

**The Canadian Society  
of  
Presbyterian History  
Papers 1979**

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## Bishops in Presbytery

by

Geoffrey Johnston

It could be argued that the cardinal sin of the second century church was not that it forsook Hebrew thinking for Greek but that it missed the chance to become Presbyterian. Already in the New Testament we find congregations governed by people called elders or overseers. By the second century one of them had become the overseer. At this stage we have something resembling a Presbyterian congregation. To complete the system this form of government would have to be reproduced in the outstations, in the new churches which began to appear in the suburbs and the neighbouring towns, and finally everyone in the district combined in a single council. As we all know this is not what happened. The people in charge of new churches were often simply agents of the first church in the district and especially of its bishop.

It is my contention that an analogous process developed in the nineteenth century. Presbyterian missionaries established episcopal churches. I am using these words functionally. A bishop is an overseer; that which he oversees is a diocese, even though it may be called a mission field or a mission district. When the overseers met to consider their common affairs they met in Presbytery or they met in Mission Council. For the purposes of this paper it doesn't really matter. The overseers used some form of conciliar government, just as did their predecessors in the second and third centuries.

At the outset one must make a distinction between two kinds of missions, those that succeeded in a statistical sense and those that didn't. In India and China the missions were little more than a network of social services run by the Christians. The church did not take root. But when, as in the second century, the church did take root, the same

episcopal patterns appear.

At least they appear most of the time. To summarize what happened I have invented two laws of Presbyterian episcopacy. The first law holds that episcopacy is a function of the ratio between qualified staff and preaching points.

Let us begin in Nigeria. In 1847 H.M. Waddell of the United Secession Church of Scotland and a few companions began work in Calabar at the mouth of the Cross River in south-eastern Nigeria. By 1858 they had established five stations, three in Calabar itself and two further up the river. In 1877 a sixth station was opened in the farm country near Calabar. In general, the church of the nineteenth century consisted of six small congregations, all speaking the same language and usually served by an ordained minister, his wife, perhaps a few extra ladies, perhaps a Scottish school teacher, and certainly an African teacher or two. In 1890 the combined communion roll stood at about three hundred. If you didn't get sick, or take to paddling up the river in search of new worlds to conquer it was a pleasant, leisurely life, the life of a country or small town minister. As in their congregations these men naturally behaved like Scottish ministers, so in their common affairs they governed the church through a Presbytery formed in 1858 and open to black and white alike. (I)

After 1900 the situation changed out of all recognition. At the end of 1901 the British undertook the first of the expeditions which quickly led to the pacification of what was once known as Biafra, the present Cross River, Imo and Anambra States, with part of Rivers as well. The mission moved along in the wake of the army multiplying principal

stations until they had eleven, but more significantly, increasing their communicant membership from 300 in 1890 to almost 12,000 in 1925.

Just before the British conquest a major shift in missionary personnel occurred. The men of the forties, who had founded the church continued, either personally or through their disciples to dominate it until the 1890s. But by 1900 the last of the old guard had disappeared to be replaced, not by appointments of the eighties or early nineties but by people who came first to Nigeria between 1898 and 1905. They were new people for a new situation.

It was indeed new; with a few exceptions the missionaries of the twentieth century had to abandon the models of the nineteenth. To be a country minister was out of the question, for each missionary might have twenty or thirty church schools to look after. Naturally he relied on Nigerian staff, half trained or untrained young men who provided the rudiments of arithmetic and literature during the week and of religion on Sunday. The missionary became their tutor, their judge, their supervisor, their paymaster, their father in God. In short, he became their bishop.

Then to complete the pattern the affairs of the church as a whole were governed either by the Presbytery or by a Mission Council which was formed in 1901. In both cases the ordained staff were dominant. As in Asia and Pamphylia the bishops ruled the church, jointly in council and severally in their dioceses.

Meanwhile, on the other side of the Atlantic, a daughter of Scottish

dissent the Presbyterian Church in the Lower Provinces of British North America had established a mission among the East Indians in Trinidad.

John Morton, the founder of this mission, arrived in Trinidad in 1868. On arrival he found a Presbytery dating from 1845 which existed primarily to ordain people to the ministry whenever the Scottish ministers on the island thought they should. (3) Morton joined this Presbytery in the ordinary way and was inducted by it into his new work.

With that beginning the church should have developed normally, and in a sense it did. As congregations formed around mission stations they ordained elders, some of whom came to Presbytery meetings. But the Presbyterian system did not develop. By 1926, when there were Presbyterians all over the island there were only sixteen elders. (4) The real governing body in the church was not Presbytery but Mission Council.

Mission Council had been formed in 1874, when the missionaries numbered three. For ten years it had no connection with Presbytery, but in 1884 it was recognized as a standing committee. The committee soon came to overshadow the parent. It was charged with prosecuting the work among Indians and the work among Indians was the only part of the Presbyterian cause that was going anywhere.

When Morton came to Trinidad the normal form of rural organization was the estate, the sugar plantation on which the staff lived. The estate therefore became the natural focus for church and school, with preaching points scattered throughout the sugar country, located on estates and serving both the host property and the neighbours.

When Indians began moving off the estates, settling in rice country by the coast or cocoa country in the mountains, the mission followed with the same system, a church and school somewhere in the neighbourhood served by a teacher, or a catechist, or both. (5)

Once again the missionary was the supervisor. From four and for a time five central locations the Canadian missionaries taught, hired, paid, judged and fired the Indian staff. When Indian ministers appeared they tended to become suffragan bishops somewhere in the system. But they had no place on Council and it was Council which, although it contained the women as well, was dominated by the ministers. As in Nigeria the ordained staff controlled the church both jointly and severally. Even ordination, formally a prerogative of Presbytery, was effectively controlled by the missionaries, who nominated, trained and recommended the students. (6)

Thus, although working in very different circumstances the Trinidad mission developed a system of church government essentially the same as that in Nigeria. We may look quickly at two other churches which show the same pattern, the mission fields of the Presbyterian Church in Canada in Formosa and Korea.

(a) George Leslie Mackay acted like a bishop almost from the day he set foot in Formosa at the end of 1871. As soon as he had mastered the language he took to touring, "I have pulled teeth and preached the gospel in every village in North Formosa," he once declared. As Christian communities appeared in the wake of his touring, he staffed them with Chinese preachers, men he had trained himself, either on the tours or in the

little theological college. In 1894 there were sixty such stations. After Mackay's death the ordained staff continued the same tradition, supervising the work of lay preachers up and down the island, except for the relatively small number of churches which were in the hands of Formosan ministers. Again the central institutions were the same combination of Council and Presbytery, both of them, at least until the mid-thirties, dominated by the ordained Canadians. (7)

The formal entry of the Canadian church into Korea came at a time when that country was going through one of the most exciting periods of church growth in modern times. The standard pattern for the Korean church was derived from the work of John Nevius, a China missionary who held that whatever was done had to be done by the Korean Church. Expansion was to be led and financed by Koreans, not by missionaries. And so it was; the Korean church grew through the multiplication of Bible classes, led from the earliest days by lay Korean staff. With such a system the missionaries could not help but be bishops, supervising dozens of such communities, from solid congregations to isolated Bible classes. In the course of time the usual councils appeared, starting with the Presbytery of Korea in 1907. But so rapid was the growth of the church that while the Presbytery divided and divided again the essentially diocesan nature of the church remained. Within the Presbyterian area in 1899 there was one station with six outstations and five workers. In 1923 there were five stations with 310 outstations and fifty workers. (8)

What then shall we say of these heirs of Scottish dissent, sons of those who once bore arms against episcopacy? Shall we cite Wesley's correspondence with Ashbury? "I study to be little, you study to be great." Or again, "Men may call me a knave, or a fool, a rascal, a

scoundrel, and I am content; but they shall never by my consent call me Bishop! " (9) No more than Wesley, Presbyterian missionaries did not call themselves bishops, for they saw their office as temporary. They were the scaffold within which the church was built.

So their apologists would say, but the dates are illuminating. Mackay arrived in Formosa in 1871, the church in Trinidad began to grow after 1880, the Canadians went to Korea in 1898, the Nigeria church's expansion began after 1901. All these examples come from the late nineteenth or early twentieth century, after Disraeli and Henry Venn, after empires became fashionable and distinctions were made between mission and church.

Disraeli of course was the man who redeemed the notion of Empire from the scorn heaped upon it by mid-Victorian England. (10) Henry Venn was an Anglican missionary bureaucrat who developed the theory that remained orthodox from the 1870s until the 1930s. Venn began with a distinction between kerygma and didache, between preaching and teaching, and therefore between mission and church. A mission was something sent to preach the gospel, the church was what resulted from the preaching. The first was foreign and temporary, the second indigenous and permanent. The proper progression was one which grew from the first preaching of the gospel through the formation of congregations to the 'ethanasia' of the mission, when the missionaries handed over the work to the church and went off to the 'regions beyond'.

If missionaries went out armed with that idea at one level of consciousness and with the notion that they were the bearers of

Christian civilization to the lesser breeds without the law at another, it is entirely natural that they would respond to success with a system which put themselves at the pivotal points, a system which turned them into bishops without the trappings. If therefore we are to find a truly

Presbyterian mission field we will have to go beyond the age of Venn and the prancing proconsuls. Perhaps before the Fall we can uncover an example of tropical innocence.

Alas the New Hebrides. Despite its origins before Empires became fashionable it is an archipelago inhabited in the mid-nineteenth century by a people who saw no need for swift and easy communications. Therefore, although the population in the nineteenth century was small and tending to shrink the missionaries found that one person could not handle an island or even half an island by himself. Hence even here the familiar pattern appears. In 1888, R.M. Fraser, an Australian ~~xxxxxxx~~ minister in Epi wrote,

The demand ~~of~~ for native teachers increases every year, and before the islands are evangelized we will require a force of at least three hundred of them. They are teachers, according to the European idea in that they conduct the daily schools, but preachers and evangelists are words more descriptive of the gifts of many of these men . . . (11)

Ten years earlier, in 1878 there were 100 teachers, some paid and some not, divided among six islands and eight missionaries. If we take the forty paid staff alone we have a ratio of one missionary to five teachers. Whether this is a diocese or not is hard to say. The line between a small diocese and a large multi-point charge is hard to draw. The New Hebrides thus, while not as clearly diocesan as some other fields certainly tends in that direction. Missionary thinking did as well;

the church after all only began to grow in the second generation, the contemporaries of Morton rather than Geddie.

And, as always, we may notice the formation of the bishops' council. The Presbyterian archives contains a run of these meetings from 1857, but it is clear that the first minutes are not that of the first meeting. (12) In 1872, in order to clear up any misapprehensions about the nature of these meetings they decided to call them Synods, indicating clearly that "the responsible management of this mission has been delegated to the missionaries." (13)

In fact if we are to find innocence it is not in a Pacific paradise but in the Jamaican sugar fields or the slushy forests of Upper Canada. The Scottish Missionary Society began work in Jamaica as far back as 1800 but two of their missionaries died and a third went to work in a private school. In 1824 they called George Blyth from a fruitless mission in Russia and work began in earnest. 1824 was a good time to begin again for Jamaica was well on the way to becoming a Christian island. The big years for church growth in Jamaica were between 1820 and 1845; the SMS expanded their staff and in addition a number of agencies, like Broughton Place Church in Edinburgh entered the field. Because it was believed important that there should be only one Presbyterian church on the island, the missionaries formed, in 1836, the Jamaica Mission Presbytery, which in due course, in 1849 was reconstituted a Synod with four Presbyteries. (14) Although by this time the hectic days of church growth were over the Presbyterians weathered the mid century slump and began to grow again in the last years of the century. Nevertheless they did not change their form of church government, but maintained a ratio of ministers to preaching points that rarely exceeded one in three. (15)

In other words expansion did not mean, in this case, a change in the form of government. The same is true for the roughly contemporary United Presbyterian mission in Upper Canada. The U.P. s in Ontario showed no inclination to depart from traditional Presbyterian forms during their independent existence from 1832 to 1861. If they had more preaching points than their ordained staff could handle they recruited young men from Scottish colleges and sent them itinerating until some congregation offered them a call. The same treatment was afforded their own graduates after the foundation of the Academy in 1841. Despite, or perhaps because of, the Methodist example, the Presbyterians steadfastly refused to develop a corps of lay preachers comparable to that which the next generation fostered in Korea and Formosa.

(16)

In other words the dates seem to be important. If the church is growing in the mid-nineteenth century it stays Presbyterian. If it doesn't grow until the end of the century it becomes episcopal. Thus, if the first law of Presbyterian episcopacy is that episcopacy is a function of the ratio of preaching points to qualified staff, the second law is that the definition of qualified staff changes after Henry Venn. Before Venn it meant a minister, after Venn it could be a teacher.

