

Dear Maurice

Further to our telephone conversation and to your request for me to put on paper my own thoughts on the issues facing us with regard to an Appeal, I now forward the following.

Some time ago I was in e-mail correspondence with one brother over the matters that divide us. At the end of the communication I was desirous that our correspondence be made public but he refused my request. The fact of his refusal to me spoke volumes. In the circumstance, I will disclose right at the outset that what follows are my own thoughts and opinions and that I have not consulted with anyone. However, what is written is not private. To this end, I have forwarded a copy of this to John Macleod, Convener of the Legal Committee and to David Fraser the Moderator of Assembly for them to reveal to others as they deem it appropriate as I will myself. I will not keep such correspondence a secret.

Please forgive me as I do not wish to appear patronising in any way, but I think it may be helpful for me to set out certain principles at the outset that I feel should be important to all of us; principles that certainly underpin my own position.

Two Principles

Firstly, we all agree that God has ordained the powers that rule over us (Romans 13:1). This, however, means we are to be subject to the civil magistrate and to the General Assembly. The only time we are entitled to resist the authority of the magistrate or the General Assembly is when they command us to do something which is contrary to the Scriptures, and in our case contrary to our vows as office-bearers of the Free Church of Scotland. Even then, we are to comply as far as it is possible for us to do so without violating our conscience. Thus, when Peter was instructed not to preach the Gospel, he answered, "We ought to obey God rather than men" (Acts 5:29). Other than this - in matters of judgement - we are to be in obedience to God's ordinance and not to resist it, lest we bring God's Judgement upon ourselves: "Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation" (Romans 13:2). It is not only to avoid wrath, but in order for the Christian to maintain a good conscience that he must duly honour legally appointed authority.

The Westminster Confession of Faith speaks of the civil magistrate as follows:

"It is the duty of people to pray for magistrates, to honour their persons, to pay them tribute and other dues, to obey their lawful commands, and to be subject to their authority, for conscience sake. Infidelity, or difference in religion, doth not make void the magistrate's just and legal authority, nor free the people from their due obedience to him, from which ecclesiastical persons are not exempt..."

(WFC. Chapter 23. Section IV)

With regards church courts the Confession states:

"It belongeth to synods and councils ministerially to determine controversies of faith, and cases of conscience...and authoritatively to determine the same: which decrees and determinations if consonant to the Word of God, are to be received with reverence and submission, not only for their agreement with the Word, but also for the power whereby they are made, as being an ordinance of God, appointed thereunto in his Word"

(WCF. Chapter 31. Section III)

If the above means anything, it surely means two things.

1. In previous correspondence with the brother referred to above, it became apparent that he did not accept the authority of the Residual Free Church General Assembly (because it had forfeited any right to obedience), he did not accept the authority of Lady Paton (because she was, in his opinion, a godless woman), and he also left it open for himself to disobey our own General Assembly when - in his opinion - it was wrong. Such a man is simply a law unto himself.

Working against lawful decisions taken by either a civil magistrate or a duly appointed General Assembly (or one of its Commissions) is rebellion against Christ himself. One may not agree with a decision of the highest court - the decision itself may even prove to be wrong - but one is duty bound

by ordination vows and our presbyterian convictions to fully uphold such decisions and not to resist it. For example, one may not agree with proceeding to an Appeal, but an Appeal is not in itself unlawful. Calvin rightly argues that if God has ordained the civil magistrate, it is unthinkable that the Christian is not entitled to use him: "But it is to no purpose that he has been given by the Lord for our defence unless we [*i.e. Christians*] are allowed to enjoy such benefit, it is clear enough that the magistrate may without impiety be called upon and also appealed to." (Calvin's Institutes. Book IV. Ch. XX. 17). A dissent is sufficient in this instance to clear one's conscience from the lawful decision with which one disagrees, but it does not then give liberty to work against or resist that lawful decision.

Sadly, I have witnessed the very opposite within our denomination. Brethren have encouraged others to withhold contributions from the Church, have failed to issue to congregations decisions of the courts, and have worked tirelessly campaigning to undermine the lawful decisions made by lawfully ordained courts, and that simply because they disagree. These things ought not to be so. Rather, we must all be subject to the higher power, if not for wrath's sake, for the sake of conscience.

