'Loyalty and Respectability':
the Campaign for Co-establishment
of the Church
of Scotland in Canada

The claims made by the Church of Scotland to be co-established in British North America along with the Church of England rested ultimately on the interpretation of the Act of Union of 1707, and of the so-called constitutional Act (in reality an amendment to the Quebec Act) of 1791. Granted that the Church of Scotland was the national church of North Britain by the terms of 1707, just as the Church of England was the religious establishment for South Britain, did it, or did it not follow that both churches were jointly established in all British colonies? If the answer was affirmative did the status of co-establishment extend to all British colonies or only to those acquired after the union of 1707? Such questions seem to have remained hypothetical or even unasked as far as British America was concerned until after the American Revolution, and even then the questions were certainly not put immediately or even effectively in the residual British American colonies until after the War of 1812.

It is true that even prior to that War, state support for clerical representatives of Scotland’s national church had been sought and received in at least one colony, but only as a boon, never as a right. In 1791, Charles Inglis, Bishop of Nova Scotia, had been instrumental in obtaining a government salary of $75 per annum for the Reverend Andrew Brown, Church of Scotland Minister to Mather’s (or St. Mathew’s) congregation in Halifax, "in a province originally a fief of the Scottish Crown", but both Inglis and Brown had insisted that the grant was to Brown as an individual and not to the Church of Scotland. Two decades later $850 was given to the Church of

64
THE CHURCH OF SCOTLAND IN CANADA

Scotland and Pictou Academy from the £20,000 surplus raised by a special wartime excise supertax from thirsty Nova Scotians. In the other Maritime provinces, supplementary clerical stipends, grants-in-aid for church construction or government donations of church building sites were so occasional and miniscule as to pass virtually unnoticed by historians. In effect, although the Church of England had been established in Nova Scotia since 1758, in New Brunswick since 1786, and in Prince Edward Island at least by 1793, at no time had the Church of Scotland voiced any discontent with its inferior status in those colonies because it was not legally present — all organized congregations belonged to the Secession tradition. In the longer run, the absence of any quantity of lands reserved for religious endowment explains the limited conflict over church establishment. "Happy the land without a history" might well be paraphrased in the Canadian experience as "Happy the colony without clergy reserves!"

Even before the retrenching proclivities of the reforming Whigs heralded the end of the Imperial parliamentary grant to the Society for the Propagation of the Gospel in the 1830s however, the question of some peculiar status and endowment of the Kirk had surfaced in New Brunswick. Governor Sir Howard Douglas proposed in 1825 that glebes be assigned to every congregation of "the established Kirk of Scotland" which built its own church and applied to the General Assembly for a minister. Colonial Secretary Lord Bathurst voiced his anticolonialism by replying that the imperial government favoured the Canadian plan of reserving one-seventh of all future grants for the use of the Anglican clergy — but he failed to mention the Presbyterian clergy. Any move towards endowment of one or more established churches in the Maritime provinces had died before 1828; not merely because Bathurst was out of office but also because Sir James Kempt, Lieutenant-Governor of Nova Scotia, and John Inglis, Bishop of Nova Scotia, had both opposed an endowment scheme which they were sure would only excite religious controversy in the colony.

Ironically, this acceptance of religious pluralism and the abandonment of establishment hopes in the Maritimes coincided with the very opening of the question as a major issue in the Canadas. No voice had been heard at the passing of the Constitutional Act to protest the monopoly establishment position accorded
THE CHURCH OF SCOTLAND IN CANADA

to the Church of England in the two colonies, nor to claim any status whatever for the Church of Scotland.5 Certainly Presbyterians were numerous enough among the Loyalists, but the Parliament at Westminster may have recalled the too obvious involvement of American Presbyterianism on the side of the victorious rebels in the recent revolution. Again that silence regarding the Kirk may have arisen from the visible presence of the Bench of Bishops and the greater proximity to Canterbury than to Edinburgh. Whatever the cause, the position of the Church of England as the legally established religion of the two Canadas and as the sole beneficiary of all government largess (which meant effectively enjoyment of the 3,000 square miles of Clergy Reserves)6 was apparently unquestioned and unnoticed until after the War of 1812.

Coming controversies over co-establishment in the Canadas first cast a seemingly innocent shadow in 1819 when the Presbyterian congregation of Niagara-on-the-Lake petitioned Lieutenant-Governor Sir Peregrine Maitland for financial assistance in obtaining a minister. The American invaders had burned their church in 1813 and had wasted the property of members of the congregation so that now they asked for the charity, not the right, of £100 per annum "to a preacher of respectability; and ... they are truly anxious to obtain one of the Established Church of Scotland, if possible."7 The petitioners did not care where Maitland might find the money, but suggested that the Clergy Reserves fund was one possible source.

