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"A Constitutional Study of the Church of England
in Australia, 1847 - 1872"

Ellis David Daw

Submitted in fulfilment of the requirements for
the degree of Master of Arts of the
Australian National University

1971



The sources on which I have drawn
have been acknowledged and the
thesis is my own composition.

E.D. Daw

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CONTENTS

Abbreviations	iii
Preface	iv
Introduction	1

PART I

Chapter 1: The Early Years of the Province	3
Chapter 2: The Struggle for Diocesan Synods	68

PART II

Chapter 3: The Troubled Sixties	132
Chapter 4: Completing the Task: the General Synod	192
Conclusion	257
Appendices:	
1. The Bishops and Their Dioceses, 1847 to 1872	261
2. Chronology	262
Bibliography	265

ABBREVIATIONS

I. Barker's Diary	Journals and Correspondence of Frederic and Jane Barker, Uncat. MSS 455, Mitchell Library, Sydney
<u>Hansard</u>	<u>Hansard's Parliamentary Debates</u>
<u>J.L.C. N.S.W.</u>	<u>Journal of the Legislative Council of New South Wales</u>
Longley Papers	Letters and Papers of Charles Thomas Longley (Archbishop of Canterbury, 1862-68), Lambeth Palace Library, London
<u>S.M.H.</u>	<u>Sydney Morning Herald</u>
Tait Papers	Letters and Papers of Archibald Campbell Tait (Archbishop of Canterbury, 1868-82), Lambeth Palace Library, London
<u>V. & P.L.A. N.S.W.</u>	<u>Votes and Proceedings of the Legislative Assembly of New South Wales</u>
<u>V. & P.L.C. N.S.W.</u>	<u>Votes and Proceedings of the Legislative Council of New South Wales</u>
<u>V. & P.L.C.V.D.L.</u>	<u>Van Diemen's Land. Votes and Proceedings of the Legislative Council</u>

II. The titles of the various official reports of synod proceedings have all been abbreviated to a standard form e.g.,

Sydney Synod Proceedings 1870

The full titles may be found in the Bibliography.

PREFACE

"We are at present at the first page only of the Church of England's Australian history". (1870)¹

"Reforms, alas! march but slowly in ecclesiastical bodies". (1872)²

There have always been those who prefer to see the building up of an organisational framework for the Church as detracting from its main task. But it has not been the form or extent of organisation which has determined whether the wider work of the Church has been helped or hindered; rather, it has been the ease with which that organisation has been able to adapt to changing circumstances which has been important. In the nineteenth century, the various churches in the Australian colonies all had to search for a means whereby this could be accomplished. This study is concerned with the efforts of the Church of England to do this during some of its most crucial years.

Earlier studies involving this field fall into two main categories. Some have been rightly concerned with constitutional developments in one or other of the various dioceses or with the lives of those who led them. Others, fewer in number, have been too comprehensive in either scope or time to give the constitutional aspects of the Church's development the attention and the interpretation which they require. Much of this development still remains to be examined in detail; but it is my hope that this study goes some way towards filling the gaps which have been left.

For at least one contemporary observer, the subject of colonial church government was "undoubtedly one not only of very great practical importance, but also of very great practical difficulty".³ This would be

¹ Editorial in the Church of England Messenger, Melbourne, 24 March 1870, p. 2.

² The Reverend Zachary Barry, letter to the editor, S.M.H., 27 September 1872, p. 3.

³ Melbourne Church of England Messenger, October 1850, p. 261.

a fair judgement still. One of the most pressing difficulties has been the scattered and fragmentary nature of the various records. Few are complete in themselves; some have disappeared altogether. The attention which this study gives to the roles of the various bishops reflects more than the key, often dominant part which they played in the life of the Church in Australia, and the moral authority which attaches to the episcopal office. It also reflects the relative lack of sources which throw light on the attitudes and activities of the leading members of the clergy and laity. As for the ordinary Anglican in the Australian dioceses of a century ago, he least of all left any record of what he felt, and why.⁴ Even where published records do survive, much was often left unsaid.⁵

But if the difficulties have been important, so have the rewards. The counsel and encouragement of Mr. D.W.A. Baker and Mrs. B.R. Penny, both of the Australian National University, has earned my continuing gratitude. I am grateful to Mr. S.C. Bennett, also of the A.N.U., for his assistance in various ways, and to many people at the Royal Military College who provided support for research undertaken out of Canberra. The staffs of the Latrobe, Oxley, Mitchell, and Bridges Memorial Libraries have been of assistance in various ways, as have many people at the State Archives of Tasmania, the Queensland Parliamentary Library, and the Library of Lambeth Palace, London. Special acknowledgement is due to the librarians at St. Mark's Institute of Theology and at the National Library of Australia, Canberra. The Registrars of the diocese of Sydney (successively the Right Reverend H.G.S. Begbie and Mr. John Denton) and of the diocese of Melbourne (successively Mr. C.W.H. Barnes and Mr. W. Feltham) have been unfailing in

⁴ This is a difficulty which is by no means confined to Anglican church history. See, for example, O'Farrell, Patrick, The Catholic Church in Australia. A Short History: 1788-1967, Melbourne, 1968, p. vii.

⁵ See, for example, Bishop Tyrrell's remarks on the fuller publication of diocesan synod proceedings, in Maitland Mercury, 16 May 1868.

their patience and assistance. Mrs. E.H. Colville readily gave me permission to use the papers of her great-grandfather, Archbishop Tait. Many others, too numerous to mention individually, have given generously of their time and advice whenever I sought it. The typing has been the work of Miss Marion Parkins (now Mrs. Connors), to whom my thanks are due.

For the unfailing support of my wife throughout this project, I am especially grateful.

INTRODUCTION

The history of the Church of England during much of the nineteenth century, both in England itself and in many of the British colonies, can be seen as a search for some form of self government. In England, this search took the form of the movement for the revival of convocation. In the colonies - especially those in Canada, New Zealand, South Africa, and Australia - it was largely an imitation of earlier developments in the Protestant Episcopal Church of the United States.

The forces which brought these movements into being were, to a limited degree, common to both England and the colonies. As the balance of social forces shifted, the Church in both contexts found that it was increasingly unable to rely on the state and the upper classes for support. As institutional autonomy increased, so too did the demand for representative bodies which could control its growth and facilitate its acceptance. In the colonies, the trend towards removing any traces of quasi-establishment which the Church of England enjoyed soon became apparent to all who cared to observe it. Coinciding with this trend was the increasing inability or unwillingness of the colonial bishops to remain in sole control of their often large and growing dioceses. For these and other reasons, there was a movement in the colonial Church, beginning in the 1840s, towards the introduction of synodical government along the lines of the model provided by the American Church.¹

The purpose of this study is to examine the constitutional development of the Church of England in the province of Australia from its creation in 1847 until a synod for the whole province was formed twenty-five years

¹ See Thompson, Kenneth A., Bureaucracy and Church Reform. The organizational response of the Church of England to Social Change 1800-1965, Oxford, 1970, p. 91; and Stephenson, Alan M.G., The First Lambeth Conference 1867, London, 1967, p. 58.

later in 1872. The Church in Australia had not had any bishops at all until 1836, when William Grant Broughton was consecrated to the new diocese of Australia. In 1842, the diocese of Tasmania was formed; and in 1847 three more dioceses were formed and a province was created with Broughton as its first metropolitan.

Although Broughton lost little time in seeking to introduce synodical government into his province, he died in 1853 before the work had progressed very far, and the task fell to his successor. The creation of a complete structure of synods for the growing province proved to be a piecemeal and somewhat irregular process. Despite Broughton's plans, it was accomplished in two clearly separate stages, for it was not until the mid-1860s that the various dioceses had all achieved synodical government. By that time, the Church was being seriously shaken by a series of legal decisions which were of far reaching importance for its further constitutional development. The second part of this study, which is concerned with the creation of a higher synod for the Church in Australia as a whole, must be seen against the background of those decisions and of the reactions of churchmen to them.

The study initially reveals how little the churchmen in each diocese sought to achieve a common approach to the problems which were confronting them. But if there was little uniformity in pace and in the resulting bases of organisation, there was some uniformity of purpose. When they came to attend to the needs of the province, it was a different story. Although there was widespread concurrence that a higher synod should be formed, there were sharp differences over its role and its purpose. They were differences which involved the fundamental question of the relationship between the Church in Australia and its parent Church in England.

The creation of a synod for the Church in Australia as a whole in 1872 was but the first stage in the working out of questions which continue to occupy the energies of churchmen today.

PART I

CHAPTER 1: THE EARLY YEARS OF THE PROVINCE

The nineteenth century was, for the Church of England, a period of unparalleled expansion throughout the British world. Yet the development of the colonial episcopate was for many decades an extremely slow process. In the eighteenth century, the authorities in England had been loathe to encourage the consecration of bishops for the American colonies for fear of fostering a spirit of ecclesiastical and civil independence. The same outlook towards the colonial Church continued to characterise such persons as Lord Melbourne in the early years of the nineteenth century.¹ Prior to the year 1836, for example, only five bishops were consecrated for the whole colonial Church, which by then had spread to North America, the West Indies, Africa, and Australasia. By 1840, some of the leeway had been made up with the appointment of another five bishops, including William Grant Broughton who was consecrated in 1836 for the newly created diocese of Australia, which since 1824 had been an archdeaconry of the diocese of Calcutta. Even so, the areas entrusted to the ten colonial bishops were enormous,² a reflection of the consistent blindness of churchmen in England to the need for the full spiritual care of the colonies.

But from 1841 onwards, progress more closely matched the need, and in fact was reasonably rapid, largely as a result of the establishment in England of the Colonial Bishops Fund.³ Insofar as the Church in Australia was concerned, the first fruit of this development was the creation in 1842 of a diocese of Tasmania, which was detached from

¹ Whittington, F.T., William Grant Broughton Bishop of Australia. With Some Account of the Earliest Australian Clergy, Sydney, 1936, p. 56.

² Broughton's diocese, for example, included the whole continent of Australia together with Tasmania.