Robert Candelish puts it better than me, when he states it thus:-

"Let it be remembered that every minister of this Church confessedly lies under a solemn obligation, ratified and confirmed by a vow, to submit to the supreme authority of the Church; and surely the obedience which he owes, in virtue of that obligation, to the supreme authority of the Church, cannot possibly be set aside except by pleading another obligation equally direct, equally religious, equally imperative and indispensable."

I believe this was one of the errors we made prior to the year 2000 i.e. we gave at least the impression of being unwilling to submit to *lawful* decisions of the Church, and of showing unnecessary disrespect to the Highest Court. Even Lady Paton was left with this impression. However, it is one thing to Protest an unlawful decision of the Assembly, but it is quite another to Protest against a lawful decision that we simply think is wrong. In this regard, we must not give to our people even the appearance of evil. We must not join ourselves to the anarchists who demonstrate against lawful decisions of government simply because it does not accord with what they believe. Rather, we must submit to God's ordinance.

2. Decisions of the civil magistrate cannot simply be ignored. Lord Uist is, according to the Apostle, 'the minister of God to thee for good' and Lady Paton held the same status. Even Christ acknowledged the power that Pilate had to make his Judgement: "Thou couldest have no power at all against me, except it were given thee from above..." (John 19:11). Never does the Apostle suggest that we should be unconcerned with, or simply ignore, what a civil ruler in his/her official capacity has to say about us. Such a magistrate has been sent by God Himself. Peter says, "Submit yourselves to every ordinance of man for the Lord's sake; whether it be to the King, as supreme, or unto governors, ***as unto them that are sent by him*** for the punishment of evildoers, and for the praise of them that do well" (1 Peter 2:13-14). The civil magistrate is one sent by the Lord for a purpose, even as Cyrus the King of Persia was God's shepherd, God's anointed, sent by the Lord with a purpose to Israel.

It is, therefore, in my opinion unacceptable for us to simply walk away from a Judgement given by the minister sent by Christ. Lady Paton accused us of breaking our Ordination Vows and therefore as being evildoers. Lord Uist accused us of being schismatics (*leavers*) and therefore of being evildoers. While an individual may make such allegations against us and we may choose rather to turn the other cheek, the civil magistrate is not speaking as an individual - he is speaking as God's Vicegerent. Those who serve as magistrates are called "gods" (Psalm 82:1, 6). As such, they are invested with divine authority and are God's representatives. Thus, what they say is of the utmost importance to us, and we must not acquiesce in false declarations by them lightly where Appeal is possible.

To acquiesce in a Judgement means that while we do not agree with the decision, we are willing to accept it. It is acknowledged that we all agree with the former i.e. we disagree with the Judgements given by these two Law Lords. But the question for us is not whether we agree with them. The question is can we in any way accept their Judgements? But how can we in truth accept such decisions? On the contrary, we need to be able to Protest such a decision - as our forefathers did in 1843 when, having exhausted all avenues of Appeal, they formed a Claim, Declaration and Protest as a standing testimony against the decisions reached - and as our forefathers again did in 1900 in Appealing to the highest court of the land. Paul did not leave his appeal with Festus, but he made his

Appeal to none less than Caesar himself (Acts 25:11). Protest to the highest court alone makes it clear that one cannot in principle (or conscience) accept a decision. In such an instance, the responsibility then lies solely with the civil courts and not with us; the blood is on their hands. For us to acquiesce in such a Judgement, and then to go on claiming to be the Free Church of Scotland, is not only dishonouring to God's minister whom we are to honour, and is unfair on the civil magistrate as one has not given him the opportunity to right a wrong, but it is also being dishonest - we acquiesce in a decision, yet at the same time we fundamentally disagree with it. James says, "let your yea be yea; and your nay, nay; lest ye fall into condemnation" (James 5:12). If we claim to be the Free Church of Scotland, we have the same duty our forefathers had to make that claim good in the eyes of the law. Otherwise our mouths, and those of our children, must be shut for ever.

There are two sins that we would be acquiescing in were we to drop from Appeal:-

Firstly, we would have to accept that we have stolen property and thereby broken the 8th Commandment.