Maitland enquired of the Colonial Office if in fact "dissenting Protestants" could share in the Reserves, and the Colonial Office in turn asked the opinion of the Law Officers of the Crown. In the opinion of the Law Officers "Protestant Clergy" in the Constitutional Act referred to ministers of both of Britain's established churches, but not to those of any "dissenting protestant Congregation".8 Maitland's reference to the Kirk as dissenting explains his subsequent inaction on the petition — for he was always guided by the wise counsel of the redoubtable John Strachan, Anglican archdeacon of Toronto and foremost defender of his Church's unique privileges.

The precedent for government aid to ministers of the Kirk had, however, already been established — at least five individual clergyman in Lower Canada and in the Ottawa-Cornwall region were
THE CHURCH OF SCOTLAND IN CANADA

receiving up to L50 — a modest sum compared with the L200 paid to Anglican clergymen. In 1820 three more ministers — two in Montreal and one in Quebec — petitioned Lord Bathurst directly for support. Their claim was based explicitly on need, respectability and political loyalty. Their respectability derived from superior education and fixed situation, from their opposition to the "political disaffection" imported by American religious fanatics. The petitioners made much of their status as a "National Church" which deserved equal treatment with "the Sister Establishment to which they do not yield in loyalty or affection to his Majesty's person ...," but until such time as the General Assembly accepted their parallel request — to be incorporated into the Church of Scotland under its immediate Jurisdiction" — they did not and could not demand legal co-establishment in the colonies.

This petition to the Colonial Office was duly forwarded by the Governor, Lord Dalhousie, himself a staunch if Evangelical Kirkman, with a covering letter that repeated all the above arguments and particularly stressed that the majority of immigrants to the Canadas were Presbyterian. Neither of these petitions — to the Colonial Office and to the General Assembly — produced positive results. The moderator, Dr. Duncan Mearns, announced to the Canadians that the General Assembly had refused to act on the request because it doubted its own authority to create a colonial connection. His advice was to organize locally first and then seek incorporation. Bathurst simply agreed that the cause of the colonial Kirkmen was deserving, but the government had no money.

Despite, or perhaps because of, this lack of encouragement from the mother Kirk and the home government, friends of the Church of Scotland in the Canadas began to organize a political campaign on their own behalf in 1823. Until this date the requests for aid had been based on three principles — evident need, superior respectability and undeniable loyalty. Now, in 1823, for the first time a claim was made to co-establishment by right. The bases of this new position were stated to be both legal and historical — the statutory equality created by the 1707 Act of Union between the two national churches and the Conquest of Canada in 1759 by British, not solely English forces, which had made Canada a British Colony. These several points were embodied in a series of resolutions passed in 1823 by the Lower and Upper Canadian legislatures — with the
THE CHURCH OF SCOTLAND IN CANADA

precautionary additional request that if the Church of Scotland was not included in the "Protestant clergy" of the Constitutional Act, then the Crown should provide a separate endowment. The resolutions were passed by the Upper Canadian legislature thanks to the influence of William Morris, the prominent merchant from Perth who assumed or acquired the role of lay spokesman for the Kirk. To complete this campaign for co-establishment a petition from Church of Scotland adherents in both Canadas was sent to the home government.

Nothing came of these activities immediately, probably thanks to the effective counter-petition of Archdeacon Strachan and the Upper Canadian Clergy Corporation who argued that the Church of England was "by far" the largest body in the colony, that all Upper Canadians would soon "conform" to Anglicanism provided no encouragement was offered to other denominations. To this petition, Strachan appended an ecclesiastical chart, predecessor to his controversial chart of 1826, to show the paucity of Presbyterian ministers in the province. The mother Kirk did support its colonial children with a request from a committee of General Assembly for government stipends of L50 to L100 for its overseas clergy, and again the Colonial Secretary asked the opinion of Under-Secretary James Stephen Jr. His advice was the same in 1824 as that of the Law Officers four years earlier — the Church of England had no right to monopolize the Clergy Reserves and "it is ... therefore a question simply and exclusively of a political nature." Accordingly, the Colonial Office instructed colonial governors that they could aid acknowledged Church of Scotland congregations of funds were available. This was a victory, but only a partial one, for the Church of Scotland. The principle of co-establishment had not really been granted, but the lesson was easily read — ultimate success would depend on the political power of the Kirk at home and in the colonies. A Presbyterian counterpart of the S.P.G. was an obvious desideratum in future campaigns for co-establishment and such an organization was in fact created in 1825 under the name of the Glasgow Colonial Society, with Lord Dalhousie, ardent Kirkman and Governor General of the Canadas, as patron.