I do not know why this should be so. The missionaries did not discuss such questions in the literature I have seen. We are working with assumptions so widely shared that they did not have to be discussed. I have suggested that Venn's work, combined with the return to fashion of imperial ideas made it possible for the missionaries to think of themselves as pioneers, working a temporary system, one suited to their function as the bringers of a new civilization to the heathen. But at this stage such an explanation is no more than an hypothesis; I am sceptical of

those who are fully conversant with the motivations of ordinary missionaries.

Footnotes

1. Geoffrey Johnston, Tradition and Response, Chapter 3. This study of the Presbyterian Church of Nigeria is as yet unpublished, although a contract has been signed with a New York firm. We hope to bring it out in 1979.
2. ibid, Chapter 3, page 5.
3. These ministers, most of whom were Scots, worked worked among the Black as opposed to the Indian population.
4. Geoffrey Johnston, The Canadian Mission in Trinidad, 1868-1939, Studies in a Colonial Church, DTh Thesis, Knox College, Toronto, 1976, page 152.
5. ibid, see Chapter 1, Part 1 "Staking the Ground" for a discussion of this process.
6. ibid, Chapters One and Four.
7. The Acts and Proceedings of the General Assembly of the Presbyterian Church in Canada, 1935, Appendices, page 54.
8. ibid, 1925, Appendices page 114.

9. Cited in Rupert E. Davies, Methodism, pages 161-162.
10. A.P. Thornton, The Imperial Idea and Its Enemies, pages 25-49.
11. op. cit, Acts and Proceedings, 1889, Appendix 4, page 6.
12. The first recorded minutes in the series make no reference to that being the first meeting, but imply that it was simply another in a series. They go on to record a routine but positive decision, the location of Mr and Mrs Gordon to Dillon's Bay in Erromanga. Unfortunately both Gordon and his brother were murdered in Dillon's Bay.
13. New Hebrides Mission Minute Books, Minutes for 1872.
14. Geoffrey Johnston, Coastlands and Islands, unpublished manuscript, 1974. A copy may be found in Knox College library, Toronto.
15. Geoffrey Johnston, ed, Documents Illustrative of the Presbyterian Church of Jamaica, Statistical Tables, unpublished manuscript, 1974. One copy is in the author's possession, the other in the library of UTCWI, Mona, Jamaica.
16. Geoffrey Johnston, The United Presbyterians in Canada, 1832-1860, unpublished manuscript, 1975, in the possession of the author.

A Tale of Two Churches: A Selected History of  
The First Presbyterian Church in Philadelphia

by  
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Presbyterianism in North America does not stem from one particular person or place. It is a mixture, a blend, a modification that has built on many rocks and, in the process, changed and adapted itself to its new situation. This paper is a modest attempt to present a part of that story. It is a selective presentation of the early history of the present First Presbyterian Church in Philadelphia, a parish that in its history reflects the major strands of the history of Presbyterianism in the United States.<sup>1</sup>

Lefferts Loetscher has suggested that American Presbyterianism has revolved around the two poles of the "low church" Puritan conception of Presbyterianism and the "high church" Scots or Ulster concept. The former began in England, migrated to New England and tended towards a "more subjective, less authoritarian view of Presbyterianism which..." was referred to as the New Side in the 18th century and the New School in the 19th century. The Ulster conception was more authoritarian in stature and understood itself as finding an external, objective authority in the creed and the scripture for its basis.<sup>2</sup> While I believe that ultimately this was the case, I would like to suggest that colonial Presbyterianism was more diverse and that the early years of the First Presbyterian Church reflect that diversity and present us with a microcosmic view of Presbyterian history in its early years. The present church is a union of three

churches: the First Presbyterian Church in Philadelphia, founded in 1698; the Second Presbyterian Church in Philadelphia, founded in 1743; and Calvary Presbyterian Church. It is the first two on which I wish to focus. They united in the early 1950's, keeping the First Presbyterian Church's name and the edifice of the Second Presbyterian Church.

The pulpit in the remodeled sanctuary of the church indicates some of the roots and influences. Carved into the pulpit, on the congregation's left, is the Seal of the Anglican See of Gloucester reminding one that English Presbyterianism, which came to Philadelphia by way of New England, was derived in part from John Hooker, Bishop of Gloucester during the reign of Edward VI, whom Samuel Hopkins called "the first Puritan." Next on the pulpit, one finds the Burning Bush, the symbol that reflects the Presbyterians of Scotland and Northern Ireland, a symbol that needs no further elucidation here. Continuing to the right is the carving of the Flaming Heart that was taken from the Seal of John Calvin (who borrowed it from St. Augustine) and which reminds the people of their debt to France and Switzerland. Finally, one finds the Lily among the Thorns, the symbol of the Dutch Church and its contribution to American Presbyterianism in the Middle Colonies.<sup>3</sup> These symbols represent the roots that grew into American Presbyterianism but they went through a number of modifications in the process of growing. Regarding the origin of American Presbyterianism, Leonard Trinterud has stated that,

Presbyterianism in the American colonies sprang from two main sources, English Puritanism and Scottish Presbyterianism. . . . The Puritanism from which stemmed so significant a part of American Presbyterianism was largely second- and third-generation New England Puritanism which had been profoundly influenced by colonial life. The Presbyterians of Scottish origin who came to America during the colonial period were mostly from North Ireland. Few came direct from Scotland.<sup>4</sup>

How these two streams were brought together can be seen in the history of the two churches that now form the First Presbyterian Church in Philadelphia.

The person credited with founding the First Presbyterian Church in Philadelphia was Francis Makemie. Born in Donegal County, Ireland, of Scottish parents, he studied at the University of Glasgow and was ordained to preach the Gospel by the Presbytery of Laggan in Ireland in 1682. The following year he came to the New World.<sup>5</sup> Although colonists in Maryland, Virginia, and Barbadoes had requested ministers from Laggan, Makemie did not settle in any one place but ". . . itinerated widely along the coasts of Maryland, Virginia, the Carolinas, and Barbadoes."<sup>6</sup> He travelled widely along the east coast and combined a business career with his preaching, settling in various places for short periods of time and then moving on.<sup>7</sup> He had been licensed to preach in Barbadoes, which he did while on his trading missions, and even settled there for a short while. In 1696, he wrote a work that warned the "Reformed Protestants" on the island not to magnify the small differences which existed between the various Protestant groups. To intensify differences would only lead to a weakened position for the Protestant

cause which was what the Papacy, the archenemy of Protestantism, desired. He had corresponded with Increase Mather since 1684 and his many travels had introduced him to Puritan interests. Most of his interests appear to have been more irenic than polemic. He did not seem to think of himself as a denominationalist, in the usual sense of the word, and it is obvious from his contacts with the United Brethren that he was committed to cooperation in the church by design and not by necessity.

He finally visited Pennsylvania in August, 1692, and during this trip ". . . gathered the Protestant dissenters together for worship in Philadelphia."<sup>8</sup> At that time he did not establish a church, but no doubt the seed was planted (at least he is given credit for it) and by February, 1695, a group of Baptists and Presbyterians were meeting regularly for worship in a storehouse at Second and Chestnut Streets which was owned by the Barbadoes Company. For three years they were led by a Baptist minister, John Watts, who preached every other Sunday and reported that

. . . divers of the persons who came to that assembly were presbyterians in judgment (they having no minister of their own, and we having hitherto made no scruple of holding communion with them in the public worship of God and common duties of religion nor of admitting their ministers, if at any time they came amongst us, to pray and preach in our assemblies.

Immigration was kindlier to the Presbyterians and Independents than to the Baptists and the former soon wrote to the Boston ministers for a pastor of their own who was to alternate with the Baptist preacher and continue the arrangement

previously agreed on. A Benjamin Woodbridge was sent but soon withdrew so that the first recognized minister of the First Presbyterian Church in Philadelphia was Jedidiah Andrews, a graduate of Harvard in 1695. He had been born in 1674 and raised in Hingham, Massachusetts. The family attended the church where Peter Hobart was the pastor. Hobart was a Presbyterian in the midst of Massachusetts Congregationalists and no doubt exerted some influence over the young Andrews maintaining his inclination towards Presbyterianism. However, this speculation is somewhat tenuous since there are other examples of Congregational ordination being accepted by Presbyterian groups.<sup>10</sup> It is another indication of how little direct dependence can be seen on the formation of the American Church by the Church of Scotland, or the Ulster Church--in spite of the origins of so many of the colonial Presbyterian clergy.

Andrews found little to be encouraged about in Philadelphia and almost returned to New England himself. A controversy broke out between the Baptists and Presbyterians. The original arrangement which was to continue even after Andrews' arrival was for both ministers, Baptist and Presbyterian, to preach to the total group, one in the morning and one in the evening. However, within a few months after his arrival, there was a conflict. As has been indicated, there were more Presbyterians than Baptists coming to Philadelphia and an increasing denominationalism began to take place, perhaps under the influence of Andrews himself. In an effort

to solve the controversy, John Watts, the Baptist minister, assured Andrews that the Baptists were quite willing to allow ". . . your approved ministers who are fitly qualified and found in the faith and of holy lives to pray and preach in our assemblies. . . ." as long as the Presbyterians were willing to allow the Baptist ministers the same courtesy so that ". . . each side may own embrace and accept of one another as fellow brethren and ministers of Christ and hold and maintain christian communion and fellowship."<sup>11</sup> On November 3, 1698, Andrews and six members of the church replied that such an aim was certainly commendable and suggested that the Baptists and Presbyterians meet at a time chosen by the Baptists. The meeting was set for the Barbadoes store, which was near Andrews' accommodations, for a time later in November when the Baptist conference was meeting. Three Baptists were at the appointed place quite early but not one Presbyterian arrived. No explanation was given and the Baptists sent Andrews notification that ". . . necessity constrains us to meet apart from you till such time as we receive an answer, and are assured that you can own us so as we can do you."<sup>12</sup> It would appear that Andrews had really accomplished his purpose since he indicated in a letter to Thomas Revell in Burlington that, "Tho' we have got the Anabaptists out of the house yet our continuance there is uncertain; and therefore must think of building notwithstanding our poverty and the smallness of our number."<sup>13</sup> The establishment of the First Presbyterian Church in Philadelphia is

recognized as having taken place in 1698 and they eventually got their own church building, affectionately called Old Buttonwood Church because it stood in a grove of buttonwood trees, in 1704. Located on the southeast corner of High Street and Whitehorse Alley (what is presently Market and Bank Streets) the small group of Presbyterians from Old and New England, Scotland, and Ireland were gradually enriched by the increasing number of Ulster Scots and Scots that were emigrating to Philadelphia. First Church remained at that location for about one hundred twenty-five years.

In spite of Andrews' success in getting rid of the Baptists, he still seemed unsure about remaining. Whether he had become discouraged because of the controversy with the Baptists, as some have suggested,<sup>14</sup> or there were other controversies, perhaps fostered by the Anglicans to discourage the growth of the Presbyterian Church, it was reported that ". . . the Presbyterian Minister. . . is so far from growing upon us that he threatens to go home in the Spring."<sup>15</sup> He did not carry out his threat and was ordained in 1701, probably according to a Congregational format since the first Presbytery did not meet until 1706, and served the church for almost fifty years. It is a remarkable ministry in light of the comments that are available about the man himself that he lasted that long and that the First Presbyterian Church survived.

We have already had some indication of Andrews' personality in his successful attempt to get rid of the cooper-

ative work with the Baptists. He was also a dull preacher. None other than Benjamin Franklin considered himself a Presbyterian, "Tho I seldom attended any Public Worship, I had still an Opinion of its Propriety, and of its Utility when rightly conducted, and I regularly paid my annual Subscription for the support of the only Presbyterian Minister or Meeting we had in Philadephia!" Franklin and Andrews shared a certain friendship and the latter had no hesitation about admonishing Franklin about his laxness in attending Sunday services. Franklin preferred to spend Sundays pursuing his own Studies but did attend "once for five Sundays successively." However, Andrews was not a good preacher. According to Franklin, his ". . .discourses were chiefly either polemic Arguments, or Explications of the peculiar Doctrines of our Sect, and were to me very dry, uninteresting and unedifying, since not a single moral Principle was inculcated or enforced, their Aim seeming to be rather to make us Presbyterian than good citizens."<sup>16</sup> The proverbial straw came when Andrews preached on the fourth chapter of Philippians and did not say anything about morality and Franklin ". . .attended his preaching no more."

