Aspects of the career of Alexander Berry, 1781-1873

Barry John Bridges
University of Wollongong
NOTE

This online version of the thesis may have different page formatting and pagination from the paper copy held in the University of Wollongong Library.

UNIVERSITY OF WOLLONGONG

COPYRIGHT WARNING

You may print or download ONE copy of this document for the purpose of your own research or study. The University does not authorise you to copy, communicate or otherwise make available electronically to any other person any copyright material contained on this site. You are reminded of the following:

Copyright owners are entitled to take legal action against persons who infringe their copyright. A reproduction of material that is protected by copyright may be a copyright infringement. A court may impose penalties and award damages in relation to offences and infringements relating to copyright material. Higher penalties may apply, and higher damages may be awarded, for offences and infringements involving the conversion of material into digital or electronic form.
Chapter 11

CHURCHMAN

In the United Kingdom the Established Churches of England and Scotland constituted major parts of the landed interest. They taught social doctrines supportive of that interest. In New South Wales the attempt in the later eighteen twenties to Establish the Church of England and give it a substantial stake in the land failed. Henceforth the landed interest in New South Wales had to make do without the backing of a State Church or a doctrine of the unity of Church and State. Whatever their doctrinal position, clergymen in most instances had no option but to serve as voluntaries, and tended to identify with the aspirations of their contributors and approve of yeoman settlement.

This chapter concerns Berry's support for the principle of Establishment, the British concept of the relationship of gentry and clergy and the social doctrine of the Church of Scotland, his brief period as lay representative of the Church of Scotland in New South Wales, defeat of his ideals and his eventual defection to the Church of England.

While delayed at Kedgeree in India Berry had asked a Brahmin about a Moslem tomb he had seen nearby. The Brahmin said very earnestly that he hoped Berry had not in any way desecrated the tomb. The young Scot expressed surprise that the Brahmin took such a reverential interest in something which had nothing to do with his God or religion. The Indian replied with animation:

God is who? God is the Creator & sustainer of the universe. His works are infinitely various & therefore it is only reasonable that his creatures should pay their adoration to him in different forms - but that does not alter the nature of the Deity. My God, your God, ye God of the Mahometans is the same God.

In old age Berry marked this 'Lesson of Liberality' as a
formative influence in his life.\(^1\) Henceforth he respected all forms of reverence for the Creator and expressed abhorrence for intolerance and dogmatism.\(^2\) Berry's adventures at sea confirmed his belief in predestination but he also believed that 'God only helps those who help themselves'.\(^3\) For him 'our God is a God of Love' who wished all earthly creatures to live happily. In return he was to be loved rather than feared.\(^4\) This is not the wrathful Old Testament God of Evangelicals and Scottish Dissenters but it was a view not inconsistent with mainstream Presbyterian teaching of the time at which he wrote.

From his settlement in New South Wales Berry was supportive of all major branches of Christianity. From 1822 he and Wollstonecraft were donors and collectors for erection of a Catholic chapel and supporters of the Catholic appeal for State aid. Catholics viewed them as friends\(^5\) although their assistance may have been given with an eye to business. Berry married Elizabeth Wollstonecraft in the Church of England.\(^6\) In 1828 he occupied a place in the administrative structure of the Church of England by virtue of being a Legislative Councillor.\(^7\) From the eighteen forties onwards he belonged to the Church of England congregation at North Sydney and increasingly

---

1 Berry to Mrs Carter 4/2/1865, BP.
2 Berry to Rev. W.B. Clarke 15/1/1860, Rev. W.B. Clarke Correspondence, v 34 (ML MSS 139), 64-64.
3 Berry to C.B. Robinson 31/5/1855, BP.
6 SG, 26 Sep. 1827.
7 Extract from the proceedings of Committee of Trustees of Clergy and School Lands 4/7/1828, HRA, v XV, 171.
supported Church of England causes financially. Nevertheless, he continued to identify as Presbyterian until 1864.

The Church of Scotland's emphasis on social harmony meant that Church and State were viewed as inseparable, Establishment a matter of doctrine rather than ecclesiastical convenience. Such was the poverty of Scotland and its Church that until the eighteen thirties that Church preferred to abandon followers in colonies to the Church of England rather than risk conflict which might cause the more powerful Church to attack its position as an Established Church at home. Berry was a passionate supporter of Establishment. He viewed Scottish Dissenters as living in breach of the duty of social harmony and ecclesiastical unity and subordination and was, like many other Church of Scotland loyalists, less charitable in his opinion of them than of members of non-Presbyterian denominations. Berry seems to have been quite untroubled by the illogicality of 'multiple Establishment' or 'indiscriminate endowment' as practised in New South Wales.

It seems that Berry joined the informal congregation which gathered to hear the Rev. John Dunmore Lang on his arrival in 1823 as the first minister. He contributed

---

8 Berry was a generous supporter of the Church of England parishes of North Sydney and Shoalhaven, St Paul's College in the University of Sydney and a fund for the education of clergymen's daughters. See BP passim.

9 It was not until after three ministers acting on their own initiative formed the Presbytery of New South Wales on 14 December 1832 that the General Assembly of the Church of Scotland on 24 May 1833 passed a Declaratory Enactment and Recommendation as to Colonial Churches stating that it was 'proper and expedient' for ministers to form church courts in the colonies. See Barry Bridges, 'The Presbyterian Churches in New South Wales 1823-1865 with particular reference to their Scottish relations', PhD thesis, University of St Andrews, 1985, 30-32.
twenty guineas for erection of a church and was one of twelve magistrates amongst the thirty-two Presbyterians who petitioned Governor Brisbane in July 1824 for a State stipend for their minister. Lang's biographer has represented Berry as at first one of the minister's intimates. This is certainly a mistake for Berry long afterwards testified somewhere that he had only ever met Lang briefly and in formal situations and there is nothing in the papers of either man hinting at any intimacy. From the start the minister displayed a genius for alienating people. In his first decade in the Colony he was censured by the Legislative Council and received reprimands from two Secretaries of State for the Colonies. He was not the sort of man with whom Berry would seek to associate.