That same year John Strachan, who was in England seeking a charter for King's College and legislation to permit the sale of some Clergy Reserves, presented the Colonial Office with a further
THE CHURCH OF SCOTLAND IN CANADA
defence of his church's monopolistic establishment. Hastily he produced a forty-page pamphlet to demonstrate that "Protestant Clergy" referred to the Church of England, and to that church alone. Appended to the pamphlet was an "Ecclesiastical Chart of the Province of Upper Canada" based on the one drawn up three years earlier, but this time largely from Strachan's memory. The Chart's gross inaccuracies particularly annoyed the numerous Methodists, but it also disturbed Presbyterians and the Church of Scotland's General Assembly drew the attention of the Colonial Office to the matter. Governor General Lord Dalhousie informed his superiors in London that the chart was "incorrect and erroneous to a degree that utterly astounds me."17

Objections from the Church of Scotland against the Anglican monopoly of the Reserves had, however, been blunted by a promise of L750 from the sale of lands to the Canada Company. The money was for colonial ministers "acknowledged by the Kirk of Scotland" and recommended by the Kirk for such salaries. To fulfill its new responsibility the Kirk's Committee on Colonial Churches asked for detailed information about the situation in the Canadas.18 In reply, committees of St. Gabriel Street and St. Andrew's churches in Montreal drew up a petition, to be signed by all Presbyterians in the Canadas. The next step was a meeting of Kirk's representatives only at Cornwall in January 1828, to work for co-establishment with the Church of England in Canada for a proportional share of the Clergy Reserves monies, for government grants toward church building and school teachers' salaries, and for government payment of half the stipend of Kirk ministers.19 To achieve these objectives the Church of Scotland in Canada again asked for the support of the mother church.

Disturbed by these efforts to topple the Church of England from its exclusive position as the legal church of the colonies, Bishop C.J. Stewart of Quebec accused the Canadian Kirkmen of sending false and misleading information to parliament, and he organized a counterpetition on defence of his church's sole possession of the Clergy Reserves.20 The rival petitions were presented to a parliamentary committee appointed to investigate all the current political and religious controversies in the Canadas. On behalf of the Kirk, the Rev. Dr. John Lee requested aid for its Canadian members because, he said, they formed the largest Protestant denomination in
the colonies. This committee's report was also something less than a victory for the Kirk and co-establishment. The Church of Scotland, it said, has right to share in the Reserves, but because neither national church was numerically strong in the colonies, other denominations might well be given some government support too. In the determination of any colonial religious policy, however, the committee advised the imperial government to listen carefully to public opinion in the colonies.

Between 1827 and 1830 the unstable state of political parties in Britain encouraged all the Canadian contenders — Anglican establishmentarians, Church of Scotland co-establishmentarians, and Methodist and Baptist voluntarists — to deluge the Colonial Office with petitions in support of their own points of view. The locally organized United Synod of Upper Canada joined the swelling chorus late in 1829 with an offer to unite with the Kirk, and a request for recognition "as being worthy to participate equally in any provision that has or may hereafter be made for the Presbyterian ministers ...." This was the motivation for Colonial Secretary Murray's despatch of 1 August, 1830, authorizing Sir John Colborne to promote a union of all Presbyterians. Such a union was not soon achieved but in the summer of 1831 a Synod in connection with the Church of Scotland was organized as a first step towards recognition and establishment.

As the tempo of voluntarist attacks on, and the Anglican defence of, the establishment principle increased, the Upper Canada ministers of the Church of Scotland hastened to deny Bishop Stewart's allegations that they were associated with dissenting sects, but then added, "If, however, to assert what they regard as a right, belonging as well to their Church as to the Church of England, is to be construed as 'an attack' upon the vested rights of the latter, them, indeed, Your Majesty's Petitioners must admit, that the charge is not unfounded." By late 1831 the liberal-minded and reforming Whig government in Britain was prepared to accept religious pluralism as a fact of colonial life. The official policy was summed up in a confidential despatch to Colborne in 1832 — in view of the difficult situation in Upper Canada, "a state of Religious peace is, above all things, essential ...." The following year the grant to the Church of Scotland Synod was increased to £900.