³ Colonial Church Chronicle, London, July 1849, p. 30.

Broughton's diocese seventeen years after the colony itself had been detached from New South Wales. Plans for the further subdivision of Broughton's still enormous diocese did not come to fruition for another five years.⁴ Then, in 1847, three new dioceses were created. Augustus Short was consecrated for the diocese of Adelaide, Charles Perry for the diocese of Melbourne, and William Tyrrell for the diocese of Newcastle. The name of Broughton's see was altered from Australia to Sydney, and he was also made metropolitan of Australasia. The three new bishops were made suffragan to him, as were the existing bishops of Tasmania and New Zealand. This was the first step, albeit a small one, in the creation of an organisational framework for the Church in Australia as a whole.⁵

The period from 1841 to 1850 was one of steady growth for the colonial Church generally.⁶ In addition to making further provision for the spiritual needs of the colonists, this expansion brought with it a series of questions and difficulties, the working out of which was to be a tortuous and uneven process. Many of them stemmed directly from the debate and confusion over one question: how was the colonial Church to be governed?

In England itself, the question of church government was one which for all intents and purposes had been dormant since the reformation and the establishment of royal supremacy over the Church. The two provincial

⁴ See Broughton to Sir George Gipps, 6 August 1845, in Despatches from the Governor of New South Wales to the Secretary of State. 1845, A1267-22, Mitchell Library, Sydney, pp. 3317-3324. In this letter Broughton made specific proposals for the subdivision of his diocese, and stated that more than two years had elapsed since he had raised the question with the Archbishop of Canterbury.

⁵ These new ecclesiastical arrangements were laid down in Broughton's letters patent, which appear as Document J in Giles, R.A., The Constitutional History of the Australian Church, London, 1929, pp. 231-237.

⁶ Three new dioceses were created in Canada, one in New Zealand, four in Australia, two in the West Indies, one in South Africa, and three in various other colonies. See Colonial Church Chronicle, May 1853, p. 440.

synods - the convocations of Canterbury and York - had held only formal meetings since the early eighteenth century. By the mid-nineteenth century, however, the combined pressures of various sections of the Church led to the convocation of Canterbury again discussing business. The movement for the revival of synodical government (at both provincial and diocesan levels) was perceptibly gaining strength in proportion to the belief that neither the House of Commons (representing the laity) nor the bishops in the House of Lords expressed the mind of the Church any longer. It was in fact a time when the whole gamut of church - state relations was in the forefront of public thinking in the established Church of England.⁷

In the colonial Church, the need for government by synods was felt to be even more pressing than in England itself, particularly as it was becoming increasingly clear that the colonial Church was not an established Church. The constitution of the Church of England had no real provision for its missionary extension beyond England and Ireland.⁸

The very magnitude of the tasks which confronted the colonial bishops was sufficient in itself to make it unlikely that the form of ecclesiastical administration current in England would be appropriate in the colonies. Writing in 1841 about the forthcoming appointment of a bishop of Tasmania, J.P. Gell spoke of the need for a man who would be "liberal enough to alter and adapt the forms embodying those principles [of the Church of England] to the conditions of a new colony ..."⁹ Broughton, speaking in 1850, said: "We entreat you to bear in mind the impediments

⁷ Chadwick, Owen, The Victorian Church, Part I, London, 1966, pp. 309-324. See also "The Election of Proctors for Convocation", Colonial Church Chronicle, September 1852, pp. 83-84.

⁸ See remarks by the Bishop of Toronto, in Colonial Church Chronicle, September 1851, p. 114; and by a Tasmanian layman (Mr. Henty) in Launceston Examiner; Commercial and Agricultural Advertiser, Supplement, 10 September 1851.

⁹ Woodward, Frances J., The Doctor's Disciples. A Study of Four Pupils of Arnold of Rugby, London, 1954, p. 102.

which must attend the transplantation of an ancient system to a new soil; and to admit that in an atmosphere of so changed a character, some time must be allowed, and care, and judgment, and prudence, and patience, must be exercised before that system can become firmly rooted, and develop itself in its full growth and native vigour".¹⁰ One of the difficulties to which the metropolitan was undoubtedly referring was the problem of working in an environment to which the increasing ignorance and carelessness of large sections of the English people (especially working class sections) towards religion had simply been transplanted by emigration. Even in 1875, an Anglican clergyman was observing that in the colonies "the fundamentals of truth seem to have more assailants than in older lands".¹¹ Thus, religion tended to be less of an active force in Australia than in England. This factor alone would have been sufficient to force all of the churches, including the Church of England, to come to terms with a new set of circumstances.¹²

This sort of problem was complicated almost beyond comprehension in many dioceses by the rapid expansion of the colonies in almost every respect. For the bishops, this expansion was felt in three main areas:

¹⁰ S.M.H., 18 October 1850. See also remarks by Mr. Justice Cooper at an assembly of churchmen in Adelaide, Adelaide Observer, 10 January 1852.

¹¹ Pyne, Alex., Rev., Reminiscences of Colonial Life and Missionary Adventure in both Hemispheres, London, 1875, p. 328; Rayner, Keith, "The History of the Church of England in Queensland", unpublished Ph.D. thesis, University of Queensland, 1962, p. 11; Barrett, John, That Better Country. The Religious Aspect of Life in Eastern Australia, 1835-1850, Melbourne, 1966, p. 4.

¹² Bishop Perry, writing about the state of the Church on the goldfields in 1852, believed that those who were interested in religion were almost all dissenters, while "the multitude of the careless and ungodly are professed members of our Church". See his journal, cited in Colonial Church Chronicle, September 1852, p. 87. See also Ward, John M. Empire in the Antipodes. The British in Australasia: 1840-1860, London, 1966, p. 88.

the size of their flocks, the numbers of clergy required to supply their spiritual wants, and the supply and control of church funds and property. The Bishop of Toronto, writing to the Archbishop of Canterbury, expressed the difficulties he faced and the need which he felt in a rapidly expanding diocese for the "support and refreshing counsel of his brethren, and their constitutional cooperation in devising and applying such remedies as may be deemed necessary or expedient ...". Furthermore, he believed that "the assistance of our lay brethren becomes indispensable, to take order for the temporalities of the Church, and to adopt such measures for her stability and support as may be found most suitable to this new country, and the limited means of her people".¹³ In Australia, the same need was felt by Bishop Perry of Melbourne, who in the early days of his episcopate saw himself as the first bishop of "those comparatively few sheep in the wilderness which the Lord has committed to my charge",¹⁴ but who in little more than three years had become the head of the largest denomination in the largest colony of Australia during a period of unparalleled change and development.¹⁵ In such a situation it was impossible for a bishop to retain full control of all of the affairs of his diocese, even if he wished to.

But there were other problems as well, equally as important (and to some extent consequent upon) those which followed rapid expansion. For instance, there was the difficulty of erecting ecclesiastical machinery

¹³ The bishop's letter appears in Colonial Church Chronicle, September 1851, p. 114.

¹⁴ See Perry's letter to the Archbishop of Canterbury in Colonial Church Chronicle, March 1849, p. 337.

¹⁵ Parsons, Vivienne, "The Church of England in Victoria During the Episcopate of Bishop Perry, 1848-76", unpublished M.A. thesis, University of Melbourne, 1969, pp. 1-2.

on the traditional and familiar English pattern, complete with archdeacons and cathedral canons.¹⁶ But there was also the wider and far more significant problem of ecclesiastical law. During the early stages of colonisation, it was generally believed that the ecclesiastical law of England, which had built up over the centuries, was operative in the colonies, even to the extent of making the colonial Church an established Church. But it gradually became clear that this was not the case. As far as the Church in New South Wales was concerned, Bishop Tyrrell of Newcastle pointed out the difficulty in 1852, when he stated that "they had no complete body of laws for the well ordering of their church; which arose from the ecclesiastical laws of England being in a great degree inapplicable to the church in this colony", as a result of the act 9 Geo. IV, C. 83 of 1828 ("An Act to Provide for the Administration of Justice"). Thus, all the ecclesiastical laws of England up to 1828 were in force in New South Wales only so far as they could be applied, and those passed in England after 1828 were not applicable unless specifically adopted by the local legislature. In any case, there were no ecclesiastical courts in the colony in which any ecclesiastical laws could be enforced.¹⁷

Further, the letters patent whereby the bishops were appointed assumed that the colonial Church was established, and gave them various powers of ecclesiastical discipline over their clergy. This together with the problems of applying and enforcing ecclesiastical law meant that the

¹⁶ Parsons, op. cit., p. 4.

¹⁷ See Tyrrell's remarks to his diocesan conference, in Maitland Mercury, 30 October 1852; Hansard, Third Series, Volume CXX, 28 April 1852, col. 1270.

colonial bishops were far more powerful than their brother prelates in England,¹⁸ whose prerogatives had long been restricted by law and custom. The powers of the bishops in New South Wales and Victoria were reinforced by Bourke's church acts insofar as these gave local recognition to the positions of the bishops as laid down in their letters patent. As far as the Church in Victoria was concerned, many churchmen, including Perry, believed (rightly or wrongly - their view was never tested) that the subdivision of the original diocese of Australia in 1847 necessitated the introduction of a new church act for Victoria;¹⁹ and the impending separation of Victoria from New South Wales would have served only to magnify this view.

Certainly, the legal position of the colonial bishops was far from clear. The letters patent of the various bishops were not uniform, and in some cases the powers given to them had been shown to be difficult to exercise.²⁰ In any case, bishops like Charles Perry were loathe to possess,

¹⁸ Hansard, loc. cit., col. 1271.

¹⁹ Perry to Earl Grey, 27 November 1849, Bishop's Letter Book, Diocesan Registry, Melbourne; Minutes of a Conference of the Clergy and Laity of the United Church of England and Ireland, in the Colony of Victoria, Presided Over by the Lord Bishop of the Diocese. Held at Melbourne From June 24th to July 9th, 1851, Melbourne, n.d. [1851], pp. 21-27.