Secondly, and arguably more importantly, we would be acquiescing in a Judgement that claims we are schismatics; and schism in the Church is a most serious crime. The recent article in the Witness magazine on 'Schism' espoused baptismal independency at its worst. We are to believe that when there is scandalous behaviour by a brother (i.e. Donald Macleod) we are eventually justified, after doing what we can, in leaving. Sadly, for some, this anti-biblical spirit of Independency prevails. However, the Scriptures give no warrant for such behaviour. The only text quoted in the article in favour of this idea does not actually prove the point. When Paul writes to the Corinthians regarding the expulsion of the fornicator, he does not go on to say that if you do not succeed in getting him out you then you warranted to leave. Christ lived among a generation of adulterers yet he never told his disciples to forsake Israel until they had actually crucified Him. Until then, Christ continued, as did the Prophets of the Old Testament, to protest against such behaviour. For all the problems that were in the church in Corinth, one looks in vain to find the Apostle advocating schism. This is why the Church in Scotland saw schism as such an evil to be placed among fornicators and drunkards. The view now espoused in the Witness magazine is not reformed. Indeed, John Calvin has a whole section in the Institutes entitled, '*Scandal in the church no occasion for leaving it*' (Institutes Book IV. Chapter I. Section 13). Calvin speaks of the spirit of Independency among the Donatists and the Anabaptists who act out of insane pride, and others who have an ill-advised zeal for righteousness. He goes on, "But if the Lord declares that the church is to labour under this evil - to be weighted down with the mixture of the wicked - until the Day of Judgement, they are vainly seeking a church besmirched with no blemish." To leave because there is an adulterer in the church is to be a schismatic - his presence does not prevent me from fulfilling my ordination vows. If one is refused the opportunity to speak out against the adulterer, that is a different matter. When I am refused the right to Protest against the fornicator, that impinges on my duties and that is the grounds alone for any such separation. This was the view of the men in 1843 and the view taken again in 1900 by the Free Church. Had the men of 1900 not taken that view they would have left in 1893 with the Free Presbyterian brethren.

A Protest, however, can only be done when one has exhausted all the avenues of seeking redress and not before. This is equally true in the Church courts as it is in the civil courts. One cannot accept a Protest against a decision of a Kirk Session or of a Presbytery. One can only Protest at the highest court. Anything short of that, means one is accepting the decision.

Going To Appeal

It has been stated on the floor of the Commission of Assembly on at least one occasion (and I quote),

"We all agree that the civil magistrate has a role to play in deciding matters of property."

I for one do not agree with this. And neither does the Claim Declaration and Protest of 1843. It states:

"And whereas this jurisdiction [i.e. the Church] and government, since it regards only spiritual conditions, rights, and privileges, doth not interfere with the jurisdiction of secular tribunals, whose determination as to all temporalities conferred by the State upon the Church, and as to all civil consequences attached by law to the decisions of Church

Courts in matters spiritual, this Church hath ever admitted, and doth admit, **to be exclusive and ultimate**, as she hath ever given inculcated implicit obedience thereto”

Thus, the civil magistrate does not have *a* role in matters of property - he has *the* role. If one is unable to reach agreement with the Residual Body over property, and a settlement is sought, it is the duty of the civil magistrate to determine the issue. I will stand against a Church court assuming to itself the role of the magistrate, every bit as much as I will stand against the magistrate assuming to himself the role of the Church.

If an agreement between parties can be reached then all to the good - this is the best route. It avoids any legal action and safeguards both parties (including the trustees of the property). Thus, even before the split in 2000, there was an attempt to settle property matters between the two factions within the Church. While the negotiations were themselves successful, and this while we were all together as one Church (surely the best time for such an agreement) the concordat was ultimately rejected by those who now represent the Residual Body. All attempts since then to get them to negotiate a just settlement have failed. What are we to do in such a situation?

I listen to men telling us we must drop from Appeal - but what then? There is not in my mind any clear and concise idea put forward by you or anyone else as to what we are then to do. Some have the idea we enter into agreement with the Residual Body, while others propose we leave our properties. There never has been a coherent and unified view of what we are supposed to do if we drop from Appeal. It is rather like taking ourselves to the pinnacle of the temple and casting ourselves down in the hope that the angels will take charge concerning us.

I set out my view of what are the options.