Between 1829 and 1838 the position of the Church of Scotland
THE CHURCH OF SCOTLAND IN CANADA

in Upper Canada had been immeasurably strengthened by the activities of the Glasgow Colonial Society. Beginning in 1829 the Society began to send and support, modestly, missionaries to Upper Canada of whom the majority were settled in the developing western area of the colony, that is in the Greater Niagara Peninsula region centred on London. Twenty-six missionaries arrived in the first decade of whom nine arrived in one year alone — 1833 — and twenty-one of the twenty-six had arrived by 1836. By that date there were in Upper Canada (or had spent some time there) some twenty-seven clergy identified with the Church of Scotland or in a few cases taken up by the Glasgow Colonial Society as its missionaries in partibus.25

The point of citing these statistics is twofold — to indicate that the presence of the Church of Scotland in Upper Canada was quantitatively significant, and that, however evangelical the Glasgow Colonial Society component of that total might be, all of these clergy believed that the state had a religious and moral, perhaps even political, obligation to support the cause of church establishment by material means. The popular complaint against the missionary work of the Glasgow Colonial Society (raised of course by ministers not affiliated to the national church of Scotland), was that these efforts were divisive, that the Church of Scotland clergy in the colony were splitting congregations by their claims to be theologically superior, socially more respectable and politically more loyal. In the matter of loyalty these Kirk ministers were reportedly dangling the carrot of future state financing before susceptible Scottish immigrants with the sole and selfish aim of increasing their own political influence.

After three years of fruitless wrangling by the Upper Canadian legislature, the General Assembly’s Committee on Colonial Churches reported in May, 1836, that another petition regarding the Canadian Synod’s claims on the Clergy Reserves had been delivered to the Colonial Office, but the imperial government had refused to take any action. The Committee recommended that the General Assembly should continue to exert pressure on the home government, and also should try to provide Scottish ministers and parish teachers to the colony. As for the Canadian request for closer association with the mother church, nothing could be done unless the colonial governments in Canada first gave legal recognition to the Canadian synod.26 By now, however, the practice of giving grants to religious bodies

71
other than the Church of England had become so general that even the Church of Rome asked for a share of the Protestant Clergy Reserves.

Also in 1836, a year of economic depression in the colonies, Lieutenant-Governor Colborne created and endowed forty-four Anglican rectories (thirteen other patents were prepared but never signed) just days before his successor, Sir Francis Bond Head, arrived in the colony. Head soon clashed with his executive when the Assembly refused to pass money bills because of Colborne’s "arbitrary" act in creating the Anglican rectories, and that summer, acting as his own prime minister and campaign manager, he defeated the Reformers in a general election. Although Presbyterians seem to have voted for Head’s conservative candidates (so said the Christian Examiner of June, 1838), they were not willing to let the rectories question go by default. In the spring of 1837 the Church of Scotland congregations prepared yet another petition to the king, claiming equality with the Church of England under the union of 1707, and denouncing the Anglican monopoly of the Clergy Reserves and the existence of the rectories as "an Infringement of their Rights." 27

William Morris, member of the Assembly from 1820 until 1836 when he was appointed to the Legislative Council, was the chosen agent of the Synod of Canada to lay this complaint at the foot of the throne in the summer of 1837. Officials of the Colonial Office informed Morris that they had been "thunderstruck" to learn of the creation of the rectories, and had immediately asked for judicial opinion of their legality. They also told him that the Church of Scotland had a right to share in the Reserves and that an initial payment of £500 had been ordered in Lower Canada. Just one week later on 8 June, 1837, the law officers of the Crown announced their opinion — "the Erection and Endowment of the Fifty-Seven Rectories by Sir J. Colborne are not valid and lawful Acts." 28 Morris did not actually learn the terms of the opinion until 11 July, but if the Rectories had been scotched, there still remained other questions bearing on the status of the Kirk in the colonies. The churches of Scotland and England should share the Reserves, he asserted, but if each received one-third the remaining portion could be given to other denominations, even if they were voluntarists. 29
THE CHURCH OF SCOTLAND IN CANADA

In Scotland, Morris' contacts with the mother Church of Scotland had been simply disheartening. The leading Kirkmen refused all assistance — Thomas Chalmers even recommended giving in to the Church of England in all matters. Morris at one point was so discouraged by "this extraordinary treatment" that he was almost ready "to bundle up my papers and return."30 More discouraging, however, Colonial Secretary Lord Glenelg was at heart an appeaser, and he now invited the Church of England to comment on the 'law officers' opinion regarding the rectories. John Strachan produced such a masterly defence both of the deliberate policy behind creating rectories and of their legality, that the law officers reversed their decision and found the rectory patents valid.31 Strachan's arguments did not go unanswered by the Synod of Canada. The Canadian Christian Examiner of January, 1838, published a letter from the Rev. Robert McGill accusing Strachan of adopting the disloyal style of the rebel William Lyon Mackenzie King. A deputation from the Synod was shown the documents from the law officers by the lieutenant-governor, but they remained unconvinced of the legality of the rectories. Congregational meetings at various churches passed resolutions condemning the rectories and the synod sent protests to the lieutenant-governor and the Upper Canadian Assembly. The most emotional reply, however, appeared in a printed statement by Alexander Gale, Moderator of Synod. "Is there really a just cause why Scotchmen should not enjoy equal privileges — why they should be held inferior in Canada to Englishmen? Canada is a British, not an English Colony ...."32 All these protests proved vain — the forty-four Upper Canadian rectories remained as part of the Church of England establishment.

