

## Introduction

### A Church with Freedom but no Money

At two-thirty in the afternoon of 18 May 1843 the General Assembly of the Church of Scotland was about to begin. Dr David Welsh, that year's Moderator,<sup>1</sup> took his place in the chair in St. Andrews Church, George Street, in the centre of Edinburgh. Welsh was followed by the arrival of the High Commissioner, the representative of the Queen, attended by a military escort. The National Anthem was played. There was an electric air of anticipation in the packed galleries as Welsh, a distinguished Professor of Church History in the University of Edinburgh, rose to his feet. According to the usual form of procedure followed by Scotland's national church at its annual 'parliament' he began:

This is the time for making up the role, but in consequence of certain proceedings affecting our rights and privileges – proceedings which have been sanctioned by Her Majesty's Government and by the Legislature of the country; and more especially in respect that there has been an infringement on the liberties of our Constitution, so that we could not constitute this Court without a violation of the terms of Union between Church and State in this land, as now authoritatively declared – I must protest against our proceeding further.<sup>2</sup>

Welsh then read from a document that invited Commissioners (delegates) chosen to 'represent the Church of Scotland to leave the room and separate from the Establishment', which, it claimed, had interfered 'with conscience', dishonoured 'Christ's crown' and rejected 'His sole and supreme authority as King in His Church'. He then laid the protest on the table, bowed to the Queen's Commissioner, and left the Church, accompanied by Dr Thomas Chalmers, probably the best known minister in the Kirk, and other Commissioners.

According to eye witnesses, there was a loud cheer from the galleries. As ministers and elders left their seats and went out into George Street a cry went up 'They come! They come!' The expected split in the Church had finally taken place and the stream of men wound its way to a hall at Tanfield over a mile away where they were eagerly greeted by

another crowd of spectators. Immediately Chalmers was elected as the first Moderator of the Free Church of Scotland. *The Deed of Demission*, the final break with the Church of Scotland, was signed on 23 May, an historic act commemorated in a famous painting by Octavius Hill. No less than 480 ministers had given up their livelihoods and made themselves and their families homeless for the sake of their conscience. What had led to such a drastic step?

### Kirk and State in conflict

The Church of Scotland has a history and constitution as a national church that is totally different to its counterpart in England. The struggle to maintain spiritual independence was characterised by those such as Andrew Melville who told King James VI (James I of England) in 1596 that there were 'two kings and two kingdoms' in Scotland and that 'Christ Jesus' was 'the head of the church whose subject King James VI is'. When the Stuart monarchy tried to impose Episcopal authority on the land, it required draconian military rule to control those who swore a Covenant to resist. The victory of the Dutch King William over the Roman Catholic King James VII at the Battle of the Boyne in 1690, albeit with papal troops and money, led to a settlement giving a permanent guarantee for Presbyterian church order in William's northern kingdom, one preserved amidst whatever other freedoms were lost in the Act of Union between Scotland and England in 1707.

For some years this arrangement worked well. In the meantime two different parties had taken root within the Church of Scotland. The Moderate, or Establishment, group took a conservative approach that upheld the traditions of the Kirk, maintaining in each parish 'the ordinances of religion', the sacraments of Baptism and Holy Communion, proper moral discipline over all within the parish bounds and preaching with scholarly exposition of the scriptures. The Evangelical party sought to evangelise the 'unchurched', welcomed enthusiastic fervour in gospel meetings and even in church, promoted Sunday Schools and other vehicles of Christian Education, and sought missionary opportunities abroad. Most of this was met with disapproval by many Moderates and the unofficial division was evident in the General Assembly of the Kirk whose debates and votes every year reflected swings in the influence of the different parties over that final court of the Church of Scotland.

Of course divisions in Presbyterianism were not new. From the early seventeenth century splinter groups had formed over doctrine or church practice and by the early nineteenth century a

substantial number of congregations in Scotland had seceded from the mother church, mainly in order to disassociate themselves from any dependence on, or answerability to, the state. This situation was partly occasioned by the Patronage Act of 1712, which reasserted the right of the crown or landowner to appoint ministers to parishes, something that had been abolished in the 1690 Settlement.

