentence, to wit, that he should exercise no ministerial functions in the King's domains. He is cleared of any blame in the matter. Johnstone's comment on the affair is dryly humorous: the court which sentenced was illegal, "therefore ye ought to be consignly censured for entering into ward". Reference had also been made in the King's Proclamation, to some commissioners "where-of some were under the censure of this Church, some under the censure of the Church of Ireland for avowed teaching against monarchy". The reference is obviously to one of the unsubstantiated charges brought against Rutherfurd. Blair in the Assembly refutes the charge as applied to him. Both had undoubtedly theoretically supported resistance to the King on religious grounds, Rutherfurd with no uncertain voice, but they were not anti-monarchical. At this Assembly,

1 Baillie, I, 148
2 Baillie, I, 173.
3 Peterkin, I50.
4 Peterkin, I89.
Commissioners from the College of Aberdeen applied for Rutherford as Professor of Divinity. The matter was referred to Committee. He was not in the commission for investigating the charges against the Bishops nor did he witness against Sydserf, indeed the latter's action against Rutherford was not even made a count against that bishop.

There is little record of his work in Galloway in 1639, either in letter or document. In July, 1639, a Commission of Assembly visited Kirkcudbright Presbytery. The whole countryside was engaged in furnishing resistance to Charles. Baillie relates the fear of invasion via Carlisle, so Rutherford is likely to have been extraordinarily busy. He is again Commissioner at the Assembly of 1639. A proclamation of Charles of Feb. 27th had stated many of the acts of the Assembly of 1638 to be illegal, e.g. the assumption of power over the press. The annuling thereat of the Perth Articles, which had been ratified by Parliament was also technically illegal and Charles so voiced the matter "that the question was not whether the Service Book should be received, or not, but whether he were King or not". The function of the present Assembly was to clarify and ratify the acts of that of 1638 by passing them through an Assembly that had the Royal consent, so that many of the Acts are recapitulations of those of 1638. The atmosphere was less tense; a dry jest was not infrequent. Henderson answered Traquair's fulsome praise of him, by saying he hoped the Commissioner was not contradicting his Majesty's Declaration, which called him a poor ignorant minister. The record of the personal of various committees and sub-committees is lost; Rutherford doubtless served on many of them.

1 Peterkin, 210.
2 Peterkin, 242.
He was one of the committee for the trial of Dickson's transportation to Glasgow. Despite his own protests, after Edinburgh and St. Andrews had both suited for him at this Assembly, "the said Mr Samuel by far the greatest voice of the Assembly, was ordered to go to St. Andrews to serve in the ministry and make such help in the College as God will give him ability for."

He is again put to this work of examining heresy. With Baillie, he deals with Mr Robt. Hamilton of Lesmahagow who persisted in Arminianism and declined the Assembly. A penitent Mr Hamilton, overcome by Rutherfurd's arguments, or fear of the Assembly, submitted and subscribed to the canons of Dort, but was referred to his Synod for further dealings, for as laird Auldbar remarked, "It is not four hours since he was converted".

The removal to St. Andrews was a diplomatic one to widen the sphere of his preaching, teaching and propagandist powers. He was made a professor, "that he might make many able ministers". Howie, the Principal of New College, had been an Episcopalian but was relaxed and retained though his two colleagues were dismissed. Rutherfurd was placed to keep the College steady in Presbyterian principles and to see that Howie kept them. He was also appointed colleague with Robert Blair, that he might have full exercise of his preaching faculty. The weight of his new duties precluded Rutherfurd from any great part in the course of events between Assemblies 1639 and 1640. As he in no way shaped or influenced these matters of common history, they may be omitted in this thesis.

The Assembly of Aberdeen of 1640 was itself a piece of propaganda.

1 Peterkin, 253. 2 Peterkin, 261.
a Presbyterian demonstration in a town hitherto the stronghold of Episcopacy. But the Presbyterians were not at one amongst themselves and in the effort to reach unity, Rutherford was to exercise a moderation not generally credited to him. The source of trouble was "private meeting. Ballie's version of the affair is as follows. The Scots in Ireland, being forced to countenance the Liturgy, absented themselves from public worship. Their ministers being banished "they did in that time and place of persecution comfort themselves with prayer and reading and other exercises of religion, sometimes by night, sometimes by day."Some of these people intended a voyage to New England and coming into contact with some Brownists, the latter did "move divers" towards their concerts". Some of these refugees, fleeing to Scotland, continued their practices there, but these were overlooked. In his anxiety to label anything suspect, as extraneous to Presbyterianism, Ballie overlooks the fact that there was a definite Scots tradition of "private meetings", which may be traced through Boyd and Bruce to Huguenot practice. In the Catholic provinces, Protestant worship was legal only in private houses. Boyd seems to have fostered and encouraged the practice in Scotland. On June 24th, 1624, he was summoned before the council for keeping private meetings, and confined to his house. His pupils and colleagues are now sponsors of these meetings: — Blair, Livingstone, Dickson, Rutherford. The first two had been ministers in Ireland, and probably organised and suggested the meetings there. Rutherford, as already mentioned, adopted and encouraged them, even going the length of writing a treatise defending their lawfulness "in greater numbers and for more purposes than yet we have practised". This practice in Scotland and Ireland, was therefore due to the exigencies of the moment and situation, and the counsel and practice of Boyd and his disciples, rather than to Brownist interference.
Even the 'novations' attributed to Leckie and his supporters, such as objection to ecclesiastical use of the Lord's Prayer, are extremes of Puritan doctrine rather than specifically Brownist or Independent. From the pages of Independent, Puritan and Presbyterian controversy, it will be seen that the term Brownist was one of reproach that all alike eschewed, but used loosely to damn any extreme of doctrine they were not prepared to accept. As used by them all, it has little relation to fact. There is no evidence of Independent doctrine as developed in Amsterdam and Leyden exercising any great influence at this time in Scotland. Baillie uses the term Brownist rather inaccurately for English Puritanism, some extreme tenets of which found a late but specially fostered blossom among the adherents of the 'novations'. Had Rutherford or any of the others gone to New England, they might have become Independents. His early doctrine of the Church, as in his Catechism, is not advanced Presbyterian. There was a certain similarity to the Independents in their practice. But for him, the 'meeting' was always an exigency extraordinary; the furthest it was ever advanced was that it might be a useful help to the Church. No Independent doctrine was ever formulated, but fear of such a doctrine caused much trouble in the Church courts.

The immediate disturbance arose over the Laird of Leckie's private worship. At private meetings in his house, he had made derogatory remarks in his pages concerning the life and doctrine of Mr Henry Guthrie, his pastor. Guthrie and the magistrates of Stirling sought to suppress the meetings. The matter was brought to the Assembly of 1639 but was hushed. Henderson, for the sake of order, expressed himself against these meetings, whilst a paper given in by Leckie, showed that his tenets differed little from the Presbyterian. The canny expedient of making
Guthrie preach in favour of family worship, and Blair against private meetings was tried. But as Blair was not trenchant enough in the former, Guthrie refused to sponsor the latter. A small committee, of which Henderson, Blair and Dickson were members unofficially promulgated the finding that family worship was to be encouraged, but issued caveats that these were not to develop into organised "meetings". Guthrie came to the 1640 Assembly determined to re-open the question. He used the Assembly's sitting at Aberdeen to canvas the North East in his favour, crushed the suggestion that the matter should be left to Presbyteries to deal with, and proceeded with his indictment of Leckie uttering, "many things odious, if true."

A Galloway commissioner declared, "a number of uncouth passages concerning Mr Samuel Rutherfurd, Mr John McClelland and Mr John Livingstone". In the absence of Henderson, the brethren lost themselves in a riot of personalities. A committee largely to Guthrie's mind was drawn up, though Rutherfurd was on it. The latter behaved in a restrained manner, contenting himself with upholding the Scripture grounds for private meetings. Baillie admits his proofs were unanswered, and mentions the treatise Rutherfurd had written on private meetings and their uses. The latter was prepared to be conciliatory in the interests of the Church. Letter 290 answers a query on the casuistic point as to whether private prayer during public worship is legitimate. The closing sentence of the letter, "Whatever hath been my practice before I examined this custom, I purpose no more to confound worships", while it refers to the matter in hand, also suggests that he is falling in line with orthodox tenets and avoiding Puritan extravagances which he may formerly have practised. Along with Blair, he agreed to withdraw his opposition to an act against private meetings, or at least to be silent while it passed. Baillie's draft Act
was rejected and Guthrie's accepted. Two of its clauses, that read prayers are lawful and that ministers only should expound Scripture were accepted unanimously. The clause that family worship be limited to members of one family was opposed but finally passed with the exception of ministers' family worship, to which all might resort. Rutherfurd always abhorred schism, though he seldom showed himself as conciliatory as at this Assembly. But for the good sense of Dickson and himself, a serious split might have occurred. Guthrie was an opportunist, and as later events show, a time server. He used the fact of the Assembly being held in the North East to suit his own purposes, as the South West, which upheld the more evangelical principles, was not so largely represented.

When the Assembly met in StAndrews in 1641, Presbyterianism was militantly and ecclesiastically supreme, more able to set its house in order without fear of internal dissension causing disaster. During the stirring events of 1640-41, Rutherfurd remained in StAndrews, engaged in preaching, teaching and in the management of the College. Howie's mismanagement of the College rents compelled him to complain to the committee of the Estates. A commission, of whom Rigg of Athernie was one, investigated. Howie offered to resign. His demission came before the Assembly in 1641, where he was more than fairly treated and his stipend paid him for life.

The "novations" still perplexed the Church. When Baillie returned from London, he found Leckie and his supporters intent on the repeal of the Act of the Aberdeen Assembly anent private meetings, and on the indictment of Guthrie. Blair, Dickson and Rutherfurd were less conciliatory than formerly, owing to slanders concerning their practising of private meetings. The Assembly was held at StAndrews, probably as a demonstration

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Baillie, I, 359, ff.
in that town, but for easier communication with the Estates was transferred to Edinburgh. Ramsay, the former moderator, preached the opening sermon, which Baillie deprecated as giving the impression that the Kirk had fallen into a terrible schism. Dickson retaliated in the afternoon, by passionately defending the private exercises of religious people, and hitting at the former conformity of men like Ramsay. When the Assembly moved to Edinburgh, Henderson was chosen Moderator. To settle the question, Argyll and Cassilis arranged a meeting between the Edinburgh ministers and Rutherfurd, Dickson and Blair, with Baillie as mediator. Rutherfurd's party seems to have had the support of the Edinburgh citizens and pressed for the repeal of the Aberdeen Act, or further explanation of it. It was finally agreed to ignore that Act and draft another. A draft Act of Dickson's was rejected but that of Henderson was approved by both parties. This act ultimately became law but was not fully promulgated till 1647. Blair preached, "vigorously for peace and abstinence from all such meetings as in former times had been profitable, but now were unexpedient, unlawful and schismaticall".

The evangelical party to which Rutherfurd belonged, thus acted in the best interests of the Church. The "novations" to which their opponents objected were trivial, e.g. omitting the Gloria, discountenancing read prayer, and kneeling in the pulpit. They merely aimed at a worship freed from all trammels of liturgy. They had in former years encouraged the private exposition of Scripture. These "novations", however, were all common in the worship of the evangelical Scot of the South West, long before Independency ever raised its head in Scotland. Rutherfurd had played no little part

I Baillie, I, 367.
in establishing them. He now changed his standpoint for a very sound reason. He had no desire, whilst sympathising with the Independents, to follow the ultimate implications of their doctrine, which incidental and accidental agreement in a few ultra-Puritan practices suggested. The practices of the Irish refugees, which in no small measure started the controversy, had been just those ultra-Puritan practices developed by Boyd's disciples in the South West, their meetings the necessary outcome of persecution. But contact with some Independents added an alien note, of which Leckie's prayers with derogatory mention of Mr Henry Guthrie, was an example. The "authority" of the Presbyterian Clergy was of too recent acquisition to allow it lightly to be attacked. For this reason and also because his ecclesiastical views were becoming more rigid, Rutherfurd agreed to the suppression of the Meetings which he had himself used and encouraged. With regard to the "novations", he was never convinced that the extreme Puritan view was wrong, and his assent to the opposition's Act shows a spirit of conciliation, with which he is not generally credited.

He concurred with Blair in the dictum which they gave to their adherents, that since there was now a settled and orderly ministry, the conduct of worship and time and place thereof could safely be left in their hands. The act passed by the Assembly was very much of a formula, encouraging mutual edification, glossing over the matter of private exposition of the Scripture, and ordering all ministers to eschew all meetings which breed, "Error, Heresie, Schism, Scandall, Self-Conceit".

Both sides could interpret a good deal of the Act as they pleased, and a further Act had to be passed in 1647 anent secret worship to clarify the

I Peterkin, 29 4.
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whole matter. In the present Act, putting odious names on the godly is especially forbidden,——for the sensitive Mr. Guthrie. An additional Act forbade all "novations" except those approved by Assembly.

Rutherfurd is by now in the inner circle of the Church councils. He is not a director of them, like Henderson, nor is he yet, like Dickson, the leader of the more evangelical party, which was to split so sadly on the "Acts of the Class". But he is becoming the critic, on whose exegetical and controversial talent they depend for defence, the reviewer of any of the party's "papers", less hesitant in opinion than Blair, less "crabbit and crochety" than Calderwood. His fame was for a year or so rivalled by Gillespie. Gillespie had the appeal of youthful genius and a clearer utterance, but his scholastic background, great as it is, is not as colossal as his colleague's, and, while his argument may be less exhausting, it is also less exhaustive than Rutherfurd's. To the latter is given the work to which he is superlatively suited. He writes to Lady Boyd (249), concerning his business going through the country on affairs of the Church. Teaching, preaching, propaganda were his specific work. There is no record of his participation in any of the political intrigues which preceded or followed Charles's visit in 1641. He was a partisan of Argyll, but his letters record his disturbance at the internal disension in the land.

The Assembly which met on July 27th, 1642, on the eve of the Civil War, had been preceded by the Irish Massacres. The zeal of the former assemblies in deposition had spread to the synods and Presbyteries, and the assembly found itself having to correct many arbitrary sentences. The earlier purist doctrines of Rutherfurd had been carried to extremes in

I Peterkin, 472.
peterkin, 294.
Ministers who came there from other parishes were tried in the same way as expectants. Gilbert Power of Stoneykirk was arbitrarily deposed for suspected non-conformity to the Covenant. An interpretation of the "novations" Act was craved, but the matter was evaded by leaving it in the hands of the Presbyteries. In the affair of Afflek, who was transported to StAndrews, Rutherfurd and Blair intervened and procured his translation to another charge, contrary to the former's own doctrine of the validity of popular election. The letters of Charles and of the Parliament were answered diplomatically by Henderson. The Scots, however, were not now ecclesiastically defensive, but aggressive.

"For what hope can there be of Unity of Religion, of One Confession of Faith, one Form of Worship and one Catechism, till there be one Form of Ecclesiastical Government?" The climax of affairs made it necessary for the Church to have constant guidance. Thus the Assembly Commission which in subsequent years was to have the power of a little legislature was appointed. "The Commission from the General Assembly which before was of small use is likely to become almost a constant judicature and very profitable, but of so high a strain that to some it is terrible already" Of this Commission which sat from Assembly to Assembly, Rutherfurd was one. The main task laid upon it was to prepare drafts of a Confession, Catechism and Directory of Public Worship and "in all ways further the great work of Union in this Island in Religion and Kirk Government" To this Commission, Maitland reported on his return from King and Parliament in England and conveyed the Parliament's desire of having some ministers, "to assist them in their synod against the 5th November or when it might be called". Baillie through Assembly Answer to English Parliament (Henderson) Peterkin, 325.

Argyll procured the decision that elders also should be sent as essential in a Presbyterian cause. Through the manoeuvering of the same peer, Henderson, Douglas, Rutherfurd, Gillespie, Baillie, with Maitland, Cassilis, and Warriston as elders were chosen. As if in preparation for his work in England, and in the cause of unifying the two Churches, Rutherfurd at this time published his first major work in English, "A Peacable and Temperate Plea for Paul's Presbytery in Scotland."

In June 1643, occurred a recrudescence of the novations controversy. Some of the South Western ministers, led by George Hutchison (afterwards of the Tolbooth) persisted in condemning the practices of kneeling in the pulpit, repetition of the Lord's Prayer and the Gloria Patri. Their objections were drawn up in a treatise and protest. Hutchison corresponded with Rutherfurd on the matter, claiming his support probably from his former practice. The matter was referred to the Commission of Assembly. Henderson, Douglas, Rutherfurd, Blair, Gillespie, Baillie formed a sub-committee on the matter. Rutherfurd, Blair, Gillespie, with Warriston, and Calderwood, "our best penmen", promised to write answers to the objectors' papers. But this move to get the three men who had been so prominent in the South West to answer the "papers" was not successful. At another meeting, previous to the Assembly, Rutherfurd and Gillespie went even further than the objectors on the point of scandal, probably with reference to those who had been conformist to Episcopacy or non-conformist to the Covenant. Their attitude was stiffened by Guthrie's--their old opponent's--opposition to the Commission's declaration against the Cross Petition. On this point of scandal, Rutherfurd and Gillespie

1 Baillie, II, 55.
2 Baillie, II, 70.
parted from their old evangelical allies Dickson and Blair. It is the germ of the controversy of the Resolutioner and Protester. The scrupulosity about admitting recusants, already seen in the purists of the South West, (e.g. in Power's deposition) was not unfavourably regarded by Rutherfurd, to whose early teaching it may have been due in no small measure.

The matter is hushed up in the 1643 Assembly, because of the presence of the English delegated negotiating the Solemn League and Covenant. Guthrie claimed the re-imposition of the Aberdeen Act which had been explicit against these private meetings but had not been promulgated. Henderson maintained that subsequent acts made it unnecessary and left the matter to Presbyteries and Synods. Guthrie was kept quiet by being suspect for his declinature to read the Commission's declaration against the Cross Petition. The whole matter of meetings, novations and scandal was evasively settled by the decision to draw up a Directory for Public Worship and the appointment of a Committee thereto. In all this, as noted, the germ of the two later parties in the Church is seen, one purist, the other politic, one carrying the doctrine of scandal and exclusion to a dangerous extreme, the other tempering it with Christian charity, mayhap, but also with worldly wisdom. Baillie especially notes Rutherfurd's attitude. "I found many inclined, especially Mr Samuel, though he professed it duty to answer satisfactorily all their arguments, for peace cause, to, pass from the use of the conclusion, and bowing in the pulpit, especially if we agree with England." Policy and the necessity of a united Church in Scotland,

[II Baillie, II,94.}
made him a supporter of the anti-novation legislation, but his sympathies were largely with the purists of the other party. When the latter applied the doctrine of scandal to the active politics of the Church in the Acts of the Classes, he inevitably came over to their side. But that Act and the rupture it caused, was the product of the two parties already forming in the Church.

Rutherfurd is now a leader in the Church councils and one of the Moderator’s assessors. Those formerly tainted with Episcopacy are ignored in the Church councils. "Mr A. Ramsay, J. Adamson, and W. Colvin are miskent"—probably suspected of Royalist tendencies. On the other hand no trafficking with Independency is countenanced, as shown by the Assembly’s Act on "Books of Separation" coming into the country which are ordered to be given up and burned.

The other Acts of this Assembly, the reception of the English Commissioners and the drafting of the Solemn League and Covenant are national History. Rutherfurd was on the Committee which met the English Commissioners and on that responsible for drafting the Solemn League and Covenant. As a result of these negotiations, he moves into the position of a national ambassador for Scottish Presbyterianism.

I Peterkin, 346.
The need of carrying more than carnal warfare into England, speedily became apparent to the Commissioners at Newcastle in 1640. On October 15th, a letter on this matter was addressed to Baillie asking that he should come "with a number of your Canterburian's Self-Convict to together with the warreands there-of, and all such papers and proofs as may serve for that purpose'. On the 5th November, "it is proposed that not only Mr A. Henderson, but also Mr R. Blair, Mr George Gillespie, and I should all three go to London; Mr Robert Blair to satisfy the minds of many in England who loves the way of New England better than that of Presbyteries used in our Church; I for the convincing of that prevalent faction against which I have written; Mr Gillespie for the crying down of the English Ceremonies for which he has written.' The war of pen and propagandist was to supersede that of powder and shot. The above proposal itself shows a definite propagandist plan. Henderson was the leader, diplomat more than scholar, drafter of treatises and of church laws, rather than dialectician and theologian, though not mean in the latter capacities. Blair, reputedly favourable to evangelical Puritans was likely to win them over to a form of Presbyterianism. Baillie, the milder opponent of Episcopacy, was not so far from the men of Usher's stamp. Gillespie was the trenchant opponent of the Ceremonies, and could be relied upon to confute all adversaries by the brilliance of his dialectic. With the exception of Blair, for whom Rutherfurd is substituted, this is later the personel of the Westminster Commissioners. Rutherfurd fills the place of Blair, because since the publication of his 'Peacable Plea' in 1642, he is the acknowledged Scottish authority on the Independent question.

The propagandist plan is assiduously carried out. From 1640 treatises on the different aspects of Church controversy flow from the pen of all these men. That each of them deals with some special aspect shows co-ordination and purpose in all their propagandist labours. Baillie's "Canterburian's Self-Conviction" had appeared in 1640. It was a general accusation of Anglican Arminianism and 'Popery'. He followed it in the next year with a "Parallel of the Liturgy and the Mass Book"—a work on much the same lines. Thereafter the Scots found themselves more suitably placed for propaganda, with their Commissioners present in the City of London itself. Henderson published anonymously a small tract, "The Unlawfulness and Danger of Limited Prelacy". It was a warning from Scots experience that concessions to Charles and Prelacy would be as dangerous in England now, as they had been in Scotland in the time of James. Baillie backed it up by a more scholarly work on, "The Unlawfulness of Limited Episcopacy". That the true Church ideal should not lack presentation, Henderson printed, "The Government and Order of the Church of Scotland". It was tactfully done. In it he says, "a description, not a demonstration of the Church of Scotland is intended, non jus sed factum, their doing simply and not the reason of their doing". It is a clear, succinct summary of Church practice in Scotland as based on the Books of Discipline. It obtrudes no divine right, though it claims Scripture warranty. It contains no Scripture proofs or dialectic reasonings, but is, as he states, a clear description of practice. To his henchmen was left the task of vindicating every thesis of it in their copious polemic. Gillespie had made an early and daring fame with his "Dispute against the English Popish Ceremonies" (1637). He refutes their necessity the more moderate doctrine of their expediency and the die-hard doctrine of their lawfulness with vigour, scholarship and conviction. His is the fullest treatise on the subject. In London in 1641, in line with his
colleague's work, he publishes an "Assertion of the Government of the Church of Scotland". This deals with two aspects of that Government -- the ruling eldership, and the presbyterian system of courts, with full proofs, scriptural, scholastic and natural. This defence is more directed against Episcopacy than Independency, as the former is still the greater danger. As compared with the "Peacable Plea", there is much less quotation and refutation of the independent authors. Blair's pen was silent: he was appointed Commissioner for the sake of the Independent question, but nothing on that matter comes from his pen. Baillie mentions him, however, as having ready a pertinent answer to Bishop Hall's Remonstrance.

The Scots Commissioners were in touch with the leading Independents. "The English ministers in Holland, who are for the New England way are now here. They are all on good terms with us. As for Brownists and Separatists of many kinds, they mislike them as well as we. Our questions with them of the new way, we hope to get determined to our mutual satisfaction, if we were rid of Bishops; and till then we have agreed to speak nothing of anything wherein we differ." The reason of the silence of the Scots on Independency was clear: the enemy was still in the land. It explains also why, when Rutherfurd's controversial did appear it took the form of a 'Peacable plea'. It contains no personal abuse, no vindictive tone, little dealing with the work and theories of contemporary Independents. It is a scholarly examination of Independent thought from Barrow to Hooker. The tone is more detached than in any subsequent work. It is as impartial as it was possible for Rutherfurd to be and fairer to the Independents than any of their Episcopalian adversaries had been.

Blair's silence on the Independent controversy was therefore dictated by reasons of policy, maybe by a personal unwillingness to take
up his pen on the matter. By 1642, circumstances had changed. Episcopacy, the common enemy, had been broken, and the English Parliament was seeking a national Church in its place. In April 1641, the idea of ecclesiastical unity between England and Scotland had been mooted, though Henderson deprecated any hasty action. English Puritanism was anti-prelatic rather than definitely Presbyterian or Independent. None knew yet what form the new English Church might take. Hence the need of an educational propaganda in England for Presbyterianism, and a more defined controversial against the Independents than, for example, that of Paget. Hitherto the Independents had had the best of the exchange. Barrow, Johnson, Ainsworth and Robinson had been able to taunt the English Presbyterian with subservience to Episcopacy. The Presbyterians, even the Smectymnuans, had had enough to do defending themselves against Episcopalian attack. No very adequate refutation of the Independent doctrines existed. Some former Puritans, who had attempted it, had, like Johnson and Parker, been won over to Independent, or in the case of the latter, semi-Independent views, whilst the answers of Davenant and Paget are rambling and not too pertinent.

Almost the first scholarly and acute answer to their doctrines comes from Rutherfurd. It was written to be published in England and for an English audience. This answer was the "Peacable Plea". In the preface, he states that he is not defending his faith, merely because it is national but because of its intrinsic truth. The object of his work is, "so we might live to see.................England and Scotland coming together I weeping and asking the way to Zion!" It is a 'peacable' plea, restrained, if argumentative, and free from personal and even impersonal scurrility. It is an effort to win English Puritans to Presbyterian principles by pointing out the actual, exegetical and historical fallacies of Independency.

I Peacable Plea, To the Reader, p.3.
rather than an attempt to crush the Independent views in a controversial war. This was to come later. As he had been accused of holding these same views, Rutherfurd may have felt it incumbent upon him, to deny them by a publication such as this. Published in 1642, it probably occupied most of 1641, and is entitled, "A Peaceable and Temporate Plea for Paul's Presbyterie in Scotland....Wherein the arguments on the contrary are freindly dissolved etc. ". A complete study of the essentials of Independent doctrine, the Plea deals with their every aspect; the moderate views of Robert Parker, the intra-congregational Presbyterianism of Francis Johnson, the advanced views of Robinson and Ainsworth and the exegesis of the latter, collaterally asserting the Presbyterian doctrine. How much the Presbyterian theory of Church membership was hammered out on the anvil of controversy with the Independents, is clearly evident. Rutherfurd here formulates his strictures on Independent thought by a criticism of Parker and a more destructive criticism of Barrow, Robinson and Ainsworth. Before summarising the "Plea", one may briefly inter-relate the thought of these men.

The armoury from which the Independents drew a great part of their argument was the "De Politia Ecclesiastica et Christi Hierarchica" of Robert Parker, a Colleague of Jacob at Leyden. After a dispute with Jacob, he came to Amsterdam and became an elder of the English Presbyterian Church there. Paget accuses Davenport and the English Independents in Holland of misinterpreting his doctrines, especially regarding synods, as being more favourable to the Independent idea than in reality they are. He hints, that as this work is in Latin, their lack of Scholarship may be the cause of the misinterpretation. The real

I Paget, Defence of Church Government, I05.
position was that the Independents, having by force of circumstance evolved a system of their own, were now, like all other religions, Lutheran or Calvinist, compelled to rationalise and justify it. Persecution separated them into small congregations and deprived them of ordained pastors, as the fate of Barrow, Greenwood and Penry deterred many sympathisers who were in orders from ministering to them. They were therefore driven to elect and ordain pastors from their own numbers, contrary to all accepted church practice, Roman, Lutheran or Calvinist. Hence came the need for an apologetic, justifying such procedure on scriptural grounds, and for one which also vindicated the pastoral authority of such men. Brown, the founder of Independency, had certainly advocated pure and independent churches, but does not emphasise the right of the people to elect and he makes the Independent pastor an autocrat in his small realm. There is little emphasis on the pastor's responsibility to the people. "A pastor is a person having office of God and message of God, for exhorting, moving especially, and guiding accordingly, for the which he is tried to be meet and thereto is duly chosen by the church which called him or received with obedience where he planteth a church". The pastor did not have his power from the people, but from God. He differs from Presbyterians, in that the pastor was chosen from among the congregation rather than from those undergoing training for the ministry. Ordination to him was by the elders of the congregation. How much circumstance dictated his theories is evident.

I A Book Which Showeth the Life and Manners of All True Christians.

Section 53.
Barrow, the lawyer, with intensely democratic views, carried the whole position to extreme. He found a universal solvent for all difficulties in his doctrine of the church as the body of pure believers. To them were given all power and authority from Christ which they could delegate, but to them all were alike responsible, pastor, elder and individual member. In matters of faith, morals and discipline, they only could make final decisions. The adoption of this doctrine among the earlier Independents caused much internal strife. The absence of an external doctrinal standard and of a higher authority than the congregation made this inevitable. When the latter alone interpreted the word, there were often two or three interpretations and faction ensued; when it interpreted morals, the results were often worse, and the separation occurred in Amsterdam over the high heeled shoes of the pastor's wife. The absence of a higher authoritative court made a brotherly conference of little use when passions were aroused.

Great as was Barrow's contribution to ecclesiastical thought, it had its limitations; Francis Johnson's remedy lay in the doctrine that the congregational power was exhausted when they had elected elders and that thereafter jurisdiction vested in the latter. This was opposed by Ainsworth.

For the good estate of the Independent Church therefore, a sound doctrine of pastoral authority was required. Such, the Presbyterians claimed to possess in their system. But the English Presbyterians had not yet got a working system, and the pages of Paget, for example, show them much abler in criticism of their opponents, than constructive of a doctrine of their own. A reconciliation of Independent and Presbyterian theory was attempted by Robert Parker in his 'De Politeia Ecclesiastica'. The main thesis of Parker went back to the Conciliari Movement and Gerson's doctrine that the keys of doctrine and authority were given to the universal church...
and by it conferred on the pastors. His exegesis of the Petrine passage was that the keys were given to Peter as a believer. 'Potestas Ecclesiastica essentia liter ac primario infra ecclesia tanquam in subjecto proprio I resi det'. He goes on to distinguish between the power resident in the congregation and its exercise as vested in the eldership to which he gives certain authority. At the same time, he pleads for the consociation of churches in synods and classes. Round this matter his interpreters wage war. Davenport, the Independent, claims that these synods are for brotherly counsel and advice only; Paget maintains that Parker entrusted far more power to them than this, quoting from Parker, 'Churches may communicate together by letters: and although there be no authority in one church above another; yet many churches join together, either in a synod, or by letters have authority over one church offending.' The question of the authority firstly of the pastor, secondly of the courts of the church was therefore pre-eminent. There was a danger that a semi-Presbyterian Independency or a semi-Independent Presbyterianism like Parker's might become the religion of the English Puritan, through a desire to compromise with the Independents. Hence against Parker's work, Rutherfurd first directs his attack on the subject of the source and nature of ecclesiastical authority.

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I Parker, 'De Eccles. Polit.' Bk.3 Ch. I, p.
II ibid. Bk3 Ch.22, p.
IV. Paget, 'Defence of Church Government' p.98f.f.
V. Parker, 'De Eccles.Polit.'Bk.3, Ch.21, p.324.
Summary of the "Peacable Plea."

The opening chapters of the "Peacable Plea" deal with ministerial authority, its source and nature. At the outset, Rutherford denies that such authority implies the power of categoric and final interpretation of scripture in its owner. Noting the theological source of Parker's doctrine in the Parisian School, he denies that the "keys", signifying authority in doctrine and morals were given to the Universal Church because given to Peter as a believer. He maintains the orthodox view, that they were given to him as pastor for the Church. To him, the idea, developed by Best and Jacob from Barrow, that the keys, being given to the Universal Church, its members, by election, confer their authority and power on the pastor, is indefensible. The Independents' stated case of a congregation on a desert island, without a pastor, being forced to ordain one to valid office and function, is no sound argument, for the congregational conferring of pastoral authority, but only a dubious exception(6). The office bearers of the Church have their power immediately from Christ by free gift; the most that the Church does is to mediate the orderly designation of a man to office. This ecclesiastical power given to office bearer is supreme, including both power and exercise of the keys for which they are responsible to Christ alone. Rutherford interprets the 'ecclesia' of fell the Church' passage as referring to a pastoral court and not to the congregation and concludes that the view of the Church being complete without pastoral power of the keys, having these in itself, is unscriptural. Best's and Robinson's exegesis of the passage in support of the latter view is faulty. He demonstrates fallacies in their argument.----If authority is given to all believers, then women may wield it; but the Independents themselves oppose this: practice, proof and precept are all at variance.----He points out the manifest impossibility of all leaving their duties to settle some minutiae of church business. Rather casuistically, he argues from the distinction of the visible and invisible church: it is possible that a pastor may not be a believer in his heart, therefore to be a believer is no 'material' condition of the pastorate. Thus Peter did not receive the keys as a believer. With greater patristic learning than any of his opponents, he proves the ancient dogma of the church to have been, that the elders alone have the keys of authority and discipline. He shows great acquaintance with Cyprian and Chrysostom, attracted by the former's sense of the dignity of orders and owing his acquaintance with the latter not unlikely to Boyd, who had such unusual acquaintance with and predelection for his works. His quotations are from the original and not from another's citations.

The second chapter consists in an exegetical battle of texts. Rutherford holds the orthodox interpretation of the Petrine passage, defending his views contra congregational authority by the text, 'Are all prophets? Are all teachers?' He refutes Smith, Robinson and Parker's arguments for a ministry subordinate to the congregation, from, 'All things are yours, Whether Paul, Apollos or Cephas. ' He is the sounder exegete and as far as exposition of the Fathers is concerned, is able to overturn what case his opponents make for them. Their chief authority, Tertullian, he argues heretical.

In the following chapters, the relationship of church and eldership and the control which one may exercise over the other, is examined. That the church of believers, sincerely professing the faith, and believing, is the only first true visible church, he would not gainsay. It is
the body of Christ and will infallibly be glorified. (32) He admits that it
is superior in dignity, stability, causality, to the Church ministerial, which
is not infallibly glorified. The Church of believers is redeemed (the pastor)
may not be), has the promises of Christ for perpetuity (which the pastor has
not). The pastor is an end to its salvation. But this does not mean, as Parker'
implies, that the Church of believers is above the Church ministerial in
jurisdiction. The Independent argument, drawn from the case of the Colossians
and Archippus, to prove that an individual congregation has jurisdiction over
the pastor, is refuted. From sundry passages, I Tim. III, 4.5., V, 17. Rom.XII,
8., he proves the superiority of elders to the people. (36) The ministerial
Church is subordinate to the multitude of believers, even as the means is
to the end, but not inferior, even as Christ, the means of saving the Church,
is not inferior to it. Parker argues that where there is more people, there is
more grace; Rutherfurd counters that ministerial power, in officio, does not depend on grace, or the sacraments' efficacy would depend on the state of
grace of him who administered them. A minister is subject in some things
to the ruling elders of his congregation, but they cannot depose him, be-
cause they cannot ordain him. He disallows Parker's analogy of the people's
nomothetic power over its ruler and his responsibility to them, because the
pastor has not his power from the people, but from Christ. (46) A pastor
is not to be deposed for a few indiscretions. The congregation can never
give power to pastors, even though all pastors were dead; that power is
always Christ's. What consent therefore , is due by the people to minister-
ial acts? For Rutherfurd it is the tacit assent of those present. A major-
ity consent is not needed otherwise the absentee could claim to disobey.
There is nothing judicial in such consent and the people's privity is taken
for granted. His view on this matter is quite rigid. He gave great civil
power to the people in "Lex Rex" ; he is the staunchest of all Scottish
theologians in support of the people's right to elect; he asserts, in this
very book, the principle of the Barrier Act, but he gives no voice to them
whatsoever in disciplinary and doctrinal matters. Calvin, Bucer, Beza,
Junius& all state that things should be done in a measure"consentiente plebe;
even this he opposes. (49) " I ask whether or not that which watchmen command
from God's Word and authoritatively and judicially in his name, ought not
to stand as an obliging Mandate and Canon even when the Believers gainsay?"

Chapter V is an examination of Parker's theory, differentiating
between pastoral power and the exercise of it. Rutherfurd traces to Gerson
and the Parisian School; the idea of the Church's delegating the exercise
of the power resident in her to certain men. Such doctrine is faulty, for
in Scripture, pastors are ordained only by pastors, not by the people.
Election only puts a man in a state to receive ordination. (56) No mystical
grace is communicated by the Church of believers to the ministerial Church
These are in two different categories; the Church of believers is the
mystical body of Christ, but pastors may be reprobate. The latter can
receive grace only directly from Christ, according as they themselves are
believers."Ourselves your servants" 2Cor. IV 5, only proves the pastor the
Church's servant as the physician is the body's. By a very able reductio
ad absurdum, he destroys a good many of Parker's tenets, though the latter
himself would have eschewed much of their ultimate implications. The matter
is summed up in the sixth chapter, where he denies that Christ has in any
sense left the government of the Church in the hands of the multitude of
believers, either directly or by making pastors responsible to them
or by its delegating that power to the pastor.

Presbyterian government is a wise combination of the monarchic, aristocratic and democratic principles. Government by the collective body or coetus fidelium, is contrary to the word of God. Rutherfurd's arguments are the scriptures for the office of elders, & interpreted as implying intention on Christ's part of instituting a ministerial Church. That the heads of families alone should speak, as advocated by some Independents, he thinks a falsification of their own case, and the creation of a representative Church which in other senses they deny. (65) The furthest he goes is to say that no grave decision, such as excommunication, should be made without the people being aware of it. They may be admitted in synod to speak in an orderly way, but they have no power of juridical decision, or the result would be anarchic. He voices his distrust of this "popular" doctrine, as being too near the Anabaptist, which "takes away all magistracy under the New Testament----all relation of master and servant, upon the ground that we are all free men". This is an obvious canvass of the Parliamentarians. "I am far from thinking our worthy brethren do allow of this conclusion, but the principles are too sibb and near of blood." (69)

He now proceeds to examine the nature of the Church, and the Independents' assertion that the only Church known in the New Testament was a congregation of believers, voluntarily meeting in one place, making a voluntary profession of faith, without any system of Church courts. A sound exegesis of the wide scope of the word Church in Scripture is given. (70) He points out that according to the Independents' assertion, as above, every family is a Church. If any man's profession of faith should be false, he considers that on their own definition, it makes their claim to be a true Church to be invalid. Against them, he maintains that the preaching of the word and the administration of the Sacraments are notes of the Church even though held forth to unbelievers, for the mission of the Word is to redeem. Further historic proof of his case lies in the nature of the New Testament Church. Jerusalem was one Church, yet had three thousand believers. All these could not meet in one place, or break bread in one place; therefore must have been several congregations, but under one jurisdiction. This shows forth a presbyterial or as the Independents mis-call it, a "representative" Church. He cites Ephesus, Antioch, Rome, Galatia as further examples of this. The word "Church" never signifies just one congregation, e.g. "Saul made havoc of the Church". He examines the senses in which the Church Presbyterial is representative. It is not a representative Church, in the sense which Robinson gives to the doctrine, namely that the Church rulers do no more than announce the judgement of the people. Nor is it representative in the sense that the people give to these rulers supreme power and promise to be tried by them in all things. Rutherfurd lays down the principle that presbyters are only to be obeyed if their commands be lawful and convenient and if the matters enacted are first referred to the elderships of particular congregations.

In the eighth chapter, the passage Matt.XVIII, 17-18, is expounded with much greater learning than in Chap. IV, of Gillespie's "Assertion". The Septuagint, the Greek and Latin Fathers, the Schoolmen, the Renaissance Scholars, Calvin, contemporary theologians are all cited. The Scots theologians rested a good deal of their argument for the divine right of Presbytery on the words of Christ, "Tell the Church". Altogether it may be said, that the Independents may have been right in interpreting it as referring only to the society of believers, but the conclusions they based.
on it, were as rigid, intolerant and more fallacious than their opponents. Parker was a little dubious himself as to whether the orthodox interpretation of the age had not a measure of truth. He tried to compromise, by saying the passage did in a sort refer to the eldership. There is evidence from the quotations throughout that Rutherfurd had Parker before him as he wrote.

The question of membership now arises. His line of attack halts at Parker and pushes at Ainsworth. The former had too much respect for the traditional Calvinist doctrine of the Visible and Invisible Church to discredit it altogether. Ainsworth, an acute Biblical scholar, was prepared to do so, in order to vindicate his theory that the only true visible Church is a company of visible saints, called and separated from the world and voluntarily professing one faith. In this he is a direct disciple of Barrow. Rutherfurd opposes to Ainsworth's his own doctrine of membership drawn from the orthodox Calvinist dogma. All members of the Visible Church, he admits should, de jure, be saints, but, de facto, whether you take a wide national, or narrow congregational view of the matter, they very often are not: their profession may be false. Hence Ainsworth's doctrine rests on what he considers a fallacious assumption (95) That the Visible Church, as such, is composed of saints is impossible. The sole criterion of membership of the Visible Church is a profession of faith. The sincerity of that profession determines whether a man is, before God, a member, though profession, sincere or insincere, is adequate, provided his life be not scandalous, for recognition de facto, as a member of the Visible Church. With the more Christian view, he insists that men must not be asked to prove to the Church that they have grace. Who knows where grace lies? "As much grace may be under many ashes as a piece of gold among mountains of earth" (99). If the Word is to be preached only to believers, then its converting power is limited. He wisely objects that this doctrine of membership narrows the scope of the Word to groups of select, when it should be given to all. Besides he argues (and in this his New Testament exegesis is sound) the New Testament Church was a very heterogeneous mixture; all the Apostles required as a condition of membership was a profession of faith. Did not our Lord accept Judas? Arguing from theparable of the wedding garment, he makes hearing of the Word a sufficient condition. "There is no more required to make members of the Church visible as visible, but that they be within the net hearers of the word." Turning back, he insists that the preaching of the Word is an essential—to him the greatest essential of the Church—: even the excommunicate, who are not to receive the Sacraments, have the right to it. In passing he notes the argument of Barrow and Ainsworth that any gifted man may preach and refutes it as Socinian and unscriptural. A further deduction he makes from his own argument, re the preaching of the Word: since it is a note of the true Church the magistrate can compel men to adjoin themselves to a church to hear the Word. With the civil power in Scotland now behind him, he could assert this categorically. In a later work ("Survey of the Survey"), circumstances forced him to find some modification of this view, though he never resiled wholly from its principle.

Because of Royal coercion, the Independents had separated from the English Church and stigmatised the more moderate Puritans for not doing so. This fact turns his mind to the antithesis of membership—Separation. The question as he puts it in the tenth chapter, is, "whether or no it be lawful to separate from a true Church visible, for the corruption of teachers
and the wickedness of pastors and professors, where faith is begotten by
the preaching of professed truth he takes a wider view than the Independ­
ents ever reached. We are only to separate from all communion in which we
may fall into sin, but not wholly from the Church or from the hearing of
the Word and the prayers and praises of the Church. (The evidence of his
letters show that in Aberdeen he attended an Episcopalianised Church,
though often unedified by its doctrine.) Ainsworth argues that the Protest­
ants separated from Rome as a justification of his own Separation. Rome
herself made the separation, counters Rutherfurd. There was always a true
Church, even in Rome, and a body of men who within her held fast to the
fundamental truths of Christianity—witness the Waldenses. Rome herself has
made separation from these truths. We have not separated from Rome's baptism
or from the Apostles' Creed. Rome's heresies have estranged her from the
true Church. Collateral national Churches cannot be said to be separated
from one another. Of Rome he says that it is a Church, teaching and professing
and having something of the life and being of a true Church. (131) The Reform­
ers' calling and orders from her are valid because within her they swore
to defend the truth of the true Church which they did. Something extra­
ordinary also there is in their calling and orders, but there is no need,
like Ainsworth to justify these as derived from the people.

Now he attacks the extreme Independents, and Barrow's doctrine of
Separation as expounded by Ainsworth and Robinson. One must not, he says,
separate from a church for sins of fellow worshipers: Christ counselled his
disciples to obey the Pharisees. He counters, with sound historical exegesis
the rather far fetched arguments of Robinson from Old Testament ritual­
istic practice for separation. The hearing of the Word by evil men, along
with good, in no way affects its appeal to the latter. (139) Again he points
to the heterogeneous nature of the New Testament Church. If wickedness of
people in a church pollutes the public worship, then it would be hardly poss­
able to communicate with safety in any. (145) It is unreasonable to expect
the believer to separate on the grounds of wickedness in a fellow worshipper,
for he cannot know who is a hypocrite. Such a doctrine makes the value of the
Word and Sacraments depend on our fellow worshippers, which is absurd. To
separate for the sins of a pastor falls into another extreme; it verges on
the Romish doctrine of making the value of the Sacraments depend on him
who administers them. He admits that an unsavoury pastor diminishes the
appeal of the Word, but even hearing of unsound doctrine should not cause
separation. We can keep the sound and reject the unsound. He ends the
chapter by saying, that even when we separate from a Church overturning the
foundations of religion, as from Rome, "we are to keep a desire of gaining
them, howbeit not a brotherly fellowship with them".

Chapter eleven contains the usual war of Scripture quotation,
exegesis and refutation of arguments in the foregoing case. For the esche­
ing of infection from sinful men, Rutherfurd shows it is sufficient to
separate from them in the Church. "It is not God's mean of eschewing
infection to lowpe out of one true Church into another for one fault" The
infection of one never pollutes the worship and Sacraments for one not
milty or even the holiest Independent Church he earnestly points out,
bud not escape pollution. That it is not lawful to communicate with the
holiest Church in an act of false worship, he grants, but that every act
of false worship makes a true Church to be a false Church, or no Church is inadmissible. This is a subtle sponsoring of the case of the English Presbyterian who had remained in the Episcopal establishment, even though its worship was tainted. These chapters are a plea for separation inside the Church, with a view to reformation, as against complete schism.

After dealing with membership of the Church and separation from it, he turns to the related question of the Sacrament of Baptism. He opposes its denial to children whose parents are not known believers, even while admitting that some of his own co-religionists support this practice. All children within the visible Church are to be baptised, he argues, from the Jewish practice of circumcision, from the practice of John the Baptist, and from the mercy of God himself. (I65) He draws on the Covenant theology. God makes the Covenant of Grace with a Christian people, so their children, even though born of wicked parents, enjoy the rights of that Covenant and are to be baptised. They are invested with the "federal" holiness of the people. (Federal holiness is not personal holiness, but the idea of a people set apart to God by covenant.) (I70) Who can say that God lays the fathers' iniquities upon the children in spiritual and eternal punishments?

If the parents' state of grace alone entitles a child to baptism, who can tell which parents are in a state of grace. Membership of an individual church is not necessary for baptism, which is a privilege of the Church Catholic, not of a particular Independent Church. None are to be refused baptism for their children, who profess the faith and are of Christian communion. The doctrine that children of wicked people are not to be baptised till they become of age, is anabaptist. The free administration of this Sacrament is no profanation of it.

In chapter thirteen, Rutherfurd comes to the question of the relationship of the individual congregation to the Church courts. "Those of the Separation and others whom we love and reverence deny that congregations are subject to synods, Presbyteries and national assemblies; holding that the latter can only give counsel and advice, but have no jurisdiction over a Church". This was in a measure Parker's view, held by the more moderate Independents and by some English Presbyterians. It was likely to be a stumbling block to thorough-going Presbyterian dogma. Hence Rutherfurd's attack on it. He asserts the nature and relationship of Presbyterian and synodical power. The Presbytery has equal power with the synod, intensive but not extensive. There is no Scripture case for a single congregation exercising supreme juridical power. There is no instance in Scripture of ordination by a congregation or even by a pastor and congregation. (I89) Apostolic practice was ordination by a Presbytery of elders. He brings further arguments in support of the Presbyterian system, from the laws of nature and necessity and from the discrepancies and absurdities which he believes occur in the Separatist practice. He reverts to the principle that the keys are not given to the congregation, therefore they have no juridical authority. He deplores this doctrine tending to the removal of a public ministry and the making of it only ad bene esse and not ad esse simpliciter of the Church. (I94) He shows the anomaly of the theory of congregational jurisdiction which makes the congregation judge, jury and accuser in one. Most of these arguments are similar to those in the second part of Gillespie's "Assertion of Church Government".
Chapter XIV is an exposition of Acts XV (the Council of Jerusalem) as the main scripture ground for the superior jurisdiction of Church courts. He rejects the Independent view that it was merely a conference, and that its decrees, if they bound, bound only because they were extraordinary and apostolic, and not because they were synodical and ecumenical. With regard to the composition of the court, he allows that the Church may admit some learned and holy men, who are neither pastors, doctors nor elders, to be present and speak. He agrees with Parker that the material ground of commissioners at assemblies is their gifts and holiness and the formal ground the Church calling and sending them.

But the whole congregation has no definitive voice in the councils. The next chapter gives further scriptural proofs of the lawfulness of synods and their power to excommunicate evil churches. He is careful to state that even with regard to the censures of national assemblies or synods, it is free to believers to reject what is contrary to God's Word. In the 16th chapter, there is more scripture refutation of the power of Independent congregations, especially in the matter of excommunication, an aspect of Church discipline which was to be dealt with more fully in his later works. In all these questions he shows a wider and more original patristic lore than Gillespie. His studies seem almost naturally to have followed those of Boyd, though he is more acquainted with, or at least cites more often from, the reformed theologians. On page 257, occurs an opinion which shows that he has not even yet deserted his tenets concerning private meetings. Of private persons, he writes, "they are to edify, rebuke and comfort one another, and this they may do, not one to one only, as some say, but one to many. So the Scripture saith. Prov.X,21, Ephes. IV,29. So saith Calvin, Bullinger, Beza, Davenant, Whittaker etc."