Lest anyone should misconstrue the synod's intentions, the Canadian Christian Examiner of November, 1838, pointed out that nine-tenths of Upper Canadians believed there was no place for an established exclusive church in the colony, and so the Church of Scotland was really only seeking equal treatment for all, not selfish co-establishment. Outsiders could be excused for doubting the Kirk's liberality in view of another petition from the synod to the Legislative Assembly just three months later, demanding equality with the Church of England. Alexander Gale at least was sensitive to public opinion and he warned William Morris that anything that
suggested sacrificing the interests of other Christian bodies to get "special advantages for our own Church" was not only morally wrong but "politically a great blunder." 33

That the Clergy reserves and rectories had been a major contributing factor to Mackenzie's abortive Upper Canadian rebellion in 1837 was the firm conviction of Lord Durham. the High Commissioner sent to British North America to investigate the causes and remedies of colonial unrest. At this point in time the Church of England in Upper Canada had twice as many members as the Church of Scotland, yet it received five times as much financial aid from the imperial and provincial treasuries, in addition to L7,000 a year from the Clergy Reserve Fund, a fruit which the Kirk was still forbidden to taste despite all government statements about legal equality of the two national churches. The hopes of the United Synod for a share of the Clergy Reserve funds did not rest on any claim of legal equality (since the Synod had none), but on the proposal of the British government to support all denominations on the so-called semi-voluntary system used in New South Wales — namely to match from the Clergy Reserves monies all amounts raised by the denominations themselves. This proposal was rejected by the Upper Canada legislature, which instead, after an exhausting and troubled session in 1839, passed its own solution, to divide the Reserves and use them for religious purposes. The difficult task of making specific proposals was left to the home government.

John Strachan still believed in the necessity of an established church for any civilized state, but he was now convinced that his opponents could be bought off. "The Scotch and other Presbyterians" if formed into a single body would be satisfied with a fifth of the Reserves and the Kirk's leaders in Scotland were "reasonable and not difficult to deal with." 34 Strachan went to Britain in the summer of 1839 but his lobbying on behalf of the Church of England monopoly of the Reserves proved unnecessary — the Upper Canadian Legislature's Clergy Reserves bill had been declared ultra vires on a technicality, and the whole problem of a settlement was handed over to the new Governor General of Canada, Charles Edward Poulet Thomson. Thomson's estimate of the Clergy Reserves problem coincided with Durham's, but his solution was a compromise — give the national churches of England and Scotland each one quarter of the Reserves' income, and divide the remainder
THE CHURCH OF SCOTLAND IN CANADA
among all other denominations on the semi-voluntary principle.
Although the synod's Commission passed resolutions against
the Clergy Reserves bill because its division of proceeds was
inequitable and the rectories had not been abolished, Thomson
already had won the confidence of individual Presbyterians. His
Presbyterian right hand, William Morris, was busy pushing the
Synod of Canada and the United Synod towards the long-delayed
union, a fate now made more attractive by the prospect of sharing in
the Reserves. Both synods had agreed in 1839 to reopen the union
discussions which had collapsed in 1832 because the Church of
Scotland insisted that union must be on its terms. A meeting in the
Legislative Chambers, engineered by William Morris, revealed a
certain reluctance on the part of the Church of Scotland, and Morris
suggested privately that the Governor General urge the two bodies
towards union, to "simplify the duties of the Provincial Government
in making provision for the support of the Ministers of both ...."35
William Smart begged Morris to support the claims of the United
Synod, whose ministers "may be considered as the Fathers of
Presbyterianism [sic] in the province," and whose loyalty to and
suffering for the British connection deserved a reward.36 Ten days
later he had Morris's promise of help, and the union was arranged in
the summer of 1840. The enlarged synod now included over seventy
settled ministers, seventeen of them from the United Synod. "I
should have felt better," Smart reflected, "if the courtship had not
been quite so long, and if the Marriage had taken place when our
feelings were youthful and warm, however, as the Union of Marriage
has now taken place, it only remains for the parties themselves, and
their friends to make it as happy and prosperous as they can."37