Late in 1831 Lang returned from a visit to Britain with three 'professors' and the promise of State aid for founding the Australian College, an institution to educate males through all stages to bachelor degree equivalent. Unfortunately for him Lang was considered to have promised then withdrawn his support for each of two rival grammar school ventures and to have been less than honest in representations to the Secretary of State leading to the granting of aid. He needed to broaden the base of his scheme quickly by installing a governing council of weight in the community and resorted to impressment of prominent colonists to secure it. Berry, not being a supporter of the venture, did not attend the meeting of

11 Memorial from Members of the Presbyterian Church, encl. in Brisbane to Bathurst 14/8/1824, HRA, v XI, 342-343.
13 SG, 8 Jan. edl, 14,21 & 28 Jan., 31 Mar. including letter Lang to Sec. of Committee of Sydney College, & 5 Apr. 1832, letter from Lang.
shareholders on 23 December 1831 which elected a council of thirteen. More than thirty years later he testified that he still had no idea how he came to be elected.\textsuperscript{14} Lang desperately needed financial support and possibly hoped Berry's inclusion would not only add another Member of Council but also apply moral pressure on a reputedly well-to-do man to become a shareholder. After being named on the council Berry did feel obliged to become a shareholder, but only to the extent of a single share.\textsuperscript{15}

According to Thomas Barker, members of council 'all commenced with a full and ardent desire to carry out this undertaking'. That mood was soon dampened. Under the constitution council was to 'have the exclusive management and disposal of the funds of the College, and the entire control of all matters relative to the erection of buildings'. When it was found that subscriptions were a mere trickle council felt compelled to order severe cuts in the building programme. Lang said nothing in opposition but, pleading contractual obligations to the artisans and defeatism in the council, carried on as before with ill-controlled, extravagant building and could not be brought to give any account of his proceedings. Disgusted council members ceased to attend meetings. The body soon fell into abeyance, although not formally dissolved until 1841. Berry testified that it was obvious at the few meetings he attended that Lang could not be brought to abide by directions and that it would be 'perfectly useless' to

\textsuperscript{14} Resolutions intended to form the basis of a Constitution for the Australian College, passed at the first General meeting of the Shareholders, held in Sydney 23\textsuperscript{rd} December 1831, Papers on Education etc (ML A357), 305; Australian, 30 Dec. 1831; Legislative Assembly, Report from the Select Committee on the Mortgage on the Property of the Scots Church, Sydney, 7 June 1865, ev. 26, Berry 21/1/1864.

\textsuperscript{15} Australian College Ledger No. 2, small notebook in Lang Papers, v 16 (MLA 2236), 22.
continue going.  

Late in 1832 an acrimonious split occurred in Lang's congregation. The Rev. John McGarvie, a quiet, able, dignified man who had fallen out with Lang became minister of a second charge in Sydney.  

Berry was among a number of the more socially prominent Presbyterians who went over to McGarvie.

By mid 1836 Lang had in effect split the Colony's Presbyterian Church, then consisting of a presbytery overseeing five charges. He had personally recruited all of the ministers, in the process grossly exaggerating the comfort of their situations and likely emoluments. Confronted instead with pioneering on the margins of a raw convict colony where religion was derided several turned to drink. Lang insisted that Presbytery was corrupt in that the majority resisted the application of discipline to delinquent members. In particular he assailed McGarvie (whom he admitted led a blameless life) with great virulence, attributing much of the problem to McGarvie's adherence to the Moderate party in the Church which dealt with ministers' personal failings with charity and forbearance. Lang argued that as the ecclesiastical court was too small and its members too dispersed to function effectively the only solution was a resort to voluntaryism. The people could then starve out any delinquent or inefficient minister. Ironically Lang was himself the

16 Report from the Select Committee on the Mortgage ... Scots Church, ev. 26, Berry, 27-30, Barker, 40-41, Lang; SMH, 22 Feb. 1859, letter from Berry. For Berry's attendance: Australian College Council, Lang Papers, v 16, 51-56.


18 Berry's signature is on a petition from McGarvie's supporters: Memorial to Governor Bourke 24/6/1833, Presbyterian Church Papers (DL Add. 113).
principal source of indiscipline: refusing to accept majority decisions, poisoning judicial proceedings, dishonourably blazoning to the world the sins of two ministers after persuading them to resign that they might go quietly, and constantly assailing colleagues and washing the Church's dirty linen publicly in a newspaper he operated under a front man.

McGarvie and his followers dismissed Lang's assertions as mere pretext. They argued that he was miffed because he could not get all his own way and was determined to destroy the Church of Scotland and State connections that he might bring a localised voluntaryist Church under his domination by exercise of his demagogic powers with the laity. While McGarvie held tenaciously to Establishment as doctrine he also argued the pragmatic consideration that without continued connection with the Scottish Establishment the Church in New South Wales could be no more than a small, uninfluential voluntary society, its ministers stripped of that distinction which their status as ministers of a great national Church gave them. Lang, whose congregation was as large as the other four put together, does not seem to have understood that none of the ministers outside Sydney could have survived financially without State aid. Whatever their private views they had no option but to support the Establishment principle.

In mid 1836 Lang departed for Britain saying that he was going for sufficient new ministers to permit reform of the Presbytery. Instead, on his return in December 1837 he persuaded five newly-arrived ministers, four of them Ulstermen, to join him in forming the Synod of New South Wales in opposition to the Presbytery. Within a short time it was apparent that each of the contending bodies had the support of about half the laity, both in Sydney and the country. Lang's policy of setting up his followers in direct opposition to his enemies in the Presbytery ensured that passions would be inflamed and created fear of civil
disorder, especially at Parramatta and Maitland.  

When Sir George Gipps arrived on 24 February 1838 to assume the governorship he found the Presbyterian schism the 'most important incident ... since the departure of Sir Richard Bourke'. After making enquiries concerning suitable individuals Gipps asked Berry and Alexander Brodie Spark to attempt to mediate a resolution of the conflict. It seems likely that they were chosen because of their prominence in the community and lack of close involvement with the clerical antagonists.

