

Building Churches and Fighting for Religious Toleration – The Creation of the Free Church of Scotland and the Issue of Site-refusal, 1843-1847

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Abstract

The Free Church of Scotland was created at the Disruption in May 1843 when over 450 ministers left the Established Church of Scotland, and the primary issue for the members of this new Church was to build churches throughout Scotland. A major difficulty for them came from certain proprietors or landowners who refused to sell the new Church sites for churches, forcing some congregations to worship in the open-air. By examining the records of the Free Church, the circulars issued by its General Assembly, and the correspondences between the congregations and those site-refusing landlords, this article explores how the Free Church members managed to find temporary places for worship in the post-Disruption period— a very novel and innovative method was to create a “floating church” on Loch Sunart. The Free Church argued that site-refusal violated the principle of religious toleration, a vital principle of the British constitution. The Free Church members petitioned Parliament and forced it to carry out an investigation in 1847; the site-refusals eased afterwards. This article also expatiates on the church building campaign of the Free Church. By devising a central building fund (proposed by Thomas Chalmers), the Free Church granted poorer congregations financial aids to build their churches, and hence the Free Church could become a national Church for the Scottish people.

Keywords: Free Church of Scotland, Church Building, Site-refusal, Religious Toleration

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Introduction

The main cause of the Disruption of the Church of Scotland in 1843 was the disputes over patronage. In the eighteenth century, two main parties in the Church of Scotland held different views towards patronage. The Moderates supported the law of patronage in the established Church where it was deemed as a property right. This means that a patron, the descendent of the person who had originally built or endowed a church was usually entitled to present a man who was an ordained minister or had been licensed as a preacher to a parish living. The Moderate Party, which from the second half of the eighteenth century gained dominance within the Church courts, emphasized obedience to the law and the authority of the General Assembly to determine controversial cases (Drummond & Bulloch, 1973). They believed that in this way patronage can provide competent and cultured ministers (Macpherson, 1905; Burleigh, 1960).

The Popular Party objected to the idea of patronage of the Moderates. The Popular Party embraced Calvinist orthodoxy, a “direct, emotional preaching, commitment to the parish ministry and concern for Christian discipline” (S. J. Brown, 1993b: 5). The Popular Party was later known as the Evangelical Party in the nineteenth century after it was influenced by the Evangelical movement in England. The party was opposed to patronage and was instead in favour of the rights of parishioners to choose their ministers. This reflected the idea in the *First and Second Books of Discipline* that the consent of the people was the key to the admission of ministers; in other words, the appointment of ministers should not be contrary to the will of the congregation (McCrie, 1893). This stance was held by the Evangelical Party (S. J. Brown, 1993b). As the leading figure of the Evangelical party Thomas Chalmers said, no ministers should be intruded into a parish against the will of the congregation (Bayne, 1894; Macpherson, 1905). This was called the principle of non-intrusion, and after 1833 the term “Non-intrusionists” was used to refer to those who upheld this view among the Evangelicals (Rodger, 2008). It was in response to the anti-patronage campaign that the Veto Act, originally entitled “Overtures and Interim Acts on the Calling of Ministers”, was enacted (S. J. Brown, 1982: 223).

According to the Veto Act, the Presbytery was obliged to reject the presentee if the majority of the male heads of family in a parish, being in communion with the Church, shall disapprove of the presentee, and this could be done without giving any reason as long as the parishioners were not actuated by malicious or factitious motives (Church of Scotland, 1834). The Moderates objected to the Veto Act and claimed that the civil rights of patrons and presentees were impaired. The dispute over patronage was the chief cause of the Ten Years' Conflict which commenced in 1834 and ended in the event of the Disruption in 1843.

The series of legal cases during the Ten Years' Conflict began with the Auchterarder case. In late 1834, Robert Young, a probationer, was presented by the patron to a vacancy in the parish church of Auchterarder. According to the regulations, a 'call' from the congregation to invite him to be their minister was presented for signature to the parishioners after he conducted the services (Rodger, 2008). Only two parishioners signed Young's call while 287, out of 330 male heads of families on the communion roll, vetoed the presentation.¹ The Presbytery declined to sustain his call and ordain him as minister of Auchterarder. Young appealed against the Presbytery's decision to the higher church courts, but the General Assembly upheld the Presbytery. Young now raised an action in the Court of Session, calling for an order to make the Presbytery to make trial of his qualifications on the ground that he had been legally presented (Drummond & Bulloch, 1973). Further, Young also asked the Court to examine the validity of the Church's Veto Act (Lyll, 1980). In 1838, the Court of Session delivered its verdict. The Lord President maintained that "in every civilized country, there must be some court or other judicature, by which every other court of judicature may be either compelled to do their duty, or kept within the bounds of their own duty" (Rodger, 2008: 16), and hence the Presbytery's refusal to take Young on trials by the Presbytery was declared illegal due to the infringement on the statute law, especially the Patronage Act of 1712 (Lyll, 1980). In addition, the verdict stated that the Veto Act trespassed on the civil rights of both patrons and presentees and was beyond the scope of ecclesiastical jurisdiction (Rodger, 2008).

¹ One opponent changed his stance after the adjournment of a few weeks (Rodger, 2008: 11).

After the unsuccessful attempts to consult with the Government for a Parliamentary Solution, Chalmers and the Non-intrusionists appealed to Parliament against what he termed the unconstitutional encroachment of the civil courts. The document, the Claim of Right (which was called a “modern Solemn League and Covenant”) was drafted mainly by the lawyer, Alexander Dunlop (Henderson, 1943). It reiterated and summarised the positions of the non-intrusionists as follows. Christ was the only Head of the Church, and by Him the civil and ecclesiastical powers were conferred to govern in temporal and spiritual affairs respectively; and the jurisdiction of the Church was confirmed by enactment of the Legislature and the Treaty of Union in 1707, which further guaranteed that “the worship, discipline and government of the Church of Scotland should not be altered at any time thereafter” (Chalmers, Gordon, & Dunlop, 1842: 1-2, 8-9). The practices of and struggles over patronage in the Scottish history together with recent cases regarding ordination of the ministers were recited to demonstrate how the constitutional rights of the Church had been infringed upon by the civil courts (Chalmers et al, 1842). The last part of the Claim asserted that, even at the cost of relinquishing all the advantages derived from its connection with the State, the Church would not surrender the principle of non-intrusion, and that any laws or verdicts contrary to the above-mentioned stance would be deemed as void and null (Chalmers et al, 1842).

I. DIFFICULTIES ENCOUNTERED AFTER THE DISRUPTION

At the Disruption of 18 May, 1843, almost forty percent of the ministers and perhaps half the lay membership left the Established Church of Scotland and formed the Free Church of Scotland in protest against what they viewed as unwarranted state interference in Church affairs. By signing the Act of Separation and Deed of Demission, the Free Church ministers did not just abandon the incomes they were entitled to as ministers of the Established Church, but they also gave up their rights to use the church and the manse. On the following Monday after the Disruption, the General Assembly of the Established Church passed a resolution declaring the parishes of all the ministers who had signed the Act vacant (Walker, 1877), and this

brought difficulties to the Free Church ministers and adherents.

The Free Church aimed to be a national Church for the Scottish people, and the most urgent issue was to make arrangements for temporary places of worship. Generally speaking, Free Church congregations in towns encountered fewer difficulties than those in countries. In the towns, open-air services were the exception (T. Brown, 1893); it was more common to use parish schools, city halls, or separate rooms of a chapel owned by other denominations. The *Witness*, the organ of the Free Church, provided notices of the new assembling places of some congregations. For example, the Free Buccleuch Congregation met in the hall of a parish school; they then found another accommodation, larger than the previous one, in the Baptist Church at Bristo Port (The *Witness*, 1843, May 27 & June 10). Sometimes two congregations shared one meeting place; for instance, the congregations of Free St. John's and the Free Tron worshipped together in the City Hall of Edinburgh for a few Sundays after the Disruption (Walker, 1877). At Morningside, Chalmers "opened his own dwelling-house and converted it into a church", and the audience were "scattered into different rooms, all of whom could hear, but not half of whom could see" him (T. Brown, 1893: 109). As to the situations in rural parishes, "it was usually arranged that some friendly farmer should give the use of his barn" (T. Brown, 1893: 212-214). Some congregations met in the open air while some built wooden erections for temporary meeting (T. Brown, 1893). Besides, congregations encountered far more difficulties when proprietors refused to grant sites for building a church, and the subject of site-refusal will be discussed in later sections. However, it is worth noting that not all of the non-Free Church landowners were unfriendly. At Torryburn, Fife, for example, Melville, an adherent of the Establishment granted Thomas Doig and his congregation to use a shed on his estate without charging any fees (T. Brown, 1893).

In *quoad sacra* churches,² the Free Church faced obstacles as well. In some

² By the Chapels Act passed at the Assembly of 1834, chapels-of-ease (in response to the problem of deficiency of Church accommodation due to the growth in population after the Industrial Revolution, chapels-of-ease were founded expediently and later confirmed by the Church) were assigned a district respectively and granted status as *quoad sacra* parish churches – to distinguish them from the existing *quoad civilia* ones – and they were for

cases, those who stayed in the Establishment took actions to forbid Free Church adherents from entering the churches. On Saturday, 24 June 1843, Angus MacBean, minister of the *quoad sacra* church at Greenock, was interdicted from entering his pulpit, and the office-bearers had to ask the magistrates for the use of a burying ground for the next day (T. Brown, 1893). Another example was at Wallacetown, Ayr, where the minister, William Grant, received an interdict from the Court of Session a few days before his first communion (T. Brown, 1893). However, such events provided helpful publicity for the Free Church, arousing public “sympathy with the outed minister and his people” (T. Brown, 1893: 113); as a result many people “who were at that time irresolute” gave in their adherence to the Free Church (T. Brown, 1893: 111). Hence, “observers suggested that the behaviour of the site refusers proved a boon to the Free Church, bringing it public sympathy and financial support” (S. J. Brown, 1993a: 331).