Thomson's powers of persuasion got his Clergy Reserves bill
through the Upper Canada legislature, and he warned the Colonial
Office that the bill must be supported in Britain, "for here it cannot
come again without the most disastrous results." "If you will only
send me back my Union and the Clergy reserves," he pleaded, "I will
guarantee you Upper Canada."38 The shaky Whig government of
Lord Melbourne could not, however, ensure delivery of Thomson's
settlement. Under pressure from the bishops in the House of Lords,
that government agreed to test the validity of Thomson's Clergy
Reserves bill. To its surprise and political horror, the judges of
England decided that the colonial legislature had no right to change
the terms of the Constitutional Act. A new settlement would have to
be enacted in Britain, under the hostile and watchful eyes of the
Anglican bishops. Apparently the Archbishop of Canterbury dictated
the new terms. All income from the quarter of the Reserves sold
before 1840 would be shared by the Churches of England and
Scotland in the proportions of two to one. All income from “New
Sales” after that date would be divided in two — the first half going
to those same two churches in the same proportions, and the
remainder, three-eighths of the whole, would be divided among
other denominations whenever a surplus accumulated.39 In the
meantime the government payments to the Methodists and the
Roman Catholics were also charged against the Protestant Clergy
Reserves funds by the terms of the act that reunited the Canadas. If
sharing in the Clergy Reserve funds made a church “established,”
Canada had now not one, not two, but four established churches, but
at least it would be several years before a surplus was available to
tempt other denominations to join this many-headed enemy of
voluntarism.

Under the 1840 Clergy Reserve settlement the Church of
England, with twenty per cent of the population, received forty-two
per cent of the income from the Clergy Reserves, and the Church of
Scotland, which now claimed almost as many adherents got twenty-
one per cent. Thirty-eight per cent was therefore left for the
remaining sixty per cent of Upper Canada’s population, including
those denominations sworn in the name of voluntarism to reject all
public financial support. Former ministers of the United Synod had
been excluded from sharing directly in the Clergy Reserves, but the
Church of Scotland in Canada agreed to make them beneficiaries in
the bonanza. The Church of Scotland believed it had suffered from
the blatant inaccuracy of the most recent religious census. “The
Scotch,” Thomson warned Russell, “are however furious at having
been jockeyed out of their fair share.”40 Thomson once more used his
personal charm on William Morris, and reported triumphantly,
“The Scotch I have in hand ... I have had a meeting with their
principal Lay Leaders and shall keep them quiet.”41 Morris still
regretted the “blunder” in the census, but he assured the Governor
General, “I would most reluctantly see any attempt to agitate the
public mind on the nature of the settlement now made of this
tiresome subject.”42
THE CHURCH OF SCOTLAND IN CANADA

Unfortunately for Thomson (who had now been made Lord Sydenham), the Church of Scotland ministers, not the lay leaders, felt the injustice most. Within two weeks of Sydenham's interview with Morris, a special synod meeting sent a memorial of protest to the Colonial Office. Nothing came of their complaints — perhaps nothing had really been expected. After all, the co-established status of the Church of Scotland had been recognized. The Clergy Reserve settlement of 1840 was now a fact of life. Voluntarists still opposed the principle of establishment, the Church of England and the Church of Scotland both felt cheated, but for better or worse that settlement had seemingly ended a religious controversy that had torn at the very vitals of Upper Canadian society for a generation.

For the next seven years relative peace ensued for the Clergy Reserves, but not for the Canadian Synod in connection with the Church of Scotland. The Disruption of the Mother Kirk in 1843 was followed by a disruption in Canada a year later. While the Disruption did stem from the old issue of church-state relations in Scotland, the issues were irrelevant in Canada. Further, the Free Church which the disruptionists formed was not voluntarist — it believed as firmly as the Kirk in the establishment principle. Nevertheless those clergy who left the Kirk in Canada lost their claims to their share of the Clergy Reserves, and so regardless of their official espousal of establishmentarianism, they were in effect forced into a practical condition of voluntarism, and increasingly the laity and some of the Free Church clergy came to accept voluntarism. What would happen to the Free Church if and when public funds did become available remained to be seen. Meanwhile the residual Church of Scotland clergy in Canada rejoiced that to him who hath shall be given, for the stipends of those clergy who left for the Free Church were now added to those of clergy remaining with the Kirk.