The 18th Chapter deals with the scope of the pastor's power, utterly repudiating the Independent doctrine that a man is a pastor, only in, for and of a single individual church. Election does not make a pastor, it only apportions him a special charge. We do not, he says, countenance that a man be ordained without charge, but that is not to say he is a pastor only to a single congregation; he is a pastor of Christ for the whole Church. Though his juridical power lies with his elders, over a certain congregation, he may preach to any.

His last chapters are in line with Gillespie's "Assertion" and Henderson's "Government and Order". He deals with the practice and principles of the Scottish Church. On 'ruling elders', as Gillespie has treated the subject fully in the "Assertion", he contents himself with an exposition of ITim.V,17. and with outlining their office and power. The relation of the Church to the magistracy is briefly reviewed.--The King's power is hortatory, 'coactive', 'cumulative' but not 'privative'. Church and State in their different spheres are both ordained of God.

He closes his book with a synopsis of present ecclesiastic practice in the Church of Scotland, based largely on Henderson. His final word is still in some measure a defence of private meetings. "Our Assembly also commandeth (the General Assembly of 1641) godly conference at all occasional meetings, or as God's providence shall dispose, as the Word of God commandeth, Heb.III,15, etc., providing none invade the pastor's office to preach the Word, who are not called thereunto by God and his Church." The pastor is not by Rutherford's doctrine here expressed excluded from holding private meetings of his own.
Relation of English and Scottish Presbyterianism.

The circumstances attending on the appointment of the Scots Commissioners to the Westminster Assembly need be related only in so far as they affect the part they were delegated to play or ultimately played in it. As has been noted, the Scots Commissioners treating with Charles had arrived in London in 1640, with a definite propagandist plan, directed against both Episcopacy and Independency. Opposition to the latter was dropped that common cause might be made with its supporters against Prelacy. Dr Shaw inclines to the opinion that the Scots imagined, "there was a Presbyterian faction ready to welcome them," but the passage from Baillie which he cites in support of this, on the contrary really shows that the Scots realised that theirs was a work of conversion. Their actual literary output at that time (already considered) is further evidence of this. As late as December, 1643, Baillie could write, "As yet a Presbytery to this people is conceived to be a strange monster." Inopportune as some of the publications of the Scots proved to be in the political sense, it would be unfair to call them premature. The propagandist has to pave the way, and these early 1640-42 publications familiarised many of the English Puritans with Scottish Presbyterian ideas and proselytised some. Henderson's pamphlet against limited Episcopacy was unfortunate because limited Episcopacy was still regarded by a majority in the English Parliament as a modus vivendi in settling ecclesiastical affairs. Parliament's answer to the Scots' suggestions

1 Shaw, History of the English Church, 1640-60, Vol. I, 128.
2 Baillie, I, 303. (vide supra p.
3 Baillie, 2, 117.
on conformity in Church Government was a polite rebuff. "This house doth approve of the affection of their brethren of Scotland in their desire of a conformity of Church government between the two nations, and doth give them thanks for it. And, as they have already taken into consideration the reformation of Church government, so they will proceed therein in due time as shall best conduce to the glory of God and peace of the Church.

This was embodied in the treaty ratified in August 1641. With the Scots, however, uniformity of religion became as much an idée fixée as with Charles. In the General Assembly of 1641, an act was passed instigated by Henderson for drawing up "a Confession of Faith, Catechism, and Directory for all the parts of Public Worship and Platform of Government, wherein possibly England and we might agree". In a letter to the English ministers, the matter of religious unity is further advanced—"that there might be in both Kirks one Confession, one Directory for Public Worship, one Catechism and one Form of Kirk Government." Henderson vouches this opinion as that of the whole Scottish Church—"We know not so much as one man more or less eminent among us of a different judgement." The entire work of the leaders of the Scottish Church in the next six years was to endeavour to make the hope expressed in this letter a permanent reality. Political circumstances at first favoured them.

An English Parliament, inferior in military power to Charles was more tractable than a Parliament able successfully to impeach Strafford. Instead of the supplicated, it was now the suppliant and drew up a letter for presentation to the General Assembly of 1642, tendering a politic offer to reform religion and pleading for a firm and stable union between the two Kingdoms. Henderson, who drafted the reply, made it clear that the only possible condition of alliance must embody uniformity in faith,

1 Peterkin, 296.

2 Peterkin, 324.
I worship and church government. The Assembly's letter had the approval of the Scottish Council and was communicated to the English Commons on 26th August. Their answer expressed willingness, "to cast out whatsoever is offensive to God or displeasing to any neighbour Church" and to agree with the Scots in all substantial points of doctrine. They stated their resolve to uproot Episcopacy and their intention to hold a convocation of godly divines to settle "such government as may be most agreeable to God's Holy Word". The Assembly's Commission appointed as Commissioners to negotiate with England in this matter those who subsequently attended Westminster. The English Parliament delayed commitment till the summer of 1643 brought their military hopes to the nadir. Commissioners were despatched to Scotland and the Solemn League and Covenant was negotiated on 17th August of that year. There is no reason to attribute superior astuteness to either side in the drafting of the Covenant. The English desired a civil league, the Scots a religious union. The Scots technically achieved their object, but the instrument of their success was necessarily of the nature of a formula. "According to the Word of God and the example of the best reformed Churches" was as far as the English State would promise reform. The Westminster Assembly added a definition of prelacy which at least left a loophole of hope to the "primitive" Episcopalians. Henderson had enough experience of English affairs to know that the above clause was a formula and a possible source of future trouble, but he hoped to achieve much through the Westminster Assembly. He had postponed the drafting of the Catechism and Directory for which he had been made responsible in 1641 until it might be possible to draft them in common for both

I Peterkin, 325.
The success or failure of the Sole n League and Covenant, therefore, depended largely on the success or failure of the Scots' propagandist activity at Westminster. Could they make England Presbyterian? They very nearly did so, till between them and the goal of their success came the stout, uncompromising figure of Oliver Cromwell.

The Covenant gave the Scottish Commissioners, who were now nominated by letter to the English Parliament, the mission of Presbyterianising England. To measure their success, it is necessary to ask how far England was Presbyterian before their advent. Since the time of the Treaty of Ripon, the English Puritan had been more conversant with the Scottish form of Presbyterianism and many were increasingly favourable to it. In 1641, several English ministers had written to the General Assembly for guidance regarding the power vested in congregations and had received an answer refuting Congregational theory and asking them "heartily to endeavour that there might be in both Kirks one Confession, one Directory for Public Worship, one Catechism and one form of Church Government". The same letter advocates the Scottish Presbyterian system of Courts and is simple direct propaganda from the pen of Henderson. The English ministers' answering letter shows how it was received.

"The desire of the most godly and considerable part among us is that the Presbyterian Government, which hath just and evident foundation both in the Word of God and religious reason, may be established among us, and that according to your intimation we may agree in one Confession of Faith, one Directory of Worship, one Public Catechism and Form of Government"

Despite this, the Westminster Assembly was to show a decided difference in the Scottish and English conceptions of Presbyterian principles. The radical difference may be traced to the fact that English Presbyterian-
such as it was, went back through Travers and Cartwright to a more purely Genevan theory - theory rather than model, for Elizabeth and James gave little opportunity of establishing it - whilst Scottish Presbyterianism had been shaped more on the model of the French Protestant Church. The difference showed itself both in the spirit and the letter of their religious conviction. Early in the Reformation, Calvin had counselled the English Puritan to submit to certain ceremonies, as things indifferent, when imposed by the state. (Though Calvin desired it otherwise, the final appeal in Genevan Church affairs was to the Signory; the Smaller Council determined the choice of Elders in the Consistory.) Cartwright, the early protagonist of English Presbyterianism accepted the same early Calvinist standpoint and ultimately deferred to the wishes of the State on matters religious, when he found it impossible to alter them. The majority of his followers adopted his policy, and the English Presbyterian lived as far as he could, in conformity with the Church of England and avoided as far as possible celebrations abhorrent to his principles. It is not noticed that in the conflict between the Scots and the Erastians that the former had already achieved much in winning over the English Presbyterian, who for sixty years had submissively accepted Erastian principles, and whom a threat from Parliament could still overawe. This policy had made it impossible for the English Presbyterian to have any definite "platform" of church government. Their best writers could only expound traditional Genevan theory, as in Paget's "Church-Government Exercised in Presbyterial, Classical, and Synodall Assemblies;" their most virulent could only be scurriously anti-prelatic. Since the First Book of Discipline and the heyday of Andrew Melville, the Scots had had a definite "platform" of church Government. It came from the
French system where it had to be won, as in Scotland, in the face of State opposition. It combined more admirably than in Geneva the two principles of popular rights and central control. There was in Scots presbyterianism the physique, and the violence perhaps, of one who has struggled and developed by breaking the chains of bondage, English Presbyterianism was softer stuff through having remained, though sullenly in chains. Besides being of a different spirit, what development there was in English Presbyterianism was different. It suffered unavoidably from being forced to confine itself to theory, and that theory was the interpretation of the Genevan practice in the light of possible future English needs. The Scots used a practical working system as a guide upon which with some differences, they modelled their own. English Presbyterianism failed in the beginning as a national faith, because it was too submissively Erastian and theoretical, in the end because having been severely uprooted by Laud, it was hastily replanted and overfertilised by the Scots. It never had a chance of a healthy native growth.

Paget's "Defence of Church Government" is a typical exposition English Presbyterianism and shows the radical differences between it and the Scottish doctrine, which afterwards appeared at Westminster. Little stress for example, is placed on the work of Kirk sessions. As a juridical court it hardly existed for the English Presbyterian, hence their opposition to the office of ruling elder. For them the term "elder" referred by New Testament practice to the pastor, or, from more purely Calvinist doctrine to those who advised and assisted him. Their postulated assemblies included no representation of elders. Perhaps the word "classical" which they used, better applies to their
assemblies than "presbytery". Their presbytery was one which could easily have merged into a council of a primitive episcopacy, or into a convention of a federal congregationalism on Parker's model. Other differences also appeared though the matter of the eldership was the greatest. It may be noted also that even as late as 1641 the English Presbyterian claimed no absolute divine right for his system - "We ... though we hold that Classes and Synods are most necessary and profitable for the well-being of the Church, being also prescribed unto us by divine ordinance, yet do we not hold that the essence and being of the Church doth consist in this." From this date (1641) active Scots propaganda in England begins.

It is thus difficult to estimate the growth or extent of Presbyterianism in England before the Westminster Assembly. Shaw's view is that the Presbyterianism of Elizabeth's reign, and that of Charles's reign were two separate sporadic outbursts with no relation to each other; the first was an academic movement, the second an ecclesiastical abortion. McCrie tries to trace a consistent development in English Presbyterian thought, but this continuity seems to lie in what Shaw calls "the preeminent element of English Puritanism" rather than in anything definitely Presbyterian. Masson's view is that English Presbyterian principles got lost amongst anti-Episcopal polemic, and only when the Episcopacy was removed were they resuscitated from their grave. There is an element of truth in all these. Puritanism was suffering an academic exile: no seat of learning, but banned its tenets, no convention existed, or dared to exist where they could exchange views, exchange of controversy through

through publication was extremely risky. This academic and
scholastic isolation of all but orthodox or conformed thinkers from their
fellows, may have bred great variety of opinion, but it was a variety
which had many unseemly blossoms. English Presbyterianism, as species,
shared in the variety which English Puritanism had in the genus. It was
negatively unified only by its opposition to Episcopacy. The Smedtymnuans
themselves differed in some points of their doctrine as is evidenced by
debates in the Westminster Assembly. Their brethren differed even more,
Burgess, Marshall, Calamy, Palmer, Herle, all are often found in opposi-
tion to each other. Every variety of opinion from near Episcopacy to
near Independency existed. It was as unknown in quality, and amorphous
as a child in the womb, and it was yet to be proved whether its delivery
by the Scots was healthily the best. Presbytery in its Scottish form
was indeed as yet a strange monster to this people. The Scots had not
only to co-ordinate the English form of Presbyterianism with their own,
they had to assist in the co-ordination of all the variants of the English
doctrines. In reality they succeeded more in the latter task than in
the former.

The history of the legislation calling the Assembly is
extra-ordinary complicated.¹ Not only did the Scots seize the opportu-
nity of the Assembly for the propaganda but they were indirectly
responsible for making it. It was resolved in debate in the Commons
on 1st September, 1642 on the declaration of 3rd August from the General
Assembly that Episcopacy should be abolished.²

¹ "The government of the Church of England by archbishops, bishops,
their chancellors and commissaries, deans, deans and chapters, archdeacons,
and other ecclesiastical officers hath been found by long experience to
be a great impediment to the perfect reformation and growth of religion,

and very pre-judicial to the state and government of this kingdom, and this House doth resolve that the same shall be taken away."

This resolution was amended by the Lords but was afterwards cited in the ordinance calling the Westminster Assembly, as one of the causes thereof. The Westminster Assembly legislation occupied more than a year. In February 1642, during the protracted legislation on Church affairs, the Commons considered the feasibility of having an advisory body of divines called together, who were fit to be employed for settling the affairs of Church. The matter dragged till April, when a Grand Committee of the House reported on the matter and the Commons passed a resolution stating their intention of reform of the Church, and for "better effecting thereof speedily, to have consultation with learned and godly divines." From April 1642, the Commons were engaged in preparing such a bill. No fewer than five were drafted, read, a first and second time, recommitted, rejected on differences between the Houses, or passed on technical grounds. The fifth bill passed and was embodied in the fourth proposition sent down to Charles, but did not receive his assent. Finally the Assembly was summoned by an Ordinance of 12th June, 1643. The Commons adhered firmly to the clause concerning agreement with the Church of Scotland being retained. The Scots' propagandist mission was thus made legal by the Parliament of the land into which they came.

The Westminster Assembly.

The Assembly met on July 1st, 1643. The proceedings of the first months are of little importance in this Thesis, as they dealt with the reform of the Thirty Nine Articles and with the liturgical reform of the Church of England. September, 1643 brought about the consideration of the Solemn League and Covenant.
III.

Aearer agreement with the Church of Scotland mentioned in the Ordinance and implied in the Covenant became a matter of deepest political concern. 'On Thursday, 12th October, 1643, we being at that very instant very busy on the 10th Article of the Thirty Nine Articles of the Church of England.... there came an order from both Houses of Parliament, enjoining our speedy taking in hand the discipline and liturgy of the Church." The arrival of the Scottish Commissioners in September, 1643 and their insistence with the English Parliamentary Committee that matters of church government should be settled speeded parliaments and the Assembly's progress therein. Politically the Scots were in a strong position to have their wishes acceded to by Parliament. Technically in Assembly they maneuvered themselves into one as strong. They refused to sit as members of Assembly which would only give them a few votes, and would make no difference in Assembly decision. They insisted on being dealt with as Commissioners of a National Church, demanding the appointment of a liaison committee from the Assembly to meet and treat with them on all matters concerning form of government, Directory, &c. After debate Parliament granted this, 17th October, 1643. Baillie claims that this committee dictated Assembly policy, a claim to a certain extent true. The Scots had thus both a say in initiating the Assembly's ecclesiastical legislation, and a veto on it when referred back to the treaty Committee. They also had full freedom of speech in the Assembly which they used incessantly, none more often than Rutherford himself who made his appearance in the Assembly on 20th November, 1643.

He was in all likelihood hastened to attend by word from London of the Church Government debate and the Independent opposition. Henderson was a diplomat and a Church statesman, but not outstanding as a dialectician.

and Gillespie who was with him may have felt the strain of constant attendance at the Assembly. Debates. Another debating controversialist was a necessity to the Scots. This will be noticed when it is seen, that in practically all the debates on Church government, whilst both Gillespie and Rutherfurd may be present, one of them always is. The position of Rutherfurd and Gillespie, the two controversialists, is noteworthy. They form a pair to balance with Henderson and Baillie. The two first belong to the extreme Presbyterian party which afterwards became Prester. The two latter to the more politic party which became Resolutioner. As regarding Puritanic practice, as already seen, Rutherfurd and Gillespie were in close sympathy with the Independents. In Letter CCCLX, the former writes, "The best of the people are of the Independent way." Yet in the Assembly on the matter of Presbyterian discipline, they were less accommodating than even Henderson. They are more ready in debate, more scholastically learned, more dialectically subtle than him. With a greater fund of learning, they have a greater fund of argument, though it may not always be relevant, but they lack his cool judgement. Their battlefield was the floor of the Assembly, his the Treaty or accommodation Committee. After Rutherfurd arrived Henderson could more freely devote himself to these, and though often enough in attendance intervenes thereafter, only in debates on major points. His intervention too is characteristic, generally it is assertion rather than argument, history rather than exegesis, pragmatic statement of practice rather than the reason for it, vide Lightfoot's Journal, page 60.

"Then Mr. Henderson spake concerning the business of ruling-elders that, however it be somewhat strange in England, yet that it hath been in the reformed churches, even before Geneva, and that it hath been very prosperous to the Church of Scotland."
Page fifty three of Lightfoot's Journal gives an even more illustrative example.

"Mr Henderson again desired, that we would be wary lest we give offence and prejudice to other churches. He also, after some further debates about this, spoke again, that we would not in metaphysical and abstract notions consider of these things, but go to work to determine what offices we think it to be in the church, without more ado."

His touchstone in all matters was whether or not they were agreeable to the practice of the Church of Scotland, and his argument seldom strayed far from that. Rutherfurd and Gillespie, while seeking the same end, would have had the Assembly assent, not only to Scottish practice, but to every theory of and reason for it, as they interpreted it. The matter before the Assembly on the arrival of the Scots was that of Church Government, which was to occupy it for nearly two years.

The Debates on Church Government.

Under pressure from the Scots, Parliament finally emitted the ordinance of 12th October, 1643, which referred to the Westminster divines the task of drawing up "such a Discipline and Government as may be most agreeable to God's Holy Word and most apt to procure and preserve the peace of the Church at home and nearer agreement with the Church of Scotland." On the 17th October, the debate proper began. It was moved by Seaman, (and decided against the Independents) to begin with the nature and work of Church officers rather than with "whether there were a rule for government to be had in the Scriptures". The Assembly divided into three committees each considering the same questions. On October 19th, the second and third committees reported on the officers of the Church as held forth by Scripture, the report of the third committee including the preface of the subsequent "Propositions". Debate as to the number and nomenclature of these officers in Scripture went on till the 27th October, when the first committee reported on the same matter. Debate on this report began on
November 2nd, with the office of pastor. Lightfoot minutes no interference by the Scots in this debate, but Baillie mentions "a paper given in by our brethren before we came......According to it, the Assembly did debate and agree anent the duty of Pastors!" A minor controversy arose as to whether reading the Scriptures publicly, belonged to the Pastor's office. Marshall held that the reading of the Word in public was not an ecclesiastical office and the Smectymnuans along with him, inclined to the view that expounding must accompany it, to make it so. Palmer held that it did belong. The 'near' Episcopalians thought that pastor and reader might be two offices. There was great individuality of opinion. Lightfoot says, "it was much desired to delay for fear of some inconveniences that might follow". The inconveniences, doubtless, were disagreement with the Scots' paper on the matter. In his chapter on the pastor's duty in the "Peacable Plea," Rutherfurd says, "We acknowledge no reading pastors, but only pastors gifted who are able to cut the Word aright". The chapter is an exposition of the pastor's duty as set forth in Henderson's "Government and Order" of 1641. The paper mentioned by Baillie embodied Henderson's and Rutherfurd's doctrine and reveals that readers in Scotland had fallen into disrepute. Hence the Assembly's fear of inconvenience. It was finally ordered, that the public reading of Scripture belongs to the pastor's office. The Scots' wishes were fulfilled in this and in a subsequent extension proposition to include probationers. The other duties of the pastor's office admitting to the Sacraments, catechising, visiting the sick, were resolved with little debate; they were common Puritan doctrine and conformed closely to the Scottish practice.

1 Baillie, II, 110.
2 Lightfoot, 39.
3 Peacable Plea, 314.
A belated report of the second committee on the unity in substance of the pastor's and teacher's office (voted by it on October 23rd, and presented on November 8th) occupied the Assembly till November 14th. By then the Scottish Commissioners had decided that the settling of Church Government was too protracted. To expedite it, Rutherfurd and Baillie were urged to come speedily. Meanwhile, the Scots gave in to the Grand Committee of Parliament and Assembly a paper embodying certain propositions for speedy establishment. They hinted that this meticulous searching of Scripture, while good in its way, was lengthy and redundant: to their mind it had all been ably done before by earlier reforming theologians. They postulated four permanent officers in the Church,—pastors, teachers (doctors), ruling elders, and deacons, church government by the first three of these, and a fourfold system of church courts,—church session, presbytery, synod and national assembly. Marshall reported from the Grand Committee to the Assembly on this paper, saying that the former had not debated it at all, but referred it entirely to them. In the light of this report, the Assembly debated the difference between pastor and doctor which had already been dealt with by the second committee. The debate lasted till November, 21st, and was the occasion of the first recorded participation of the Scots.

The Independents held that pastor and doctor were two distinct offices in substance. The majority of the Assembly opposed them. The English Puritan (viz. Calamy) was of the opinion that a man could be in orders without a charge and that such a man of brilliant parts might, as fellow in a college, be a doctor there, but this was a distinction in gifts not in office. Henderson's view, as expressed in the "Government and Order" follows closely the "Second Book of Discipline". The doctor is
of use in universities and colleges, and differs in name and function from the pastor. The "Second Book of Discipline" makes the doctor an elder ex officio, with power to assist in kirk government and assemblies, though he may not administer the Sacraments unless especially called thereto. Henderson in the "Government and Order" only makes it expedient that he have elder's powers—"of which some use to be chosen to be elders of particular churches and Commissioners to the National Assembly". Rutherfurd in the "Peacable Plea", deducing from his own case, states, "Doctors, if they aim at the ministry, prophesy in our presbyterial meetings". Thus while the Scots approximated to the Independent view, they did not completely distinguish the offices. In practice, as in Rutherfurd's own case, the two offices were united and the doctor's office, or 'regentship', was a stepping stone towards the ministry. Henderson thought this debate idle; his opinion, when asked, was,"they should not in metaphysical and abstract notions consider of these things, but go to work to determine what offices we think fit to be in the Church". Even then, the English Presbyterians, who still retained some marks of their old church, especially the academic ones, would not move from their standpoint that the doctor was merely a pastor, gifted for teaching. The Independents, with Goodwin as their protagonist, having in their exile in Holland established the twofold office of pastor and doctor in the church, firmly upheld the distinction of these. Henderson moved that a committee of accommodation be appointed, but the following day, perhaps because of its failure to achieve agreement, tendered some propositions of his own. These distinguished the name of pastor and doctor, admitted their usefulness to a congregation, but not their necessity, and established them for the bene esse of schools and colleges. Though supported by

I Government and Order, p. 28. 2 Peacable Plea, 319.
117. /Calamy, these were talked out by the Assembly. Next day, six neutral propositions of the accommodation committee were passed. These noted that different gifts were in different ministers but they might also be combined in one, that, if there were more than one minister in a congregation, he who excelled in exposition might be called a doctor, that the doctor is of excellent use in universities and colleges. The final "Propositions" (collected in November 1644) show that Henderson's first proposition that "the Scripture doth hold out the name and title of a teacher as well as of a pastor" was accepted. They also add, "who also is a minister of the Word as well as the pastor and have power of administration of the Sacraments". This was more than Goodwin had ever claimed for the doctor's office and was added to satisfy the English Presbyterian position, in which an ordained man, without charge, could hold the office of doctor. The remaining propositions concerning the doctor satisfy the Independent standpoint, for they allow doctors in individual congregations, whether or not they hold office as preaching pastors: both may exist in the same congregation. The doctor's use in schools and colleges is specially stated. Altogether the propositions give ample scope for Scottish, English and Independent theory and practice. It is obvious that the Scottish doctrine is the half-way house in which both parties find an ultimate formula of agreement.

"The next point whereon yet we stick is Ruling Elders." It was, perhaps, anticipation of this debate that hastened Rutherfurd's arrival. Though not as powerful a debater as Gillespie, he has greater linguistic and exegetical knowledge and a greater storehouse of patristic, scholastic and reformed learning. If the Assembly demanded hair-splitting exegesis and massed Scriptural, patristic and doctrinal proof, as Henderson was sorrowfully finding they were, Rutherfurd was the one Scotsman to give it.
That Henderson never interfered in debate, till the question of doctors arose, showed that in a metaphysical atmosphere he was a fish out of water, a statesman, albeit an ecclesiastical one, amongst speculative exegetes.

The debate on ruling elders saw Rutherfurd enter into the field of Assembly controversy. As if in answer to the purpose for which he was brought, he sets forth a lengthy exegetical argument in favour of the proposition, "that besides these presbyters that rule well, and labour in the word and doctrine, there be other presbyters who especially apply themselves to ruling, though they labour not in the word and doctrine." This debate is, as reported by Lightfoot, the most exegetical of all the debates on church government or indeed of any. It seems as if the Scots had decided to meet the Assembly with its own weapons and the latter rose manfully to the occasion. They turn their heaviest batteries against their most formidable opponents. A minor man is left to have his say. Selden, Gattaker, Temple, Goodwin, Nye, Marshall, Calamy call forth the best of their powers, when they had occasion to differ from them.

Henderson opened the debate for the Scots by pointing out that ruling elders existed in many reformed churches and had been found "very prosperous to the Church of Scotland". (There is no doubt that the ruling elder in Scotland had become a fixed office in the Church in no small measure because such office gave lords and lairds an influence in the councils of the Church). The Assembly demanded a fuller proof and Rutherfurd expounded the Presbyterian interpretation of I Tim. V,17, \( \phi \epsilon \lambda \delta \alpha \gamma \varepsilon \pi \rho \omega \tau \iota \varepsilon \lambda \gamma \eta \omicron \alpha \rho \nu \omicron \eta \quad \kappa \lambda \delta \iota \delta \omicolon \) as not referring to one man and two works, but to two distinct offices. When Vines quoted the Greek
Fathers as not conceiving the text to mean two offices, Rutherfurd answered that Chrysostom, though he had not held a ruling elder from this place, "yet doth he hold a distinct office, viz. a deacon that doth not preach".

Robert Boyd had not taught Chrysostom in vain. Gattaker and the moderate Presbyterians who were nearest 'primitive' episcopacy, opposed the institution of this office. While willing to be under the law, in an established church, they distrusted the intrusion of those they believed to be lay into spiritual affairs. That the Independents also supported this office, did not lessen their distrust.

(N.B. A historical error has been perpetuated by a typographical one in Laing's edition of Baillie's Letters. In that edition occurs, " Sundry of the ablest were against the institution of any such officer by divine right, such as Dr Smith, Dr Temple, Mr Gattaker, Mr Price, Mr Hall and many more, beside the Independents, who truly spake much and exceeding well. The most of the synod was in our opinion and reasoned bravely for it." But Lightfoot shows that the Independents argued ably for the ruling elder, as one would expect from their tenets. The "Apologetical Narration" mentions ruling elders, "with us not lay, but ecclesiastical persons separated to that service," showing that they were strongly in favour of their institution. Laing's period should be placed after the word "more," when the quotation would read, "Beside the Independents who truly spake much and exceeding well, the most of the synod was in our opinion and reasoned bravely for it." Shaw, Vol.I,161, reading loosely, asserts, "The Independents supported by Smith, Gattaker and Temple argued strongly against the divine institution of the ruling elder." Heatherington has made the same error in modified form. Shaw also quotes Baillie's statement that the Assembly voted, "nemine contradicente, that beside ministers of the word, there is other ecclesiastic governors to join with the ministers of the word in the government of the Church; that such are agreeable unto and warranted by the word of God, especially the 12th Rom. 8; 1st Cor. I2, 28; that in the Jewish church the elders of the people did join in ecclesiastic government with the Priests and Levites according to 2nd Chron. 19,8." His comment on this is that it is not borne out by Lightfoot's Journal (Vol.I,163 of Shaw). Unfortunately for Shaw, Lightfoot himself formulated the proposition quoted by Baillie and says it "was very well liked of ......... and voted nemine contradicente" as also was its scriptural proof.(Lightfoot's Journal p.79-80.)

The Independents were closer to the Scots at this time than at any other. Baillie (as yet) and Rutherfurd both write graciously of their abilities. But the opposition against ruling elders was strong. Goodwin, Bridges, Seaman and Marshall supported Rutherfurd in his exegesis.
Gattaker, Vines and Dr Smith opposed him. On 27th November, the matter was referred to committee, where the same debate spun round interminably. On the 30th, Henderson intervened characteristically, pointing out the necessity of rulers to oversee the manners of the people. Rutherfurd again took up the debate on the passage in Timothy and was followed by Lightfoot who maintained Chrysostom's exegesis of it. On December 1st, this passage was waived and 1st Cor. XII,28, put forward as a proof. The debate revolved as to whether ἀντιλήψεις and κοιτιάζεις referred to office as well as gift. Gillespie argued pro, Temple contra. When remitted to committee, both sides still rejected accommodation as the matter of an officer of the church was too important to be stated in a mere formula. Elders were either scripturally warranted or they were not. Acceptance of them on prudential grounds urged by Goodwin, Nye and even by Henderson himself, had not the approval either of Marshall, on one side or of Vines on the other. Neither were Rutherfurd and Gillespie likely to be too keen on establishing the elder's office on such grounds except with Scripture warranty. Gillespie later returned to the debate with ITim.V,17. Finally a committee was formed to draw up how far they agreed and the matter settled more or less by the proposition being voted. . . . . "It is agreeable and warranted by the word of God that some others beside the ministers of the word or church governors should join with ministers in the government of the church". Romans, XII,7&8, IstCor.XII,28, were adduced as proofs. Rutherfurd was not successful in getting ITim.V,17 passed, but it was not rejected. The Assembly next considered elders in
the Jewish Church as a proof for ruling elders. The question as to the nature of the elders in the Sanhedrin along with the priests and scribes, whether they were ecclesiastical or civil officers and what cases they tried all came under discussion. Gillespie, whose treatise, "The Assertion of Church Government" had used this as proof for the eldership, was the chief Scottish protagonist, though Rutherfurd intervened once to contradict a parallel of Lightfoot. Finally Lightfoot's proposition, "that in the Church of the Jews there were elders of the people, joined to the priests and Levites in the government of the Church" was carried. It was subsequently prefixed to the major proposition of "Other Church Governors". Rutherfurd and Gillespie would have liked eldership as in the Scottish Church established divino jure, but there is little doubt that Henderson stayed their vehemence. He knew that the question of the subordination of Church courts in the Presbyterian system was to follow and foresaw the folly of alienating the moderate English Presbyterians, whose support he would require against the Independents. The proposition concerning Deacons caused little debate. Rutherfurd's contribution was a speech on their perpetuity. On December 22nd, he took the Covenant before the Assembly, which, now that its work on Church officers was concluded, aimlessly turned back to consider the character of the Apostles. Thereafter from January 2nd to February 2nd, it was occupied with the debate on ordination (vide infra p. 132).

On 19th January, the first committee reported (1) that Scripture holdeth out a presbytery in a church, (2) that a presbytery consisteth of ministers of the word and such other public officers as have been already voted to have a share in the government of the church. On 25th January

I Propositions concerning Church Government, p. 6.
the Scots gave in a paper containing propositions with proofs concerning their church government. This was an expansion of that given in on November 14th, 1643, or rather an expansion of its fourth heading, "that Assemblies are fourfold". The November paper of Henderson had contained no proofs. This was loaded with them, and is unmistakably the work of Rutherford and Gillespie, containing all the arguments for eldership and presbytery. At the same time, the Scots gave a book to each of the Assembly, "touching their own government". It was probably Henderson's "Government and Order". All this was preparation for the forthcoming debate on "Presbytery". It was becoming increasingly obvious that certain points concerning Ordination could not be settled until the major business of Presbytery was resolved.

On February 5th, the crucial debate began with the Proposition, "The Scripture holdeth forth that many congregations may be under one Presbyteral government". This was the lengthiest debate of the Assembly and is reported in full in Gillespie's notes. Goodwin's opening speech seems to have set the tone of this debate, as Rutherford's had done in that concerning ruling elders. This time the debate is syllogistic and highly polemic, rather than exegetical. Texts are hurled from side to side, rather than investigated for their truth. The metaphysical discussion, which wearied Henderson, becomes ultra-metaphysical. Nor does Henderson follow it. The task was left to Gillespie assisted by Rutherford. The former's notes are a masterpiece of their kind, showing an intensely acute mind. He can memorise the whole argument of an opponent, however fine drawn, and, refuting point by point, trenchantly vindicate his own cause, as in his memorable attack on Selden. Rutherford's mind was as acute,

Though in this debate he did not speak at such length. Throughout it, he was at work on his "Due Right of Presbyteries". Every minute point raised in the Assembly was stored in his mind for refutation therein. The close inter-relationship of these two will be seen later in the examination of "The Due Right", where the heavy artillery of the Fathers, Schoolmen and Reformers is turned on point after point of his opponents' argument. In debate, Gillespie may have been the more rapid marksman, but Rutherfurd had the fuller quiver. The later works of Gillespie viz. "Aaron's Rod Blossoming" as compared to his earlier "Assertion of Church Government" show his learning and argument greatly enriched by contact with Rutherfurd. The latter, however, had a lining for the Parthian shot, for seizing an incontrovertible for his own case and putting it in incontrovertible syllogistic form, as in the famous Assembly where Lord Seaforth "would not have Mr Samuel trouble us with his logic syllogisms. He was to trouble the Independents in the same manner.

The arguments of the debate need not be largely discussed here, as they will be dealt with in the "Due Right". The Independents' negatives to the proposition were considered up to the 21st February, when they were voted out. They argued from their own conception of a church, that a presbyterial church made ministers and elders, to be ministers and elders, not of one, but of every church in the presbytery, which was an anomaly. They asserted that the right of excommunication resided in the congregation: as it did not reside in the presbytery it could not be used as an argument for church courts. They supported their view from the case of the Corinthian fornicator (ICor.V) and from the "Dic Ecclesiae" passage (Matt.XVIII,17). These the Assembly refuted with the traditional argument of Presbyterianism Gillespie led the attack, prompted by the little man, who sat supplying
material for him to weave skilfully in forceful argument. When the side
issue of Excommunication was raised, Rutherford speaks more frequently,
showing the fatal insistence on supreme ministerial control of that censure
which was to split the Presbyterian cause later in Scotland itself.

From 22nd February to 13th March, Scripture proofs for many
congregations under one presbytery were examined. They are those
originally put forward in "The Assertion of Church Government" and the
"Peacable Plea". The authors of these works are their ablest exponents
and are supported by Marshall, Vines, Seaman, Herle and Gattaker. The
debate on Presbytery is mostly left to these men and Marshall, their leader,
was an ardent supporter of the Scots. On February 22nd, it was voted
that the believers mentioned in Acts, I, I5, etc. belonged as members to the
Church of Jerusalem, on the 23rd, that they were more than could ordinarily
meet in one place in exercise of worship and of government, on the 28th,
that many apostles and other preachers in the Church of Jerusalem import
that there were many congregations, on the 5th March, that the elders of
that Church are mentioned in Acts XI and XV, on the 7th, that the apostles
did the ordinary acts of presbyters as presbyters in the Church of
Jerusalem, and that this shall be brought to prove the presbyterian govern-
ment at Jerusalem. On March 13th, by the cumulation of these, it was voted
that the instance of the Church of Jerusalem shall be brought to prove that
many several congregations may be under one presbyterian government".
These arguments, together with minor votes on detailed aspects of the proofs,
represent much of Rutherford's and Gillespie's collated thought. The
argument, especially Rutherford's, (it does not appear in the "Assertion",
I Lightfoot, I74-214. and Gillespie's Notes of Westminster Assembly, 30-42.
is put forward in the "Peacable Plea"), developed by him in debate with Goodwin, is that the apostles acted, not as apostles, but as presbyters in the Council of Jerusalem. With the accuracy of these exegeses, this thesis is not immediately concerned, yet in this, as in many other instances, the exegesis of the Scots was accepted after due deliberation by the Assembly.

But the debate was not brought thus far without some ecclesiastical manoeuvring. An unofficial attempt of the Scots at accommodation between themselves, the English Presbyterians, and the Independents was brought to nought by Nye's attack, in the Assembly on February 26th, on Presbytery as inconsistent with the civil state. As the Assembly was filled that day with members of the Houses, Nye's attack was dictated by reasons of policy. On Friday, 8th March, an accommodation committee of four Presbyterians, four Independents and the four Scottish Commissioners was appointed. Marshall gave to this committee a summary of the work of the unofficial conference before mentioned. Vines, the following day, gave in the English Presbyterians' terms of accommodation which were practically an assertion of Presbyterian government. Following this, the Independents gave in their terms, closely in accord with their "Apologetic Narration". These admitted Presbytery in a prudential and advisory way, but asserted non-communion with an errant church as the highest form of censure a presbytery could impose. Five propositions were agreed to in this committee and submitted to the Assembly on March 19th. They were, however, waived as the debate on Ordination was in progress.

On April, 10th, a review of the votes on Presbytery was presented by a committee appointed thereto. The propositions collected determined its Scriptural institution, composition and ecclesiastical power. A minor
The debate on the "fixedness of congregations" developed, but as a point of government it was decided to be a thing indifferent. Proposals to include the propositions on Presbytery with those on ordination sent up to parliament were rejected as the Scots preferred to have the propositions complete before their presentation. All this time Rutherfurd is daily enlarging his "great book against the Independents", which was to come out in May, 1644.

The Assembly next proceeded to a matter largely dealt with in the "Due Right"—the power of congregations. At the beginning of the debate, "Mr Rutherfurd still urged that we might keep clear in this that we should not infringe the power of particular congregations". He was, of the Scots, the most ready to recognise the congregational rights in the Presbyterian system. Baillie mentions a paper given in to the Grand Committee at this time wherein we asserted a congregational eldership for governing the private affairs of the congregation from the 18th of Matthew. Rutherfurd was certainly the inspirer, if not the author of this paper, which embroiled the Scottish Commissioners with the die-hard Presbyterians at home. Nye was on certain occasions to quote from the "Peacable Plea", attempting to show that Rutherfurd went, on some matters, almost as far as his own party. The division of congregations by the bounds of dwellings, the plurality of elders in the congregation, that no single congregation, which may conveniently join together in an association, may assume unto itself all and sole power of ordination, were all voted. The Scots intervened chiefly in the 'plurality of elders' vote, as certain of the Assembly conceived one ruling elder sufficient in the Church. Rutherfurd and Gillespie spoke so insistently that the point

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1 Lightfoot, 255.
2 Baillie, II, 182.
3 Gillespie, 60.
It appears in the "Propositions" as, "there are many Elders in one Congregation." The other propositions were debated mostly by the English Presbyterians and, in the last, which practically deprived the Independents of the congregational right of ordination, the Scots hardly intervened, knowing that their cause here was safe, and not wishing to offend the Independents more than consisted with the establishing of it: it was more critical to have ruling elders conceded by a majority of English Presbyterians, who were safe enough as regards the establishment of presbyterial ordination. It was the more specifically congregational elements of Presbyterianism, such as the power of ruling elders, (dearest to Rutherfurd of all the Scots), that the Scots found it hardest to persuade the English Presbyterians to accept.

From now until August, the Assembly was employed chiefly with the "Directory for Public Worship". In August, Warriston came down from Scotland with letters from the General Assembly to hasten Church Uniformity on the lines of the "Solemn League and Covenant". The Scots handed in to the Grand Committee a paper by Henderson on the evils of delay. The Grand Committee, by way of answer, suggested that the committee for the Summary (of Presbytery and Church Government) hasten their report and that the Assembly return to the matter of Church Government.

The order of debate on the remaining propositions occasioned some discussion. The English Presbyterians, through Vines and Herle, wished to begin with the power of congregations and to work upwards therefrom, whereas the Scots wished the fourfold assemblies of the Church resolved upon, for the politic reason that by so doing they would be able to present a scheme of government to the King at Uxbridge. The Scots'
wishes were ultimately carried and the Assembly proceeded to debate. "It is lawful and agreeable to the word of God that the Church be governed by several sorts of assemblies." The Independents quibbled over the word "church"; but it was agreed that the word was not used "to bring in any design but only to bring in the debate". The proposition was passed on September 6th. That on Synods was passed on the 17th September, the succeeding proposition "Synods are made up of pastors, teachers, and other Church governors" occupied the Assembly for some time and was finally passed as "pastors, teachers, and other Church governors, as also other idoneus persons where it shall be deemed convenient, and members of these assemblies which are called Synodical when they are called thereto." The clause concerning idoneus persons was a sop to the Independent Cerberus. "That Synodical assemblies may be of several sorts, as provincial, national and oecumenical" was passed with very little debate. The subordination of assemblies and the right of appeal through them though it was the crux of the whole difference between Presbyterian and Independent, was passed after four days debate. - "it is lawful and agreeable to the word of God that there be subordination of congregational, classical, provincial, and national assemblies for the government of the Church." Only in the last question did Rutherfurd speak at any length. On October 8th and 9th it was voted that "the said assemblies have power to convent before them those in their bounds, and that they have some power in church censure." When these propositions were finally passed, the Scots had succeeded in their chief task of having the Presbyterian system adopted by the Assembly. Only details such as numbers of commissioners, etc. remained to be filled in. The speed with which the last propositions were passed was due to the political situation. The defeat of Essex which balanced the victory of Gillespie. 87 and 88.
of Marston Moor made Scottish military help more necessary than ever and the Scottish Commissioners had thus a strong political hold on the Assembly. Baillie also mentions that they had "sundry means of haste in agitation with our private friends." The Independents also trusted to their political dealings with Cromwell to secure for themselves immunity from any Presbyterian legislation passed by Parliament on the advice of the Assembly. On 15th September Cromwell had procured an order from the House to refer to the Grand Committee the matter of accommodation, or toleration of the Independents. This was produced in Assembly on the 16th September. The Grand Committee met on the 20th and appointed a sub-committee of English Presbyterians and Independents to give effect to the Order. The sub-committee reported back on the 11th October but was instructed to bring a complete report on the 15th. When finally the Grand Committee met, the whole question was shelved, on the grounds that it was not in order to discuss objections against a proposed rule of Church government till such had been completed by Assembly and Houses of Parliament. The proceedings of this Committee were therefore suspended.

On 8th November, Dr. Burgess presented to the House the propositions on Presbytery, the Independents dissenting to the third proposition. Warriston's speech of 2nd December, asking that the Assembly complete the work on church government for presentation to the Scottish General Assembly in January speeded affairs, and all the votes on Church government were collected and presented to the Houses on 11th December. The Independents objected to three - Ephesus as an instance of presbytery, subordination of assemblies, that which denied power of ordination to a single congregation. The Scottish Commissioners Rutherfurd and Gillespie especially, were kept busy assisting in the answers to these objections and the matter passed into a pamphlet.
Throughout December and January (1644-45) the propositions were debated by the Houses and in the main passed by them. They were embodied in principle in some of the proposals put forward by Parliament during negotiations with Charles at Uxbridge. Failure of these left Parliament "to establish its church system by its own act and authority". Throughout the summer of 1645 it was busy debating in Committee the Directory for Public Worship, and the practical effecting of the Propositions. Regarding the latter a sub-committee of the House was appointed to confer with the Divines and the Scottish commissioners and also to call in advice from the city ministers. In the actual erection of the Presbyteries the Scots played little part. The only two ecclesiastical commissioners in London from January to April, 1645 were Rutherfurd and Henderson, and the former was chiefly occupied in the excommunication debate and in penning his work on that subject. Believing that the erection of presbyteries was as good as accomplished, the Scots were now keenest that there should be comprehensive Directory of Church Government published, to which the Church of Scotland, and the Presbyterian Church of England when established could both subscribe. This was the gist of a paper given by the Scots to the Grand Committee and read in Assembly on 14th April, 1645, during the debate on the congregational aspect of Church government. The Assembly delayed giving effect to their urgency for a fortnight being employed with the question of Church membership, and the debate on the gathering of Churches. On May 6th a committee was appointed to methodise all the votes concerning Church government and to collect them into a Draft to be presented to Parliament. After sundry interruptions the

Vide "The Reasons Presented by the Dissenting Brethren.....together with the Answers of the Assembly" etc. London 1648.
the Draft was finally completed on 3rd July, passed the Assembly on the 4th and was presented to the House on the 7th. The Draft incorporated and expanded the propositions of December 1644. The propositions on Presbyterian jurisdiction added to it will be considered later (vide infra). The subsequent history of the Draft in the English Parliament, till it was embodied in the "Form of Government" of 1648 need not be considered here. It was brought down to Scotland by Baillie and Gillespie and laid before Assembly in 1647. Both in and the propositions of 1644 were printed together that they might be examined by the Presbyteries. It was remitted to Committee in 1648 and again in 1649. The records of the 1650 Assembly are lost, but there is no account of the Directory of Government having passed the Assembly. Mitchell in his history of the Westminster Assembly claims that the Directory was Henderson's special work, a fact not borne out by the records of the Westminster Assembly nor by internal evidence. The Directory is explicitly the work of the Committee appointed by Assembly on 6th May, and is based on their preceding votes. The only difference specifically favourable to Scots doctrine is that the name of elders is more explicitly used. The nature of the Directory is that of a revision. The earlier propositions e.g. those on Church officers and on Presbytery are more succinctly stated. There is on the other hand considerable addition concerning the congregational element in the Church. The constitution membership, purity of the church are all dealt with. Separation is declared unlawful as also is the gathering of congregations from Presbyterian churches on the plea that their government is unlawful. The whole Directory shows that it has passed through the altemic of the

controversy concerning separation and congregational integrity. The statement that Henderson culled the materials of the Directory "in part at least from his treaties on the government and Order of the Church of Scotland, in part from the discipline of the French and Dutch Protestant Churches", has no relation to the facts of its composition. Mitchell cites no proof for this exceedingly general statement. If any Scotsman's influence is seen in the later propositions of the Directory one would be tempted to claim that of Rutherfurd who was at this time busily employed in the whole controversy and whose books were in the hands of every member of the Assembly.

The Debate on Ordination.

One may here consider a subsidiary debate which emerged during the larger debate on Presbytery, that on Ordination. A preliminary debate on this in which Rutherfurd took some part arose in the discussion on the apostles' powers. The apostles' power of ordination and their power to appoint evangelists to ordain, as also that to order worship and settle controversies, was finally passed by January 8th. The Independents had opposed these votes fearing that the matter had been raised for "prejudice and far ends", i.e. to predetermine the sole right of the Presbytery to ordain. Seeing a loophole in the decision that the apostles' power was extraordinary and ceased, they did not press the matter. Gillespie too, entered a caveat against the using of Acts XIV 23 as a proof for ordination since the word was for him a proof for the peoples' right in election and had been construed "ordaining" only by Episcopal translators. The Scots were careful not to have any ambiguity concerning the difference between election and ordination.

Doctor Temple's report on January 9th commenced the debate proper
on Ordination. "That preaching Presbytors only, are to ordain was the mind of most of the Assembly. This the Independents stoutly resisted. Rejecting any inner or even ecclesiastical meaning in the act, they gave him their finding "that as far as participation of the elders in the work is concerned, ordination is simply the solemnisation of the officers' outward call and (2) there is no proof that in the Act of Ordination there is a derivation from the elders' as such, of such power as gives formal being to a Church Officer." On 26th January Parliament sought them to hasten the matter as many vacant churches needed pastors. The doctrinal part of Ordination was laid aside whilst the Assembly dealt with the practical problem. It decided "that in extraordinary cases, and until a settled order can be had extraordinary means may be employed". The second proposition of the committee who reported concerning this gave power to ordain jure fraternitale to certain ministers of the city. This caused hot debate. The Independents feared it as the thin end of a Presbyterian wedge and the proposition was dropped on February 2nd. till the larger question of Presbytery should be settled. On March 18th 1644, the Assembly having passed their propositions on Presbytery again took up Ordination. Dr Temple further reported from the third committee. The lawful calling of the minister as requisite to ordination was easily passed. Trouble arose on the proposition "That none may be ordained to that office without designation to some particular place." Those Presbyterians in whom some trace of Episcopal tenets still lingered opposed it strongly. Calamy, the Smeectymnuan, argued against it. It was undoubtedly inserted by Scottish influence and Marshall who was in closest touch with the Scots

1. Lightfoot. 115.
and had lately been to Scotland, was its chief English supporter. Calamy who, had himself been ordained long before he had accepted a charge, argued against the proposition on the ground that it would invalidate the orders of many godly men and held out for the older English practice. The Independents, as far as they took any part in the debate, were for the proposition that ordination must be with designation to place. Rutherfurd was very careful to distinguish between election and ordination, that the Scots might not seem to uphold the Independent doctrine which made both in essence the same. Finally it was voted, "that it is agreeable to the Word of God and very expedient that such as are to be ordained ministers be designed to some particular church or other ministerial charge." The Scottish Presbyterian view had thus largely prevailed, though ordination without designation is not definitely forbidden. The relation of congregation to the ordinand was then debated in the proposition, "that those who ordain him are to recommend him to the congregation and have their consent, unless they can show just cause of exception against him!" Various opinions emerged, some giving more, some less power to the Presbytery in electing a minister. Rutherfurd is himself the most cost congregational of the Presbyterians, stating that "The Scriptures constantly give the choice of a pastor to the people. The act of electing is in the people and the regulating and correcting of their choice is in the Presbytery." The right of election as to where vested was, however glossed over and a proposition, very much of a formula drawn up. — "No man shall be ordained a minister for a particular congregation if they can show just cause of exception against him." The final propositions concerning ordination as an act of Presbytery were voted with little debate on March 22nd to 25th 1644. All of these were drawn up by a committee and presented to the
Assembly on April 3rd. After debate on these, the Assembly at the instance of Lord Warwick, turned to consider a Directory for Ordination and appointed a committee along with the Scottish Commissioners to draw it up. This was done by 19th April, when the Directory and the doctrinal propositions, including that concerning "extraordinary cases", were voted to be sent up to the Houses. These propositions were taken down to Scotland, along with those concerning Church Government, and presented to the General Assembly of February 1645. They were printed for the consideration of Presbyteries but not ordered to be practised. The London Commissioners were ordered to conclude Uniformity on their basis, as soon as ratified by the English Parliament. They were never so ratified. The House of Commons whittled down the doctrinal part of Ordination to an Ordinance dealing with "extraordinary cases" and added a preface of their own to the Directory. Despite the efforts of the Scots, the Assembly achieved only the insertion of certain alterations in the Ordinance, which was re-issued in September 1645, as valid for one year and again in August 1646, as valid for three. In 1648, it was incorporated in the Ordinance for Church Government, which had no limitation.