Forced to leave their manses, Free Church ministers needed to find alternative accommodation. Leaving the places where they had lived for many years, some ministers were saddened and depressed, while others valued the opportunity of sacrificing for Christ (T. Brown, 1893). It was easier for outgoing ministers and their families to find lodging in larger towns (T. Brown, 1893); in the countryside, some ministers moved from comfortable manses into drafty labourers’ cottages, and this sometimes resulted in illness (T. Brown, 1893). In the cases of site-refusal, ministers were “driven to live at a distance” from their congregations, which made their pastoral visiting harder (T. Brown, 1893: 179). For example, in Carmylie the minister, William Wilson, could only “seek a lodging in East Haven, some seven miles distant from the sphere of his labours” (Wylie, 1881: 507). Nonetheless, “week after week, in sunshine and in storm, in the pelting rain, in the piercing east ‘haar,’ in season and out of season, he trudged those weary miles, prosecuting his ministry with indomitable courage and undoubted success” (Wylie, 1881: 507).

At the General Assembly of October 1843, the deputies who had visited the Highlands reported on the site-refusals. Sutherland was one of the counties most affected. The Duke of Sutherland, who was “supported in his disapproval of the Free

ecclesiastical purposes only, such as kirk-session discipline and religious instruction.

Church by his array of factors and agents, the minor heritors in the county, and all the wealthy sheep and corn-farmers”, refused to sell any piece of land on his estate to Free Church members for building a church or a manse (T. Brown, 1893: 181-182). The Duke further forbade his tenants to offer hospitality to any Free Church minister (Proceedings, 1843 Oct.). A member of the deputation, Mackintosh MacKay of Dunoon, stated that the majority of church-goers in 11 of the 17 parishes in the county of Sutherland had adhered to the Free Church and that ministers had to travel distances of “fifty, or sixty, or seventy miles ...to visit their flocks” (Proceedings, 1843 Oct.: 49-50). Ministers hesitated to enter the houses of their old parishioners because they worried that this might lead to their eviction (Proceedings, 1843, Oct.). MacKay did not blame the Duke; he held that the Duke’s factors or agents were responsible for keeping him in ignorance of the needs of his people (Proceedings, 1843 Oct.). MacKay hoped that the Duke’s acting “on misinformation” would soon end (Proceedings, 1843 Oct.).

Fox Maule, a pro-Free Church member of Parliament, proposed a motion to denounce the site-refusals. He held that site refusal was “a course which involves the alternative of either forcing the people to violate their consciences by attending ministrations from which they revolt, or altogether absenting themselves from the public worship of God” (Proceedings, 1843 Oct.: 55). Deploring such an assault on “the spirit of the British constitution”, Maule called for patient endurance from all the members of the Free Church (Proceedings, 1843 Oct.). Maule insisted that the Duke should be responsible for the welfare of the people on his estate because “property has its duties as well as its rights” (Proceedings, 1843 Oct.: 57).³ In addition, MacKay urged that more pecuniary support should be given to the people in Sutherland to help ease the inconveniences caused by site-refusal (Proceedings, 1843 Oct.). The Assembly approved a special collection for the people in Ross and Sutherland on the last Sunday of November, and it was hoped that the voice of the

³ Such idea was echoed by other Free Churchmen. For example, David Crichton held that “the rights of property should be held consistently with the rights of conscience, and that no man should be permitted to use the rights of property to put down the religious liberties of the people” (Proceedings, 1843 Oct.: 80).

people would reach the ears of the Duke (Proceedings, 1843 Oct.). In the following years, site-refusal still existed in some districts, and the Free Church would investigate this issue thoroughly and even appeal to Parliament for a solution.

II. CHURCH BUILDING

A. Design of the Churches and Estimated Construction Costs

As early as 1841, Robert S. Candlish, an important leading figure of the Free Church, had defined the principles for building new churches. First, churches should be put up at moderate expense, with heating and ventilation provided on approved principles (T. Brown, 1893). Secondly, wealthier congregations should help provide poorer congregations with church buildings by refraining from investing large sums of money to erect grandiose churches for themselves; a General or Central Building Fund would be set up to help those that needed pecuniary assistance (T. Brown, 1893). After the Convocation in November 1842,⁴ the leading ministers and elders of the future Free Church set up a Provisional Committee to make plans for creating the new Church. The Provisional Committee had consulted architects and builders and had circulated a series of drawings with three types of churches that could accommodate 350, 650 or 1,000 sittings (see Figure 1 to Figure 6). The estimated construction costs were £230, £400, and £750 respectively, or around 15 shilling per sitting. After the series of drawings were circulated, the Architectural Sub-committee of the Provisional Committee invited commentary from the congregations, which were asked whether they would adopt one of the three economical church styles (Provisional Committee of Ministers and Elders, Church of Scotland, 1843b). Congregations were also encouraged to give their views about the stability or permanence of the structures (Provisional Committee of Ministers and Elders, Church of Scotland, 1843b). For example, would it be better to lathe or plaster the walls in order to withstand Scotland's inclement weather (Provisional Committee of

⁴ During the meetings of the Convocation, the future leaders of the Free Church united the like-minded ministers and decided to leave the Established Church together.

Ministers and Elders, Church of Scotland, 1843b)? If so, what would the additional cost be (Provisional Committee of Ministers and Elders, Church of Scotland, 1843b)? What were the best materials for construction in different localities (Provisional Committee of Ministers and Elders, Church of Scotland, 1843b)? Could Free Church adherents help with construction costs by “furnishing materials, or supplying carriages, or performance of work” (Provisional Committee of Ministers and Elders, Church of Scotland, 1843b)? Moreover, congregations were also invited to report on difficulties they faced, such as finding a suitable site for their church or locating a place for temporary worship (Provisional Committee of Ministers and Elders, Church of Scotland, 1843b).

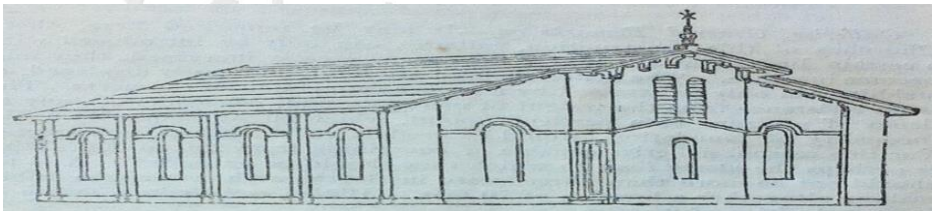


Figure 1: A Perspective Sketch of the Outer Appearance of the Smallest-sized Church (Provisional Committee of Ministers and Elders, Church of Scotland, 1843d: 3)



Figure 2: A Perspective Sketch of the Outer Appearance of the Medium-sized Church (Provisional Committee of Ministers and Elders, Church of Scotland, 1843d: 4)

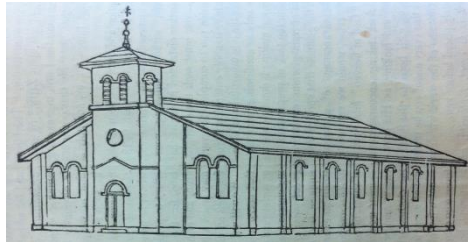


Figure 3: A Perspective Sketch of the Outer Appearance of the Largest-sized Church (Provisional Committee of Ministers and Elders, Church of Scotland, 1843f: 2)

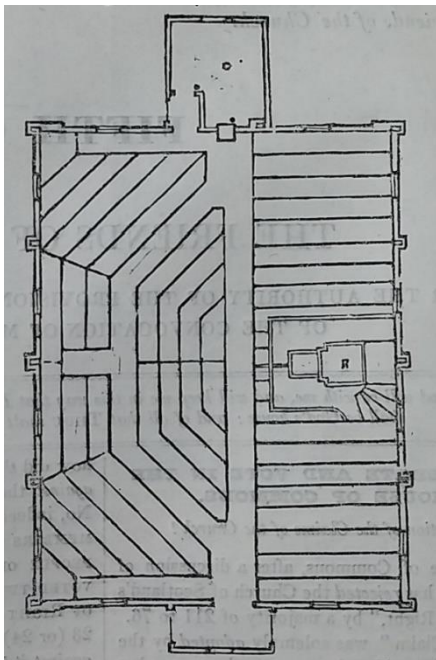


Figure 4: Ground Plan of the Smallest-sized Church (Provisional Committee of Ministers and Elders, Church of Scotland, 1843d: 4)