Berry and Spark interviewed Lang and McGarvie. According to Lang, Berry asked him what he wanted for restoration of unity and he replied by handing over a list of accusations against McGarvie, two other ministers and two elders, saying that all he required was a strict investigation of every case and an immediate and impartial verdict according to Church laws. Berry's version was that Lang made charges against McGarvie in the most rancorous spirit but when these were put to McGarvie in the interview with him he replied calmly that the charges were 'either false in toto, or gross misrepresentation' and expressed readiness 'to have the whole of his conduct investigated either by the Presbytery or other Competent authority'. Spark's report to the Governor was very brief and inconsequential; Berry's an expression of despair of effecting any reconciliation and of support for McGarvie's position. Dr Lang, Berry said, wanted to establish an independent voluntaryist Presbyterian Church in New South Wales whereas McGarvie and his supporters wished to remain an extension of the Established Church of Scotland, under the protection of the State and with Church property.

---

19 For discussion with documentation see Bridges, *op.cit.*, chaps 2-4.

20 Gipps to Glenelg 1/5/1838, *HRA*, v XX, 401.

21 *Colonist*, 9 May 1838.
protected by legislation.\textsuperscript{22} Lt-Colonel Kenneth Snodgrass, acting Governor at the time of schism and most prominent member of McGarvie's congregation, had been correct. Resolution of the schism was up to Lang's supporters who had the option of recanting and applying for admission to the Presbytery.\textsuperscript{23} Lang's charges against McGarvie contained nothing new and nothing of real substance. Gipps thought them 'very venial'.\textsuperscript{24} The Colonial Committee of the Church of Scotland dismissed them as consisting 'entirely of vague and general abuse, which the committee believe to be unmerited'.\textsuperscript{25} They provided an insubstantial basis for a schism over discipline and seemed to say far more about the accuser than the accused.

The schism was discussed in a one-sided debate in the Legislative Council on 31 July 1838. Presbyterians generally, and Synod supporters especially, were galled to find that Bishop Broughton, disliked by them for his Tractarian views, was allowed to take the lead and argue that incorporation of the Colonial Church into the Church of Scotland was essential to maintenance of purity of doctrine. Berry, derided in Lang's \textit{Colonist} as 'Professor of Church History', and Snodgrass, son of a Church of Scotland minister, followed to the same effect. Berry began by professing great respect for the heads of both parties but his argument was all on McGarvie's side and he was

\textsuperscript{22} Property and connection with the Church of Scotland were protected by the Presbyterian Church Temporalities Act of September 1837, a measure which Lang saw, in part correctly, as designed to frustrate him.

\textsuperscript{23} Spark to Gipps 24/4/1838, Berry to Gipps 27/4/1838, Despatches from the Governor of New South Wales to the Secretary of State 1838 (ML A1267-17), 2076, 2077-2080; \textit{Colonist}, 8 Aug. 1831: Berry's speech in LC 31/7/1838.

\textsuperscript{24} \textit{SMH}, 22 Feb. 1859, letter from Berry.

\textsuperscript{25} Minutes of the Colonial Committee of the Church of Scotland (National Library of Scotland Dep. 298), v 5, 47, 29/6/1839.
never again to profess any regard for Lang. He said that the Synod ministers were voluntaryists and that if they 'saw any hole they could creep out of without compromising themselves they would be very glad'.

In both his report to the Governor and his speech Berry acted not as an impartial would-be-mediator but as advocate for McGarvie's side. He admitted that at the time of being asked to mediate he knew very little of the controversy. He did little to remedy this defect. Lang's Synod claimed to be a body of Church of Scotland loyalists and refused to renounce that connection to obtain State aid under the Church Act. Berry did not know that while Lang might espouse voluntaryism certain of the ministers associated with him were rigid adherents to Establishment. He did not respond to a letter from the Rev. James Fullerton asking him to withdraw his allegation that the Synodians were voluntaryists and as late as the end of August was accepting other unfounded allegations against the Synod. Just as in politics Berry condemned Whig governors out of hand so too in this conflict he ignored specifics to take sides on the basis of the general principles of the leading protagonists.

For conservative Scots Presbyterians, such as Berry,

26 Colonist, 8 Aug. 1838. See also issue for 29 Sept. 1838.

27 Berry to Gipps 27/4/1838, Despatches from the Governor 1838, 2077.

28 In holding out State aid under the Church Act to Lang's Synod Gipps and the Executive Council were unaware that the Colonial Office had given an undertaking to the Church of Scotland not to extend State recognition to colonial Presbyterian bodies unconnected to it.

29 This applies particularly to the Revs William McIntyre and James Fullerton who later took leading parts in securing Lang's deposition from the ministry after he published a book advocating voluntaryism.

30 See Fullerton to Berry 27/8/1838 with Berry's annotations, BP.
Snodgrass and McGarvie, no less than for the Anglican gentry and clergy, local church judicatories and civil legislatures were required for the religious and civil rights of Britons; but equally necessary for preservation of unity of the Empire was a centralised source of spiritual authority parallel to the supremacy of the monarchy and Imperial Parliament. In arguing to this end in the Legislative Council Berry and Snodgrass set themselves in opposition to the essential principle of the Presbyterian polity: coextensiveness of representation and authority, and adopted a stance unacceptable to the great majority of Presbyterians, regardless of the side they took in the schism.

The Moderate party in the Church of Scotland, of which McGarvie was the leading local representative and Berry a supporter, believed in unity of Church and State, respect for the monarchy and social hierarchy, in the 'constitutional' approach whereby lesser judicatories were rigidly subordinated to rulings of higher ones for the sake of order, and patronage for the preservation of talent, respectability and orthodoxy and for avoidance of extremist practices in the ministry. Dissent was deplored as a species of rebellion. Under Moderatism the role of the laity was played down and the idea that it might take a major role in decision-making scouted. On the other hand, Lang, an Evangelical, insisted on the sanctity of the nexus between representation and jurisdiction and consequently believed in the necessary independence of the Colonial Presbyterian Church. Politically he believed in republicanism, basing his belief on the Scriptures, and looked to future colonial independence as a natural and welcome development. He believed in congregational selection of ministers through the call, and in all other respects in full participation of the laity in decision-making.