Though the Scots were not satisfied with the Ordinance, they had achieved much. They had gained for the people a certain, if limited voice, in the election of the pastor, for the Directory provided for objections to life and doctrine. They had had the principle of Presbyterian Ordination admitted. The form of Ordination also was much closer to Scottish use than to previous Episcopal or contemporary Independent practice. Meantime the pen of Rutherford had not been idle.
THE DUE RIGHT OF PRESBYTERIES.

Baillie's letter to Scotland of Jan. 1st 1644 mentions that "Mr. Rutherford's other large work against the Independents is on the press and will do good." On March 22nd he writes "Mr. Samuel ...... is very necessary to be here, especially because of his book which he is daily enlarging and it will not come of the press yet for some short time." Later, referring to the General Assembly of July 1644 he says "Mr. Samuel's great book against the Independents will be but then coming out and it were very inexpedient he should be away at this time." The Scots expected some "affronting reply" to his work. It therefore appears that his book was put to the press, stopped and an addition put to it, stopped and further additions inserted. There is further internal evidence of this in the treatise itself (vide infra). It was published probably in the beginning of August 1644.

On his coming to London, Rutherford had evidently been given the task of composing a further work against Independency, this time against the forms and theory which had been more specifically developed in New England. This was also intended as befitting the importance of the occasion to be a fuller, more scholarly, and elaborate refutation of their tenets. He approaches the controversy from a different angle, instead of a "Peacable and Temporate Plea" it is "The Due Right of Presbyteries", though he adds as a sub-title, Or "A Peacable Plea for the Government of the Church of Scotland." Though still unmoved by any personal rancour this treatise is more assertive and provocative than its predecessor. The works to which he is replying also show the altered

1. Baillie ii. 159.
2. Baillie ii. 161
field of attack. The moderate and scholarly work of Parker is less dealt with than Hooker's "Way of the Church of Christ in New England," and Robinson's "Justification of Separation". A good deal of the treatise is spent in discussing the answers of the New England Churches to questions which after they had refused to send delegates there, the Assembly had sent out to them. Rutherfurd had been brought to England to assist in the formulation of standards which would unite all three kingdoms, so his pen is directed chiefly against those features of Independency which would cause congregational or national schism. The chief theme of the "Peacable Plea" had been pastoral authority, its source nature, and relationship to the Church. But Presbyterian and Independent were now even more at variance over each other's pastoral power. The chief theme of the "Due Right" is the institution and constitution of the Church, the folly of separation from it, and the necessity of a systematic government within it. These had been treated in the "Peacable Plea" mostly in relation to the "power of the keys", now the latter question is only treated as part of a larger question which it had ultimately engendered, the institution and constitution of the visible Catholic Church. Rutherfurd possessed the widest knowledge and the deepest learning of all the Scottish Commissioners, so to him belonged the task of a comprehensive propaganda and controversial against Independency in all its forms. Unfortunately the orderly composition of his treatise suffered by having material inserted here and there as the debates in the assembly progressed. Pages 144 - 174 are such an insertion. They are added to what was originally a small section on officers and elders in the Church, answering some theses of "The Way of the Church of Christ in New England". Entitled "a more special consideration of Ruling Elders, Deacons and Widows they
138.

are his answer to the Independent and other arguments on these questions which occupied the Assembly in November and December 1643. Much of it was an expansion of his speech on 1 Tim. V. 17 made on November 23rd. It was probably inserted when the book was put to the press at the end of December 1643. Pages 288 - 485 is a similar addition. The matter of this insertion is a summary exposition and argument of the propositions voted in the Assembly during February and March 1644. This is supported by Baillie's statement of March 22nd concerning Rutherfurd's "daily enlarging" of his book. That page "485" goes back to 185 shows how mechanical some of the addition was, with little attempt to weave it into the main course of thought. The actual treatise comprises pages 1 - 140, 241 - 288, 185 (in reality 485) to the end.

Summary of the "Due Right."

The "Due Right" begins as controversial against the "way of the Church of Christ in New England" whose doctrines Thomas Hooker developed from Francis Robinson. Rutherfurd begins by attack on the basic principle that the Church in the New Testament instituted by Christ, to which he has given the "keys", the Seals of the Covenant, the officers and censures of the Church, the administration of public worship, etc., is a coetus fidelium, a company of believers meeting in one place every Lord's Day for the administration of the Holy ordinances of God to public edification, that is, to the localised congregation. For him the most that can be said of such a body is that it is the matter of the Church. As a Church it lacks institution for it lacks those who can administer the Sacraments or perform pastoral actions. It has no power to create such men since ordination is not by God's word given to the coetus fidelium. The only power officers appointed by such a body, have, is a certain power of order, such as of a president in a meeting, they could not possess any power of government and discipline over the people. The Church is not complete without governing officers, and to these governing officers the "keys" are given. There follows an exposition of the Petrine passage refuting that the "keys" are given to believers, as an argument that the local congregation has all power within itself. With great learning, greater than that of the "Peacable Plea" he pours out patristic argument on the subject, quoting obviously from the original sources (p.12). He maintains that Matthew XVIII,16-17 will not bear the interpretation of the ecclesia as a local Church and all antiquity, the Schoolman and the Reformers are brought to destroy such a construing of it.
In his second chapter he clearly distinguishes secular and ecclesiastical government. Secular power of government he admits vests in the people who conveyed by election, but ecclesiastical power is supernatural from Christ and cannot be conveyed by them. To put ecclesiastical power in the hands of officers by election only is the intrusion of a civil way into a supernatural body. The impossibility of all the people meeting for all occasions of Church government and the inadvisability of their so doing is demonstrated, as is that of making them judge jury, and witness in an ecclesiastical cause. Though he excludes none from hearing a cause tried yet the presence of the people thereat is not necessary. The Independents' argument that supreme juridical power vested in the people, from the case of Archippus in the new Testament, is refuted. Carried to extreme he points out, this doctrine would mean that every man, woman and child could usurp all Church functions. He refutes Robinson, who argues that according to the Presbyterian view, if there are no officers there is no forgiveness, by showing that Church officers are only one means whereby God-saving grace is made known (31).

In the third chapter the presence of the people at and in Church censures is further dealt with. He enters on the rather speculative difference between questions of law and questions of fact. In a question of law the people may judge, that is, they may decide whether some matter or doctrine is according to the law of God. 'People under eldership are not mere instruments moved only by superiors, because they are moral agents. They are to give all diligence that they be not accessory to unjust sentences lest they partake of other mens' sins.' But in question of fact the case is different, e.g. as to whether or not a person is guilty. In this case the people cannot know all the facts and it seems that they are to consent to the sentence of the court, for 'the Lord seeth what confusion and tyranny should follow if one might be both judex, actor, and testis, the judge, the accuser, and the witness' (46). Sound enough as some of these dictums are his own later history in the years succeeding 1650 shows that when questions of law and of fact became inextricably mixed the light of his thought was insufficient to illumine a pathway to their reconciliation.

From this legalistic excursion, pertinent enough in its refutation of the congregation as a heterogeneous court, he returns to the further consideration of the New Testament Church and to the denial in the "Way of the Church" of any national or provincial Church therein. Rutherfurd maintains that if he proves communion in government between Churches, he proves them one Church (53). He cites the familiar instances of Jerusalem, Galatia, and Ephesus as provincial Churches. He admits in passing, the more limited sense of the word "church" as applied to one congregation. A National Church he says need not meet altogether, they are a Church if united in one-ministerial government. "There ought to be a fellowship of Church communion amongst all the visible churches on earth." By Christ's institution there is one universal Catholic Church, (Eph. IV. 4.). From this, whether or not they exist de facto, there should be Ecumenic and general councils to foster this communion; for as well as its inner bond of the spirit, Church communion should have its outward manifestations also (59). The national Church of the Jews is discussed, how it agrees, how it differs from the Christian ideal of a national Church. With some sophistry, he selects the arguments which
most suit his case, and explains away any which appear to overturn it. From this he is enticed into a discourse on excommunication in the Jewish Church as an argument for ecclesiastical censures, and deals with the matter of "separation" rather prematurely. He admits that the power of excommunication may vest in a little body on a remote isle, but much more so in the greater body of all visible churches. Excommunication in one Church, in order to avoid contagion is excommunication in all. From it as an ordinance protective in function he adduces the clear need of a provincial church.

The next subject of consideration is the actual membership of the Church. "All who would be saved must be added to the Church," so states the "Way of the Church." There is a necessity says Rutherfurd of joining ourselves to a visible Church as a means of salvation, either by a formal or rational profession of faith. But such a necessity is not categorical. "If some die without the Church having faith in Christ, and want opportunity to confess Him before men, as repenting in the hour of death, their salvation is sure and they are within the visible Church." But such a church is not a small local body of saints, and the idea that salvation necessarily depended on belonging to it, as the "Way of the Church" asserts, is refuted from all the Father's and Reformers. He explodes the faulty exegesis of "without are dogs" (Rev. XXII) and of I. Cor. V. What formal act makes a member? (63) Consideration passes to a manuscript treatise which he possesses dealing with the idea of a Church Covenant as constituting membership, even as constituting the Church. He deals now with the actual practice of the New England Churches. Their way of forming a Church is outlined - A number of Christians with a gifted elder meet together till a sufficient company of them are well satisfied in the spiritual good one of another. They acquaint the Christian magistrate of their purpose of entering into Church fellowship and convene on a certain day. One in the name of the rest propounds the covenant which asks for a public declaration of their conversion and a public profession of their faith. All give a vocal covenanting to walk in that faith and promise not to leave the said Church without the consent thereof. Further New England dicta are that a Church of infidels must be converted before anything be done for them. Baptism makes none members of the visible Church. A Church fallen cannot be accepted until all within it renew their covenant. Some of the Theory, much of the usefulness of all this Rutherfurd concedes. He differentiates the Covenant of Grace between God and sinners with such a Church covenant as this. He agrees to a Covenant between men and God in Baptism and in the Lord's Supper, "virtually and implicitly renewed." He admits also an explicit and vocal covenant in the people's assent to a new pastor and in a man's profession of faith when he assumes membership of the Church. What he most strenuously refutes is that this "covenanting" as expounded by the New Englanders, definitely constitutes a Church. To make such a covenant so binding that one cannot leave the Church without the consent of its other members is to tie "where God hath not tied". The question as Rutherfurd sees it then, is not whether there is a tacit and a virtual covenant when persons become members of the congregation (88) nor whether such a covenant may be lawfully sworn - he thinks it may excepting the condition not to remove without consent - but whether such a covenant, by divine
and apostolic warrant, is the lawful, necessary and apostolic institution and form of a visible Church. He asserts strongly that it is not. To make a man no member of a Church unless he takes such an oath is unscriptural, therefore, such cannot be a necessity to Church institution. In the New Testament admission was by profession of belief and Baptism which is the seal of our entry into the Church. The Covenant of Grace to which all Christian men attest is a sufficient and comprehensive covenant concerning their duties. The most that can be said for the Independent's! Church Covenant is that it strengthens the weaker man faithfully to perform the obligations of the Covenant of Grace and of the Gospel. The New Englanders admit the British Churches may be true Churches, because "there is a real, implicit and substantial coming together and a substantial professing of faith and agreement, which may preserve the essence of the Church in England and other places, thought there be not so express and formal covenenting as need were." To this Rutherford replies that the New Englanders refuse to admit those driven from England by Prelacy till they swear their Church Covenant, which is a practical denial of their belonging to a true Church (99). There follows further exegesis of the Old Testament showing that the Independents' Covenant is not there embodied as either a formal or a material cause of the Church. Baptism and profession of faith is what makes a man a member of the visible church. The idea of a Covenant doing so comes perilously near Anabaptism, for it makes nonmembers of a true Church but those who take it, and children cannot do so. It does not avoid the question to say, as some of the Independents do, that Baptism is a sign of our relation to the invisible Church; it is a sign and seal of the visible Church.

Independent objections to the imposition of a national Confession of Faith are considered and the usefulness of such a practice maintained. An oath to true religion is a special remedy against backsliding. "A platform as it is conceived in such a style, method, characters and words is a human ordinance, but we swear to no platform in that consideration; but a platform according to the truth contained in it in which sense only it is sworn unto." Confessions are therefore, to be believed in so far as they are agreeable to God's Word and lay upon us an obligation secondary only. "Yet are they not so loose as we may leap from point of faith and make the doctrine of faith an arena gladiatoria. Here he announces a principle in the practice of which he was in later years by no means perfect. Perhaps like Knox in some matters he admitted the principle, but was convinced that no other interpretation than his was the truth of God.

Here the first insertion of material from debates in the Westminster Assembly occurs.

He now returns to some of his former arguments. The Church of believers may be a mystical Church, it is the matter of a church, but not a governing Church for the "power of the keys" is not resident in it. Robinson's scriptural arguments, formerly refuted in the "Peacable Plea", and now restated in his "Justification of Separation", regarding this are refuted - the fact that the Church of believers may exist before
the Officers in time, does not mean that they have supreme power over the latter. The swearing of Covenant gives the people no right to appoint and ordain officers. Ordination is now discussed. Rutherfurd admits that though a man sins in accepting ordination from a prelate yet the ordination is lawful, even as Romish Baptism is lawful, because Prelacy though different in nature from the officer of a true pastor, is yet consistent in some subjects with it. Dealing with the other extreme, congregational ordination, he says, that though election by the people may make a man a minister, in some cases, yet it is not the essential cause of a called pastor. It is, he considers, only an exception dictated by extreme necessity. Ordinarily the established order and calling of pastors is by succession of pastors to pastors and elders to elders. It is given by scripture to pastors only, to ordain. Rutherfurd examines the claim of the Church of believers to ordain pastors as put forward in the "Way of the Church". The Apostles ordained pastors, and pastors, not the people, succeeded them in that act. By ordination a man is made a pastor of the Church Universal though not a Universal pastor. He concedes that election by the people and some other thing may supply the want of ordination only in an exigency of necessity. Election is now considered. The people have God's right to choose, he supports this from scripture and the early Fathers. The calling by the people doth not make a man a pastor. But the Independents ask from whence then had the Reformers their calling to a pastoral charge. Rutherfurd answers that, though the calling of the Reformers was not extraordinary in the sense in which the Apostles were called, yet, in view of the exceeding evil of the times, there was something extraordinary and of God in it. Luther's oath to preach the Gospel did oblige him as a pastor, thus his calling according to the substance of his office is valid. His oath to preach the Roman faith exacted from him, was unlawful and did not oblige him. "His gifts being extraordinary, his spirit heroic and supernaturally courageous and so extraordinary, his faith in his doctrine great, that he should be blessed with success in his ministry, extraordinary, his calling on these considerations may well be called extraordinary though not immediate or apostolic!" Moreover, he states, there has always been a true visible church to give such men their calling. They have been orthodox teachers throughout all ages, so there must have been orthodox people who believed them. There has thus been a pure church visible (and protestant) since the Apostles' time. There was the church of the Waldenses. In his historical arguments he draws largely from the "Altar Damascenum" of David Calderwood. The calling of the Reformers was from the true visible Church that was always inside the corrupt Roman one. Besides this there was something valid in calling from the Roman Church, which asks men to preach God's truth. If we admit, as Robinson does also, that Rome's baptism is valid there must be something valid in the calling of our pastors. From all this the calling of the Reformers is proved lawful and valid and thus the calling of the pastors of the Presbyterian Church is valid also.

Dealing now with the number of members in a Church, while ridiculing the Independent idea that there must be no less than seven he agrees with them that a congregation ought not to have an unwieldy number. He objects to trial of the grace of the member before he is
admitted, because grace is a note of the invisible Church and the Church visible cannot judge of it. He cannot see how the Independent congregation can judge the inner life of a man though he certainly admits its right to exclude the scandalous. According to the "Way of the Church" the members of the visible church are "visible saints, sons and daughters of the Lord God, temples of His Holy Spirit". He proceeds to discuss the relation of such members to the visible and invisible Church. The invisible Church is the only perfect Church with whom the Covenant of Grace is made. If members of the visible Church are really chosen saints, as the Independents maintain, then the visible and invisible Church is one and the same. This is impossible for no visible Church is free from the possibility of error. The Church visible, as visible, has no right to the seals of the Covenant but only as far as the people within it are God's pardon and sanctified people. "A visible profession of the Truth and Doctrine of godliness, is that which essentially constitutes a visible church and every member of the visible church...... We again do teach that the scandalously wicked are to be cast out of the Church by excommunication, and these of approved piety are undoubtedly members of the visible Church so these of the middle sort are to be acknowledged members of the Church though the Church have not a positive certainty of the judgement of charity, that they are regenerated, so they be known." Arguing against the exclusiveness of the Independents, he maintains that if Church members are not to be Church members, till they are converted and visible saints, then the function of pastor and of preaching is practically worthless. (254) This exclusiveness approaches perilously near the Roman doctrine of Extra Ecclesia nulla salus. The Fathers acknowledged that there were good and bad in their Churches. Our Lord had Judas among the disciples. Moreover the New Englanders insist that those admitted must be saints not only by profession but in sincerity and truth; yet, de facto they are bound to admit some who are not so, for their judgement must err and their Church's institution becomes faulty. The scriptural arguments in the Way of the Church on this point, are now considered, - especially that which seeks to make the Jewish Church typical of a pure Church of saints. Robinson's scriptures on this are also refuted. The authoritative preaching of the Word is a note of the visible church, and the true hearing of this is a note of the communion of its members. The excommunicate are not to be cut off from the hearing of the word, and thus even they are in some sense members of the visible Church, though they be debarred from the "seals". (274) The anomaly of the Independents practising excommunication in a theoretically pure Church is demonstrated. In closing the chapter, Rutherford gives a little treatise on the history of excommunication, with great wealth of patristic and Reformed lore. (282-288) He takes up the argument as to whether or not discipline is a note of the Church. He admits that it may be considered not necessary to the esse of the Church visible as such, but it is absolutely necessary to its gene esse. His conclusion is that it is a necessary note and inseparable from a visible church, whole and entire, and not, lame and imperfect (280)
"Way of the Church". Rutherfurd holds that no believer of professed piety can be denied the seals of the Covenant because he is not a member of a particular visible church. Profession of belief is sufficient for him to receive the seals. He seeks to safeguard any human abuse of the latter by distinguishing between the "voluntas beneplaciti" and the "voluntas signi" of God. By the "voluntas beneplaciti" the seals in reality belong only to the invisible church and are effectual only to the elect and saved. But as the church is also a visible body, there is according to the "voluntas signi" or the approving will of God, an orderly giving of the seals to all professing the faith. The Church may lawfully give the seals to those to whom the Covenant of Grace does not belong by God's decree of election. The church may add to the church visible those whom God adds not to the church invisible, and cast out of the church visible those whom God may include in the church invisible. Thus Rutherfurd accounts for human errancy. From these premises, he proves that the Sacraments are not to be denied to a professing believer. A minister in one church may not exclude a member from another from the Sacrament (without cause; just because he is not a member of his own church; for "the visible church is not one parish but all professing the faith of Christ". Old Testament arguments from Jewish practice are exploded. (190) Rutherfurd attacks the actual practice of excluding members from old England because they are under "public scandal and reproach". "It is an offence that they come to us, as members of no particular church visible (for they leave that relationship when they leave their habitation)." So runs a New England manuscript in his possession. But says he, "this is to be wondered at, their offence is due to suffering for pure religion and in that church (of England) many of you had your baptism, your conversion, your calling to the ministry." How can it be an offence not to be members of an Independent church in England when no such may be had there? The manuscript also adds that it is "a public offence that they have worshipped God according to the precepts of man". Yes is his answer, and this is to be repented of, but "submitting to an anti-christian government doth not make ministers know ministers, so as they must receive ordination to the ministry anew. Peter's fall took not away his Apostleship.

Sundry other papers from new England are dealt with. On the question of baptising children, he writes that he sees no need for a parent to be a member of a particular congregation before his child may be baptised, for Baptism is a seal of our entry into the visible church. The relationship of pastor to church is now considered. He rejects the Independent doctrine that the call limits the office, and that a pastor is only pastor to one congregation. In the first place this is unapostolic and would destroy all missionary endeavour, secondly when the individual church, for no fault of his own rejects the pastor, on this theory both nomen and esse of a pastor would be taken from him. By calling and ordination a man is made a pastor, by election he is restricted ordinarily to be pastor of his flock. A pastor is a pastor of the Catholic Church, but not a catholic pastor of the Catholic Church as were the Apostles. Another question which he deals with more fully later, is "whether or no children are to be received into the visible Church." This too, is linked up with his present consideration of
membership, for although they were baptised the Church of New England refused to admit the emigrants to their congregations because it was contrary to their belief that children were received into the visible church by Baptism. Rutherford enters on the nature of the Sacraments, refuting the Roman doctrine that they worked ex opere operato (which the Independents also strenuously opposed), but pointing out that they came near the Socinian view that these were but naked signs, by denying Baptism to be a seal of entry into the visible church. This he asserts strongly it is, besides also actively working by exhibiting the grace of God.

Separation is now considered (220) and dealt with in three headings, (1) With what Church retaining the doctrine of fundamentals we are to remain, (2) Whether our separation from Rome be not warrantable, (3) Whether we may lawfully separate from true Churches for the sins of these Churches. (His consideration of the first is interesting in view of his later harsher interpretation of the doctrine of fundamentals.) He reduces matters of faith to three, (1) Fundamental points, (2) Supra fundamentalia, super structures on fundamentals, (3) Circa fundamentalia, things about matters of faith. He rejects Praeter fundamentalia, things indifferent as not coming within any category of a body of divinity. Ignorance of fundamentalia condemmeth as does ignorance of supra fundamentalia built on them. Belief in these is necessary to salvation. Things about the foundation, circa fundamentalia, are all things revealed in the work of God as all histories miracles, and chronology, things concerning Orion "that Paul left his cloak at Troas." We are commanded to learn this knowledge but it is not necessary to salvation. "Many are in glory (I doubt not) who lived in the visible church and never knew Samson killed a lion." (222) Regarding the points fundamental knowledge of them is necessary to salvation and to keep communion with a true Church. We have to separate from a church altering or subverting the foundations. God's Word, not the Church, (as Rome holds) is the guide in fundamentals. But even in this matter of fundamentals a man may lack faith in one or more, and yet be saved. Evidence of knowledge of fundamentals is something that needs careful consideration. "There is a conscience simply doubting of fundamental points, this may be a habit of sound faith, (2) a scrupulous conscience which from like grounds is brangled about some fundamental point, and this is in sound believers who may and do believe, but with a scruple." Only the pertinacious unbeliever is irrevocably damned. Moreover in fundamental points themselves there are lesser and greater, and these are to be believed necessitate praeepti because God commands them, but happily not necessitate medi. Our own believing is various in fashion, some believing more intensely, some with more knowledge than others. "It is possible many be in glory who believe not explicitly but only in the disposition of the mind." (Some of this seems strange from the disputer against all Toleration). Though knowledge of fundamentals is necessary to salvation it cannot be easily defined what measure of knowledge of fundamentals and what determinate number of fundamentals doth constitute a true visible church and a sound believer. Rutherford's conclusion is that they are all saved who believe all the fundamentals materially, though they cannot distinctly know them under the reduplication of fundamentals nor define what are fundamentals and what not. If a church retain the fundamentals yet if those within her are forced to believe as truth, something everting
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the foundation of faith, they are to separate from her. Hence comes our separation from Rome. Against Robinson he maintains that separation from a true Church "where the word of God orthodox is preached and the Sacraments duly administered," we think unlawful. The former's text "be ye not unequally yoked with unbelievers" hardly supports his case as it is as good an argument for separation only from the idolatry of the mass etc.

From this Rutherfurd turns to the question of separation as put forward by Robinson. We are not to communicate at the same table as evil persons says the latter; but the former denies that by doing so he has any share in their evilness. The Lord's table is nearest to the Communion of saints as any possession that the saints on earth have, and this say the Independents must not be polluted. Rutherfurd argues that all who are baptised have a right to communion with Christ, in remission of sins and regeneration sealed in Baptism, and in one common Saviour and common faith preached in the Gospel. This Communion cannot be declared unlawful and this fellowship "lying sign" simply because all baptised, hearing one Gospel, and making an avowed profession are not known to be regenerated. He shows justly that the Apostolic Church, such as the Church of Corinth was not a body of saints in the sense in which the Independents interpret the word. Moreover in separating from the ungodly in a church, separation he states is also made from the righteous who remain. The remedy lies in the exclusion of the ungodly from the Lord's table. Texts of Robinson for separation are rejected. If a man be not converted but not scandalous, it is contrary to the Word of God to excommunicate him, or to separate from the Church which does not do so. Even if the church does not cast out the scandalous person we are not to separate from it any more than the Godly forsook the church of the Jews wherein there were many such. He maintains that the true Church called and chosen from the world is the invisible church, not the visible church as the Independents hold. Their whole error lies in failure to recognise the difference between these two. Rutherfurd concludes that one may in an impure church, separate within it from those impure and hold no communication with them, but not from the best part in it, nor from hearing the Word. "There is no just cause to leave a less clean church (if it be a true Church) to go to a purer and cleaner, though one who is a member of no church hath liberty at election to join that church which he conceives purest and cleanest." The duty of members is to stay within and purify such a church. From an adulterate church like Rome, one may and must separate.

From discussion of this he returns to consider, in reference to the "Way of the Church" the question of Baptism. In this treatise the Baptism of children of unbelieving parents had been denied. Even an excommunicate man may have a seed of faith in him, says Rutherfurd, and for this reason his child is to be baptised. The child's right to Baptism comes through the father's right, but it cannot be taken away by the father's sin as the Independents maintain. He questions if the father's faith is the essential ground of the child's right, because as Beza holds no man is saved by another man's faith, nor can the parents' faith be imputed to the child. Children are baptised because they are born in the Christian faith which was that of their forefathers, so that
even those of Papists and excommunicate Protestants, which are born within our visible Church are baptised, if their forefathers' faith was sound. The nearest parents are the conveyers and propagators of a federal holiness to their posterity. As a Jew, though evil, born in the Jewish nation had a right to its privileges, so much more a Christian child born in a Christian nation has a right to the privileges of the Christian Church. Moreover the children of unbelieving parents might be elect. Are they to be denied Baptism? God extends his mercy to a thousand generations of them that love Him, and keep his commandments (Exod. XX). This he interprets as an argument for the federal holiness of the child. Godfathers are for him only a civil use e.g. as witnesses.

The next part of the "Way of the Church" to be considered is dealing with Church censures, but as he as already dealt with the people's power in these, he passes on to the Independent doctrine concerning the preaching of the Word. "Is the preaching of the Word the ordinary means of converting souls, and in this work is it efficacious because preached by pastor as pastor or because preached by one gifted to do so?" The Independents appear to give a negative answer to both these questions. Rutherfurd upholds the pastoral preaching of the Word as the ordinary and only efficacious means of conversion. Despite his obvious error here, one would agree with much that he says concerning the preaching of the Word as an ordinary means of conversion, while agreeing with the Independents that all gifted men, who wish to do so, sincerely should preach, and may do so powerfully. Even here certain of Rutherfurd's strictures might be applied as wise caveats. He deals with some of the answers given by the Churches of New England to the questions sent out from the Westminster Assembly. In one of these, the New Englanders had stated against preaching as an ordinary means of conversion, that conversion did not always follow it, and that when it did, was not in virtue of the pastor's office, but in virtue of the blessing of God. This he opposes by saying that he does not hold office ex natura to have influence and he admits the blessing of God is needed. But the New Englanders, he maintains, confuse the ordinary preaching with efficacious preaching; for the latter both pastoral preaching and the blessing of God is needed (268). The instrumentality of private Christians in conversion may be admitted, but to preach the scriptures demands an official sending and calling. An anomaly arises through the nature of the Independent Church itself, for if all its members are saints, then the sole work of the pastor is to confirm, not convert; yet conversion is the definite mission of a pastor. The doctrine that gifted men may preach without official calling is Socinian and heretical, and he accumulates all the argument of the Reformers against this. He is prepared to admit that in an unconstituted Church, a gifted man may preach, but not in a Church constituted. Public preaching is the ordinary means of saving those who believe. Pastors are called of God to make members of the visible Church members of the invisible also. The pastor has his formal calling by the laying on of hands, his inward calling from God himself. Gifted men may admonish privately. He turns to deal with Robinson's arguments on this subject as they are put forth
in the "Peoples' Plea for the Exercise of Prophesying", and vindicates his own theses against him,—the gift is not calling e.g. a man may be gifted for the kingship, but not called to it; by this argument women might preach. Gifted men have no authoritative power from the Word to bind and loose. Robinson's arguments to prove that preaching in the Old Testament and in the New Testament was often by 'laymen' are refuted (not always correctly, viz. 280-284). As between the two opponents the cogency of scriptural arguments is fairly evenly balanced.

Again Rutherfurd turns back to the "Way of the Church" to consider the manner of the Church censures in New England. The New Englanders deny that they carry any matter either by an over-ruling power of the Presbytery or by the consent of the majority, "but by general and joint consent of all the members of the Church and we are of one accord as the Church of Christ should be". Any not assenting through ignorance, "we labour to bring to our mind by sound information. If any by pride do not assent, we take away his vote from him". In answer to all this, Rutherfurd that unity is to be much desired. But in the first place we carry nothing in a synod because it is by the majority of voices, but because the thing itself is agreeable to the Word of God. In practice the Independent theory of unity in the consent of the congregation has been the source of further separation,—"for if twenty do not agree with twenty, they separate into two churches." Good men like Paul and Barnabus may differ and a synod is the only lawful way of healing the difference. God has given to pastors as overseers a superiority whereby they are by office and government above the people. This power is limited and conditional; they may declare only the will of Christ and must conform in all their doings to his Word. While the Church of New England appears to acknowledge a Presbytery whose work it is to teach and rule, and whom the people ought to obey, and to condemn all merely popular government, yet Rutherfurd maintains that in principle they give the power of the "keys" to the people, and so invalidate the real power of Presbytery. People may elect, but not ordain elders, in a constituted church. No congregation can excommunicate elders. The power of the elder is far greater than that given to them by the New Englanders, of merely convening the people. The authoritative power of teaching, which the Independents allow to pastors must be supported by an authoritative power of government, if it is to be efficacious. That the elders have only a directive power in censures, i.e. that they only direct the congregation to the sentence they are to pronounce, Rutherfurd resolutely opposes. The power given to the elders in the "Way of the Church to dissolve and separate from an unruly congregation, is an anomaly in a church which claims that the power of the keys resides only in the believers.

The inter-communion of Christian churches is his next theme. The "Way of the Church" had stated that members of sister churches giving no offence were admitted to Communion. Rutherfurd asks why then, if they agree to communion in the Lord's Supper, will they not have it in Baptism, discipline and Synods. This is too narrow an idea of Church communion, if they admit only members of a sister church, not under offence, for there are many godly members in churches under offence. He charges them with a very loose use of the word 'communion'. Their 'communion' cannot be what
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In the Church Invisible, for the Independents denied such a doctrine. In practice they hold little visible communion with other churches. That the New Englanders allow to communion those with recommending letters, is really a tacit admission, contrary to their theory that the believer has a pre-existent right to communion as a member of the visible Church. In relation to this, he considers the authority of synods, jure divino, to compel churches to obedience. If one sort of synod is proved lawful by Scripture, he holds that all others, Sessions, Presbyteries, and General Assembly are lawful. Disclaiming the doctrine that synods are infallible, he maintains their authority is limited only by the concordance of their decisions with the Word of God. He states their divine institution, and the reasons of moment for them, e.g. that no man should be judge in his own case. Appeals through various Church courts are a natural procedure and, drawing much from Calderwood, he quotes historical evidence for this. If there is a communion of God's gifts to the Church, there should be, he argues, a communion of authority for dispensing them. The Independent doctrine that synods are merely advisory is Socinian. Three ideas of inter-communion between churches are discussed. The Independents claim that the only sentence which can be pronounced against an offending church is that of non-communion or the withdrawing from communion with it. This, he maintains, is in reality no sentence, for it leaves the offending church still in its sins; neither has such a sentence any juridical authority. Synods must exist for the excommunication of an offending church. In their idea of expanding the church, the Independents have too exclusive a doctrine. When a church becomes too large, a portion comes out as bees out of a beehive, and forms another church. But in this case no provision is made for converting the heathen and the new church is formed only of those already converted.

The magistrates' power over the church is now dealt with. He removes invidious suggestions that presbyterial government is subversive of magisterial power and his dicta on this subject are as follows:- Force of the sword is not God's way of planting the Gospel in a heathen nation, nevertheless a Christian Prince who conquers such may compel it to abstain from any scandalous false worship, which dishonours Christ, giving opportunity to pastors to preach the Word. In a nation which has embraced the Christian faith, the magistrate may compel men to profess the truth. He can compel them to external acts of worship, though he cannot compel their wills or mind. He may command them to use the means of religion, though he cannot force a religion itself. Arguments against this, as a compulsion to hypocrisy, he counters by saying that men are compelled to many another thing of less immediate good, which if left to their heart, they would not do. The Christian magistrate may command acts of divine worship under pain of civil punishment and punish when these commands are transgressed. He asserts strongly the magistrate's power of the sword to punish heresy as against the Arminian and Socinian doctrine that heretics should not be punished by civil penalty. Reformed opinion is that seducing heretics are to be put to death.

The Appendix entitled, "A further consideration of compelling or tolerating those of contrary religions and sects in the Church" occupies the last hundred pages of this work. It was doubtless inspired by the policy of the Independents in appealing from Assembly to Parliament, which took final issue in their "Apologetic Narration" of February 1644. Rutherford does not mention this work by name, but he is at least conversant with some rough drafts of it and many of his arguments are anticipatory of its main thesis. (N.B. The "Apologetic Narration was, of course, published
The question of compulsion and toleration brings Rutherfurd back to that of fundamentals and non-fundamentals. He asserts that certain of the latter are to be held with the same certainty as the former because they are according to the Word of God. He holds the doctrine of the absolute infallibility of Scripture. Presbyterian government, though not a fundamental of salvation, is to be held as of divine right. The Independents hold along with the Sotzrians that these non-fundamentals should not be held with the same certainty, for a new light may be given upon them. (In the "Apologetical Narration" they had determined, "not to make a present judgement and practice a binding law unto ourselves for the future...

...which principle we wish were enacted as the most sacred law of all others in the midst of all other laws and canons ecclesiastical in Christian states and churches throughout the world.") This doctrine, Rutherfurd eschews as subversive of the constitution and institution of the Church of Christ. A fluctuating conscience is no good interpreter of the Word of God which is sufficiently clear of itself. He has little sympathy for the erring conscience which believes in error sincerely. His considered opinion is, "Arminians, Socinians and Anabaptists imagine that their conscience is the nearest rule of their actions which is most false". Quoting a sentence which suggests he has been studying some draft of the "Apologetical Narration", 'our present judgement is never a binding law to us for the time to come', he points out the fallacy that it could ever be a law such as the Independents would make it. Our judgement is regula regulata and not regula regulans. Conscience, as conscience, is no more Pope to us than the dictates of the Bishop of Rome. His main argument against toleration of the erring conscience is that a small error may breed a great schism in the Church.

Further consideration is given to the Magistrate's relation to the Church. The Christian Magistrate, as a Christian, and not as a Magistrate is a member of the Church. There is no such Magistrate as one having power to make laws both civil and ecclesiastical. The Magistrate has civil power over men to compel them to their duties. He is not debarred from the oversight and care of ecclesiastical affairs; he is the "minister of God to thee for good" and is to see that the Word is preached, the Sacraments purely administered etc. The intrinsic end of his office is thus higher than the propagation of the material good of his people, for he is to see that their spiritual good also is cared for. Such flagrant spiritual faults as open idolatry, a king may punish without consulting the Church. This, however, gives him no nomothetic power to make laws within the Church. Kingly power is subordinate to Church power, but this subordination is mutual, Church power is subordinate to kingly power, both are in their kind and sphere supreme. (He states, 'I mean kingly power as kingly conjoined with the collateral power of Parliament'.) He develops this thesis, showing how the King as a Christian is subordinate to the Church— even in a wrongful act of kingship— and how the Christian and Church officers as men, are subordinate to the King. The Magistrate determines, not what matters of faith are to be believed, but what heresies or infringements of creed are to be visited with civil penalty and the nature of that penalty. Again drawing from Calderwood, he gives instances where kings refused to encroach on doctrinal affairs in Church conferences. He states, however, that no ecclesiastical synod can meddle with the temporal affairs of men, nor forbid erroneous doctrine, scandals etc. under pain of bodily punishment.
151. What is the King to do in a case of Schism? In an equal rupture nothing extraordinary is to be attempted, if ordinary ways can be had. The King may command the sincerest part to convene in a synod and do their duty. In the case of the prevailing of the corrupt part, the King may act extraordinarily, and nullify unjust canons. This is in reality part of his 'cumulative' power, by which he preserves the rights of the Church and not an exercise of 'privative' power (i.e. the depriving of the Church of certain rights), of which he has none within the Church. The King is not the kingly head of the Church, nor can he make laws for it. He can give effect to its laws by a civil sanction. He is not even co-equal in matters ecclesiastical with other church officers, because the coactive power of the King and the spiritual power of the Church differ completely. He denies Hooker's doctrine in the "Ecclesiastical Polity" that pastors rule the Church as it is an invisible body, by preaching the Word within it, and also his doctrine that, as the Church is a visible politic body, its government is committed to the King. To him (Rutherfurd) this would give the power of deposing from office to the King; but only they who ordain may depose, and ordination as an ecclesiastical function is not vested in the monarch. Hooker had maintained that the King, because he had power of granting honours in his kingdom, might deprive a bishop of office, but not of his holy orders; Rutherfurd admits of no distinction between office and orders. He declares that the King has no power in ecclesiastical place "any more than he can take away maintenance allotted by public authority unto hospitals, schools, doctors and pastors". In this he is the radical pupil of Knox. "God hath here a sort of propriety of houses and goods as men have". The King's sole power over office and place is to prevent a heretic holding office or preaching in a sacred place. He may punish unto death a pastor for a just cause, but he has no power to deprive him of his pastorate ecclesiastically. Some think the King may convocate synods but churchmen have this power if the King be averse. The Magistrate as careful of the spiritual welfare of his people has power to convene a synod, even as he has power to cause the Gospels to be purely preached, and also to send men to it. This power is positive not negative. "For the Church of herself hath from Christ, her Head and Lord, power of convening, without the King, beside his knowledge, or against his will, if he be averse." The doctrine that the Church may depose a sovereign, is refuted. The whole of this part of his work shows a dependence for argument on the historical citations of Calderwood's "Altare Damascenum". It is obvious that his mind is turning to speculate on the nature of kingly power itself. With the encouragement and help of Warriston, he was not long after this to publish the "Lex Rex".

After the Appendix, the question of patronage is dealt with. It had been brought up in the "Way of the Church". Such a power (of patronage) is only a branch of the Magistrate's, and is cumulative to protect, not privative. The patron may not forestall the free election of the people by tying them and their free suffrages to a determinate man. If a man has given goods to the Church, it entitles him to no interfering power in it. Charity should ask no reward. If a heritor has created a church, it was but his duty. "Christ is only Lord and proprietor and just titular of all rents dotted for the maintainance of the ministry, and under Christ when the place vaketh, the rents recurr to the Church as the proper proprietor under Christ." The patron can give no right to any person to be presented and ordained, for no man can give to another that title and right which he hath not in himself. (463)
The first insertion to the original work was made in December and January 1643/44. It is mentioned by Baillie (vide supra p137) and occupies pages 144 - 178 of the work. "A More Special Consideration of Ruling Elders Deacons and Widows" is its title. It was almost certainly originally a paper passed round amongst members of Assembly as a canvas of support for the Scottish doctrine of Ruling Elders. It is a "write up" of Rutherfurd's opening speech on this matter in the Assembly itself. Some of the phraseology is identical with that speech as reported by Lightfoot. It consists of an elaborate piece of exegesis on ITim. V,XVII. The insertion of this text amongst the proofs of the proposition on Ruling Elders would have meant the complete acceptance of the Scottish doctrine. For them, this was the cardinal and vital text. Rutherfurd's paper is concerned with the vindication of the text as holding forth two offices as against two functions of one office. Appeal is made to Chrysostom in support, though the latter interpreted the text as applying to deacons not elders. The ten objections against the text in support of the elders office need not be entered on here. They were brought forward in the Assembly itself, and answered by either Rutherfurd or Gillespie. Despite their efforts, however, the text was not accepted. The part concerning deacons is largely concerned with the Independent view that the magistrates now care for the poor, (viz. The Poor Law of Elizabeth.) and that the deacon's office should be ceased in the Church. Rutherfurd maintains that the deacon is to administer the charity of the Church but he has no preaching or ruling power.

After noting his agreement with Chapter 10 of the "Way of the Church" in the matter of purity of worship, Rutherfurd goes back to the "Communion of the visible Catholic Church." This is a synthesis of his own views, and an answer to contrary opinions put forward in the Westminster Assembly. It comprises sixty-five pages. Next follows "A Pattern of a Juridical Synod," an exposition of the council at Jerusalem comprising sixty-nine pages. Lastly there is "The Doctrine of the Presbyterial Churches of Jerusalem, Corinth, Ephesus and Antioch vindicated" (60 pages). The similar size of these chapters, the nature of their subject, the more narrative style of their construction, the frequent reference to our brethren show that they were all the typical Rutherfurdian paper circulated round privately to canvas votes in the Presbytery debate which lasted throughout February and March 1644. The "paper" is now expanded and inserted in the major work. All this inserted material verifies Baillie's statement in his letter of 26th March that Rutherfurd was daily enlarging his book in the press. (vide supra 133) It deals with all the questions arising in the Assembly from January to March, 1644, and were Rutherfurd's contribution to these crucial debates which are so faithfully recorded by Gillespie. Gillespie debated daily; Baillie intrigued; Rutherfurd pamphleteered and circularised; Henderson oversaw everything and coordinated their efforts. Such is the picture one visualises of these crucial months.
This is a recapitulation and synthesis in a more narrative style of all his previous thought on the subject. The orthodox Protestant doctrine of the church visible is stated. To the Church's minister Christ has primarily and principally committed the power of the key. He gave this ministerial power to the universal guides of the Catholic Church, the Apostles, as they did represent the Presbytery of the Catholic Church (not as representing an individual congregation). Power ministerial is given to a congregation, say the Independents, as they are a flock of redeemed. According to the Word of God, says Rutherfurd, power of discipline and the exercise of the Word and Seals as vested in pastors is sufficient to make one visible Catholic Church. When Christ gave gifts to the whole Church Catholic, He gave them to particular congregations only as parts of the whole. The relationship of these parts to the whole rests in their being under a common jurisdiction. Rutherfurd gives the relationship of Church Presbytery, Synod, and National Assembly; all are parts of the church Catholic. Furthermore, excommunication if it is to be valid or useful, means excommunication, not only from a particular congregation, but from the whole Catholic Church. Hence power to excommunicate lies, not in the congregation, but in the ordained ministers of the Catholic Church.

Some objections which the Independents had brought forward in Assembly, are answered. (It is noteworthy that he mentions none of the Assembly Independents by name). They had argued that the impossibility of holding a universal Presbytery or council of the Catholic Church militated against the doctrine, that there could be such a body as a Catholic visible Church. But reasons, Rutherfurd, because the wickedness of men prevents a General Council of national Churches this does not invalidate either the lawfulness of such, or the estate of the Catholic Church Visible. The variety of a matter determines the council by which it shall be tried. Things of local, of neighbourly, of provincial, of national importance are all dealt with in their corresponding courts. As also what concerns one, is a matter of importance to all, and what concerns the majority may be of importance to one congregation, association in Presbytery is vital and necessary. Quad tangit omnes ab omnibus suo more tracteri debet. Christ has given power to his ministerial church to deal in separate case and manner with all these matters. There is no need for a Presbytery to derive its power, say of excommunication, back to a Presbytery of the whole Catholic Church. A further objection had been that if the Presbyterians denied power of excommunication to the individual congregations because they were only part of a church, then they could not claim it themselves, because they were only part of a provincial Church; more could the provincial church claim it for it was only part of a national church; a national church could not claim it for it was only part of the Catholic Church; a Catholic Synod was obviously impossible, therefore, the whole Presbyterian claim breaks down. (This was obviously some of Goodwin's sophistry in the objections which the Independents kept on raising during the three weeks of February 1644, until they were ultimately voted out). In answer Rutherfurd shows how for the good of a single congregation an association of contiguous churches in Presbytery, with disciplinary power, is necessary and
scriptural. He next proceeds to the consideration of the passage which occupied the assembly from 16th February to 31st Feb., Matt. XVIII 17-18. The Independent objections to this passage as implying a ministerial and governmental church, their interpretation of it as the body of believers, are refuted on much the same grounds as in the "Peaceable Plea", but this time with more direct relation to the arguments of Bridges, Goodwin and Nye (he avoids referring to them by name). The false syllogism that if a man is a classical elder or pastor in Presbytery over twenty congregations, then he must bear the same relation to each of these congregations, is exposed as absurd. The relation of the Presbyter (1) to his own church, (2) in collegio, is defined. The elder acting in Presbytery and acting in his own congregation does not exercise two offices, but performs two acts of the same office. In all ordinary acts of spiritual jurisdiction the ruling elder only performs in the church whereof he is an elder. The powers of a congregation, of a Presbytery, of a provincial synod and of a national Church, do not differ in form and essence but in extent. The way of "brotherly consociation" of churches for mutual advice and help is as likely to be full of difficulties as the way of Presbytery. The over-ruling power of Presbytery does not nullify the power of the congregation, any more than a man who is out voted in a congregation has his individual power therein taken away by a majority vote against him. The Presbyterian system of church courts is scriptural, and from all social and legal analogy, essential to the bene esse of the church. Sundry other syllogistic arguments of the Independents against Presbytery, mainly cast in the reductio ad absurdum form are answered, e.g. "a pastor is a pastor only in relation to his own church, therefore he cannot do pastoral acts either of order or jurisdiction in a Presbytery" (346) This leads Rutherfurd to show the relation of pastor to his own congregation, to other congregations and to the Presbytery; he has juridical power with his elders, and pastoral power in his own congregation. Because he is pastor of the Church Universal, he may preach and administer the Sacraments on occasion in other churches, or if he is a missionary, he may preach at large the Gospel of Christ. He has power of jurisdiction in the courts of the church whereof he is a member.

This little "paper" lost in the middle of the "Due Right" is perhaps the clearest and most succinct statement of Presbyterian doctrine that Rutherfurd ever wrote. It is argumentative, for he never ceased to argue, but less syllogistic than usual and singularly calm in tone. There is in it some measure of "sweet reasonableness," little expected in a polemicist of the seventeenth century. Even yet there is little acerbity in his work.

'A Pattern of a Juridical Synod.'