In 1734 Samuel Hemphill, a Presbyterian minister from Ireland, was received by the Synod of Philadelphia as an assistant to Jedidiah Andrews who had served the Presbyterians not only in Pennsylvania but also in New Jersey for a long time as the only Presbyterian minister in the Philadelphia area. The record of his baptisms covers quite a span,

and although the Presbyterians were only a small proportion of the 5,000 residents in the area when he came, the numbers were increasing greatly by the 1730's. Ulster Scots had been arriving in the area since 1718 in an effort to find freedom from oppression in the form of increased rentals, religious disabilities, and economic repression on their industry and trade. In the one year from Christmas, 1728, to the same in 1729, of the 1,708 passengers who landed in Philadelphia, 1,155 were from Ireland--many of whom were Presbyterians.<sup>17</sup> The task was obviously getting to be too much for one man, and First Church was still the only Presbyterian Church in Philadelphia. Andrews may have asked for an assistant from the Synod, but he was not happy with the choice of Hemphill and later said that he had been forced on him. He was probably jealous of the fact that Hemphill was a better preacher and drew larger crowds than he did. According to Andrews, "Free thinkers, deists, and nothings, getting a scout of him, flocked to hear."<sup>18</sup> Franklin supported the young assistant because of his dislike for Andrews' preaching and prepared some material for his defense.<sup>19</sup> A Synod commission, investigating Andrews' charges against Hemphill, found Hemphill guilty of preaching subversive doctrines through his plagiarized use of Arian and other heretical sermons.<sup>20</sup> Though he was an unusually fine preacher--much to Andrews' chagrin--his content left much to be desired for at this time the struggle was beginning which was to issue in the schism of 1741 and the birth of the Second Presbyterian Church.

First Church was the meeting place of the first enduring Presbytery in 1706 and the first Synod of Philadelphia in 1717. Organized Presbyterianism was on its way and though the membership of the early meetings reflected the pluralism that has characterized the Presbyterian Church in the States, that same pluralism was soon to be challenged. The Rationalism of the 18th Century was challenging the churches in the Old and New Worlds and the need for a definitive understanding of the faith was being advocated. The Presbyterians in Great Britain had been requiring subscription to the Westminster Confession of Faith as an affirmation of their orthodoxy<sup>21</sup> and a guard against heterodoxy. By this time the majority of clergy in the Middle Colonies as well as an increasingly larger number of laity had come from Great Britain, especially Ulster, and were well aware of the various controversies that had been taking place at "home" as well as on the continent; and George Gillespie, a minister from New Castle Presbytery, introduced an overture to the Synod to "tighten up" the discipline and government of the Presbyterian Church, patterned after the European Reformed Churches. Although it passed, it was protested by four ministers originally from New England and two from Wales. One of the unique arrangements regarding the Government of the Presbyterians in the Middle Colonies is that it was developed and formed from the lower judicatories to the higher ones, rather than from the top down. There was the formation of two parties developing based, for the most part, on the clergyman's

The New Englanders, to which Andrews belonged for the early years, were led by the Reverend Jonathan Dickinson of Elizabethtown, New Jersey, and they took the more open or liberal position. They opposed subscription on the basis of its divisiveness, uselessness, and futility; but, perhaps even more importantly, subscription substituted a human statement about the Word of God for the Word of God.<sup>22</sup> Under the threat of schism, a compromise was arrived at during the Synod meeting in 1729 which passed the Adopting Act. Dickinson and his party could support a qualified subscription which protected the minister's own conscience. A minister had to agree that the Westminster Confession provided "a system of doctrine taught in the Holy Scriptures" which had to be followed "in all the essential and necessary articles of faith" but a rigid, detailed statement of specific beliefs that had to be affirmed was rejected. The members of Synod were then allowed to state their scruples against parts of the Confession and all the differences, for the moment, seemed to be resolved.<sup>23</sup> This included both Andrews and Gilbert Tennent who would eventually be the first minister of the Second Presbyterian Church. It appeared that the major conflict was over and there seemed to be a resolution before the actual conflict could take place. The two groups had compromised.

However, a third party entered the scene in the form of the Revivalists, or Great Awakening followers, and it is to them that we must now turn.

The leading figure in the Middle colonies was George Whitefield who traveled up and down the east coast carrying out his preaching missions; but the family that dominated the scene for the Presbyterians were the Tennents, led by the Patriarch, William Tennent, Senior, who had come from Scotland<sup>24</sup> and Scottish education by way of Ulster. He landed in Philadelphia in 1718. Although originally ordained an Anglican, Tennent's credentials were accepted by the Synod which was then meeting in the city, but not without examination. In reply to why he was now dissenting from the established church, he gave six reasons re/ episcopal polity and one to Americanism. Even though he was accepted, writers like Trinterud suggest that the Scots-Irish party was suspicious of him because he had fallen from Presbyterianism once and he could do so again. He also had many chances for other influences since he settled in areas where New England Puritans were serving the churches.

The original questions about moral laxness and lack of piety that had been lost in the subscription controversy came to life again. The Reverend Mr. Tennent trained his sons and other young men for the ministry, first in his home at Neshaminy, Pa., starting in 1727; and by 1735 he felt the need to build a separate Log Cabin for the students. He emphasized the importance of a vital religious experience for his students, stressing the need for a conversion. However, the Tennents' approach was unlike what went on a century later, or what we think of now. Such revivals were pre-

ceded by six months of preaching and instruction on the church's doctrine and were followed by pastoral counseling and guidance. It was soon recognized that Gilbert Tennent was the outstanding representative of the group. Whitefield recalled a trip with Tennent to New York and wrote that he went "... to hear Mr. Gilbert Tennent preach and never before heard such a scorching sermon. He convinced me more and more that we can preach the Gospel of Christ no further than we have experienced the power of it in our own hearts. . . ." <sup>25</sup> "He is a son of thunder and does not fear the faces of men." By 1738 the two parties were the subscriptionists and the revivalists, but the basis of the former had developed to the point where intellectual achievement, *i.e.* a degree from a recognized university, was the focus of the argument. Since the Log College of William Tennent did not grant degrees and emphasized religious experience, it was not acceptable. An overture was presented to Synod in 1738 by the Presbytery of Lewes that ministerial candidates must have a degree or be examined by a Synod committee. On the surface, it appeared to be a reasonable overture, but in reality it was an attempt by the conservative party to keep the revivalists out of the churches.

Gilbert Tennent preached a scathing sermon at Nottingham, Pa., in 1740, excoriating the clergy and warning the people of the "Danger of an Unconverted Ministry." Tennent and most of his party had already been isolated into the Presbytery of New Brunswick and prevented from itinerating

or supplying vacant pulpits; he now found that the Synod declared in 1741 that his Presbytery was no longer a part of the Synod. The Old Side-New Side nomenclature had become a reality.

Meanwhile, Whitefield had been preaching to enormous crowds in Philadelphia, touching even Ben Franklin into emptying his pockets because Whitefield's ". . . Eloquence had a wonderful Power over the hearts and Purses of his Hearers. . . ." <sup>26</sup> A building was erected so people could hear Whitefield under cover during inclement weather. Built by public subscription in 1740 on the corner of Mulberry (Arch) and Fourth Streets to be used for non-sectarian worship and as a charity school, it became the home of an emerging New Side Presbyterian congregation and the College of Philadelphia. Those Presbyterians who had grown tired of Andrews and were excited by Whitefield called Gilbert Tennent to come down from New Brunswick to Philadelphia in 1744 to be their minister. A group of 140 people had organized the Second Presbyterian Church in December, 1743, and worshipped in Whitefield's building until they became too identified with Presbyterianism and built their own church, opening it in 1752 on the corner of Mulberry (Arch) and Third Streets. <sup>27</sup>

Tennent had preached in Philadelphia even before going to be the pastor of Second Church and he accepted the call with great hesitation. The tension between the Old Side and the New Side continued, and the Moderates, under Dickinson's leadership, finally had to make a decision. At

first they had tried to convince Synod to receive New Brunswick back into the Synod, but this was rejected. New York indicated they would consider forming a new Synod if something was not done. In August of 1743 the New York Presbytery and the two Conjoint Presbyteries of New Brunswick and Londonderry met in New Brunswick. One of the items was whether or not Gilbert Tennent should accept the call from the new congregation in Philadelphia. To do so would be invading the others' territory but it was decided to make such a move. Dickinson was present at this meeting and two years later was instrumental in forming the Synod of New York with the above named Presbyteries. Most of Dickinson's party followed him, but there were exceptions.

Jedidiah Andrews had identified himself with the subscriptionists as early as 1737, perhaps because of his sad experience with his assistant, Samuel Hemphill.<sup>28</sup> Andrews had been appointed to serve on a committee to meet with the New Side in 1742 in order to heal the breach. Tennent would not go as far as the Old Side wanted him to go in retracting his charges, nor would the Old Side make any meaningful accommodation. With such intransigence, the New England clergy tried to heal the breach through a formal protest that the New Side had been excluded without trial and contrary to the rules of the gospel. Andrews withdrew from the Dickinson party and blamed him for an unkind, unseasonable, and needless protest.

Certainly there was minimal contact between Andrews

and Tennent during the 1740's. Eventually Tennent withdrew some of his harsher sentiments from his Nottingham sermon, became more sophisticated, and accepted, so that May 29th, 1758, when the breach was healed between the two sides, Gilbert Tennent was elected Moderator of the reunited church and the sessions of the Synod of New York and Philadelphia were held in the Second Presbyterian Church.

I have tried to show how the history of the present First Presbyterian Church reveals in microcosm the basic polarities as well as the complexities of the pluralistic Presbyterian Church in the States. I believe that the early influence of English Puritanism, by way of New England, may have added a different dimension to the development of Presbyterianism in the United States. It is not clear to me what importance, if any, this particular influence has had in the development of Canadian Presbyterianism. Therefore I would be interested in the points of contact as well as dissimilarities there are between the Presbyterians in Canada and the United States.

#### ENDNOTES

1. My interest in this stems from a sixteen year relationship in a variety of capacities with the First Presbyterian church in Philadelphia. I am indebted to the Rev. Dr. J. Ernest Somerville and the members of that congregation for many pleasant memories and continuous interest in my work and concerns. The work of Dr. Belden Lane, now at St. Louis University, also contributed to this study. The basic primary resources that still exist for studying the First Presbyterian Church in Philadelphia are found in the Presbyterian Historical Society in Philadelphia. *A Bibliography of American Presbyterianism During the Colonial Period* by Leonard J. Trinterud (Philadelphia:

- Presbyterian Historical Society, 1968) is very helpful for a detailed study of the period in question.
2. Cf. H. Shelton Smith, Robert T. Handy, Lefferts A. Loetscher, Editors, *American Christianity*, I, 262; henceforth cited as: Smith, *et al.* Loetscher also points out that many of the Presbyterian histories have championed one pole at the expense of the other, *i.e.* Charles Hodge, *The Constitutional History of the Presbyterian Church in the U.S.A.* (Philadelphia, 1851); Charles A. Briggs, *American Presbyterianism: Its Origin and Early History* (New York, 1885) to mention only two of the classics.
  3. Cf. James Burnett Reid, "What Mean These Stones?" (Philadelphia, 1954).
  4. Leonard J. Trinterud, *The Forming of an American Tradition: A Re-examination of Colonial Presbyterianism* (Philadelphia: The Westminster Press, 1949) p. 15: henceforth cited as: Trinterud.
  5. Cf. Guy Soulliard Klett, *Presbyterians in Colonial Pennsylvania* (Philadelphia: University of Pennsylvania Press, 1937), pp. 38ff; henceforth cited as: Klett.
  6. Trinterud, pp. 26-27.
  7. From 1688 to 1693 he appears to have settled in Accomack, Virginia, since he appears on the list of thithables there for this period, although he spent some time in London during 1691 where he became acquainted with the "United Brethren" and their attempt to develop a working relationship without barriers between Presbyterians and Congregationalists. Cf. Trinterud, pp. 20-21, 27.
  8. Klett, p. 39.
  9. Quoted by Klett, p. 40, from Morgan Edwards, *Materials for an History of the Baptists in Pennsylvania*, p. 105.
  10. Cf. Elwyn A. Smith, *The Presbyterian Ministry in American Culture* (Philadelphia, 1962), pp. 25-27.
  11. Quoted by Klett, p. 41, from Morgan Edwards, *Materials for an History of the Baptists in Pennsylvania*, p. 105.
  12. Edwards, pp. 108-109, quoted by Klett, pp. 41-42. The nine Baptists left the Barbadoes warehouse at Second and Chestnut Streets to the Presbyterians and began to worship down the street in Anthony Morris' brewhouse!