²⁰ For examples of the difficulties of exercising these powers, see Copies or Extracts of Correspondence and other Papers relating to Cases in which the Bishop of any Diocese in the Australian Colonies has attempted to exercise Ecclesiastical Jurisdiction over any of his Clergy, with or without resistance from the Parties, and of the Issue of such Cases, since the Year 1837, and down to the latest Dates: And, similar Copies or Extracts relating to the formation of Ecclesiastical Courts in any of the said Dioceses, House of Commons Accounts and Papers, Volume XXXVII, No. 175, 1850; and Border, Ross, Church and State in Australia 1788-1872. A Constitutional Study of The Church of England in Australia, London, 1962, chapters 9-12.

let alone exercise, autocratic powers of the type which their letters patent professed to give them. Perry believed that the rights of the clergy should not be totally dependent upon the arbitrary exercise of such powers.²¹ He was greatly concerned with the quality of the Church's ministers, and he undoubtedly believed that few clergy of calibre would give up the relative security of English livings to come out to a colonial diocese where they would be totally subject to the will of the bishop. Perry also wished to introduce a "popular" element into church patronage, a power which should not be in the hands of either the state or the bishop.²² In a world which was steadily moving away from autocracy towards democracy, bishops were able to recognise the spirit of the times, and to seek to share their powers of church government with the clergy and laity. Others recognised it too. In 1851 many Tasmanian laymen made it clear that in their view the achievement of a more democratic constitution for the state made a similar development for the Church even more pressing than it already was.²³ Three years later, Perry insisted (in a letter to the Archbishop of Canterbury) that in his diocese at least, the people would not bear "absolute, irresponsible authority in the Church any more than in the State"; while in 1857 a disaffected clergyman made the same point in an anonymous letter to the Bishop of Sydney. These sentiments received support in England from the

²¹ [Perry, Charles], The Comparative Position of the Church in England and in Victoria, Melbourne, 1854, pp. 9-11.

²² Perry to the Archbishop of Canterbury, 30 September 1854, Bishop's Letter Book.

²³ Launceston Examiner, 20 August 1851. See also article from Lyttelton Times, reprinted in Tasmanian Church Chronicle, Hobart, 7 August 1852.

Colonial Church Chronicle.²⁴

The need for Anglicans to support their Church financially was increasingly stressed in the Church of England in the 1840s, a period when the middle classes were beginning to play an important and increasing part in the life of the Church, and when church leaders such as Broughton and Nixon were actively seeking and securing their support.²⁵ If such popular support as did exist was to be channelled and used to best effect, it was necessary to give the laity a properly determined share in the government of the Church. Writing in 1851, just before the period of rapid expansion began in his diocese, Perry expressed the belief that some kind of local self government was essential for the colonial Church, the position of which was becoming critical.²⁶ Three years later, he claimed that without the introduction of a popular share in the government of the Church, those who were really interested in the progress of religion would join other churches, while those who remained would be mere worshippers, taking no active part in the maintenance or extension of the Church. Such, Perry felt, was by then very much the case in England, but there the constitutional position of the established Church prevented those consequences which he feared would come about in the colonial Church without the early introduction

²⁴ Perry to the Archbishop of Canterbury, 30 September 1854, Bishop's Letter Book; [A Presbyter], The Unpopularity of Modern Episcopacy and Some of its Causes Considered with Reference to the Anglican Church in New South Wales, in a Letter to the Lord Bishop of Sydney, by a Presbyter of the Church of England, Sydney, n.d. [1857], p. 13; Colonial Church Chronicle, February 1853, p. 283.

²⁵ Broughton to Coleridge, 9 May 1851, Papers of Bishop Broughton, microfilm G245, National Library of Australia, Canberra. See also Barrett, op. cit., pp. 64-73; Whittington, Fred. T., Augustus Short: First Bishop of Adelaide: A Chapter of Colonial Church History, Adelaide, 1887, pp. 80-84.

²⁶ Perry to editor of Christian Observer, 10 January 1851, Bishop's Letter Book. For the expression of similar sentiments by clergy and laymen in New Zealand, see Grey, G., et al., A Letter to the Right Reverend the Lord Bishop of New Zealand From Members of the Church of England in That Colony, Bishops' Auckland, 1850, pp. 4-6.

of synodical government.²⁷

In addition, it was felt (both in England and in the colonies) that the forms and liturgy of the Church could not be adapted to local needs and circumstances without endangering the status and property of the colonial Church as a portion of the Church of England, whose rubrics were regulated by law. Not only was the constitution of the Church unsuited to missionary situations outside England; her forms of service were found wanting in this respect as well. It was hoped that the legal power to meet in synod would confer the power to adapt the Church's rubrics, as might be necessary, to the advantage of the Church's mission.²⁸

Other signs which, for those who cared to read them, pointed towards the need for some form of self government in the colonial Church were to be found in the attitudes being taken by some colonial legislatures. In Canada, for example, state aid had ceased in the 1830s, leaving the Church still tied to the state in some ways but unsupported by it. This led inevitably to greater encouragement of local financial support.²⁹ In New South Wales the issue of state aid to religion had always been controversial, and Broughton, seeing the shadow of the future in that colony, predicted (in 1850) that state aid would cease.³⁰ Furthermore, serious challenges from sections of the Legislative Council had come to the Church in New South Wales in the

²⁷ Perry to Sir George Grey, 29 September 1854, Bishop's Letter Book.

²⁸ Hansard, Third Series, Volume CXXI, 19 May 1852, cols. 744-745; Colonial Church Chronicle, September 1851, p. 114; Maitland Mercury, 30 October 1852.

²⁹ Carrington, Philip, The Anglican Church in Canada. A History, Toronto, 1963, pp. 81-82.

³⁰ Broughton to Coleridge, 10 July 1850, Papers of Bishop Broughton, G245.

1840s, particularly from an individual member, Robert Lowe. There was also opposition from groups of evangelical or low churchmen, both clerical and lay, who were opposed to Bishop Broughton and his ecclesiastical ideals. In 1846 for example, Lowe attempted to undermine the existing constitutional structure of the Church by proposing a bill designed to deprive the bishop of much of his power over his clergy.³¹ Lowe returned to the fray in 1849 with an attack in the Legislative Council on the bishop's exercise of his authority in the Church after Broughton suspended the licences of two of his deacons. Lowe expressed the hope that legislation would be passed to alter the constitutional basis of the Church so as to affect the relationship of bishop and clergy. However the Council would not be drawn, for the prevailing view was that the Church of England should manage its domestic affairs itself like any other denomination.³² These attacks undoubtedly strengthened Broughton's belief that the Church in the colonies must establish a system of synodical government for itself without undue delay.

Thus, the colonial bishops were facing significant difficulties by the mid-nineteenth century, difficulties which were all in some way related to the question of church government. Although the problems varied in their form and intensity from colony to colony, they were no less acute in the Australian colonies than in other parts of the British world. With large tracts of territory, often thinly populated and yet growing rapidly, they were virtually in a missionary situation. They were not helped by the widespread isolation from and indifference to religion, problems which were

³¹ V.&P.L.C. N.S.W., 1846, p. 25; S.M.H., 11 September and 23 September 1846.

³² [Lowe, Robert], The Speech of Robert Lowe, Esquire, Member of the Legislative Council of New South Wales, For the City of Sydney, on Tuesday the 7th of August, 1849, Sydney, n.d. [1849?], pp. 27-28; S.M.H., 8 August 1849.

complicated by rapid expansion and change such as that which was felt in its most acute form in the diocese of Melbourne. The adaptation of the ecclesiastical machinery and law of the Church of England to Australian circumstances proved to be particularly difficult, especially since there were no ecclesiastical courts in Australia in which to enforce the ecclesiastical laws of England. The letters patent whereby the early bishops were appointed, and on which their authority was largely based, were not uniform, and in their assumption that the colonial Church was by law established they rested on an uncertain basis. The exercise of the powers which they purported to convey was a difficult, sometimes futile endeavour, and led in some cases to charges of episcopal autocracy. In the context of colonies which were becoming increasingly conscious of the elements of democracy, the existing basis of church government was clearly inappropriate. Colonial legislatures were becoming focal points for criticism of and attacks on the Church. In addition, the need to amend the rubrics was beginning to appear, and although felt less acutely in Australia at this stage, it involved the very basis of the Church of England outside England itself. There were also various local needs, such as that which was perceived in the diocese of Melbourne by Bishop Perry, who believed that existing legislation covering some aspects of church government had been rendered inoperative by the division of both the original diocese and the original colony.

Clearly, there were some very pressing practical reasons behind the movement towards synodical government in the colonial Church in the mid-nineteenth century. But it is important to note that there was a theological impetus as well, which helped to give direction to the search for a better form of church government. This impetus came through a revival of interest in conciliarism, a doctrine dating from the fourteenth century which was both a defence of church government by general councils rather than by autocracy, and "an assertion of the inherent authority of dioceses and

provinces and national churches".³³ This renewed interest came about at a time when there was a general revival of medieval studies - but more importantly it coincided with the most significant phase of overseas expansion by the Church of England, an expansion which as we have seen brought the Church face to face with questions of church government which had been relatively unimportant since the reformation.³⁴

The solution which conciliar thought provided for the colonial Church did not consist of particular forms of ecclesiastical organisation; for conciliar thought was diverse in origin, and the colonial Church was facing problems which though common were various in their forms and intensity. Rather, the solution provided by conciliarism lay in "the broad aspiration ... to restore unity to Christendom, not through centralisation and uniformity, but through a harmony of autonomous parts".³⁵ Thus, while conciliarism did not settle such questions as the role of provincial or higher synods in relation to diocesan synods, or the actual degree to which uniformity of action was desirable, it did point in broad but unmistakable terms to synods as the solution to the problems of church government.³⁶

With the arrival of the Bishop of Adelaide at the end of 1847, and the Bishops of Melbourne and Newcastle at the beginning of 1848, Australia became the latest portion of the colonial Church, after India, the West

³³ Webb, Leicester, The Conciliar Element in the Anglican Tradition, Canberra, 1957, p. 11.