The thesis of this is that in the Council at Jerusalem (Acts XV) the Apostles did not act through an inspired Spirit and by Apostolic authority, but only as elders, doctors and teachers in ordinary way in council assembled, so that they might show forth a pattern of a juridical synod for the church in all future time. The Independents maintained that the Apostles acted with extraordinary and Apostolic power and thus the synod could not be claimed as a proof for the institution of Church
Rutherford's arguments are of course, the Presbyterian arguments of his age - Paul, an Apostle, submitted a matter to the Council which he could have determined himself by his own Apostolic power; he accepted delegation from the Church of Antioch to it. He must therefore, have meant to show forth a pattern of how affairs ecclesiastical should be ordered. The Apostles acting in the synod proceeded by way of counsel not by Apostolic enunciation. Any ordinary members of the Church of Jerusalem who were present, were present de facto and not de jure; they had no power in the council which had not only doctrinal power but a juridical also. He states with regard to Synods and provincial councils that they rather command churches and Presbyteries to exercise and use their power of jurisdiction, and see that they so use it, than exercise the use of it themselves. (They of course, have power to do so). The Apostles were actuated by an infallible Spirit in setting up the Council but not by an Apostolic Spirit. Independent arguments against these theses are now answered. He points out that Church power is not derived, either by ascent from power supposedly resident in a congregation, delegated to representatives in superior courts, or from power of an oecumenical council issued down through various courts to the people. It is resident intrinsically in every part of the church and flows from Christ. He denies that a Synod only declares in a doctrinal way what is scandalous or that this Council did this and no more. The last pages of the paper furnish abundant arguments that the Jerusalem Council was juridical as well as doctrinal and not merely a brotherly meeting for counsel about the church's wellbeing.

The paper also has an intimate association with the events of February and March 1644. On page 406 he remarks that his argument has been "close mistaken." The argument referred to occurs on page 360 to 393, forty pages earlier in the paper (it deals with the immediate inspiration of the Apostles). In the paper itself there is a distinct hiatus in thought. On page 383 from considering the more exegetical aspect of his argument, he turns to the speculative consideration of intrinsic church power. It is just possible that the first portion pages 255 - 283 may have comprised a paper supplying argument for the Presbyterian case in Act. XV. This was debated on March 12th and 13th, and his paper may have circulated before these dates. Arguments in it were refuted by the Independents in the Assembly and on March 13th Rutherford himself entered into the debate, with arguments much similar to those of his paper. Pages 383 ff. may have been added to refute his refuters. The whole passage under discussion was successfully passed on the 13th March.

The Doctrine of the Presbyterian Churches of Jerusalem, Corinth, Ephesus, and Antioch.

As has been seen, the debate from 22nd February to March 6th centred round the instance of the church at Jerusalem as a proof of the institution of Presbyterian church in the New Testament. The arguments used by the Presbyterians in the debate are here recapitulated, those of their opponents all refuted. It is proved impossible for the multitude of believers to have met in one church. There was a multitude of teachers
in Jerusalem. - Christians of diverse languages in Jerusalem
could not all be one congregation - but they were all one church because
they had meetings of elders in collegio and the Apostles acted as elders
in the Presbytery. Similar arguments are adduced from other New
Testament churches. This paper also has an addendum in the form of an
answer to Father's "Answer to Kerle" on the matter of the Synodical
propositions of the Churches of New England. (476-484) It deals with
the people's power in the Synod and their right of excommunication. As
the question of excommunication was beginning to bulk largely in the
Assembly's debates, this addendum may have been a separate little paper
of Rutherfurd in support of Kerle included amongst the others, and
printed here for want of a better place to put it. It gives no arguments
which he has not already put forward.

The matter of all these "papers" is also embodied in the
Assembly's Answers to the "Reasons of the Dissenting Brethren".
Rutherfurd's 'papers' were his answers to the sundry preparatory "papers"
which they constantly circulated.
The Directory for the Public Worship of God.

From May, 1644, when the preliminary Excommunication debate was suspended, until October, two things kept Rutherford incessantly employed: the formulation of the Directory for Public Worship and the composition of "Lex Rex". The ecclesiastical bête noire of the Scottish Presbyterians was the "Service Book". It was pressure from their Commissioners which caused Parliament in their October injunction to the Assembly to empower it to "treat concerning a Directory for Public Worship." A further Order of 17th October gave the Grand Committee too, power to treat concerning such a Directory. The latter appointed a sub-committee of five to meet with the Scottish Commissioners to prepare the Directory. Others of the Grand Committee who wished to attend might do so. This sub-committee was to report to the Grand Committee which in turn was to report to the Assembly. It is noteworthy that the drafting of the Directory is given to the Grand Committee originally, and not to any of the Assembly's three committees. Baillie gives no reason for this, nor do any of the historians of the Assembly remark upon it. It seems strange that the propositions concerning Church Government were left to the Assembly to formulate as they desired, whilst the drafting of the Directory for Public Worship was given to the control at least, of a Committee which had a strong percentage of laymen. The sub-committee, which performed the actual work, was, of course, clerical -- Marshall, Palmer, Goodwin, Young, Herle and the Scots. The directory was not any more specifically an instrument of alliance, as embodied in the Covenant than the Form of Government; to all appearance it would seem secondary to the latter. But it was made to pass through the Grand Committee before going to Assembly, a process to which none of the
propositions on Church government were to be subjected. (This procedure was laid aside on 3rd April, when the drafting of the Directory was transferred by the Parliament to the Assembly itself.) The Scots may have been calculating, correctly or incorrectly, on a greater anti-liturgical feeling in the House than in the Assembly. To them too many of the latter's members seemed diffident in parting with the Book of Common Prayer (with the exception of the Independents) and later objected to the harsh treatment it received in the Preface to the Directory. It represented much that was best in English Protestant tradition. By manoeuvring so that the Directory was given to the Grand Committee, the Scots hoped that the propositions given in by it to the Assembly would meet with less opposition, and the hated Liturgy be more speedily abolished.

In this hope of speed, they were in the first few months disappointed. The sub-committee proceeded little more expeditiously in this than the Assembly in the debate on Church Government. The Scots had counted on the anti-liturgical fervour of the Independents and had hoped to avoid an early rupture over governmental points by turning the attention of the latter to a common Directory for Worship. But the Independents proved as contentious in this as in other matters, and showed no great love for a Directory drawn up preponderously at Scottish instigation. Though contentious, however, they in the end became at least conciliatory in the interests of the Church. Little record exists of the work of this sub-committee; only a few references in Baillie's Letters and two pages of notes in Gillespie. But the speed with which the items of the Directory were given in, in June 1644, shows that its work was the basis of the matter presented.

1 Lightfoot, 239 2 Baillie II, 117.
The first meetings of the sub-committee dealt with ordering the work of the Sabbath, the Scots entering a caveat against the lengthy reading and exposition of Scripture before the sermon. Goodwin, who considered himself slighted in some way, caused trouble at the beginning by objecting to all Directories and particularly to the order of the directory for public worship on the Sabbath. To remedy matters, the Scots invited him to dinner and "spent an afternoon with him very sweetly." As he took an active part in the later work of the sub-committee, the dinner was probably good. Early in February, the Scots had allocated to them the "matter of all the prayers of the Sabbath Day." When this was finally given in, Baillie states that it was "well taken by all the committee." Next they were assigned the directory for the Sacraments. To Marshall was apportioned the directory for Preaching, to Palmer that for Catechising, to Young Reading of Scripture and Singing of Psalms, to Goodwin and Herle Fasting and Thanksgiving. The Scots gathered even more of the work into their hands. "Mr Marshall's part against Preaching, Mr Palmer's anent Catechising, though the one was the best preacher and the other the best catechiser in England, yet we in no ways like it, so their papers are passed into our hands to frame them according to our mind." The Scots' draft of a directory for the administration of the Sacraments, especially that of the Lord's Supper, encountered even in the sub-committee considerable opposition. The Scottish practice of the communicants sitting at one table was discountenanced. They had also inserted a clause whereby the minister was allowed to exhort the communicants while they were in the act of partaking

1 Baillie, II, I23.
2 Baillie, II, I40.
3 Gillespie, I0I&I02.
"Dr Smith told a story of a Scotsman which had in a Church here used exhortations at giving the elements but some conscientious people thought it troubled and distracted their minds". This may have been a hit at Rutherfurd. It was his practice and that of his colleagues in the evangelical revival in the South West and it was undoubtedly he who had such a clause inserted. The fitness of those who partook was also considered, but the debate on Church Government drew the members of the sub-committee away from their labours on the Directory.

On 3rd April 1644, the Lords requested the Assembly to hasten the Directory and the Assembly appointed the twelve divines of the Grand Committee to be a committee of Assembly for the work of the Directory. At the same time they urged the sub-committee to hasten its work. As any of the twelve divines of the Grand Committee had always been at liberty to attend and assist the sub-committee, there was little confusion or alteration of personnel in the new committee.

On 21st May, Rutherfurd moved for the speeding of the Directory and was supported by Marshall. A report was ordered for Friday 24th, and was duly given in by the chairman of the Assembly's committee for the Directory on that day, "largely concerning the Lord's Day, Prayer and Preaching". Lightfoot was absent, so no full statement of the debate occurs. "The business about the Sabbath and the Directory for Prayer was passed."

It is evident from the Directory itself and from reference in Baillie's Letters to the work of the sub-committee, that the Assembly's committee presented what was largely the work of the latter. That work had been carried out chiefly by the Scots. One may claim the Directory to be the most specifically Scottish production of the Assembly, though in

1 Baillie, II, 117.
2 Lightfoot, 277.
some instances concessions were made to English practice. The general order of divine service, as embodied in the directories, concerning "Assembling of the Congregation", "Public Reading of Holy Scriptures", "Public Prayer before Sermon", "Prayer after Sermon" follows with minor differences that in Henderson's "Government and Order". The only difference between English and Scottish practice was that English used only one prayer before sermon which included confession, thanksgiving and petition. The Scots used two and kept the intercessory prayer for Church, King, people and congregation till after the sermon. An adjustment was made by the insertion of the following:—"We judge this to be a convenient order in the ordinary public prayer; yet so as the minister may defer (as in prudence he shall think meet) some part of these petitions till after his sermon, or offer up to God some of the thanksgivings hereafter appointed in his prayer before the sermon". Thanksgivings according to the English practice are inserted after the sermon. Regarding probationers reading the Word and preaching, and in the insertion of a caveat against diffuse, discursory reading of Scripture, the Scots had their wishes carried, in the first case through the argument of Rutherford. It was noted that the matter of the prayers was given to the Scots to draw up. As they stand in the Directory, they are more than an outline and less than a liturgy. In them are some indications of the pen of Rutherford. Perhaps the first draft of them was written by him as the most gifted of the Scots in devotional writing. After revision by his colleagues, they were further revised by the sub-committee and by the Assembly's committee. In the Assembly itself, they were passed with little debate. Many incidental phrases, the expression of a deep sense of national guilt, the concern for the

I Lightfoot, 283.
The directory on Preaching of the Word occupied most of the time between June fourth and eighteenth. In the sub-committee its drafting had been given to Marshall, but as his effort did not satisfy the Scots entirely, was given to them for revision. Whoever was responsible for it, produced one of the finest things ever written on the subject. It is succinct, clear and eminently sound. It is applicable to preaching in any age, possibly the most timeless and permanent piece of writing in the Directory. The Assembly's alterations in it were negligible; any that were made emphasised the need of clarity in preaching the gospel message.

"Wisely framing all his doctrines, exhortations and especially his reproofs, in such a manner as may be most likely to prevail; showing all due respect to each man's person and place and not mixing his own passion or bitterness" - so runs the Directory. Its tone suggests that a good deal of the evangelical experience of Rutherfurd and Gillespie passed into it during the sub-committee stage.

The production of the directory for the Sacraments again opened the dispute which had vexed the sub-committee. The Scottish origin of this directory is obvious. The order of administration of the Lord's Supper closely follows that in the "Government and Order" and even preserves some of its phraseology. The disrepute of the Prayer Book left the English Presbyterians without any model upon which to base this directory and Henderson's original draft was gladly accepted. Certain of the Scottish practices in it, they were not prepared to accept, and the most acrimonious debate in the whole Directory ensued, Rutherfurd heatedly defending the Scottish standpoint. The main source of disagreement was the position of the communicants at the table. As to whether they should kneel or sit, Rutherfurd strongly advocated sitting, as most convenient and based on
historical practice, but in this was prepared to accept a formula. The radical difference lay in the position at the table itself. Scottish practice (vide "Government and Order" and "Peacable Plea") was that the communicants came forward from their pews to the table at which the minister presided and there partook; a successive company followed them until the whole congregation was served. This manner of celebrating was laid down in the "First Book of Discipline" as 'convenient' but custom made the Scots assign to it almost divine institution. Dr Burgess alone advocated the Scottish procedure, backed by Rutherfurd. On 21st June, the latter insisted on the communicants sitting 'about the table' and objected to the insertion of a qualifying "where it may with convenience be". The clause was referred to committee, was again debated from 24th to 28th June and on July 1st was recommitted. At last, Rutherfurd, while insisting that the Scots held this matter to be a thing most necessary, "yet for peace and conformity's sake" desired that it might be recommended only. Although this was opposed by the Independents and by Herle, it was voted by the Assembly on July 3rd. Next day, the Assembly considered the practice of the communicants coming to the table in companies (interesting as showing the Scottish source of this directory). On July 2nd, Marshall had reported from the committee, "as the communicants are to exercise their faith, so is the pastor, by some short sentences, by intervals, to stir up their affections thereunto. After all have received the cup, they rise and new ones come to their place and, in the time of their removal some psalms to be sung, as psalm 22, 103. This is practically verbatim from the "Government and Order" (24). The master of companies was now brought up as a concommitant of sitting at the table. English opinion was against the Scottish practice, but for the time being the fervour of Rutherfurd prevailed, and

I Lightfoot, 292.
and the Assembly voted, "it is lawful that the congregation come in several companies to the table". (This clause was ruled out of the final version of this directory.) Two other minor items were raised. The pastor's exhorting the people while they partook had been a cause of disagreement in the sub-committee and was now aired in the Assembly. "The First Book of Discipline" instructed the pastor to exhort the people or read some suitable passage of Scripture whilst they partook. Rutherfurd and Henderson argued for the practice whilst the Independents and Herle opposed. Herle holding that the minister's speaking detracted from the spiritual good of the act of receiving. Nye thought that in this matter speech could not help devotion. Rutherfurd insisted from Matthew XIV, 23, that Christ spoke while the Disciples were partaking. The Assembly ultimately decided that everyone should do in this business as he thought best. It was next debated, regarding the breaking of bread, as to whether the communicants should distribute it to one another. Rutherfurd pleaded for this from Luke XXII, 17.

This was granted, though no clause concerning it was thought necessary in the directory.

Why were the Scots so uncompromising in the details of this directory? For one thing, they were under pressure from home to make no more concessions. The paper which they had given in on congregational eldership has been noted as also the fact that Rutherfurd was probably its inspiration. Baillie wrote:

"Mr D. Caldewood, in his letter to us, has censured us grievously for so doing; showing us that our Books of Discipline admits of no Presbytery or eldership but one; that we put ourself in hazard to be forced to give excommunication, and so entire government to congregations, which is a great step to Independency. Mr Henderson acknowledged this and we are in a peck of trouble with it."

I Baillie, II, 182.
'The Commissioners were therefore determined to make fewer concessions. Rutherfurd, if responsible for the censured paper, may have felt it incumbent upon him to defend most vigorously all Scottish practice. Moreover, the Scots had only two Sacraments—an inheritance common with the English Protestants—and secondary only to the preaching of the Word. As the visible sign of unity, it seemed to them all-important that both nations should be uniform in celebration, even in the smallest detail. Knowing the loose practice of the Independents, they were determined to leave as little as possible to individual discrimination. They certainly prevailed, for this directory is based largely on the Scottish usage; even the consecration prayer owes much to that in Knox's Book of Common Order.

The Directory for Baptism caused less debate. It also was formulated in sub-committee by the Scots, from their own practice. Baillie writes,

"We have carried with much greater ease than we expected, the publicness of Baptism. The abuse was great over all this land. In the greatest parish in London scarce one child in a year was brought to the Church for Baptism. Also we have carried the parents presenting of his child and not their midwives as was their universal custom."

Opposition to making public Baptism the law of the Church came only from Palmer and Lightfoot, through their natural love of any long-standing English usage which they could claim was not ceremonial. A discussion on the lawfulness or conveniency of dipping added nothing to the matter of this directory which passed the Assembly on August 8th. On October 9th and 10th, however, the Scots had further additions inserted. The font was moved from a 'superstitious' position (i.e. the Church door). They insisted, too, that a profession of Faith was to be procured from the father at the baptism of the child. This was contrary to English practice, but the Scots did urge it mightily because of the use of it in all reformed
It was finally voted that the parents should make profession at the baptism of his child, but this profession was narrowed down to a short series of question and answer. An interesting difference of opinion arose here among the Scots themselves. Baillie writing later of this directory says,

"As for changes in our Church, I had laboured with my colleagues to have eschewed them all and found Mr Henderson not much from my mind; but others were passionate for them and at last carried, first Mr Henderson and then me, to their mind. The belief in baptism was never said in England and they would not undergo that yoke. When they urged, we could not deny, but the saying by many was a fruitless and mere formality and to others a needless weight; and the saying of the Commands was no less necessary. We got the Assembly to equivalent interrogatories, much against the mind of the Independents; and we were assured to have the Creed a part of the Catechism."

From Gillespie's notes, it appears that Rutherford supported the Independent view. "Mr Rutherford said, "It is not seemly to catechise Christian parents at such a time." Gillespie 'swithered', but seems to have come to Rutherford's point of view. From the evidence of Baillie, above cited, they prevailed upon Henderson to modify his demands.

On August 17th, the directory for Public Thanksgiving passed with little debate. After sundry alterations, notably that which added, "as in the Church of Scotland" to the clause concerning sitting at the Lord's Table, the Directory was practically completed. A committee was appointed on August 20th to draw it up in final form. The Assembly committee drafted the preface, which was debated in late October and early November, 1644. Its violent attack on the Book of Common Prayer shows a Scottish origin. Having suffered so much from the imposition of such a book, the Scots were determined to procure a strong denunciation of it. If Neal's

1 Lightfoot, 315.
2 Baillie, II, 258.
3 Gillespie, 89&90.
statement is correct, several of the Independents were on the committee which drew up the preface. The Assembly may have added them to the committee for the Directory, in order that differences of opinion between them and the Scots might be there thrashed out and propositions formulated which would pass the Assembly with little debate. With Marshall, the Smectymnuan as convener, the Scots as members, and the strong admixture of Independents, who were as bitterly anti-liturgical as the Scots, it is not to be wondered at that the committee produced such a harsh and stringent criticism of the Prayer Book. Some differences there were regarding the intent of the Directory, as expressed in the preface. Baillie feared that one party would turn it into a 'straight Liturgy' and that the other, the Independents, "would make it so loose and free that it would serve for little use". But the concluding paragraph was finally worded so that its actual nature as a 'Directory' was made clear. It was presented to Parliament on November 21st, 1644, and passed the Houses with slight alterations, the chief being the removal of the larger clause concerning those who were to come to Communion and the substitution of "the ignorant and scandalous are not fit to receive the Lord's Supper; from the same directory they removed the words, "as in the Church of Scotland".

Supplementary directories on the Sabbath, Marriage, Burial, Visitation of the Sick, The Psalms, Holy Days and Places were debated in Assembly, ordered and sent up to Parliament during December. These supplementary directories seem to have been given to the ordinary committees of Assembly, for on November 21st, Dr Stanton reported from the second committee in a directory for Marriage. Rutherford spoke lengthily in the ensuing debate, opposing any sacramental view, and even denying that it was part of the worship of God. He admitted that there was something
religious in it, affirmed that marriage 'formally and essentially' consisted in the consent of the parties and pointed out that the Directory dealt, not with marriage but with the solemnisation of it, and that therefore the Church should provide a directory for the instruction of those entering on this new condition and give the blessing of God to it. The directory as passed certainly shows strong modifications from the former Episcopalian view of marriage and the celebration thereof, to the Scottish view of it as a civil contract, solemnised by the Church because it entails many religious duties. It is noteworthy that it is the one question on which the Scots joined hands with the small Erastian Group; Lightfoot and Rutherfurd are found battling together in defence of marriage as formally a civil contract. The Erastian, however, did so from his respect for common law, the Scot from his opposition to anything approaching the sacramental view of the Roman Church.

The directory for Burial next claimed the attention of the Assembly. If the Scots had had their way, little directory would have been needed. Rutherfurd started off the debate by saying, "There is no more reason for any part of worship to be at the going of a person out of the world than at his birth" Scottish usage deprecated anything resembling prayers for the dead. They opposed also the practice of funeral sermons. A formula had to be obtained by which the English would be free to continue this practice, and the Scots avoid it. "Here was the difficulty, how to keep funeral sermons in England for fear of danger by alteration, and yetto give content to Scotland, that are averse from them." At last we fixed on this, "That the people should take up thoughts and conferences concerning death, mortality etc. and the minister, if he be present, shall put them in mind of that duty. (Lightfoot had the penultimate 'that' changed to 'their'). The mind of the Assembly was that these words give liberty for funeral sermons. And thus

"Lightfoot, 338."
The debate on the directory for Holy Places revealed the extreme Puritan in Rutherfurd, who denied any special sanctity to the place of worship:—"No designation of any place to public worship doth make that worship more acceptable". All the Puritans agreed in this—Scots, Independents, and Presbyterians alike, only those who still had respect for older English forms, such as Palmer and Herle, made any protest against the assertion of such a principle, which, carried to extremes, stabled Cromwell's horses in the House of God. The other minor directories caused little debate and need not be dwelt upon here. In the formulation of this Directory, the most Scottish product of the Assembly, Rutherfurd of all the Scots plays the most important part. Constantly in attendance, he argues, expounds, debates, cajoles here and condemns there, until he sees each proposition voted, as closely in accordance with Scottish practice, as Independent obstinacy or English traditionalism will allow.

I Lightfoot, 340.
The "Lex Rex" is the finest work which Rutherfurd produced. Like Swift, when in later and darker years, he re-read Gulliver's Travels Rutherfurd, in re-reading the Lex Rex could well have exclaimed, "What a genius I had when I wrote that book." Though published anonymously "By Authority," its authorship never seems to have been questioned and whether or not Rutherfurd wrote it, he certainly in 1661 would have been hanged for it. Row in his "Life of Blair" gives the following account of its production:

"The first was owned by Mr. Rutherfurd, and cited by him in his Answer to Hooker's piece, though, in the title-page, his name was not put to it, as he used to do in his other excellent practical pieces, and learned excercitations and disputes against Arminius and other enemies of the truth. In that book, pious and learned Mr. Rutherfurd shews himself to be of Buchanan's opinion anent monarchical government, and the way of it, in Scotland. When he had written a great part of it, he brought it to Mr. Blair, desiring him to revise it, and submitting it to his censure. After Mr. Blair had read and considered it he said to Mr. Rutherfurd, as being his opinion of it, "Brother, ye are happy in your other writings, and God has blessed you as his instrument, well furnished and suited to do much good to souls, both by your practical pieces and disputes against sectaries; and there ye are in your own element; but as for this subject, it being proper for jurisconsults, lawyers, and politicians, it lies out of your road. My advice to you is, that ye let it lie by you seven years, and busy your pen in writing that which will be more for edification and good of souls, and thereafter, it may be ye will judge it not expedient to let it see the light." He promised to Mr. Blair to do so; but shortly thereafter, being at London, one of our Commissioners to the Assembly of Divines, Lord Warriston, did again yoke him to that work, and (as was thought) did not only assist to, but 'did' wholly complete and finish that work, anno 1645."

An interesting fact is to be gathered from Row's statement. As Maxwell's book "Sacro Sanctum Regum Majestas" to which Lex Rex was a reply, was published after Rutherfurd came to London, it follows that some of Rutherfurd's work must have been written before it appeared, with some different objective. Internal evidence supports this conjecture. Questions 28 - 37 deal with the "Lawfulness of Defensive
 Wars", and with the practical case of the Scots taking up arms against
Charles. The writers controverted in this portion are Ferne/f Arnisæus
and Barclay. There are only two references to Maxwell. The first of
these occurs half way through Chapter 29 and comprises from the middle of
it to the end, the next occurs in Chapter 33 from the middle to the end.
The argument of these insertions (for they are obviously appended loosely
to earlier materials) is supplementary to the proceeding thought of these
chapters. In this portion (Quest. 28 - 37) Barclay and his party are
referred to as "Royalists" - Royalists say, Royalists aver etc. - . In
other parts of the Lex Rex, the reference is to the "Popish prelate" and
his assertions are interwoven, interspersed and refuted throughout. It
therefore appears, that Rutherfurd before going to England, and on the
occasion of the Covenant, had taken up his pen in justification of the
Scots waging a "defensive war". This treatise is embodied in the portion
of Lex Rex specified. He probably laid aside this work, acting on Blair's
counsel. The colossal learning shown in the whole treatise could also
hardly have been acquired in the few months between the publication of
Maxwell's treatise and that of Lex Rex.

Row's suggestion that Warriston actually finished the Lex Rex
can hardly be established from the internal evidence, though his hand is
to be seen in the last chapters. There is more reference to the jurists
e.g. Justinian, than to the political philosophers, and citation of the laws
of Scotland occurs which Rutherfurd could only have got from Warriston.
The summing up in the last chapters lays down principles which were prac-
tically embodied in the Propositions for Peace which Warriston had brought
up to London in August. He had arrived in London with these having
received the assent of the Scotæ Parliament to them. They had been largely
drawn up by himself and ultimately resulted in the Proposals put before Charles at Uxbridge. Why Warriston urged Rutherford to publish such a work, while negotiating the Proposals for peace, can only be conjectured. He may have already suspected the 'politi-ue in Lauderdale and the temporiser in Loudon and desired through such a publication to counteract any attempt at compromise and to let Charles know the real political temper of the Scottish nation or of the Covenanting party in it.

Charles is reputed to have read the "Lex Rex". If he did, it is not to be marvelled that he broke off negotiations with the party which sponsored it. Was there behind the publication another figure - Argyll? He was known to support a democratic policy, though the ends for which he did so are still unfathomed. The date of Montrose's letter on "Sovereign Power" is uncertain, but the apostrophe at the end is significant.

"And you great men—if any such be among you so blinded with ambition—who aim so high as the crown............ And thou, seditious preacher, who studies to put the sovereignty in the people's hands for thy own ambitious ends --as being able, by thy wicked eloquence and hypocrisy, to infuse into them what thou pleasest --know this, that this people is more incapable of sovereignty than any other known. Thou art abused like a pedant by the nimble-witted nobleman."

Rutherford was of all the Scottish clergy 'notorious' for reputedly anti-monarchist tenets. Montrose certainly had him in view in this passage and it is quite conceivable that he had at least heard of the original treatise mentioned by Row. He believed that the clergy were preaching democracy for their own ends and that Argyll was behind it. One wonders if Argyll subsidised the publication of "Lex Rex" or was the cause of so many copies being in the hands of the ministers at the General Assembly of 1645. Guthrie writes that every member of the Assembly "had in his hand that book lately published by Mr Samuel Rutherford, which was so idolised that whereas Buchanan's treatise was looked

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1 John Buchanan, "Montrose" Appendix, 406.
Upon as an oracle, this coming forth, it was slighted as not anti-monarchical enough, and Rutherfurd's "Lex Rex" only thought authentic.

The treatise was reissued in 1648 under a different title, "The Preeminence of the Election of Kings". The sheets are the same as the edition of 1644; only the title is changed. This reissue was during negotiation with Charles, at the time of the Engagement. The intention may have been to make clear to Charles the conditions on which he could have the undivided support of the Scottish nation. It was again reissued in 1657 as a "Treatise of Civil Polity". This time Cromwell, not Charles, was the arbitrary tyrant. The "Humble Petition and Advice" of 1657 embodied a new scheme of government. The "Treatise of Civil Polity" was put forth in relation to it to show that the same political maxims held good for Protector and Monarch alike.

In a sense, the "Lex Rex" is the lineal descendant of Buchanan's "De Jure Regni apud Scotos", but there is a vast difference between the two works. The latter is written to a King, commending legal government; the former is addressed to a people defending and expounding democratic principles and their right of enforcing them. Buchanan is philosophic and Ciceronian, staunch enough indeed in his vindication of the Law as the voice of the people and in his assertion of the King's necessary obedience to it, but beyond justifying Mary's deposition, he makes little excursus into practical politics. Rutherfurd is much more comprehensive and thorough. Buchanan's main thesis, that the people interpret the Law, is immeasurably enlarged. Between him and Rutherfurd have intervened all the political thought of the late 16th and early 17th century—a time when political thinking was most active. Bodin, Vasquez, Suarez, James VI

I Bishop Guthrie, Memoirs,
Barclay, Hooker have all made their contributions to political theory and with them all Rutherfurd is closely acquainted. He selects from the rambling and disjointed theses of Bodin and owes far more than he will acknowledge to the Jesuits, Vascuez and Suarez. (Jesuit political theory developed by the religious wars of Henry IV, was as anxious to deprive the crown of autonomy as the Presbyterian.) Questions abounded in the "Lex Rex" which are still modern. Security, Kingship as a service, intervention or non-intervention, conscientious objection, occur side by side with, and arise from, questions that are of immediate political concern. His principles are in advance of his time. Even the editor of the 1843 edition writes, "The arguments in "Lex Rex" completely refute all the wild and absurd notions which Maxwell's work contains, although some of the sentiments would be thought rather democratical in modern times."

The writer was a Whig of the time of the Reform Bill. In thought and apopthegm, there are passages in "Lex Rex" worthy of Bacon, and Rutherfurd shows in his polemic with Maxwell and in his strictures on the political situation, a power of dry sarcasm which none of his colleagues possessed.

In the Summary, some indication is given of the sources upon which he drew. He brings the doctrines of political democracy and the philosophic conception of the 'jus gentium' logically within the Calvinist doctrine of Providence. The acceptance of the divine origin of Kingship is demonstrated to be clearly different from acceptance of its divine right. Throughout this work, his Scriptural exegesis is notably freer than in his ecclesiastical polemic. In denying the special sanctity of a Royal line, or of succession by primogeniture, he advanced further than Parliament or people, either in England or Scotland, were at that moment prepared to go and shows himself to be at one with the
Jesuit thinkers from whom he developed this thesis. Succession to the Kingship is for him elective and the nature of the Kingship high and responsible service. Parliamentary government should also be elective. He is the first Scottish objector to the Upper House having any veto on any Acts of the Commons. (In Letter CCCIX, he calls the House of Peers, rotten men'). He conceives the King as responsible to Parliament and Parliament to the people. The only thing which militates against his theories is the lack of sanctions—such as the popular ballot—to control them. When he states that the people, even in the case of a tyrannous Parliament must take the law into their own hands, his opponents could not but think of him as a revolutionary. He anticipates the argument of Hobbes' 'Leviathan'. The 'contract theory and the idea of the people's perpetual surrender of their rights to the monarch, find their best answer in his pages. The progressive right of succeeding generations to change, alter, or, in extremis, overturn the fashion of government which was their fathers', is asserted. There is much in his pages which must have been as abhorrent to the Common Lawyer, as to Charles. He is at one with the former, as also with Bodin, concerning the sanctity of private property.

In international affairs, he considers it no good ground for intervention, that the internal affairs of a nation are supposedly a threat to its neighbour. This he holds to have been the least of Scotland's reasons for assisting the English Parliament. He is the child of his age in defending this intervention as a religious crusade. He objects strongly to the doctrine of passive resistance, but he also seems to justify conscientious objection to serving under a government which makes war without just cause. To sum up, one may say that this theocratic divine of the 17th Century is politically so far in advance
of his time, as to be the first great Radical.
The first question discussed is the usual one in all political works of the period. What is the source of Government? Government Rutherfurd maintains is warranted by Divine Law, because God 'hath made man a social creature who inclineth to be governed by man'. He must therefore, have put the power of accomplishing this end in man's nature. The power of Government is intended by God for the peace of mankind. Rutherfurd makes a synthesis of the theories of Bodin and Vasquez, taking the former's idea of the family as the source of every political association, he states that it is natural families should unite to make laws for their good. In such a sense only power of government flows from the law of nature. But this power is not to be interpreted as giving a divine right to any man under whom these families may unite. Anticipating his argument a little, he states that all men are born equal and no divine right to rule is conferred upon any man by the law of God or the law of Nature. He takes up Vasquez' view of the jus gentium as a secondary law to the law of nature. The people's uniting and rendering their inherent power of government over to one man, e.g. to protect them, is an example of this jus gentium which is a product of human need and human will. It is dictated by the social requirements of the people. As a Calvinist he could not but admit the divine origin of all created things, so the jus gentium is for him part of the jus naturalis which is part of the Law of God. But, he explains, 'origin' and 'right' are two different words. Governmental power certainly has its origin in God, but it is mediated by the jus gentium whereby the consent of a community resigns their power to one or more rulers. As applied by him, to the doctrine of Government the philosophic conception of the jus gentium ultimately implied the practice of the democratic principle.

But James VI and his prelates had been swift to seize on the argument of the divine origin of Monarchy as giving divine right to monarchical government. There seemed in the Bible ample proof for such a doctrine of sovereignty. Scriptural proof was the strongest form of argument of the age and more likely to appeal to the popular ear than the philosophic conceptions of a Hobbes or a Hooker. If Presbytery could assert jus divinum, so also could monarchy. The sudden outburst of the doctrine of the Divine Right of Kings was an attempt on the behalf of its supporters to fight Calvinist and Jesuit opponents with their own weapons.

Rutherfurd accepts the divine origin of Kings, or rather of the kingly office, as based on Scripture. 'The kingly or Royal office is from God by divine institution and not by naked approbation'. He puts no light construction on such a thesis. If the King be a living law by office, and the law put in execution which God hath commanded them, then as the moral law is by divine institution so must the officer of God be who is custos et vindex legis divinae. He points out that this does not narrow monarchical power to reside in one man. It may reside and be exercised in one, few, or many. He proceeds to reconcile this doctrine of divine institution with that of government as arising from the secondary law of nature, the jus gentium (previously in this chapter he had repudiated Belarming's doctrine which took too
secular a view of the jus gentium, giving it no relation whatsoever
to divine law and which made Kings, Kings only by immediate human election) The laws of nature are also the laws of God. 'It is not in mens' free will that they have government of no government, because it is not in their free will to obey or not to obey, the acts of the court of nature, which is God's court; and this court enacteth that societies suffer not mankind to perish which must necessarily follow if they appoint no government. If a people choose monarchy rather than aristocracy it is 'God's warrant and nearest call to determine the wills and liberty of a people to pitch upon a monarchy hic et nunc rather than any other form of government, though all three be from God. As far then as the theory of divine rights goes, he makes a synthesis of Calvinist predestinarianism and Jesuit speculative political theory. The jus gentium of Vasquez and Suarez mediates the choice of the people, but this jus gentium is for the Calvinist part of a law of God as well as the product of human reason. 'The kingly office is from God and floweth from the people, who choose a leader and confer upon him kingly power, which resides not in any one of them, but in the united society as a gift of God through the law of nature.' This office can be created or limited by the people at will. Such an office, he holds, was Solomon's. There is not an institution by God of the King and an approbation by the people (as Barclay states) but God, 'by the people's free suffrages createth such a man a king, passing by many thousands.' 'What other calling of God hath a race, a family, and a person to the Crown but only the election of the States?'

In the 'Trew law of free monarchies' James VI had asserted his right to the Throne as based on conquest. Without referring to the royal source of the doctrine, Rutherfurd states 'there is no title on earth now to the Crown to families or to persons, but only the suffrages of the people.' 'Conquest without the consent of the people is but royal robbery. In a Scriptural divagation he mentions the divine duty of princes and (without mentioning Charles) states a King should not forsake his calling upon any hazard even of his life, no more than a pilot should give over his helm in an extreme storm. He now passes to consider some of Maxwell's arguments for the immediacy of the kingly office from God. He uses a distinction regarding the civil power which he refused to allow in dealing with the pastoral, that of office and of the exercise of it. The kingly-office is immediately from God, he admits, but the votes of the people alone apply a man to it and to the exercise of it. He always, of course, uses the safeguard that God is working through the people, in order that he may vindicate himself against the accusation of holding Bellarmine's opinions that the people elected and that all God did was to say 'Amen' at the end. In countering some of Maxwell's Scriptural arguments for immediate divine right without popular consent, he announces political maxims worthy of a Bacon. Even though we admit the divine origin of monarchy, he says, this does not prove that there should be non-resistance to the latter, for though the pastor's office is by divine right we would resist him if he tried to rob us. Regarding the actual endowment of a man with kingly power, Rutherfurd's theory is interesting. He had upheld in his theological works that pastoral power comes immediately from God, and that the people do not ordain a man to office but only appoint him to a place. His doctrine of the endowment of a king with sovereignty seeks a half way house between office as given by election and as given from God.
There being something divine in royal power, the immediacy of God in it has to be made clear as well as the will of the people. As God through the Church ordains pastors to office, so God through the people appoints the King to office. This does not mean the giving to the King of any supernatural gifts, any more than ordination by the Presbytery gives them to a pastor. They may or may not be given beforehand by God. He considers the Divine Right as proceeding from heredity or primogeniture. "We have" he maintains, "no Scripture or law of God to tie royal dignity to one man or to one family." He ridicules prayer for the King as a basis for Divine Right. All in authority are to be prayed for - (was the phrase intentional) even Parliaments. Regarding arguments for the inviolability of sovreignty he writes "It is true where there is a king sovreignty must be inviolable. What then? Arbitrary government is not sovreignty. With veiled reference to the political situation and the campaign of Montrose, he goes on, "Arbitrary government has no alliance with God; a rebel to God and His country and an apostate, hath no reason to term lawful defence against cut-throat Irish rebellion." The reference could apply to Charles, the instigator as well as to Montrose, the leader of the Irish invasion. In his strictures on heredity, primogeniture, arbitrary government, and non-resistance to it, there is enough in this chapter to have set his head later, beside Argyle's on the tolbooth.

In the next chapter further scriptural arguments of Maxwell that the people only approve the King's accession to Office, are considered. Rutherfurd seeks to prove from the election of Saul and David that popular consent was necessary to enthronement. Maxwell claims that the anointing as symbolic conferred the kingly power from God alone. Rutherfurd is noticeably freer in his use of scripture parallels when applying them to political subjects than when applying them to ecclesiastical. "The anointing of Saul cannot be a leading rule to the making of all kings to world's end." He is more eager to confute Maxwell by referring to the present state of affairs than by accumulated scriptural argument. In the matter of approbation of the sovreign he states "We give all the styles to the kings that the fathers gave, and yet we think not - when a king commandeth to murder his innocent subjects in England and Scotland that is divalis jussio, the command of a god. He proceeds in Chapter seven, to reconcile the immediacy of the kings office from God with its mediation to Him by the people. Maxwell puts forward the theory that sovreignty is a ray of divine majesty, and as the people, according to those of Rutherfurd's creed, are all equal, then they cannot be the givers of sovreignty to the king. Rutherfurd traces this doctrine to the Archbishop of Spalato. He denies that sovreignty is not virtually in the people, it is. Maxwell had asserted what was later Hobbes's theory that no right to sovereignty could come from the people because they had given it up by the surrender of the native right of every single man. Rutherfurd answers in a passage which clearly states his whole theory "I answer, 'Very well; for the surrender is so voluntary, that it is also natural, and founded on the law of nature, that men must have governors, either many, or one supreme ruler. And it is voluntary, and dependeth on a positive institution of God, whether the government be by one supreme ruler, as in a monarchy, or in many, as in an aristocracy, according as the necessity and temper of
the commonwealth do most require. This constitution is so voluntary, as it hath below it the law of nature for its general foundation, and above it, the supervenient institution of God, ordaining that there should be such magistrates, both kings and other judges, because without such, all human societies should be dissolved. It is evident that God does not by special act take away power from a king; that also is by the mediation of the people. "God doth not take the authority of the king from him immediately, but mediately, by the people's hating and despising him, when they see his wickedness, as the people see Nero a monster - a prodigious blood-sucker. Upon this, all the people contemn him and despise him, and so the majesty is taken from Nero and all his mandates and laws when they see him trample upon all laws, divine and human, and that mediately by the people's heart despising of his majesty; and so they repeat, and take again, that awesome authority that they once gave him." Charles could hardly be expected to relish this parallel or the pious wish expressed later in the chapter "I would our King would evidence such a majesty in breaking the images and idols of his Queen and of Papists about him." The power of government which the people possess, declares Rutherfurd, is not the passive power only of being governed 'potestas passiva regiminis' but active in that they have free will to choose how they will be governed. He admits that the natural man would not readily submit to government but there is in him an active moral power desiring it. He avoids anything fantastic in his view of government as rooted in natural law. There is quite a difference between natural law which is a rational law of God and man in a state of nature i.e. a state of animal passion. A Calvinist, he had no illusions regarding any State which might go back to nature. The argument had been brought forward that if sovereignty is inherent in the people then democracy is the best form of government because it is nearest the fountain and stream of the first and radical power in the people. This he says is a non sequitur. Popular government is not that in which all the people are rulers. In it many are chosen out for the people to rule, and that this is the worst form of government has yet to be proved. If monarchy is the best, then what happens when the holder is in a state of sin? Monarchy too has its inconveniences. Any form of government is not near or far off from the people's free will according to its number of governors, but according as it is conducive as they see it to the safety and protection of the commonwealth. No form of government is inherent in a community by nature or in one particular man. Conditions determine the choice. He guards himself against the charge of vindicating arbitrary deposition, by writing "It followeth not that the posterity living, when their fathers made a covenant with their first elected king, may without any breach of covenant on the king's part, make void and null their fathers' election of a king, and choose another king, because the lawful covenant of the fathers, in point of government, if it be not broken teth the children but it cannot deprive them of their lawful liberty naturally inherent in them to choose the fittest man to be king."

Consideration is now given as to how and in what case the people may resume the power of sovereignty. The Scots had been charged with holding the Jesuit's doctrine concerning the right of the community to depose evil monarchs. Despite Rutherfurd's evasion, there is little
doubt that in this political theory the Calvinist and the Jesuit were at one. "We teach" he writes, "that any private man may kill a tyrant void of all title". The same doctrine preached by the Jesuits put the knife in the hand of Ravillac. "We do not teach" he says "that any private man may kill a lawful king though tyrannous in his government!" Though a modification this does not settle the point as to who is to determine the lawfulness of the king. He therefore, proceeds to the relation of governed to their governors. The original power of government is vested in different nations in different ways. In Scotland and England it liest in the Three Estates of Parliament. With regard to this, he gives an illuminating aside. "I see not what privilege nobles have, above commons, in a court of parliament, by God's law; but as they are judges, all are equally judges, and all make up one congregation of God's." (34) What power have the people over these men to whom they delegated should they become tyrannous? Even parliaments can be tyrannous. If the parliament should have been corrupted by fair hopes (as in our age we have seen the like) the people did well to resist the Prelate's obtruding the Mass Book, when the lords of the council pressed it, against all law of God and man, upon the kingdom of Scotland; and, therefore, it is denied that the acts of parliament are irrepealable. But who is to judge of the tyranny of parliament? According to Rutherfurd, the people. But when there is no such sanction as the vote to declare the orderly mind of the people his doctrine seems like a doctrine of insurrection. Yet his stout contradiction of the Lords' veto in legislation and his assertion of the people's right to change any law they think oppressive makes him the most modern of the political thinkers of his age. Parliament may revoke the king's deed because they have the people's consent to their office. There is no arbitrary power in King, Parliament or People. The sanction against arbitrary power in either which he later develops is the salus populi, which is the test of all just laws. He repudiates the doctrine that the king alone can repair defects in the law and that the will of the prince is the measure of all right and wrong, of law and no law. The people in cases of tyranny may resume their power. He will not say that they, any more than the king are to supply all defects. They are to suffer much before they resume their power. Again this comes near implying the judicious use of the right of rebellion. He points out that there are certain things a king cannot do. Possibly with an eye on certain of Charles's monetary exactions he upholds with Bodin that the king cannot interfere with private property and cites a law of Scotland to that effect. Nor can the king legitimate murder as David did in the case of Uriah and Joab. The implicated persons in these cases were liable to death even though the king commanded their crimes. He thus claims that the parliament of England if they be judges may take the heads of many Joabs and Jermines for murder, for the command of the king doth not legitimate murder." He asserts the light of the people through parliament, or should parliament fail, through its own voice to take unto itself the power of government resident in it if that should be abused by him in whom it was invested. "I am not against it he says "that monarchy well tempered is the best form of government, but the question to me is problematic."
The question of birth as conveying a right to the throne is next considered. Birth is by no means equivalent to divine unction. He considers that a nation may choose a man to be king so also they may choose a House to be their kings. But this also rests on the will of the people. Primogeniture is not an invariable law of succession. If a king's first born "shall be born an idiot or a fool the people are not obliged to make him king!" Moreover, recent times have pointed the lesson that there are certain necessary qualities of kingship. "God" he says "does not ask that a man have certain qualities merely to inherit property, but he requireth that a man and so that a family should be thus and thus qualified else they should not be kings." He takes the two Royalist claims to government through birth and conquest and balances them clearly against one another. If birth conveys a right to kingship, then conquest cannot, for a man born king may be conquered by another and lose his right. Who is king? He who is born king or he who has conquered? Conquest he himself thinks gives no good right if it is without the consent of the people. Sovereignty is not possession of property and is not the king's to hand down to his descendants. "It is evident the lineal deduction of the Crown from father to son through the whole line, is from the people, not from the parent." He ultimately asserts the principle which abolished the Stuart dynasty - always with relation to divine providence as well as to political necessity. "God hath not bound any nation irrevocably and unalterably to a royal line, or to one king or government; therefore, no nation can bind their conscience, and the conscience of the posterity, either to one royal line, or irrevocably and unalterably to monarchy." His final verdict is "Yet I shall not be against the succession of kings by birth with good limitations; and shall agree, that through the corruption of man's nature, it may be in so far profitable, as it is peaceable, and preventeth bloody tumults, which are the bane of human societies." He closes the chapter by quoting Plutarch's Dictum on Monarchy - not highly flattering. "He would have kings as dogs, that is best hunters, not those who are born of best dogs." A King by election is therefore, more principally a king ex natura rei than a king by birth. He proves this by the historical fact that elective chieftainship preceded hereditary. He maintains that he approves hereditary monarchy rather than elective monarchy in some cases.

He examines the right of conquest as giving a king a title to sovereignty. Here again he arrives at the conclusion so evident from history that in the long run even the good government of a people by a conqueror cannot be accepted as a substitute for self government. Conquest by the sword without the consent of the people is no just title to the crown. Even a just conquest and the overawed consent of the people gives no right. The fathers may consent to the conquest and to the king who has conquered and so give him a temporary right to sovereignty over them; but the sons may well dissolve any such bond, even though there was just cause why their fathers were conquered. He cites the flexibility of all Civil Law. Parents may alienate property but not the rights of their children. Conquest made by violence may be dissolved by violence. "No injury can be recompensed in justice with the pressure of the constrained subjection of loyalty to a violent lord." Speaking of David's conquest of Ammon he says "If David had
not had an higher warrant from God than an injury done to his messengers, he could not have conquered them."

He passes to the argument that a king is born to the royal dignity and easily disposes of it. A man is born into the world subject to the laws of the politic society in which he is born, but this does not make him by nature subject to the king as he is to the father that begat him. Slavery, he opposes, as against nature. Man is by nature born free. "That is by nature no man cometh out of the womb under any civil subjection to king, prince, or judge, to master, captain, conqueror, teacher etc." He again takes Bodin's theory of domestic society as being ex lege naturae the basis of all society. In this a man is under subjection to his parents but in the politic society subjection is voluntary being grounded on the consent of men. It is false that a man cannot defend a people except he have entire power 'that is to say he cannot do good except he have vast power to do both good and evil.'

Relation of king and people is now considered. It was natural to him that this took the form of a covenant, and like the upholders of Divine Right, he sought his chief argument in Scripture. "And Jehoida made a covenant between the Lord, the king and the people, between the king also and the people." He confutes the royalist interpretation of this text which would make the king responsible to God alone and not to the people and which made the covenant in the last clause merely a promise of obedience on the part of the people to the king. He asserts that the principle that if either party does not fulfill the conditions of the covenant the other is loosed from the contract. By this covenant the king is bound to keep religion pure, and law rightfully administered. There is a "mutual coercive power" in king and people. "The people because they are so above the king, and have a virtual power to compel him to do his duty; and the king, as king, hath an authoritative power above the people, because royalty is formally in him, and originally and virtually only in the people, therefore, may he compel them to their duty, as we shall hear anon." With regard to breach of contract by the king, he denies what is often charged against his school of thought, that any one act contrary to the royal office or any one or two acts of tyranny doth divest a man of the royal dignity that God and the people give him. "A single act of unchastity is against the matrimonial covenant yet it doth not make a woman no wife at all." A man is obliged to honour as King he whom the people maketh king though he were a bloodier and more tyrannous man than Saul. "Any tyrant standeth in titulo so long as the people who made him king have not recalled the grant." This grant of sovereignty is not made unconditionally by the people as shown by the nomothetic power resident in Parliament which is the voice of the people and has the right to interpret the conditions of the grant. A "The law permitteth the bestower of a benefit to interpret his own mind, in the bestowing of a benefit, even a king and state must expone their own commission given to their ambassador, so must the estates expone whether they bestowed the crown upon the first king conditionally or absolutely." A further argument which he adduces to limit the king's power is that from Bodin that the king cannot interfere with private property. He shows that in Scotland a king may be sued for any debt
contracted by him. The relationship of king to people as being ex natura the same as that of father to children is denied. Bodin had given absolute power to a father over his family. To avoid any such claim by the sovereign, Rutherfurd insists that only metaphorically can the king be called the father of his people. This chapter is filled with indictments of Maxwell and with veiled allusions to the political situation. His readers could hardly miss the latter, especially those hinting at Charles's dealings with France and with the Irish. "If a king sell his subjects by sea or land to other nations - if he turn a furious Nero he may be dethroned." Little wonder that even his colleagues (Warriston excepted) were in no small measure appalled by the doctrines of the "Lex, Rex."