In January, 1848, just after the Reform Party of Robert Baldwin and L.H. Lafontaine had gained power in a general election, the government gazette announced that the surplus of £1800 accumulated in the Clergy Reserves was to be divided according to the terms of the 1840 Act among any denominations that applied before the first day of July. The voluntarists would certainly never yield to the temptation of accepting public money for religious purposes and thus becoming a "hireling ministry" — they wanted the Clergy Reserves monies used for general education. The churches of
THE CHURCH OF SCOTLAND IN CANADA

England and Scotland were already in possession of their shares of the Reserves funds — they could have no more. But what would be the response of the Free Church which had lost its share of Clergy Reserves because of disruption?

The Free Church Synod could not respond because it would not meet until after the July deadline. Nevertheless five congregations in the eastern Upper Canadian Presbytery of Brockville petitioned for some of the proffered money. When the synod did meet, a committee reported that while state endowments might be legal, their acceptance must be "determined on the grounds of Christian expediency." The Synod decided to reject the overture and forbid any applications from congregations, because acceptance of such monies would impair the Church’s witness to Christ and "sow division and jealousy among our people." Government endowments were being offered "without reference to the distinction between truth and error"; "their acceptance would tend to diminish the usefulness of ministers and the liberality of the people in contributing to the support of the Gospel"; they would permit "the evil influence which an irreligious government might exert through dependence upon the State ...." Under these circumstances Synod decided to forbid any application from congregations for a share of the Clergy Reserves’ surplus. The Free Church of Canada had accepted the voluntary principles in just four years.

This was not the end but the beginning of the last act of the Canadian Clergy Reserves drama. The Clergy Reserves question had been reopened and a "final" solution of the conflict between denominational and national interests could not be postponed indefinitely. When the next session of the Canadian parliament met in 1850 the thirty-one resolutions on the Clergy Reserves question were put forward by J.H. Price, Commissioner of Crown Lands. The first twenty-seven resolutions related the history of the question, the next one asserted that the Canadian parliament should have been allowed to settle the issue in 1840, two more declared that no denomination had any vested right to the Reserves but that present beneficiaries should be treated liberally, and the final resolution asked for the repeal of the Act of 1840 to allow a Canadian settlement to be made in Canada. The passing of these crucial resolutions, although only by two votes, seemed to win general
THE CHURCH OF SCOTLAND IN CANADA

approval from the Free Church, but the announcement that the imperial government would pass the desired enabling legislation caused the Church of Scotland Synod to send William Morris to England again, this time to defend, not demand the Kirk's share of the Reserves. Both the synod and its mother church in Scotland asked the imperial government to reconsider its decision and to maintain the multiple establishment in the Canadas.46

In Scotland Morris was busy showing his petitions — sixty-two from Canadian Kirk congregations — when Bishop Strachan cut the feet from under the Church of Scotland by advocating, indirectly, a denominational division of all the Reserves. Morris was warned by the Colonial Secretary, Lord Grey, that the best that could be hoped for was a guarantee of present government salaries, and that only thanks to the efforts of L.H. Lafontaine and his Roman Catholic Reform supporters who feared that nationalization of the Reserves would invite attacks on the large Roman Catholic endowments. At least Morris learned that he could count on little or no support from the Kirk in Scotland, but the Canadian synod was saved from "spoliation" by the decision of Britain's government to delay action for another year. Before leaving Britain Morris published in pamphlet form the arguments of the Canadian Church of Scotland for retaining its share of the Reserves, but the Rev. Alexander Mathieson had already advised him that many Canadian Kirkmen were pleased with the anti-Clergy Reserves agitation because they saw it as a prelude to a crusade against Roman Catholic power.47

In Canada the friends and foes of the Clergy Reserves argued their cases vehemently and occasionally attacked each other's meetings physically. In 1852 the Synod of the Church of Scotland again petitioned the Queen to uphold their establishment. This whole situation was confused by the announcement of a new Tory government in Britain that it would not honour its liberal predecessor's promise of enabling legislation to permit a made-in-Canada settlement of the question — the Clergy Reserves must never be diverted from their pious purpose to secular uses. By the end of 1852, however, that Tory government had fallen. The respite for the Reserves was over. The next Liberal government made good the promise of enabling legislation in May, 1853, and the Clergy Reserves question at last became a purely Canadian matter.
THE CHURCH OF SCOTLAND IN CANADA