13. Quoted by Klett, p. 42.
14. Trinterud, p. 35.
15. Quoted by Klett, p. 42. Cf. also p. 229.
16. Benjamin Franklin, *The Autobiography of Benjamin Franklin*, edited by Leonard W. Labarce, et al. (Yale University Press, 1964); henceforth cited as: Franklin. Franklin's wife was a member of the Church of England.
17. Cf. Klett, pp. 32ff. The larger Roman Catholic migration to the area was much later, after the Revolutionary War.
18. Quoted by Klett, p. 143.
19. Franklin, pp. 167ff.
20. Cf. Trinterud, pp. 62-63.
21. Cf. Trinterud, pp. 38-43; Lefferts A. Loetscher, *A Short History of Presbyterianism in America* (Philadelphia: Westminster Press), p. 64.
22. Cf. Dickinson's Remarks in Smith, et al, I, pp. 263-68.
23. The Synod unanimously declared that some clauses in the twentieth and twenty-third articles were not received. These had to do with the statement that the Civil Magistrate had controlling power over the Synods regarding ministerial authority or the power to persecute anyone for his religion. Synod Records, 1729, quoted in "The Adopting Act," *The Presbyterian Enterprise: Sources of American Presbyterian History*, Maurice Armstrong, Lefferts Loetscher, Charles Anderson, (Philadelphia, 1956), p. 32.
24. Not Ireland as has been suggested by tradition. Cf. Trinterud, p. 35.
25. George Whitefield's Fifth Journal, pp. 347-48, (London, 1960)
26. Franklin, p. 177.
27. Cf. Franklin, pp. 176, 201.
28. Trinterud, pp. 62-63.

## Urbanization and the Church Union Controversy

by

N.K. Clifford

The Presbyterian Church in Canada was formed in 1875. It began in Montreal's Victoria Hall with six thousand people joining hands and singing: "Behold, how good and joyful a thing it is, for brethren to dwell together in unity." (Psalm 133) Fifty years later it was torn apart by a controversy over organic church union with the Methodists and Congregationalists. The break-up came in Toronto's College Street church amidst pandemonium, with an organ blasting out the Hallelujah Chorus in an effort to drown the protests of those who did not want to enter the United Church of Canada. Everyone knew the separation was coming and no one expected it would be easy. But few could have anticipated that the final moments would be quite so chaotic and ugly.

What happened? How could the pursuit of unity end in such disunity? Why did the Canadian Presbyterian consensus of 1875 dissolve into a bitter and protracted conflict? These questions have been asked many times before but the way they have been answered in the past has always led directly back into the polemics of the controversy itself. (1) In order to avoid this pitfall, the first step in answering these questions must be to isolate those changes taking place between 1875 and 1925 which for a variety of reasons several groups within the Presbyterian Church in Canada experienced differently. Such a shift of focus will probably not put an end to arguments over church union, but it will place the emphasis less on who was right or wrong and more on the changes which undermined the stability of the Presbyterian church and established the pre-conditions of the controversy. (2)

## I

In the half century between 1875 and 1925 the most important social change affecting the Canadian churches was the rapid growth of cities. Urbanization increased the size of city congregations while rural depopulation decreased the size of country congregations. In turn the expansion of city congregations led to changes in style which emphasized the difference between city and country churches, and created organizational problems which stimulated the development of ecclesiastical bureaucracy. These changes deeply influenced the way various groups reacted to the question of church union.

In 1882, the Globe conducted a religious census of Toronto which provides a picture of the transformation that urbanization was working on the city congregations. (3) The largest Protestant churches in Toronto were Metropolitan Methodist and Bond Street Congregational, each with a seating capacity of 2,500. At the evening service when the census was taken, 1,943 were present at Metropolitan and Bond Street was packed to capacity. No Presbyterian church in Toronto was as large as these but several had seating for 1,000 or more. Knox was the largest with accomodation for 1,250 and when the census was taken 1,000 were present at the evening service. New St. Andrew's, Old St. Andrew's, St. James Square, West Church and Cooke's all had accomodation for 1,000. None of these were full to capacity but several had congregations approaching 1,000. Unfortunately there are no comparable figures for rural churches. But it is possible to estimate from a variety of sources that these city churches were approximately 10 to 20 times larger than the average country church.

What did 10 to 20 times larger mean? It meant that these city congregations had 10 to 20 times the resources of rural congregations. Although they paid their ministers higher salaries and had higher mortgage and upkeep costs on their buildings, these expenses were nowhere near 10 to 20 times greater than those of country churches. Consequently, the urban churches provided most of the financial support for the wider enterprises of the denomination. Another striking feature was the status and independence which size conferred upon these large urban churches. They became the first-class congregations of the denomination while the rural churches, as a result of rural depopulation, sank to second-class status. Not only were rural churches smaller, but in many cases they were shrinking to the point where they were no longer self-supporting. In 1913, John MacDougall, the Presbyterian minister at Spencerville, Ontario, described what was taking place in many rural areas. He said:

"Rural churches are not and cannot be filled with worshippers as they once were. The Presbyterian church in Spencerville, a village cathedral built in better days, never puts its spacious gallery to use. The most easterly church in the Presbytery of Glengarry, in Ontario, and the most westerly one in the Presbytery of Montreal, in Quebec, are examples of churches whose auditoriums have been cut down in size since they were first built. Churches here and there are closed. Within six miles of Spencerville are two churches whose congregations dwindled until they disappeared." (4)

This dwindling of rural congregations was accompanied by a loss of status, but strangely enough it did not result in an equal loss of power in the church courts. The city churches which produced most of the money for the church's mission did not have a final say in spending it, nor did they control the church courts. In fact, they each had exactly the same representation as any rural congregation. The growth of the large urban congregations therefore distorted the

representative character of the Presbyterian polity. The result was that rural congregations, many of whom were being supported by mission funds, could easily out-vote the city churches if they found themselves at cross purposes.

This possibility became a reality when the Presbyterians were faced with the church union question. Church union offered little to the large urban congregations, but to the rural churches it offered hope. By pooling the depleted resources of their communities behind a single church, they might be assured of at least one flourishing church. Otherwise they might have none. Consequently when the final votes were counted most of the rural churches were in the United Church of Canada, and many of the largest and wealthiest Presbyterian churches in the urban centers of eastern Canada remained out. Perhaps this fact led E.H. Oliver to conclude that church union was a response to the needs of the frontier. (5) But by concentrating exclusively on the frontier, Oliver tended to ignore the disruptive effects of urbanization and rural depopulation and therefore he failed to see how this transformation of Canadian society could lead to deep social and religious conflict.

The disparity in size and influence between city and country churches was not the only consequence of urbanization. Equally important was the differentiation of religion which took place within the urban congregations as they expanded. Instead of religion being focused entirely in the worship services of a congregation, it became differentiated into a number of activities which included Christian education, missionary societies, temperance associations and youth organizations. Initially many of these activities grew up alongside the denominations in voluntary societies, but during the last quarter

of the 19th century most were brought under denominational control and became part of congregational life. As a result people began to relate to the church in new ways. Instead of simply attending church on Sundays, they became involved in a variety of activities associated with the church which sometimes took priority over their commitments to the church's worship.

These changes were due to larger concentrations of people in urban centers, to better transportation, and, especially among the middle classes, to increasing amounts of leisure time which could be devoted to other activities. The increased size of the urban churches not only facilitated this differentiation but in fact demanded it, for congregations of 1,000 or more would have been vast impersonal aggregates of people had it not been for a complex network of groups wherein people related to one another on the basis of special interests. This transformation of religious life in the urban churches was so significant that Harland P. Douglass has referred to it as the "greatest ecclesiastical revolution of the 19th century." (6)

Eventually this transformation also gave rise to the development of national ecclesiastical bureaucracies. James Robertson's appointment in 1881 as superintendent of home missions in the Canadian west was the first step which the Presbyterian church took in this direction. Previously the church's larger concerns had been handled by ministers on an extra-curricular basis, along with their regular congregational responsibilities. With the growth of interest in the missionary movement which emerged largely out of the urban churches, it became apparent that in order to avoid administrative chaos certain individuals had to devote their full time to the various enterprises of the church. Before 1875, only the editors of church newspapers, theological

professors and financial agents of the church devoted full time to their special tasks. Following the precedent set by Robertson's appointment, soon other areas of the church's expanding interests had their full time representatives operating out of central offices in Toronto. Christian education and youth work became a contender for a national executive officer who would co-ordinate youth activities, summer camping, Sunday school publications and represent the denomination on various national and international youth organizations. Foreign missions, temperance and moral reform were other areas in which national executive officers were required. All of these appointments laid the basis for the national ecclesiastical bureaucratic structures which came to characterize Canadian Protestant denominations in the 20th century. They reflected the transformation of the churches in their efforts to deal with the increased size and complexity of Canadian society.

Inevitably such rapid and extensive changes created conflict. James Robertson's appointment raised the cry of "episcopacy" in Manitoba presbytery, and the subsequent proliferation of the ecclesiastical bureaucracy was fought at every step. These tensions were heightened by a developing consensus among ecclesiastical bureaucrats concerning the problems facing the church in Canada and the way to solve them. In this matter John Grant is right that church union was more the result of a developing consensus in the east rather than the needs of the frontier. (7) But this consensus developed largely in the board rooms of the central offices of the Toronto based denominations. It did not stem from the large urban congregations who were footing the bill for the mission to the west. The major concerns of ecclesiastical bureaucrats were with the problem

areas of the church's life. The solutions they proposed therefore tended to place them firmly in alliance with the west, the inner city and the rural areas. Their reformist dreams and social gospel plans on the other hand often ran directly counter to the interests and concerns of many prominent laymen in the large urban congregations.

## II

The disruptive effects of the shift from rural to urban dominance coincided with an intellectual change from a static to a developmental world view in western Christendom, which caused further division within the Presbyterian church by the end of the 19th century.

Richard Niebuhr has suggested there was a connection between the shift from rural to urban dominance and the shift from a static to a developmental world view. The roots of theological conservatism and fundamentalism, he argues, were in the older rural culture while the opposing liberalism and modernism belonged to the rising industrialized urban culture. (8) In Canada, however, this relationship was apparently reversed, for the conservative urban Presbyterian churches tended to stay out of union while the rural churches saw the liberal idea of organic church union as a solution to their problems. The question therefore arises: Why did the urban Presbyterian churches in Canada resist a developmental world view while the rural churches accepted it?

Presbyterian conservatism in both Canada and the United States was not the product of frontier revivalism but rather a reaction against it. Its source was the academy, not the camp meeting. Indeed reformed theology from its beginnings in Geneva had always been primarily urban in character, with little appeal to either peasants

or industrialized working classes. Its highly rational quality appealed more to the well-educated middle classes. In Canada the same was true and Presbyterianism early established itself in the emerging commercial centers, setting up its theological colleges in cities close to major universities. Except for Queen's, these schools were Free Kirk institutions bearing the stamp of the 19th century Scottish Evangelical Revival, which rejected the moderatism of the Scottish Enlightenment and returned to the Calvinistic orthodoxy of Francis Turretin's 17th century Geneva. This outlook remained dominant in Canadian Presbyterianism until the turn of the century.

The most important exponent of 19th century Presbyterian conservatism in Canada was Sir William Dawson, the principal of McGill University from 1855 to 1893. As a geologist, Dawson rejected Darwin's theory of evolution because there was no evidence for it in the fossil record. He also rejected the idea of natural selection because it implied a randomness which was contrary to his conception of design and purpose in nature. For Dawson both man and nature were the products of a beneficent creator whose purpose had been revealed in Scripture. The Bible, Dawson believed, was an accurate narrative of real events, and as a scientist he wrote some twenty books to prove it. As the leading Canadian Presbyterian intellectual of his time, who was the only man ever to hold the presidencies of the British and American Societies for the Advancement of Science as well as the Royal Society of Canada, Dawson gave intellectual respectability to the Canadian opponents of evolution, biblical criticism and liberal theology. (9)

In the international scientific community Dawson eventually became an isolated figure, but in the Presbyterian Church in Canada he had wide support for his conservative views. In Montreal D.H. MacVicar,

the principal of Presbyterian College, and many prominent ministers and laymen on the college board gave their support. In Toronto his outlook was shared by Sir Daniel Wilson, the president of the University of Toronto, William Caven, the principal of Knox College, and William MacLaren, the professor of systematic theology at Knox from 1873 to 1909. In the west this conservative outlook was shared by John Mark King, the principal of Manitoba College from 1883 to 1899, and in the Maritimes by Alexander McKnight, the principal of Halifax College from 1873 until his death in 1894. (10)

As long as these leaders were in control of the church, those who did not share their conservatism had to be very careful about the manner in which they expressed dissent. Even George Munro Grant, the principal of Queen's University from 1877 to 1902, never entered into public controversy with these men on theological issues. Although he clearly represented a more liberal position, he was careful not to jeopardize the future of Queen's by needlessly antagonizing the doctrinally conservative Free Kirk element within the church. Not all were as cautious as Grant, however, and in unguarded moments some liberals made statements that led them into serious difficulties.