His next thesis is that the king's power is fiduciary and ministerial rather than what he calls a 'masterly dominion' i.e. arbitrary. If a king were an absolute monarch, he could sell his kingdom, but he cannot. He must rule entirely for his people's welfare. Supposing people, in fear of their lives, render themselves to a ruler for their safety, yet their posterity can vindicate their own liberty given away unjustly. There is no such thing as unconditional and perpetual surrender of civil liberties. The king has no lordly dominion over his people's goods because - and again he draws from Bodin - "men are just owners of their own goods by all good order, both by nature and time, before there be any such thing as a king or magistrate." "The law of nations founded on the law of nature hath brought in menum and teum as proper to every particular man, and the intervention of kings cannot overthrow nature's foundation." Royal power is fiduciary. The king is responsible to God but as a man, in his duty, this does not make him any the less responsible to the people also. Chapter XVIII is by way of a comment on the previous two. Barklay and others had expounded the theory of non-resistance to an absolute monarch from 1 Sam. VIII. With sound exegesis Rutherfurd points out the prophetic monitory and minatory meaning of the passage. He cries out rather than writes, "Is there no lawful resistance of the ills of punishment but mere prayers and patience? Is it unlawful with the sword to resist them? I believe not. The Irish massacres still burn deep!" "I cannot believe that God hath given power to a man to command twenty thousand cut throats to kill and destroy all the children of God. . . . . Sure I am that God gave no permissive law that an emperor may by such a law of God . . . . kill by bloody cut throats, such as the Irish rebels are, all the nations that call on God's name, man, woman and sucking infants."

He next takes up the more scholastic question of "whether or no the king be in dignity and power above the people." It adds little to his thought but causes him to recapitulate many of his former tenets. He admits that in certain ways the king has a higher dignity, but on the whole, stresses the view that he is the servant of the state for its good. "All that you can imagine to be in a king, as a king, is all relative to the safety and good of the people." (83) Even members of the House of Commons if they abuse this principle (salsus populi) may be denuded of their office. Any law made contrary to it may and must be rescinded. Citing Buchanan, he states what at least contains the germ of electoral reform. "Parliamentary laws must have the authoritative influence of the people before they can be formal laws, or any more than
A subsidiary question but an exceedingly important one arising from the previous question, is the relationship of the king to the inferior magistrates. The Royalist held that the latter were only the servants of the king and bound to obey him in all things. For Rutherford, such magistrates had not a subsidiary and derivative office from the king, but an office parallel and similar in nature though inferior in sphere. Their office and institution, he maintains, is of God, as the king's is of God, i.e. by the mediation of the people and for their good. He holds that the inferior magistrates are to obey the king in things lawful, but not if he commands them to do anything unlawful. They are the deputy of the king in the sense that they administer, in his name, the law of the land, because the king represents that law. In reality they are ministri regni non regis. They are responsible to God for acting rightly, even as the king is, and are still responsible if they act wrongly by command of a king. No king may suggest an unjust sentence. Rutherford has some interesting thoughts on the appointment of judges. He opposes hereditary judges (still existing in Scotland). "That the king can make heritable judges more than he can communicate faculties and parts of judging, I doubt." The power of the inferior magistrate comes from the people, not from the king. He closes his chapter with the pithy saying, "Justice should be as easy a rate to the poor as a draught of water."

From this he naturally passes to consider the relation of Parliament to the crown. He adduces the historicity of the Estates from Scripture and asserts that they may convene (because they have intrinsically the ordinary right to convene themselves) even though the king should refuse to convene them. Barclay's idea that Parliament is only a body of councillors and advisors to the king, and that he is sole judge, is false. Parliament's power of calling the king to account, which Rutherford vigorously affirms rests in the fact that they are inferior judges holding their power from God and responsible to Him for right dealing, and in its nature as the voice of the people. Parliament makes laws and gives the king power to execute them. But Rutherford guards himself against making even Parliament absolute. The people "reserve the power of self preservation out of a parliament, and a power of convening in parliament for that effect, that they may by common counsel defend themselves." But how the people are to protect themselves without incurring the charge of being "tumultuous" he does not quite make clear.

Chapter XXII is a piece of sustained sarcasm directed against those who claim absolute power for the sovereign and assert the practice of non-resistance. The attempted amelioration of this theory by claiming that the king's power is an "absolute fatherly power" and not that of the Great Turk, brings from him a biting indictment of some of Charles's practices. Mockingly he takes up the argument that the Great Turk could make a subject jump into the fire, which a Christian king could not do, "But a Christian king hath not this power; why? and a Christian king (by royalist's doctrine) hath a greater power than the Turk (if greater can be): he hath power to command his subjects to cast themselves into hell-fire; that is, to press on them a service wherein it is written, "Adore the work of men's hands in the place of the living God;" and this is worse than the Turk's commandment of bodily burning quick."
Tyranny is not for the benefit of the people, which is the end of all government. A tyrannous king is a curse and a judgment of God. The king, he re-asserts, is bound by his covenant whereby he swears to the three Estates to be regulated by law, otherwise he could never be appointed. He is equally scathing in his criticism of the doctrine of the prerogative. This is asserted, he says, in two ways. The first as being a power resident in the king, above all law, making his will the supreme law, he refutes as unnatural and irrational. He examines the second sense more carefully, that which claims it to be an act of dispensation with the letter of the law. He does allow the king a certain power of dispensation, but asserts that it is one which he has in common with all other inferior judges. Thus when a man has broken the letter of the law, and not the intent of it, he may be pardoned. "Because the justice of the law is the life and intent of the law." The king may take into consideration the facts of a case and use his prerogative of mercy. On the other hand a king cannot pardon, or free the guilty, of the punishment due to them. If he could do this, he would, as a corollary, be equally at liberty to kill the innocent. Acting on the doctrine of the prerogative, Charles had imposed the Service Book. "I desire any man to satisfy me in this if the king's prerogative may overleap law and reason in two degrees, and if he may as a king, by a prerogative royal, command the body of the people in a book." The evil of this doctrine is that the prerogative has no sanctions attached to it; it is utterly uncontrolled and rests on the will of the monarch. Royalists may claim that this will is dictated by reason because the king is a reasonable man. "I answer, it is to me, and I am sure to many more learned, a great question —if the will of any reasonable creature, even of the damned angels, can will or choose anything which their reason, corrupted as it is, doth not dictate, hic et nunc, to be good?" There is no such thing as absolute subjection of a people to the prerogative. Rutherfurd is no pacifist nor counsellor of non-resistance. "As suppose Ireland would all rise in arms and come and destroy Scotland, the King of Spain leading, then we were by this argument not to resist." It is denied, that the power (Rom.XIII) as absolute is God's Ordinance. "And I deny utterly that Christ and His Apostles did swear non-resistance absolute to the Roman Emperor". "In what Scripture, hath God Almighty spoken of a fancied prerogative royal?" He concludes this chapter with a list of things kings may not do, many of them significant as embodied in later Acts of Parliament. The first was, "He may not marry whom he pleaseth" and the last, "He may not even be buried where he pleaseth." From birth to death, he is in the service of his people.
and all the three thus contempored have their own sweet fruits through God's blessing, and their own diseases by accident, and through men's corruption; and neither reason nor Scripture shall warrant anyone in its rigid purity without mixture. Answering the Royalist argument that Parliament cannot be judge and witness in its own case, he retorts, "neither can the King." In short, if the government of one lacks sanctions, far more so does the absolute government of the other. Tyranny, he says, is more visible and intelligible than heresy and even were the law of the land concerning it doubtful, (which it is not), "there is a court of necessity no less than a court of justice; and the fundamental laws must then speak and it is with the people in this extremity as if they had no ruler. This reserve of the power of defence against tyranny need not be expressed in the contract between the King and people. "Exigencies of the law of nature cannot be set down in positive covenants, they are presupposed" "I utterly deny that God ever ordained such an irrational creature as an absolute monarch". Were the people to set such a being on the throne, he could be removed by their children. "A tyrant is he who habitually sinneth against the Catholic good of his subjects".

He now tries to find some sanction for the actions of Parliament against arbitrary rule, and some leading principle by which all law is to be interpreted. He falls back on the dictum, salus populi suprema lex, "This supreme law must stand; for if all law, policy, magistrates, and power be referred to the people's good as the end, and to their quiet and peacable life in godliness and honesty, then must this law stand, as of more worth than the King, as the end is of more worth than the means leading to the end." A king who violates this principle must be resisted and he considers Charles has violated it. He takes up Ferne's argument that no wise king but will provide for his people's safety. Charles was very fond of the phrase in his Acts (as was his father) which referred them to 'our Royal wisdom'. The question, Rutherfurd says, is not of the wisdom of the king, but of the power of the king, if it should be bounded by no law whatsoever. "There be more foolish kings in the world than wise, and that kings misled with idolatrous queens and by name Ahab, ruined himself and his posterity and kingdom". When a Royal Stuart is compared to Nero, Ahab and called 'this man Charles', there is small wonder that the son sought the writer's head. The close of the chapter, has all the pungency of a Knox or a Melville. "Better the King weep for a childish trifle of a prerogative than that popery be erected and three kingdoms be destroyed by cavaliers for their own ends." Recapitulating the whole case, he asserts that the king is not constitutionally above the law, but that the law is above the king. Regarding the former, he affirms that no law should be so obscure as that ordinary wit cannot see its connection with fundamental truths of policy and the safety of the people.

By a transition from the theoretical to the practical, he begins the consideration of the legality of defensive wars. This originally formed the nucleus of this work. Can wars be raised by the subjects and by the Estates in their own just defence? His answer is in the affirmative He begins his argument by stating that an inferior judge may ignore a King's unjust command and carry out the law justly. This is a development of a rather isolated thesis of Bodin, though Rutherfurd admits of no exception as does Bodin in contradistinguishing the king's own law, which must be obeyed implicitly, by the magistrate, from natural law which is to be
punished by him whether the king assents or not. Citing even Grotius and Barclay in his support, Rutherfurd asserts the people's right of waging a defensive war, that of the Estates to determine when such is necessary. He makes the distinction between jus personae and jus coronae, between the king as a man and the office of kingship. It is right to resist wrongful acts of the king as a man, though it is wrong to resist the office of kingship when exercised rightly. He guards against making this too hard and fast a distinction, "Authority is not so separable from the person as that for every act of Lawless will, the king loseth his royal authority and ceaseth to be king."

"Every act of a king in so far can claim subjection of the inferior as the act commanding and ruling hath law for it, and so far as it is lawless the person in the act repugnant to law loseth all claim of lawful subjection." "To me," writes Rutherfurd "obedience passive is a chimera, a dream and repugnantia in adjecto." To non-resistance and passive obedience he was resolutely opposed. The argument that Christ's non-resistance means that men are not to resist evil, wrought violently against them and their families, he proves unsound. There is no virtue in suffering as such, because good and evil alike suffer and God never ordained suffering for suffering's sake. We may have to choose suffering rather than deny Christ before men, but this is not incompatible with resisting evil. His doctrine is that we are to suffer only when we cannot successfully resist. Applying his doctrine to the practical issue, he cannot see why "people in England and Scotland should remain in their houses unarmed while the Papist and Irish come in then armed and cut their throats and spoil and plunder at will." It is still difficult to see the extreme pacifist argument for non-resistance in such a case. The law of self-preservation is for him a law of nature and being a law of nature is a law of God. A man may take arms to protect himself. With some casuistry he interprets the text "Thou shalt love thy neighbour as thyself" as a Scriptural proof for self-defence. He masses all the jurists, past and present, including Vasquez and Grotius in support of his view. What follows is sheer political propaganda for the actual historical situation, and from Charles' point of view, could be interpreted as inciting his subjects to armed rebellion. "The king hath made a cessation with the bloody Irish, and hath put arms in the hands of papists. Now, he being under the oath of God, tyed to maintain the protestant religion, he hath a metaphysically subtle, piercing faith of miracles, who believeth armed papists and prelates shall defend the religion of protestants." Scriptural instances of defensive wars are cited. He writes it is no more lawful for me to resign to another my power of natural self-defence than I can resign my power to defend the innocent from death, and the wife, children and posterity that God hath given me.(178) He considers the question of security.

For Rutherfurd that which is most to be considered, is the security of the people, which ranks above the security of the king. "It is denied that one man having the greatest trust, should have the greatest security; the church and people of God, for whose safety he hath the trust, as a means for the end, should have a greater security." "A power to do ill without resistance is not security." No claim for the security of a monarch justified oppression. Of many of his
opponents' Scriptural arguments he states, "practice in scripture is a narrow rule of faith." We cannot be led in this by what the people of Israel may, or may not, have done.

The right to raise an army and declare war is not vested in the king alone. Such a power lies in the Estates. In this he adopts his view of the English Common lawyer. The people who have elected him to raise an army through Parliament by it have power to determine war or peace. Thus Parliament the body of representative inferior judges is above he king in this. No king can make unlawful war. lawful, by any royal authority. In doing so he breaks the sixth Commandment, therefore, objects must look more to the causes of war than to the authority of the king. This is almost a clear argument for conscientious objection. Unfortunately, the Act of the Classes showed that there was to be little relaxation for those who look to the causes of war more than to the authority of the kirk).

He puts forward the Scottish reasons for alliance with the English Parliament. Scottish historians commonly justify the alliance in the grounds of self protection, that Charles victorious in England, would have worked his way on Scotland. Such a political maxim modern in the dictum "the Rhine is our frontier" finds little support on Rutherford. It is given last in this catalogue of reasons for the alliance. "Others say, one nation may indirectly defend a neighbour nation against a common enemy, because it is a self-defence; and is presumed that a foreign enemy, having overcome the neighbour nation, will invade that nation itself who denieth help and succour to the neighbour nation. This is a self-opinion, and to me it looketh not like the spiritual law of God." For him at least the alliance was of a nature of a crusade to redeem England from the spurious and specious of her religion. For a great many of the Scots it was such and a fault that he and others found with the Engagement was that it had such devoted purpose. He never holds that such a crusade into land would have been justifiable if Scottish help had not been asked. He opposed the Engagement because it was not a 'defensive'. He seems also to have had like Argyll's 'slimmerings of a closer union between the two kingdoms. The whole chapter is written with passion of a religious crusader and not the plausibility of a politye. This ends the original work on "Defensive wars".

He returns to the question of monarchy and his considered stum is given in the first paragraph. "Nothing more unwillingly I write than one word of this question. It is a dark way: circumstances in fallen nature, may make things best to be, hic et nunc, though to me it is probable, that monarchy in itself, monarchy jure, that is, lawful and limited monarchy is best, even now, in a kingdom, under the fall of sin, if other circumstances be considered. If absolute and unlimited monarchy is not only the best form of government, but it is the worst." Regarding the powers and privileges the king possesses above those of the inferior magistrates, these his only to expedite government in emergencies. He further abolishes the covenant relation between king and people by which the king's oath to them is a legal reality and not a ceremonial formality.
The concluding chapters recapitulate most of what he has already said. Chapter XLIII deals with the Scottish Kingship as a limited monarchy. The argument in it is mostly legal and perhaps chiefly Wariston's, as from no other could he have got the elaborate legal references which he gives, e.g. that referring to the freedom of the judicial Courts, whereby the King is inhibited from sending any letter staying an act of justice and making such a letter null and void even if presented to the judge. As far as theory goes, the legal references form quite a good case for limited monarchy in Scotland, though as far as practice was concerned, government in Scotland, by the Estates had been merged in absolute monarchy when the King was strong enough and in an aristocratic and factious oligarchy when some noble family held power. Futherfurd makes excellent use of the legal matter which Wariston supplies but rather spoils the chapter by the fantastic addition from Buchanan's History of historical examples of the people's right to elect a monarch.

The last chapter sets out numerically practically all the theses of his book. While condemning Charles's bad management of his finances, he is inclined to be less favourable to the people resisting taxation by force than the English Parliamentarians were. It appears that for him, threat to life and to religion are the only good causes for armed defence. He is at one with the English Parliament on the proper use of subsidies and criticises Charles severely in this matter. He does not believe that the debts which a King incurs in waging an unjust war without his people's consent, ought to be paid by them; they may, however, ex decentia, non ex debito legali, pay his debt. He voices an opinion on subsidies hardly palatable to the royal dignity.

"Charitative subsidies to the King, of indulgence, because through bad husbanding of the King's rents, he hath contracted debts, I judge no better than royal and princely begging."
The Debates on Church Jurisdiction and Excommunication.

The question which occasioned most debate and engendered the hottest strife in the Assembly was that concerning the power wielded by the Presbyterian synods. Out of it arose the matters of Church censures, excommunication and of appeal from the final ecclesiastical court to Parliament. No questions kept Fetherfurd and Gillespie so engaged in dispute as these. As they were closely woven into the texture of Presbyterian ecclesiastical doctrine, a good deal of preliminary debate upon them occurred.

On the 8th January, 1644, the second committee reported. "Pastors and teachers have power to inquire and judge who are fit to be admitted to the Sacraments or kept from them, as also who are to be excommunicated or absolved from that censure." Opposed by Independents and Erastians, this proposition was remitted back to committee. Dr. Stanton again reported on January 19th, "that there is a power of censuring and absolving from the censures of the Church." He outlined the committee's grounds of future investigation as (1) what the Church is that is to exercise censures (2) what kind of censures these are (3) by whom and in what manner they are to be exercised. The committee was authorised by the Assembly to proceed on these lines. The whole matter cropped up as a side issue in the debate on the proposition, "That many particular congregations may be under one Presbyterial government." This debate or rather the part of it employed in countering the Independent arguments against the proposition, (6th to 21st February, 1644), is an epitome of the whole question of Church jurisdiction as it was subsequently agitated in the Assembly. It began with Goodwin objecting to the scriptural

1. Lightfoot, 115
grounds for the proposition and switched over to debate on the intrinsic power of a congregation as opposed to that of a Presbytery. The Scots maintained that there were juridical acts which a Presbytery alone could do, such as to excommunicate, the Independents that such an act could not be done by a Presbytery but only by the congregation. Congregational power in Church censures was debated hotly. Warriston, Gillespie, and Rutherford argued strongly against it. Warriston pointed out that the words "coram populo" did not tie all the people even to be present at excommunication, any more than in Scots law execution which was "coram populo" bound the people to be present. The Independents sought to prove that full judicatory power vested in the congregation and that there was thus no necessary ground for its being juridically under a Presbytery. The Scots controverted every proof they brought forward. Even Warriston entered into exegetical battle. After debating 1 Cor. V, the Assembly allowed Bridges to bring in his arguments from Matthew XVII 17-18, proving a congregational Church from "Tell the church". He was of course resolutely opposed. Selden took up the passage to prove that Christ meant here a Sanhedrin which had the mixed nature of a civil and ecclesiastical court, hence excommunication needed civil sanction. On the following day Gillespie answered him in the speech that is now historical. It was the collaboration of his and Rutherford's arguments. Composed the night before, it was given and entrusted to Gillespie as having the best debating style. Having on this side issue touched all the main points of debate on Church jurisdiction between Presbyterian, Erastian and Independent, and settled none, the Assembly proceeded to vote on the simple proposition from which they arose and to leave them for later consideration. The debate

1. Lightfoot 152.
is interesting as showing Rutherfurd's increasingly close connection with Warriston.

Among other propositions presented by Stanton on 3rd March, as one that "No single congregation may ordinarily take to itself all and sole power in elections, ordinations and censures, or in forensically determining controversies of faith, cases of conscience, and things indifferent." As debated and passed on 10th May, it stated, "No single congregation which may conveniently join together in an association may take unto itself all and sole power of ordination." The proofs of this were debated on 15th May and 16th May, Rutherfurd being the Scottish pokesman on this occasion. The narrow margin by which the proposition as voted (27-19) shows that in this matter many of the Presbyterians inclined to Independent views. Baillie writes

"The leading men in the Assembly are much at this time divided about the questions in hand of the power of congregations and synods. One of them would give nothing to congregations denying peremptorily all examples precept or reason for a congregational eldership. Others and any more are wilfull to give to congregational eldership all and entire power of ordination and excommunication and all. Had not God sent Mr. Henderson, Mr. Rutherfurd, and Mr. Gillespie among them, I see not that ver they could have agreed to any settled government."

As before mentioned, the Scots had endeavoured to make some concession to this congregational element in the Presbyterian party, an element to which Rutherfurd in many things (such as right of election) as not unfavourably disposed provided the jurisdiction of Presbytery was upheld. The Scots were hard pressed to educate the English Presbyterian in a system which maintained equally the right of the congregation and the right of the Presbytery, without confusing the issues. The English Puritan tended to go wholeheartedly to an Independent or exclusively presbyterial extreme. "Some of them would give nothing to congregations Lightfoot 262. Lightfoot 266. Baillie ii 177
denying peremptorily etc." (vide supra). It says much for the propagandist activity of the Scots that in a year's time the English Presbyterians had a much clearer idea of the system they sponsored and the Independents were left to fight their battle in the Assembly aided only by the few Erastians in it. The publication of the "Due Right" at this time and the circulation of countless little "papers" brought the English Presbyterian to a closer acquaintance with the details in theory and in practice of a system which had formerly been only speculative and ideal.

The matter of the Presbytery's power of jurisdiction was also being discussed in the accommodation committee appointed on 8th March, 1644. The nearest agreement they reached was, that in the case of a scandalous church the elders of several churches could acquaint their own churches and withdraw from communion with it. Baillie gives the only extant account of its proceedings:

"We have met some three or four times already and have agreed on five or six propositions, hoping by God's grace to agree in more. They (the Independents) yield that a Presbytery, even as we take it is an ordinance of God which hath power and authority from Christ to call the ministers and elders or any in their bounds before them to account for any offence in life or doctrine, to try and examine the cause, to admonish and rebuke, and if they be obstinate to declare them as ethnicks and publicans, and give them over to the punishment of the magistrates; also doctrinally to declare the mind of God in all questions of religion with such authority as obliges to receive their just sentences; that they will be members of such fixed Presbyteries, keep the meeting, preach as it comes their turn, join in the discipline after doctrine. Thus far we have gone without prejudice to the proceedings of the Assembly." ¹

The Ordination debate put a stop to these proceedings for the time being. A report of Coleman from the first committee on the acts of Presbytery, including ordination, censures, etc. was read on 21st March. No debate upon it is recorded.

¹ Baillie ii. 147.
The Assembly on 25th April (1644) appointed a committee to draw up a summary of the whole proposition on church government. To this committee it was clear that while the nature of Church officers, a good many of their powers, the Presbyterians system of Church courts, were all now settled, the juridical and disciplinary powers resident in officers and in courts had yet to be determined. The Independents were prepared to yield grudgingly an "advisory" power to Church courts and a "declaratory" power of censure to officers. Further they would not go. All the preceding debates had come to nothing because of the Assembly's desire to avoid an irrevocable rupture. Urged to a greater speed by the House, the Assembly committee for the summary of Church government presented these draft propositions for debate - Officers of particular congregations have power (1) authoritatively to call before them scandalous or suspected persons (2) to admonish and rebuke authoritatively (3) to keep from Sacraments authoritatively (4) to excommunicate. In connection with these the Assembly voted on 21st May "authoritative suspension from the Lord's table of a person not yet cast out of the Church is agreeable to the Scriptures." Lightfoot maintained the Erastian argument that none who came should be suspended from the Lord's supper. Goodwin argued that suspension was not by the minister alone. Rutherfurd spoke largely on the scriptural proofs for the proposition which occupied the next two days. Debate on the Directory for Public Worship intervened and all matters concerning ecclesiastical jurisdiction remained in abeyance till August.

On 20th August, along with other recommendations concerning the Directory and the Confession, Palmer suggested to the Assembly that it finish Government and then turn to Ex-communication.1

1. Lightfoot 270 - 275. (2) Lightfoot 305.
From Baillie it appears that the arrival of Warriston from Scotland, and pressure from the Scots, procured this injunction from the Grand Committee. On 4th September, the final votes on Church Government were passed by the Assembly. (vide supra). Having now settled the manner of government, it now passed to the question, which had perplexed them in so many side issues—the exercise of church jurisdiction. On 4th October, Dr Temple reported, "The Assemblies mentioned have power to convene and call before them any person within their bounds (2) To hear and determine such causes and differences as come orderly before them (3) That all these assemblies have some power of censures." With Gillespie's addition, "whom the ecclesiastical business before them doth concern" the first of these propositions was voted on the same day. The second was voted on the 7th October. On the 8th, the third was debated and voted. A motion that 'excommunication' be added to the proposition was deferred at Gillespie's suggestion that it needed fuller consideration. As the Independents now relied more on intrigue in the Houses, than on obstruction in the Assembly, these all caused little debate. Rutherfurd was at this time engaged in seeing "Lex Rex" through the press, and so the charge of seeing them through the Assembly devolved principally on Gillespie.

The right of Church assemblies to juridical power established, the Assembly proceeded to determine its nature. On 14th October, it began the debate on Excommunication. From the first, Erastian opposition to Church jurisdiction was manifest. No sooner was the proposition, "there is such a church censure as excommunication" tabled than Coleman argued, "If there be such a church censure as excommunication, then the Scripture holds out two distinct governments in a state; but the Scripture doth not hold this out". The Assembly argued in return that Excommunication was not

I Gillespie, 87.
On 15th October, occurred an interesting debate defining the nature of the Grand Committee. The Independents maintained it was one committee and implied that it had a good deal of control in ordering debate in the Assembly. In short, they would have made it a practical example of the semi-Erastian principle of the "mixed court" determining ecclesiastical affairs, on the lines of Selden's interpretation of the Jewish Sanhedrin. The Assembly held the view that it was two committees, acting jointly under one chairman and that it (the Assembly) need only report progress" to the Committee of the Lords and Commons that are joined with the Committee of Assembly to treat with the Scots Commissioners". It was willing to accept recommendations from the Committee but it was open to its members to determine in what order they should treat of any of them.)

On October 16th, the debate returned to ICor. V as a proof for Excommunication and to the 'traditio Satani' as embodying it. As some of the Assembly objected to the latter, the passage in toto was passed as a proof. Rutherfurd supported every clause of the proofs. "Let him be to thee a heathen and a publican" in spite of some scrupling by the more moderate, was next passed as a proof. The proofs of the "an sit" of Excommunication now decided, the Assembly took into consideration the "ubi sit". On 24th October, the second committee reported that this lay in the Presbytery—"A presbytery over more congregations than one hath power as of ordination so of excommunication." Marshall wished the Assembly to begin by considering whether the congregation had this power or not and so to work upwards. Palmer thought that it should first decide upon the 'ubi sit' of the lower category, suspension from the Lord's Table. The Scots supported him that they might postpone violent difference with the Independents as long as possible. "Ruling officers of a particular congregation have power to suspend authoritatively from the Lord's Table a person not yet cast out of the Church" was voted to be debated and argument from Rutherfurd and Gillespie prevailed in having it passed.

November and December 1644 were occupied in presenting the Propositions on Church Government, clearing up the details of the Directory

1 Gillespie, 92. 2 Gillespie, 95, 96.
/ for Public Worship and answering the Independents! Reasons for Dissent
from the Propositions concerning Church Government. On 23rd December, the Assembly promised the Houses that something about excommunication would be considered and sent up speedily. On the 27th, it appointed a committee to take into consideration the report concerning Excommunication, whose report is not clear. Shaw thinks it was probably that of Temple of October 4th but no record of its being debated exists. The Scots now endeavoured, as in the case of former directories, to have the basic material penned by themselves. In anticipation, they had prepared a Directory for Church Censures and Excommunication. Writing on 26th

I
December, Baillie says,

"We have drawn up a directory for church censures and excommunication; wherein we keep the practice of our Church but decline speculative questions. This we hope will please all who are not Independents; Yea I think even they needed not differ with us here; but it yet appears they will to separation and are not so careful to accommodate as conscience would command peaceable men to be."

Concerning this, he later tells us, "Mr Henderson has brought it up by way of a practical directory so calmly that we trust to get it past the Assembly next week, without much debate. The men whom most we feared profess their satisfaction with that draft." Marshall presented this directory to the Assembly on December 30th. Gillespie says he and others revised it. This revision was probably by the committee appointed on the 27th. (Marshall, Seaman, Herle, Palmer and Vines) Dr Temple, possibly annoyed at the sub-committee's neglect of his own report, moved that the Directory be remitted back to committee, but this was waived and the following day the Assembly debated the Scots' Directory for Excommunication.

1 Baillie, II,248.
2 Baillie, II,250.
3 Gillespie,97.
This was read on the 31st December and the first portion which dealt with "the order of receiving penitents" (later changed to "the order of such proceeding with offenders who manifest repentance before excommunication") passed with little debate. The second paragraph, "the order of proceeding to Excommunication" caused more discussion. The most disputed point was that excommunication could be more summarily proceeded with in an atrocious case of sin. The Independents craved a definition of an atrocious sin. Nye denied that anyone could be proceeded against till he had refused to hear the Church and showed himself obstinate. Rutherfurd argued for summary procedure in certain cases from ICor. V—Paul had ordered the Corinthians to deliver the fornicator to Satan, not for an obstinate attitude to the Church, but for the deed that he had done. Palmer supported the Independents against summary procedure. Gillespie moved that, "without the usual degrees" be changed to "proceed more summarily and shortly". It was finally changed to "with more expedition" and thus voted. The sentence runs "Where the offence is so heinous that it cries to Heaven for vengeance, wasteth the conscience, and is generally scandalous, the censures of the Church may proceed with more expedition". The Assembly made a memorandum that they would determine what 'atrocious sins' were to be taken into account. It next debated who were to excommunicate. As drawn up by the Scots, the proposition with regard to this had run somewhat to the effect that after judgement by the classical presbytery, it may declare a man to be excommunicate "which shall be done by the ministers and elders of a congregation whereof he is a member with the consent of the congregation, in this or the like manner. (The method of dealing with the offender follows.)

1 Gillespie, 99. 2 Directory for Church Government (Edin. 1637) p. 18.
The Independents objected to this mentioning of the minister with the elders as implying that if he were not present excommunication would be invalid. Some of the English Presbyterians, who still disliked the office of ruling elder, objected to the mention of elders as the office was not explicitly held forth by name in the Directory for Church Government. As the paragraph stands in the Directory, (published Edinburgh, 1637) the word 'eldership' is used to include minister and elders in a formula. The idea of the people's consent in excommunication was disliked by some others among the English Presbyterians, as coming too near the Independent doctrine that the people had a juridical right in the sentence. Vines explained this idea, in a sense very close to Rutherfurd's, as a mere tacit consent in the promulgation of the sentence. The clause was let stand and each took his own interpretation from it. In drafting this Directory, Henderson certainly intended to concede some voice to the people in the matter of excommunication. In this, he is at one with Calvin and Beza, who placed in it a 'consentiente plebe', which Rutherfurd, in the "Peacable Plea" denied. It is difficult to reconcile the stress he lays upon patient dealing in excommunication in the "Government and Order" with that now laid on summary procedure. It may be that he considered evils and scandals more prevalent, but, in all probability, he was pressed to a harsher dogma by Rutherfurd and Gillespie. Rutherfurd himself was changing. In the "Peacable Plea", he had pleaded for great meekness and "longanimity" with an offender, even if obstinate; opposing Nye in this debate, he refused these even to one not obstinate. Contact with many 'scandals' and with the harsher, if brilliant mind of Gillespie, whom he so often partners in debate, is hardening even further his own rigorous doctrines. On January 3rd, Baillie and Gillespie left

I Peacable Plea, 49.
I for the General Assembly in Scotland and Rutherfurd and Henderson were left to see this Directory through the Assembly.

On January 7th, the debate became more heated, when the Assembly came to consider the 'ubi sit' of excommunication. Marshall in a speech outlined three variants of this—"Some hold it (excommunication) only in the congregational presbytery (Independents); (2) others think that both the congregation and greater assemblies may do it (Scottish Presbyterians and supporters) (3) others may think that particular congregations may not do it (English Presbyterians nearest 'primitive' Episcopacy)". There were shades of opinion in all these parties, even among the Scots. Marshall justified his procedure in taking up and presenting the Scots' Directory as it had been shown to the Independents before the debate and seemed to him to contain a sound ground for accommodation. Henderson asked for a conference with the Independents, if that would settle matters smoothly, but Goodwin questioned if it would do any good. Rutherfurd agreed with Goodwin because, he said, "Many learned writers have written accurately as to what is the primum subjectum potestatis jurisdictionis and never yet settled this controversy". He maintained that the sentence in the Directory already quoted which named the classical presbytery, eldership and people as sharing in excommunication was ample in scope, without any further doctrinal argument. The wording, he argued, contained nothing that condemned either side, that which vested juridical power in the presbytery or that which vested it in the congregation. This paragraph was, however, given to a committee for accommodation. On January 9th, the Assembly debated upon the excommunicate coming to the preaching of the Word. Scottish practice had always admitted him to it. Coleman argued that, if a man were admitted to the hearing of the Word, he should...
also be admitted to the Sacraments as they too had a power in moving the heart of a sinner. In this he was practically alone. Many wished excommunication to be ab omnibus sacrís. Next day, the debate diverged into whether, if a man is admitted to the preaching of the Word, he has also part in the public prayer of the Church. The argument was probably that in admitting him to one, he was, ipso facto, admitted to the other, and so, in some sense, to communion with the faithful. Rutherfurd casuistically held that any part the excommunicate took in public prayer was of none effect. All this and the consideration of causes for which any person was to be excommunicated was remitted to a separate committee. The committee which was considering excommunication by the eldership had five new members and the Scottish Commissioners added to it. The remainder of the Directory was recommitted to them. On January 15th, Rutherfurd and Nye had a passage at arms over the minister's pronouncing sentence, Nye stating that it was one of the least ministerial acts and that the whole validity of the sentence lay in the suffrage of the people. The 16th saw Marshall again reporting from the enlarged Directory committee and having some data recommitted. The following day, absolution from excommunication was debated. The tendered form was to the effect that, "where, if nothing be alleged against him (the excommunicate) he may be brought before the classical presbytery, which being also satisfied with his humiliation and trial of his repentance, he is to be absolved from the sentence of Excommunication by the particular eldership and before the congregation where the offence is given". Rutherfurd and Henderson assented to this, provided the words 'upon Examination' were added after satisfied. This sounds like Rutherfurd's insertion. More typically Henderson's are two other offered insertions, "all who have power and interest to be satisfied

I Minutes of Westminster Assembly, 39.
The first of these would have made the people's consent in excommunication a little more explicit. What sins were worthy of excommunication, was next debated. The paragraphs on this were ordered much as they stand in the Directory. Errors of judgement about points wherein godly men may differ and sins of infirmity "common to the children of God" are not deemed worthy of excommunication. Sins publically scandalous must be visited with this penalty. Two papers on the matter of sins worthy of excommunication occupied the Assembly's attention—that of Marshall from the committee of accommodation and that of Henderson and Rutherfurd. The latter was more rigorous and gave the limit of the Scots' concessions. Henderson stated that if the accommodation committee's paper were put into effect in the Directory, the Church would have no means of suppressing any error. A last dispute thereon broke out between Nye and Rutherfurd. The former maintained that excommunication was in reality only for impenitence and the sentence would only be valid in heaven, if the sinner showed no penitence. Rutherfurd maintained that the Church excommunicated chiefly for the sin, as it was far too difficult to know the mind of the offender. The meaning of the minutes is difficult, but he appears to state that the Church must proceed to excommunication when sufficiently convinced of the sin of the offender, not after having investigated his repentance or otherwise.

On February 3rd, the Directory for Excommunication was read and sent back to the Houses. On the 4th, the Independents gave in their dissent to its being sent up and complained that, though drafted supposedly as an accommodation, the Directory was far from being such. This was untrue. The Scots had made not a few concessions. They had modified their insist-

1 Minutes of Westminster Assembly, 39-40. 2. Ibid. 45.
-ence on summary excommunication. As to who executed the sentence, they allowed the word "eldership" to be substituted for "minister and elders", leaving ample room for Independent doctrine. The clauses concerning admission to preaching were omitted. The paragraph dealing with the act of excommunication mentions "classical presbytery, eldership and congregation" but leaves it an open question as to whom the power of it belongs. In the act of absolution, the presbytery is not mentioned. For Rutherfurd, at least, if not for Henderson, these were great concessions. His doctrine here illuminates much of his later ecclesiastical politics. The main doctrine to which he and Henderson both subscribed was that excommunication was a disciplinary censure for the good of the soul. The 'ubi sit' of it had not much troubled the earlier Reformers, nor does Henderson in the "Government and Order" speculate much concerning it. Now for Rutherfurd it comes to be much more a juridical sentence of Presbytery, promulgated by the minister. Such a dogma was the inevitable development of his early denial of any actual popular consent in excommunication. When he accepted also the principle of summary procedure, he gave a highly arbitrary instrument into the Presbytery's hands. Bad enough applied ecclesiastically, this principle was disastrous when applied by analogy to civil affairs. The Act of the Classes was exactly the legal adoption of a bad ecclesiastical principle, which there is not much doubt Warriston, who drafted it, got from Gillespie and Rutherfurd. The Act also is an arbitrary and summary exclusion by a Court (in this case Parliament or the Committee of Estates) from privileges, without due consideration of the fault punished. It was a grievous doctrine Rutherfurd came to form in the years 1645-46, for it became one of the chief causes which rent and destroyed the unity of the Church of Scotland subsequent to the Engagement.
The Assembly now began to consider further aspects of the jurisdiction of Church courts, in order that these might be embodied in the final Directory for Church Government. The nature of "Appeals" was mooted and debated from February 10th to 17th. The original proposition suffered little alteration despite the debate. As printed in the Directory, it runs, "It is lawful and agreeable to the Word of God, that there be a subordination of Congregational, Classical, Provincial and National Assemblies for the Government of the Church, that so appeals may be made from the inferior to the superior respectively." Rutherfurd attacked this proposition when given in by Stanton on the grounds of its vagueness. It limited the trial of a case to the congregational court unless that case were transmitted by appeal to a higher. But there were cases, e.g. heresy, which were of great import to a province or a nation. Were these to remain untried, if not dealt with by the inferior court and carried by appeal, to a higher? Care must be taken not to limit the bringing of cases before a competent court. The meaning and intention of "appeal" must not be narrowed to taking a judged case from a lower to a higher court. (Although no qualifying clause was inserted in this proposition, Rutherfurd's arguments so far prevailed that this matter was clarified in the proposition on the power of Classical Assemblies, voted some time in March or April, 1645. "It belongeth to Classical Assemblies to take cognizance of causes omitted or neglected in particular congregations and to receive appeals from them.") Sundry arguments against 'appeals' ensued. Bridges held that a case was not to be carried up by the appellant but by the judges, if they found it too difficult. This construed the Presbytery as merely an advisory body, and was rejected by the Assembly. On the following days, 'appeals' were
206.

defended, from the law of nature and from the subordination of Church courts already proved. Rutherfurd, speaking of an Independent publication, sorrowed that. "When I read through that treatise of the Keys of the Kingdom of Heaven, I thought it easy to labour for a universal pacification". Herle conceived "it is a part of our unhappiness when we are upon disputation, we fall accommodating and when accommodating then disputing". After February 18th, no record of the debate on Appeals exists, but the proposition already cited passed into the Directory for Church Government. Vines, on 3rd March, refers to it as ordered.

Rutherfurd again opens the debate for the Scots on "The power of Synods". As far as can be gathered from the minutes, some negative clause as to what Synods might not impose or command, was put forward, but on opposition by him and others, it was waived. It does not occur in the Directory, which simply states, "These Assemblies have Ecclesiastical power and authority to judge and determine controversies of faith and cases of conscience according to the Word".

The report on the Power of Classical Assemblies was given in on March 18th. Its first proposition, which in the Directory deals mainly with the advisory powers of Presbytery in cases of conscience and doctrine easily satisfied all parties. The rest was recommitted.

On 27th March, discussion on the power of the congregation began. Nye gave in a paper, which covered all the old ground of debate and Rutherfurd, who was always ready to pounce on Nye whenever he presented argument of report, charged him with the folly of creating new debates. Nye intended obstruction. The Assembly countered, by asking the Independent--

1 Minutes of Westminster Assembly, 64-66.
Baillie states that this was a manoeuvre to keep the Independents quiet and that it succeeded as they were busy for seven weeks preparing their answer which the Assembly after all did not purpose to debate. The Independents knew this as well as Mr Baillie and were quiet because, knowing opposition in the Assembly to be useless, they were trying by political manoeuvring to achieve what they could not gain by debate.

On April 9th, Gillespie and Baillie returned from Scotland with the General Assembly's approval of the Directory for Public Worship. The next fortnight was spent in debate on 'particular congregations'. There is little record of Rutherfurd speaking. Gillespie took over, to give him a well-earned rest. Yet it is clearly Rutherfurd's doctrine of church unity and of separation, as expounded in the "Due Right," which finds expression in this directory "of particular congregations". How closely this directory follows his principles may be seen from the following quotation from it:

"If any person or persons in the congregation do not answer his or their profession, but by open sin and wickedness cross and deny it; or if there be a want of some officers or a sinful neglect of officers in the due execution of discipline; yet this doth not make that congregation cease to be a Church; but requires that there be a supply of officers which are wanting; and a careful endeavour for the reformation of the offending person or persons, and of negligent officers by just causes according to the nature of the cause.

Communion and membership in congregations thus constituted, notwithstanding the forementioned defects is not unlawful. And to refuse or renounce membership and Church-communion, or to separate from Church-communion with congregations thus constituted, as unlawful to be joined with, in regard of their constitution, is not warranted by the Word of God.

Separation from a Church thus constituted, where the Government

1 Baillie, II, 266.
2 Directory for Church Government, p.7.
'is lawful, upon an opinion that it is unlawful, and that therefore all the godly are also bound to separate from all such Churches so constituted and governed, and to join themselves to another Church of another Constitution and Government is not warranted by the Word of God, but contrary to it'.

Gathering of Churches by the Independents from Presbyterian Churches on the ground that the latter's government is unlawful, was explicitly forbidden in this Directory. The complete Directory for Church Government as has already been noted, was sent up on 7th July.

Meanwhile the Directory for Excommunication had come before the Houses. According to Shaw, it had been presented to them in the form of two papers, by Dr Burgess---"The Humble Advice of the Assembly of Divines now by ordinance of Parliament sitting at Westminster, concerning Excommunication" and "The Humble Advice of the said Assembly concerning a Directory for admonition, excommunication and absolution." Owing to the failure of negotiations at Uxbridge, these never passed more than the committee stage of the Houses. On March 5th, a committee appointed for "Keeping the Sacraments pure" reported. Their report seems to have been sent up to the Commons on the 6th. On 10th March, an ordinance was read a first and second time ---"for the election and establishing of elders in every congregation". It was given to a committee of both Houses, with a recommendation to consider specially the keeping from the Sacrament of the Lord's Supper of ignorant and scandalous persons. On the 21st, the Commons debated the ordinance and referred it to the Assembly to express particulars of that ignorance and scandal for which it considered persons ought to be suspended. Regarding this, a committee of Assembly reported to it on 24th March. The Commons decided (March 24th-27th) "that there are persons so

1 Shaw, History of English Church, p. 257.

2 Minutes of Westminster Assembly, 71.
ignorant and scandalous that they shall not be admitted to the Sacrament of the Lord's Supper" and that a person not having a competent measure of understanding concerning God the Father, Son and Holy Spirit, should not be admitted. Particulars of the exclusory sins went to and fro between Parliament and the Assembly, till, on the 17th April, the House adopted a fairly full list, including drunkards, swearers, blasphemers, such as have not a competent measure of understanding concerning the state of man by creation, redemption by Jesus Christ etc. The Commons added that examination and judgement of such persons as should not be admitted for these scandals was to be in the power of the eldership of every congregation. They, however, appointed a highly Erastian committee to draft the ordinance giving effect to this. Legislation passed in May gave the eldership power to suspend for any scandal, "as is passed by the vote of this House". A suspended person was enabled to appeal through the succession of Church courts to Parliament. Writing on 25th April, Baillie regrets this clause in the ordinance, but states that the Scots were prepared to counsel acceptance of the ordinance for the time being till the ecclesiastical courts were fully erected. "We are hopeful to make them (Parliament) declare they mean no other thing by their appeals from the National Assembly to a Parliament than a complaint of an injurious proceeding; which we never did deny!" How far Rutherford would have assevered to the latter sentiment, is questionable.

All the summer, a sub-committee of Parliament, a committee of the Assembly and the Assembly itself dealt exhaustively with this matter, with occasional assistance from the Scots. During these heated discussions, Coleman preached his famous Erastian sermon of July 30th. Finally in the first weeks of August, there came the three petitions from the Assembly to the Houses in which its members declared plainly their claim jure divino

1 Baillie, II, 267.
to suspend from the Sacrament any such as they should judge to be scandalous or ignorant. They asserted that in this matter the state had no power.

"For albeit there may be amongst learned and pious men difference of judgement touching the particular kind and form of ecclesiastical polity, and some particular parts and officers thereunto belonging, yet in this one point there is a general consent, that as Christ hath ordained a government and governors in His Church, in His name, and according to his will to order the same, so one special and principal branch of that government is to seclude from ecclesiastical communion such as shall publicly scandalise and offend the Church of God, that thereby being ashamed and humbled, they may be brought to repentance and glorify God in the day of visitation."

So runs the petition of August 4th. It asserts the bond of the Solemn League and Covenant as obliging them to uphold this doctrine. The second petition was more explanatory and argumentative, pointing out that the Church was using no arbitrary power and that this power had already been granted to the Church in other nations.

"Only we crave leave to entreat you to consider that other Christian states which are jealous of the encroachment of an arbitrary power and very tender of their own just liberties, have granted the full exercise of the power of censure unto the elderships of their Churches."

Baillie expresses the mind of the Scots on the whole situation.

"Ever since the Directory came out we have been pressing for a power to hold all ignorant and scandalous persons from the table; with much ado this was granted; but so as we behoved to set down the points of knowledge the want whereof should make one ignorant, upon this we agreed. But for the scandalous, where we had long essayed, we could not make such an enumeration, but always we found more of the like nature which could not be expressed; therefore we required to have power to exclude all scandalous as well as some. The general they would not grant as including an arbitrary and unlimited power. Our advice was that they would go on to set up their Presbyteries and Synods with so much power as they could get and after they were once settled then they might strive to obtain their full due power. But the Synod (the Assembly) was in another mind; and after divers fair papers at last they framed a most zealous, clear and peremptory one wherein they held out plainly the Church's divine right to keep off from the Sacrament all...

1Petition of Assembly, 4th August, 1645, from Mitchell, Hist. of West. Ass. 293-4
2Petition of Assembly, 8th August, 1645, from ibid. 299
who are scandalous; and if they cannot obtain the free exercise of that power which Christ hath given them, they will lay down their charges, and rather choose all afflictions than to sin by prophaning the Holy table. 

Before 1640, the English Presbyterians were stigmatised by the Independents as submissive and Erastian. Now the position has altered. The Independents seek Parliamentary support; the Presbyterians have become truculently anti-Erastian, even proceeding further than their Scottish educators in assertion of the jus divinum, of Presbytery. It is not even the politic advice of Henderson and Baillie that they are prepared to embrace, but the militant doctrines of "The Divine Right of Church Government" and of "Aaron's Rod Blossoming".

The subsequent Parliamentary debates on excommunication, its means, method and material causes cannot be followed here. These lasted from August 1645 to March 1646. During most of the time, the Assembly was busy formulating the Confession of Faith, but were in constant negotiation with Parliament concerning Excommunication. Sometimes on the verge of concession, Parliament would change and revoke their decision. In October they issued an ordinance and immediately recalled it. The City of London presented, through its aldermen, a petition drawn up by its ministers in support of the Assembly's demands. Parliament lost its temper and returned a sharp answer. The Scots all this time, as far as they could, encouraged the Assembly to insist on their demands. In January, the City again petitioned. The policy of the importunate widow took some effect, for the House passed a series of Resolutions, extending the list of excommunicable offences and appointing civil Commissioners to try such in every province, before notifying the offender to the eldership. The Resolutions dismayed Scots, City and Assembly

I Baillie,II,357.
alike. A final Ordinance passed both Houses by 14th March, "for keeping of scandalous persons from the Sacrament of the Lord's Supper, the enabling of congregations for the choice of elders and supplying of defects in former ordinances, and directions of Parliament concerning Church govern-
ment. Baillie thus describes the Ordinance.

"They have passed an Ordinance, not only for appeal from the General Assembly to the Parliament, for two ruling elders, for one minister in every Church meeting, for no censure except in such particular offences as they have enumerated; but also, which vexes us most, and against which we have been labouring this month bygone, a Court of civil Commissioners in every county, to whom the congregational elderships must bring all cases not enumerated, to be reported by them, with their judgment, to the Parliament or their committee

This troubles us all exceedingly, the whole Assembly and ministry over the kingdom, the body of the City, is much grieved with it, but how to help it we cannot tell."