Firstly, we can drop from the Appeal and enter negotiations with the Residual Body. This would be fine if an honourable agreement could be reached. However, there never has been such an agreement. I saw at the Synod for the first time the agreement that was proposed for the Tomatin congregation. This agreement was in my mind an utter disgrace. While dropping from the Appeal itself may - in a generous spirit - be seen as a matter of judgement, to enter an agreement that denies that we are the Free Church of Scotland is utterly dishonourable. I actually question the competency of the motion proposed at the last Commission of Assembly. It essentially left it open to Deacons Courts to enter agreements that deny our identity as the Free Church of Scotland. Any decision of an Assembly or its Commission that would permit this is *ultra vires*.

The Free Church does more than claim to adhere to certain doctrines or even to a specific creed. She claims to be the rightful representatives of the Established Church of Scotland reaching back to 1560 and the Reformation. Every office-bearer has sworn to the Claim Declaration and Protest of 1843 to make good this claim at every opportunity. Any agreement that either explicitly or implicitly denies this claim is making us no better than the Residual Body.

I am very wary of entering into an agreement in the first instance with the Residual Body who are fornicators, liars, covenant breakers, perjurers, thieves, oath breakers, deceivers and persecutors of the Lord's People.¹ However, I am willing for the sake of the cause of Christ to enter into an agreement, so long as that agreement does not in any way deny my claim to be the true Free Church of Scotland. For example, I am willing to enter an agreement where both sides recognise each others claim to be the Free Church (even if neither side agrees with the others claim). Indeed, I care little what the Residual Body claim to be. From this initial starting point an agreement can flow that should satisfy both sides, as the agreement would be between two equals. I suggested this when we met with our counterparts in Edinburgh. I also suggested that both

¹ *To define the Residual Body as fornicators, liars, covenant breakers, perjurers, thieves, oath breakers, deceivers and persecutors of the Lord's people does not imply that every member of the Residual Free Church practices these sins. However, the Prophets of the Old Testament continually made the assertion 'we have sinned' even when they were not personally guilty. Sin knowingly tolerated by Israel became the sin of all Israel. Paul states in relation to the fornicator at Corinth, "...a little leaven leaveneth the whole lump" (1 Cor. 5:6). The Residual Body, in allowing the sin of fornication within its midst to go unchecked, appropriates to itself the guilt of that sin. The Residual Body deceived our brethren and perjured themselves when they, having agreed not to go to law, instigated legal action in Broadford and Partick. Further, they permit office-bearers within their bounds to openly break their Ordination vows (e.g. views on purity of worship and the Antichrist) despite the fact that every office-bearer vows to the contrary. It is equally so with ourselves. Rebellion against lawfully ordained courts of the Church, if unchecked, becomes the sin of us all - we all become a party to the sin of a lawlessness and rebelling against Christ the head of the Church and will reap the rewards accordingly.*

sides should get together and pool our money to help where either side has been disadvantaged. My suggestion was received with a blank stare. To date, the Residual Body has consistently refused to enter into any agreement that recognises our claim in any way. I do not hold out much hope that their attitude will change.

For me to enter an agreement that forces me to deny what I claim to be puts me in the same category as the Residual Body - fornicators, liars, covenant breakers....etc. This I will refuse to do, and will Protest at the highest court to keep my conscience clear of such an action, I will also refuse to have anything to do with any brother who does enter into such an agreement and I will treat such a man in terms of 1 Corinthians 5:11 (which, I may add, can be done without being a schismatic).

Secondly, we can fall from Appeal and leave our properties. If we were to drop from the Appeal, surely this is really the only option left open to us. As I stated above, I do not feel that dropping from the Appeal is itself the honourable action, but if we did acquiesce in the decision of the civil magistrate, we are duty bound to leave our properties in accordance with the Judgement given. Anything short of this will actually result in our endorsing the Judgement. Apart from any other consideration, what will this route cost us? We have already incurred the majority of the costs involved in the Appeal; we save very little by dropping from it. Further, there is no guarantee that the Residual Body would not then claim back-rent for our occupying property. In Edinburgh alone, this would amount to some £120,000. But what will be the cost to our smaller congregations where they have insufficient funds to sustain a minister let alone leave their properties. There has as far as I am aware been no investigation done to ascertain the cost to our denomination of such a move. There is more than a financial cost involved here, as we may lose whole congregations of people who were loyal to us in the year 2000.