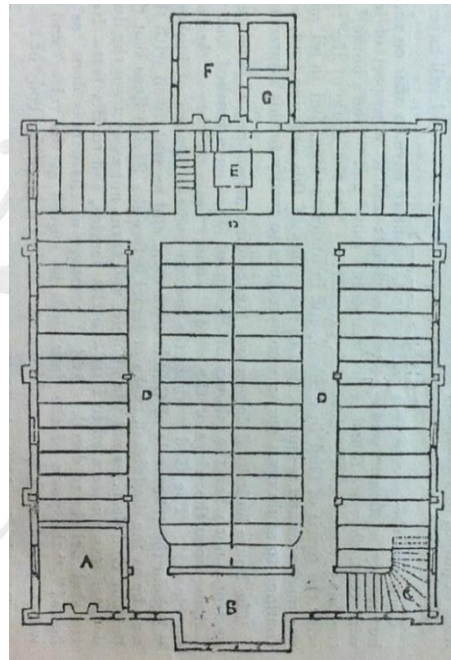


Figure 5: Ground Plan of the Medium-sized Church (Provisional Committee of Ministers and Elders, Church of Scotland, 1843d: 3)

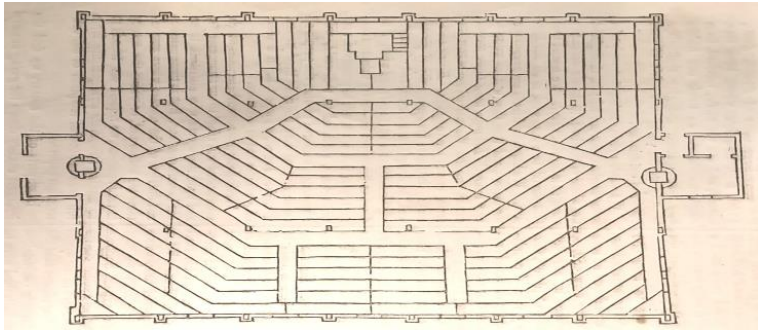


Figure 6: Ground Plan of the Largest-sized Church (Provisional Committee of Ministers and Elders, Church of Scotland, 1843f: 2)

The Architectural Sub-committee (later was replaced by the Building Committee at the Assembly of May 1843 after the Free Church was established) provided further detailed instructions on church buildings in circulars issued in May and June 1843. The first circular provided practical suggestions regarding the supports in the walls, the stone foundations of the building, the arrangement of the pillars, rafters, and purlin, the adoption of buttresses or rubble walls, the methods for heating and ventilation, and the adjustments needed for different districts in view of weather conditions and the materials available (Provisional Committee of Ministers and Elders, Church of Scotland, 1843b). The second circular included information about how to add more sittings by extending the length of buildings, full descriptions and specifications of proposed churches', and the regulations concerning grants to subsidise church building (The Witness, 1843, June 21). Here are some examples of the adjustment of church designs. For example, the original accommodation for a medium-sized church was 750 sittings (with the dimension within the walls being 65 feet 9 inches by 49 feet). However, the Architectural Sub-committee now observed that "if the area be made 12 feet shorter, which is equal to the width of 5 pews, the accommodation will be diminished by 150 sittings, leaving 600 sittings"; while "if the accommodation is to be *increased*, an addition to the length of 14 feet 3 inches, which is equal to the width of 6 pews, would give an increase of 170 sittings, making a total of 920" (Provisional Committee of Ministers and Elders, Church of Scotland, 1843c: 2). The Sub-committee provided a new series of the drawings with the

circular. They were roughly the same as the old ones, but were more refined and comprehensive. An example is of one of these drawings, for smallest-sized church with 350 sittings, and ventilation and heating system, is given in Figure 7.

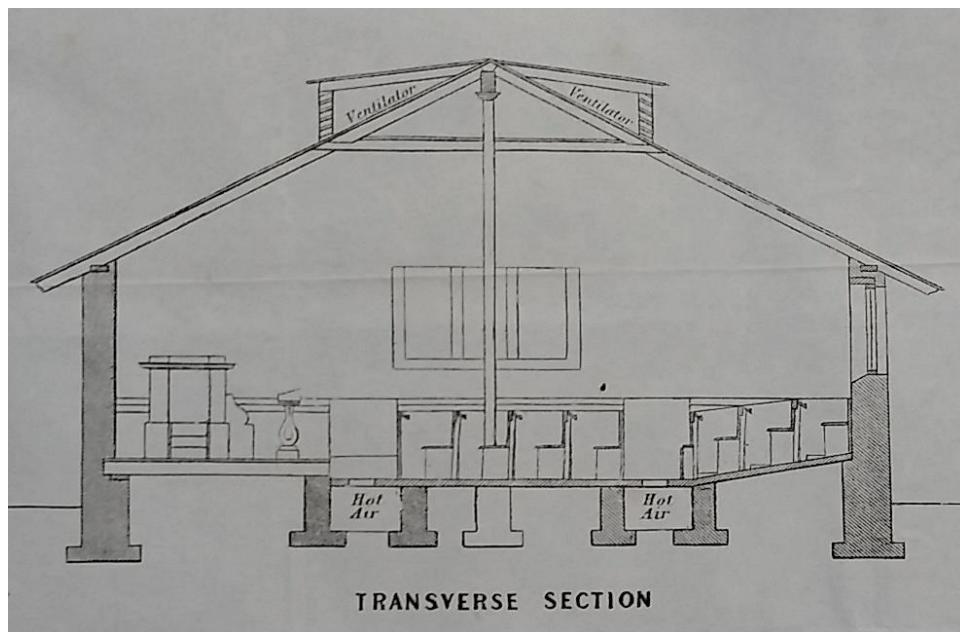


Figure 7: A Transverse Section of the Smallest-sized Church with Ventilation and Heating (Cousin & Gale, architects, 1843)

The Architectural Sub-committee also recommended Canonmills Hall as a model church building. Its attractive features included “*the lowness of the walls* (not being more than 12 feet high), and *the simple form of the roof* (divided into three roof, each of which is not of greater span, nor composed of more expensive materials)” (Provisional Committee of Ministers and Elders, Church of Scotland, 1843c: 1). “Dispensing with lofty and massive walls, and wide expanded roofs” would save a large amount of money and materials (Provisional Committee of Ministers and Elders, Church of Scotland, 1843c: 1). The low roof could also improve acoustics, and thus strengthen the effect of preaching (Provisional Committee of Ministers and Elders, Church of Scotland, 1843c: 1). The parish

church of Unst in Shetland, with an accommodation of about 1,100, had a roof of this kind and the building had already stood for fifteen or sixteen years (The Witness, 1843, June 21). While he observed that “the heavy gales of wind and falls of rain are much felt in those islands, and there are few slate-roofs that do not occasionally give cause of complaint”, James Ingram, minister of Unst, was “not aware that one drop ever penetrated through the composition roof” (The Witness, 1843, June 21).

After the Disruption, the Building Committee urged that every congregation should consider a future school when making plans for building their church. They should either erect the church and school together, or leave enough space “for the subsequent erection of adjoining Schools” (The Witness, 1843, July 1 & 8). This had been the practice in the church extension campaign of the Established Church in the 1830s (The Witness, 1843, July 8). If a congregation could not afford to build the church and school at the same time, space within the church could be used as a temporary school room (Provisional Committee of Ministers and Elders, Church of Scotland, 1843a). To economise the use of the indoor space, the Committee also devised a bench, as shown in Figures 8 and 9, and a sets of such benches could be assembled as tables for the Communion (Provisional Committee of Ministers and Elders, Church of Scotland, 1843a).

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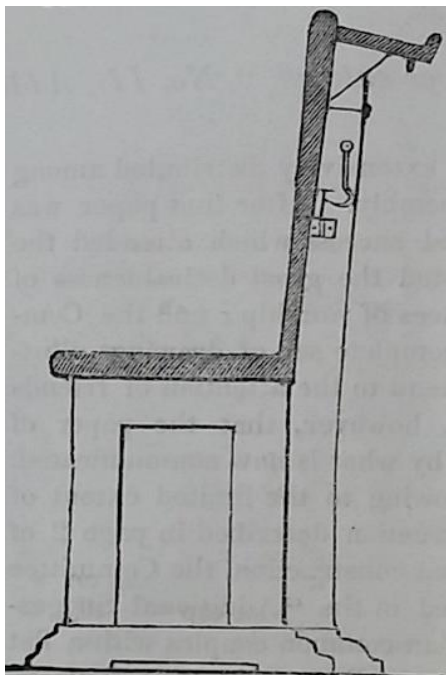


Figure 8: Bench in Its Usual Position (Provisional Committee of Ministers and Elders, Church of Scotland, 1843a)

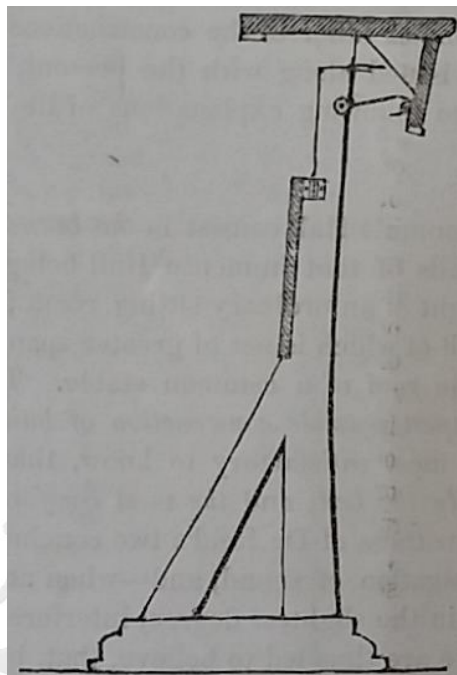


Figure 9: Bench when the Seat is Removed, and the Back Folded Down to Form the Table for Communion (Provisional Committee of Ministers and Elders, Church of Scotland, 1843a)