The atmosphere was all the more tense because in the Assembly itself the divines were debating the chapter in the Confession on the Autonomy of the Church, "That Jesus Christ, as King and Head of the Church has appointed an ecclesiastical government in His Church in the hand of Church officers, distinct from civil government." Coleman, sick unto death as he was, was waging lonely warfare for Erastian principles against the combined forces of Rutherfurd, Gillespie and many of the English Presbyterians.

The Assembly's report to the Ordinance was a Petition, chiefly against its appointment of Commissioners to judge of scandals. The Petition asks, "that the eldership may be sufficiently enabled to keep back such as are notoriously scandalous from the Sacrament of the Lord's Supper and affirms that it expressly belongs to the elders "by divine right and by the will and appointment of Jesus Christ and that by the help of superior Assemblies, all inconveniences feared from maladministration are prevented." Parliament voted the Petition a breach of privilege.

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1 Baillie, II, 357.
2 Mitchell, Hist of Westminster Assembly, 305.
sent deputies to acquaint the Assembly with their decision, and gave in to it certain queries regarding the jus divinum of Church government. These latter concerned the divine right of the Presbyterian system—congregation-al eldership, Presbytery, synod, national Assembly, and appeals to these or through them. The divines immediately proceeded to answer them. Their consideration really completed the debate on the question of the Autonomy of the Church, which had languished since Coleman's death. The actual propositions stating it was passed on 7th July, embodied in chapter XXX of the Confession, but never sanctioned by Parliament. The Commons, however, modified their Ordinance by removing their Commissioners so that the Assembly became more normal in atmosphere. The queries, though answered by the Assembly, were never embodied in any formal document. They found expression in the "Jus Divinum Regiminis Ecclesiastici", composed by the ministers of London.

No more detailed account of the Erastian controversy need be given than is necessary for the outlining of Rutherford's part in it. On 7th July, the Assembly passed the Paragraphs asserting the Autonomy of the Church, and the right of administering discipline, in no small measure encouraged thereto by the eloquence of Rutherford, Gillespie and Wariston. In theory and in practice, however, many of its members admitted qualifications in the complete severance between Church and State. Though they were at one in asserting the headship of Christ, there were many divergences as to how far the state could intervene in affairs ecclesiastical, and how much the Church should suffer it to do. Even the Scots showed some differences. Gillespie and Rutherford are the most diehard of the Erastians; Henderson is a little more moderate; Baillie, as later events showed, was the most complaisant of the four. Again a certain section of the London
ministers were more anti-Erastian than the Presbyterians of the country. It is a mistake to think that the Independents held much of the Erastian standpoint. The debate on Chapter XXX of the Confession shows that they too had differences of opinion. Nye was nearest to the Erastians, but in many ways the alliance of the Independents with the Erastians was like that of the Pharisees and Sadducees; a common enemy was the only bond. The Independents voted in favour of the separateness of ecclesiastical from civil government as expressed in the first proposition of Chapter XXX of the Confession, Lightfoot only, voting against. Other propositions in favour of Church censures, formed in answer to Parliament's queries as to what was of divine right, found Independent support. One may say that Coleman was the most whole-hearted Erastian, and that Lightfoot only a less violent supporter. Cillespie and Rutherford are the absolute anti-Erastians. Between these antagonists were many varieties of opinion, though political circumstances forced their possessors to take one side or the other. The Independents, in the final vote, on the severance of the two jurisdictions, had to step over and vote, not with Lightfoot, but with the Scottish Commissioners.

I Mitchell, Minutes of West. Ass., 252.

2 Ibid. 255-256.
"The Divine Right of Church Government and Excommunication."

Aaron's Rod Blossoming", "The Divine Right of Church Government and Excommunication", "The Coleman-Gillespie Disputations, "Jus Divinum Regiminis Ecclesiastici", were all products of the "Erastian" controversy. As far as Assembly and Parliament are concerned, the controversy was a blind alley, for Parliament conceded nothing of its final right of decision in affairs ecclesiastical. But the strife exerted a strong influence on Rutherfurd's mind. Alike for good and ill, it quickened his hatred of secular control in ecclesiastical affairs. On the one hand, on his return to Scotland, he agitated for and procured the abolition of secular patronage; on the other, he became increasingly intolerant in his assertion of ecclesiastical rights and privileges. One notes the crescendo in intolerance even in the title pages of his books; the first is a "Peacable Plea"; the second is a "Due Right" and the third is a "Divine Right!"

The Erastian question proper centred round Excommunication. This aspect of it became firmly focussed in the mind of Rutherfurd and Gillespie. They came to look on excommunication as an ecclesiastical sword, forged for offence against the threat of the civil. It became the counter-offensive weapon of anti-Engager against Engager; worse still, it became the infliction of a spiritual penalty, for what was in many cases only a civil offence. There is little doubt that the plenitude of suspensions and excommunications in the years following the Engagement is due to the unhappy predominance, which a rigorous doctrine of excommunication gained in the minds of three men—Gillespie, Rutherfurd and Warriston. The fruit of the Westminster debates on excommunication was presented to the General Assembly of 1647 in the
CXI Propositions, concerning the Ministry and Government of the Church.

These were penned by Gillespie, assisted by his colleagues. Eight of these Propositions were embodied in the Act of Assembly, authorising their printing for the consideration of the Universities and of the Presbyteries. This synopsis of anti-Erastian principles was eagerly seized upon by many of the clergy and bore a bitter fruit in the Resolutioner-Protester controversy.

Writing in July 1646, Baillie states, "Mr Rutherfurd, Mr Gillespie and your friend, are all on the press again for the defence of our Church and truth of God against divers' errors". Immediately preceding, he refers to "Mr Gillespie's large and learned treatise." "Aaron's Rod" was probably published in the Autumn of 1646, the "Divine Right" possibly preceding it a little. In his preface to the latter, Rutherfurd says, "Others can, and I hope will, add riper animadversions to Erastus". These two works, on the same subject, published almost simultaneously, give an admirable insight into the different minds and methods of the two colleagues so much at one on points of doctrine. Gillespie's work is undeniably the most lucid and orderly. He uses the historical method of dealing with his subject. The First Book of "Aaron's Rod" deals with Jewish Church government and examines the case which the Erastians made for themselves from it. The Second Book treats of the growth, causes and precepts of Erastianism and of the power and privilege of the magistrate in things and causes ecclesiastical. The Third Book concerns Excommunication, considers Matt.XVIII, the question of Judas receiving the Lord's Supper, the Sacrament as a confirmatory, not as a converting ordinance, and the Church's sole right to exclude. He states his polemical method in his preface. Of his opponents, he says, "I have not declined them
but sought them out where their strength was greatest, their arguments were hardest and their exceptions most probable." Gillespie seeks to select and destroy the chief corner stones of the Erastian edifice and so bring about the collapse of their whole argument. Rutherfurd's method is different, more diffuse, discursive, scholastic. His literary output at Westminster was thrice that of Gillespie. He was continually in residence in London, and more even than the former in demand for penning the 'papers' with which the Scots circulated the Assembly. He more easily replied to this demand than his colleague, because he had an even more fertile, more original and more retentive mind, and Gillespie was not meanly gifted with these qualities. The latter's manner of study was 'intensive'. With great learning, great powers of application and concentration, he would bend his mind to a given thesis and produce an ordered and brilliant exposition. His "Popish Ceremonies", "Assertion of Church Government" and now "Aaron's Rod" all show such a mind at work. His posthumous "Treatise of Miscellany Questions" is the 'left-overs', the material which he could not fit into the scheme of his larger works. With Rutherfurd, there could have been no "Miscellany Questions", for most of his books are 'miscellanies' of questions. Every aspect of a case that occurred to his mind, for refutation, exposition or proof went into the work in hand. His method is 'extensive'. What Gillespie gained by study, Rutherfurd assimilated as he read. But the ease with which he assimilated was often fatal to order, in his writing. Gillespie was the best debater, because he had the more selective mind.

Rutherfurd's four hundred pages of anti-Erastian controversial (the "Divine Right" contains other material besides this) is cast in quite a different mould from his colleague's work. It is a series of
twenty two "Questions", and, though these are contained in eighteen chapters, the question is the real unit. Within the main question, a multitude of subordinate ones are raised, some textual, some exegetical, some syllogistic, some historical; their variety knows no end and his wider learning only makes the number more bewildering. "Erastus his learning", "Beza his antagonist" are quoted, presented, re-presented and expounded. Every argument used by Gillespie is produced by Rutherfurd—and many more—for there is in his work, less history and more argument. Perhaps they agreed as to the respective form of their attack; Rutherfurd is more speculative and doctrinal, Gillespie more historical and practical, though both show ample talent in the field of their colleague. Gillespie bombed the key positions of his opponents; Rutherfurd bespattered the serried masses with his shrapnel. It is the fate of warfare that bombs sometimes miss and that shrapnel falls spent, but in their age and time few were reckoned more powerful in the use of the weapons they employed.

"The Divine Right"

Like the "Due Right", the "Divine Right" shows a distinct relationship to the debate in which its author participated. The first part has obviously little connection with the rest of the work. It is an apologetic for the abolition of the Service Book and meant to pave the way for the Directory of Public Worship. The first ninety four pages deal with the speculative and theological aspects of obedience to the 'ceremonies'. No man had more respect for tradition than Richard Hooker. The more moderate Puritans could at least reverence him and his enemies admitted his learning. Against Hooker Rutherfurd tilts in these pages. He opposed the former's conception of positive laws which changed with circumstances, especially as applied to divine laws, resident in Scripture. Hooker's dictum "whether God or man be the maker of them (the laws), alteration do they so far forth admit as the matter doth exact," was anathema to him. He upholds the Calvinist view, that Scripture hath laid down a perfect platform of Church government which cannot be altered, even in the smallest detail. (66) The author of the law and not the matter of the law is in this case the criterion of its finality. He trenchantly attacks the idea of alterable law in Church government (though he himself avidly applied it to civil government). Man's reason is no sound interpreter of divine law. One sees in him the strange combination of ecclesiastical conservative and political revolutionary. Hooker's view
that ceremonies are things indifferent and that a magistrate must be obeyed when he commands the acceptance of them, he utterly rejects. Ceremonies are not included in the platform drawn from Scripture and so must be abolished. One might conceive that the Introduction or some sections of it were originally 'papers' of his, circulating the Assembly, during the debates on the Preface to the Directory for Public Worship in the winter of 1644. The following two chapters of a hundred and thirty pages treat of the unscriptural nature of ceremonies. He argues that as God has not commanded them, they are forbidden, cites all the Scriptural arguments against idolatry, proves kneeling at Communion to be more or less idolatry, and that sitting is the only proper attitude.

Chapters III-XXVII deal with the Erastian controversy by the method of raising questions and answering all their aspects. The first concerns the institution by Christ, in his spiritual kingdom, not only the preaching of the Word, but also the power of discipline. Excommunication as the chief weapon of discipline is defended from I Cor. V, are also all Church censures and exclusion from the Sacraments. The arguments of Erastus against excommunication are answered and refuted. He upholds against the latter that excommunication was 'typefied' in the Old Testament by the exclusion of the ceremonially unclean. The usual vindication of Church censures from Matt. XVIII, 16-18, is given at length against his opponent, and the latter's gloss on the passage refuted. I Cor. V is taken up as proof of his case and vindicated.

Proceeding from excommunication, he attacks Erastus's denial of the divine institution of "a senate collected out of the body of the Church to judge who are to be excommunicated and debarred from the Sacraments and who not" and also his denial of an ecclesiastical judicature touching the manners and conversation of men, different from the judgement or court of the civil magistrate, or that there be two supreme courts touching manners in one commonwealth. All Erastus's proofs for his doctrine are attacked separatim and seriatim in the next chapters. The whole controversy between him and Beza is explored, expounded and exhausted. His theses on the power of the civil magistrate in ecclesiastical affairs are severely handled. The Sanhedrin as an argument for magisterial power in Church affairs is repelled. The existence of a true and pure Presbytery in the New Testament is firmly asserted. Erastus's 'Presbytery' of mixed men, prudent men and godly pastors, chosen by the magistrate to judge and rebuke, is energetically refuted as well as all his arguments there anent. Next, the right of excommunication is further vindicated from the Old Testament.

Chapter XXIII (question XIX) returns to the power of the magistrate. The Church, as Church, is not subordinate to him and never was. Civil and ecclesiastical power are both from God. Each is supreme in its sphere, but neither can intrude on the sphere of the other. All the main anti-Erastian theses are stated. The magistrate, as a man, is subject to the Church. The Church is a perfect society without the magistrate. The magistrate cannot limit the pastor in the exercise of his calling. His best chapter is that where he shows the reciprocation in the subordination of the civil and ecclesiastical power to each other as well as their supremacy and independency each from the other. The magistrate can command ministers to exercise their power, but may not exercise it himself. Magistrates cannot coerce the consciences of men (he admits they can compel a formal profession of faith). Ministers, as men, are subject to the magistrate, if they teach falsely, they may be punished by him.
220.

(As a rule the ecclesiastical court determines for the magistrate what is false doctrine, that he may punish it, though in flagrant cases of heresy, he may punish forthwith.)

The question of the hour is next discussed, "whether appeals are to be made from the Assemblies of the Church to the civil magistrate, King or Parliament." He states that such appeals cannot be made in the sense that they are from a lower court to a higher, nor can the civil court try an ecclesiastical cause. He acknowledges, however, that a man may complain to the magistrate, if he is wronged by the Church. He adds clearly that the most the magistrate can do is to order a re-trial of the case by the ecclesiastical courts. In the last chapter, the supremacy of the civil magistrates, in cases and causes religious, is categorically denied.

The "Dispute on Scandal and Christian Liberty" has more connection with the first part of the work, which dealt with ceremonies. It is the resuscitation of an old controversy to suit a new case. During his residence in Aberdeen, Rutherfurd had had a controversy with Dr Baron as to whether ceremonies were things indifferent and might be imposed by the King's command. Later, Henderson and Cant had held a disputation with the Aberdeen Doctors which had been fertile in the production of pamphlet and counter-pamphlet. Taking up the answers of the Aberdeen Doctors, Rutherfurd gives his own reply to them. His main thesis is that the submitting to the use of the ceremonies causes a grave scandal in the Church, in that it may lead weaker brethren into believing such things are necessary to the worship of God, whereas they are entirely to be condemned. The principle of eschewing scandal is higher than the principle of obedience to superiors and must be obeyed first. The scandal of obedience to ceremonies, he holds punishable by excommunication. The civil power has no right to command obedience to ceremonies. Much of all this seems flogging a dead horse. The "Disputes concerning Scandal" seems an old paper rehabilitated here for insertion. It had two points of contact with current affairs. It served as a pamphlet further condemning the Service Book in order to prepare the way for the new Directory. Also, whether men were to obey the State or the Church, in their respective interpretation of what sins were scandalous, was another question of the hour. Rutherfurd produced the case of the 'Ceremonies' in Scotland to show that the State could err sadly in its interpretation of scandalous or non-scandalous sins, and clearly implied that this matter should be left to the courts of the Church.

The "Divine Right" is not one of the best of Rutherfurd's works. Even for him it is exceedingly miscellaneous. The pages on the 'Ceremonies' rake up a controversy, already harried to death by his colleagues, Baillie and Gillespie. He does attempt a more philosophic and speculative attack than theirs. Even here he is unfortunate for he denies the idea of a progressive revelation of 'positive' law in Scripture—Hooker's great contribution to theology—whilst, in "Lex, Rex", he has just vindicated such a principle in natural and civil law. His interpretation of Scripture undergoes a change when applied to ecclesiastical affairs. In "Lex, Rex", (p. 179) he writes, "Practice in Scripture is but a narrow rule of faith". On the other hand, with regard to 'Ceremonies', he argues, that those not commanded in Scripture are thereby forbidden. His treatment of the subject of excommunication fills three hundred pages, that of the relation of Church and State about a hundred and fifty. Multitudes of questions are raised and there is a bewildering mass of Scriptural exegesis. In other works, the doctrines treated had been more
varied, resulting in greater variety of argument and exegesis; here every conceivable aspect of one doctrine is debated to exhaustion. His tendency to hair-splitting arguments is not on this occasion made more palatable by his having only one hair to split. His best pages are those which deal with the relationship of Church and State and assert the spiritual freedom of the former in all matters ecclesiastical. Rutherfurd's work is an attempt to deal with the prime Erastian question—excommunication, in the more speculative aspect. He shows a greater acquaintance with the text of the Erastus-Besa controversy than Gillespie. His may have been intended to be the more scholarly, Gillespie's the more popular exposition. The latter deals more with the case in hand, with Hussey, Coleman, Fynne and Selden, and his exposition and refutation of Erastianism, source, development and practice is the more lucid and telling.
WESTMINSTER 1646 - 1647.

Rutherford's work at Westminster during the year 1646-1647 hardly falls within the scope of this thesis. During them he was chiefly occupied with the debates on the doctrinal standards. He was the greatest theologian among the Scots and the most constantly in attendance. His anxiety and perplexity at the multitude of sects which were arising in England, were expressed in his "Survey of the Spiritual Antichrist," published just after he left London in 1647, but the work of his last two years there. The preface to this historical survey of 'hovsy' is a bitter piece of writing. "When we came first into this land, ......we were then the kingdom of Judah, helping the ten tribes, their brethren against the taskmasters of Egypt and spoilers of Babylon, and our General Assembly in Scotland was then beautiful as Tirzah, comely as Jerusalem, terrible as an army with banners. But now the tables are now so far turned, that our General Assembly is a papist throne, above kings Caesars, and we ourselves are worse than Egypt or Babylon." He writes with the combined acrimony of a Scot, a Presbyterian and anti-Erastian. This preface shows how little likely he was to succeed as diplomatic ecclesiastical Commissioner after Henderson had gone. The latter left London in May, 1646 and died in August. Baillie left London in December, 1646, Gillespie in July, 1647. Finally Rutherford took his leave of the Assembly on the 9th November, of that year.

During his last year he took part with the commissioners in London, in their negotiations with Parliament, and in their useless endeavour to create a more Presbyterian England. But he longed for home,
The last Letter he wrote as Commissioner shows the weariness of his spirit.

"We cannot but with much grief and heaviness of spirit, give you an account of the establishing of licentious and pretended liberty of conscience, and a toleration of all heresies, sects, abominable ways and false religions Popery only (how long we know not) being excepted, contrary to our National Covenant, which is a matter of sorrow to all the truly godly here".

The tragedy of the Letter is that Lauderdale's is the other signature and he was at the moment meditating intrigue with Charles and was later to tolerate anything but the principles of his fellow subscriber. He must have signed this last letter, written by Rutherford, the last to remain of the great Westminster quartet, with his very large tongue in his very fat cheek.

**Rutherford at Westminster**

A study of the work of the Scottish divines at Westminster dispels the fallacy that the great central figure was Henderson and that the others played assisting but relatively unimportant parts. In idolising Henderson, historians have done scant justice to his colleagues. For their work as a whole, these men made an admirably complementary quartet, of statesman, debater, theologian and intrigant—Henderson, Gillespie, Rutherford and Baillie. In Assembly debate, Rutherford and Gillespie were more active forces than Henderson. It is questionable if he could have brought any of the Directories as near to the practice outlined in his "Government and Order", without their debating and exegetical skill. However much a Scottish Assembly might accept the ruling of Mr Henderson, the Westminster Assembly were no such respecters of persons. Lightfoot, for example, listens with attention to Rutherford's exegesis, but is on occasion slightly impatient with Henderson's categoric assertions. The Assembly required the why and wherefore of

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all it enacted. Within the limits of Calvinist theology, and of Presbyterian ecclesiastical ideals, (widely enough interpreted), its members possessed open minds — more open than has been granted by the historians. A member was as ready to express himself satisfied with the 'proofs' of a fellow member as to express himself heartily dissatisfied with them. Lightfoot records incidents of English appreciation of Scottish argument. The ability in debate of the Independents was matched by the greater ability of the Scots, which succeeded in having the Assembly formulate standards of government and worship so closely in accordance with their own. These standards would not have so accorded, had not Rutherford and Gillespie been able to vindicate, by exegesis and debate, the theses which Henderson formulated.

"Had not God sent Mr. Henderson, Mr. Rutherford and Mr. Gillespie among them, I see not that they could have agreed to any settled government". Baillie makes no unfounded claim. The Scots co-ordinated the Westminster divines from a mass of vague and variant Presbyterian idealists into a body accepting one common Presbyterian system. In this, the work of Rutherford and Gillespie was as vital as that of Henderson. In the game of Parliamentary intrigue and ecclesiastical opportunism, the Independents over-reached the latter and won. But in the Assembly, their casuistic arguments were met with others as casuistic and subtle. With no time limit set for debate, they found two opponents who could be as exhaustive (and as exhausting) as themselves. The tongue of Goodwin made no speech that Gillespie could not answer; the fertile mind of Nye could invent no distinctions that the mind of Rutherford could not counter. No small part of the contribution

of Gillespie and Rutherfurd to the Scottish cause was the impress of their power of mind on the Assembly. Without this, Goodwin and Iye would certainly have drawn it much closer to Independent ideas. The brilliance and virulence of these was more than matched by that of the two Scots. Lightfoot's Diary illuminates this. Even when he disagrees from it, he closely follows the argument of Rutherfurd or Gillespie. If anything, he reports the former more fully than the latter. His great interest was in exposition and exegesis — Rutherfurd's forte. By Lightfoot he is always heard with interest and, if disagreed from, disagreed from with respect. He is the store-house of theological argument, scriptural exposition and patristic lore for the Scots' cause. Gillespie was daily learning from him, using the knowledge with a quick, sure mind in the debates that ensued. It may be significant that he did not debate in the Assembly till after Rutherfurd's arrival in November, 1643.

No man of either nation was more assiduous or regular in his attendance at the Assembly debates than Rutherfurd. As far as can be gathered, he is the most voluminous speaker of the Scots, more so even than Gillespie. Although he arrived a month later than the latter, he stayed longest of all the Scottish Commissioners. Gillespie was absent in Scotland in the spring of 1645 and returned there three months before him. "Mr Rutherfurd spoke.......and there followed a large debate". Again and again, quite unconsciously, this is Lightfoot's comment after Rutherfurd has spoken. The Scotsman's syllogistic propounding of a question constantly set the Assembly debating. When not propounding syllogisms, he would be expounding Scripture to vindicate his case. He did both to effect. The later rigid anti-Erastian
attitude of the Assembly shows how far along the pathway of his thought they had followed. Ashe, writing to Rutherfurd in 1657, refers to his former championship of the Presbyterian cause and says, "You may be confident that many more eyes are upon you than any other man in Scotland". The whole letter, apart from its diplomatic motive, shows that, even at this time, he was still regarded as the chief exponent of Presbyterian principles in England and Scotland. It was his work at Westminster that gave him such a position.

Doctrines which he helped to formulate and which he perpetuated in the Church, will be considered at the end of this thesis. Here, we may note his contributions to the Assembly's ecclesiastical standards. His first appearance was in the 'ruling elder' debate. The result was a formula, but one in which the Scots retained the substance of the office. By 1645, however, they had succeeded in having the eldership inserted by name in the Directory for Excommunication, and in some of the propositions of the Directory for Church Government. The Ordinance of 14th March, 1646, was for "enabling of congregations to the choice of elders". This success was particularly due to the persistence of Rutherfurd in asserting and clamouring for the use of the term 'elder' in all propositions which concerned the office. Through his and Gillespie's efforts, the office of eldership was established, theoretically at least, in the Church of England. By their efforts also the propositions concerning the Presbyterian Courts worked through the Assembly. Gillespie gained the laurels of the debate, but Rutherfurd's diligent circulation of 'papers' outlining the Scottish arguments, is a background which cannot be overlooked. His penned dialectic was as Consultations of Ministers, Vol. I, 289.
powerful among the members of Assembly as the spoken word of his colleague.

What outlining of the rights of congregational elderships exists in the standards of government is due as much to Rutherford as to any member of the Assembly. The 'paper' which the Scots had given in, concerning the privileges of individual elderships was inspired by him. It was fully in accord with the principles which caused him to advocate the sole right of the people to elect a pastor. In these, he was nearer to the Independents than any other member of the Assembly. The Directory for Church Government of 1645, which embodied the original propositions of 1644 (November), deals more fully with the congregational element in the Presbyterian system. This is due, no doubt, partly to the Independents. But that concessions were made to the latter, and that the English Presbyterian was brought to see the necessity of a certain congregational element in the Presbyterian system, must be attributed in part to the teaching and debating of Rutherford.

In the Directory of Public Worship, it was Rutherford's conception of Baptism, as public, yet unattended by any repetition of Creed, or elaborate Profession of Faith, which became established. In this he was at one with the English Presbyterians and prevailed on his colleagues to modify their doctrine, thus giving to his Church the form of Baptism which it now practises. Though Henderson may have been responsible for much of the drafting of the Directory, Rutherford, as much as any other, worked it successfully through the Assembly.

In the last great ecclesiastical matter which agitated the Assembly—the Church's right of Excommunication and its independence from the State—Rutherford, Gillespie and Marriston were the leading Scottish figures. Though unsuccessful with Parliament, these men certainly converted the Assembly to their principles. Through their
propaganda, the Assembly underwent that change which caused it to become more assertive of its rights and privileges and of the Divine Right of Presbytery.

Outside the Assembly, Rutherfurd achieved fame by his literary labours. His stay in London produced four major theological works, besides two devotional volumes based on his sermons, and the papers which he must have written for circulation in the Assembly were innumerable. This was much more than the joint output of his colleagues. Baillie produced only the "Dissuasive from the Errors of the Time" and the "Historical Vindication of the Government of the Church of Scotland". Gillespie contented himself with "Aaron's Rod Blossoming", the Pamphlets against Coleman and the "CXI Propositions". Thus, while his colleagues were content to deal each with one aspect of Presbyterianism, Rutherfurd vindicated and expounded Presbyterian practices, principles, policy and politics in his several works. His contribution in these to the doctrine of the Presbyterian Church will be considered at the end of this thesis.

All his works suffer from being written as controversial. He was always arguing syllogistically. Lengthy, diffuse and over-loaded with learning, they are formless and rambling, yet it is questionable if any Scotsman, before or since, has put so much thinking into the why and wherefore of his ecclesiastical doctrines. In one sense, he is less of a propagandist and pamphleteer than his colleagues: he does not write for the popular understanding, but rather for divines or those learned in Divinity. He was more prepared to counter volume with volume than pamphlet with pamphlet. Neither now nor in the later Protester-Resolutioner controversy does he seem to have cared for a
semi-public literary dispute like the Gillespie-Colman affair. He was ready enough to teach his doctrines from the pulpit but this he considered his pastoral duty. Argument was not for him conclusive unless backed by cumulative proof and there was little scope for such in a chap book.

By a strange fate, the man who shows least personal rancour of all the Scots at Westminster, is stigmatised with possessing most of it. The only place where this rancour appears is in the Preface to "Lex Rex" and that to the "Survey of the Spiritual Anti-Christ", where Maxwell and Burton respectively are the victims of his pen. In the works themselves, the subject is far too engrossing for him to pay much attention to the person of his opponent. 'Popish Prelate' here and there throughout his work signifies hardly anything in the age in which he wrote. There is ample reason to believe that, though he attacked the Independents in Assembly, and in his books, he was the most friendly of the Scottish Commissioners towards them. In his works and in his Letters, he speaks of them very highly. His rancour was always to be more political than personal. Maxwell is more hated as prelate and popish than because he is Maxwell. One could hardly say that Salmasius was abhorrent to Milton, more because of what he wrote than because he is Salmasius, a 'scoundrelly worm' who has dared to oppose the mighty Milton. Not even in his most bitter preface does Rutherford descend to personal scurrilities.

There is no doubt that Rutherford's works made him the leading exponent of Presbyterian thought in London. The "Jus Divinum Regiminis Ecclesiastici" of the Ministers of London only asserts doctrines which he had expounded in Assembly, in circulating paper and in his published work. Compared to the Smectymnuan treatises, the "Jus Divinum," shows
the advance to a more rigid doctrine which the English Presbyterian had made under Scottish tuition. That the Parliamentarians at the time of the "Humble Petition and Advice" (1657) could reissue "Lex, Rex" (under a different title, for the Scots and especially its author were not persona grata to Cromwell) argues that its principles found many supporters among the English Presbyterians.

One thinks of Rutherfurd at Westminster as the mind behind all his colleagues' efforts—not the mind directing these efforts, that was Henderson's—but the mind supplying them with argument, supplying them with written papers for circulation, supplying them with all the material of propaganda. He was the storehouse from which they drew. His spiritual home was the Assembly. He attended so regularly in the first years because he loved it. The speculations which wearied Henderson enthused him. It was only later, when political chicanery became intermingled with the Assembly debates, that the gusto with which he would assail Nye (he could dine with him afterwards) developed into a feeling of acrimony. Of the last acrimonious year and a half, Rutherfurd himself was weary.

When one considers his learning, his work in the Assembly by pen and by tongue, his tremendous literary output, his reputation amongst men who were themselves the best scholars of a great nation, Rutherfurd must be recognised as the Scotsman who did most to bring the English Presbyterian as close to the Scottish standard as he ever came. Henderson may have formulated these standards originally. Rutherfurd, as far as ever it was done, brought them to the Englishman—or the Englishman to them.

The task set the Scottish ecclesiastical Commissioners at
Westminster was successfully fulfilled by them as far as the Assembly was concerned. They brought its members to agree upon and complete standards of doctrine, worship and government. They might have succeeded in imposing them politically — had Oliver Cromwell been a Scot.
TRIUMPH AND DEFEAT

Triumph.----The Anti-Engager.

Rutherfurd returned to Scotland on the eve of the 'Engagement' negotiations. He had long since ceased to be happy in his work in England. Ill health and the changed political situation combined with the fact that he was the sole ecclesiastical commissioner left there, made his task lonely and onerous. Too much of the controversialist to be a diplomat, a strain was imposed upon him, which his temperament could ill support. It was with joy that he returned.

He returned to a Scotland whose political and ecclesiastical facets had been considerably changed since his departure. As has been seen, in their revolt against the Act of Revocation, the lords and lairds had placed the clergy in power. It is not to be wondered at that they decided they would rule. A study of the Anwoth ministry showed how Presbyterian precepts were spread amongst the people. The years subsequent to 1638 saw the same methods of propaganda employed in every parish in Scotland. Now they were employed without restriction, nay, they were employed by authority and injunction and all opposing and recalcitrant voices were silenced. Whether or not the clergy were deliberately proselytising the commons with a view to their support in any future encounter with the nobles cannot readily be determined. Such a possibility may have been in the minds of some of them. Especially is this the case with the ministers of the West and South West. It is worth while noticing that in the subsequent strife between Resolutioner and Protester, the leaders of the former party were those ministers who were drawn from the landed classes, while the leaders of the Protesters were mostly of burgher, yeoman or peasant stock.
As yet, however, the division in the Church was not visible, though its seeds were there. The Church almost entirely opposed the "Engagement". Douglas and Rutherfurd alike were united in their strenuous resistance to it. The Commission of Assembly was as great a power in the land as the Committee of Estates. Strangely enough, two victories made and of Cromwell broke the Commission's power. That of Preston, by overthrowing the 'Engagers', gave the Commission supreme say in matters ecclesiastical and political, that of Dunbar sowed dissention among its members, engendered the 'Western Remonstrance' and ruined it as an effective power.

To the Assembly Commission in the heyday of its power, to a Scotland ruled by untrammeled Presbyterianism, Rutherfurd returned. He immediately stepped into the first rank of Church leaders. One may wonder why he was not paid the supreme honour of being made Moderator. The explanation may be that the honour was too much of an onus after the toilsome years in London, for he returned for the time a tired man. Besides he never seems to have desired such a place. He himself would have admitted that it was the one position in the Church he was unable to fill. A brilliant teacher, a great political philosopher, a great preacher, a subtle casuist, the creator of a party, no mean man as a party leader, he lacked one thing,—moderation in all its meanings. He was, he tells us himself, a man of contention from his mother's womb. He never once sought a place for which he thought he was unfitted, nor did he now. He was too much of the partisan ever to act as a competent pacifier.

On November, 26th, 1647, Rutherfurd reentered the field of ecclesiastical politics in Scotland. On that date, he presented to the
Assembly Commission a letter from the Westminster divines and received from the Commission their hearty thanks for his labours. All the expenses since April he had borne himself, and the Commission brought the matter of his recompense before the Committee of Estates. Throughout the winter and spring sessions of the Commission (1647-48), he is in constant attendance. All the weight of his argument and influence is given to the Anti-Engagers in their conflict with their opponents. His time was fully occupied. Baillie writes,

"Betwixt the Chancellor, Duke, Argyle, Treasurer, Lauderdale, Lanierick, Balmerinoch, Warristone, Mr Robert Dowglass, Mr George Gillespie, Mr David Calderwood, Mr Robert Blair, Mr David Dickson, Mr Samuell Ritherfoord, many meetings have been had, night and day, private and public; but as yet our discords increase, and are ready to break out in a fearfull rupture both of Church and state."

He was amongst the extremists of the Anti-Engagers. His close association with Warristone, begun with the latter's sponsorship of the "Lex Rex", determined for good and ill all Rutherfurd's later political life. To Warristone he adheres from now on, in the dark days when Argyle became a Royalist and Warristone a suspected Cromwellian, in the darker days, when he himself was weary with the internecine strife of Protester and Resolutioner, which Warristone by pen and tongue kept fiercely alive, in the darkest days, when both were summoned to answer for their indictment of unconstitutional tyranny. To Rutherfurd and Warristone the Engagement was anathema. It violated all the principles of the Covenants and committed Scotland to war with a nation with whom they were ecclesiastically and politically allied. Bitterly they fought against it.

Rutherfurd in the Commission asserted the principles of the "Lex Rex" in support of his cause and drew upon himself some ill-timed remarks from William Colville, a supporter of the royal prerogative. The latter's indiscretion, however, was the ruin of an attempt which the Chancellor and

I Baillie, III,33.
Lauderale were making to form a King's party among the clergy. Its personel was largely that of those moderates who had held office under prelate and presbyter alike—Andrew Ramsay, Andrew Fairfoule, Robert Laurie, Andrew Affleck etc.

During these months while negotiations between Committee of Estates and Commission proceed, Rutherfurd is constantly employed in the various sub-committees of the latter, especially those investigating 'scandals' in the preaching of ministers and in the life of the populace. Rutherfurd is a prime mover in these committees, and their conception and inception are ominous in the light of later events. A more worthy employment is his work in the committee for the planting of kirks.

The story of the Engagement with Charles need not be told here. The terms he offered—parliamentary sanction of the Solemn League and Covenant, without its compulsory swearing, three years trial of Presbyterianism for England, with his own form of private worship reserved, promise of future establishment of a church policy resolved on, between the Westminster divines and twenty of his own choosing—were utterly unsatisfactory to the Church, though the politic party in the Estates was prepared to accept them. The secrecy which surrounded these negotiations engendered an attitude of suspicion and further stiffened the Church's opposition to the Estates. On February 18th, Rutherfurd, Gillespie and Baillie, with other leading members of the Commission, Argyle, Wariston and Balmerino, are appointed a sub-committee of the Commission to deal with a sub-committee of the Estates which presented the latter's view of the Engagement. No detailed record of this confer-

ence exists but quite evidently, on the guidance of their sub-committee, the Commission voted Charles's concessions as altogether unsatisfactory. They found his article on heresy, "dangerous and defective in omitting Erastianism and other errors and heresies, especially Popery and Prelacy, which may be destructive to the Covenant in ministering occasion to Papists and Prelates to plead for a toleration". It is not difficult to see Rutherfurd's hand in this clause. On 23rd February, it was decided to draw up a Declaration, embodying the Commission's findings on the King's offers. The Estates, hearing of this, asked from the Commission that any such declaration be sent to them before promulgation. Rutherfurd was among those conveying the answer to the Estates, promising them the Declaration before it was published. It was drafted by Douglas, aided by Rutherfurd and others. Twice during the drafting, conference was held with the Chancellor and Lauderdale, so that any objections that the Estates might have could be considered. The Declaration was finally revised on 29th Feb. by Douglas, Blair, Dickson, Rutherfurd, Gillespie, Livingstone and James Guthrie. Wariston's supporters are thus preponderant on the revision committee. The Declaration points out that the Engagement is contrary to the Covenant and that the Engagers are putting the King first and the Covenant last, contrary to the former determination of the Scottish Parliament. Charles's concession on religion, it declares, "hath nothing in it of his Majesty's affection to, or liking and approbation of the Covenant

2 Ibid. 368.
but only what he is content to yield in order to his own interest." Scathingly it narrates "the experience of former times teacheth us to beware of dangers from fraud as well as force from the plots as well as from the power of enemies." The whole Declaration is a trenchant criticism of the political futility of the Engagement. Subsequent events showed that the Commission was correct in its belief that Charles was only temporising in the offers he made. The doctrines of the "Lex, Rex" are patent in the Declaration, for not only is Charles's prerogative, but also the arbitrary conduct of the Scottish Committee of Estates, called into question. Wariston, Rutherfurd and Guthrie share the responsibility of its main thesis.

On 6th March, Rutherfurd is nominated one of the Committee for presenting the Declaration to Parliament—and appointed to pray there the following day. When it was presented, Parliament asked for a delay in publication till they had considered it. This the Commission refused, "unless we had assurance (which we had not) that there should be no danger to the Cause by the delay". They disclaimed intention of promulgating it on Sunday, 12th March, but the clerk of the Commission was authorised to promulgate on the 13th to allow of its being read in the Churches the following Sunday. It had actually been printed on March 1st. The Commission certainly showed some duplicity in this matter, probably fearing suppression of the Declaration by Parliament. Negotiations between Parliament and Commission continued for a time with Rutherfurd.

treated on behalf of the Commission. The counsel to refuse a conference with Parliament's sub-committee on the grounds that a vote on the 16th March (that instructing Callender to seize Berwick) had already predetermined Parliament's action in the Engagement, was in all likelihood his. Possibly the Commission considered Rutherfurd too peremptory a liaison officer, for milder measures are now tried and he falls out of the number of those negotiating with the Parliamentary sub-committee. Baillie writes,

"While we are sticking in these labyrinths, one of our number, not of the most rigid, falls on the overture to propose the Commission of the Generall Assemblie's desires altogether immediately to the Parliament, wherein, if we gott satisfaction, we were to goe on as they desyred us to state a question. The motion was approved. His draft of eight articles, after some changes of it to the worse, was past, and presented, in the name of the Commission of the Church, by Mr Robert Blair, Mr Robert Ramsay and I." 2

These more moderate demands, which asked for a classification of the casus belli, how they affected the English Presbyterians and whether it was proposed to support the Malignants, met with an evasive answer, which failed to satisfy the Commission. "They to whom the consideration of it was committed, looked so narrowly into every word of it, that they found snares in every other line, and not one of our eight desires satisfied." 3 A further request of Parliament for a conference was now turned over to Rutherfurd, Gillespie and Blair. The result is a stiffer reply, stating that the Commission cannot concur in stating a question of war or in discussing it, before they see the safety of the kingdom provided for and the desires embodied in the eight queries satisfied. Further conferences between Parliament and the Commission achieved nothing, and Rutherfurd left off attending the Commission, seeing little hope of agreement.

2 Baillie, III,39.
3 Baillie, III,45.
Towards the end of April, Parliament in justification of their proceedings, issued a "Declaration....concerning their resolutions for religion, King and kingdoms." It accused England of breaking the Solemn League and Covenant and demanded, among other things, that Charles be brought in safety to London, where all religious matters could be finally settled by him. This Declaration drew Rutherfurd again to Edinburgh. He was amongst those who penned the Protestation against it and with those who presented the Protestation to Parliament. The Commission objected that the Estates had taken in hand to determine the religious question without their consent. Objection was made to the manner of treating with Charles and to the suspending of insistence on satisfaction from him until he was in a state of freedom.

"This honour freedom and safety being conceived by your Lordships to be such as may enable his Majesty to effectuate his concessions concerning religion, appeareth to us to be no less than a restoring of his Majesty to the exercise of his royal power without security first had from him for settling religion." I

After presenting the Protestation, the Commission appointed Mr Samuel Rutherfurd to preach to Parliament. That sermon, if preserved, would have been interesting.

The Protestation was followed on the 28th April, by a "Representation" which is an elaborate expansion of it and a critical review of the policy of the Engagement, from first to last. The clergy are cleared from the charge of inciting the people against Parliament. England's supposed breach of the Covenant as a casus belli is discussed and dismissed. A party in England may have broken it, even as a party in Scotland has broken it, but this cannot be made a cause of war between the two nations. That the English Government has treated with Charles without consulting the Scots is balanced by the fact that the Scots are

now treating with him without consulting the English. The Representation considers Parliament's mention of the non-payment of Treaty debts as niggling and insists on satisfaction for religious matters before consideration for the safety of Charles. Such had been the Scots demands at Newcastle and they could not be materially altered without scandal and inconsistency. Baillie believed the Representation to be the work of Gillespie, Wariston and Guthrie. Yet, if Rutherfurd did not pen the document, he taught those who did its principles. "If a king do not his duty, for the maintenance of the true religion and maintenance of justice, it is not his safety alone that make his people to be in quietness and happiness". The Representation is as much a political document as an ecclesiastical one, but it shows a sounder interpretation of treaty obligations and democratic principles than Parliament's Declaration. The gist of it was sent to the Presbyteries in a Declaration of the Commission of Assembly on 3rd May and in a "Short Information" of about the same date, all of which were enthusiastically received in the West, South West and in Fife.

Parliament's reply to this propaganda was a letter sent by them to the Presbyteries. The Commission replied by appointing a committee (of which Rutherfurd was one) to draw up a "Vindication", which was presented on 6th June. The Vindication also has the mark of Rutherfurd upon it. Parliament's letter to the Presbyteries charged the Commission with intrusion on civil affairs. As far as the Representation was a criticism of their policy, the charge was true. The Commission's defence was that Parliamentary policy was endangering the peace of the Church, by determining religious matters without its consent. Regarding the

relation of subject and prince, while admitting that Parliament may determine the civil relationship, the Commission also claims that the Church has some say in the matter. They also claim that, whilst the Church cannot choose a man for a civil office, she can yet outline the moral qualifications with which men in such office are to be endowed. Answering a query of Parliament, as to whether or not the King has a negative voice in legislation, they claim that, if Scripture is against his having such a veto, they are entitled to declare to that effect. They ask Parliament "not to interest themselves in any quarrel for his Majesty's negative voice because of the great dangers which may thereby come to religion". The answer to the charge that the Commission had incurred the penalty of treason by stirring up subjects to disobey the laws of the kingdom, is met by the political philosophy of "Lex,Rex". Rutherfurd had claimed that, if Parliament erred, the people had the right to deal with the matter (now, he was never quite sure, perhaps, as here, by passive disobedience). "Civil obedience to Acts of Parliament is either in things unlawful and contrary to the Word of God, or in things lawful and right. In the former case it is a sin to obey; in the latter case a sin not to obey. Again, the authority of Parliament is one thing, an Act of Parliament another thing. We do still acknowledge their authority, when we do not obey this Act. Whateover be the Treason of impugning the authority of Parliament, it can be no Treason to obey God rather than man." 2.

The Representation had been a just criticism. The Vindication, while it contained much that was true, asserted certain principles of ecclesiastical right of interference, which were calamitous in the following years. Rutherfurd cannot be cleared of the charge of propounding


2 Ibid. 553.
many of them. Seeds of all the later trouble were latent in the Vindication.

After further petitioning, and promulgating the "Solemn Causes of a Fast" (to be kept on the last Thursday of June and the first Sabbath of July) the Commission dissolved on the approach of the forthcoming Assembly. Opposition to Parliament passed into passive, and even active resistance and obstruction to their demands, in the shires. The departure of Hamilton with his ill-equipped, ill-fated army left the Assembly to order its affairs in a less tense atmosphere than had prevailed during some of the Commission's sittings.

The Assembly of 1648, to use a word of Baillie at the close of his account of it, was a 'jangle.' Of all the Covenanting Assemblies it accomplished least. The usual leaders were absent; Argyle and Loudon were in retirement, according to Baillie to avoid the payment of maintenance, for the Engager army; Wariston was with Argyle in Kintyre to avoid the task of prosecuting the ministers charged with inciting the rioters of Mauchline Moor; there is even no record of Rutherford's presence. George Gillespie was appointed Moderator. He was quite unable to cope with the task, for temperamentally he was as unfit for it as Rutherford, and besides he was a dying man. Too much of the partisan, he spent what strength was left to him arguing with those over whom he was Moderator.

Mr James Guthrie now rises in the ascendancy and his 'brisk hand' is distrusted by Baillie, Douglas, Dickson and all moderate men. The Commission's Declarations, Representations and Petitions are all ratified. A Declaration was passed against the Acts of Parliament of 10th June and a lengthier one was drawn up against the Engagement. Its rambling nature
shows the flagging of Gillespie's tremendous earlier powers. More papers are drawn up in answer to the Estates. 'Engaging' ministers, like Ramsay, undergo a prolix examination and trial. Overtures for "remediying the grievous and common sins of the land" are brought forward. Prolixity and faction are the notes of this Assembly. Even the Westminster standards cause jangling. The Larger and Shorter Catechisms are approved, but the Directory for Church Government is attacked by Calderwood because of its 'Kirk Session' propositions and remitted to the next Assembly, as are also the Psalms and the CXI Proposition. So the Assembly spent a five week session, with little constructive work to show for it. Baillie's words are ominous and sad. He, who at Westminster had so loved Mr George 'that brave youth', now writes, "In the morning I went away, desirous after much toil to be home that night, unwilling to wait on the Commission to jangle more with the Moderator. The matter of this unhappy Engagement I hope will not last—but new grounds of division may possibly arise which may make our contentions greater."

The events which followed the rout at Preston need not be detailed. The success of the 'Whiggamore Raid' supported by the advance of Cromwell, placed the anti-Engagers in power. Whether or not Rutherfurd played an active part in instigating the rising in the West, is a matter for conjecture. His wide acquaintance with the Western lairds makes it more than likely that he would use all his influence upon them. His early work in Anwoth had been responsible for the proselytising of whole countryside and by it and by the tradition he had left behind, he had created the fibre of the Western party: him, not Dickson, his old colleague in the South West, they followed in the days of Resolutioner and Protester. Now the political force, which he had so largely helped to create, emerges
in triumph. Cromwell left Edinburgh on October 7th, and the anti-Engagers began putting the political and ecclesiastical house in order. Rutherfurd returned to the Commission of Assembly on the 6th September. Its August meetings had been occupied with drafting further Declarations to the Committee of Estates, which he may well have regarded as spurious and useless. He takes his place on the Commission the day after Argyll, Cassilis, Loudon and the Western men enter the city which seems to show he may have been with them. He is immediately placed on the sub-committee "to consider what is incumbent to the Commission to do at this time for security of Religion and prosecution of the Covenant". A Short Declaration was drawn up which was practically an incitement to all to join the ranks of the anti-Engagers as the only practical way to a sound peace. From its phraseology, Rutherfurd might well be its penman. To the overtures of Lanark and the Engagers, the Commission turned a deaf ear, refusing to act for them in any way, or to mediate between them and their opponents. It began the system of punitive purgation by seeking out from the Presbyteries all the names of ministers and expectants who had been with the army or supported the Engagers' cause. The Commission's counsel to the anti-Engagers was to reject all Lanark's terms. In November, Rutherfurd is seen further inciting the Commission to punitive measures. A letter from the Synod of Fife of which he is Moderator informs the Commission that in the Synod of Berth ministers have been holding clandestine meetings with a view to petitioning the last General Assembly in favour of the Engagement. Fife, hearing of this, held a rigorous self-examination, but found themselves happily without sin. Such a process of investigation, they would commend to other Synods through the Commission, "signifying to you our deep sense of such courses
245.

in others, and our desire that ye would, with all convenient diligence and zeal go about to discover and take order with the guilty. Rutherford prevailed on the Commission to take up the matter. All petitions or resolutions in support of the Engagement were rigorously enquired into 'as dangerous malignant designs tending to the dividing of the Kirk'. The Presbyteries of Stirling, Linlithgow and Haddington were found to have been considering such petitions and sundry others were commanded to try themselves further in the business of 'divisive supplications' and report to the Commission by January.

The proposed trial of Charles now turned the eyes of the people to the ecclesiastical state of their neighbour. They issued "A Seasonable Testimony against Toleration and the present proceedings of Sectaries and their Abettors in England". This paper was the work of Rutherford, aided by Guthrie and Patrick Gillespie.

On 23rd January, the Act of the Classes was passed. The Commission wrote to Parliament commending the Act and following the principle expressed in their 'Vindication' outlined the delinquencies which they deemed worthy of punishment. These were more political than moral as expressed in the Commission's letter of 18th January. Even "wishing or expecting a change such as profane men wait for is reckoned worthy of punishment". The whole tone of the letter is more akin to dictation than suggestion. The Act of the Classes itself was the product of party jealousy, political exigency and Presbyterian disciplinary theory. The charge that its formulators were actuated by avarice may be disregarded. The holding of place in Scotland was more often the cause of impoverishment than of enrichment, as the financial fate of Traquair or of Argyll himself showed, nor was there any evidence that any of the

1 Ass. Comm. Proc.IIi ff (Vol.II.) 3 Ibid. 170.
2 Ibid. I54
offices of which the Engagers were deprived were sold, though Argyll
was ready to see his rivals for political power divested of every place
which would give them it. Row considers that the Act was the result of
negotiations with Cromwell. "He (Cromwell) gave in a paper to the
Committee of Estates showing how far the late Engagement had tended to the
detriment of the Kingdom of England, and withal desiring that none that
had hand in it might be permitted to carry office in Scotland, either in
judicatories or armies, which desire was granted by the Committee of E
Estates. So the Act was framed that was called the Act of the Classes." It
would thus appear that Cromwell suggested the Act to prevent
further danger to England, foreseeing that it would cause enough trouble
among the Scots themselves. At any rate, Warriston and Argyll avidly
accepted the suggestion, which suited at once their policy and their
principles.