Thirdly, we can go to Appeal. This to me is the honourable course. It is so because the civil magistrate is the divinely ordained means for addressing such issues. Whether one agrees to an Appeal or not, to suggest as some have done that we will somehow be greatly blessed by forsaking God's own divine means for settling property disputes is absurd. No Scriptural evidence is given for such an assertion. Perhaps we will be judged severely for neglecting God's minister for good. Perhaps we will be rebuked sternly for daring to even consider entering dishonourable agreements with fornicators.

It is also not Scriptural to suggest, as has been done on several occasions, that we are not being blessed because we are continuing at law. Such reading of providence is most dangerous. Eliphaz, Bildad and Zophar made similar arguments to Job i.e. Job had a hard providence so Job must be some great sinner. I have heard arguments similar to that of these three men made over the past few years, not only in the courts of the church but even outside these courts. Yet there was none like Job in his generation who was perfect and upright and one that feared God and eschewed evil. Just because God brings us a hard providence does not mean we have sinned. Sinners can appear to be blessed, and the righteous can appear to be forsaken. I suggest we leave such silly reading of providence to those of the Charismatic movement, and concentrate rather in establishing biblical principles.

Some brethren appear to want a definite answer prior to entering the courts i.e. we must be guaranteed of victory otherwise we should not go forward. Such a guarantee will not be given. The prophets in similar circumstance in the Old Testament **did not** have promises of success any more than we have. For example, Esther had no such promise given to her prior to entering into the presence of the King. She even said "If I perish, I perish" (Esther 4:17). Where was her promise when she took her case to the highest authority - she had none but that did not stop her appeal to the King.

Even the best case can be lost (evidence the case against Donald Macleod in the Sheriff court). However, the poorest case may also be won. It is the Lord alone who will open the eyes of these Law Lords to see the rightness of our case, not our Q.C. Esther in her day knew this. She asked that all the people gather together as one and that they fast together for three days. I believe this is what is needed among us today. We do not deserve to go to court and win anything. Indeed, I stated to John Mackenzie prior to entering the civil court before Lady Paton that we would not win (John will, I believe, confirm this). I was of this opinion, not because our case was unsound, but because of the behaviour I had witnessed over several months within the denomination, behaviour that convinced me that we were no better than the Residual Body. However, I firmly believe that if we - like Esther - repent together as one before the Lord and call our people to three days of fasting and praying for His mercy, He will hear our cry and have mercy on us. It is incredible that

we as a denomination have been unable to date to do this, simply because certain brethren would be opposed to it because of their continued opposition to going to Appeal at all.

I will argue for the Appeal because I believe it to be honourable and right. But I do tell you that if we go in to Appeal divided, with brethren resisting the ordinance of God in the form of opposition to the Commission of Assembly and its lawful decisions, we will gain no victory; indeed, we will not deserve any victory. And any properties gained by dishonourable agreements with fornicators will not be a blessing to us, but will ultimately prove a curse to us: "A good name is rather to be chosen than great riches..." (Proverbs 22:1). "A good name is better than precious ointment" (Ecclesiastes 7:1)

Esther's faithfulness proved a blessing: "Now it came to pass on the third day...when the king saw Esther the queen standing in the court, that she obtained favour in his sight: and the king held out to Esther the golden sceptre that was in his hand. So Esther drew near, and touched the top of the sceptre. Then said the king unto her, What wilt thou, queen Esther? and what is thy request? It shall be even given thee to the half of the Kingdom." (Esther 5:1-3).

James I Gracie
(Edinburgh Free Church (continuing))

1st October 2010

Dear Maurice

I lay out the email you sent below. MY COMMENTS ARE IN A BOX FOLLOWING.

Kind regards

James I Gracie

MURICE WROTE:-

Dear James

Thank you for yours. May I confine myself to the main thing which I think separates - or appears to me to separate - our two points of view.

On other matters I think we may have much the same opinions.

I comment:-

May I say there is much in which we do agree. This is why I find it so sad that the Residual Body has been more than successful in dividing brethren who sat together united in the year 2000. This grieves me more than you may think.

It is the issue of the relative force of scriptural duties and that of church/civil courts.

I would approach the subject in this way:

1. Every duty in this life is to be determined by the Word of God.

If any duty is clearly defined by the Word of God then conscience is automatically bound to its performance.