The Building Committee estimated that the construction costs of a church in a town could be kept under 15 shilling per sitting (excluding the value of the site) (Provisional Committee of Ministers and Elders, Church of Scotland, 1843a). In the rural areas, the Committee expected that the cost would be even lower (Provisional Committee of Ministers and Elders, Church of Scotland, 1843a). Moreover, if congregations could obtain free materials and labours from their adherents, the cost could be decreased to less than 10 shilling per sitting (Provisional Committee of Ministers and Elders, Church of Scotland, 1843a). Congregations could obtain funds for church construction by establishing a local building fund and by receiving subsidies, if needed, from the General Building Fund (T. Brown, 1893). The

Committee would grant up to 5 shilling per sitting to those congregations in need of pecuniary help, but the total expense of the church should not exceed 15 shilling per sitting (Provisional Committee of Ministers and Elders, Church of Scotland, 1843c). This rule aimed to discourage congregations from building extravagant churches (Provisional Committee of Ministers and Elders, Church of Scotland, 1843c). The Committee, moreover, urged wealthier congregations not to ask for subsidies (Provisional Committee of Ministers and Elders, Church of Scotland, 1843c). If there were residual funds, the Committee would consider giving additional grants to congregations in needy or remote districts (Provisional Committee of Ministers and Elders, Church of Scotland, 1843c). Some had suggested employing professional architects as inspectors to ensure the quality of the construction, but this was rejected as involving “too great an expenditure” (Provisional Committee of Ministers and Elders, Church of Scotland, 1843c: 4). Instead, the Committee chose to employ construction foremen as district building inspectors to observe construction work and report to the Assembly (Provisional Committee of Ministers and Elders, Church of Scotland, 1843c).

B. Progress in Fund-raising and Church-building in 1843-47

The framework of collecting contributions and setting up a central fund for the future Free Church had devised and proposed by Thomas Chalmers, one of the most important figures in leading people to leave the Established Church of Scotland, before the Disruption. Generally speaking, his plan was to raise subscriptions from local associations – each association was divided into several manageable districts and in each district, there was to be a voluntary collector who would undertake aggressive household visitations. People could make contributions to either local funds or the central fund, and then the latter would be used to subsidise poor congregations by means of a central committee. Hence, this plan would ensure that the new Church would be a national one.

Chalmers emphasised the moral value of donation and the importance of contributions, especially, from the lower social ranks. Chalmers believed in “the power of infinitesimals” (T. Brown, 1893: 297-299), and he would demonstrate this

mathematically. For instance, during the Convocation he had estimated that the total of a-penny-a-week contributions from every household in Scotland would be £100,000 annually,⁵ which would provide an annual income of £200 to 500 ministers (Wilson, Candlish & Rainy, 1880). Above all, Chalmers maintained that every subscription would be “an example which more may follow, and it cannot be followed without exerting good moral influence on the hearts of those who follow it” regardless of its pecuniary amount (Chalmers, 1843: 2). That is to say, the act of contributing “is not an affair of arithmetical calculation of mere money, but it is an affair of moral calculation of motives and forces which act upon the inner man” (Provisional Committee of Ministers and Elders, Church of Scotland, 1843e: 1). The moral ground was applicable to both the wealthy and the poor in Chalmers’s view – “the rich, on the one hand, looking not merely to their own things, but looking also the things of others; and the poor also doing their uttermost to earn the superior blessedness of those who give rather than receive” (Provisional Committee of Ministers and Elders, Church of Scotland, 1843e: 1). And this would also contribute to a sense of community between rich and poor (Provisional Committee of Ministers and Elders, Church of Scotland, 1843e).

Examples were also given by Chalmers to stimulate people to contribute. A poor man in the town of Perth made a weekly subscription of two-pence by the money he spared from shaving by himself, instead of going to the barber (Provisional Committee of Ministers and Elders, Church of Scotland, 1843e). An orphan girl came to the collector and said “I am poor indeed, but God has promised to be a farther to the fatherless. I will stand by my Father’s cause”, and she gave two shillings for her brother and herself by selling the eggs produced by the three hens they owned (Provisional Committee of Ministers and Elders, Church of Scotland, 1843f: 4). An unemployed young slater within the Pilgrim association in Edinburgh gave his word that when the new church was built, he would help to slate it

⁵ A pound (£) was divided into twenty shillings; one shilling (s.) was divided into twelve pence. Hence, a penny (d.) was 1/240 pound. In 1843, a skilled artisan (such as a factory worker of pottery) could earn a weekly wage of around £2 and a pound of bread cost around 1.8d (Rogers, 2006).

(Provisional Committee of Ministers and Elders, Church of Scotland, 1843e). Apart from labour, land was contributed as donations as a site of a church as well. Some, moreover, subscribed money for a new church and a manse for the present minister in their parish (Provisional Committee of Ministers and Elders, Church of Scotland, 1843e).

Prior to the Disruption, Chalmers as well as other leading ministers and elders had invested immense effort in propagating the idea of the central fund and helped form associations throughout Scotland; the sum raised for the Central Building Fund by the Disruption had amounted to over was £104,000, consisting of £61,675 from direct donations or periodical subscriptions, £28,523 from local associations, and £14,578 as the outcome from the additional collection-week campaign in the preceding April (Proceedings, 1843 May).

At the General Assembly of October 1843, John Hamilton, convener of the Building Committee, presented the report on the state of the Building Fund. The Committee had been engaging in corresponding with the congregations, and all but around 100 congregations had responded (Proceedings, 1843 Oct.). According to the information collected from the approximately 600 congregations, the Committee estimated that the average church would have 600 sittings and that the average cost of building a church would be £500 (excluding the expense for the sites); the total amount needed would be £350,000 (£500 x 700 churches) (Proceedings, 1843 Oct.). So far the sum raised for church-building amounted to £207,898, and this consisted of £56,065 from direct contributions for Central Building Fund, £20,115 from associations for Central Building Fund, £116,718 from subscriptions for local building funds, and an estimated value of £15,000 of church buildings built by individuals (Proceedings, 1843 Oct.). The Committee's report provided several examples of individual generosity in church building: "The Dowager Marchioness of Breadalbane gives a church, and also a manse, at Langton"; "Lord Breadalbane, besides presenting to the Presbytery of Perth the entire stock of larch timber ... has given 2,000,000 of slates from his celebrated quarries in Argyllshire, the value of which alone is not less than 4000 sterling"; "the Earl of Zetland has not only given sites both for churches and manses gratuitously ... giving to the Presbytery of

Stirling the free use of a new and very valuable church in the important town of Grangemouth” (Proceedings, 1843 Oct.: 100).

Having agreed to the principle of a grant of 5 shilling per sitting, the Committee now reported that 137 congregations had received grants and another 210 would soon receive a grant (Proceedings, 1843 Oct.). The Committee estimated that about 100 congregations would be capable of building their churches without the help of the Central Fund (Proceedings, 1843 Oct.). They urged that other wealthier congregations strive not to draw from the Central Fund, so that it could be used to assist poorer congregations (Proceedings, 1843 Oct.).

When presenting the report of the Financial Committee, Candlish introduced Chalmers’s “half-a-crown scheme” as the supplementary scheme by which every parish could raise money for the Central Building Fund. The scheme encouraged members to donate half-a-crown or two shillings and six pence per month for the General Building Fund – every 1200 members who did so would raise £150 for a church (Free Church of Scotland, 1843c). Subscribers were encouraged to give “*more than one Half-Crown for each Church*” and they could also decide “*the number of Churches for which they subscribe*” (Free Church of Scotland, 1843c). A list of such subscriptions made at Aberdeen in early September was presented; all the subscribers promised to give half-a-crown every month for each church (except one who gave two half crowns) (Free Church of Scotland, 1843c). For example, David Duncan, a manufacturer at Arbroath pledged half-a-crown each to 500 churches, which meant a monthly donation of around £60 (Free Church of Scotland, 1843c). Candlish suggested that “subscription papers would go round the audience” at the Assembly. It was later reported that 11,444 half-crowns were subscribed (many of them were from Glasgow merchants) – this together with other donations raised £3,205 for the General Building Fund (Proceedings, 1843 Oct.).

At the Assembly of 1844, the Building Committee reported that the fund for building churches now amounted to £241,055 (Proceedings, 1844). The goal was still to build 700 churches at a total sum of £350,000, and the number of the “churches built and completed, or on the point of immediate completion”, was 470 (Proceedings, 1844: 219-220). It is worth noting that not all of the 470 churches were

free of debt (Proceedings, 1844). The Committee could not give the gross amount of the debt, but it believed that “the sum now in the central fund falls very far short of what would be necessary for the extinction of that debt” (Proceedings, 1844: 222). As for the Building Committee expenditure, the primary expense was the grants made to subsidise church construction – £43,057 had been given to 304 congregations during the past year (Proceedings, 1844). Other expenses included £2,482 for the deputation to England, £809 for the deputation to America, £521 for the tents furnished to the parishes in Sutherland and other destitute districts, and £224 for aiding a “floating manse” (Proceedings, 1844: 225). The balance of the Central Building Fund was £30,880 in May 1844, and the Committee urged every congregation to keep raising funds. The revenue of the Central Building Fund came mainly from the subscriptions collected through associations (around £42,665 in 1843-44) and from contributions from England, America, and Ireland (£24,036, £7,620, and £5,829 respectively) (Proceedings, 1844). However, the outcome of the half-a-crown scheme – the total subscriptions to it were £5,055 – was not satisfactory to the Committee (Proceedings, 1844).