³⁴ Ibid., p. 15.

³⁵ Ibid., p. 16.

³⁶ Whittington, Augustus Short, p. 154.

Indies, and Canada to have several geographically contiguous dioceses each with its own bishop. Strangely, Australasia had been created an ecclesiastical province under a metropolitan bishop³⁷ whereas Canada, its closest ecclesiastical counterpart, had not. To this extent, then, the Church in Australia was (apart from India) organisationally the most advanced portion of the colonial Church at that time.³⁸

Even before the arrival of all of his new suffragan bishops, Broughton had expressed his intention of calling them together in conference in September or October 1848 as a step towards resolving the various questions of church organisation which by then were squarely confronting the Church in his newly established province.³⁹ As many of his actions were later to indicate, he was anxious that when the government of the Church was reformed, it should be done on a uniform basis. In favouring early progress, Broughton was more or less in step with other portions of the colonial Church. In New Zealand, for example, Bishop Selwyn had held an "informal synod" as early as 1844; while in Canada a meeting of the bishops was enthusiastically foreshadowed in 1849.⁴⁰

³⁷ The diocese of New Zealand, under its first bishop since 1842, was also made a suffragan see to Sydney in 1847. Broughton's appointment as metropolitan was made during the term of office (1846-1852) as Secretary of State for the Colonies of the third Earl Grey, who appointed Australia's first two Governors-General after the failure of his plans to federate the Australian colonies. For these civil appointments, see, inter alia, Ward, John M., Earl Grey and the Australian Colonies 1846-1857. A Study of Self-Government and Self-Interest, Melbourne, 1958.

³⁸ The Bishop of Toronto was anxious that synodical government should be instituted not only for each diocese in Canada, but for British North America as a whole in addition. He was somewhat jealous of Australia's more advanced status as an ecclesiastical province with its own metropolitan. Colonial Church Chronicle, March 1852, p. 357.

³⁹ Broughton to Coleridge, 5 January 1848, Papers of Bishop Broughton, G245; Selwyn to Tyrrell, 18 April 1848, cited in Boodle, R.G., The Rev., The Life and Labours of the Right Rev. William Tyrrell, D.D. First Bishop of Newcastle, New South Wales, London, 1881, pp. 46-47.

⁴⁰ Colonial Church Chronicle, March 1849, p. 360; Purchas, H.T., A History of the English Church in New Zealand, Christchurch, 1914, p. 127.

In July 1848, Broughton again expressed his desire to call his suffragan bishops together in conference later in the year,⁴¹ but this did not come to pass. In 1849 his own near fatal illness and the death of his wife postponed the conference even further. He later expressed the hope that (his health permitting) the bishops would meet in the early part of 1850, for he was becoming more and more convinced that the good of the Church urgently required such a meeting - but it was not until towards the end of 1850 that Broughton was in fact able to exercise one of his functions as metropolitan by summoning his suffragans to a conference.⁴² Apart from developments in other portions of the colonial Church, circumstances had by then combined to render it virtually essential that some action be taken.

Principally this was because of the views being expressed in the neighbouring diocese of Melbourne by Bishop Perry and others. As well as subscribing to the belief that there were difficulties in the way of applying England's ecclesiastical law to the colonial situation, Perry held that the subdivision of the diocese of Australia in 1847 had rendered the church acts of New South Wales, on which much of the local ecclesiastical machinery of the day rested, inapplicable to his new diocese.⁴³ In view of the likely success of the movement for the separation of Port Philip from the colony of New South Wales, he was anxious to remedy this situation as

⁴¹ Broughton to Coleridge, 4 July 1848, Papers of Bishop Broughton, G245.

⁴² Broughton to Tyrrell, 1 October 1849, Broughton, William Grant, Papers 1824-1898, MSS 913, Mitchell Library, Sydney; Whittington, William Grant Broughton, p. 178 (note: the date given by Whittington does not agree with that of Broughton's letter to Tyrrell); Selwyn to Coleridge, 2 December 1850, Papers of Bishop Broughton, G244.

⁴³ Perry to Earl Grey, 27 November 1849, Bishop's Letter Book.

early as was practicable. The exigencies of settling into his diocese and creating the necessary framework for it meant that for the first year or two he was unable to direct his activities towards this end. Nevertheless, by as early as 1849 he was convinced that the time was ripe for a revision of the legal situation, and for the introduction of a "popular" element into the exercise of patronage in his diocese, and he accordingly took steps to have legislation drawn up during that year by his registrar, Mr. Henry Moor, M.L.C. The establishment of a separate colony would, in Perry's view, "afford an opportunity of obtaining such [an act] as we feel to be best suited to our wants; without interfering with any arrangements which may be adopted in the Dioceses of Sydney & Newcastle".⁴⁴

In February 1850, the Bishops of Sydney and Melbourne met (for the first time) at Albury to discuss, inter alia, the legal position of the Church. Unfortunately no exact record of the meeting survives, although it was invested with considerable significance at the time.⁴⁵ Perry had hoped that Broughton would himself have sought new legislation from the Legislative Council of New South Wales to rectify the anomalies created by the sub-division of the diocese. But Broughton had not done so, partly (as his actions were to show) because he was not so concerned about the dangers of episcopal autocracy, and partly (in Robin's view) because of the uncertainty of the legal situation.⁴⁶ More important was Broughton's desire for united action following the projected conference of bishops.

⁴⁴ Ibid.; Perry to Broughton, 29 April 1850, Papers of Bishop Broughton, G244. This correspondence is incorrectly cited by Robin, A. de Q., Charles Perry Bishop of Melbourne. The Challenges of a Colonial Episcopate, 1847-76, Nedlands, 1967, p. 55n.

⁴⁵ Melbourne Church of England Messenger, March 1850, p. 59.

⁴⁶ Melbourne Morning Herald, 3 August 1850; see also Robin, op. cit., p. 55.

As a result of Broughton's attitude, Perry probably intimated to him during their meeting his intention of introducing the legislation which he had caused to be drawn up the previous year. On Moor's advice, two bills were finally framed - one dealing with clerical discipline (based on an act passed in England a few years previously), the other dealing with patronage. Through an unfortunate combination of circumstances, the bills were shown in draft form to a few individuals only, and this led to opposition both from Anglican sources in the diocese and from protestants in Melbourne on sectarian grounds. After hostile public meetings, Perry wisely decided, in August 1850, to withdraw the bills, as the prospects for their success seemed very slim.⁴⁷

From Broughton's point of view, the significance of Perry's efforts to secure a revision in the constitutional basis of his diocese lay not so much in their success or failure, or indeed in the differences of opinion between the two bishops, as in the fact that they undoubtedly emphasised the need which Broughton felt for a conference as a prelude to united action for his province. Perhaps he took some comfort from the fact that his other suffragans, all of whom were tractarian sympathisers like himself,⁴⁸ had not so far shown such independence of their metropolitan as Perry; Broughton may also have felt the more determined that they should follow the lead to be set by him rather than that which had been set by Perry.

⁴⁷ Melbourne Church of England Messenger, August 1850, p. 219, and September 1850, pp. 221-224. Perry to Broughton, 6 September 1850, Papers of Bishop Broughton, G244. See also Goodman, George, The Church in Victoria During the Episcopate of the Right Reverend Charles Perry First Bishop of Melbourne Prelate of the Order of St. Michael and St. George, Melbourne, 1892, pp. 223-229.

⁴⁸ See Condon, Herbert H., "Charles Henry Bromby, Second Bishop of Tasmania", unpublished M.A. thesis, University of Tasmania, 1964, p. 91.

Developments in the Church at home prior to and during 1850 had also rendered it more or less essential that some action should be taken in the Australian dioceses. For one thing, some observers in England had been calling for the creation of a provincial synod for the Church in Australia (and in Canada) since the end of 1848,⁴⁹ less than twelve months after the arrival of Broughton's new suffragans. But more important perhaps was the fact that an effort was made by W.E. Gladstone to insert into the Australian colonies government bill some clauses dealing with the government of the Church of England in the Australian colonies.⁵⁰ Gladstone's proposals were couched in general terms, and were designed to give the Church a broad power of self regulation subject to several provisos, including one which gave the Archbishop of Canterbury the power to disallow within six months any regulations made by the Church in Australia. In Melbourne, where (as we have seen) the desire for legislation on church government was particularly strong, there was a broadly favourable reaction to this concern being shown at home for the problems of colonial church government. But the Messenger felt that Gladstone's proposals were so broad and liberal as to be "crude and hazardous", for they would confer such power on the colonial Church as to enable it to break the connection with the mother Church,⁵¹ a connection which must be preserved at all costs. In addition, Gladstone's proposals did not specify whether the organs of church government were to be

⁴⁹ See, for example, the letter from F.H.D. (most probably Francis Henry Dickinson) dated 23 December 1848, in Colonial Church Chronicle, February 1849, pp. 302-305.

⁵⁰ Melbourne Church of England Messenger, October 1850, pp. 253-261.

⁵¹ Despite the Archbishop's proposed power of disallowance within six months, for "various circumstances might occur to prevent the Archbishop from executing a formal disallowance within that time ..."
Ibid., p. 259.

diocesan, or provincial, or both - and in the Australian Church there were forces favouring both types. Broughton, for his part, commented briefly but favourably on Gladstone's proposals.⁵²

Clearly, by the early months of 1850 there was more than sufficient impetus for the metropolitan to call a conference of the bishops of his province. There is some evidence that Broughton finally decided fairly early in the year to call such a conference, and that his decision was made known to the Archbishop of Canterbury.⁵³ The conference was set down for October, and during the year Broughton corresponded with Tyrrell about the scope of its agenda. Since Tyrrell's arrival in the colony the two had become firm friends, and they were in close agreement about the importance of the meeting - so close indeed that Broughton disclosed to Tyrrell views on its nature and role which he had intended to keep to himself until the conference had actually begun. He sensed the probability of strong differences of opinion being expressed at the conference, and touched on "a most decided part" recently taken on one of the topics for consideration by his suffragan in Melbourne.⁵⁴

Perry also sensed the same thing, for in September he wrote to Broughton about the conference. In a somewhat ambivalent letter, Perry

⁵² Broughton to Coleridge, 10 July 1850, Papers of Bishop Broughton, G245.