Berry's statements leave the distinct impression that his support could be counted on by almost anyone taking a stand for loyalty to the Church of Scotland and the
constitutional principle and asserting that this extended to the Colonial Church. On one occasion he urged Sir John Jamison to withdraw a petition which Jamison was in the act of presenting because it quoted a statement by a Church authority in 1647 at a time of Church resistance to the State, asserting the impropriety of giving currency to any such revolutionary statement. Berry was also intensely antagonistic to actions of the Evangelical leadership in Scotland during the lead up to the Disruption of the Church of Scotland in May 1843.

From the time of openly taking sides by his remarks in the debate of 31 July 1838 Berry remained spokesman for McGarvie's faction in the Legislative Council until the final suppression in 1842 of its resistance to decisions of the Colonial Church following its reunion in October 1840.

The Church of Scotland adopted a suggestion by McGarvie that it should assist Presbytery ministers challenged by Synod rivals by providing funds to help finance either their stipends or construction of churches. The Colonial Committee remitted to Berry and Spark first £300 and then another £200 to distribute as they judged best. They accomplished this task in a manner deemed 'judicious'. During a visit to Britain in 1839 as Synod delegate Lang made repeated vehement attacks on Principal Duncan McFarlan, convenor of the Colonial Committee, a leading Moderate and friend of John McGarvie, and more

31 Colonist, 8 Aug. 1838: LC 31/7/1838.
32 Berry to John Berry 3/3/1842, BP.
34 Bridges, loc. cit., 231-232.
broadly on the Church of Scotland. Only the strength of his following in New South Wales saved him from deposition from the ministry. The Colonial Committee in vindictive retribution used spurious arguments to persuade the Colonial Office to refuse Lang the customary half-salary for any part of the period of his absence as delegate. A copy of the correspondence on this matter was sent to Berry, 'a decided and judicious friend of the Presbyterian cause in New South Wales', with authority to make such use of it 'as he might consider prudent and necessary in the event of any misstatements or misrepresentations being made publicly or otherwise'. Berry had in effect been recognised as the Church of Scotland's agent and leading lay member in New South Wales.

The Presbytery of New South Wales was divided into two warring factions. Under McGarvie's leadership the longer-standing members rejected any suggestion of compromise, insisting both that the rebels submit to Presbytery as supplicants and acknowledge it as an integral part of the Church of Scotland. Younger ministers who had arrived during 1837 were troubled by stories of minister misbehaviour in earlier times and widespread lay support for Lang and alienated by persistent abuses of process and the chair by McGarvie and his friend James Allan. It insisted that Presbytery must vindicate its honour. The most potent cause of conflict between the two factions was the younger ministers' agreement with Lang that the Presbytery neither was nor could be part of the Church of Scotland.

Because of the questionable and inconsistent tactics of the McGarvie faction in Presbytery and its frustration of his efforts to effect a resolution of the schism Gipps was rendered sympathetic to the schismatics.

35 Russell to Gipps 26/9/1840 and enclosures, HRA, v XX, 826-835.
36 Minutes of the Colonial Committee, v 2, 140.
37 Gipps, the son of a Church of England minister, was not in the habit of attending non-Anglican churches.
1838 he responded to pressure to grant them State aid, bringing in a Bill to provide salaries for one year during which period the Church of Scotland would have an opportunity to signify its attitude. Berry brought the House to uproar by 'anile ravings' in which he made the outrageous charge, as being said 'out of doors', that Attorney General Plunkett, a Catholic, had introduced the Bill because 'he wished to weaken the Protestant religion in this Colony by dividing it in itself'. The Bill provided a precedent for any fractious priest who quarrelled with his neighbours to form a new Church, and if they could 'introduce a new form of church government, he could see no reason why they should not introduce a new religion'. This time Fullerton went public with his criticism of the 'obstinacy and perverseness' with which Berry attacked the Synod and the 'extravagant and incoherent nonsense' with which he did so.

By October 1838 McGarvie's faction had lost control of the Presbytery. A reunion was negotiated, to be frustrated by a despatch from the Colonial Office stating that the Church of Scotland had disowned Lang's Synod and that, in compliance with that Church's representations, the Synod's ministers were not to be allowed State stipends. The Church of Scotland authorities had made their decision on the basis of a memorial sent secretly by McGarvie giving his own one-sided view of the schism but signed by him as moderator, and therefore appearing to represent the views of Presbytery. Lang reoriented the schism by changing the central issue of contention to the right of the Church of

He signalled his displeasure with McGarvie when he and Lady Gipps attended service at Lang's church in their private capacities: Colonist, 25 July 1838.

38 J.D.Lang to Presbyterian Inhabitants of NSW, Colonist, 15 Dec. 1838 and SG, 18 Dec. 1838.

39 SH, 21 Sep. 1838: LC 18/9/1838. In later years Berry and Plunkett were friends and political allies.

40 Colonist, 29 Sep. 1838, letter from Fullerton.
Scotland to dictate to a colonial Church in its internal affairs. McGarvie's followers mustered the numbers to defeat a move in Presbytery early in 1839 to censure him for sending what his opponents called a spurious memorial but he insisted was an explanatory letter. By this time McGarvie's congregation had come to consist almost entirely of Church of Scotland loyalists and he was represented by its members as being attacked for his stout defence of the rights and privileges of the Mother Church against Dissent, schism and doctrinal laxity. His 'acquittal' was made the occasion for getting up a testimonial subscription and dinner. Berry subscribed two guineas but did not attend the dinner. It is an indicator of McGarvie's growing isolation ecclesiastically that his Moderate friends the Revs James Allan and John Gregor were the only two amongst his ministerial colleagues to subscribe.41