Church building progressed steadily after 1844. The Building Committee reported that 60 additional churches had been completed in 1844-45, and that in May 1846 the total number of churches in the Free Church was 625 (Proceedings, 1846). The amount that had been expended on these 625 churches was about £357,000, and the debt on them had been reduced (Proceedings, 1846). Despite this progress, however, the Committee was hard-pressed financially. In many cases, congregations could not pay the builders on time while in some districts the tents dispatched as temporary accommodation were “literally torn to shreds” (Free Church of Scotland, 1845b: 1-2). The balance of the Central Building Fund in May 1845 was less than £6,000 and the Assembly had to appoint a collection week, from 11 to 17 August 1845, for funds for church building (Free Church of Scotland, 1845b: 1-2). In this collection week, the Committee raised £9,746 (Proceedings, 1846). In 1845-46, £5,697 was paid to 64 congregations to subsidise church building; £2,200 was given to 43 congregations to assist in clearing off their debts, and there were now at least 440 churches entirely free of debt (Proceedings, 1846). The amount in the Central

Building Fund in May 1846 was around £5,800 (Proceedings, 1846).

In 1846 the Building Committee intended to adjust the half-a-crown scheme so that it could be applied to more people (Proceedings, 1846). To simplify the scheme, the Committee proposed that each person should subscribe for 100 churches; meanwhile the lowest subscription per church to be only 3pence (Proceedings, 1846). There was no maximum amount to be subscribed per church (Proceedings, 1846). In October 1846, the Committee issued a circular, informing that there would be a collection week for the Central Building Fund from 22 to 29 November, and collecting cards were sent to each congregation or deacons' court (Free Church of Scotland, 1846c).

At the Assembly of 1847, the Building Committee reported on the progress in church building. There were now 676 churches completed, of which 487 were entirely free from debt (Proceedings, 1847). The balance of the Central Building Fund dropped to about £900 in May 1847, and it was soon exhausted (Proceedings, 1847). On 3 January 1848, the Committee issued a circular, calling for more subscriptions and donations. The balance against the Fund now was £9,347, as Table 1 shows. Although the Free Church had now built over 600 churches, the Committee noted that a considerable number of congregations still did not have a church (Free Church of Scotland, 1848). The Fund required more money if the Free Church were to fulfil its ambition of being a national Church (Free Church of Scotland, 1848).

Table 1: Debt of the Central Building Fund on 3 January 1848 (Free Church of Scotland, 1848)

	£	s.	d.
1. Positive obligations	891	13	2
2. Promises of aid—			
1st, for 5shilling (per sitting) grants	2,689	5	0
2nd, for debt	809	15	2
3. Applications for 5shilling (per sitting) grants	1,491	10	0
4. Applications for aid to pay debt—			
1st, in cases where no aid has been given	1,535	0	0

2nd, where 5shilling (per sitting) grants have already been made	2,990	1	0
	10,407	4	4
Deduct total fund of the Committee, but not immediately available	1,059	15	10
Balance against Committee	9,347	8	6

III. SITE-REFUSAL AND PETITION TO PARLIAMENT

Site-refusal had been a major issue for the Free Church after the Disruption. Some landed proprietors kept rejecting applications of the Free Church adherents for a site to build churches and manses. The situation in the northern parts of Scotland, especially in Sutherland and Ross, was the worst (Proceedings, 1843 Oct.). In the south, the congregation of Canobie could not find a proper place to worship because the Duke of Buccleuch, who owned all the land in the district, would not allow them to meet on his property (Rainy, 1871). As a result, the congregation could only assemble “on a piece of waste ground” or “on a part of the public highway” (Illustrations, 1854: 1). The scene of their assembling for public worship was portrayed by Hill, as shown in Figure 10. “No tent could be used as it would have been illegal to dig holes on the roadside for the necessary supports”; “all that could be done was to select a spot near some trees which on stormy days might serve partially to break the force of the blast” (T. Brown, 1893: 431). Thomas Guthrie, another leading figure of the Free Church, was indignant at such action (Smeaton, 1900), and Cunningham who was sent by the Acting Committee of the Commission to the district in November 1843, denounced the conduct of site-refusers and described Buccleuch as “a culprit” (Rainy, 1871). Despite the efforts of these Free Churchmen, the problem of the site-refusal of Canobie remained.

Congregations also took action themselves to communicate with the site-refusers. The Free Church Congregation of Cawdor asked the Earl of Cawdor for a site, and in September 1843 they were informed by the Earl’s factor that they were allowed to build “a shed or temporary place of worship on the pasture or waste lands

at Newton of Budgate”, but at the same time the Earl stated that he had the right to take back the land “at any time, on giving three months’ notice” (Proceedings, 1843, Oct.: 47). A severe case involved Wanlockhead, Dumfries, where the Free Church congregation had to meet in the open air 1,500 feet above the sea level (T. Brown, 1893). Conducting Sunday services in such conditions was difficult especially in winter (T. Brown, 1893). Hill made an image of the scene, as shown in Figure 11. In the sketch, the congregation were marching towards the meeting place, which was “in a ravine about 500 yards distant from the village”, and the wooden erection served for a pulpit with people gathering around it (Illustrations, 1854: 1). In July 1843, they made their first petition to the landowner, Duke of Buccleuch, asking for a site for building a church, but “the receipt of it was not acknowledged” (T. Brown, 1893: 438). They tried a few more times afterwards, and the lord’s factor replied that their request was rejected (T. Brown, 1893). The open-air worship scene did not change until they received a tent from Edinburgh in December 1845, but the tent could not stand the harsh weather and only lasted for a few months (T. Brown, 1893).



Figure 10: Open-air Worship at Canonbie (Illustrations, 1854)



Figure 11: Open-air Worship at Wanlockhead (Illustrations, 1854)

In order to acquire the latest and the most accurate information, the Assembly of 1844 sent a deputation around Scotland to investigate site-refusals. The Building Committee then presented a comprehensive report on site refusals in May 1845. It noted that about three-fourths of the population at Wanlockhead had joined the Free Church, but their application for a site had been refused (Proceedings, 1845 May). The congregation could still meet in the open air or in private houses, and sometimes the minister, Thomas Hastings, had to divide his people into groups and preached in about six, or even nine, places on a Sunday (Proceedings, 1845 May). The Building Committee suggested that tents should be sent to them to ease the difficulties (Proceedings, 1845 May).

Besides, there were discussions over the cases where entirely unsuitable sites were granted. James Begg, a member of deputation, held that this was simply another form of site-refusal and gave a few examples (Proceedings, 1845 May). One of these cases was that of Carmylie, Angus, where there were three proprietors (Proceedings, 1845 May). After applying for a site, the congregation just received an offer from one of them, but the site was unsuitable for the congregation, as most of the congregation had to walk 2.5 miles to get to it (Proceedings, 1845 May). A site was

also granted at Glenlivet, Moray, but it was “ten miles away from the place” the congregation had wanted, and, moreover, only two Protestant families lived near the site (Proceedings, 1845 May). Regarding the ongoing site-refusal, the Building Committee proposed that the Assembly should petition to Parliament for redress. The Committee hoped that such petition would capture the attention and sympathy of the people of England (Proceedings, 1845 May). Believing that most site-refusing noblemen had been “grossly misled and misinformed” about the Free Church, the Committee believed that petitioning would help them to see the truth and change their attitude towards the Free Church (Proceedings, 1845 May). The Assembly approved the proposal to petition Parliament and it also agreed to carry out a more thorough investigation into site-refusal (Proceedings, 1844 May; Acts, 1845).

On 3 June 1845, the Assembly completed the draft of the petition. In the petition, the Assembly stated that in some parishes after two years the people still lacked for a suitable place for worship as a result of site-refusal by certain proprietors (General Assembly of the Free Church of Scotland, 1845). What they asked for was “the liberty to purchase, on any reasonable terms, sites for their churches” so that people would be able to “discharge the religious duty of assembling themselves together for the public worship of God” (General Assembly of the Free Church of Scotland, 1845: 6). The Assembly claimed that their appeal was grounded on “the principles of religious toleration, which form a distinguishing characteristic of the British Constitution” (General Assembly of the Free Church of Scotland, 1845: 7). It identified fourteen instances of site refusal and attached them to this petition; all these cases represented “parishes and districts where their congregations are still worshipping in the open air, or in tents, or in some other way equally uncertain and precarious” after repeated failed applications (General Assembly of the Free Church of Scotland, 1845: 7). Table 2 summarises these fourteen cases, most of them in the Highlands and Islands. While the fourteen instances were not all the cases; they were selected as examples of clear injustice (Proceedings, 1845 Aug.).