⁵³ Perry to Broughton, 29 April 1850, Papers of Bishop Broughton, G244; Boodle, *op. cit.*, pp. 89-91; [Bagot, Charles Harvey, et al.], An Account of the Proceedings of the Laity and Clergy of the Church of England in South Australia: Occasioned by the Publication of Certain Minutes of a Meeting Held in Sydney by the Australian Bishops, In October 1850, Adelaide, 1851, p. 25.

⁵⁴ Broughton to Tyrrell, 10 September 1850, Broughton Papers, 1824-1898. Thomas Hassall's comment on the proposed conference was that "it will do us little or no good but take up a vast deal of useful time - How are the expenses to be paid ...". Thomas Hassall to James Hassall, 4 September 1850, Hassall Correspondence, Volume I, A1677-1, Mitchell Library, Sydney.

spoke of the importance of establishing "an unity of action among us", but proposed that no vote be taken on questions which caused differences of opinion. He believed that the minority on any given issue should be left free to decide whether or not they would defer to their brother bishops. "We must be careful not to seem to trench upon the independence of each Bishop in his own Diocese ..."⁵⁵

The conference itself assembled on 1 October 1850, receiving an address from Archdeacon William Cowper of Sydney, who expressed the timely hope (which Broughton was soon to share) that the deliberations of the bishops might supply the "want of correct information" which had so far characterised the efforts of the authorities in England.⁵⁶ Before they could begin their deliberations in any detail, it was necessary for the bishops to decide upon the exact nature of their meeting. Perry insisted from the beginning that since their dioceses had been created by the crown, they could not act as a provincial synod, while Short believed that since the royal supremacy over the Church of England was modified by colonial legislation, they could in fact function as a synod. Broughton agreed with Short, but felt that the canons and articles of the Church were nonetheless binding on them in conscience. Eventually, there was a unanimous agreement not to act or enact as a synod, but to confine themselves to bringing before

⁵⁵ Perry to Broughton, 6 September 1850, Papers of Bishop Broughton, G244.

⁵⁶ S.M.H., 18 October 1850; Broughton to Coleridge, 9 May 1851, Papers of Bishop Broughton, G245. An instance of the extent to which the benefits of synodical government were misunderstood in some quarters in England is provided by the sentiments of Sir De Lacy Evans, M.P.: "He was not much versed in synodical action, but he had a sort of idea that it was something that was not for the benefit of the community". Hansard, Third Series, Volume CXVIII, 19 July 1851, cols. 1038-1039. The comment of the Christian Observer, London, June 1852, pp. 433-434, on Gladstone's legislative efforts in 1852 showed similar ignorance.

the authorities of Church and state in England the difficulties created by the doubt over the force of the royal supremacy in the colonies.⁵⁷

Subsequently, in publishing their conclusions, the bishops were careful not to claim any authority, other than was spiritually inherent in their office, for their recommendations. The opening paragraphs of their minutes simply refer to their desire "to consult together...to suggest...to consider...and finally...to adopt plans..."⁵⁸ Broughton, writing to Tyrrell shortly before the conference commenced, had said that "the less authority we at the same time assume to make those views immediately binding upon others...the more likely shall we be to arrive, in the end, at the desired result... This position I think we should secure to ourselves without the exertion of any coercive authority whatever..."⁵⁹ Strangely, during the outbursts which followed the bishops' recommendations in the dioceses, Broughton failed to emphasise this approach. But such was the force of some of the outbursts that it is doubtful whether any subsequent disclaimers by him would have mitigated them.

The bishops discussed a wide range of issues during their conference, and although they manifested a variety of opinions on almost every question,

⁵⁷ Perry, Charles, "Bishops Meeting 1850. Report of Meeting and Rulings", Diocesan Registry, Melbourne, pp. 1-2. The title and pagination are those given by the registrar of the diocese of Melbourne. The document itself bears no original title. While there may be some doubt as to whether it is in Perry's own handwriting, it contains his record of the conference.

⁵⁸ Minutes of Proceedings at a Meeting of the Metropolitan and Suffragan Bishops of the Province of Australasia, Held at Sydney, From October 1st to November 1st, A.D. 1850, Sydney, n.d. [1850], p. 5.

⁵⁹ Broughton to Tyrrell, 10 September 1850, Broughton Papers 1824-1898. Italics in original.

they were able to record unanimity on all but one subject⁶⁰ by keeping their published minutes brief. Those questions of particular concern in the Australian colonies to which the bishops gave their attention included education, and the creation of a board of missions to further the work of the Church amongst the heathen of the province and beyond. Amongst the subjects of wider concern in the colonial Church generally were a revision of the canons of 1603-4, and the use of the liturgy in colonial conditions.

In their published minutes, the bishops stated that many of the "questions of great importance to the well-being of the Church in our Province" could not be resolved without the creation of synods and conventions both for the province itself and for the dioceses within it.⁶¹ But in private they were by no means agreed on the degree of urgency involved or on the principles which should be followed in the creation of these bodies. Selwyn, the energetic and far-sighted Bishop of New Zealand, was impatient with abstract questions of royal supremacy, and sought for the prompt creation of a provincial synod with power to divide existing dioceses and to take the major part in appointing new bishops.⁶² In advocating such a role for the provincial synod, Selwyn was enunciating views which he was to hold all his life.

Perry also expressed an opinion from which he never really deviated when he opposed Selwyn's proposal on the ground that by the exercise of

⁶⁰ This was the question of baptism. See below, pp. 27-28.

⁶¹ The synods were to consist of one or more bishops together with representatives of the clergy. The conventions were to consist of representatives of the laity, meeting concurrently with the synods. For the published conclusions of the bishops, see Minutes of Proceedings ... A.D. 1850.

⁶² Perry, "Bishops Meeting 1850", pp. 2, 3, 31.

such powers the provincial synod would "endanger the unity of the Church of England". Surprisingly, for one whose persuasions were strongly evangelical, Perry insisted that as the Roman Catholic bishops referred all such questions to Rome, "so we should to Canterbury". Nixon, the Bishop of Tasmania, was the only one to support Perry, and only to the extent that he was for the present willing to bear with the rule by which the authority to make such divisions and appointments rested with the authorities of Church and state in England.⁶³

Selwyn received strong support from his old friend Tyrrell, who advocated the self governing Protestant Episcopal Church of the United States as a model for their new province. Short agreed that the American Church was analagous in many ways to their own, and while insisting (for Perry's benefit) that a provincial synod would not endanger the doctrinal unity of the Church of England, counselled caution on the part of the provincial bishops in seeking autonomy.⁶⁴

Broughton, the metropolitan, would have none of the caution which Short was urging. Probably taking his cue from Perry, he insisted that since there was now a province and a metropolitan, the continued nomination of their bishops by the Archbishop of Canterbury would be so irregular as to amount to a papal usurpation. Canterbury should have no veto over the ecclesiastical functions of the proposed provincial synod, because of the delay, the distance, and the ignorance which this would involve. The synodical foundations which Broughton advocated for the province would have brought it only a little short of complete autonomy. Realising that he was seeking for the Church in his province powers of self government greater than those which the Church in England possessed, he insisted that he

⁶³ Ibid., pp. 4, 5.

⁶⁴ Ibid.

desired no more than was enjoyed by the other denominations in the colonies. It was not good, he declared, "to wait for a 'Casus Belli' to declare our independency of State fetters; rather sh[oul]d we be ready & prepared; so that when they drop off (as they must ere long) we may be found in possession of a system of acting, & not having one to seek". The reactions of his suffragans are merely hinted at in the account of Broughton's remarks, but there is no doubt that his vision of the future development of his Church was more far reaching than anything conceived of by his fellow bishops.⁶⁵

The role of a provincial synod was raised again when the bishops turned to discuss the place of the clergy and the laity in the government and discipline of the province. Tyrrell, again taking the American Church as his model, urged that both the clergy and the laity should be able to participate fully in both aspects of the Church's life. Selwyn, again impatient of the difficulties, fully supported him. Short also agreed with Tyrrell, although insofar as discipline was concerned he was more inclined to lean on the powers which he believed were inherent in the offices of bishop and priest. Perry found himself less isolated on this issue, and with support from Nixon he again deprecated the possession by a bishop of too much autocratic power, and urged the admission of the clergy and the laity to the government of the Church.⁶⁶

Broughton again argued more strongly on this question than any of his suffragans. He was inclined to take the view (with some support from

⁶⁵ Ibid., pp. 6-7. During the discussion which followed, one of the bishops raised the possibility that the power of the crown to appoint bishops for colonial dioceses might prove to be unfounded. It was a prophetic thought, although none seemed to realise it at the time. See ibid., pp. 7-8.

⁶⁶ Ibid., pp. 8-20.

Short) that the provincial synod should consist of bishops only. He was a firm believer in the value of discipline, which he felt should be administered uniformly throughout the province. His harshest strictures were reserved for the laity. Much of the population, sq Broughton insisted, was without any religious education or feeling of church membership. They were erratic, and would not submit to discipline, which nonetheless must be administered faithfully and fearlessly. He was not willing to admit laymen to synods, whether provincial or diocesan.⁶⁷ Perhaps not surprisingly after the attacks upon him by some of the Sydney laity in the late 1840s and the personal trials through which he had recently passed, he held strong views on such matters. In their published minutes, however, the bishops agreed that representatives of the clergy should be admitted to provincial and diocesan synods, and that lay representatives should meet concurrently in conventions at both levels, sharing powers over certain aspects of church government.⁶⁸

On only one question - baptism - were the bishops unable to publicly record a unanimous opinion. Perry would not accept the views of his brother bishops on baptism, and his minority opinion (privately condemned by Broughton as "unsound and injurious") was included separately in the minutes of the conference.⁶⁹ The question itself virtually forced its way on to the agenda, for it had been to the fore in a case decided in March of the same year by the Privy Council in its so called Gorham judgement. It was a case which had been disturbing churchmen everywhere, and in its judgement the

⁶⁷ Ibid., pp. 20-21, 25-26.