On 10 October 1839, aided by Lang's absence and McGarvie's loss of control of the Presbytery, the two Presbyterian bodies agreed to reunite on terms which included recognition of their individual responsibility to the Church of Scotland but independence of their ecclesiastical courts.42 McGarvie had given notice that he would do his utmost to prevent union on these terms, saying that he could not submit to any plan which required him to disclaim the jurisdiction of the General Assembly until it renounced jurisdiction.43 The day the agreement was signed McGarvie petitioned the Legislative Council for preservation inviolate of the supreme jurisdiction of the Church of Scotland and existing Acts concerning the

41 Australian, 15 Aug. 1839. Nearly all the subscriptions were of two guineas or less.
42 Legislative Council, Report from the Committee on the Presbyterian Church Act Amendment Bill, 29 Oct. 1839, 31, Minutes of Presbytery of NSW 10/10/1839.
43 Colonist, 19 Oct. 1839, Minutes of Presbytery of NSW 5/10/1839.
Scottish Church in New South Wales. He argued that the draft Bill approving union under a new synod involved a 'fundamental and dangerous alteration' to the constitution of the Church and asked for it to be treated as a Private Bill to allow evidence to be adduced in support of his premises.44

In the short period before introduction of the Bill into the Legislative Council Berry assisted McGarvie in lobbying members against it. They had no success. In presenting McGarvie's petition Berry asserted that the Bill cloaked a desire to do away with the Church of Scotland in the Colony altogether, but even his close friend William Lithgow, who had trained for the ministry in his youth, joined in dismissing that as nonsense and McGarvie's petition as irrelevant to the proposed legislation. Governor Gipps reported that ministers had assured him that they could maintain connection with the Church of Scotland without acknowledging jurisdiction, but he did not himself believe this was possible so he had added to the Bill a clause making operation of the legislation dependent upon approval by the Church of Scotland. At the Governor's proposal a select committee was appointed to hear McGarvie's objections. Berry hoist Lang on his own petard by referring to Lang's untruthful claim at the outset of the schism that he had been commissioned by the General Assembly and Synod of Ulster to reform the Church in New South Wales as evidence that even he acknowledged Church of Scotland jurisdiction. He warmly denounced as 'highly indecorous' the action of the younger Presbytery ministers in allegedly taking it upon themselves to lay down rules for the Mother Church. So passionately involved was Berry with this matter that his remarks became too contorted and incoherent for press reporters to deduce the substance of what he meant to say. According to the Colonist his excitement was so extreme that his feelings overcame him.

and he had to sit down. His emotion remained at such a peak that when he rose again after a pause he was still unable to speak. This display of high emotion moved even the courteous Gipps to laughter with the rest as he hastily adjourned the sitting. The *Colonist* asserted that Berry remained behind to recover his equanimity but the *Sydney Monitor* assured its readers that this was a caricature.45

On 12 November 1839 there was uproar in the chamber when Richard Jones read out a letter or petition from a young supporter of Lang asserting that McGarvie had enlisted in his service a 'clear [empty] headed old woman'. Jones denounced this as an insult to the Council; Berry merely expressed a pious hope that the writer, along with all other young men, 'might arrive at years of discretion'. However when Sir John Jamison said that McGarvie alone stood out against nineteen ministers wanting union Berry again lost composure, interjecting 'That is false' and Jones had to exert himself to smooth ruffled feathers and head off a clash.46

The select committee in its report noted conflicting evidence concerning jurisdiction of the Church of Scotland in New South Wales. Gipps accepted both its opinion that as the question was cognizable only in an ecclesiastical court no enactment could be satisfactory or permanent until the Church of Scotland's views were known and its recommendation that the Bill be withdrawn for the time being.47 McGarvie achieved a delay in reunion by twelve months.

Berry, in support of McGarvie, wrote to the Colonial Committee. His letter was received in May 1840 but not


47 Report on Presbyterian Church Act Amendment Bill; V&PLC, 1839, v 1, 12 Nov. 1839; *Colonist*, 13 Nov. 1839 : LC 12/10/1839.
ordered to be answered until August, when the Colonial Committee signified approval of the terms of the Bill.48

The Presbyterian Church Act Amendment Bill was reintroduced in September 1840. McGarvie again petitioned, contending that the Bill did not provide sufficient security against the new synod departing from the laws of the Church of Scotland.49 During debate on 21 September Berry rose several times in support of McGarvie's petition, and said that McGarvie was seeking the protection of the legislature because some of the ministers in favour of the Bill had stated their intention 'to turn Mr. McGarvie out altogether'. Gipps rejected McGarvie's pleas. Amendment of the Bill as requested would involve interference in Church government.50 The Bill, enacted as 4 Vic. No 18, was referred to and accepted by the Church of Scotland's Colonial Committee.51

The Colonial Church reunited at the beginning of October 1840 as the 'Synod of Australia in connexion with the Established Church of Scotland'. The Governor refused to recommend salaries for both contending ministers at Parramatta and Maitland; the number of Presbyterians in each of these districts justifying only one minister. In February 1841 Synod took up his suggestion that all four ministers be required to move, allowing congregations to reunite and call two new ministers. Ex - Presbytery ministers Allan and Gregor refused to budge. McGarvie gave

48 Minutes of Colonial Committee, v 6, 9, 1/5/1840; Extract from minutes of acting [executive] committee, HRA, v XX, 822. No copy of Berry's letter has been located in the BP. The original would have been amongst correspondence pulped during World War II.


50 Colonist, 24 Sep. 1840 : LC 21/9/1840.

both his friends firm support and orchestrated at least Allan's campaign of defiance. They claimed that the order dishonoured an undertaking prior to reunion that none of the ministers at Parramatta and Maitland would be required to quit. Synod resolved by fourteen to three that no undertaking had been given — but absent Rev. William Hamilton, a strongly principled Evangelical with no liking for the dissidents, accepted that there had been a 'solemn pledge' and a breach of faith. More potently the defiers argued that Synod was bound by its constitution to apply Church of Scotland law and that as neither pastor nor people wanted a separation and no fault, other than resistance to an unlawful direction, could be alleged against the ministers pastoral ties between Allan and Gregor and their congregations could not be severed. This was indeed the law; but the Government and Synod were insisting on an end to divisions in the towns.