Before a Canadian settlement could be reached, a new political crisis rocked the colony. Faced with a loss of popularity for its policies, the Reform government called a snap election in May, 1854, which spelled doom for the old Reform coalition. As soon as the new parliament met that September a coalition of Upper Canadian Conservatives and Lower Canadian Reformers took office, pledged to end once and for all this question that had distressed the provinces for thirty years. The driving force behind the new Liberal-Conservative government was John A. Macdonald whose Clergy Reserves bill was introduced in Parliament three weeks later. Its terms were another compromise — the Clergy Reserves Funds would be made available to the municipalities as development loans, but the clergy now receiving stipends from the funds would be guaranteed these incomes for life. This guarantee was less than voluntarists had demanded, yet it might still have been accepted for the sake of peace had it not been for the additional provision that the life stipends could be exchanged for lump sums as a cash settlement. This commutation clause infuriated voluntarists because it allowed the four benefitting churches (including the Church of Scotland which got £105,665 or twenty-eight per cent of the total paid out) to retain these sums after the death of the commuting clergymen through investments as permanent endowments.48

Seventy-three ministers of the Church of Scotland commuted their stipends but eleven more who had joined the Synod in 1853-4 were permitted by synod to share in the funds so that each of the eighty-four received £112 per year instead of the £150 originally guaranteed to the commuters. To manage the Church of Scotland’s commuted sums a Board of Management of the Temporalities’ Fund was approved by the provincial legislature, but three bank failures soon after Confederation cost the Board £150,000 of its investments. At the time of Presbyterian union in 1875 the Temporalities’ Fund was ignored in the negotiations and allowed to continue as a body quite separate from the new church, despite several law suits subsequently brought against the Board by nonconcurrents in the union. After the union it became necessary to use capital to meet obligations, and by 1900 the remaining £88,731 was distributed in cash settlement to the last twelve commuting clergymen and to sixty-two widows and orphans.49 Thus ended the Church of Scotland’s search for co-establishment in Canada, a search based on
THE CHURCH OF SCOTLAND IN CANADA

claims of law, loyalty and respectability, and a search which had begun four generations earlier.

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1 J.S. Moir, ed., Church and State in Canada 1627-1867: Basic Documents (Toronto 1967), (Carleton Library No. 33), 46.
2 Ibid., 52.
3 Ibid., 53-4.
4 Ibid., 55.

5 Although it was later claimed that the rights of the Church of Scotland had been urged in the debate on the Constitutional Act, there is no contemporary evidence of any effective opposition to the proposed Church of England monopoly.
7 Moir, Church and State, 161.
8 Ibid., 162.
10 Moir, Church and State, 162-3.
11 Ibid., 163.
12 Queen's University Archives, Church of Scotland Synod Papers, Box 1, D. Mearns to H. Esson, 6 June, 1821.
13 PAC, G1, 11, 217-20, Lord Bathurst to Lord Dalhousie, 19th August, 1821.
14 A.G. Doughty and N. Story, Documents relating to the Constitutional History of Canada 1819-1828 (Ottawa 1935) 205 and n.1.
15 Moir, Church and State 165-6.
16 Report of the Canadian Archives, 1899 (Ottawa 1900) 5.
17 PAC, Q. 179: 361, Lord Dalhousie to Wilmot Horton, 23 October, 1827.
19 Reid, The Church of Scotland in Lower Canada, 80.
21 Reid, op. cit., 85-90.
22 Moir, Church and State, 179.
23 Ibid., 182.
24 Toronto Reference Library, Scadding Collection, Strachan Papers, Lord Goderich to Sir J. Colborne, 5 April, 1832, copy, Queen's University Archives, Church of Scotland Synod Papers, W. Rowan to Synod, 15 March 1833.
25 A Historical and Statistical Report of the Presbyterian Church of Canada in connection with the Church of Scotland, for the year 1866 (Montreal 1867) 165-72.
26 Report of the Committee of General Assembly on Colonial Churches, 30 May, 1836 ... (Glasgow 1836) 3,7.
THE CHURCH OF SCOTLAND IN CANADA

27 Moir, *Church and State*, 203.
28 Ibid., 204.
30 Ibid., 239.
31 Moir, *Church and State*, 204-10.
32 Queen's University Archives, *Church of Scotland Synod Papers*, printed statement of A. Gale, July, 1838.
33 Ibid., Clergy Reserves Collection, A. Gale to W. Morris, 19 April, 1839.
36 Ibid., W. Smart to W. Morris, 7 January, 1840.
37 Ibid., same to same, 13 July, 1840.
39 Moir, *Church and State*, 192-5.
41 Ibid., 95.
42 *Morris Papers*, W. Morris to Lord Sydenham, 2 October, 1840, draft.
44 A.F. Kemp, *Digest of the Minutes of the Synod of the Presbyterian Church of Canada* (Montreal 1850), 412.
47 Ibid., 59-60.
48 Ibid., 77-9.
49 Historical Report of the Administration of the Temporalities' Fund of the Presbyterian Church of Canada ... 1856-1900 (Montreal 1900).