Warriston had been closely associated with Gillespie and
Rutherford in the Excommunication debates at Westminster. These two
had, more than all others, violently asserted the Church's right to
remove and punish by excommunication all religious offenders. As one
of their arguments they asserted the Hebraic dogma that the presence of
the wicked in a Church or nation brought the wrath and curse of God upon
both. This theme they voiced incessantly throughout the sittings of the
Commission in 1648. Warriston, as his Diary shows, was a highly impress­
onable man, all the more so when the impressions he received supported
and strengthened the policy he had meant to pursue. He believed, or
led himself to believe— for he was a master in self-persuasion— that
the Act of the Classes was not a political manoeuvre, but an instrument
for averting the Divine wrath from Scotland. Its very comprehensiveness
is due to the ecclesiastical doctrine behind it. Had it been formed by
one who was merely a 'political', the chief leaders might have suffered
but lesser men would have escaped. Wholesale prescription has been.

I Row, Life of Blair, 209.
most often due to ecclesiastical causes. Left to themselves, it is questionable if Argyll, Cassillis and Balmerino would have done more than deprive their opponents of office and power; Cromwell had asked nothing more. But with the same exhaustiveness with which he examined the polemic of a doctrinal opponent, Rutherfurd insisted that the Estates should examine all and every person in whatsoever office, connected with the Engagement, lest their holding that office should bring God's wrath on the land.

He was the author of the letter from Fife already mentioned, the inspiration if not the author, of the letter of 18th January, in which the Commission asked the Estates to find scope in their Act to punish even the intentions of a doubtful case. The 'Classes' of the Act were due to the Church's demand for an extensive purge, a demand which Rutherfurd created.

Warriston who framed the Act was in complete sympathy with the extremists. He used as a basis an act of 1646 which fined and excluded temporarily from office classes of persons implicated in the rising of Montrose. But here, no fine, option or compounding is allowed. Even as excommunication was punishment by deprivation of right and privilege, so this Act is a civil excommunication by deprivation of all civil right and privilege, ad vitam in some cases, for a lesser term in others.

A clause in it submitted to a theory proclaimed in the 'Vindication'. No person, even after the expiry of his time of disqualification, could be reappointed to office till he had given satisfaction to the Kirk and both Kingdoms. In the 'Vindication', it had been claimed that though the Church did not choose a man for office, yet it should outline the qualities that such a man in such an office should possess. The Act of the Classes went further. It made the Church a judge as to whether or not he possessed them. This fatal concession was the cause of all subsequent strife.
Behind the Act is the idea that a pure nation would alone be blessed and that Church and State should combine in removing from all positions within themselves whatsoever would contaminate the stream of their public life. Warriston, Rutherfurd, Gillespie, James Guthrie and Patrick Gillespie were the men most responsible for its promulgation.

It is difficult not to be partisan in estimating the politics of the Engagement. The anti-Engagers were right in refusing to involve Scotland with an England with whom they were in alliance upon the flimsy grounds of the latter's breach of a treaty, which the Engagers had already broken themselves. They were tactically right in asking for full satisfaction from Charles before they did anything for him. For one who was most upright in private life, Charles's word had a notable elasticity in political affairs. The satisfaction which they demanded from him,—establishment of Presbyterianism in England, is more open to question. If Charles had given them satisfaction in this, they would have shown no scruples in marching on England — as they themselves admitted. They argued that circumstances had not changed since Newcastle and that nothing could be done for Charles. They cannot be blamed for Whitehall; they could not have foreseen Charles's fate for the simple reason that Cromwell himself did not foresee it. The evidence of History is that Charles was put to death because nobody knew what to do with him.

The anti-Engagers were the more democratic of the two parties. Their denial of the King's negative voice in Parliament is a tenet of Rutherfurd, which was preached by Gillespie and put into practice by Warriston. The 'Representation' had been, despite Baillie's criticism of its prolixity, and its ecclesiastical authorship, a democratic document, with a sound international principle (with a modern pertinence)
namely, that no nation should invade a neighbouring nation on the grounds
that therein is a party, causing internal disturbance, and hostile to
themselves. But the 'Vindication of the Representation' is theocratic
and impolitic. It claims the right of the Church to determine in some
respects the relation between subject and sovereign and worse still
the relation between person and office. If the infallibility of Church
appointment to office was tested by the election of Lauderdale as an
ecclesiastical Commissioner, it was shattered by the choice of field
officers at Dunbar. The theocratic element worked havoc among the anti-
Engagers from the very day of their triumph. For the presence of that
element in the party, Rutherfurd was greatly responsible.

He was a leading figure in all the Engager controversy, the ecclesiastical adviser of Argyll and Warriston, with whom his last years in London had brought him into close contact. He entered the Commission with a prestige as a writer on ecclesiastical, political and theological affairs that none of his comppeers possessed, indeed with a reputation that was continental. All his powers were used in support of the extreme anti-Engagers. The first 'Declaration' of the Commission was revised and stiffened by him and his colleagues, Gillespie, Guthrie, Livingstone and Blair (the latter was yet in fairly close agreement with him).

His peremptoriness ill became a negotiator and, for a few days afterwards, more moderate men attempted unsuccessfully to come to an agreement with Parliament. His concern during the negotiations on the 'Eight Demands' lest the Commission's men should concede too much, or be suborned in some way to the Parliamentary cause, can be imagined. Too often had he seen similar committees of the Westminster Assembly treat with the English Parliament and engage in political side-stepping, if not in complete
tergiverHsion. When the Commission again reverted to the policy of the firm hand, Parliament's request for a conference on the state of affairs was given to Rutherford, Blair and Gillespie to answer. Guthrie, Rutherford and Patrick Gillespie were appointed "to think upon letters to be sent to the Synods at this time". There would be no dubiety about the propaganda in any letters which these men wrote. With regard to the "Representation" and the "Vindication", if Rutherford's pen is not in them, his teaching is. He collaborated in them and may have written some of them. The democratic principles of the "Representation" and the unfortunate theocratic ones of the "Vindication" were alike his gift to his age. They were the result of his experience in England. Opposition to Charles made him a democrat; later he became an unyielding theocrat, because of the conflicts between an Eestian Parliament and the Westminster divines. Patrick Gillespie and James Guthrie, though busy penmen at this time, owed their ideas to the original teaching of Rutherford. Fearful that the Scottish Parliament might mete out to the Assembly Commission and to the General Assembly the same measure as had been given by the English Parliament to the Westminster divines, Rutherford, Warriston and Gillespie asserted the principles of theocracy to an illogical extreme in the "Vindication". Both Row and Baillie aver that many members of the Commission were not in favour of such drastic avowals. It is noteworthy that when the Act of the Classes was passed, it was the reverse in principle, of the English Ordinance, establishing the Presbyteries. In the latter, all ecclesiastical causes were subject to final appeal to Parliament, in the former, the lifting of a purely civil disqualification was made subsequent to satisfaction being given to the Kirk. Apart from

Baillie, III, 57.
all this, Rutherfurd, and through him his party, could always count on a
large following from the South Western clergy.

The political status of his Church now assured, Rutherfurd
turned his powers to the worthier task of organising its government on
Westminster principles. On 25th January, the Commission "appoints
Messrs. Samuel Rutherfurd, John Livingstone, James Guthrie, Patrick
Gillespie and Alexander Peirson to draw a draught of Petition to the
Parliament for the discharging Patronages of Kirks". There is no doubt
but that Rutherfurd procured the appointment of this committee.

Henderson had written this "liberty of election is in part pre-judged and
pimdered by patronages and presentations, which are still in use there,
not by the rules of their discipline, but by the toleration of that which
cannot be avoided". Rutherfurd, in his "Due Right", expressed himself as
strongly against the practice and now that the Church was all-powerful,
seized the opportunity of having patronage abolished.

On the 30th January, a Petition was drawn up by this committee and approved by the Court
Commission. On 14th February, he and Wood were appointed "to draw up
reasons to show the unlawfulness of patronage and to give them to those
that attend Parliament to be made use of." The Commission was making
sure that the opponents of patronage in a Parliament would be well instruct­
ed in their argument. On 28th February, the Commission again petitioned
Parliament in a lengthy document, appending the reasons against patronage,
and drawn up by Rutherfurd. All his arguments showing the interference
of patronage with free election, its liability to abuses, its unscriptural
nature were sound and valid. His historical arguments were based on the
Petition in the XII head of the Second Book of Discipline, craving

2 Henderson, Govt. and Order, p.II
abolition of patronage. He is a little at fault in interpreting the IV head of the First Book of Discipline as inconsistent with patronage, for therein it is tacitly admitted, "the minister elected or presented, I examined etc." The whole Petition is a succinct reasonable and historical indictment of the evils of patronage, with the supreme merit of being successful. On March 9th, Parliament passed an Act abolishing patronages, "whether belonging to the King or to any lay patron, Presbyteries or others". Rutherfurd's close connection with Warriston and Argyll certainly facilitated the granting of this abolition to the Church. This object achieved, he ceased to attend the Commission until after the Assembly of 1649. In the Commission's dealings with Charles II, during the spring and summer, Rutherfurd played no part. He distrusted the son as much as the father, but since his political allies supported the former, he maintained a significant silence. Unable cordially to assent to, unwilling to dissent from, all the negotiations with the young King, he remained aloof from the Commission whilst these proceeded. When in July 1650, Charles passed through St. Andrews on his way to Falkland, Rutherfurd welcomed him with an address in Latin, "much on the duty of Kings" and told him that "if he persisted not in the Covenant, actum est de rege et de regia".

On July 7th, 1649, the General Assembly met with many irreconcilable elements at large within it, warring even in the minds of the individual members themselves. Argyll was there, swithering now between Kirk and Crown; Warriston was there, but events were marching so rapidly that no amount of legal sophistry could cope with them. Douglas was torn between loyalty to the Church and loyalty to Charles and how best to serve both without unduly humiliating either. Sturdy democracy and truculent

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theocracy were present in the persons of Guthrie, Rutherfurd and Patrick Gillespie.

The Assembly, following up the abolition of patronage, proceeded to legislate for the election of ministers. Baillie gives the following account:

"We had great debate for an act of election of ministers. Mr David Calderwood was peremptory, that according to the Second Book of Discipline, the election should be given to the Presbyterie, with power to the major part of the people to dissent, upon reason to be judged by the Presbyterie. Mr Rutherfurd and Mr Wood were as peremptory to put the power and voices of election in the body of the people, contredistinct from their eldership; But the most of us was in Mr Gillespie's mind, in his Miscellanies, that the direction was the Presbyteries, the election the Session's, and the consent the people's."

Calderwood's theory was based on respect for tradition and on his peculiar doctrine that the Kirk Session was only a committee of Presbytery, hence the decision in election should belong to the Presbytery. The procedure adopted was the following:—On a vacancy, the Presbytery send a man to preach in the vacant charge or the Session may suit them for a man. The latter subsequently meet and elect a pastor. Intimation of the choice is given to the congregation for their consent. If this is forth-coming, the Presbytery try the expectant and if he sustains the trials, ordain him. Should the majority of the people object, to the minister elect, the Presbytery have the final decision. The defects of this procedure were soon apparent.

"However already we find the defect of our act......I find it the design now of leading brethren, that the Presbyteries shall not meddle at all with any recommendations, but leave that wholly to any particularly busy man of the Presbytery, to whisper in the ear some leading person of the parish to get voices to any young man, though never heard in privy exercise, that he, by desire of the people to the Presbyterie, may be put on trials for such a Church." (2)

Rutherfurd was almost alone in insisting on the people's untrammelled right to elect a minister. He had preached this doctrine in Anwoth; he had pleaded it at Westminster, and he made a last effort now to have it become the law of the Church.

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1 Baillie, III, 94.
2 Ibid. III, 95.
people's choice in electing a minister is his great contribution to the ecclesiastical doctrines of the Scottish Church. In this, he is the most modern of his compeers, for it is exactly the practice which he advocated -- free election, with subsequent regulation by Presbytery, that has become the law of the Church. His democratic spirit allowed him to assent to no other principle, and yet the same man could be drawn to support the most violently theocratic tenets, which contradicted even some of his own former teaching.

He was one of those who supported a stringent act against, I "receiving Engagers to public Satisfaction". Baillie may hint that he penned it. In the trial and depositions of those who supported the Engagement, he played only too vigorous a part. A severe act was passed against those who had penned the supplication for moderating the power of the Commission of Assembly. The reason alleged for the severity was that the supplication was a Malignant manoeuvre to undermine the Presbyterian cause. The Act was never put in force, but the democratic spirit was in sad subjection to the theocratic when the penning of a petition on procedure, such as this was, could incur the heaviest penalties of the Church. Rous's Psalms were discussed, remitted to the Commission, authorised by them in November, 1649, and by the Committee of Estates in January, 1650. In the complexity of the Assembly's debates, or in the violence of the trials of delinquents, the work nearest to Rutherford's heart, the passing of the Directory of Church Government, was not even attempted.

The Assembly of 1649 marks the zenith of Rutherford's power and influence. His party was in office and in power. The militant and

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1 Peterkin, 545.
2 Baillie, III, 93.
puritan Presbyterianism of the West, which he had done so much to form, was freely at work, purging Church and State of all but the 'godly part'. The Westminster standards of worship and instruction had been sanctioned by the Church. True, the Directory for Church Government was not yet authorised, but there was little reason to doubt that it would be.

Although he was an extremist, he was still a respected leader of the whole Church and not merely the head of a contentious faction within it. Only one small cloud darkened his horizon—the negotiations with Charles Stuart. But the cloud became a day of storm and thick darkness for the Church, through he battled bravely, if often mistakenly, till in the end, weary of it all, he longed for the light of a better country.

It is not necessary to narrate the negotiations which brought Charles to Scotland. Rutherfurd took little part in them. He was appointed one of the Commission's Committee for receiving the papers and letters from the Commissioners dealing with Charles, but this is the sum and total of his contribution to a transaction which he must have viewed with misgiving. During 1649, he was engaged chiefly with further literary efforts and with the domestic affairs of his College.

According to Balfour, Rutherfurd, Blair and Wood were carrying out an ultra-Presbyterian, anti-monarchist programme and pogrom. "Thir three men has with their abettors laid these following grounds (1) to displace and defame quocunque modo all honest and learned men (2) all that affects monarchy or kingly government (3) to displace all these in place that holds not their tenets and to suffer none to be preferred but of their own stamp (4) to have all places in the University at their disposition that all, both masters and scholars may depend on them that with the more cunning they both poison the fountains of religion and policy"

His statement is ill founded in the case of Wood, partly so in the case of Blair and only partly true regarding Rutherfurd, but it shows that the latter was never regarded as favourable to the type of

monarchy represented by the Stuarts.

There is little record of the Assembly of July 1650, which welcomed Charles home. It ratified all the proceedings of the former Commission in their dealings with him, but exercised a duplicity, or tact in concealing a good deal of Charles's behaviour throughout the negotiations. It was agreed, at a meeting of ministers before the Assembly to "forbear mentioning in the Assembly anything which might make the King or his way odious at the entry of his government." Unfortunately, this policy which might have raised no murmur, had the army won at Dunbar, presented the Remonstrance with the secret sins of Charles as a cause of the defeat and further strengthened the outcries of the 'purging party'.

Defeat —— The Protester

In dealing with the Resolutioner—Protester controversy and Rutherford's part in it, a certain difficulty exists in finding an exact starting point. The politics, foreign and internal of Scotland seethed with complications. Various policies were put forward and openly, or secretly pursued by parties and by party leaders ——by the Remonstrants, by Warriston and the extremists, by Argyll and the more politically minded, by Middleton and the Royalists, by Douglas and the moderate Church party. Not least of all the complications were the divided loyalties which worked like madness in the brain of the participants themselves. Much of the bitterness which lay between Resolutioner and Protester existed because each knew the other had some just ground for reproach.

The drifting of the Church into two more or less defined parties became clearly apparent at the meeting in the 'West Kirk' to decide what

†Row, Life of Blair, 231.
was to be done anent Charles's refusal to sign the infamous Declaration confessing the sins of his House to be the cause of all the civil bloodshed. Dickson and Douglas would fain have respected his scruples and modified the Declaration. Patrick Gillespie heatedly insisted that sign Charles must if the army was to fight for him. The army pressed for a 'state of the question' i.e. the grounds on which they were to fight. So the Commission enacted that "As they do disclaim all sin and guilt of the King and of his House, so they will not own him nor his interest otherways than with a subordination to God, and so far as he owns and prosecutes the cause of God and disclaims his and his father's opposition to the work of God and to the Covenant, and likewise all the enemies thereof." Douglas maintained later that the Act was intended only for the satisfaction of the Army and never meant to be published. It was sanctioned by the Committee of Estates and Warriston seems to have had a declaration embodying it circulated amongst Cromwell's troops. Charles signed on August, 16th.

Dunbar accentuated the difference between the parties and the Church, though it seems to have been little mourned by the extremists on either side. Charles and the Royalists secretly rejoiced over the defeat of the 'purged Army', and Rutherfurd's opinion "that our army through the sinful miscarriage of men hath fallen, and daresay it is a better and more comfortable disposition than if the Lord had given us the victory", was generally acquiesced in by those who subsequently became Protesters. Regretted by neither, the defeat was made use of by certain sections in both parties. Among the more moderate, the opinion was put forward that it was caused by the too severe purging which the Army had undergone and


2 Letter, CCCXXXIX.
a modification or repeal of the Acts of the Classes was agitated. To
the other side it seemed, that Dunbar was the visiting of God'd wrath
on an unjust cause fought with a sinful army and that further purging
was needed. The Assembly Commission, however, was still united enough
to return an sharp answer to a query of Charles concerning the relaxing of
alliance with Engagers against the common enemy. Plainly, even if
the moderates were willing to relax them, they were unwilling to do it
for Charles's sake. "If self-interest and gaining of a crown have been
more in your eye than the advancing of religion and righteousness, it is
an iniquity to be repented of and one for which your Majesty ought to be
humbled" -- so runs the Commission's answer.

The 'godly party' made the first political move after Dunbar by
the presentation of the Western Remonstrance to the Estates. With it
Rutherford had little directly to do. Though he dissented from the
Commission's findings concerning it and sympathised with its theses, he
was not a Remonstrant. During its agitation, he was in Fife or attending
the Commission's meetings at Perth and Stirling, assisting in the answer
to Charles's letter justifying "The Start", investigating the 'oppressions'
of the ill-paid soldiery, and the profanity of the King's Lifeguards.
With Wood, Durham and Douglas he presents the lengthy reproof to Charles
for his two days escapade -- or escape.

After Dunbar, the Western counties formed themselves into an
Association and levied an army which was put under the command of leaders
of their own choosing. They chose Cols. Strachan and Ker. From the
"Gentlemen, Officers and Ministers attending the Western Forces" came the
Remonstrance. Baillie accuses Hariston, Guthrie and Gillespie of
2 Ibid.75.
3 Ibid.76.
penning it -- a charge which they all denied. The original of the Remonstrance was one framed by the Synod of Glasgow.

"The first vent of their notions was at the Provincial in Glasgow where Mr Patrick, Mr G., Mr Hutcheson, Ker, Strachan and others, with much night-waking did bring forth that strange Remonstrance of the Synod, where Mr Patrick, obtaining a Committee to consider the sins procuring the wrath of God on the land, did put such men on it as he liked best and by them the framing of the draught was put upon himself."

Baillie refers to Warriston and Guthrie, "betwixt whom and them (the Western Remonstrants) the posts then and thereafter run very thick, night and day." The Synod's Remonstrance was presented to the Commission on 16th October.

According to Baillie, the Western Remonstrance was finally drafted at Dumfries. "By their earnest motives they had brought Warriston from Stirling to Dumfries. Thereafter some debate, the draught of the Remonstrance is brought to some perfection". Who were its authors? Warriston appears to deny authorship in his Diary. Along with two other accusations made against him, was that of contriving and penning the Remonstrance, of which he says, "All three untrue in fact, and the last, if true, a good duty". His denial appears evasive; he could have placed an elastic interpretation on the words 'contriving and penning' and he was not at Dumfries without having some share in it. Nor can Patrick Gillespie's evasive denial before the Commission be accepted. His own Remonstrance was more carefully worded concerning the sins of the King and of their Lordships. But at Dumfries, the Remonstrance was made more categoric and explicit to suit the more thorough-going Strachan.

The Remonstrance reviewed all the Estates' transactions with Charles and his and their duplicity. The sinfulness of his dealings

1 Baillie, III, 115.
2 Baillie, III, 118.
3 Warriston's Diary, II, 78.
4 Baillie, III, 118.
with Montrose are largely discussed (sinful enough they were, but not as the Remonstrants thought them). Charles's insincere profession of the Covenant, his refusal to sign the Declaration, "The Start" are all brought forward. Finally the Remonstrants declare that they disclaim all the sin and guilt of the King "and cannot own him or his interests in the state of the quarrel betwixt us and the enemy". They suspect and deprecate the intention of "some eminent persons in our counsels and forces" with designs to invade England and force the King on that nation. They ask for a more rigid purging of the Estates and Army. An interesting economic motive appears. Pointing out that "the sins of oppression, covetousness and self-seeking have often been reproved in your Lordships," the Remonstrance claims redress for the oppressed poor. As already seen, taxation was highest in the West and the Western men seize the opportunity of making their complaints known. The Remonstrance closes with an avowal by its adherents that they also are responsible for the sins of the land, but henceforth intend to mend their ways. So far from agreeing with the Sectaries, they are about to risk their lives against them.

What is most pertinent to the present thesis is that the Remonstrance marks the parting of the ways between Argyll and Warriston in the internal policy of Church and State. Whatever may have been their dealings with Cromwell, Rutherford had followed their policy in all that pertained to the relationship of Church and State throughout the years of the Engagement. Now he had to choose whom he would follow — Argyll, now Royalist, or Warriston, Remonstrant and even suspect of trafficking with Cromwell.

A copy of the Remonstrance was given to the Commission on 24th October. They returned a politic answer, referred the matter to a
future meeting at Perth on 14th November and expressed the hope that the
Army of the West would be successful. Had it been so, the Commission
and the Estates might, at Perth, have dealt differently with the
Remonstrants. But the Army lay still, achieved nothing and was commanded
by leaders, not unjustly blamed of dealing with Cromwell.

On 15th November, the Commission met at Stirling and appointed
a committee to report on the Remonstrance which included Rutherfurd, Guthrie
Gillespie and Warriston. John Livingstone and Sir John Cheisly were
later added, so the Remonstrants were reasonably sure of a fair hearing.
But on the 16th, the Commission was summoned to Perth to confer with the
Committee of Estates. At conferences between representatives of these
two bodies, the Remonstrance and proposals for uniting the armies (Ker's,
Leslie's and Middleton's) were considered. Resolutioner and Protester
later accused each other of acrimonious and disorderly conduct throughout.
Gillespie and Warriston defended the Remonstrance; Argyll, Loudon, Douglas
and Wood opposed it; Rutherfurd and Durham averred there was a good deal
of truth in it. The Committee of Estates passed a very light sentence.
They found it, as relating to the civil judicatories, scandalous and
injurious to his Majesty's person, and asked the Commission to give an
interpretation of it as relating to the Church courts. They promised to
take no steps against those who had adhered to it, except they should
continue obdurate by "persisting in and prosecuting of what is therein
contrary to the laws of the Kingdom". When the Commission took up the
matter, Rutherfurd tried to postpone their giving any sense upon it, lest
it should discourage the Remonstrants acting against the enemy. He
seems also to have tried to persuade the Remonstrants to withdraw their
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'paper'. How whole-hearted he may have been in the latter, is doubtful.

Baillie, III, 103.
The Commission also gave a very mild finding. They admitted the truth of much of the Remonstrance, but decided that it reflected on the last Assembly and tended to divide the Church. Beyond this, the Commission refused to go, hoping that at their next meeting the Remonstrants would have satisfactorily explained themselves. Even from this 'sense' on the Remonstrance, Rutherfurd, Guthrie, Cant and others dissented. It was indeed, more a dissent from the policy of giving an interpretation, than from that actually given. The correspondence which Rutherfurd engaged in with Ker, shows that he was not unaware of the political quagmire in which the Remonstrants might find themselves. It may be that his letters kept Ker from following Strachan into active service with Cromwell. He advises Ker to make no separate terms apart from Parliament. "As for your particular treating with the invaders of our land, I have no mind to it ........ Keep yourself in the love of God; and in order to that, as far in obedience and subjection to the King (whose salvation and true happiness my soul desireth) and to every ordinance of man for the Lord's sake, and to the fundamental laws of this Kingdom as the Lord requireth". Rutherfurd was anxious to reconcile the Remonstrants with the ecclesiastical and political government. He had a bitter aversion to the 'sectaries' and had lately published two works against them. Cromwell distinguished him by "speaking particularly of Mr Samuel Rutherfurd as a liar". Rutherfurd knew more than any other the religious temper of the South West. His letters to Ker show his fear that the Remonstrants might come to terms with Cromwell and subsequently fall into sectarian practices. At this moment, he therefore tries to avoid any precipitate action by Estates or Commission which might force the Remonstrants into

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1. Letters, CCCXXXI.
2. Warriston, Diary, II, 39.
alliance with the Sectaries. He failed to effect a reconciliation and the swiftly following events forced him into closer alliance with Warriston and the extremists.

The dispersal of the Western forces by Lambert was a blow to the hopes even of those who had damned the Remonstrance and certainly placed them in a position of great military insecurity. To raise an adequate army was the cardinal question. The Resolutioner controversy arose from the needs of the recruiter. According to Row and Baillie, considerable agitation was going on among many in the Estates and Commission alike to restore the Engagers to their former privileges that the country might have their services. On December 14th, Parliament then in session at Perth, sent a query to the Commission, "What persons are to be admitted to rise in arms and join with the forces of the Kingdom and in what capacity for defence thereof against the army of Sectaries who (contrary to the Solemn League and Covenant and Treaties) have most unjustly invaded and are destroying the Kingdom". The Commission, which hardly contained a member of the Warriston-Gillespie party replied, "We cannot be against raising of all sensible persons in the land and permitting them to fight......except such as are excommunicate, forfaultered, notoriously profane or flagitious and such as have been from the beginning and continue still obdurate and professed enemies and opposers of the Covenant and Cause of God." On the afternoon of the same day, as that on which they gave this answer, they proceeded to deal more or less favourably with about thirty petitions for the relaxation of ecclesiastical censures. A copy of the Commission's Resolution was sent to the Presbyteries, accompanied

as an emollient by an "Act for censuring such as act or comply with the Sectarian Army now infesting the Kingdom". From now the Commission have two occupations—answering the Presbyteries' protests against the Resolution and relaxing Engagers. The Presbyteries of Ayr, Glasgow, Aberdeen, Paisley and Stirling all protested on the grounds that the Resolution separated the cause of the defence of the Kingdom from the cause of the Covenant and gave the Commission plainly to understand that they considered the Resolution a preliminary to further negotiations with the Malignants. How could the Army be purged if such a resolution were carried out? Guthrie and his colleague Bennett were so active against the Resolution that they were summoned to Perth by the Estates. In January 1651, the Commission met at St. Andrews. Rutherford attended only the first day's session. He served on none of its committees and subscribed none of its documents. Neither the company nor the work—the relaxing of Engagers—was congenial. But as yet he avoids violent rupture.

That which moved him to open and active resistance to Douglas, Dickson, and their party was the second Resolution of May 24th. On March 19th, a second query was addressed to the Commission.

"Whether or not it be sinful and unlawful, for the more effectual prosecution of the Public Resolutions for the defence of the Cause, King and Kingdom, to admit such persons to be members of the Committee of Estates who are now debarred from the public trust, they being such as have satisfied the Kirk for the offences for which they were excluded, and are since admitted to enter in Covenant with us".

The Commission evaded an answer by pleading that they had too small a quorum to justify a definite finding. On 5th April, the Estates asked for a meeting of the Commission at Perth on the 17th to give "their clear and deliberate judgement and resolution, if it be sinful and unlawful to repeal and rescind the Act of the Classes which approvedly would much tend to unity an so to the more effectual prosecution of the
Public Resolutions of the Church and State. The Commission of which Rutherfurd was one, evaded answer by replying that they could not meet on that date. They reproved Parliament for admitting unrelaxed Engagers to place. That Rutherfurd's influence in life is waning is seen in a letter given in to the Commission from the Synod (which met at Cupar at the same time) commending the Resolution. From this letter Rutherfurd and three others dissented in the Synod and were afterwards threatened with citation to the General Assembly. 2 Wood also procured a letter of approval from the University of St. Andrews. As he was Rutherfurd's colleague there, a more bitter personal note crept into the latter's opposition to the Resolutions. With Blair as yet inclined to be sympathetic to the anti-Resolutioners, he refused to read the 'Warning' issued by the Commission on the 20th March. Regarding the Fast proclaimed by them for the last Sunday, he "kept a fast apart on contrary causes".

At Perth on 24th May, the Commission were forced to a decision. They left it to Parliament to determine whether the clause which made admission of Engagers to office subsequent to the consent of the English Parliament was valid or not. Otherwise, as they did not make the Act of the Classes, they could not repeal it. As far as sins against the Covenant were concerned, no time limit was set for exclusion. If a man had satisfied the Church, the State might do with him as seemed good.

The Commission sought to mollify its surrender by issuing certain caveats:-(I) No Act of Parliament dealing with religion, especially since 1648, was to be repealed (2) No revenge was to be taken on anti-Engagers.

2 Row, Life of Blair, p. 264, 269.
4 Warriston, Diary, p. 57, Vol. II.
(3) No anti-Engager was to be removed from office nor any who were still trustworthy though placed there since 1648. (4) Any received again by Parliament were to subscribe to these caveats.

On the same day, the Commission sent a letter to the Presbyteries instructing them to seek out any within their bounds who disobeyed or opposed the Resolutions, and, if after conference with them, they found them still disobedient, to cite them to appear before the next General Assembly. Against all this procedure, "Mr S. Rutherfurd and Mr Jas. Guthrie wrote peremptory letters to the old way at all hazards". They continued writing them till the Assembly met at St. Andrews on July 16th.

The leadership of the Protestor Party in the Assembly fell upon Rutherfurd. Warriston was absent, fearing his safety at the hands of the Committee of Estates. Gillespie and Guthrie had no secure position as members of Assembly; for it was more than feared that they might be processed. The Resolutioners themselves were unwilling to lose Rutherfurd. He was the last great Westminster figure (Baillie had never so succeeded in stamping his personality on a party or a policy).

There were many who would still follow a cause because Rutherfurd led it. The Resolutioners, unfeignedly desirous of his support, attributed his secession to the malign influence of Warriston. "Mr David Dickson upbraided Mr Rutherfurd and alleged he was ensnared by others who had strange designs in their minds against government, both civil and ecclesiastic and that the Kirk would cast them and him out".

There was only one policy the anti-Resolutioners could now pursue ---to have the Assembly postpone or refuse the ratification of the Resolutions. It was clear that it was prepared to follow the

1 Baillie, Vol. III, 126.

2 Warriston, Diary, Vol. II, p. 100
opposite course. The anti-Resolutioners began their attack by objecting
to the members of the Commission who had passed the Resolution taking their
seat, on the ground that the Commission's proceedings had been scandalous.
Rutherfurd gave in a paper against the constitution of the Assembly, which
caused much debate but was laid aside as being subversive. After an
unproductive conference between the parties, the King's letter was read
the following day. It asked for censures on those who were contrary to
the Public Resolutions. After two days' acrimonious and unimportant
debating, the defeat of the army at Inverkeithing caused the Assembly to
hold a midnight meeting and adjourn to Dundee. At this meeting, the
protest against the unlawfulness of this Assembly was given in, according
to Row and Gordon, by Rutherfurd. (Dr Hay Fleming considers it was
given in by Andrew Cant). The Protestation declared the Assembly to
be unlawful on these grounds:—(1) Because it was a prelimited Assembly, in
regard that the free votes for choosing commissioners were hindered by
the Commission's letter to the Presbyteries desiring them to cite all
unsatisfied men to the Assembly, if after conference, they were not satis-
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(2) Because of the King's letter oversawing the Assembly (3) Because
of the Lord High Commissioner's speech tending to the prelimiting of the
members of Assembly (4) Because the members of the preceding Commission
of Assembly were members of this Assembly which should not be in regard
that the Commission had led to a course of defection.

Rutherfurd and Warriston were jointly responsible for the
Protest. In his Diary, Warriston tells of his wife's coming safely to
St. Andrews on the morning of Wednesday, 16th July, and of the giving in

1 Row, Life of Blair, 275, Gordon, Acc. of Ass., Peterkin, 627.
2 Row, Life of Blair, 277, Gordon in Peterkin, 628.
of all his papers to the Assembly by Mr Samuel Rutherfurd. It is more
than conjectural that the paper against the constitution of the Assembly
which Rutherfurd gave in later that day was a copy of, or at least a
redaction of one sent to him by Warriston through his wife. It probably
contained the objections on the grounds of prelimitation. Warriston's
public letter against the Resolutions was also handed by Rutherfurd to
the Moderator. Promise was given that it would be read on the 18th or
19th. It never was read, possibly through fear of further debate.
On July 27th, Warriston wrote, "I apprehended some had given in my paper
anent the constitution of the General Assembly". As this could not be
his letter against the Resolutions, it was, in all likelihood, the paper
which Rutherfurd offered or the source of it. On the 28th, when he
heard of the Protestation subscribed by twenty eight ministers against
the Assembly, he accounted for its composition, "on some few reasons
taken out of the paper anent the constitution and some taken from the
present procedure of the Assembly and keeping a general clause for the
rest". The paper "anent the constitution" was that given in by Ruther-
furd and undoubtedly Warriston's in origin. It contained the 'prelimit-
ation' objections and possibly those against the late members of
Commission being eligible. The conception of delaying proceedings
by protest against their legality seems typically Warriston's. When
Rutherfurd was faced with the crisis arising from the defeat of Inver-
keithing, he took the original paper against the Assembly's constitution,
added to it the objections against His Majesty's letter and against the
Lord High Commissioner's speech and also a clause reserving further e

1 Warriston, Diary, 84-86.
2 Warriston, Diary, 86, Life of Blair, 279.
3 Warriston, Diary, 279.
4 Warriston, Diary, 94.
reasons of protest, and thus formulated the Protestation. This on the
grounds already given, declared the nullity of the Assembly and entered
a declinature from it.

Despite all this, the Assembly took no action against him,
perhaps afraid that if they did so, more opposition would be raised than
could be easily dealt with. At Dundee, however, they processed
Gillespie, Guthrie, Simpson, Naismith and Menzies and deposed the first
three. No mention of Rutherfurd was made, but according to his own
evidence, his respite was to be brief. The Commission which met at
Alyth on 28th August, intended to depose him but were prevented from so
doing by their capture by the English forces. Before the Assembly
dissolved, the savage pamphlet warfare of Resolutioner and Protester had
begun. The Assembly issued "A Warning and Declaration" directed against
the Protesters. The latter circulated a paper penned by Rutherfurd for
"strengthening and cleaning the grounds of the Protestation and taking
off such objections as are usually made to the same".

The crisis at St. Andrews had made Rutherfurd the leader of the
Protesters. Aware of the value of his name and fame, Gillespie and
Guthrie were content to act through him. He was the leader of his party
in that he supplied many of the ecclesiastical and ecclesiastico-political
principles for which they fought, though, as in the "Discovery of the Sins",
the production of Gillespie and Guthrie and the Western Protesters, his
doctrines were taken to further extremes than even he would have sanctioned.
He was not the leader of the Protesters in their later political
manoeuvring. At Westminster, he had dealt little in such matters
for he was never a subtle politician. The straight-forward

1 Warriston, Diary, 140.
2 Resolution and Protester Controversy, Bibliography. (J.D. Crilvie) p.12.
moves of ecclesiastical politics, Protest, Declinature, Petition and Remonstrance, he could understand, but the complicated intrigues of Scotland (and Scotsmen) during the Commonwealth, bewildered and wearied him. He had shown himself too much opposed to 'separation' ever to be at ease with the restless Buthrie, the chameleon-like Gillespie or the now factious and often hysterical Warriston. Henderson had dreamt of a Presbyterian Britain and died for it. Rutherfurd had shared the dream. His hope of realising it was what brought him amongst his present companions, who dreamt of very different things and forgot this beloved, if misguided, Scottish ideal, in the guerilla warfare they waged with the Resolutioners and into which Rutherfurd was often sadly dragged. One may, however, remember that since 1641, at least, there had existed in the Church a more puritanic party, with which Rutherfurd had sympathised, who had been in favour of a more rigorous application of the doctrine of 'scandal' in Church affairs. In the Engager controversy, they had been the most extreme anti-Engagers; now, along with evangelicals like John Livingstone, they formed the bulk of the Protester party. Rutherfurd had therefore certain moral and religious affinities with the membership of the party to add to the ecclesiastical reasons which brought him into it. When he became a Protester, he became a party propagandist. He himself wearied of the work, which contributed little to the life or the doctrines of the Scottish Church. The alliance of Warriston, Patrick Gillespie, Guthrie and Rutherfurd was marred by religious hysteria and not occasionally tinged with suspicion and distrust. Two of them were not free from self-seeking. How different a picture of loyalty, achievement, and true enthusiasm the fellowship of Rutherfurd, Henderson, George Gillespie and Baillie at Westminster presented.
During August 1651, Rutherfurd was occupied pleading the cause he had sponsored, by 'paper', letter, sermon and personal canvass. He sought to further the Protestant cause in Fife. There is a constant interchange of letters between him and Warriston. No suspicion of treating with the enemy ever rested upon him. According to Warriston, he protested against some negotiations of Blair with the Cromwellian officers.

"I heard from my uncle's wife many strange things of Mr Blair... his base fearfulness in the treating with the enemy and drawing up a vile protection, till Mr Samuel Rutherfurd opposed and mended it, to whose chamber they were forced to go and to consult."

Obscure as this reference is, it is significant as showing that Rutherfurd had no intention of furthering his cause by courting Cromwellian favour.

The Protestors met at Edinburgh in the beginning of October to take counsel. Rutherfurd was 'Moderator' of the meeting. It began with a confession of private sins. (Some of the confessors were human enough to make judicious omissions). Patrick Gillespie moved for a vigorous prosecution of the Protestant. Durham, who sought to advocate milder measures, was in a minority of one. Jaffray of Aberdeen, Cromwellian in his sympathies, offered a paper on "The Causes of the Lord's Controversy with the Land", which at least inspired the later "Causes of God's Wrath". The negotiations with Charles, the public Resolutions, the St. Andrews Assembly, were all condemned. It was decided that, since the St. Andrews Assembly was invalid, the Commission appointed in 1650 was still in existence and those who were free of the Public Resolutions and had been members of it, should still sit as that Commission. Rutherfurd may have put forward the idea to obviate a charge of separation from the Church but it appears most likely to have been a proposal of Gillespie. Warriston was in two minds over it but ultimately gave the

1 Warriston, Diary, III.Vol.II.
2 Warriston, Diary, I37.Vol.II.
Rutherfurd's unhappiness in his allies was soon apparent.

The Westland Protesters met in December at Kilmarnock and gave out a paper entitled, "A Discovery after some Search of the Sins of Ministers". Guthrie and Gillespie were, according to Balfour, instigators. The 'Discovery' shows at a glance for how much Rutherfurd was responsible --- and for how much he was not. The first 'discovery'— "The taxing of ourselves by solemn covenants and oaths to the perpetual maintenance of some things for which there is no warrant in the Word, as perpetual adherence to monarchy in such a line, and constant maintenance of the privilege of Parliament" — could well be the practical application of some of the doctrines of the "Lex,Rex". The eighth 'discovery' — pitching upon our form of Presbyterial government as the uttermost attainable perfection of reformation"— was not for Rutherfurd a sin, it was divine truth for which he would have died. The 'Discovery' shows that the puritan party in the Protesters, abetted by Gillespie, was prepared to treat with Cromwell. Rutherfurd might have been ready to use Cromwell --- as the anti-Engagers had used him --- to establish his party in power, but he would have subscribed to none of the concessions to Sectarianism, implicit in the 'Discovery'.

A meeting of the Protester 'Commission' was held in Edinburgh in December 1651. According to Blair, it was called because some who had before been "pious and godly men regretted to see many of their party running to sinful compliance with the enemy". The man likeliest to have such regrets, was Rutherfurd and the meeting was doubtless prompted by his annoyance at the 'Discovery' and its pernicious doctrine. The

1 Balfour's Annals, Vol. IV; p. 330.
2 Row, Life of Blair, 289.
meeting was acrimonious and disorderly. The sectarian element, which was largely lay objected strongly to ministerial preeminence in the ordering and constitution of the meeting and pressed for a 'compliance' with Cromwell. According to Row, overtures for such a compliance had already been drawn up amongst that section of the Protesters. Against these some agitated the drawing up of a 'testimony' against Cromwell and the Sectaries. Others were in favour of sending to Cromwell a more diplomatic letter of remonstrance. A letter was eventually drafted -- containing more remonstrance than diplomacy. It met with an indifferent reception, being regarded by Cromwell as an attempt on the part of the Protesters, while pleading for liberty, to gain power for their own faction.

In February, an effort at agreement on a "Warning and Testimony", initiated by the Resolutioners' Commission, failed. Warriston and Gillespie were now suspected of underhand dealings with Cromwell and for this reason had, according to the Resolutioners, no desire to be associated with this 'Testimony' against him. They criticised the Protesters' letter because "they did not speak one word against the abolition of monarchical government and the liberties of Parliament".

All the Protesters were not, however, Cromwellians. The district which Rutherford had 'Covenanted' refused to take the 'Tender', or consent to the kingdom's incorporation with England. "The Stewartry of Galloway gave a notable answer to the English demands, that they could not consent to incorporation".

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1 Row, Life of Blair, 289.
3 Scotland and the Commonwealth, (S.H.S.)p.33.
4 Row, Life of Blair, 293.
5 Warriston, Diary, Vol.II, I52.
Arising from an overture of the Synod of Fife sent to the various synods, a conference of ministers of both parties was held in Edinburgh in the beginning of May, 1652. Negotiations between them were as unfruitful as ever. An Assembly was called to meet in July. Warriston counselled Rutherford and Cant to abstain from this conference—advice which they seem to have taken.

When the Assembly met, Warriston appeared with a 'Representation' which he craved leave to read. After debate this was granted. The Representation gave reasons for the illegality of the Assembly and asked for a conference. The Assembly refused to grant a conference before it was constituted. Thereat Warriston gave in a Protestation, signed by sixty seven ministers and eighty three elders. Rutherford had, with Warriston and Livingstone, the chief share in drafting these papers. Overtures for reconciliation failed; the Protesters refused to disown the Protest or the Resolutioners the Resolutions. After the Assembly, there was a lull in the activities of both parties. Rutherford, Guthrie and Gillespie were faced with the problem of defection in their ranks, and the opprobrium it reflected on their party. Menzies and Charteris, ministers, and Jaffray, late provost of Aberdeen, had declared for separation and more 'pure' practices in Church worship. Little success attended efforts made by Rutherford to regain these separatists. As a result of this defection, many of the Westland lairds, in October, fell away to the Resolutioners. In November, negotiations between meetings of Resolutioners and Protesters in Edinburgh were again a failure. They had been inspired by the 'neuters', led by Blair, in order to prevent further acrimonious action and propaganda from making the breach between the two parties irreparable. A measure of success was almost
achieved, but a delay in the negotiations marred all efforts for peace. The publication of the "Nullity of the Dundee Assembly" followed a few months later by the "Causes of God's Wrath", ruined all hopes of reconciliation—as Warriston probably hoped they would.

In March, 1653, a meeting of Protesters gave out a "Testimony against the English Actings in Scotland". Cant, Rutherford and Guthrie were its authors. Gillespie, who was accepting the Principalship of Glasgow University at English hands, was against its publication, but the anti-Cromwellian party, of whom Rutherford can be regarded as the leader, prevailed in having it published. A Declaration against the Aberdeen Separatists was also issued.

In July, the General Assembly met. The Protesters were ready with the usual Protestation against it. Some of the members of the Assembly met with the Protesters, but "All that could be obtained of them was that their Protestation (which they knew would be made against the Assembly) should be drawn up in more mild and gentle expressions than the former was". Rutherford seems to have been drawing nearer to conciliation but the Assembly was dissolved by the English soldiers as also was the Protesters' meeting and from thenceforth the factious and turbulent counsels of Guthrie and Warriston were to prevail in the Protester party. Rutherford was now becoming more and more a man apart from his party. He was wearying of Warriston and Guthrie's factiousness, and distrustful of Gillespie's politics. Yet he could not bring himself, in any fashion, to countenance the Resolutions. As the best of the Resolutioners were to turn their efforts to the worthier task of penning their 'Brief Commentaries', so he turns his pen to the "Covenant of Life" and "The Consultations of the Ministers of Edinburgh, Vol. 1, 15—Life of Blair, 305. Life of Blair, 307.”
Influences of the Life of Grace.

In March, 1654, Rutherford, at a meeting of Protesters, proposed a fuller Testimony against Cromwell's doings. This Testimony, in its fierce denunciations of Sectaries and Toleration is obviously his work. It was issued on the eve of Gillespie and Livingstone's journey to London and was certainly meant by Rutherford to counteract any complaisancy of Gillespie when there. The result of the journey was the procuring of an Ordinance for planting vacant Kirkis which named ministers of both sides to committees of Provincial Certifiers. "All those whose names were inserted in it, except some few Protesters, did speak much against it and condemn it as much as any other honest ministers". The Ordinance was abhorred by the majority of Resolutioners and Protesters. Rutherford was still strong enough in his party to have a meeting of the leading Protesters held in Warriston's house, condemn it. "We debated all day about taking commissions from the English and voted negatively that in ecclesiastical matters we could take none; and then that, upon their nomination and command, we could not take or exercise extensive power over the whole Church." The Protesters gave out a paper on the Ordinance entitled, "Considerations of the Order of duty of Ministers provided in the late Ordinance". It rejects the power given to the named ministers as prelatic and counters the defence that the magistrate may take steps to remedy extraordinary cases by stating: "The Protector and his Council be not the lawful magistrate". It is difficult to conceive of any other producing this paper than Rutherford.

3 Life of Blair, 318.
4 Warriston, Diary, Vol.II, 305.
Attempts at peace made in 1655 failed. Gillespie, out of favour with the Protesters, sought to be more conciliatory with the Resolutioners. The demands which each party put forward at the conference were merely reiteration of their case. Gillespie, however, maintained that some of the papers drawn up by Harrison and Guthrie and presented to the Resolutioners did not reflect the decision of the meeting of Protesters which had discussed their contents. Rutherford's part in the negotiations can only be conjectured. Though his terms would have been stiffer than Gillespie's, they would have been less violent than Guthrie's. As it was, suspecting Gillespie as a trafficker with Cromwell, he refused to be a party to a reconciliation effected by one whose purposes he did not know but deeply suspected. The conference failed and both sides commenced to traffic with the 'usurper'.

The only hint that Rutherford was privy to his party's negotiation with Cromwell occurs in Row. "About the time the Protesters went up to London, Messrs. Andrew Cant, Samuel Rutherford and Robt. Trail did write to the Protector. It was admired the first two did so". The quotation means little or nothing since the gist is not given. Not even his opponents ever accused Rutherford of unpatriotic principles. From 1655, he took less and less part in the political and ecclesiastical negotiations of his party, though in the University and in the Synod of Fife he continued to make things domestically unpleasant for Blair and Wood. The London negotiations of his party only further estranged him from his friends and placed him in a solitary position. From 1656, Harrison and Guthrie began to "come near the English". Argyll came to join

2. "Life of Blair," 328.
them, but Rutherfurd had no hand in the policy of political
union with England which they forced and at least pursued in their latter
years. Rutherfurd's letter to Ashe in 1656 shows him opposed to coming
to terms with the Protector concerning the admission of ministers into
vacant charges. This was a position which Resolutioners, his friend
Livingstone, the politic Gillespie, and the revolutionary Cuthrie, had
all vacated. He is left lonely in his Covenant patriotism.