⁶⁸ Minutes of Proceedings ... A.D. 1850, pp. 7-9.

⁶⁹ Broughton to Coleridge, 1 February 1851, Papers of Bishop Broughton, G245. Broughton had been worried by some of Perry's sentiments even before Perry had left England. Ibid., 26 October 1847.

Council upheld evangelical or low church views. Gladstone wrote from England asking that the bishops pronounce on the question. The importance of their opinions was greater than their intrinsic value, for they provided a theological clothing for local disputes which were already in existence (in the case of Tasmania, for example) or which were about to break out (in Adelaide).⁷⁰ Their importance also lies partly in the fact that the views on baptism which the judgement upheld were similar to those held by the evangelical Perry. His minority opinion, as stated in the minutes of the conference,⁷¹ made it clear that his sympathies lay with the crown in this case, and hence with the right of the state to intervene in ecclesiastical matters. In achieving synodical government, those who (like Perry) were in sympathy with the crown were to look to full state enactment as the ideal solution, while those who (like the other five bishops) sympathised with the opposite viewpoint were to prefer a constitution developed by the Church itself. It was unfortunate that at this crucial stage in the constitutional development of the Church in Australia, such a controversy was so occupying men's minds. Nevertheless, in view of this issue, and of the fact that throughout the 1840s the Church of England had been disturbed by fears of tractarianism, it is not greatly surprising that the movement towards synodical government for the Church was inextricably bound up with questions of theology, of doctrine, and of authority.⁷²

⁷⁰ See below, pp. 34-37 and 57-60.

⁷¹ Minutes of Proceedings ... A.D. 1850, pp. 19-21. The Secretary of State for the Colonies subsequently saw the majority opinion of the bishops on baptism as having created panic in the Australian colonies. Hansard, Third Series, Volume CXXI, 19 May 1852, col. 746.

⁷² The close connection was demonstrated very clearly in a resolution adopted at a meeting of laymen in Launceston in 1851. See Launceston Examiner, Supplement, 10 September 1851. See also Cable, K.J., "Religious Controversies in New South Wales in the Mid-Nineteenth Century - I: Aspects of Anglicanism, 1848-1850", Journal of the Royal Australian Historical Society, Volume 49, Part 1, June 1963, pp. 58-74.

Outwardly the conference of Australasian bishops appeared to have been of considerable value. It was eulogised by the Messenger (in an article which could only have been written by or with the guidance of Perry) as being "pregnant, as we may reasonably anticipate, with important consequences to the Church in these colonies". The same journal went on to insist that "there prevailed the most perfect harmony of feeling, which no difference of opinion on particular points in no [sic] degree disturbed", and was gratified that on every recorded opinion, except that on baptism, the bishops were unanimous.⁷³

In private, however, the conference was not described in such glowing terms. Less than six weeks after the conclusion of the conference, Perry revealed, albeit confidentially, the differences of opinion among the bishops concerning the relative amount of power to be given to the bishops, the clergy, and the laity in the proposed synods. He went on to say:

"... you will observe, that our conclusions are expressed in very few words, & are of a very general character, a course adopted in order to ensure a perfect unanimity, & so to give more weight to our representations. If we had entered into details, we sh[oul]d have been involved in difficulties, out of wh[ich] we could not, at least in the time allowed us for deliberation, have extricated ourselves".⁷⁴

A few months later, Perry went further and made public the fact that the bishops had had to try hard to put an appearance of unanimity on their conclusions. He was even prepared to reconsider them, and he did

⁷³ Melbourne Church of England Messenger, December 1850, pp. 318-323. Some seventy years later, the conference was described as "the pivot on which the whole subsequent history of the Church in Australia turns". Bishop L.B. Radford in conversation with Giles; quoted in Giles, op. cit., p. 146n.

⁷⁴ Perry to editor of Christian Observer, 10 January 1851, Bishop's Letter Book. The letter was at Perry's request not published. Over the next four years, some use was made of material in the letter by the Christian Observer, but it was not drawn on to any great extent. See, e.g., its issue of March 1853, p. 216.

not feel prohibited from "expressing a modified opinion" if need be.⁷⁵

Although the bishops had been able to preserve an appearance of unanimity, there was no further united action of any sort by the Australian episcopate for many years, a situation which can in part be put down to Broughton's untimely death early in 1853. But even in the few remaining years of Broughton's metropolitan episcopate there was little unity, and while this can be attributed to a distinct combination of circumstances, it would be difficult to assign a relative importance to each one of them.

No further joint action was planned by the bishops for the period following their conference in view of the hopes and prospects of action on the part of the authorities at home. At this stage it was believed by all concerned, including Perry, that only by legislation from the Imperial Parliament could the problems concerning church government in the colonies be properly rectified. As we have seen, such legislation was unsuccessfully attempted in England in 1850, and it was believed in some quarters that one of the principal benefits of the Sydney conference would be that the authorities at home would be better informed about the needs of the colonial Church and the safeguards which would be necessary in any legislation.⁷⁶ In fact, shortly before the bishops assembled in Sydney, the Secretary of State for the Colonies had been preparing to appoint a commission of enquiry, including the Australian bishops as members, to examine the difficulties facing the Church in the Australian colonies. On hearing of the bishops' meeting, he decided to abandon this course of action, and to wait for the results of the bishops' deliberations. The commission was never appointed.⁷⁷

⁷⁵ Argus, Melbourne, 25 June 1851.

⁷⁶ Melbourne Church of England Messenger, December 1850, p. 319.

⁷⁷ Hansard, Third Series, Volume CXV, 25 March 1851, col. 496.

At the conclusion of the conference, some of the bishops suggested that Broughton should go to England in order to oversee any action which might be taken as a result of their recommendations. According to Selwyn, Broughton would have gone "not strictly as a deputation from our Synod, for we could not agree to depute any one ..." Rather, he would have gone "to confer with the Head of our Church; especially on his own position as Metropolitan, which seems to require to be further and more fully defined". However, Broughton was not enthusiastic about the idea, and in the end it was not proceeded with.⁷⁸ Nevertheless the hope of legislation in England remained, with the expectation that there would first be an enquiry into the whole subject. It was with this end in view that the minutes of the conference were transmitted to the ecclesiastical authorities in England; and Broughton subsequently claimed that the bishops in conference had reached an implied understanding that they would take no further action until a reply had been received from England.⁷⁹

Only a matter of months after the conference had concluded, Gladstone (then the member for Oxford University) began another effort to have legislation passed by the Imperial Parliament. In July 1851 he foreshadowed a bill dealing with the difficulties of the colonial Church; and in February 1852, just over a year after the Sydney conference, he introduced a brief measure into the House of Commons.

⁷⁸ Selwyn to Coleridge, 2 December 1850, Papers of Bishop Broughton, G244. Selwyn used the word "Synod" which was in frequent contemporary use as an alternative to "Conference". See also Copies or Extracts of Correspondence between the Archbishop of Canterbury and the Bishop of Sydney in regard to Ecclesiastical Discipline, House of Commons Accounts and Papers, Volume XXXII, No. 459, 1852, pp. 3-5.

⁷⁹ Perry to Broughton, [28] April 1851, Bishop's Private Letter Book.

Gladstone's bill was designed to permit the various branches of the colonial Church to govern themselves through provincial and diocesan synods. He had discussed the question at some length with Bishop Short before the latter had left England to take possession of his diocese. Not surprisingly, when it was finally introduced it met with Short's entire approval. However, Gladstone's efforts failed a few months later after disagreement with the Secretary of State for the Colonies (Sir John Pakington) as to the actual effects of the bill. Pakington believed that it would in practice lead to the dominance (or establishment) of the Anglican Church in the colonies, that it would lead to the complete separation of the colonial Church from the mother Church and hence its fragmentation, and that it would set aside the royal prerogative and supremacy. He opposed the bill on these grounds, and it failed to pass.⁸⁰

But apart from the prospect of legislation by the Imperial Parliament, the outlook for any meaningful sort of united action in the Australian Church at the end of 1850 was never particularly bright. It would be too sanguine to expect that a new ecclesiastical province would, in the space of less than three years, have a united outlook on even a limited range of matters. For one thing, we must remember that newly appointed colonial bishops would have been able to comprehend little other than the pressing needs of their enormous dioceses. Furthermore, Tasmania (and New Zealand) had been independent dioceses placed in a direct relationship to Canterbury for several years before they became part of a local province. One must also remember that there was an odd man out in the bench of bishops in the form of Perry, the Bishop of Melbourne. Almost

⁸⁰ Hansard, Third Series, Volume CXVIII, cols. 1035-1038; Volume CXIX, cols. 880-881; Volume CXX, cols. 1263-1278; Volume CXXI, cols. 742-793 (esp. col. 749); Colonial Church Chronicle, June 1852, p. 460, and August 1852, pp. 44-47, 68-70; South Australian Register, Adelaide, 3 January 1853.

from the time of his appointment, Perry had been insisting that reforms in church government were essential, and he had been prepared to subordinate his professions of the need for united action to this end, even to the extent of taking parliamentary action on his own initiative while developments at a higher level were in train elsewhere. Perry's appointment to a colonial see may have been partly to redress the balance of churchmanship in such offices,⁸¹ but his efforts in Victoria certainly contributed towards an unbalance in the constitutional growth of the ecclesiastical province of which his diocese was a part.

The coup de grace to the prospects for a united approach to their constitutional needs by the Australian dioceses, even in the relatively short interval which remained between the conclusion of the conference and the death of Broughton, was administered by local factors in both the diocese of Adelaide (where the adaptation of the Church to its new environment was more difficult than in any other Australian colony) and the diocese of Melbourne. These, probably more than developments prior to the conference, or expected developments in England, meant that individual rather than united action became the order of the day in two dioceses.