The first episode arose only a few months after the Presbyterian union of 1875 when Daniel J. Macdonnell, of St. Andrew's Church in Toronto, was accused of heresy because he expressed some doubts about eternal damnation. During the two years that this case was dragged through the courts of the church, William Caven and others made every effort to find a compromise which would satisfy all parties. Some have seen this as evidence of Caven's openness to the new currents of thought. However, Caven knew that if Macdonnell, the brightest of the Auld Kirk's young lights, was convicted of heresy, then the union

of 1875 would blow up in their faces. Far from abandoning his conservative convictions, therefore, Caven was playing the role of mediator and ecclesiastical statesman for which he was justly famous. Through his efforts a compromise was worked out which saved the union of 1875, but the leniency demonstrated in this case was less a sign of weakness than an expression of the conservatives' will to unity. No one at the time moreover would have confused this will to unity with doctrinal laxity.(11)

The same was true two decades later, in 1893, when John Campbell, the professor of church history and apologetics at Presbyterian College, Montreal, was accused of heresy. In a Sunday afternoon address at Queen's on "The Perfect Father of the Perfect Book", Campbell suggested that those passages in the Old Testament which present God as vengeful or hostile to men were imperfectly inspired. When reports of these remarks got back to Montreal, Campbell was charged with two counts of heresy. First, his doctrine of inspiration impugned and discredited the Holy Scriptures as the supreme and infallible source of religious truth. Second, he held a view of God as one who does not punish or smite the wicked. After hearing the case the presbytery of Montreal convicted Campbell of heresy by a vote of 27 to 2 and suspended him from teaching. Campbell appealed this verdict to the Synod of Montreal and Ottawa in May of 1894, and after hearing his defence they cleared him of the charge. As in the case of Macdonnell every effort was made in the superior courts of the church to get Campbell off the hook. Yet it was also clear that dissent could still be subject to severe penalties in the final decade of the 19th century. (12)

Around the turn of the century, however, this conservative outlook suddenly began to lose its dominance as the older leaders of

the church died and a new generation took over their positions. Many of these younger men had done graduate study in Scotland where they came into contact with the new liberal theology, and some had continued on to Germany where they studied with Harnack in Berlin. As they took over control of the colleges, the religious press and the burgeoning bureaucracy, both the agenda and the priorities of the Presbyterian Church in Canada began to change rapidly.

This change towards liberalism, however, did not happen as quickly at the congregational level. On the whole the laity did not abandon their conservative views as readily as those who had the benefit of a graduate theological education. Yet for a variety of reasons the country churches resisted this changeover less than the city churches. In rural Canada people were already seeking new solutions to their economic and social problems through co-operative farm organizations and the progressive party. As a result they could easily accept the idea of greater co-operation among the denominations which would mean less division within their communities. It is not surprising, therefore, that when the union issue reached parliament the legislation was introduced by the leader of the federal progressive party, Robert Forke, who was a farmer from Pipestone, Manitoba. It was strongly supported both by W.R. Motherwell, a grain farmer from Indian Head, Saskatchewan, who was Minister of Agriculture, and by Arthur Meighen, the member from Portage LaPrairie, Manitoba, who was the leader of the opposition but was never accepted by the eastern establishment because he was thought of as a radical rather than a conservative. (13)

The large urban churches in eastern Canada, on the other hand, were more likely to oppose change because their members were usually more financially secure and well-established. Consequently, the more

the new leaders of the church pushed them in the direction of union, the more they lost confidence in them. This loss of confidence resulted in a split between the clergy and laity and eventually transformed the resistance into a lay movement which became so anti-clerical that by 1925 not only did 184 Presbyterian ministers lose their pulpits, but also no minister was allowed on the board of administration of the reconstituted Presbyterian Church in Canada. Indeed the feeling was so intense that it almost destroyed the very continuity the dissidents were seeking to preserve, because if this anti-clericalism had continued the Presbyterian church after 1925 would not have been the same as that established in 1875. Not until 1928 were eight ministers added to the board of forty members, and not until 1932 was the board reconstituted with equal lay and ministerial membership and a layman as chairman. (14)

The persistence of these laymen from the large churches in Montreal, Toronto and Hamilton who led the fight to preserve the Presbyterian church is remarkable because they knew they would be outvoted in both the church courts and parliament. They were, after all not a group of fanatics prepared to destroy themselves and their church in a noble but lost cause. They were hard-headed business men who were used to winning on the basis of carefully calculated risks. Therefore, the question which remains is: On what basis did they think they could win?

### III

The dissidents thought they could win and persisted in their resistance because of the Scottish Free Church Case which became the third most disruptive factor in the church's life between 1875

and 1925. In a sense this case did not involve a change similar to those already mentioned. It did not affect everyone in Canada. It was of significance only to those interested in church union and it was of special importance only to Presbyterians. Moreover, because it affirmed an earlier common law redefinition of those churches outside of the established church in Britain, some might question whether it was a change at all. Yet the case did change the understanding of union accepted by the Presbyterian Church in Canada in 1875 which was elaborated subsequently in their dealings with those who had opposed that union. Consequently, when the text of the judgement and proceedings in this case arrived in Canada prior to the first meeting of the Joint Committee on Union in December of 1904, it led to further division within the church. (15)

The Scottish Free Church Case arose out of the union of the Free Church of Scotland and the United Presbyterian Church in Scotland in 1900. This union was opposed by a small minority within the Free Church consisting of twenty-five ministers and sixty-three congregations who, when they were deprived of their churches and manses, took their case to court and carried their appeal to the House of Lords. After hearing the case twice, the justices of the House of Lords in 1904 handed down a staggering decision which awarded all the Free Church property and funds to the minority. The minority was so small, however, that they were unable to administer these funds and property. Consequently, in 1905 parliament set up a royal commission to make an equitable distribution of the assets between the two groups and passed legislation in 1906 which confirmed this arrangement. (16)

The basis for this decision lay in a shift in the common law definition of the churches which took place during the early decades

of the 19th century. Prior to 1813 churches outside the establishment had been viewed simply as corporations. Therefore any changes in their status or purpose could be made by a majority of members voting in a manner consistent with the church's constitution. After 1813, however, church funds and property were viewed as trusts. Therefore when changes were made in the status or purpose of a church the question became whether or not the majority had acted according to the nature of the trust. No longer was a church merely a corporation whose aims could be determined by a majority. It was rather a body of people with a set of convictions and those who contributed their means toward a specific object had a right to be assured that their property would not be diverted from that object. Therefore as Lord Eldon declared in the case of *Craigdallie vs. Aikman*, "a church's property is held in trust for the principles of the church", and the principles of the church are its creed or doctrinal beliefs which were agreed to at the time of its founding. (17)

It was this definition of the church which was confirmed by the House of Lords in their decision in the *Scottish Free Church Case*. The Free Church of Scotland had made changes on two points. First, they had departed from the establishment principle by uniting with a body of voluntaries who had always denied that principle. Second, they had been untrue to the church's doctrinal basis by passing a Declaratory Act in 1892 which modified the terms of subscription to the Westminster Confession of Faith. (18) These two points were held to be basic deviations from the articles of association and therefore the United Free Church had no legal right to any of the Property or funds of the Free Church.

Such a decision was a godsend to those who opposed church union in Canada. It meant that even if they were a minority they had a chance of winning. The unionists might be able to pile up impressive

majorities because of the disparities in representation within the courts of the church, but the Free Church decision appeared to cancel out the advantages which might be gained in this way. It even undermined the unionists main argument that the principles and doctrine of the Presbyterian church were whatever the General Assembly declared them to be, providing the Assembly acted within the authority of the Barrier Act. In the Scottish Court of Session Lord Low had been the first to maintain that the powers of the Assembly "were not unlimited". In his opinion it could not, for example, declare that the Westminster Confession was no longer accepted by the church and suggest that in the future the church's government would be Episcopalian. (19) Later in the House of Lords this view was upheld by Lord Davey who denied that the General Assembly even under the Barrier Act had "plenary powers of legislation". Lord James of Hereford also denied that the Barrier Act conferred legislative powers on the General Assembly in respect to matters of doctrine, worship or discipline. The purpose of the Barrier Act, he said, was "the preventing of innovations". "Certainly," he continued, "nothing within it gives any power to alter the identity of the Church". (20) Lord Robertson went even further when he declared that the Barrier Act was a power only "affecting the internal affairs of the Church" and had no relation at all to the union of 1900 in Scotland, (21) "It is not too lightly to be assumed," he continued, "that such unions are within the competency of any majority, however large, even if there existed no essential differences between the uniting bodies." (22) Referring to the minority in the Free Church Case, he concluded, "since the days of Cyrus it has been held that justice is done by giving people not what fits them but what belongs to them. (23)

The force of this decision by the justices of the highest court

in the Empire was not lost on the unionists, but they could not accept it. In principle it denied the church liberty to change and develop, and in practice it ran counter to their experience of church union. This experience arose out of the church's dealings with the dissidents of 1875 who had attempted through court action to claim that the Temporalities Fund (ie. the Presbyterians share of the Clergy Reserves settlement) was solely for the use of the ministers remaining with the Presbyterian Church in Canada in connection with the Church of Scotland after the union. When the dissidents appeal was turned down by Lord Watson of the Privy Council in 1882, legislation was sought from the Dominion parliament to place this fund in the possession of the Presbyterian Church in Canada. Principal Grant of Queen's, who spoke on behalf of the legislation before the Private Bills Committee in Ottawa, argued that "when a church following all its rules and complying with all requirements of its constitution, decides to enter as a church into union with other churches, the church goes into the union, and individuals who withdraw from this United Church are not the church that was, nor can they claim the property. The property is the property of the church which has gone into union and not the property of private parties within the church, be they many or few. The church passes into union with all its work and all its funds," (24) Grant was not a judge but he was clearly stating the Presbyterian Church in Canada's understanding of union at that time and his arguments appear to have been accepted by parliament for the legislation on the Temporalities Fund was passed on May 17, 1882. It was this understanding that the unionists shared and as soon as the difficulties created by the decision were rectified by legislation in 1906 it was announced that they would

seek to avoid "the imbroglio of the Scottish church" through legislative action. (26)

The Scottish Free Church Case, therefore, established the blueprint for the Canadian church union controversy. From the outset it was clear to everyone that the unionists would have to seek legislation and the dissidents would have to block that legislation by taking the unionists to court. This blueprint, however was a design for disaster. In the first place it made it impossible for the two parties to communicate. The unionists, on the one hand, were convinced that the doctrine of the church propounded by the justices of the House of Lords was both absurd and intolerable, and that only moral perversity could lead anyone to say "that each denomination is permanently imprisoned within its creedal cage or that the separating bars can only be removed on peril of crippling mutilation." (27) The dissidents, on the other hand, believed, as a result of this same decision that every unionist argument and action was simply illegal and no amount of sophistry could make it otherwise. Caught between such contrary views the moderates under the leadership of Professor James Ballantyne of Knox College, who wanted to avoid schism could find nowhere to stand. All they could do was plead for time in the vain hope that some mutually acceptable compromise could be found.

Secondly, the case provided the dissidents with a powerful inducement to organize for, although they knew they would never command a majority, they realized it would be necessary to prove that they were competent to administer the property and funds of the Presbyterian Church in Canada. Consequently, they worked much harder at organization and recruitment than the unionists, and they exploited every possible area of discontent within the church. The unionists could

never understand this organizational drive. They were always taken by surprise and they always reacted in ways that made the situation worse. In 1915, for example, the dissidents succeeded in increasing the opposition to union by 23,000 votes against an increase of only 600 votes for the unionists. Yet in spite of this the unionists blithely announced that the Presbyterian church was not ruled by plebiscites and in 1916 they used their majorities to commit the Presbyterian church to union on grounds that were clearly illegal in view of the House of Lords decision. Such arbitrary action on the part of the unionists aroused so much bitterness and mistrust that it increased the dissidents drive to organize and ultimately made the separation of these two groups all the more difficult.

Finally, the unionists' contempt for the decision in the Scottish Free Church case led them to refuse even to concede that their opponents were members of the same church, and they did everything possible to deny the dissidents any claim to continuity with the Presbyterian Church in Canada prior to June 10, 1925. This was particularly galling to the dissidents for at any time throughout the controversy they could have brought the unionists to their knees by simply withdrawing their financial support. In fact such a proposal was considered at the 1916 convocation of the Presbyterian Church Association, but it was rejected because it would have seriously weakened their claim to continuity. Until the union legislation was passed by parliament, therefore, the dissidents found themselves in the extremely difficult position of not financing the resistance movement but also contributing to the general funds of the church which they knew they would lose when union was consummated. Perhaps the strains caused by the transition from rural to urban

dominance and from a static to a developmental world view would have created sufficient instability in the Presbyterian church by themselves to produce a controversy over church union. But without the Scottish Free Church Case to balance the scales against the unionist majorities

and to give the dissidents at least a chance of winning, it is doubtful whether they would have felt that they had a powerful enough case to nourish and sustain their resistance over so many years against such difficult odds. These three changes then in the decades between 1875

and 1925 were the necessary preconditions of the controversy because

each in their own way they undermined the stability of the church.