To understand Rutherfurd's actions in the years following
1648 one must remember that behind them all was one burning ideal,
namely, to make the Solemn League and Covenant an ecclesiastical reality.
That this had passed out of practical politics with the advent of
Cromwell, he did not stop to consider. He was prepared to rely on the
victory which must attend a purged army to achieve his ideal. When the
arm of flesh failed - in his belief because it was unworthy and unclean
- and Scotland lay under the heel of the oppressor, he still clung to the
Covenant and refused to countenance any dealings with Cromwell either by
his own or by his opponent's party. The savagery of his tirades against
toleratation is that of a man who sees his cause lost in England and all
but lost in his own land. Rutherfurd was the one consistent idealist
of the Solemn League and Covenant, for even Harriston who drafted it in
the end took office with the 'Usurper'. He opposed the engagement as
contrary to that covenant's principles. He opposed the Resolutions
because they seemed to him to place the cause of Charles before the cause
of the Covenants. He hated the "Tender" because it meant the public
renunciation of any attempt to make the Covenant practicable. Finally

Consult. of Min. of Edin. Vol. II. p. 185.
he fell away from the Protesters into a lonely political existence, because in trafficking with Cromwell, they renounced their faith in the ideal which he loved. At the end of his days he parted for a time from Harriston, as he parted at the Remonstrance from Argyll because the former in negotiating with and taking office from the Protector had forsaken the Covenant which he had practically created. The Restoration was to unite them again, at least in a common fate.

The bitterness with which Putherdorf assailed his former friends among the Resolutioners is that of a man who remembered the great work of four men at Westminster and the glorious union they had visualised and now sees everything lost and betrayed. He was wrong in his thirst, at all costs, to make England Presbyterian, but one cannot help admiring the unflinching and tenacious will which clung to this mistaken ideal unto the very end.

His political principles greatly influenced the part he played in these years. He was the preacher of democracy and each fresh controversy found him in the more democratic party. Any party, English or Resolutioner, which sought to place a Stuart Monarch on the throne, without adequate safeguards for people, religion and Covenants, was sure to find him a leader of the opposition. The Scottish clergy, at the time of the Engagement, had but lately imbibed from him the teaching of "Lex, Rex". Accordingly, as has been seen, the protests against the Engagement embodied a great deal of democratic argument, along with the ecclesiastical. The Protesters were the more democratic of the later parties. Harriston rejoiced in, while Paille deplored the fact that the majority of the ministers formed the Protesters were young and revolution-
For these younger men, the "Lex, Rex" was a gospel and its author a prophet. They were drawn more from the burgher and yeoman class than the Resolutioners whose leaders belonged to that of the landed proprietor. Till the affair of the 'Tender' complicated the issue, the policy of Rutherfurd in opposition to Charles II, Scottish Estates and Cromwell alike, had most of the support of the Protesting party.

The more evangelical ministers and those who had inclined as early as 1640 to more puritanic practices in worship than the majority of their brethren, gravitated into this party because it upheld the 'purging' principle in the life of Church and State. Many owed their tenets to Rutherfurd's early example and teaching in the South West and his reunion with them was the more easily consummated because at heart he had always sympathised with their ecclesiastical puritanism. He both loved and feared this last in the South West Presbyterian, loved it because he was at heart a puritan, feared it lest it should draw them to Independency. His own desire was to have a Church Puritan and Presbyterian. As a Protestant, he sought to keep the South Western counties true to his interpretation of the cause, with a fair measure of success, for Galloway refused the 'Tender'. He is largely responsible for welding the Galloway Covenanters into a party with a puritanic, democratic and ultra-covenanting policy for which they later died gladly on their native hills.

The turning point in his later life was his support of the Remonstrance. Till then, despite his extremism, his counsels and men were sought and used by the Church. When the censure on the Remonstrance was passed, he had to fall into one of the two parties which were forming and not even his admiration for Argyll could attach him to
the Resolutioners. He did not step immediately into leadership of the opposing faction and he had qualms concerning some of the opinions of Guthrie and Gillespie, but Warriston was able to allay any remote scruples he had concerning the break from old and trusted friends. The Second Resolution convinced him of the futility of aught but active resistance to its adherents and the circumstances of the 1651 Assembly, with Warriston absent and Guthrie and Gillespie ineffective in some measure through their precarious position within it, made him the leader of the Protesters.

The Protestation was an ecclesiastical manoeuvre. It was engineered to stay the sanctioning of the Resolutions or to nullify them and had behind it no great religious ideals, such as were behind the Covenants. Of the grounds which Rutherford put forward for nullity of the Assembly, three were exceedingly weak. No King's letter or Commissioner's speech needed to have any effect on an Assembly unless it desired to listen favourably to them. Kings' letters and Commissioners' speeches equally threatening had been heard before. The members of the last Commission were entitled to take their seat until they had been proved scandalous or processed by the Assembly. The only reasonable ground of annulment was that of prelinitation; the Commission's letter had indirectly interfered with the appointment of Commissioners. Yet it is questionable if it kept many Protesters from the Assembly. Their minority was due rather to Cromwell's army keeping the South Western Commissioners from being present. For the Protester, the Protestation became a document almost equal in sanctity to the Covenants and a savage pamphlet warfare centred round the 'nullity of the pretended Assembly of Dundee and St. Andrews'. In this controversy, Rutherford, who drafted the Protestation, strangely enough played no
great part. Beyond a paper 'clearing' some of the arguments of the
Protestation, no pamphlet traceable to his pen was issued. He was
never a popular pamphleteer. In this case, it may well be that he sought
to avoid magnifying a minor issue and making the party pennon of the
Protestation as great as the banner of the Covenant. Inveigh against
the Resolutioners he did, and he certainly railed much against the
'pretended' Assemblies, but his main work among the Protesters was the
effort to coordinate them into a Covenanting, 'godly' party. His defeat
lies not in the fact that the Resolutioners were in the majority or that
they over-reached the Protesters in dealing with Cromwell, but in that
the party which he lead in 1651 crumbled into dissentient elements
under his very hand. Perhaps it was a fate the Protesters invited by
placing justification of an ecclesiastical manoeuvre in the forefront
of their articles of faith.

**Literary Labours of the Last Years**

The literary labours of Lutherfurd's last years are more varied
in character than those published during his stay at Westminster but those
of a polemic nature show that his mind is flagging in its power. The
"Free Disputation against Pretended Liberty of Conscience", though it
has some good writing on a bad subject, had none of the range of learning
or depth of thought of the "Lex, Rex". The "Survey of the Survey" is
an answer to Hooker's answer to his "Due Right". It contains some
good passages but is the most rambling and piecemeal of all his books
on Presbyterian theory and was written rather to justify his position
as defender of the Presbyterian cause than to justify that cause itself.

What was lost to polemic was gained by two books, which hardly anyone
reads, but which contain some of the most beautiful passages he wrote. These are "The Covenant of Life Opened" and "The Influences of the Life of Grace". How tired he was becoming of controversy can be gathered from his Preface to the former.

"And it is of much concernment, to make out the Union of our Duty, and the breathings of the Lord, and what can be done under deadness to either fetch the wind or to be put in a spiritual condition, that the soul may lie fair for the receiving of the influences of God. I desire in this to speak for Truth, not either for, or against persons of whom I am silent, concealing the names of any Contradictor, judging Truth so much the more desirable, when it may possibly be had with peace and as little blowing or stirring of the fire of contradiction as can be."

"The Last and Heavenly Speeches of John Gordon, Viscount Kenmure" is traditionally accepted as being Rutherfurd's. The principles of the Preface are his. The purpose of winning the nobles to the anti-Engagers would certainly be his. He is undoubtedly the pastor at the death-bed, but the style would seem dubious and not altogether Rutherfurd's. If it is his, he had a narrative style different in cadence to that which was usual to him. The 'Testimony' s motive is to demonstrate Kenmure's repentance at not voting for the 'godly' in the Parliament of 1633 and thence from to incite the nobles to vote against the Engagement. It is among the first of the printed 'Testimonies' which were to flood Covenanting Scotland and which were, as seen, the development of a French propagandist practice. Rutherfurd encouraged this practice and wrote to George Gillespie, asking him to leave such a 'Testimony' for printing. Put one does not think of Rutherfurd as the author of a semi-imaginative composition, and the speeches of Kenmure to the pastor, to his various relatives and to the Bishop, (all fortunately present to receive them, and to play their part in the little problem play—the problem being the destination of Kenmure's soul, which is satisfactorily answered to the consternation of the Bishop) bear the
284.

character of being the arrangement of a conscious 'dramatic' artist. He must have supplied the data for the 'Testimony'. The sentence "It is not the antiquity of your families nor the long descent of an ancient pedigree through many noble and princely branches can make you truly noble" has the stamp of his thought. But the speeches are recorded in the third person, a form he does not often use when speaking of himself. The style of the speeches is reminiscent of William Low of Ceres, who completed the "Life of Blair". During the Engagement he was in close contact with Lutherfurd. The conjecture is here put forward that the arrangement and composition may have been mostly Low's, Lutherfurd perhaps overlooking, helping with the Preface and supplying the material.

There is no doubt concerning the authorship of the "Free Disputation against the Pretended Liberty of Conscience". It is an expansion of the Appendix to the "Due Right" which had dealt with the Magistrate's right to punish Sectarians and is Lutherfurd at his worst. The catalogue of things not to be tolerated is enlarged; non-fundamentals are included with fundamentals; the magistrate is exhorted to punish those who adhere to anything which may cause a schism in the Church. There is some good writing on the subject of the conscience, but it is chiefly to this work that Lutherfurd owes the reputation of being a harsh, uncharitable and disputatious divine. It was published in London in 1652. That Cromwell tolerated it is evidence of his toleration. Even the English Presbyterians disliked its tone and content. As propaganda it failed for neither English Presbyterian Church nor Cromwellian State were prepared to accept its tenets.

"A Survey of the Survey of that Summe of Church Discipline penned by Mr Thomas Hooker" was his last polemic effort in the Presbyterian cause. It was mainly reiterative, written because an author was expected
to reply to an answer to his work. The Preface is noteworthy for its attack on those who were formerly his friends. But even here there is little personal animus against anyone, the practices of the Resolutioners being the theme of his diatribe. He asserts the right of inferior judicatories to disobey superior when their commands are not 'according to the Word' and the people are also discharged from obeying a judicatory on the same grounds. In former writings, he had considered the possibility of disobedience if aught were commanded against sound doctrine; now this doctrine as he states it appears subversive of the whole Presbyterian structure, which he had so elaborately built. The 'Survey' was ready for the press for more than a year before it was published.

The other works of these years show that apart from the outburst in the Preface, he was tired of conflict. The Preface to the 'Survey' is the last passionate out-burst of a weary man, pathetic rather than savage in the bitterness that pervades it. "When the head is filled with topics and none of the flames of Christ's love in the heart, how dry are all disputes"—so he writes even here. From the dryness of these topics, he turned to write a little more ere his days ended of the Christ who had stayed at his side in the weary years in Aberdeen.

The story of his last years may be briefly and sadly told. Ill-health and contention with his colleagues made life burdensome. His old friends were alienated from him and his associates among the Protestors had seemingly deserted the cause of the Covenants. It seemed to him—and the words echo frequently in his last letters—that the sun had gone down upon the prophets. He stood lonely but to the end quite assured. Whatever doubts perplexed his mind concerning his own
personal sinfulness and wavering faith, he never entertained any
concerning the justice of his cause and the right of the policy he pursued.
His alienation from Blair and separation from him at the Communion Table
made his loneliness very bitter. When the Restoration came, he had
done and said too much to be left undisturbed and he himself, with the
fervour and fever of an Ignatius, prepared to welcome a martyr's death.
His "Lex, Rex" was burned by the hangman; he was cited to appear before
the Council and removed from his place. But he had already started on
his journey to a better place, where—with his dying breath he murmured
these words, so typical of the strange union of theocratic zeal and
sturdy democracy that was in him,—"few kings and great folk come".
He died at St. Andrews on the 30th March, 1661.
RUTHERFURD’S ACHIEVEMENT AS EXPONENT OF PRESBYTERIAN PRINCIPLES

Samuel Rutherford lived in an age of controversy; his works are written in controversial form; the doctrines, given by him to the Church, such as the free election of the pastor by the congregation, were for centuries to cause controversy. The major tenets and standards of Scottish Presbyterianism were shaped by others before him, but he, more than any other, vindicated, expounded and nationalised the principles underlying them. The apologist is the necessary consequent of the maker of creeds, and the additions, modifications and concessions which the requirements of controversy may cause the former to make in the creed he defends, often become with the lapse of time intrinsic, if minor, articles in it. Rutherford, the apologist of Scottish Presbyterianism, filled in many of the details of its constitution, which are now accepted as commonplace. Admittedly his works repeat diffusely much that has been said before and said better, but they contain things which have not been said before, nor have since been said better. He is original enough to differ from Calvin, to depart from the Books of Discipline, to oppose Henderson and to disagree violently with Calderwood, then regarded as the authentic interpreter of Scottish Presbyterianism. In these differences, as will be seen, Rutherford’s interpretation ultimately became embodied in the law of the Church (even though it took two centuries so to do).

The formation of his tenets was dictated by two controversies, that with the Episcopalian and that with the Independent. The influence of the former is more than abundantly noted by historians; the influence of the latter on Scottish Presbyterian doctrine has received but scant
It is interesting to see how much the Scottish Church owes through Lutherturd, not exactly to the Independents, but certainly to the conflict with them. His arguments as related to the actual controversy have been noted in the various works considered; suffice it to say that he was the ablest (and friendliest) opponent of the Independents. We may note briefly the contributions which he made, through this controversy, to the doctrines of the Scottish church.

The doctrine of the Church Visible and the Church Invisible was a Calvinist inheritance. It had been formulated chiefly in opposition to the Roman doctrine that the only Church was the Church visible, and that assent to its teaching was alone necessary to make men members. The Calvinist held that the Church Visible was made up of all members who professed the Christian faith—he gave a deeper more ethical meaning to 'professing the faith' than mere assent to teaching. The true Church of which Christ was the Head was the Church Invisible which must be inevitably saved and was composed of the elect. Such a doctrine was not sufficiently thorough going for the Puritan mind. It seemed to afford an apology for the existence of wickedness in Church members rather than cure it. The ethical and the more subjective interpretation which the Reformers put on a 'profession of faith' was as liable as Rome's to become slipshod and abused as a condition of membership. The Puritan argued that any hypocrite could profess the faith, and as far as morals were concerned, the members of the Reform seemed little better than the members of the Roman church. The Independents therefore insisted that the only true Church was the visible church, but added that its members were only those who were visible saints. The opposing theories caused a multitude of speculative questions to arise which have
been outlined in the summaries and need not be considered here.

Emphasis was now thrown on membership as determining the nature and the constitution of the church and the orthodox Calvinist doctrine had to be re-expounded to meet the attack from this new angle. The end of the Church Visible was to make its members of the Church Invisible, stated Rutherford - in Independent terminology to make professing saints real saints. With this end in view, the Church dare not exclude those who professed the faith from its membership. Where otherwise could they hear the Word and obtain the Sacraments, the efficacious means to salvation? The preacher's duty was to convert. Limit his preaching to a few visible saints and the power of the Gospel unto salvation is limited. Rutherford asserts that the immoral and scandalous might be found in a Church but in that case the Church has in its power the means of excising or disciplining these members. He was as desirous for a pure Church as his opponent, but he held firmly that a profession of faith was all that was asked in Scripture and all that the church could ask. The faith professed might be pure and zealous, wear and wavering, hypocritical or mercenary, still the profession must be accepted. The church's duty was by the Word and power of the spirit to make those who professed true Christian men. His doctrine remains that of the Scottish church to this day, which asks for no ritualistic confirmation, no manifestations of excessive saintliness, but for a simple profession of the truths it teaches, loyalty to them and the pledge to an earnest striving after faith in Jesus Christ.

What shocked Rutherford was the arrogance and narrowness of the Independent view. (This much maligned theologian will be found again opposed to arrogance and narrowness in the administration of
the Sacrament of Baptism.) It was arrogant because in judging of visible sainthood, the Independents arrogated to themselves the work of God. It was a characteristic of Scottish Reformed thought to shun anything which seemed to claim a jurisdiction belonging only to God. It still appears in the peasant who avows his intention of performing a task. "If I'm spared"; it appeared in the harshest divine, who, in fencing the tables, always concluded, "This is not pronounced to exclude any penitent person". Rutherfurd himself admitted that an excommunicate might possibly be of the elect. The narrowness of the doctrine which limited the blessings, message and power of the Church to a few saints, was even more abhorrent to him. For him, not only was a man who professed the faith a member of a congregation, he was a member of the national Church, entitled to the Lord and Sacraments throughout the land and even in the Protestant Churches of other lands, for he was a member of the Visible Church of Christ. The Scottish doctrine of Church membership, which embraced all Christian communions, (even those which refused to embrace theirs), and made the granting of membership, not the reward of an achieved 'saintliness', but the starting point of continuous Christian endeavour, could not be called narrow or formal. There is much in this that existed before him. Perhaps Rutherfurd, more than any other, formulated, reiterated, expounded and gave it to the Church of his age and, through them, to succeeding generations. The Anglican and Congregationalist have still to find a doctrine as comprehensive and as Scripturally sound.

While he opposed the main doctrine of the Independents, Rutherfurd was not unwilling to learn somewhat from their practice. He sympathised with their puritanism and looked with no unfavourable
eye on some of their congregational tenets. As early as his Anwoth ministry he had taught that the congregation should elect their pastor. Contact with his opponents showed him that there were certain congregational rights which should be granted within the Presbyterian system. Though he does not express it in so many words, it is obviously his belief that the rights and privileges of the individual member in certain things must be assured, in order that a congregation might not, through the use of an autocratic power by Presbytery, re-acts, towards Independent tenets. During the Commonwealth, this actually happened in Aberdeen and was in danger of happening in the South West. Ultra-Presbyterian although he was he would have given more consideration to the rights and privileges of every man or woman in the congregation, than any of his conpeers, or many of his successors. He opposed the Independent idea that election of pastors, might be by heads of families. (In the 1832 Assembly Chalmers was to take up this idea that the majority of heads of families should be sufficient to veto a presentee). Nothing but the individual right of every member to elect would content Rutherfurd. "Nor are women, sons, servants, debarred from voicing in an election." ¹ Women, he asserts, in this same place, have as much right in the election of their pastor as they have to confess Christ. Besides this, as emerged at Westminster, he was prepared to grant to the Kirk sessions more power in congregational affairs than were any other of his contemporaries. In some things he even allowed the pastor to be subordinate to the Kirk session. Furthermore, he asserted the principles of the Barrier Act even as regarding the latter. "Matters to be enacted by Assemblies are to be first

¹ "Survey of Survey." 256.
referred to congregations and elderships of particular congregations before they are enacted." 1 Far from being narrow in his views of Church membership and lay rights within the Church, he was the most modern of his time and had arrived at ideals which took two and a half centuries to become established. He denied the congregation any right in Church censures, but so has the majority of Church men in all ages, and so still does the Presbyterian Church. He allowed that the Magistrate could compel men to a profession and thereby to membership with the argument that this was for the peace and good of the Church. On the other hand, he stated, that the sword could not compel the conscience. The explanation of the contradiction is simple. Though he never reciled from the position which gave a 'cumulative' power to the Magistrate in Church affairs, events, first at Westminster then during the Engagement and the Resolutions made him circumscribe and modify that power.

Whilst to Knox, Melville and Henderson may be ascribed the outlining and formulating, the Presbyterian standards of Church government, to Rutherford and Gillespie, by their writings and by their work at Westminster, belongs the credit of expanding and perpetuating them. Much of the outlining in detail of all the functions and sphere of Church officers, especially of the eldership, comes from their pens, and again the anvil on which this is hammered out is that of controversy with the Independents.

In his early works Rutherford is concerned, above all else with ministerial power. The Books of Discipline and the Government and Order had been content to define the pastor's office, manner of

1. "Peaceable Plea" 83.
ordination and duties. To Rutherford fell the task of staking his power by and in all these. He freed the pastor from responsibility in any way to his congregation in any pastoral act or to any lay power whatsoever. He admitted that the pastor was subject to his elders in some things, but their only redress against him was through the higher courts of the Church. As the elders did not ordain they could not deprive their pastor of his office. He asserts strongly the power ex officio resident in the pastor. The Second Book of Discipline had only claimed "It appertains to the minister after lawful proceeding by the eldership, to pronounce the sentence of binding and loosing upon any person, according unto the power of the keys granted unto the kirk."¹ Most of the 'Peaceable Plea' is a development of the thesis in the above sentence and takes it much further.

Rutherford taught that ministerial power was held directly from Christ. When a man was orderly, designated, to the pastorate, he received such power, at the ordination rather than by the ordination at the hands of his fellows. It is difficult to free Rutherford from a formal doctrine of the ordination which conveyed so much power. He insisted that no special grace was given by it other than the inward grace which the ordinand already had. Ordination was the acquisition of power rather than of grace and so succeeding generations of his Church regarded it, but the minister, there, became Christ's minister - that was made plain - not the Church's exactly (for he held the 'keys' were given to the ministerial Church, not to the Church as a whole.), not the congregation's, but Christ's. This ministerial power was exercised Presbyterially.

The minister however, did more than declare the sentence of the court:

¹ Second Book of Discipline. Chap. 1v.
after its finding he actually did bind or loose. Because
of the power given to him the sentence he pronounced was ratified in
Heaven. This, Rutherford maintained against all Independent attempts
to give the congregation any voice in Church sentences. He went
further than the Books of Discipline and his Church readily accepted
his teaching. The succeeding prevalence of ministerial autocracy in
the parish was fostered by this doctrine which the clergy were ready to
seize, whereas the worthier congregational elements with which he
himself sought to temper it lay practically unheeded in his teaching.

Rutherford, however, rehabilitated the Scottish doctrine of
the Eldership at a time when there was considerable dubiety as to the
scope and function of that office. That the eldership exists in the
Church in its present form was due to his and Gillespie's labours.
The Books of Discipline recognised the elders' office and gave to him
the serving of the tables, the oversight of the flock, and a place with
the pastor in the Presbyterial assembly. The General Assembly of 1638
showed that some were inclined to question the last of these rights.
The Church generally accepted the elders sitting in Presbytery as
authoritative and Scriptural. Much more dubiety existed regarding
his power in a congregational court. The Kirk Session was a very vague
body in the Second Book of Discipline. "When we speak of elders of
particular congregations we mean not that every particular parish kirk
can, or may have, their own particular elderships." ¹ Thus while
prepared to accord the elder an administrative and curatory power,
it denied to him any juridical power in the congregation in which he
served, and suggested a small classis of the elderships of three or four

¹ Second Book of Discipline. Chap. VII.
Kirks to try local cases. Although the Kirk Session was recognised as a court of the Kirk, what power it possessed was undefined and depended on its moderator or the Presbytery in which it was. In the Government and Order, Henderson laid down the jurisdictional power of the Session to deal with offenders, but later at Westminster on receiving Calderwood's letter was inclined to retract. From the debates and the final Proposition "Of Congregational Elderships" it is obvious that Rutherford and Gillespie stood firm, because the English Presbyterian alike with Calderwood, was at first chary of giving disciplinary power to the congregational elderships. The support of the Independents who were inclined to give more power to the congregational courts than to any other enabled these two Scots to establish the proposition. When it came before the Scottish Assembly in 1648, Calderwood's opposition to it was the cause of the postponed ratification of the Directory for Church Government, but the gist of it at the Revolution passed into the law of the Kirk. Rutherford saved the church from subscribing to the theory that the Kirk Session was only a committee of Presbytery with no intrinsic power. The elder had been recognised by the Church since the Reformation, that he was ultimately established as a 'ruling' elder was the great work of Rutherford (with whom in this one must always associate Gillespie) through his untiring exposition of such an office as held forth 1 Tim. V.

Rutherford was largely responsible for formulation of the Scottish conception of the disciplinary powers of the office bearers of the church especially in their parochial aspect. That the Kirk Session became so efficient - if also so autocratic - a body was due to his teaching. Of all men of his time he most extensively analyses the work
and theory of the pastorage. The validity of Presbyterian orders, the practice that ordination should be given only upon election to a fixed place, the converting power of the pastor's office, that office in relation to the whole Church which after ordination allowed of the minister's preaching and administering the Sacraments in any Christian Church when so called were investigated and fully exhibited. Though he wrote no work of systematic ecclesiastical theology and though these all emerged in his controversy, he is the first Scotsman to nationalise and expound fully in his native tongue the Calvinist theory behind the practice of the Church of Scotland.

On the Presbyterian system of Church courts, in origin, doctrine, theory and practice, Rutherfurd said everything that was to be said. Neither before nor since has as complete an exposition of Scottish Presbyterian government been given. In this respect his two works 'The Peaceable Plea' and the 'Due Right' supplemented by the 'Divine Right' and 'Survey of the Survey' occupy the same place in Scottish ecclesiastical thought as Hooker's "Law of Ecclesiastical Polity" fills in the English Church. To these two men the partisans of their respective Churches must go for the most cogent arguments in support of their ecclesiastical systems. A glance through the inserted summaries shows how much Rutherfurd's pen was devoted to expounding the Presbyterian system of courts. His work is in its main intention apologetic, directed chiefly against the Independents, yet it cannot be overlooked that his exposition of the nature, and defence of the rights of these courts, helped as materially to establish them as the Acts of Parliament and of Assembly. If Henderson needed to depend at Westminster on Rutherfurd's apologetic, much more so the ordinary
minister was ready to learn from him, that he might establish intellectually in the minds of the people, a partiality for the system which had already been established by law.

How much Rutherford contributed to the definition of the Kirk Session has been noted. The other Church courts were by his time more naturalised in Scotland. But in outlining their functions, their relationship to the congregation, their Scriptural validity, and the place and power of Church officers within them, he was the supreme preacher. The main Scriptural arguments which he brought forward for the Presbyterian system were Acts XV and Matt. XVIII, 17 ff. (His exegesis of these is embodied in the summaries). Of all the Scotsmen of his age, (Boyd perhaps excepted and he wrote in Latin) he brought the most learning to the exposition of these passages. Though his are the orthodox arguments of Presbyterianism, he accumulates the Fathers, antiquity, the Conciliares, the Reformers, and the post-Reformers, in support of them. If wealth of citation could prove his case, it was ten times proved. If his interpretation of the Council at Jerusalem and of ἐκκλησία was not wholly correct, neither was that of his opponents. He gave to his Church an exposition which it held for centuries, and while all of what he wrote may not be valid, much of it is and his descendants can still claim from much that he put forward that their church is 'agreeable to the Word of God'.

He demonstrated clearly the 'presbyterian' nature of the Church's courts. These (Kirk Sessions excepted) were all equal in 'intensive' power, e.g. excommunication by a Presbytery was exactly the same as excommunication by a synod, the same power was resident in both courts, and the only difference lay in the extent of their power.
Synod and Assembly, each had wider jurisdiction than the Presbytery. He showed that as a court the Presbytery ensured a fairer trial than any such by congregation or by bishop and that the system of appeals further made for a fair trial. He asserted finally that such courts were not elective by the people or congregation, but held their commission from Christ, though he admitted to their counsels menwise in affairs, though not in ecclesiastical office, that the Church might have the benefit of their guidance. He agreed that such Synods were not infallible and that the people who were moral agents could disobey them when they commanded ought disagreeable to the Word of God.

It was pointed out by him that a graded system of courts was necessary since cases, which seemed only of local, might have a national importance, and the Church for its own good in establishing precedent had need to determine such cases through its higher courts. His greatest contribution to Presbyterian theory was the principle behind the Barrier Act. In the Peaceable Plea as has been seen he laid it down that matters to be enacted in Presbytery should be referred to the elderships of the particular congregations before they were so enacted. To this, few of his contemporaries accorded a full assent. It was not in the Books of Discipline nor in the Government and Order, and was dictated to some extent by his own democratic principles. The procedure which he advocated regarding eldership and Presbytery was adopted in 1807 to the relation of Assembly with the Presbyteries.

The problem of Separation from the Church and its Courts occupied a great deal of his thought. In theory he was against any
Form of separation from a true Church, though he conceived it possible to separate 'in' a Church from the ungodly party without separating from the Church itself. Either such a distinction was practicable, or for the good of the Church, was answered in rather different sort by the Protestant-Resoluter controversy. Pages 145-146 of this Essay subserve his doctrine in this matter. The unity of the Church, as well in external as in internal aspects, was the dearest of doctrines, and schism was for him the deadlest of sins, so deadly that in the "Disputation against Liberty of Conscience", he maintained that those who made the schism, even though they did not err in fundamentals, were to be punished by the civil Magistrate. He never doubted that his opponents were the schismatics. His policy after 1651 was so far in keeping with his doctrine, that he tried to separate 'in' the Church from participating in or sanctioning any of the acts of his opponents without making a complete secession from the Church. (Patrick Gilchrist his colleague, was for some time in favour of the latter course.)

It cannot be said that Lutherturd was entirely faithful to his early teaching. In the "Inacable Plea", he had asserted that one must not cease to communicate because of the sins of fellow-communicants or because of some fault in the pastor, so long as the fundamentals of faith were not subverted in the Church. Yet in St. Andrews, so far did ecclesiastical strife blind him to his own earlier doctrine, that this was exactly what he himself did in relation to Blair and his supporters.

It may be noted that, while in the "Inacable Plea" Separation 'in' the Church is not emphasised and is put forward only as a possible alternative when no other course seems open, in the "Survey of the Survey" he takes it up and makes an emphatic apology for it as a necessary course of
action. The truth was that when he had a united Church behind him he justified ecclesiastical unity so fully that when he fell into a party he left himself few loopholes of escape from the charge of denying his own teaching - except that he was in the true Church and his opponents were seceders. Similarly, when he had the civil magistrate behind him he justified the former's cumulative power of coercing a profession of faith; when the magistrate was against him - vide the Engagers, Cromwell, and Charles II - the only escape from his own doctrine was to claim either that their deeds were not lawful or they were not lawful magistrates, which meant an intrusion of the ecclesiastical into the political sphere. Rutherford's argument was not lost on subsequent cessation bodies, especially the Reformed Presbyterians who maintained that their opponents not they, made the schism and that they were in reality the true Church of Scotland adhering to the Covenants.

On the Sacraments of the Church he wrote much. His finest contribution, though it occupied less of his work than the 'Lord's Supper' was his writing on the doctrine and practice of the Sacrament of Baptism. He held rigid views concerning the administration of the former, but he prevailed on his colleagues to adopt a simpler order of Baptism than had been used in Scotland and he sought to make its administration as wide in scope as it was simple in order. Not even the children of excommunicate were to be refused Baptism (this is contrary to the First Book of Discipline). A child born within a Christian nation has the right to Christian Baptism. A later theologian of the Church, Boston of Ettrick, was to deny Rutherford's tenets and make the right of children to Baptism depend on the right of the immediate parents; if these were ungodly, Baptism could not be administered. Between these two views, the ministry
of the Church of Scotland has since been divided. On the whole it may be claimed that Rutherford's doctrine in theory and practice has prevailed.

Regarding the Lord's Supper it is again rather with the administration and order that he is concerned than the doctrine or the Sacrament which he held in common with other Calvinists, Independent and Presbyterian alike. His insistence at Westminster on the Scottish practice, how far he was able to establish that practice in the Directory for the Lord's Supper, has already been noted. The question of who were to be excluded from that Sacrament and who were to exclude most occupied his pen. This was the Christian question proper. The "Divine Right" which partnered "Aaron's Rod Blossoming" contained the Scottish reply to Erastian theory and established the sole right of the Church to pronounce censure in spiritual matters. The emphasis on a rigorous practice of Excommunication and a harsher doctrine of it which Rutherford developed, was again due to the Independent controversy. The Presbyterian felt the necessity of showing himself as devoted to the purity of the Church as his opponent. He affirmed that by excommunication the Church was kept as free from evil as was possible by human means, but he refused again to arrogate to himself the task of the Almighty in judging who were evil at heart. For him, only those whose sins were scandalous must be excluded. Profession of faith and a life free from scandal were the conditions of admission, but the sins included in the list of 'scandals' made that list wide enough in scope to satisfy most Puritan critics. Absolution was to be pronounced, not after long testing and certain manifestation of inward grace in the penitent, but when he made a sincere profession of repentance. This was estimable in theory, but
The professions of repentance which the Church received, in 1650-1659 were as insincere as the original grounds of excommunication had been thin. The Scottish doctrine of excommunication was no knave proof than the Independent doctrine of a pure Church.

Rutherford's part in the formulation of the doctrine and practice of excommunication cannot be commended, though it must be remembered that zeal for the purity and unity of the Church were the motives which inspired his thought and action in this matter. Before Westminster there was no clear doctrine of excommunication even among the Scots. With the exception of the Bishops, till 1646 at least, the sentence of excommunication was sparingly used and even immoral pastors (supra p.5) were leniently dealt with and persistence in scandal brought reposition but not excommunication. The matters for Church censure seem to have been dealt with by the Kirk Session in the patient manner outlined in Henderson's "Government and Order" and only obstinate cases were recommended to Presbytery. But conflict with the puritan doctrine of the Church as formed of visible saints caused the Scots to formulate their doctrine of scandal as apologetic and Rutherford more than anyone else created it for his party. To prove it true in practice scandalous sins began to be more zealously punished by the clergy. Amongst these case to be included what were political offences. Rutherford at Westminster fearing perhaps that the Kirk Session's sympathies, political or otherwise, might be with the offender insisted on a more summary procedure in excommunication. He did not succeed in having his views completely embodied in the Directory for excommunication, but he certainly sought to place a summary power in the hands of the Presbytery, and the pronouncing of the sentence in those of the minister. He held also that
the sentence pronounced by the latter was ratified in Heaven.

It was exactly this procedure advocated by him, and by Gillespie which the Church used subsequent to his return from Westminster. Men were excommunicated by Presbytery and had sentence pronounced against them by their minister, who had never been delated to their Kirk Session nor dealt with by their eldership. In this the Church departed from its earlier and saner practice. When this summary procedure was allied in practical politics to the Hebraic theory that only a pure nation could be triumphant, the result was disastrous. In later days when the application of Church censures became more local and congregational a good deal of the harsher theory formulated by Rutherford and his colleagues in these years remained embodied in practice.

Rutherford's views on the relation of Church and State are summarised on Pages 149-151. They were those of orthodox Calvinism. He summed up the civil Magistrate's power regarding the Church as being 'cumulative' which meant that all his actions towards the Church must be directed towards its well-being; as so interpreted by the Church itself. He taught that the Magistrate could compel men to a profession of faith and to the external acts of worship while admitting that he could not compel the conscience. His apologetic moves a little uneasily when he tries to reconcile these two conflicting beliefs. The "Disputation against Pretended Liberty of Conscience" attempted to reconcile them; perhaps the shrillness of its argumentative tone is a subconscious effort at compensation for hiatus in a faulty argument. He considered conscience itself was no sure interpreter of the faith and elaborated the doctrine of fundamentals and non fundamentals. To every fundamental or anything
based upon it the Magistrate can rightly compel a man's assent. But he writes in the "Disputation" "errors in things not fundamental are punishable." This is strange doctrine from a man who had suffered exile and who died on the eve of a great persecution. Rutherford's passion for the unity of the Church and his hatred of schism caused him to ascribe to the Magistrate a power which would not now be allowed to belong to the latter. When circumstances so altered that the Magistrate (In this case Cromwell) took measures for the good of the Church, which were not to Rutherford's liking, his defence was that the Protector was not a lawful Magistrate. This meant ecclesiastical criticism of and interference in civil affairs - a practice which in the "Due Right" was rigidly eschewed. When the Estates answered their Protestations against their citation of Curthrie and Kennet who were agitating against the Resolutions they quoted Rutherford in their support - and rightly - as giving in his "Due Right" power to the Magistrate thus to act for the peace of the Church and state.¹ The doctrine of 'cumulative' power as he formulated it was a two-edged sword which wounded as much as defended the Church. It had far reaching effects; for the Reformed Presbyterian Church separated from all political affairs because the State refused to use this power as they conceived it should be used, for the furtherance of the Kirk's Covenants, whilst on the other hand it was using an Erastian power in the internal affairs of Church governments.

Such a power as the last Rutherford opposed mightily. Christ was the Head of the Church and its spiritual government was delegated by Him to its officers. To the Church's spiritual jurisdiction the Magistrate, as a man, was subordinate, just as the pastor, as a man, was

subordinate to the Magistrate. He affirmed the illegality of patronage
and unconditionally asserted the Church's right to do as seemed good
with all her rents and revenues.

Establishmentarian and Free Churchmen could therefore in later
years alike draw upon Rutherford to support their case. The truth is
that Rutherford's ideal was a Free Established Church. Unfortunately,
in him, the 'freedom' often meant in practice interference in secular
affairs and 'Establishment' no toleration for any opposed, not only to
Presbyterian doctrine, but even to Presbyterian politics. If one
removes these faults, the accretions of the political circumstances of
his age, it will be found that he gave to posterity the doctrine of a
Church 'free' in the ordering of all spiritual—and internal material—
affairs, 'established' as the Church of the people, without being in
any way subservient to the State.

Rutherford was the greatest theologian the Scottish Church in
his age possessed; it is possible that he is the most learned she has
possessed in any age. His appointed task was to defend and expound her
doctrines and none was better fitted for it. His learning was colossal;
his citations always show deep acquaintance with the work of the author
whom he quotes; they are seldom, if ever, mere lists quoted from other
works. His knowledge of the 'Fathers' is almost, if not quite, as
great as Boyd's, though his partiality is for the Latin, rather than for
the Greek theologians. His knowledge of the 'Schoolmen' of Aquinas,
Abelard, Peter Lombard, Gerson and the Conciliars and many lesser men
was unrivalled. He shows the same wide knowledge of the Reformers,—
Luther, Calvin, Beza and the multitude of minor writers of the Post
Reformation. The French, Dutch and English writers of his age, the
Jesuit political thinkers, the Independent controversialists, the
popular pamphleteers are all read and digested for use as proofs or to be confuted. With such a critical apparatus behind him, his exposition of Scripture is painstaking and exhaustive. His greatest fault is that he uses a whole mass of learning to vindicate the smallest detail of the most minute of his arguments, but such a method his age demanded and such they got from him.

Such a learning, so applied, militates against originality of thought in the sense that it hinders the educing of any great new doctrine. Yet to the exposition of the old, Rutherfurd brought more original thinking than any man of his generation—indeed too much thinking. The controversial form of his work sometimes betrays his thinking into the fault of overstatement. In refuting an opponent, he occasionally overstates his own case and finds himself in a position which he has to modify or circumscribe, for he can never bring himself to resile.

Rutherfurd's work may now lie on dusty shelves. He is scholastic controversial, bigoted some may say; he is easily side-tracked by the argument of an opponent or by the fertility of his own mind; he is guilty of overstatement and not always, even in his own cause, balanced in his judgement; he puzzles by syllogisms and by their multiplicity. But he gave to the pastors of his time the doctrines and theory of Presbyterianism which they handed down to succeeding generations and he defended these brilliantly in an age in which theological defence was a cardinal necessity of the Church's existence. As has been seen, he made great and valuable contributions to the doctrines of his Church, some of which were in advance of his generation and have outlived the harsher dogmas which he simultaneously and as authoritatively pronounced. In depth and subtlety of argument, in width of learning, in power of tongue and pen, Rutherfurd remains for ever the greatest Apologist of Scottish Presbyterianism.
The approach to the study of Samuel Rutherford has generally been from the subjective angle. Taylor Innes in putting forward his theory of a dualistic personality, which finds in Rutherford the combination of scholastic and mystic, does not seek, beyond a few generalities, to place him accurately in the affairs of his age or to estimate his real contribution to the politics and the ecclesiastic tenets of his Church. He sees in him a shining Christian personality and an undying inspiration to love of freedom; but he would reduce his place in the Church's history to that of a mystic or of an intellectual gladiator in ephemeral controversy, losing grip of the essentials in juggling with the form of his arguments. Rutherford was no mystic; although a scholastic, he made, as this thesis has sought to show, valuable additions to the doctrine of his Church and was a powerful figure in its politics. Taylor Innes does not even mention his success in abolishing patronage.

If there was a bewildering dualism in his nature, it was not so much that of mystic and scholastic as of democrat and theocrat. The conflict in his mind between these principles is a problem to those who study him and was a problem to himself. It is not so much "St. Thomas and St. Francis under one hood" as a Gracchus and an Innocent III under one robe that perplexes. From the earliest years of his ministry, Rutherford's political leanings were democratic and he voiced them unhesitatingly in his sermons. Persecution strengthened his adherence to them and the military success of his party enables him to publish "Lex, Rex". This love of democracy was inherent in him rather than intellectually apprehended. It was for him more a passion than a postulate. Early in his ministry it was responsible for his sympathy
with Independent views and his assertion that the election of pastor was by the people, women and servants as well as husbands and masters. Later, it led him more than any of his colleagues to sponsor the rights of congregational courts and even to suggest that Acts of Presbytery be sent down to them and to the congregation for consideration before enactment. In contradistinction, was the theocrat within him, a more developed characteristic and one which in later years ousted that sense of fairness, engendered by his love of democracy, which had appeared in his dealings with the 'novationists' and with the Independents in his early years at Westminster. What little say the Books of Discipline or Henderson would have given to the congregation in the censures of the Church, he refused even in theory. He gave to the Magistrate, directed by the Church, a power over the bodies and goods of men accused of moral fault or politico-religious misdemeanour, which was not in accord with the true principles of democracy nor with his own teaching on the sanctity of private property. The theocrat was strong behind the doctrine of 'no toleration'. He acquiesced in, if he did not originate, the principle of the Act of the Classes whereby the Kirk judged a man's qualifications for office. His theocracy deepened as he grew older, losing him many of his friends and success made him less lovable than affliction. Thus while his democratic leanings enhanced some of his ecclesiastical tenets, his theocratic fervour, when it entered into practical politics, worked havoc in Church and State. Some of this misalliance of conflicting ideals he imparted to his followers but the principles of pure democracy and of theocracy are for ever irreconcilable. For this reason the Scottish Estates subsequent to 1645, even with their new found freedom, were never a highly efficient body. If the Act of Revocation drove the nobles from
Charles I, the Act of the Classes, engendering fear both of democracy and theocracy, sent them scampering back to his son. Samuel Rutherford was before them as the pointed example of a politician in whom these formed an incompatible and truculent dualism.

The man who can be compared to St. Thomas and St. Francis, Gracchus and Innocent III, must have certain inconsistent and self-contradictory elements in his character. The explanation is that his mind was subconsciously as richly receptive of impressions as it was assimilative of learning. The claim that he was a man utterly unsusceptible to outside influences is preposterous. He absorbed the atmosphere of the circumstances in which he found himself and reacted to it more quickly than any of his contemporaries, none of whom were subjected to so many or so varied political and ecclesiastical changes.

The torturing unrest of the early 'scandal', the subsequent quiet and beauty of Anwoth, the weary months in Aberdeen, the bright Covenant years, Westminster and international fame, the winning fight with the Engagers, the bitterness of a lost cause, the hopelessness of leading a party divided in its counsels, the imminence of doom for Presbyterianism and of a martyr's death—these with their infinite variety and change, left different impressions and caused different reactions, so that it is not to be wondered at that incompatible and perplexing traits are found in him. His nature was volcanic; when one outlet for his energies was stopped, he broke forth elsewhere in some fresh eruption. When his voice in the pulpit was silenced, his Christological thought and religious experience poured forth tumultuously in the letters.

At Westminster, unlimited opportunity for religious polemic and its

publication was his and he directed every energy to using it. The religious devotee, though always present in him, retired into the background. The success of the anti-Engagers started him on a mad crusade for theocracy. The success of the Resolutioners plunged him into a bitter sectarian warfare. He lived very much in the present minute.

Certain great ideals he held, but the emotion arising from the immediate circumstances in which he found himself often dictated the temper in which he wrote, the arguments which he put forward and the policy he adopted for the furtherance of these. At different periods he would be found advocating different measures for the realisation of the same ideal. As events changed, and temper and standpoint with them, he incurred the charge of hypocrisy from his enemies and of inconsistency from his friends.

In effect, almost everything that seems contradictory in his actions, in his political principles, in his ecclesiastical doctrines, may be explained by the fact that he felt intensely and rushed hot-headedly to support the cause he loved or attack the one he hated. One may say that he is guilty of what would be called by Shakespearean critics 'episodic intensification', that is to say, the immediate need or passion of the minute caused him often to affirm violently or enlarge some tenet which throws it out of all proportion to his own main argument, often into conflict with that argument and with the accepted principles of his Church, just as the great dramatist, fired by the 'moment' of the play, such as the death of Anthony, makes Cleopatra act sublimely, forgetting his original intention of creating her as a mercenary courtesan. He is guilty of pushing a position too far in the heat of the moment with the result that he finds himself contradicting himself or his Church.
For example, in his opposition to Episcopacy, he advocated private meetings further than was consistent with Presbyterian practice, and had later to explain, retract and modify some of his teaching. In dealing with the relationship of Church and State, he accords a power to the latter in one argument which in a later he may somewhat withdraw or qualify. The most striking instance of this 'episodic intensification' is in the Preface to the "Survey of the Survay" where he states a very fast and loose doctrine of the subordination of courts, allowing inferior to disobey superior on grounds far transcending any which he had previously conceded. Such inconsistencies, however, are by their nature incidental and not fundamental in his main thought.

"Mr Samuel Rutherfurd.....one who, if never so lightly offended, unreconcilable, void of mercy and charity, though a reacher of both in others". This is the harshest thing said of him by a contemporary and points again to the seeming contradiction. It is easy to conceive Warriston as an unlovely character but it is much more difficult to form such an opinion of his ally. He was certainly not-tempered, but he was lovable despite this, for he enjoyed the deep friendship of many of his fellows for thirty years. He was not quick to take personal offence: it was only at the end of his life, when he believed a great principle was at stake, that he was quite irreconcilable. He was quite humble concerning his own gifts and never himself sought promotion or political favour. Till the rupture between them, he constantly deferred to his colleague, Blair, in the domestic affairs of their Church. No word of foul personal scurrility --even in an age given to it-- ever passed from his pen. His bitterness was always directed towards the practices and actions of his opponents, not to their persons. The note of

\[\text{Balfour, Annals, Vol. III, p. 413.}\]
resignation and humility more often sounds in his pages than the shriek of acrimony. Had he not written the "Free Disputation" and become a Protester, the term uncharitable might never have been applied to him; it was only when subsequent to Westminster his theocracy had become a mental obsession, that he showed himself wholly uncompromising. His opponents, with perhaps the exception of Blair, were, however, no more charitable than he. There was a shrill note in his voice and, when in zeal for his cause he became shrill also in sentiment, the effect was an unlovely combination which irritated his hearers. The same shrill note appeared in his later polemic writing. Yet when that high shrill voice passed to dwell on the Christ he loved, the thought and style of the man became transformed and the congregation sat spell-bound under him.

The so-called mysticism of his letters has been shown to be due partly to the style of their literary models and partly to immediate psychological causes. He was not a mystic but a man of deep Christian experience, in whom a stern Calvinism had bred a habit of intense introspection. He found peace in turning from the tumult of affairs to communion with his Saviour. Because his was a nature capable of tremendous depth of feeling, the fervour of his utterances on the Divine Love as shown in Christ transcended that of any of his fellows and of most of his successors. Rutherfurd was a man who felt the love of God, the presence of Christ and the power of his spirit so intensely that they were the great realities of his life. When preaching was denied him, the affliction deepened his sensibility and all his Christo-centric experiences poured forth in his Letters. Perhaps just because the emotional element in love was so predominant in his nature, he lacked a
little of its practical ethical content in dealing with those with whom his mind and spirit were not completely in accord.

Rutherfurd's personal affections were real and deep. Taylor Innes's epigram (made at the expense of the truth) "We hear more of the birds who built in the Kirk of Anwoth than of the bairns who played in the manse" would imply a certain aloofness in him from the ordinary human relationships of life. The constant metaphors, often of surpassing beauty, of mother and bairn and of husband and wife, which he uses, show that the intimate and spiritual life of the family was very dear to him. No minister intrudes these intimacies into his public work and to accuse him of lack of feeling because he does not do so is ridiculous. He was the only Commissioner who took his family with him to London.

Rutherfurd was a pastor, a propagandist and an ecclesiastical politician. He was beloved as a pastor, brilliant as a propagandist but limited as a politician. The period of his pastoral activity in Anwoth was a greater practical contribution to the politics of his Church than the leadership of the Protesenter party, for there he largely created the evangelical Covenanting Presbyterianism of the South West. His name lives there for ever, for his sermons and Letters are to be found in every house of old religious Galloway stock. But for the South West's unyielding devotion to the ideals he taught, the face and fortune of the Church might, even after the Revolution, have been considerably different. It was impossible for the Revolution Church to 'misken' these ideals for which so much had been suffered. His enforced silence at Aberdeen gave him leisure for study and was, though he did not know it, the great preparation for Westminster. There he made himself famous by his defence of Presbyterian doctrine. The Presbyterians in
England and at home looked to his works for the fullest exposition of their cause and drew their arguments from him. He is the Karl Marx of Presbyterianism for, as the various forms of applied Socialism seek support from "Das Kapital", so the various branches of the Presbyterian Church seek theirs in the works of Rutherfurd. He gave a Radical tradition to his countrymen which the Scottish Lowlander at least did not forget.

As Professor, Principal of St. Mary's College and Rector of the University, his duties were carefully and diligently performed, even when onerous pastoral work was added to them. All his labours were directed to forming a generation of Covenanting ministers. He was happy in this work until, with the advent of the Resolutions, the leadership of the Proster party was forced upon him. It was a leadership which he did not enjoy and a strife for which he had no heart, and his mind turned back to the peace of a quiet glen in the South and he knew he had been happiest as a "poor barrow-man of the Lord" in Anwoth by the Solway shore.
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