Table 2: Instances of Site-refusal in the Petition of the Free Church to Parliament (General Assembly of the Free Church of Scotland, 1845: 7-38)

Name of parish or congregation	Total population	Number of adherents to the Free Church	Site-refuser(s)
Lochcarron, Ross-shire	1960	1900	Thomas Mackenzie
Shieldag, Ross-shire	1899	Nearly all the population	Ditto
Applecross, Ross-shire	962	Three-fourths of the population	Ditto
Strathspey, Inverness-shire	6700	2000 in Grantown, the centre of this area and 1000 in Duthil	Earl of Seafield
Cawdor, Nairnshire	About 1000	Nearly the whole population	Earl of Cawdor
Small Isles (including Islands of Eigg, Rum, and Canna)	Not given	Almost all of the population	Dr. Hugh Macpherson
Kirkoswald, Ayrshire	Not given	Not given	Marquis of Ailsa
3 cases in Ardnamurchan (parishes of Ardnamurchan, Acharacle, and Strontian)	8579	The greater part of the population	Sir James Miles Riddell of Ardnamurchan and Sunart, Baronet
Canonbie, Dumfries-shire	3000	160 families (around 600 to 800 people)	Walter Francis, Duke of Buccleuch and Queensberry
Wanlockhead, Dumfries-shire	800	Between 350 to 450	Ditto and the Earl of Hopetoun
Wamphray, Dumfries-shire	Not given	400	Hope Johnstone of Annandale, Rogerson of Wamphray, Mrs. Maxwell of Munshes, Misses Proudfoot of Gateside, and Rogerson of Girthhead.
Isle of Skye	Not given	Not given	Lord Macdonald

The Assembly also included with its petition the correspondence of these congregations with the site-refusing proprietors, and it conveyed the reasons given by these landowners for refusing sites. The most common reason was that the Free Church's "language and conduct has been subversive of social order" (Proceedings, 1845 Aug.: 67). Macpherson, the sole proprietor on the island of Eigg and a member of the Established Church of Scotland, stated that since the Free Church was "hostile to the Established Church" and aimed to overthrow it, he could not "make a perpetual grant of land for purposes of annoyance and hostility" (General Assembly of the Free Church of Scotland, 1845: 23). He insisted that the people on his estate had all been treated equally regardless of their religious opinions (General Assembly of the Free Church of Scotland, 1845), and his most earnest wish was "to promote peace and good-will" amongst the population (General Assembly of the Free Church of Scotland, 1845: 23). If there was no site for a Free Church Macpherson believed that people would return to the Established Church (General Assembly of the Free Church of Scotland, 1845). This view was shared by other landowners. Although Sir James Miles Riddell said that he had no right "to interfere with any man's liberty of conscience", he denounced the separation of the Free Church as a "schism" (General Assembly of the Free Church of Scotland, 1845: 28). Determined to support the Established Church, the Marquis of Ailsa refused "to patronise anything that interferes with it" (General Assembly of the Free Church of Scotland, 1845: 38).

The Assembly also pointed out other forms of persecution in the petition. It noted that sites were "offered in situations so unsuitable as to amount to a refusal, or under conditions such as to prevent the erection of a proper and suitable church", and a good example of the latter was the case of Canobie (General Assembly of the Free Church of Scotland, 1845: 10-11, 30). It also observed that some proprietors threatened to evict tenants who joined the Free Church (General Assembly of the Free Church of Scotland, 1845). In the final part of the petition, the Assembly insisted that site-refusal would not force Free Church adherents to return to the Establishment (General Assembly of the Free Church of Scotland, 1845).

Robert Buchanan, one of the members of the deputation to London, reported to the Assembly of August 1845. The deputation had endeavoured to circulate the

petition as extensively among the members of Parliament as possible, and they received “very great encouragement from members of the Houses of Parliament—from both of the leading parties” (Proceedings, 1845 Aug.: 62). They also communicated with site-refusing proprietors in London, pointing out the “unreasonableness and injustice” of their conduct, and noting that their names would be removed from the petition if they changed their mind (Proceedings, 1845 Aug.: 61). Only one site refuser – who was not among the fourteen cases in the petition – promised to end site-refusals on his estate (Proceedings, 1845 Aug.).

On 25 July 1845 the Free Church petition was discussed in the House of Commons, and Sir James Graham, the Home Secretary, gave his response. Graham first maintained that everyone was “equally entitled to all the benefits of toleration” (Hansard, 1845 July 25, lxxxii: 1094), a principle Sir Robert Peel, the Prime Minister, had also expressed when he discussed the subject of sites for Roman Catholic chapels in Ireland a few months earlier (Hansard, 1845 April 3, lxxix). Sir James said that while the cases of site-refusal could not be justified, there might have been “exaggeration in this petition” especially considering the heat and anger caused by the recent Disruption (Hansard, 1845 July 25, lxxxii: 1094-1095). Hence, Sir James suggested that “each case must be decided with reference to its own peculiar circumstances”, and he believed that toleration would soon prevail (Hansard, 1845 July 25, lxxxii: 1095-1096). There followed a short discussion, in which some members of Parliament sympathised with proprietors while some sided with the Free Church (Hansard, 1845 July 25, lxxxii).

There was also discussion on this issue in the House of Lords. The Marquess of Breadalbane maintained that the adherents of the Free Church were “good citizens and obedient to the laws” and argued that they “should not be precluded from that free exercise of their religion” which was promised by the principle of toleration of the British Constitution (Hansard, 1845 July 10, lxxxii: 307). However, some Lords disagreed with the Marquess. Defending his own conduct, the Earl of Cawdor said that initially he had refused to grant a site because he believed that the Disruption would prove short-lived (Hansard, 1845 July 25, lxxxii). He later offered a site for the Free Church on condition that “it should be removable at six months’ notice,

which he thought a perfectly reasonable one” (Hansard, 1845 July 25, lxxxii: 308). The Duke of Buccleuch claimed that the Free Church preachers “had excited feelings of hostility against the Established Church and the landed proprietors” with such hostile expressions as “the Establishment ... ought to be swept from the face of the earth” (Hansard, 1845 July 25, lxxxii: 308). For the Duke, this justified his refusing them a site.

The Assembly of May 1845 had appointed another deputation to investigate site-refusal in the Highlands and Islands, and they reported the Assembly in August. Since some congregations still met in the open air or even on the seashore (Proceedings, 1845 Aug.), Begg proposed the idea of “floating churches” (Proceedings, 1845 Aug.: 74). Although the Free Church could not build churches on land in certain districts, the floating “iron churches” might be moored in the bays (Proceedings, 1845 Aug.). Begg had discussed this idea with local people, who welcomed it (Proceedings, 1845 Aug.). Begg believed that this would be practicable “in Kilmalie, Strontian, Ardnamurchan, and in all the districts of Skye” (Proceedings, 1845 Aug.: 74). Besides, the Assembly had been distributing tents for open-air worship. After Begg’s report, Candlish suggested that all congregations which had encountered the problem of site-refusal should keep making applications to the proprietors, and that presbyteries should continue updating information of the issue so that the Assembly could make another appeal to Parliament (Acts, 1845).

At the Commission in November 1845, Graham Speirs, convener of the Committee on Refusal of Sites and also Sheriff of Midlothian, was appointed to carry on further correspondence with all the site-refusing landlords and to collect updated information. On behalf of the Committee, Speirs wrote to the site-refusers to renew the application for sites, but most site-refusers remained hostile. A common response was absolute refusal. In his reply to the Committee on 14 January 1846, Sir James Miles Riddell claimed that the existing churches and schools in Ardnamurchan were sufficient for local people and that he was not responsible for the lack of churches for the adherents of the Free Church, whom he believed had been “led astray” (Free Church of Scotland, 1846b: 12). Sir James added that the people on his estates had lived “in harmony and peace, like members of one family”, but now the Free Church

ministers taught them “to regard all who differ from them with feelings of hostility and distrust” (Free Church of Scotland, 1846b: 12). Hence, he refused to grant a site to a denomination which was “anti-social and anti-Christian” (Free Church of Scotland, 1846b: 12-13). In the final part of his response, Sir James promised that he would evict any tenants who felt aggrieved by his conduct (Free Church of Scotland, 1846b). Proprietors who had offered unsuitable sites, such as the Earl of Cawdor, declined to offer any better sites, while some proprietors, such as the Duke of Buccleuch, simply refused to respond to the Free Church letters.

In May 1846, the Committee on Refusal of Sites reported to the Assembly and proposed the next plan. Regarding congregations located near the sea, the Committee had in late 1845 “entered into a contract with an eminent builder of iron vessels at Port-Glasgow, Mr Wood for an iron church capable of containing 700 sitters” (Free Church of Scotland, 1845c: 15). The estimated construction cost would be around £2,000 (Proceedings, 1846). The floating church was finished in June 1846, and was “towed to Loch Sunart and moored 150 yards offshore” (Ansdell, 1998: 78). Figure 12 presents a drawing of the floating church; the number of worshippers could be estimated from outside, as for every 100 people on board the church would sink one inch in the water (Ansdell, 1998). However, because neither tents nor floating churches could be the permanent solution, the Committee insisted that an act of Parliament should be necessary (Proceedings, 1846). On 22 April 1846, the Committee had issued a circular, noting that a bill “for compelling and regulating the sale of Sites for Churches, Manses, and Schools to Christian Congregations” would soon be introduced into the House of Commons, and urging people to petition Parliament in support of the bill (Free Church of Scotland, 1846a). Entitled “A Bill to enable Christian congregations in Scotland to obtain sites for places of worship”, the bill stated that when a Christian congregation could not obtain a site of worship, it could seek the help of the local Sheriff who would be responsible to “inquire into the circumstances of the case, visit the spot, and allocate the ground necessary for the purpose” (Proceedings, 1846: 104). The Assembly approved the report and urged

the Committee to petition Parliament again (Proceedings, 1846).



Figure 12: The Floating Church of Loch Sunart (T. Brown, 1893: 656-657)

On 19 May 1846 Fox Maule introduced the bill into the House of Commons along with 115 petitions from various places in Scotland in favour of it (Hansard, 1846 May 19, lxxxvi), and on 10 June he delivered a speech at the bill's second reading. Maule began by stating the bill was necessary as the Free Church had tried all other means (Hansard, 1846 June 10, lxxxvii). The Free Church, for instance, had sent a deputation in 1844 to discuss the issue with the government, but they received "no actual remedy" (Hansard, 1846 June 10, lxxxvii: 207). Some congregations had been compelled by site-refusing landowners "to hold their meetings for public worship on the seashore, on the mountain tops, and in public roads" (Hansard, 1846 June 10, lxxxvii: 209). Tolerance, Maule added, was all the Free Church asked for – "they only claimed for themselves the right of worshipping God according to their consciences" (Hansard, 1846 June 10, lxxxvii: 221). To guarantee that "every man in the country should be permitted to worship God in decency and peace", the bill required that "an eighth of an acre in some instances, one-fourth in others, and at the most two acres of a man's land, might be taken to provide sites whereon to build churches" (Hansard, 1846 June 10, lxxxvii: 221).