McGarvie's strategy was for the beleaguered ministers and their supporters to petition the Governor and Legislative Council, the Secretary of State for the Colonies and the General Assembly praying for intervention to uphold the law. This response brought the issue into the area of conflict between Evangelicals and Moderates soon to result in the Disruption. Moderates asserted the right under Establishment to appeal to civil authorities to force Church judicatures to adhere to the law, civil and ecclesiastical. To Evangelicals this doctrine involved outright Erastianism: it was a denial of 'the Crown rights of the Redeemer in His own Church'. Berry, as rigidly committed to the Moderate viewpoint as McGarvie, acted as spokesman in the Legislative Council for the dissidents, to

52 Rev. William Hamilton, Diary (NLA MS 2117, folder 1), 19/2/1841.

53 Petition of a Committee of the Congregation of St. Andrew's Church, Parramatta, to the Governor and Council 21/6/1841, Despatches from Governor of New South Wales etc 1841-43 (ML A1267-20), 2699.

54 This was the catch-cry of those Evangelicals who in May 1843 seceded to found the Free Church of Scotland.
the evident annoyance of Governor Gipps who considered rightly that the Council was 'thoroughly tired' of the subject.55

The dissidents could not succeed. The Colonial Government was determined not to get involved in the internal affairs of any denomination, the Imperial Government had given an undertaking to take advice on matters pertaining to colonial Presbyterian Churches from the Church of Scotland, and that Church was eager not to be seen interfering in internal matters. When their appeals fell on deaf ears Gregor and Allan defected to the Church of England. McGarvie, his concept of the Church repudiated by the Church of Scotland itself, submitted and remained a fractious and unhappy member of Synod until another split in the Church allowed his reemergence as leader.56 In acting as their advocate Berry set himself apart from the body of the Colonial Church and forfeited that position of prominence in Presbyterian affairs which the Colonial Committee had bestowed upon him.

When John Dunmore Lang returned to Sydney in March 1841 he found the Australian College in such a state of decline as to face possible extinction. In an endeavour to obtain means for extracting the College from its slump Lang wrote to the Governor on 24 April 1841 asking for cancellation of mortgages the Government held as security for State loans for Scots Church and the Australian College and for State aid equal to public subscriptions for erection of a classroom block.57 On 15 June Governor Gipps tabled Lang's request and numerous documents relating to the loans and recommended that the Legislative Council

57 Legislative Council, Report of the Committee on Loans to the Australian College, 17 Aug. 1841, 11.
refer the whole matter to a select committee for investigation and report. He named Berry amongst those he proposed should form the committee, for Berry 'was well-known to take a warm interest in everything that related to the welfare of the Presbyterian Church'.

The committee recommended cancellation of the debt on Scots Church but otherwise its report was entirely unfavourable to Lang. He was found to have mixed up his own finances with those of the institution, had the College buildings erected largely on land belonging to himself, and mortgaged them contrary to security given for the public loan. Lang published the Colonist newspaper from one building and lived in another; which were clear cases of converting buildings from the purpose for which public and subscribers' funds had been given. The committee declined to recommend remission of the debt on the Australian College or any further advance of public money. In accordance with its recommendation the Legislative Council requested the Governor to cause measures to be taken to 'secure to the Australian College the possession of the ground and buildings which were originally intended to be appropriated to that institution'. A letter of demand asked the Principal and Council for repayment of the £3,500 loan with interest.

Publication of the select committee's report produced a sensation and raised doubts about Lang's probity which, in Presbyterian circles at least, he was not able subsequently to allay. Characteristically, Lang responded by going on the attack and, as the Presbytery of Sydney was to state, 'to divert public attention from the facts of the case, the Doctor eulogized himself, censured the

58 V&PLC, 1841, 15 June 1841; Australian, 17 June 1841: LC 15/6/1841.
59 Report on Loans to the Australian College.
60 V&PLC, 1841, 53, 15 Sep. 1841.
Government, and particularly abused Alexander Berry, Esq'.  

When the report was debated in the Legislative Council Berry said that he had not wished to be on the committee. He was anxious to avoid giving offence and had he any inkling that there were other liens on the buildings besides the Government's he would have asked to be excused, for he 'knew very well that if the decision should be unfavourable to Dr. Lang, he would at once be charged with personal motives'. That this was the result might be seen in the 'violent philippic' by Lang appearing in one of the newspapers. When Berry found how matters really stood he had asked leave of his colleagues to withdraw from deliberations on the report, but he felt bound to concur with it.  

Because of championing McGarvie's faction and participating in the select committee of 1841 Berry was hated by Lang in a degree exceeding that for any of his many other opponents or critics with the sole exception of McGarvie. For his part Berry watched with evident satisfaction Lang's alienation of even former strong supporters amongst fellow ministers, culminating in his withdrawal from the Synod of Australia in a fit of pique in February 1842 to take up a position in voluntaryist isolation. In Berry's view Lang was 'a man utterly devoid
of either judgement or principle'.

Traditionally a Scottish laird had obligations for provision and maintenance of the church and seeing to the well-being and comfort of his minister. The minister was an agent of social discipline who led the people to show deference to the laird and respect for the rights of property. That ideal had been a good deal fractured in places by the miseries of the Highland clearances and feeling amongst displaced Gaels that Church of Scotland ministers had sided with clearing landlords against them.