The king or queen often acted in their capacity as a landowner, all of whom held the 'patronage' of providing for and maintaining the parish churches, their ministers, and manses for the latter to live with their families. It was never easy to hold in tension the responsibility of the rulers for maintaining the Kirk and the spiritual independence so valued by it and so dramatically instanced by Andrew Melville. Some notorious cases of interference by patrons nearly caused a split in the mid eighteenth century. But whilst the Moderates held sway in the Assembly, the annual appeals to the crown to have the Patronage Act repealed, were only formal ones and ceased to be made altogether by the 1780s. The increasing influence of the group in the Church now known as the 'Non-Intrusion Party' led to a measure known as the Veto Act (or Act on Calls) being passed in the General Assembly in 1834, heralding what became known as 'the ten years conflict.'<sup>3</sup>

The Veto Act declared that congregations had to be consulted prior to the induction, or appointment, of a minister in a parish. This was seen by the Church of Scotland as a guarantee of its powers as far as Parliament was concerned. The Edinburgh-born Lord Brougham, former Lord Chancellor of England, stated in the House of Lords his belief that the Act had clarified and protected the important question of Patronage 'on a footing advantageous to the community' and 'safe and beneficial to the Establishment'.<sup>4</sup> Yet these very words masked deep rumblings in the system that were to break out dramatically within some months of Brougham's confident words.

In the autumn of 1834, when a reformed Parliament in Westminster was heralding progress on many fronts, not least with the abolition of slavery in the British Empire, Lord Kinnoul presented a minister to the congregation of Auchterarder in Perthshire, five-sixths of whom protested and asked for an alternative nominee. The Presbytery refused to ordain Kinnoul's choice and after a long vacancy without a minister, the Court of Session upheld the landowner's right to appoint the minister of his choice, a decision supported by the House of Lords in 1839. In the years between 1834 and 1839 there had been 150 vacancies in Church of Scotland parishes. The great majority were filled without incident either because the landowner paid attention to the Veto Act's provisions or because the parishioners had

no strong grounds for objection to these ministers. It was, however, shaky ground on which to proceed.

Dr Chalmers, then Professor of Divinity at the University of Edinburgh and the leader of the 'Non-Intrusion' Party in the Church, had been Moderator of the 1832 Church of Scotland General Assembly. He sought to go slowly in asserting the Kirk's spiritual independence, but the House of Lords's decision and the strident way in which the London lawmakers had declared their impatience with the Church radicalised him enough to persuade the Assembly to negotiate with the Government over the separation of civic and spiritual power. In the meantime the Moderate dominated Presbytery of Strathbogie in Aberdeenshire agreed by seven votes to four to obey the Court of Session and ordain the nominee of the patron, despite the General Assembly's direction of 1838 to reject a man who had only received one vote.

The Whig Government was replaced by a Tory one in 1841 led by Sir Robert Peel, a man who once had been on friendly terms with Chalmers but who, with Sir James Graham, Secretary of State for Scotland, was determined to support the status quo and resist any change in the law. The 1842 General Assembly, which continued to be dominated by the 'Non-Intrusion' Party, adopted a deliverance which came to be known as the Claim of Right, quoting the 1690 Settlement and the Westminster Confession of faith drawn up by Presbyterians in the time of Charles I, and asserting the independence of the Church in all matters spiritual. It was sent to James Graham and after his rejection, the matter was referred to Parliament.

### Cracks Appear and a Split becomes Inevitable

Meanwhile a Convocation held in November 1842 led by Chalmers brought together a large number of ministers who recognised the need to stand firm on the 'Non-Intrusion' principle and 423 agreed to break with the Church of Scotland if Parliament would not recognise the Claim of Right. Preparations were under way for the organisation and financing of the now almost inevitable Free Church of Scotland. Throughout the winter meetings were held in the towns and deputations sent into rural areas, local committees were set up and funds collected. At least one church was built in Edinburgh to receive the congregation of St. George's which had pledged to follow its minister Dr Robert Candlish, soon to be one of the most prominent leaders in the Free Church.