While accepting the principle of toleration, Sir James Graham opposed the bill on the following grounds. First, he held that site-refusal had "arisen from some misunderstanding" in some cases (Hansard, 1846 June 10, lxxxvii). In his view, there

was “no substantial difference” between the Established Church and the Free Church, and he believed that the passing of time would soften the conflict; indeed, he noted, a few site-refusers had already changed their minds and granted sites (Hansard, 1846 June 10, lxxxvii).⁶ If the Free Churchmen would “wait a little longer”, Sir James believed that all that they asked for would be achieved (Hansard, 1846 June 10, lxxxvii). Secondly, Sir James Graham argued that passing the bill would not reduce the tensions between the two sides. An inevitable result of this bill, Sir James predicted, would be that sheriffs would “choose a position for the Free Church immediately adjacent to the parish church” (Hansard, 1846 June 10, lxxxvii: 227). And this would only increase religious strife (Hansard, 1846 June 10, lxxxvii). The bill was withdrawn.

The House of Lords again discussed the petitions on the subject of site-refusal on 21 July, but the result was similar to that of the previous year. The Marquess of Breadalbane, representing the Free Church, stated that the total number of the petitions had amounted to 296 with 39,781 signatures, that site-refusal was a form of persecution, and that the principle of religious toleration should be exercised (Hansard, 1846 July 21, lxxxvii). In response, the Duke of Buccleuch argued that Free Churchmen agitated the people against the landowners (Hansard, 1846 June 10, lxxxvii), and argued that site-refusal was a question between landlords and tenants, not between landlords and the government (Hansard, 1846 June 10, lxxxvii).

Despite the failure of the bill, petitioning Parliament had brought positive results. By June 1846, when Maule introduced his bill in Parliament, seven sites had been obtained from former site-refusers, including three sites in Ross, two in Inverness, one in Aberdeen and one in Forfar (Free Church of Scotland, 1847). Five more were subsequently granted in Nairn, Aberdeen, Banff, East Lothian and Perth (Proceedings, 1847). By 18 February 1847, a memorial of the Free Church stated that at least 27 site-refusing cases still existed,⁷ and Table 3 presents these cases.

⁶ Sir James held that the Westminster Confession of Faith was common to both parties and “the difference is only one of discipline”.

⁷ Aside from these 27 cases, there were other proprietors who had refused sites, but the memorial did not provide further information about them (Free Church of Scotland, 1847).

Edward P. Bouverie, although not a Free Church adherent, then moved in the House of Commons for the appointment of a select committee to investigate site-refusal in Scotland. The Commons approved and appointed him the chairman of the Select Committee on Sites for Churches, which began taking evidence on 22 March 1847.

Table 3: Congregations in Want of Sites according to the Free Church Memorial on 18 February 1847 (Free Church of Scotland, 1847)

Name of congregation	No. of sites required	Number of congregation	Site-refusing proprietors
Canonbie, Dumfries-shire	1	400 to 600 people	Duke of Buccleuch
Wanlockhead, Dumfries-shire	1	Around 350 people	Ditto
Isle of Skye, Inverness	4	Great body of the people adhered; the congregations varied from 600 to 1200).	Lord Macdonald
North Uist, Inverness	2	Great body of the people adhered	Ditto
Harris, Inverness	3	Great body of the people adhered	Countess of Dunmore
Ardnamurchan, Argyle	1	Very large proportion of the population adhered	Sir James Miles Riddell
Strontian, Inverness	1	600 to 800	Ditto
Torosay, in the Island of Mull, Argyle	1	about 200	Colonel Campbell of Possil
Ardchattan, Argyle*	1	from 300 to 400	Campbell of Lochnell and Cameron of Barcaldine
Grantown, Inverness	1	Almost the whole population of the town adhered	Earl of Seafield
Duthil, Inverness	1	Almost all the inhabitants of the parish adhered	Ditto
Culsamond, Aberdeen	1	About 300 or 400	Henry Lumsden of Auchendoir, and other two, but Lumsden was most eligible

Ballater, Aberdeen	1	About 300 or 400	Trustees of Mr. Farquharson of Monaltrie
Kilfinnan, Argyle	1	Very large number adhered	Lamont of Lamont
Strachur, Argyle	1	Around 600	Campbell of Strachur and MacLachlan of Stralachlan
Kirkoswald, Ayr	1	Considerable number adhered	Marquis of Ailsa
Forfar, Angus	5	Not given	Lord Panmure

* A site had been given and a church was built; this congregation needed sites for a manse and a school.

Consisting of 14 members, including Sir James Graham and Fox Maule, the Select Committee on Sites for Churches first interviewed Graham Speirs to obtain an overall picture of site-refusing cases. They asked Speirs whether he had communicated with all the site-refusing proprietors and how he had acquired the population statistics for the districts (Select Committee on Sites for Churches, 1847). Speirs replied that when the Free Church petitioned Parliament in 1845, there were 43 cases of site refusal, of which 31 cases remained – but a few days later when he was interviewed for the second time, he corrected it and stated that the present number was 29 (Select Committee on Sites for Churches, 1847). Speirs also claimed that the Free Church had from 700,000 to 800,000 members and that about 16,000 of them (not including people under the age of 12) still had to worship in the open air (Select Committee on Sites for Churches, 1847). In addition, Speirs stated that the leases that the Free Church congregations had for sites on which to build their churches were usually short – there were 630 cases of short leases varying from 10 to 22 months – which was also a source of great insecurity (Select Committee on Sites for Churches, 1847).

The Select Committee interviewed 37 people in total, as shown in Table 4. They included seventeen Free Church ministers, two Free Church elders, five proprietors, five factors, four farmers or tenants of site-refusers, three medical men, and a minister of the Established Church of Scotland. Sometimes other topics,

though not directly related to site-refusal, were discussed during the interviewing. When Mackintosh Mackay, a Free Church minister in the Highlands, was summoned to give his statements, he was asked to explain “Evangelical preaching” and “Moderate preaching” and to explain the differences between the doctrine of the Free Church and the Established Church (Select Committee on Sites for Churches, 1847). On 21 May, when Chalmers was interviewed, he was asked about the violent language employed against the Established Church, as well as broader issues relating to the Disruption, including spiritual independence and the election of Free Church ministers (Chalmers, 1847).

Table 4: Interviewees of Parliamentary Reports on Site-refusal in Scotland

Occupation	Name of Interviewee
Free Church Ministers	Peter Hope of Johnstone and Wamphray, Dumfries-shire
	Dr. Angus Makellar of Pencaitland, Haddingtonshire
	Dr. Robert Gordon of the High Church Parish, Edinburgh
	Thomas Guthrie of Free St. John's, Edinburgh
	George Innes of Canobie, Dumfries-shire
	Patrick Borrowman of Glencairn, Dumfries-shire
	George Shepherd of the united parishes of Kingussie and Insh, Inverness-shire
	Finlay Macpherson of Kilbrandon, Argyleshire
	Mackintosh Mackay of Dunoon, Argyll
	Peter MacLean of Tobermory, Mull
	John MacRae of Knockbain, Munlochy, Ross and Cromarty
	John Swanson of Small Isles, Argyll (translated to Nigg in 1847)
	Norman MacLeod of Trumisgary, North Uist
	Roderick MacLeod of Snizort, Isle of Skye, Inverness-shire
	Alexander Beith of the North Church in Stirling
George MacLeod of Lochbroom, Ross and Cromarty	
Dr. Thomas Chalmers, formerly Free Church minister; now Principal and Professor of Divinity in the Free Church College of Edinburgh	
Proprietors or factors	W. F. Campbell, an Episcopalian proprietor in the island of Islay
	James Matheson, proprietor of the whole island of Lewis, in the West Islands
	George Dickson, an agent for the Caledonian Bank, at

	Grantown, Strathspey
	Sir A. Campbell, a factor of Lord Breadalbane
	A. K. Mackinnon, a factor of Lord Macdonald's in Skye
	H. MacAskill, a proprietor in the island of Mull
	J. Tait, a trustee under the will of George Earl of Dunmore
	Duke of Richmond, a proprietor who had estates at Inveravon
	C. Stewart, a factor of Lord Hopetoun, upon his Lanarksire Estate
	J. E. Dalrymple, son of Sir Robert Elphinstone Dalrymple
Farmers or tenants	J. Grant, a farmer on Lord Seafield's estate in Strathspey
	J. Allen, ditto
	James MacGregor, a farmer in Duthil and a tenant of Lord Seafield's
	C. Elder, a tenant of Lord Macdonald and a collector at the parish of Sleat, Skye
Free Church Elders	Graham Speirs, Sheriff of Edinburgh
	J. Crawford, Jun.
Medical men	A. Aldcorn, a general practitioner who had lived in Argyle for 40 years
	S. M. Martin, a medical man and a native of the Isle of Skye
	J. C. Orchard, a medical man in Grantown who had lived in Strathspey for many years
Established Church minister	James Stewart of Abernethy

One of the main concerns of the interviewers was to investigate whether, as certain proprietors alleged, Free Churchmen had used violent language against the Established Church. James Stewart, the Established Church minister in the parish of Abernethy, claimed to have heard of violent language used against those remaining in the Establishment: for example, a Free Church preacher in Perth was reported to have said that the members of the Established Church in the parish of Abernethy “had the devil’s mar” or “the devil’s tar on them, as the sheep are marked” (Select Committee on Sites for Churches, 1847: 52). However, although Stewart claimed that such language was “used generally, and especially by the leaders of the Free Church at the time”, he could not recall any other cases (Select Committee on Sites for Churches, 1847: 56). Similarly, when asked if Candlish and Beith had said

anything offensive to the existence of the Established Church when preaching in Abernethy, Stewart replied that he could not recollect any examples (Select Committee on Sites for Churches, 1847).