They affected all Presbyterians, but due to different social, intellectual,

and geographical factors these changes affected various groups within

the church in different ways thereby creating different reactions to

the question of church union.

Footnotes

1. See N.K. Clifford, "The Interpreters of the United Church of Canada", Church History 46 (June 1977), 203-214. In this essay the suggestion made was that a new question had to be asked: "What was the difference between those who went into union and those who stayed out?" Here, however, I'm asking a prior question: "What social and intellectual changes were important in establishing the differences between those who went into union and those who stayed out?"
2. If one rejects psychological explanations of the opposition to union (see "The Interpreters of the United Church of Canada", ibid.), then an alternative is to establish the social bases of the controversy. The social and intellectual transformations isolated in this paper indicate not only why some Presbyterians advocated union but also why some opposed it. The argument is that it was their social location rather than their psychological predisposition which influenced the way they responded.
3. Toronto Globe (February 7, 1882), 4.
4. John MacDougall, Rural Life in Canada (1913) (reissued by the University of Toronto Press 1973).
5. E.H. Oliver, The Winning of the Frontier (Toronto: Ryerson Press, 1930), 252.
6. Harland, P. Douglass, "Religion: The Protestant Faith", in Harold E. Stearns, (ed.), America Now: An Inquiry into Civilization in the United States (New York, Charles Scribner and Sons, 1938).
7. John Webster Grant, The Canadian Experience of Church Union (Richmond, Virginia, John Knox Press, 1967), 22-23.
8. H. Richard Niebuhr, "Fundamentalism", Encyclopaedia of the Social Sciences (New York, Macmillan 1931), 526-527.
9. See Charles F. O'Brien, Sir William Dawson: A Life in Science and Religion (Philadelphia, American Philosophical Society, 1971) and Edmond C. Ballantyne, "Creation and Design in the Thought of Sir William Dawson", M.A. Thesis, U.B.C. 1977.

10. On Daniel Wilson see Robert J. Taylor, "The Darwinian Revolution: Four Canadian Scholars", Ph.D. Thesis, McMaster University, 1976; on William Caven, see J.A. Macdonald, "A Biographical Sketch" in William Caven, Christ's Teaching Concerning the Last Things and Other Papers (London, 1908), Donaldson Grant, "Principal William Caven, D.D., LL.D.," The Westminster (October, 1902), 197-205 and John S. Moir, "William Caven: Forgotten Giant of the Church", Presbyterian Record (January 1975), 14-15.

Both Moir and Macdonald have a tendency to see Caven as a "closet liberal" because he hired J.E. McFadyen as professor of New Testament at Knox and was chairman of the Church Union Committee. His published work, however, contains very little evidence of any liberal tendencies and his appointment of McFadyen has to be seen in the context of his close working relationship with his colleagues William MacLaren and the Chairman of the Knox College board, Sir Mortimer Clark, both of whom were extremely conservative theologically and would not have tolerated McFadyen if he had been at all disrespectful of Scripture. All of these men, like Sir William Dawson, were firm believers in the plenary inspiration of Scripture and the only criticism they would accept had to begin from this premise.

On William MacLaren see G.M. Rose, A Cyclopaedia of Canadian Biography (Toronto, 1886), 225-226. For material on MacLaren's family see Charles G.D. Roberts, A Standard Dictionary of Canadian Biography Vol. I (Toronto, Trans Canada Press, 1934) 317-319. It is a pity that MacLaren has been ignored by those interested in religion in Canada for he was one of the finest systematic theologians ever produced by the Presbyterian Church in Canada. Part of the reason for the oblivion which has descended on him is that he opposed union and he was a member of the Bible League of North America. The Toronto Branch of this League which included T.R. O'Meara, Albert Carman, A.B. Winchester and laymen such as G.S. Gzowski and R. Kilgour launched an attack on the teaching of religious knowledge in the Department of Oriental Languages at University College of the University of Toronto. As a result of his involvement in this attack MacLaren's death was simply noted by the University Senate and he did not receive an obituary as Caven had received in the U. of T. Monthly. The only recent work to mention him is E.R. Sandeen, The Roots of Fundamentalism (Chicago, U. of Chicago Press, 1970) 202.

On John Mark King, see C. W. Gordon, Postscript to Adventure: The Autobiography of Ralph Connor (New York, Farrar and Rinehart, 1938) and James Orr's introduction to John M. King, The Theology of Christ's Teaching (London, Hadden and Stoughton, 1902), See also Gordon Harland.

On D.H. MacVicar see John H. MacVicar, Life and Work of Donald Hawey MacVicar (Toronto, 1904).

On Alexander McKnight see John T. McNeill, The Presbyterian Church in Canada 1875-1925 (Toronto, General Board of the Presbyterian Church in Canada, 1925) and J.W. Fahouer and W. G. Watson, A Brief History of Pine Hill Divinity Hall and the Theological Department of Mount Allison University (Halifax 1946).

11. See J.F. McCurdy, Life and Work of D.J. Madounell (Toronto, William Briggs, 1897) and Joseph C. McLelland, "The Macdounell Heresy Trial," Canadian Journal of Theology 4 (1958), 273-284.
12. See Donald N. Young, "The Distinctive Professor of Montreal Presbytery to the Rescue O' The Kirk: The Heresy Trial of Professor John Campbell 1893-4", Unpublished papers Knox College Toronto, June 1975.
13. W.L. Morton, The Progressive Party in Canada (Toronto, U. of T. Press 1950), Allan R. Turner, "W.R. Motherwell: The Emergence of a Farm Leader", in Historical Essays on the Prairie Provinces ed. by Donald Swainson (Toronto, McClelland and Stewart Ltd., 1970) and Roger Graham, Arthur Meighen. II and Fortune Fled (Toronto 1960-65).
14. Neil G. Smith, "1925 and After", in A Short History of the Presbyterian Church in Canada by N.G. Smith, A.L. Farris and H.K. Markell (Toronto, Presbyterian Publications 1967.), 94.
15. R.L. Orr, The Free Church of Scotland Appeal Case (Edinburgh 1904).
16. Rolf Sjöblinder, Presbyterian Union in Scotland 1907-1921: Its Background and Development, trans. by Eric J. Sharpe (Edinburgh, T&T Clark, 1962) and J.R. Flemming, A History of the Church of Scotland 1875-1929 (Edinburgh, T. & T. Clark, 1939).
17. Craighaillie vs Aikman - 1 Dow 1 and II Bligh 509. See also Harold J. Laski "Notes on the <sup>Right</sup> Interpretation of Ecclesiastical Truths", The Canadian Law Times 35 (1916), 190-206 and William Farquharson, "Neither Intolerant nor Intolerable", Presbyterian (Oct. 23, 1913), 443.
18. A.M. Neil, The Free Church Case (Edinburgh: W. Hodge and Co., 1904).
19. ibid.
20. ibid.
21. ibid.
22. ibid.
23. ibid.
24. A. Gaudier, "The Church Union Bill", Presbyterian Witness (Dec. 14, 1922) and Dobie vs. the Board of Management of the Temporalities Fund of the Presbyterian Church in Canada 1882, 7 A.C., 136.
25. Presbyterian (June 18, 1908), 779.
26. Robert Haddow, "An Intolerable View of the Church", Presbyterian (October 2, 1913), 340-341.

## The Legal Problems of the Canadian Church Union of 1925

by D.J.M. Corbett

The legal issues related to the Canadian Church Union of 1925 are many and various. They involve a consideration of the Common Law concerning the Union of Churches, the dispute within the Presbyterian Church as to the constitutionality in church law of the action of the majority in seeking Union, as well as a review of the Federal and Provincial Legislation and its judicial aftermath.

The Presbyterian Church was bitterly divided over the question of Union. In the end a sizeable minority continued as the Presbyterian Church in Canada. A study of the legal problems of Church Union in Canada is largely a study of the struggle within the Presbyterian Church. The cases which were brought before the courts after the Union are the culmination of this struggle. The legal issue was simple: Did the Church as a Church go into Union? Or did the unionists become members of a newly constituted Church apart from the Presbyterian Church in Canada, which was carried on by the non-unionist minority? Even in our own time these questions are disputed. It is hoped that this study may be of some value in determining the matter.

### SECTION ONE: THE PROBLEM AT COMMON LAW

It may be wondered why the union in Canada was accomplished by means of legislation in the Federal Parliament and the Legislatures of the Provinces. Why was it not possible for the Churches which sought to unite to take such a step without legislation?

The reason why legislation was sought can be best understood after consideration of the famous case of *Bannatyne v. Overtoun* (1904 A.C., 515). In October, 1900, the Free Church of Scotland and the United Presbyterian Church joined together to form the United Free Church of Scotland. There was no opposition to the union in the United Presbyterian Church, but within the Free Church there was a small but vocal minority opposed. It was their contention that the terms of the union made subscription to the principle of establishment an optional matter and further that adherence to the Westminster Confession had been rendered less stringent by the Assembly under the Declaratory Act Concerning the Confession of Faith of 1892. Thus the minority contended basic principles of the Free Church were being abandoned in the Union of 1900.

The Act of Union passed the Assembly by a vote of 643 to 27. The minority immediately protested claiming that the union on the proposed basis was unconstitutional and that all persons taking part in it must lawfully be considered as having withdrawn from the Free Church of Scotland. (This statement was received with great amusement by the Assembly.) The protest further claimed that the minority were entitled to continue the Assembly in session and to exercise all its powers.

With regard to the property of the Church, the Union Act which the Assembly had adopted provided that all property held by trustees for the use of the Free Church of Scotland, should from that time forward be held for the use of the United Free Church of Scotland.

The continuing minority Free Church began an action claiming the entire property, funds and endowments of the Free Church as at the time of the union. The Court of Session dismissed the action and appeal was taken to the Second Division of the Inner House. The action was also dismissed there. Appeal was finally taken to the highest Court in the United Kingdom, the House of Lords. After considerable argument and a re-hearing necessitated by the death of one of the Judges, the Lords allowed the appeal.

The result of the decision was that over a thousand Church buildings and manses, the Assembly Hall, Colleges and Mission buildings of the Church, as well as over ten million pounds were turned over to the continuing Free Church of Scotland! The minority was so small that it was apparent that they could not properly manage the trust which the courts had placed in their hands. It was manifest that some adjustment consistent with justice should be made. Accordingly in 1905, the Parliament of the United Kingdom passed an Act which provided very generously for the Free Church (they were to hold any buildings in which they could muster the support of one-third of the congregation), but gave the bulk of the property to the United Free Church. It cannot be questioned that in view of the smallness of the minority any other action would have been contrary to good sense. Nevertheless, the legal principles enunciated are of profound significance for what was to happen in Canada.

What was the identity of the Free Church? Lord Halsbury stated it thus:<sup>1</sup>

Speaking generally, one would say that the identity of a religious community, described as a Church, must consist in the unity of its doctrines. Its creeds, confessions, formularies, tests, and so forth are apparently intended to ensure the unity of the faith which its adherents profess; and certainly among all Christian Churches the essential idea of a creed or confession of faith appears to be the public acknowledgment of such and such religious views, as the bond of union, which binds them together as one Christian community. If this be so, there is no lack of material from which to deduce the identity of the Free Church of Scotland. Its founders left their Claim, Declaration, and Protest to stand for all time as a clear exposition both of their reasons for leaving the Church of Scotland...and as a profession of their faith as the true Church of Scotland though separated from the Establishment....

His Lordship found considerable evidence to the effect that an essential principle of the original Free Church was that there was a duty on the part of the civil magistrate to maintain and support an establishment of religion in accordance with God's Word. His Lordship further cited Dr. Chalmers to the effect that the Free Church was unalterably opposed to the position of the Voluntarists who were opposed to any support of the Church by the State. The United Free Church sought to make allowance for

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1 1904 A.C., 515

both opinions within its ranks. It was not sufficient that the matter should be left unsaid. By not speaking, or, speaking uncertainly on the matter, the United Free Church had substantially departed from the doctrinal position of the Free Church.

His Lordship observed that every Christian believer had the right to change his beliefs, but that it did not therefore follow that he had the right to convert property given in trust that it should foster certain doctrines, to the use of a body holding such new doctrines:<sup>2</sup>

My Lords, apart from some mysterious and subtle meaning attached to the word "Church", and understanding it to mean an associated body of Christian believers, I do not suppose that anybody will dispute the right of any man, or any collection of men, to change their religious beliefs according to their own consciences. But when men subscribe money for a particular object, and leave it behind them for the promotion of that object, their successors have no right to change the object endowed.