2. The obligation therefore is to come to an understanding of what scripture may say on any given aspect of our duty.

If conscience is assured that such and such is the teaching of scripture then all other considerations are lesser importance and must give way to the force of the scriptural teaching.

I comment:-

One must distinguish between what is 'clearly defined' by the Word of God and what may simply be our own 'opinion' or 'interpretation' of the Word of God. What may be 'clearly defined' to you may not be so 'clearly defined' to me, even though we both accept the Word of God as our rule of faith and manners i.e. we have a difference of OPINION on the matter. That is why we have such debates on Church courts - that brethren with differences of opinions may express these opinions, and that the court may ultimately decide. Thus, in this instance, it is for the Assembly or its Commission to come to an understanding of the Scripture.

3. Adherence to any particular course of duty may mean that one may risk having to suffer. Scripture makes clear from one end to the other, e.g. Daniel and his three friends.

4. When the call of duty threatens to lead to suffering, the right course is always to choose to suffer rather than to sin.

I comment:-

I agree with this. My call to duty in the year 2000 led to much suffering at the hands of the Residual Body. I had a congregation in North Uist of around sixty, which dropped to between seven on a poor day and fifteen on a good day. This was a greater loss to me than any property. My wife was mistreated by some of those in North Uist, and I was harassed to leave the property. However, I did this for the sake of principle.

I am not now going to become unprincipled for the sake of some bricks and mortar.

Our Present Situation

This said, it is my duty, as I see it, first of all to determine in our present circumstances whether scripture allows me to go to law against those who profess Christ as their Saviour (FCRB), especially if these Christians are willing to hold talks leading to possible negotiated settlements.

I would make the following comments:-

- i. It is not you that is going to law against the Residual Body, it is the denomination and, as such, it is the responsibility of the General Assembly or its Commission to make the decision.**
- ii. You make the claim that the Residual Body are Christians who are willing to hold talks leading to possible settlements. This is clearly against the facts. They spent four years refusing to talk to us at all. You know that when we recently asked them to engage in negotiations they failed even to respond. The truth is, the Residual Body have been consist in their refusal to hold any meaningful talks unless we are willing to make ourselves liars. I have already addressed this in my original document.**
- iii. The Scripture demands that the Christian exercises sanctified common sense. For example, David refused to return when Saul suggested he should, even after Saul assured him he would do him no harm (1 Samuel 26:21-22). David knew the heart of Saul by experience and would not be duped. Further, Nehemiah refused to meet with Sanballat and Geshem (Nehemiah 6:2-3) when invited to do so; no doubt because Nehemiah correctly discerned their insincerity. You were personally the one who told our Commission of Assembly that if we dropped from the first Appeal - an Appeal I believe we would have won - the Residual Body would not go to law against us. We have, therefore, ample experience of their insincerity and their willingness to deceive and lie.**

The Bible indicates to my understanding that God does not approve of believers going to law one with another (1 Cor. 6). Furthermore if these Christians with whom I have a dispute are willing to hold negotiations for possible private settlement, I ought all the more to find an alternative to going to civil law against them.

Further, I see that in cases where an enemy ("antidikos" in Matthew 5:25 is an "opponent in a law suit " rather than a personal enemy) aims to leave us materially poorer we are to be prepared to suffer loss if need be. If we act in this way, in obeying the scriptures, we shall approve ourselves to God, who sees all things and who will reward those who do what He commands in His Word. To act in a way which is obedient to God's revealed will therefore is what we must above all strive to do. It is at the same time to act in faith also. And to act in faith is to glorify God and to place ourselves in the position that He will reward us out of His own bounty.

On the other hand, to go to law when there is opportunity for private settlement is, as I see it, to go against the plain teaching of scripture and to run the risk of bringing the gospel into disrepute with the unbelieving world (1 Cor 6:1). (I recommend Calvin on 1 Cor. 6:1).

I comment:-

Firstly, you assert in the above that it ‘...is the way of Scripture’; ‘...what he commands in his word’; ‘If we act in this way, in obeying the Scriptures...’ and ‘...the plain teaching of Scripture’. The fact is, this is your INTERPRETATION of Scripture. I have never vowed to your interpretation of Scripture.