In March 1843 the House of Commons rejected the Claim of Right by 221 votes to 76, although of the 37 Scottish members of

parliament, 25 were in favour and 12 against. There was no more room for negotiation. Two questions remained in the light of the impending General Assembly of the Church of Scotland. If the Presbyteries nomination of Commissioners (delegates) gave the 'Non-Intrusionists' (effectively the Popular Party) a majority, would they simply force a vote to end all connection with the state? And if, as happened for the first time in the ten years of contention, the supporters of 'Non-Intrusion' failed to secure a majority in the Assembly, would those 423 who pledged to leave the church actually do so at the moment of decision?

According to well established custom the retiring Moderator, having served his year of office, takes the chair on the opening day of the General Assembly and then hands over to his successor. The dramatic break in 1843 when Dr Welsh declared that he could not regard this as a Free Assembly and left St. Andrews Church was described by the judge and sympathetic chronicler Henry Cockburn in these proud but sombre terms:

As soon as Welsh, who wore his Moderators dress, appeared in the street and people saw that principle had really triumphed over interest, he and his followers were received with the loudest acclamations. But amidst this exultation there was much sadness and many a tear, many a grave face and fearful thought, for no-one could doubt that it was with sore hearts that these ministers left the Church, and no thinking man could look on the unexampled scene and behold that the temple was rent without pain and sad forebodings.<sup>5</sup>

### Cash and Credibility – The Transatlantic delegation

One of the first considerations for the new Free Church, with its need to provide for over 400 ministers, their housing and that of their families, to buy or lease land and build churches, to say nothing of support for education and outreach work at home and overseas, was the obvious necessity of money. As in many enterprises, Dr Chalmers took the lead by organising funds for ministry, building, education, and missions. In the years 1843/44 the Free Church of Scotland raised £363,871, a staggering total only surpassed twenty-one years later. The drama of 1843 and the wave of public support had obviously led to great and spontaneous generosity but the worry was that once the excitement had died down, would the rate of giving also fall away? <sup>6</sup>

The Free Church leaders were aware that their cause had attracted support not only throughout Scotland, but far beyond. Yet they were

equally aware that such support needed to be carefully nurtured in the difficult years ahead. To build on what they had done would need careful advocacy. They could not expect the Church of Scotland to wish them well in their departure from it. Opposition and obstruction would certainly come from those with landed and establishment interests but that would most likely be matched by the more subtle propaganda designed to paint the Free Church in a poor light.

Not only would there be the need to commend their case to the people of Scotland but also to do so elsewhere. One of the very first steps to take the Church's case to a wider audience was made by the decision to send a delegation to the United States within months of the foundation of the Free Church.

Five men were chosen to represent the Free Church in this delegation. Dr Robert Burns was minister of the Laigh Kirk in Paisley, a pulpit occupied in the previous century by Rev. John Witherspoon, who later became President of Princeton and a signatory to the American Declaration of Independence. Burns was a friend of Thomas Chalmers and had been Secretary of the Glasgow Missionary Society. Dr William Cunningham was the best known member of the delegation. Cunningham had been a minister in Greenock and Edinburgh and had recently been appointed as Professor of Church History and Divinity at the new Free Church College. The previous year he had been awarded an honorary doctorate from Princeton. Rev. William Chalmers was minister of Dailly Parish Church in Ayrshire. At the Disruption he had led a number of his parishioners out of the church to worship in the open air and the planned new Free Church in Dailly had not yet been completed. The other two members who were asked to go to America were from Dundee. Mr Henry Ferguson, an elder and prominent merchant in the city, was to accompany Cunningham in the early stages of the tour. Rev. George Lewis, the minister of St. David's Free Church and already a noted writer, who was to undertake the most extensive journey of them all in America, completed the group.

Their remit was to travel widely and commend the Free Church to the American churches, especially those of the Presbyterian persuasion. They were not to seek money specifically but it was certainly assumed that part of the hoped-for support as a result of their labours would include financial contributions. They would have to expect some suspicion and outright opposition, but none of them were prepared for their reception of modest donations to the cause entangling them in an issue which was splitting the American church as it was to split the nation and whose ripples would very evidently be felt before long on Scottish shores.