The Select Committee did find evidence that on 8 April 1843 Candlish had said that “the same view of duty which lead us to leave it (the Establishment), will also of course lead us to aim at the overthrow of the Establishment that remains” (Select Committee on Sites for Churches, 1847: 59). The Committee put this quotation to the Free Church ministers and asked for their opinions. According to the Free Church minister, Peter Hope, no hostility or animosity existed between the Free Church congregation and Established Church congregation in his parish, nor had he heard any violent language directed against the Duke of Buccleuch in Canobie (Select Committee on Sites for Churches, 1847). Dr. Angus Makellar responded that “we would neither say nor do anything against that Establishment” (Select Committee on Sites for Churches, 1847: 59). Guthrie admitted that there had been “strong words” about the Established Church immediately after the Disruption (Select Committee on Sites for Churches, 1847). Mackintosh Mackay also stated that “violent and extreme language was used at the period of secession, and immediately subsequently, by persons connected with the Free Church”; nonetheless, he stressed that he was opposed to such language and he believed it had ceased (Select Committee on Sites for Churches, 1847: 114).

The Select Committee asked the interviewees if they knew of cases of dismissal or eviction of those joining the Free Church. Generally speaking, there were no flagrant cases of such; however, some interviewees indicated that there were rumours. For example, two farmers on the Earl of Seafield’s estate in Strathspey stated that Donald Cameron, the late overseer at Castle Grant, was dismissed in consequence of his adherence to the Free Church (Select Committee on Sites for Churches, 1847). However, Stewart, the Established Church minister, believed that Cameron was dismissed because the Earl “considered him an inefficient servant” (Select Committee on Sites for Churches, 1847: 53).

After the Committee finished its investigation, Bouverie proposed “A Bill to enable Religious Congregation in Scotland to obtain Sites for Places of Worship” in

the House of Commons. On 17 May 1848 when Bouverie moved the second reading of this bill, he stated that the Committee had reached a unanimous conclusion. They agreed that some congregations were forced to worship at unsuitable places which risked harm to their safety and health (Hansard, 1848 May 17, lxxxxviii). These congregations all belonged to the Free Church, and they numbered some 35 (Hansard, 1848 May 17, lxxxxviii). Bouverie then explained the content of the bill. Congregations that had been refused a site could appeal to the Court of Session, which would give notice to the proprietor, and would ask the local sheriff to inspect the case and report to the court (Hansard, 1848 May 17, lxxxxviii). If the court sustained the appeal, the sheriff “should be directed to go to the estates, and select a proper place, with certain limitations as regarded the convenience of the proprietor”, for the congregation (Hansard, 1848 May 17, lxxxxviii: 1154). Although a few members of Parliament held that the bill “must equally be adapted to other Dissenting bodies” and some thought that “a general measure of this sort was very objectionable” when there were only about 30 cases of site-refusal, the bill passed its second reading by a vote of 80 to 25 (Hansard, 1848 May 17, lxxxxviii).

There was further debate in the Commons at the bill’s third reading. The debate was once centred on the violent language used by some Free Churchmen, and a few representative quotations from the *Witness* were read out by a member of Parliament (Hansard, 1848 June 7, lxxxxix). For Sir James Graham, the bill was not necessary as over 700 had now been erected by the Free Church and there were only about 30 cases of site-refusal (Hansard, 1848 June 7, lxxxxix). Sir James acknowledged that “it was true that since this subject had been before the Parliament last year, only one concession had been made”, but he “fully believed that they would have heard of more concessions but for the present ill-advised attempt at legislation” (Hansard, 1848 June 7, lxxxxix: 494-495). He maintained that passing the bill would only enhance the hostility between the site-refusing landowners and Free Church adherents. Such arguments proved effective and on 20 July 1848, the third reading of the bill was defeated by 98 votes to 59 (Hansard, 1848 July 20, lxxxxix). Although the bill was not passed, more and more site-refusers gave way to public opinion and the requests of Free Church congregations, and by “1850 nearly all the Free

Churches in Scotland had been built in fairly convenient positions” (Smeaton, 1900: 68).

IV. CONCLUSION

The measures the Free Church adopted to raise money for church building were through a network of collecting contributions from its members throughout Scotland. A local building fund was set up in every congregation, and people could contribute for building their own churches. Meanwhile, subscriptions for the General Building Fund were collected through associations, and these funds were used to assist poorer congregations. Drawings of recommended designs for churches had been circulated prior to the Disruption, and guidance for constructing decent but economical churches was also provided. The total construction costs could be estimated in advance and congregations could raise the funds they needed. Apart from the purpose of controlling costs, this helped create unity of the Free Church as a whole since it encouraged wealthier congregations not to build costly and extravagant churches for themselves but rather to contribute to helping poorer congregations have decent church accommodation. By June 1848, the Free Church had built 725 churches.

One of the main difficulties encountered by the Free Church was the policy of site-refusal that was pursued by certain proprietors, which meant that a number of Free Church congregations were forced to worship in the open air. After persistent but unsuccessful communication with the site-refusing landowners, the Free Church leaders had in 1845 petitioned Parliament for legislation, appealing to the principle of religious toleration. This principle was generally accepted by members of Parliament, but some site-refusing members of the House of Lords defended their deeds by arguing that the Free Church preachers had agitated popular opinion against both the Established Church and the landowners. In March 1847, Parliament appointed a committee to investigate the issue, and the report indicated that there were around 35 cases of site-refusal and that in some cases people suffered serious inconveniences and even illness. A bill that would have authorised sheriffs to select

a suitable site a church, if the landowner refused to do so, was introduced into Parliament. Although the bill was not passed, the site-refusals eased afterwards.

The history of how the Free Church launched its church building campaign was a good example of church management in the nineteenth-century Scotland, and we could see how the leading figures played an important role in making plans and instructing the members of this new Church. In addressing the difficulties in the post-Disruption period, the Free Church General Assembly was efficient in collecting information about site-refusals and mobilising people to petition Parliament. The Free Church was also flexible in its approaches. The Assembly tackled the issue of the site-refusal by not only raising additional funds for these congregations, but also by distributing tents as temporary shelters. Such creativity also helped individual Free Church congregations overcome difficulties, and a good example was the floating iron church built in 1846 to allow a congregation denied a building site to worship on Loch Sunart. Most importantly, this article also reveals the spiritual commitment of the Scottish people to the Free Church cause in the 1840s. The most convincing evidence was the funds raised for church building – £227,837 in 1843-44, £115,592 in 1844-45, £66,066 in 1845-46, and £46,698 in 1846-47 (total amount: £456,193);⁸ not to mention that some artisans were willing to donate their labour and that people gave materials for church-building. In addition, there were multiple cases of people impairing their health, or even risking their lives, due to open air worship. Such martyr-like deeds required resolute faith, and these aroused public sympathy and influenced many to adhere to the Free Church.

⁸ Public Accounts in the *Proceedings*, 1843-47.

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蘇格蘭自由教會之建立與拒地之問題—— 教堂興建與宗教寬容之爭取，1843-1847 年

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提要

蘇格蘭自由教會（Free Church of Scotland）是在 1843 年蘇格蘭教會（Established Church of Scotland）分裂後，由超過 450 名決定離開國教的牧師所創建。新建立之蘇格蘭自由教會的首要工作之一即是在蘇格蘭境內廣建教堂，然其信眾卻遭遇某些地主的反對，他們拒絕將土地租給或售給自由教會的信眾，迫使他們僅能在露天集會與禮拜。本論文利用蘇格蘭自由教會的教會記錄、發給會眾之通訊和手冊、自由教會與地主的通信內容、與英國國會的調查報告，首先探究自由教會在拒地之地區所遭遇的困難與因應之道。自由教會發表聲明並譴責拒地違反了宗教寬容的原則，而宗教寬容乃英國憲政所保障；自由教會透過對於國會的請願，要求國會介入調查，而國會也於 1845 年開始討論此議題。宗教寬容成為國會辯論主題，拒地之地主亦提出其主張，表明其行為係為了保護國教，並主張宗教寬容精神不應適用於那些破壞社會秩序與造成紛擾的教派。最終在 1847 年國會調查拒地問題之後，此問題逐漸消滅。拒地問題之外，本文也會一併說明自由教會領導人所提出之中央建築基金（Central Building Fund）之計畫與執行情形。此一中央基金的概念是由查麥士（Thomas Chalmers）所提出，其用意在於將各地的募款匯集後，用以補助偏遠或貧窮地區興建教堂的花費，如此便能建立一個新的蘇格蘭民族教會。

關鍵詞：蘇格蘭自由教會、教堂興建、拒地、宗教寬容、國會請願

輔仁
宗教研究