Presbyterian ministers stationed at Wollongong occasionally visited Shoalhaven from 1837. By mid century the number of Presbyterians there, mainly Scottish tenants on the Berry estate, was sufficient to encourage an attempt to settle a preacher. John Hill Garven - 'Bubbly Jock' as Berry called him - was a man with a lifelong drink problem who had been deposed in 1838 and was making a comeback under the sponsorship of his steady friend McGarvie. As a dutiful laird Berry gave Garven a great deal of assistance: accommodation, rations, use of an iron church at Numba, land for a church and glebe - but to Garven's great resentment neither a horse nor the right of agistment for one. Garven gave the Berry brothers constant trouble for several years, even attacking them anonymously in the People's Advocate. As David's letters

66 Berry to John Berry 3/3/1842, BP.
67 *St Andrew's Presbyterian Church, Nowra: A First Century, Nowra* 1975, n.p.
70 Correspondence between Alexander and David Berry 1850-1853, BP; Rev.J.Fullerton to Convenor of Colonial Committee 6/6/1851, *The Home and Foreign Missionary*
persisted in dwelling on his problems with Garven Alexander, then hard pressed to pay his bills, peremptorily ordered him to forget Garven and concentrate on sending produce. Berry's forbearance with a man about whom he complained endlessly was characteristic. Even so, Garven might not have survived at Shoalhaven but for McGarvie's steadfast support and Berry's being under some obligation to McGarvie for a recent loan. Garven certainly could not have survived the wrath either of Berry or of McGarvie and the Synod of Australia had they discovered that he had entered into secret negotiations to defect to Lang's Synod of New South Wales taking as much of his congregation as he could with him.

After reordination in 1853 Garven ministered quietly for some years. He was censured by Synod early in 1859 for inviting Lang to preach to his congregation. Garven blamed Berry for this censure and began to make veiled attacks upon him from the pulpit. His drinking problem took hold, his congregation declined and by demand of Synod and Berry cutting off supplies he was forced to demit his

Record for the Church of Scotland, v VI, no. 20, 1 Dec. 1851, 377; Minutes of the Presbytery of Sydney In Connexion with the Synod of Australia (FML), 137, 18/5/1853, 175, 23/8/1854; J.H. Garven and forty-nine others to Synod of Australia, n.d., copy in Thomas Barker to DSB 14/9/1855, DSB Inwards Correspondence (NSWA 1/314); Berry to Rev. J. Fullerton 15/1/1864, BP.

71 Berry to David Berry 23/9/1852 p.s., 7/10/1852 & 11/10/1852, BP.


74 Minutes of the Presbytery of Sydney, 234, 23/2/1859, 236, 30/3/1859, 237, 4/5/1859.

75 Berry to David Berry 23/3/1859, BP.

76 Minutes of the Presbytery of Sydney, 31/12/1861; Berry to David Berry 18/9/1861; BP; IM, 7 Jan. 1862.
charge at the end of 1861. Garven bitterly attacked David Berry as having undermined him 'in what may be designated the mode Coolangatta' by whisperings to church office-bearers 'to get rid of Garven, and he would get them another minister'. The man named by Garven as his informant repudiated this assertion; David Berry did not deign to comment.

Lowland Scots frequently looked upon Highlanders as little better than savages but Berry told his brother 'I have no objection to a Highland Tenantry'. By the early eighteen fifties the Berry estate housed one of the largest concentrations of Highlanders in New South Wales. Free Churchmen virtually to a man. In May 1854 the Rev. William Grant, a Gaelic-speaking Sassenach, settled to minister to them. By the time of Presbyterian union a decade later Grant presided over the largest Presbyterian congregation outside Sydney and was highly respected throughout the Church. Berry labelled Grant a 'Canting hypocrite' and the image which emerges from the Berry papers is at variance with Grant's public reputation. Berry lent Grant £50 at the outset of their acquaintance and was

76 IM, 25 Feb. 1862, Rev. J.H.Garven, reply to address.
77 Ibid., 11 Mar. 1862, letter from John Campbell.
78 80 Berry to David Berry 15/9/1853, BP.
79 Something of the disdain even for educated Gaels can be seen in private correspondence between ministers of the Presbyterian Church of Eastern Australia, particularly in the Papers of the Rev. John Kinross (NLA MS 3346), and in the Free Church of Scotland Australia Letters 1851-1854 (National Library of Scotland Acc. 4633 (1)).
81 The term 'Free Church' was used in New South Wales as a referent for the independent, indigenous Presbyterian Church of Eastern Australia whose standards were identical with those of the Free Church of Scotland and which drew its ministers and most of its members from that Church.
82 For Grant's career see Bridges, Ministers, 51-53.
83 Berry to David Berry 28/4/1862 & 21/9/1863, BP.
persuaded to lease him and later his eldest son farms at Bolong. Years passed without Berry seeing a single penny either in repayment or in rent. Eventually, in 1865, Grant made a long expected approach for remission of his unpaid rent and a ninety-nine year lease at reduced rent: virtually an appeal for the gift of his farm. Grant was a close friend of Andrew Aldcorn, Berry's enemy and strong Lang supporter. Berry suspected Grant of encouraging a general evasion of rent by his Highlander following and solid support politically for Lang and land reformers.84 Berry's land agent, H.G.Morton, told him repeatedly that the Highlanders were the worst of his tenants,85 with thirty-nine of them owing an average of £40 each in November 1864.86 By 1857 Berry's experience of the Highlanders caused him to say 'I prefer the Catholics to Presbyterians - & the Irish to the Scotch'.87

From 1864 Grant was minister of the united Presbyterian congregation at Shoalhaven and the Berry brothers learned to live with him and tolerate his exploitation.

Berry had acted towards Presbyterian clergy in the manner of a dutiful Scottish laird but found that those he rendered beholden returned neither gratitude nor subservience. By the early eighteen sixties he was given to expression of disillusionment, saying 'Scotch clergymen are rather priests of Satan than anyone else',88 'I have good reason to dislike all presbyterian Clergymen'89 and that he

84 Berry to David Berry 26/8/1857, 18/11/1864, 19/11/1864, 12/12/1864, 3/2/1865 & 29/7/1865, Memo. 'Grant the Free Church Clergyman', n.d., BP.
85 Berry to David Berry 21/9/1862 & 18/11/1864, BP.
86 H.G.Morton to Berry 16/11/1864, BP.
87 Berry to David Berry 26/8/1857, BP.
88 Berry to David Berry 26/6/1862, BP.
89 Berry to David Berry 20/8/1862, BP.
did 'not care if there is never one on the place'.