Secondly, I have clearly stated that I am more than willing to give up my manse. I will, as you state, suffer loss if need be. However, I will not, as some appear to be willing to do, forsake principle simply to gain a few properties. It is those who are scrambling for a negotiated settlement AT ANY COST who are unwilling to suffer loss. I am aware - as we all are - we risk losing everything by continuing at law. It is my opinion, in the present political and legal climate, we may very well do so. But I am willing to suffer that loss for the sake of all the principles I have set out in my original document to you. I will not enter any private agreement that will make me a liar for the sake of grabbing some property.

Thirdly, if you believed that God does not approve of a brother going to law with brother, why did you come into the Free Church? The Claim Declaration and Protest is replete with occasions where the Church appealed to law. The Claim is itself firmly based on such appeals, and the Protest is an Appeal to law. In 1900 our forefathers went to law. And you originally used the law to defend the manse in Inverness after the split in 2000, and agreed to our going to law before Lady Paton. I would also remind you again that we are not the ones going to law; we are defending ourselves at law from an action taken by the Residual Body.

The authority of church courts and of civil courts is, as you affirm, God-given. But I hope you agree that church courts and civil courts are to be disregarded in cases where they seek to bind the conscience to what is inconsistent with scriptural duty.

I comment:-

I will state again, the only time we are to disregard either the authority of church courts or those of the civil courts - and resist them - is when they command that which is clearly unlawful according to Scripture.

You have never shown that it is unlawful to go to law, therefore you have failed to show that it is a Scriptural duty to fall from the Appeal. Indeed, if you sought to do so you would be overthrowing the history of our church, as well as contradicting the Westminster Confession of Faith, and opposing John Calvin. Even Gavin Beers, in presenting his motion to the Commission of Assembly, accepted that to go to law is not unlawful. The furthest you can say is that it is your opinion that it is expedient that we do not go to Appeal. In that situation, you have no right to disregard any lawful decision of the court.

You refer to your conscience being bound. Your conscience has never been bound by our Church courts. You have been given every opportunity to dissent from the decisions and have therefore cleared your conscience from the decision. This does not, however, give you the right to resist church courts simply because it is your OPINION that the decision is inconsistent with Scriptural duty. When you are afforded the right to dissent, you have no right to then resist a lawful decision of a lawful court.

Did not Luther say exactly this: "My conscience is captive to the word of God". The whole Reformation is in these few words. I do not think you would disagree with this. To argue otherwise is to go back in principle to Rome. Rome binds its people to obey church law above scriptural law in a multitude of ways.

I comment:-

Neither Martin Luther, nor the Reformers, ever said that lawful authority was to be ignored. On the contrary, the very word to which Luther's conscience was captive, demanded obedience to the powers ordained of God - Romans 13. Indeed, the natural outcome of such a notion is that every man thinks he is right - refuses to submit to lawful authority - even to the extent of scorning church discipline, and eventually either splits a denomination or runs away and sets up a new denomination. It is the very spirit of Independency, even when pretending to have the garb of Presbyterianism. It is why the Church of Scotland is where it is today.

However, there is certainly an area here in which we both agree. We must interpret scripture by scripture to find its true meaning. Private interpretations of scripture are worthless if they are inconsistent with other parts of scripture. If there are reasons to think that such texts as "As much as lieth in you live peaceably with all men" can be rightly interpreted in any other way than I have understood, please let me know how. I am not able to see how else these words could be interpreted.

I comment:

I have already dealt with the text to which you refer.

Church courts should seek to place as little as possible upon the conscience of the man in the pew. However, whether the denomination goes to law to defend itself or not is a matter of private judgement, and each member of the Assembly is entitled to express that private judgement on the floor of the Assembly. He is also entitled to expect that if his judgement is the judgement of the majority of the Assembly, that that judgement will be respected. I have given you the reasons for my judgement in the previous document to which I refer you again.

In short, church courts have power to bind the conscience in so far that they do not infringe scriptural duty. But they may not and must not be allowed to bind the conscience so as to keep us from doing what is our scriptural duty.

I would have thought that these principles here are as applicable to Presbyterians as to all other Christians.

I comment:-

There is no such thing as a Scriptural duty to resist lawful authority lawfully exercised - whether that be civil authority or church authority.

Please comment on these thoughts as you may wish.

I wish you every blessing in all your work for our Lord,

Maurice