With regard to the rights of majorities as against minorities within Churches involved in disputes, Lord Robertson had this comment:<sup>3</sup>

The adherents of the appellants are numerically few-- some few thousands; but it has not been suggested that this introduces any legal difference from the situation as it would have been had they been more numerous. Since the days of Cyrus it has been held that justice is done by giving people, not what fits them, but what belongs to them.

There is no identity of the Church in the mere fact that they are in the majority. The identity of a Church lies with those who are true to its fundamental affirmations.

The Free Church case has been applied in the Canadian Courts. In *Stein v. Hauser* (1913, 15 D.L.R. 223) a group within a Lutheran congregation belonging to the Missouri Synod sought to identify themselves with the Ohio Synod and to take their property with them. They were in the majority in the congregation. On the application of the minority who desired to remain with the Missouri Synod, the Court held that the *Free Church of Scotland v. Overtoun* decision applied. The test for ownership was not a consideration of the numbers of persons so desiring a specific course of action. The test was which faction adhered to the religious tenets and principles of those who built the place of worship.

*Anderson v. Gislason* (1920, 53 D.L.R. 491) was concerned with a dispute between two factions in a congregation of Icelandic Lutherans. The Court held that where a Church is formed for promoting defined doctrines of religious faith set forth in its corporate articles or constitution, the Church property which it acquires is impressed with a trust to carry out that

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2 1904 A.C., 515

3 1904 A.C., 515

purpose, and a majority of the congregation cannot divert the property to inconsistent uses against the protest of a minority, however small. Mr. Justice Dennistoun made the following remark during the course of his judgment:<sup>4</sup>

The guarantee of religious freedom has nothing to do with property. It does not guarantee freedom to steal churches. It secures to individuals the right of withdrawing, forming a new society, with such creed and government as they please, but it does not confer on them the right of taking the property consecrated to other uses by those who may now be sleeping in their graves.

There is no doubt that the common law so enunciated would have been applicable in Canada at the time of the union controversy had it not been superseded by legislation. It has often been suggested by those favourable to the union cause that legislation was a mere convenience and was not really necessary to bring the union about. An understanding of the common law is sufficient to show the fallacy of such a claim. Without legislation, the entire property of the Presbyterian Church in Canada before June 10, 1925 would probably have legally belonged to the minority who desired to continue the Church since the doctrinal Basis of Union involved a far greater change from distinctively Presbyterian principles than did the union of the two Presbyterian Churches in Scotland.

#### SECTION TWO: THE DECISION TO SEEK LEGISLATION

In Canada the Assembly in 1915, in adopting the Basis of Union, adopted an Appendix on Law seeking legislation to effect the proposed union. As Mr. Gershom W. Mason (one of the lawyers who drafted the original Acts for the Union Committee) noted in his 1956 book on the subject:<sup>5</sup>

It was essential to guard against the application to the United Church and its congregations of the principles enumerated in the judgment of the majority in the Free Church case...in 1904. This judicial decision was considered by the framers of the Appendix on Law, and in order to remove any doubt as to the powers of the uniting Churches, it was determined that such legislation should be sought as would meet any possible situation created by the Free Church Decision.

At the time of the adoption of the Basis of Union by the General assembly of 1915, and the ratification of the Appendix on Law, certain members of the Union Committee submitted a minority report expressing opposition to such procedure. They contended that there was no power in the Assembly to end its own existence and that such procedures under the Barrier Act were entirely unconstitutional. This became the basis of their continuing protest.

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4 1920 53 D.L.R. 491ff.

5 Mason G., The Legislative Struggle for Church Union, Pages 8-9

In 1921 it was decided to move to organic union as expeditiously as possible. The Assembly of 1923 was presented with the proposed legislation which had been prepared on the instructions of the Committee on Law and Legislation of the Joint Committee on Church Union. The report was received and the Assembly resolved to seek organic union on the terms set forth in the draft legislation. The Committee was authorized to seek the passage of this legislation before the Federal Parliament and the Provincial Legislatures.

A minority report of the Church Union Committee was presented by Dr. D.G. Fraser and signed by twelve members of the Committee. It referred to the proposed legislation as that which proposed "coercion of the people and confiscation of Trust and Endowments held by and for the Presbyterian Church in Canada, in trust for the maintenance of the Standards as set forth in the Basis of Union of 1875."<sup>6</sup>

Thus the proposed legislation was presented to Parliament and to the Provinces on the authority of the General Assembly. Did the General Assembly have the right to request such legislation?

The unionists held that, as all the required forms had been adhered to according to Church Law, there could be no question as to the constitutionality of the action of the majority. For them the fundamental question was the right of the Church Courts, and the highest Court, the General Assembly, to alter the doctrinal position and standards of the Church. They contended that the General Assembly had power over the doctrine, worship, discipline and government of the Church. No change in any of these particulars could be affected without the consent of the Presbyteries, the matter being referred to them under the Barrier Act. Since these rules had been adhered to, the adoption of the Basis of Union in 1916 and the various measures taken to effect Union preceeding 1925 were within the constitutional powers of the Assembly.

The non-unionists contended on the other hand that there was no power in the General Assembly to enter a union which would "put an end to the Church". Nor was there any power in the Assembly to adopt the Basis of Union in disregard of its inconsistencies and conflicts with the Standards of the Church as set forth in the Basis of Union of 1875. They contended, that, as in the Free Church case, the Barrier Act itself was only procedural and did not confer on the Assembly the right to radically alter the character of the Church.

Here then was the basic dispute between the unionists and the non-unionists. The unionists held that the identity of the Church rested in the majority who had correctly adhered to the rules and forms of the Church. The minority contended that the identity of the Church rested with those who adhered to its Reformed Standards.

In this regard it is interesting to look at the protest entered after the adjournment of the Assembly of 1925 on the ninth day of June. The Assembly was reconstituted by a former Moderator, Dr. McQueen, and the following protest of 79 Commissioners was laid upon the table by Dr. Wardlaw Taylor. In it the Standards and Credal affirmations of the Presbyterian

Church in Canada are set forth and the following significant claim is made:<sup>7</sup>

It is in her faithful adherence to the aforesaid standards of doctrine and worship, and forms of discipline and government, adequately secured unto her by the said Covenant of Union in 1875, that the real historical and hereditary identity of the Presbyterian Church in Canada consists, as well as her continuity as the lawful successor in this Dominion of the Reformed Churches of the motherland.

SECTION THREE: THE UNITED CHURCH OF CANADA ACT BEFORE THE FEDERAL PARLIAMENT AND THE PROVINCIAL LEGISLATURES

A. THE BILL IN THE PROVINCIAL LEGISLATURES:

The way in which the proposed legislation was presented to the Parliament and the Legislatures of the Provinces was by means of a petition for a private bill. A private bill may roughly be defined as that which is more particularly of private than public interest.

The United Church of Canada Act, drawn up by the legal advisors to the Joint Committee on Law and Legislation, was presented to the various legislative bodies in the form of a petition asking for its passage as a private bill. This meant that the Act was considered first by the Private Bills Committees of the various legislatures, and after hearing representations from all interested parties, referred to the House for action.

It is unnecessary to say that the legislation attracted universal interest throughout the country. Probably no other private bill in history has attracted as much attention or engendered more controversy. What follows is just a brief summation of these remarkable debates, both before the various Private Bills Committees and in the legislative bodies themselves.

The proposed legislation was first introduced in the West. There was opposition, but there was great unionist sympathy in the West and the legislation passed in the three prairie provinces without significant amendment.

The Maritime provinces saw considerable controversy and debate. New Brunswick passed the Act without serious amendment, but in Nova Scotia the bill was in serious trouble. There was considerable opposition in the Legislative Assembly and the Legislative Council (the upper house, still then in existence) was opposed to the basic purpose of the legislation. The opposition in Nova Scotia forced certain amendments to the Bill but it eventually passed in its essential form.

A rather amusing, and admittedly unconstitutional event took place in the Province of Prince Edward Island. The Bill passed both Houses and all that awaited its becoming law was the royal assent. On April 11, 1924, Lieutenant-Governor McKinnon (a convinced "continuing" Presbyterian) refused to give the necessary assent to the bill and prorogued the Legislature, making further consideration impossible! As a result, the bill

had to be re-introduced in the session of 1925 and only after its second passage in that year did it receive the Royal Assent and become law. (It is interesting to note that by this time the Federal bill had passed with several important amendments--including the taking of the congregational vote before rather than after union--and all the Provincial Acts passed after it were revised accordingly.)

In March, 1924, the Private Bills Committee of the Ontario Legislature began hearings on the bill. There was considerable opposition to the passage of the bill in its proposed form. Both unionists and non-unionists had the opportunity to present their views. The non-unionists characterized the property provisions as a violation of trusts and contended that it was not just, that the Church as a Church should be legislated into union since they desired to continue the Presbyterian Church in Canada.

The Chairman of the Committee, who was also the Attorney General, the Hon. W.F. Nickle, K.C., was a non-unionist Presbyterian and there was considerable support for the Presbyterian cause throughout the Committee. The result was that the bill was amended in Committee to provide for the preservation of the three negotiating churches as separate entities and to give to any congregation the right by vote of its members to remain in its mother church and to keep its own property. This carried 36 to 26.

The Unionists contended that this amendment destroyed the basic principle of the bill--that the Churches as Churches went into the union and that those not concurring were withdrawing from the Church. The unionists therefore asked to have the bill withdrawn and determined to present the bill again in its unamended form the following year. Since the legislation was of a private nature, there was no option but to permit the bill to be withdrawn on the request of the petitioners.

When the proposed legislation came before the Quebec Private Bills Committee in the spring of 1924, it was apparent that it could not pass in the original form. There was considerable opposition among the Roman Catholic members to any principle which made it possible for the civil authority to legislate a Church out of existence. The matter was argued before the committee with representations from both sides. It is a matter of historical interest that the Presbyterian Church Association was represented on this occasion by the future Prime Minister of Canada, Mr. Louis St. Laurent, K.C. On March 12, the Legislature passed a resolution to the effect that no action should be taken on the bill at the present session and that future action should depend upon what the Province of Ontario did with the legislation. This resolution committed Quebec to follow Ontario's lead in the matter, otherwise the legislation may never have been passed in Quebec. As it was, it was not until the spring of 1926, after the union had been consummated, that the Province of Quebec passed the bill.

The unionists brought the legislation, amended to conform in certain respects to the Federal Act, before the Private Bills Committee of the Ontario Legislature in February of 1925. It was again evident that the bill in its original form could not be passed and that some concessions or compromises would be necessary. After many meetings, it was agreed

that the anti-unionists would accept the property provisions of the bill and the unionists would give up the claim to Knox College.

The Ontario Act also included a significant amendment to the effect that the non-concurring congregations of the Presbyterian Church would stand in the same relation to the Church to be formed by non-concurring congregations as they had formerly borne to the Church before Union. This made it impossible for any non-concurring Presbyterian congregations to stay apart from the Continuing Church as separate entities. The section which permitted non-concurring congregations to enter the Union at any time after June 10, 1925 by a vote being taken to that effect, was omitted in the Ontario Act.

The progress of the Act in the Federal Parliament must now be studied, before consideration is given to the Act itself.

### B. THE BILL BEFORE THE FEDERAL PARLIAMENT

On April 10, 1924, Mr. Robert Forke, the member for Brandon and Leader of the Progressive party in the House of Commons, moved the first reading of Bill 47 entitled: "An act incorporating The United Church of Canada." It was agreed that second reading would be passed without the normal debate on the principle of the Bill, and the Act was referred to the Select Standing Committee on Miscellaneous Private Bills. This committee began its sessions on the 30th of April, 1924.

The Committee spent considerable time hearing representations from the various parties. The whole problem of the constitutionality of the action of the General Assembly was considered. Also considered was the problem of the constitutionality of the Act with regard to the division of powers between the dominion and the provinces.

Mr. Eugene Lafleur, K.C., contended on behalf of the Presbyterian Church Association that the union proposals were not constitutional to the General Assembly. He said, "What I do assert with confidence is that within the Presbyterian Church there is no power given to the church court and to the highest of the church courts, the General Assembly, to put an end to this church."<sup>8</sup> He cited the Overtoun case for the propositions that no General Assembly, even by an unanimous vote, could destroy the Church and that no majority within a Church court had power to convert property from its original purpose to an entirely new purpose.

At the conclusion of these discussions, the Committee itself began to deal with the Bill. On the 23rd of May, the Committee passed an amendment to the preamble to the effect that since there was considerable doubt as to the authority of the General Assembly of the Presbyterian Church in Canada to request the passage of the Bill, and since there was further doubt as to the constitutionality of the Bill itself, the Bill should not therefore come into effect until July 1, 1926, and not then, unless the Courts had by that time successfully disposed of any questions which the two matters presented. This amendment was proposed by Mr. Duff of Lunenburg and was passed in the Committee by a vote of 27 to 23. In effect, the Union was to be delayed a year while the Courts were to rule on the constitutionality of the action of the General Assembly in proceeding to union, and secondly, on the constitutionality of the Bill under the British North America Act.