Like other Scots Tories Berry believed that payment of State salaries was necessary for clergymen's security and dignity as gentlemen. Without such salaries clergy risked being reduced to hireling ranters currying favour with the groundlings they had to look to for stipends. Lang led the campaign against State aid and Berry believed that Charles Cowper's Grants for Public Worship Prohibition Bill of 1862 was introduced 'to gratify Auld Nickie Ben', as he called Lang. For Berry abolition of State aid involved both degradation of the office of clergymen and weakening of a major prop of the ordered hierarchical society. It was a significant victory for the old enemy.

From the early eighteen forties Berry was a member of the Church of England congregation at North Sydney; probably as a result of the absence of any Presbyterian congregation, Elizabeth Berry's Anglican affiliation and his friendship with the rector, the Rev. W.B.Clarke. However, the temptation to see him as an example of the propensity for Scottish Presbyterians to defect to the Church of England as they prospered in the colonies is to be resisted. Despite all his grumbling about Presbyterians and failings of the Presbyterian system, he continued to identify with the Church of Scotland and was periodically consulted by leading ministers. In 1855 he gave the substantial sum of £100 towards the Anglican college in the University of Sydney but several years later he put

90 Berry to David Berry 24/7/1865, BP.
91 Berry to David Berry 20/9/1852 & 29/7/1863, BP.
92 Berry to David Berry 2/7/1862. Berry organised a petition from Shoalhaven supporting continued State aid: Berry to David Berry 4/7/1862, BP; IM, 12 Aug. 1862.
94 Empire, 17 Aug. 1855: subscription list.
himself down for £250 towards a proposed Presbyterian college. After the 'Shoalhaven Incubus' affair Berry would not countenance any supporter or associate of Lang, going so far as to say 'I do not like any clergyman who has ever had any connection with Dr Lang - even if he pretends he has quarrelled with him'. In his view his breach with the Church was forced on him by the resolve of the Synods of Australia and Eastern Australia to accept Lang into a united Presbyterian Church.

Synodal records and private papers of Presbyterian ministers reveal widespread dislike of Lang and reluctance to have dealings with so undisciplined and disreputable a man. Lang, extremely popular with the 'lower orders', had demonstrated several times his capacity to marshal public support and use the legislature to defeat moves to exclude him from across-synod Presbyterian ventures. A majority of ministers came reluctantly to the conclusion that such was his political clout that he had to be included in the union. The Rev. William Grant, who continued personally to oppose Lang's inclusion, called on Berry in November 1864 to tell him of the decision. Berry said that he did not believe that the 'Church of Scotland' would agree to

95 Thomas Barker to Berry 26/11/1869, BP.
96 E.g. Berry to David Berry 25/5/1864, BP.
97 [Berry to David Berry] 5/9/1864, BP.
98 Three congregations served by ministers of Lang's Synod of New South Wales refused allegiance to the Synod from objection to having any formal connection with Lang, a fourth congregation received a gift of land for a church on condition of having no connection with Lang and a fifth congregation was lost to that body in revulsion against him: Bridges, 'The Presbyterian Churches in New South Wales 1823-1865', 220.
99 Ibid., Chaps 11 and 12.
100 The reference is not clear. This name was used for the Synod of Australia by believers in integration with the mother Church. However that Synod had made its entry into a united Church conditional on Church of Scotland approval of the terms.
a union involving Lang. If it did he would never give another lease to a Presbyterian or acknowledge Presbyterians as a religious body. He instructed his clerk to write for a list of all 'Free Church' tenants and the extent of their arrears and told David: 'you are to blame for having so many Presbyterians' and that 'if Lang were again to visit Shoalhaven he ought to be pelted with rotten eggs - ducked in a pond or tossed in a blanket'.

Conciliatory letters from the Revs James Fullerton and William Grant emphasising that by taking in Lang the new Church would have the power to discipline and control him failed to move the old man. The Church should never again make any application to him for assistance while Lang remained a member. He wrote David that he ought to tell any Presbyterian minister that he could have nothing to do with him. Berry adhered to his resolution. He refused in 1865 to give £300 to buy a block of land for a Presbyterian Church at North Sydney and in 1869 to renew his offer of a contribution towards a Presbyterian college. His siblings boycotted the Shoalhaven celebration of Church union but remained devout members of the Church. It is ironic, given Alexander's attitude, that the £30,000 left by David to the Presbyterian Church of New South Wales is in real terms the largest bequest it has ever received.

101 Berry to David Berry 14/11/1864, encl. memo. on conversation with Grant and remarks, BP.
102 Fullerton to Berry 15/11/1864, Grant to Berry 17/11/1864, BP.
103 Berry to Fullerton 16/11/1864, BP.
104 Berry to David Berry 16/11/1864, BP.
105 Berry to David Berry 19/8/1865, BP.
106 Thomas Barker to Berry 26/11/1869, Berry to Barker 4/12/1869, BP.
108 Will of David Berry 15/2/1886, Norton Smith Papers (ML A 5375-2), No. 80b.
Apart from inclusion of Lang the terms of the Presbyterian union completed in 1865 were a serious defeat for Berry. All formal ties with the Scottish Churches were cut, the new Church became increasingly latitudinarian until it ceased to be confessional and its influence went into a permanent decline as it could no longer attract ministers of the calibre of some who arrived before union. This Church did not fill the social role or teach the social doctrine of the Church of Scotland of Berry's youth. It was the small, uninfluential voluntary society which Berry and McGarvie had fought so passionately to prevent its becoming. Berry was no doubt happier in the Church of England with its continued ties with the English Church Establishment, stronger hierarchical structure and firmer discipline, and role as preeminently the Church of the Colonial elite.