In Adelaide, Bishop Short intended to circulate the minutes of the conference to the laity,⁸² but the documents had not arrived by the time of his primary visitation of his clergy in January 1851, not many weeks after the conference had concluded. In referring to the conference during the visitation, he was careful to point out that the bishops were convinced that synods were necessary for the colonial Church, and that the authorities must consult the wishes of colonial churchmen before taking any action. He was also at pains to underline the importance of the laity in any future

⁸¹ Robin, op. cit., p. 33.

⁸² [Bagot et al.], op. cit., p. 24.

system of church government.⁸³

Notwithstanding this approach, Short was faced with "a suddenly formed, strangely united and almost violent opposition", as the recommendations of the conference became known. Short's forceful personality, his high view of the episcopate, his desire to centralise the control of Anglican property in the diocese and his tractarian leanings had resulted in criticism from various lay quarters during his three years in Adelaide, and to these feelings the recommendations of the conference, although misunderstood, acted as a catalyst.⁸⁴ But more than the alleged defects of their bishop lay behind the antagonism now beginning to manifest itself in Adelaide towards the conference of bishops. The laity took this opportunity to vent their dissatisfaction with such various aspects of religious activity as the place of religious education and the question of state aid to schools.⁸⁵

Curiously, the strictures of the bishops on the place and discipline of the laity in the Church, on which some of them held strong views,⁸⁶ seemed to have little to do with the outbursts among the laity which followed. The storm broke when the minutes of the bishops concerning the baptism question were introduced into a meeting of churchmen in Adelaide later in

⁸³ Colonial Church Chronicle, December 1851, p. 232.

⁸⁴ Meaney, N.K., "The Church of England in the Paradise of Dissent - A Problem of Assimilation", Journal of Religious History, Volume 3, No. 2, December 1964, p. 143. Pike states that Short "finally offended all believers in the autonomy of South Australia" by attending the conference of bishops in Sydney. Pike, Douglas, Paradise of Dissent. South Australia 1829-1857, Melbourne, 2nd Edition, 1967, p. 425.

⁸⁵ See, e.g., [Bagot et al.], op. cit., p. 51.

⁸⁶ Perry, "Bishops Meeting 1850", pp. 20-21 and 25-26 (Broughton), 21-22 (Tyrrell), 24 (Nixon), 24-25 (Selwyn); Minutes of Proceedings ... A.D. 1850, pp. 10-11, 15-16.

January 1851 by Marshall MacDermott, a leading layman. The meeting broke up in confusion, and a subsequent meeting of laymen in the same month again considered issues raised by the conference of bishops.⁸⁷ At this meeting, the same protagonist pointedly alluded to the fact that since the laity held the purse strings of the Church, their opinions should not be disregarded. Furthermore, the laity should have a greater voice in the government of the Church. The issues raised at the meeting were, in broad terms, those which were to become familiar in other Australian dioceses (and, to some extent, in England) during the struggle to achieve synods: the spread of tractarianism; the relative power of bishop, clergy and laity; the powers and sanctions of clerical discipline; and the fear of a surreptitious attempt at Church establishment.

Out of the confused proceedings of the meeting of the laity, perhaps the strongest theme to emerge was the fear of tractarianism, a fear which coloured discussion of virtually every aspect of the recommendations of the bishops (who were feelingly described at one point as "all uninspired sinners like ourselves").⁸⁸ In particular it determined their attitude to the proposed provincial synod. It soon became apparent that a provincial synod was seen (erroneously) by the laity of Adelaide as a body consisting only of the bishops of the province, who would therefore use it to spread their

⁸⁷ [Bagot et al.], op. cit., passim. See also Colonial Church Chronicle, September 1851, p. 118. Eight of the clergy were present as observers.

⁸⁸ [Bagot et al.], op. cit., p. 32. This account was published soon afterwards without the prior knowledge or consent of those who were shown on it as signatories.

views,⁸⁹ and would use the power of nominating future colonial bishops, which the Sydney conference had proposed for the provincial synod, to ensure perpetual supremacy of those views. Thus, one layman insisted that insofar as the power to frame rules for the Church (whether spiritual or temporal in nature) was concerned, he denied the existence of any other bishop but their own. Only one of the laymen present (Judge Cooper) attempted to gain acceptance of a provincial synod, provided there was the safeguard of an appeal from its decisions to the Privy Council, a safeguard which he thought might save many of the colonial clergy. His resolution to that effect was decisively rejected by the meeting.⁹⁰

A meeting of the clergy was held early in February, a week after the last meeting of laymen. This meeting expressed its views in more moderate and respectful language, while leaving the bishop in no doubt that in its view the introduction of the baptism question into the conference of bishops had been injudicious. The resolutions of the clergy, who did not consider the subject of a provincial synod, drew a favourable comment from the anti-tractarian English paper, the Christian Observer.⁹¹

⁸⁹ This misconception about the composition of provincial synods probably arose largely from the fact that the conference of bishops was frequently (if erroneously) referred to at the time as a "Provincial Synod" or "synodical meeting". It was a misconception which was to recur in other dioceses. Despite the individual views of some of the bishops, their published minutes (which were not as specific as they might have been) appeared to include the clergy in the provincial synod. At a subsequent meeting in Adelaide, MacDermott was reported to have said that "it was proposed at the Sydney Convention that the Bishops of New South Wales should have the power to appoint other Bishops ..." Adelaide Observer, 10 January 1852.

⁹⁰ [Bagot et al.], op. cit., pp. 34-37, 41.

⁹¹ Ibid., pp. 57-60; Christian Observer, December 1851, pp. 866-867.

Bishop Short rejected the various accusations which had been levelled at both himself and his fellow bishops in language which was temperate but firm, including a neatly qualified rejection of tractarianism. Nevertheless Broughton, who in 1850 had advocated "faithful & fearless administration of discipline" towards the laity, was moved to remark of his colleague's handling of his laymen: "I fear our good brother Short has not shown all the wisdom of the serpent".⁹²

But the event which really precipitated the diocese of Adelaide into breaking the understanding about individual diocesan action which was allegedly reached at the conference of bishops was the withdrawal of state aid to religion. By March 1851, only a matter of weeks after the meetings described above, it had become clear that at the first South Australian election since the passing of the Australian colonies government act, one of the main issues was to be state aid to religion, small though the aid was. The results of the election were known at the end of July: of the sixteen successful candidates, only five (all of whom were Anglicans) in any way supported state aid; and two of these five gave only severely qualified support.⁹³ By the end of August 1851, state aid had ceased in South Australia. It was the only colonial Church in Australia, until 1863, to be completely cut off from state aid. The bishop was thrown back to the laity for financial support, and in the light of these changed circumstances, he apparently decided that part of the solution lay in the commencement of diocesan synods, which had been discussed by the bishops in Sydney less than twelve months before. Asked by the bishop for advice, the diocesan church society recommended a diocesan constitution providing for a form of

⁹² [Bagot et al.], op. cit., pp. 19, 24-26, 55-56; Broughton to Coleridge, 9 May 1851, Papers of Bishop Broughton, G245; Perry, "Bishops Meeting 1850", p. 26.

⁹³ Meaney, op. cit., p. 145; Whittington, Augustus Short, p. 79; Pike, op. cit., pp. 421-437.

synodical government. Its recommendations made no overt provision for any provincial organisation for the Church beyond the boundaries of the diocese, although they appeared to leave some scope for appeals to such a body in cases of ecclesiastical offences. Short, who was to insist throughout his episcopate that diocesan independence could be successfully combined with some unity of action, agreed with the recommendations and called a meeting of a body to be known as the diocesan assembly for 6 January 1852, at a time when the problems of the Church of England in South Australia were being complicated by a drain of population to the Victorian goldfields.

At the meeting of the diocesan assembly, Short emphasised that were it not for the acute crisis brought about by the cessation of state aid, his diocese would have been content to follow rather than to lead in the progress of the Church towards synodical government.⁹⁴ The meeting, which was "characterised by a singular earnestness of purpose, as well as by great unanimity", resulted in the adoption of a constitution which, following the recommendations of the society, made no explicit provision for any extra-diocesan organisation. Only one speaker mentioned the desirability of a uniform system of government for the Church in all of the British colonies, but his remarks were not taken up.⁹⁵ On the basis of that document, a properly constituted diocesan assembly met for the first time on 30 December 1852 and following days.⁹⁶ By this time, as we shall see,

⁹⁴ South Australian Register, 8 November 1851 and 19 January 1852.

⁹⁵ Adelaide Observer, 10 January 1852; Colonial Church Chronicle, March 1852, pp. 342-346 and September 1852, pp. 102-106, 112. The English Christian Observer, which opposed any movement for synodical government, saw the January meeting as "the thin end of the wedge"; August 1852, p. 576.

⁹⁶ At this session, Short expressed the hope that a provincial assembly would be created before long; and the Reverend W.J. Woodcock offered opposition to any compulsory provincial union. Apart from these remarks, the subject of a provincial synod was not pursued on this occasion. See South Australian Register, 1 and 3 January 1853.

the metropolitan bishop had arrived in England in pursuit of similar constitutional objectives.

Thus, within a matter of weeks after the conference of bishops had concluded its meeting, the most westerly diocese in the province had been precipitated into independent action by an unfortunate combination of a predisposition to dissent on the part of the laity, and the abrupt withdrawal of state aid which threw the Church prematurely on to its own resources at a critical time. In the absence of any contemporary evidence to the contrary, and in the light of views being expressed before the decade was out, it is difficult to maintain that Bishop Short himself was ipso facto in favour of immediate independent diocesan action towards implementing some of the recommendations of the 1850 conference. It is therefore not so very difficult to understand why this independent constitutional development in Adelaide called forth no protest from the metropolitan bishop prior to his death.

In the case of the diocese of Melbourne and its rather independent bishop, a different situation obtained. As we have seen, Perry was by the time of the 1850 conference already inclined towards taking independent action, and as events soon showed he did not change his approach as a result of the conference.