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<sup>8</sup> As cited in House of Commons Debates, 1924, page 3735

Certain other amendments were added by the Committee. The section permitting non-concurring congregations to enter the United Church any time after 1925 was dropped. The final Federal Act also provided for the vote in congregations to be taken six months before Union rather than six months after.

The scene now shifted to the discussion of the Bill in the House of Commons itself. As soon as the Bill (as amended by the Private Bills Committee) came before the House for consideration, Mr. Brown of Lisgar moved that the amended section be struck out and that the section simply read that the Act should take effect on June 10, 1925. The unionists expressed the opinion that any reference to the Courts and any delay in the implementation of the Bill was in reality an attempt to defeat the principle of the Bill and that such reference was unnecessary.

The Prime Minister, Mr. Mackenzie King, speaking as a private member, supported the reference of the Bill to the Courts:<sup>9</sup>

In the Presbyterian Church there is from one end of Canada to the other, a great body of earnest and God-fearing men and women who feel very deeply in this matter. They may be a majority, they may be a minority. If we can help, as I have said, to remove from their minds the feeling that their Church is being torn asunder and substitute for it a feeling that whatever division is now inevitable is being made in accordance with what is reasonable and right and in accordance with the best traditions of Parliament, then we will be rendering a great service not only to the parties interested in the consummation of this important union, but also to the country as a whole.

In the significant vote on the amendment of Mr. Brown to remove the amendment to refer the matter to the Courts, the vote was 110 yeas and 58 nays. The union would take effect on June 10, 1925.

Thus it was that, after a few minor amendments being accepted from the Senate (where there had also been strong opposition), the Bill was read the third time and passed, July 4, 1924.

SECTION FOUR: AN OUTLINE OF THE MORE IMPORTANT PROVISIONS OF THE UNITED CHURCH OF CANADA ACT

The Preamble to the Act sets forth the names of the Churches seeking Union and speaks of them as having the right to unite with each other "without loss of their identity", under the name, The United Church of Canada. The seeming intention of those who framed the Act was to hold that the Churches as Churches went into the United Church without loss of their individual identity.

The Act is cited as, The United Church of Canada Act. It is to come into force on June 10, 1925. Section four, subsection (a) provides that:<sup>10</sup>

The Union of the said Churches, The Presbyterian Church

<sup>9</sup> House of Commons Debates, 1924, page 3749

<sup>10</sup> The United Church of Canada Act, 14-15 George V, Chapter 100, Statutes of Can.

in Canada, the Methodist Church and the Congregational Churches, shall become effective upon the day upon which this Act comes into force and the said Churches as so united are hereby constituted a body corporate and politic under the name of "The United Church of Canada", hereinafter called "The United Church".

Section 5 of the Act is paralleled by Section 3 of most of the Provincial Acts. It provides for the transfer of all property, real or personal belonging to any of the negotiating churches to the United Church of Canada to be used and administered in accordance with the terms of the Basis of Union.

Section 10 in the Federal Act, and similar sections in the various Provincial Acts provided for the possibility of non-concurring congregations voting at a congregational meeting regularly called within six months before the coming into force of the Act (some Provincial Acts provide for the vote after the Union), and if a majority are opposed their property shall remain unaffected by the Act.

Subsection (c) of this section provides that:<sup>11</sup>

The non-concurring congregations...may use, to designate the said congregations, any names other than the names of the negotiating Churches, as set forth in the Preamble of this Act, and nothing in this Act contained shall prevent such congregations from constituting themselves a Presbyterian Church, a Methodist Church, or a Congregational Church, as the case may be, under the respective names so used.

At first glance this would seem to preclude the use by the continuing Church of the name, The Presbyterian Church in Canada. The matter is by no means settled alone on this ground. An assessment of the right to the use of the name can only be given after the judicial decisions have been considered.

#### SECTION FIVE: THE JUDICIAL AFTERMATH OF UNION

The "continuing" Assembly of 1925 determined to use the historic name of the church, "The Presbyterian Church in Canada". Mr. J. G. Pelton, seconded by Judge Farrell moved the adoption of the following motion:<sup>12</sup>

Your Committee have carefully considered the question of the name of the Church as referred to it and begs to recommend that the Assembly endorse and reaffirm its action in its fifteenth sederunt held in St. Andrew's Church, Toronto, on Thursday morning, June 11th, 1925, when it declared this Assembly to be the fifty-first General Assembly of the Presbyterian Church in Canada, and we recommend that we continue without change the name by which our Church has been known for the past half century.

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<sup>11</sup> Ibid.

<sup>12</sup> Assembly Minutes, 1925, page 110

The United Church did not let this matter go unnoticed. Each year for some years following union the following protest was made to the Assembly of the Presbyterian Church:<sup>13</sup>

(The following is an extract from a letter dated May 31, 1932 from the United Church of Canada, over the name of T. Albert Moore, Secretary, The General Council, to the General Assembly of the Presbyterian Church)

Gentlemen:-

Under the authority of the General Council of the United Church of Canada, we again notify the General Assembly of the non-concurring congregations of The Presbyterian Church in Canada, as has been done each year since the consummation of Church Union in 1925, that the Presbyterian Church in Canada, by action in accordance with its Constitution, and as provided in The United Church of Canada Act (14-15 George V. Cap. 100), continues its identity in The United Church of Canada. We renew our protest against your use of the name "The Presbyterian Church in Canada", and against your claim to the continuity of "The Presbyterian Church in Canada", in your Church....

Several judicial decisions had a bearing on this question of the identity of the Church. The first case to be considered is, In Re Patriquin Estate; Fraser v. McLellan (1930 3 D.L.R. 241). Eliza Patriquin bequeathed \$100.00 to the trustees of Tatamagouche Presbyterian Church. Her will was made January 5, 1924. At the time of Union, this congregation joined the United Church of Canada. Mrs. Patriquin in the meantime had removed her name from the roll of the Church and had become a member of Sedgewich Memorial Presbyterian Church. She died May 22, 1926, without changing her will. The issue in the case was, to which group did the \$100.00 bequest belong? The larger issue indeed was, in which group, the continuing Church or a congregation of the United Church of Canada, did the identity of the Presbyterian Church reside?

The United Church applied for the bequest. The Supreme Court of Canada held that as both the bequest and the residue were to benefit the Tatamagouche Presbyterian Church, and that, as the congregation had been divided, the congregation of the United Church was no longer identical with the congregation which it had been Mrs. Patriquin's intention to benefit and therefore, the United Church was not entitled to receive the bequest. In effect, the Court held that the new corporation constituted by the Act was not the same entity to which the testatrix made her bequest, and therefore the United Church could not take it. It was held, incidentally, that the religious affiliation of Mrs. Patriquin after the union was not to be a matter for consideration in deciding the legal meaning of the will.

Smith J., in delivering the judgment of the Court held that the effect of the United Church Act was such as to constitute the United Church as

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13 Assembly Minutes, 1932, page 15

"an entirely new and distinct legal entity". He further observed:<sup>14</sup>

...and it seems clear that the beneficiary she had in mind was the "Tatamagouche Presbyterian Church"; as a congregation of the Presbyterian Church in Canada as it then existed, and it cannot be said that a congregation of the United Church of Canada at Tatamagouche is the same religious institution as was within the contemplation of the testatrix in making this bequest to the Tatamagouche Presbyterian Church.

Re Gray, (1935, 1 D.L.R. 1), is the most significant of these cases with regard to the problem of the identity of the Presbyterian Church in Canada. The case came before the Supreme Court of Canada in October, 1934. Jessie Gray, the testatrix, and a resident of Hopewell in the County of Pictou, Nova Scotia, made her will in 1921 leaving a bequest of \$500.00 to the Home Mission Fund of the Presbyterian Church in Canada and \$500.00 to the Foreign Mission Fund of the Presbyterian Church in Canada. She was a member of the St. Columba congregation at Hopewell. This congregation entered the United Church in 1925 and Jessie Gray remained a member of it until her death. The testatrix died in September, 1929, and the executors sought an originating summons asking who was to be the recipient of the bequests: the United Church of Canada, or the Presbyterian Church in Canada (as it continued after 1925)?

The Supreme Court of Nova Scotia gave the bequests to the (continuing) Presbyterian Church. On appeal to the Supreme Court en banc, the judgment was upheld. The United Church then appealed to the Supreme Court of Canada. The Supreme Court of Canada dismissed the appeal, following the Patriquin case. In doing so Crocket J., observed that the United Church claim was that the Presbyterian Church in Canada as it had existed before June 10, 1925 became a constituent part of the United Church of Canada without loss of its identity, and that it therefore still existed as it had before, but within the new body. In dismissing this contention, Justice Crocket observed that the United Church of Canada Act created a new corporation and that the United Church was therefore not the same entity as the Presbyterian Church in Canada before the union. He quoted Smith J. to the effect that the United Church, under the Act was an entirely new and distinct legal entity.<sup>15</sup>

To hold that the several Church organizations described in that Act as the negotiating Churches, viz, the Presbyterian Church in Canada, the Methodist Church, the Congregational Union...were all constituted a single Church under the new name of the United Church of Canada without loss of their identity would necessarily imply, not only that each continued to exist within the new Church corporation as a distinct and separate body as formerly, but that each retained the right to control its own internal affairs within the United Church without reference to the others, which was clearly never intended by the incorporating Act.

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14 1930, 3 D.L.R. 244

15 1935 1 D.L.R. page 5

He concluded that the appellant United Church of Canada had no rights whatever in the matter and was therefore unable to challenge the right of the respondent, the Presbyterian Church in Canada, to receive the bequests.

It must be understood that the judgment did not establish the fact that the continuing Church was the Presbyterian Church in Canada, (though it does not say that it is not) but rather it precludes the United Church from making any such claims under the laws of Canada.

#### CONCLUSION

This paper has been specifically concerned with the LEGAL problems of church union. There are larger and certainly more important issues involved. What I have tried to do is to look to the legal aspect in order to shed some light on these larger issues.

In reality the union of 1925 divided the Presbyterian Church. The majority entered the United Church believing they took the Church's identity and reformed heritage with them. This heritage had taught them to seek the unity of the Church and that the Church could not be captive to the theological past.

The opponents of union were determined to maintain the Church as they had known it and believed the Church's identity was in its faithfulness to its historic standards.

Canadian Presbyterians divided as a denomination. In the perspective of history we can see that we remain together as Christians, seeking God's will for the Church.

BIBLIOGRAPHY

- Baird, Frank Canadian Church Union and the Courts  
Pictou N.S. Article: Knox College Archives
- Fleming, J.R. A History of the Church in Scotland, 1875-1929  
Edinburgh, T & T. Clark, 1933
- M'Neil, A. The Free Church Case, Edinburgh, Wm. Hodge and  
Co., 1904
- McNeill, J.T. The Presbyterian Church in Canada, 1875-1925  
Toronto, Presbyterian Church, 1925
- Mason, G. W. The Legislative Struggle for Church Union,  
Toronto, Ryerson Press, 1956
- Morrow, E. L. Church Union in Canada, Toronto, Thos. Allen,  
1923
- Orr, R. L. The Free Church of Scotland Appeals, 1903-4,  
Edinburgh, MacNiven and Wallace, 1904
- Pidgeon, G. C. The United Church of Canada, the Story of  
the Union, Toronto, Ryerson Press, 1950.
- Scott, E. "Church Union" and the Presbyterian Church  
in Canada, Montreal, John Lovell & Son, 1928
- Taylor, T. Wardlaw Church Union and Church Law, Article, Knox  
College Archives.
- Taylor, Sir T. W. The Public Statutes relating to the Presby-  
terian Church in Canada, Winnipeg, Hart & Co.,  
1897
- Acts and Proceedings of the General Assembly of  
the Presbyterian Church in Canada, 1915-1936,  
Toronto
- Statement of Claim, Cunningham et al v. Pidgeon  
et al, Knox College Archives. 1924
- House of Commons Debates, 1924, King's Printer,  
Ottawa
- The Manual, of the United Church of Canada, Toronto  
The United Church Publishing House, 1940
- Minutes of the Select Standing Committee on  
Miscellaneous Private Bills regarding Bill No.47,  
"An Act Incorporating the United Church of  
Canada", 1924. Knox College Archives.

Rules and Forms of Procedure in the Church  
Courts of the Presbyterian Church in Canada,  
Toronto, The Westminster Co. Ltd., 1914.

Statutes of Canada, 14-15 Georve V, Chapter 100.

Table of Abbreviations:

D.L.R.	Dominion Law Reports
A.C.	Appeal Cases
O.W.N.	Ontario Weekly Notes