Scarcely three weeks after the conference of bishops had concluded, Perry issued a circular letter to his clergy, in which he directed their attention to the minutes of the conference.⁹⁷ Shortly after this, he wrote to the editor of an English church newspaper, supplying him with background information on the various sections of the minutes of the conference, in the hope that they would thereby receive more serious consideration in England before the introduction of another (and, hopefully, more acceptable)

⁹⁷ Colonial Church Chronicle, December 1851, p. 226.

bill into the Imperial Parliament.⁹⁸

Towards the end of March 1851, Perry's clergy replied to his circular concerning the minutes of the bishops' conference. They agreed that some form of synodical government for the diocese was desirable, but beyond this they would not go. They rejected, clearly and decisively, the proposal for some form of united or provincial organisation, insisting that "no advantage can be gained by the formation of any provincial assemblies whatever..." Three of the clergy later changed their minds on this question.⁹⁹ It appears, in the light of a private disclosure by Perry, that the clergy were inclined to this view as a result of the recommendation by the bishops, in which Perry did not entirely concur, that one of the tasks of the proposed provincial organisation should be the recommendation of colonial clergymen for future vacancies in the episcopate. According to Perry, this recommendation "occasioned much alarm among the clergy & others of this Diocese..."¹⁰⁰ The feeling which lay behind this ostensible fear was that by this and other activities, provincial synods and assemblies would have "a direct tendency" to weaken the "present close connexion of our Church in the Australasian colonies with the Church in England ..." They feared that the

⁹⁸ Perry to editor of Christian Observer, 10 January 1851, Bishop's Letter Book. Perry's fear was that in any provision for the needs of the colonial Church, the need which he saw to maintain close and unaltered links with the Church of England would be overlooked (or at least prejudiced). He believed that this had been the case with Gladstone's proposals in 1850. See also Melbourne Church of England Messenger, October 1850, pp.253-261.

⁹⁹ Colonial Church Chronicle, December 1851, p. 227; Christian Observer, December 1851, pp. 866-867; Perry to the Archbishop of Canterbury, 14 August 1851, Bishop's Letter Book.

¹⁰⁰ Perry to editor of Christian Observer, 10 January 1851, Bishop's Letter Book.

right of nomination of colonial bishops by provincial synods would mean that the right would cease to be exercised by the authorities in England, and would enable the Australian bishops to perpetuate their pro-tractarian views indefinitely. This was much the same fear which had exercised the minds of the Adelaide churchmen.

Perry's clergy went further than opposing the projected provincial synods, and proposed that such links as already existed between the Australasian dioceses, tenuous though they were, should be discontinued:

"We would therefore submit that no metropolitan should be hereafter appointed, but that the senior Bishop for the time being should be ex officio Primus of the Australasian Dioceses, without possessing any judicial authority over the same".

In matters of metropolitan jurisdiction, the Australasian dioceses should be subject only to the Archbishop of Canterbury.¹⁰¹

Perry appeared to be surprised at this particular reaction, but he made clear his sympathy with their fear of impairing in any way the connection with the mother Church.¹⁰² It was this very fear on the part of churchmen in various Australian dioceses which for many years afterwards seriously retarded the growth of the Australian Church towards autonomy within the Anglican communion.

But in the diocese of Melbourne in its early and formative years, there was an equally fundamental reason for this lack of interest in united provincial development. This was the almost overwhelming desire in the colony for separation from New South Wales, a desire which was already strong when Perry took possession of his see. Indeed, it was almost as old as permanent settlement there.¹⁰³ For members of the Church of England,

¹⁰¹ Colonial Church Chronicle, December 1851, p. 227.

¹⁰² Ibid., p. 230. His sympathy with this viewpoint was to be apparent throughout the whole of his episcopate in Melbourne.

¹⁰³ See Ward, Earl Grey, p. 24.

who were by no means immune to this feeling, the desire was reinforced by the paucity of their share in the state aid which was disbursed from Sydney, in comparison with the shares allocated to the Church in the middle district and Newcastle, and by the lengthy delays in obtaining even this small share. Together with the fact that the new constitution act included a provision for state aid to religion, this meant that the Church looked forward to separation just as much as anyone else in Victoria.¹⁰⁴ In an editorial, the Messenger broke its policy of abstaining from comment on political affairs to welcome separation, insisting that "it gladdens our hearts with the prospect of increasing wealth and prosperity".¹⁰⁵

News of Victoria's impending independence from New South Wales, which had long been anticipated, reached Melbourne soon after Perry's return from the Sydney conference.¹⁰⁶ Separation became effective on 1 July 1851, a date which fell in the middle of a period (24 June to 9 July) during which a diocesan conference was meeting in Melbourne. It had been called by Perry following the reply of the clergy to his circular and in response to a suggestion from a group of laymen that they should have the opportunity of discussing various aspects of the government of the diocese.¹⁰⁷

¹⁰⁴ Parsons, op. cit., pp. 8-9.

¹⁰⁵ Melbourne Church of England Messenger, August 1851, p. 225.

¹⁰⁶ See Serle, Geoffrey, The Golden Age. A History of the Colony of Victoria, 1851-1861, Melbourne, 1963, p. 1.

¹⁰⁷ Report of a Preliminary Committee, Appointed by the Right Reverend the Bishop of Melbourne, to Make Arrangements for Holding a Conference of the Clergy and Laity of the Church of England, in the Diocese of Melbourne, With a Letter From the Bishop Upon the Subject, Melbourne, 1851, p. 6.

The timing of the conference may or may not have been coincidental, for although it was partly dictated by convenience (since many of the leading laymen would naturally have been in the city for the separation celebrations) it undoubtedly reflected a desire by Perry to take advantage of the consequent new found unity amongst his laymen.¹⁰⁸

Shortly before the meeting was due to commence, Broughton wrote to Perry, accusing him of breaking an implied understanding which had been reached at the conference of bishops that there would be no further steps of any kind towards synodical government, either for the province or for individual dioceses, until the reactions of the authorities in England to the minutes of the conference were known. He directly accused Perry (whose actions preceded those of Short) of showing something of a spirit of "independency and separation" in not first consulting his metropolitan.¹⁰⁹ Broughton's rebuke was probably prompted by his strong doubts about the soundness of many of Perry's views, which would have caused him to be especially suspicious of any move which Perry might make concerning the bishops' minutes. Perry also appeared to have given his clergy and laity more encouragement than Short to discuss the recommendations of the bishops before they could be considered in England.

Broughton's letter arrived only a matter of hours after the meeting in Melbourne had commenced, and Perry composed his reply in the course of the next few days. While recognizing that there were great differences of opinion between Broughton and himself "upon many important matters", he claimed ignorance of any such understanding on the part of the bishops.

¹⁰⁸ See Robin, op. cit., p. 78.

¹⁰⁹ Broughton's letter does not survive, but its substance may be readily gauged from the quotations and references to it in Perry's reply. Perry to Broughton, [28] June 1851, Bishop's Private Letter Book.

He pointedly referred to Short's actions, and to the defiance of their bishop by some of the laity in Tasmania.¹¹⁰ It was unfortunate timing and an unfortunate choice of words on Broughton's part: there was little he could do about Perry's actions, and in the light of the separation of the colony from New South Wales, and of Perry's characteristic approach to questions of colonial church government, the latter's reaction to Broughton's letter was only to be expected.

The conference in Melbourne agreed that a form of synodical government should be instituted for the diocese, with meetings to be held at least triennially. It insisted on the vital importance of maintaining their connection with "the Church of their Fatherland", and of preserving in their "altered circumstances the spirit and liberties of the Church of England ..."¹¹¹ This insistence on preserving their links with England undoubtedly arose, in large measure, from the feeling which had earlier been expressed by the Melbourne clergy, and by clergy and laity in Adelaide,¹¹² that the views of the majority of the bishops, taken together with their recommendation for a provincial synod with power of its own, might lead to persecution of those who (like Perry) disagreed with the majority viewpoint of the bishops on any great theological issue of the day. Thus, the conference proceeded to reject the recommendation of the bishops for a provincial synod, despite a plea from one lay delegate (Charles Sladen of Geelong) that the minutes of the conference of bishops on synods be confirmed as they stood. The

¹¹⁰ See below, pp. 57-60.

¹¹¹ Melbourne Church of England Messenger, August 1851, pp. 228-230; Minutes of a Conference of the Clergy and Laity of the United Church of England and Ireland, In the Colony of Victoria, Presided Over by the Lord Bishop of the Diocese. Held at Melbourne From June 24th to July 9th, 1851, Melbourne, n.d. [1851], pp. 7, 17-18.

¹¹² See above, pp. 35-36.

language of rejection was more temperate than that used earlier in the year by the clergy. The prevailing view was that in any case the difficulties of assembling such bodies would be too great: "the most central would sway the whole, as they could not expect the attendance of the delegates from Swan River, and South Australia". Implicit in this view was the fear of domination by the metropolitan diocese and bishop. For good measure the meeting resolved that even if these difficulties of assembly could be overcome, there would be no "compensating advantage". Perry himself made only a passing reference to the subject.¹¹³ Thus, the diocese of Melbourne reaffirmed its prevailing view against the desirability of united action with the other Australian dioceses. In mid-nineteenth century Australia, the difficulties of assembling an Australia wide synod would have been only too real - but the vision of Broughton and others was not so very unreal.

At the request of the assembly, Perry sent copies of its minutes to the Archbishop of Canterbury and to the Secretary of State for the Colonies. He also sent to the archbishop a copy of the letter from his clergy. In an apparent (and somewhat transparent) effort to offset the effect which some parts of the clergy's letter might have on the archbishop, Perry told him that the conference had "not expressed any objection to the Metropolitan authority of Sydney, but only its desire that there should be a right of ultimate appeal to the highest Court in England".¹¹⁴ In the belief, subsequently shown to be mistaken, that the authorities in England would be more influenced by the expression of principles than by the framing of a detailed measure, Perry pointed out these principles to the archbishop and elaborated upon each.¹¹⁵

¹¹³ Argus, 25 June and 10 July 1851.

¹¹⁴ Perry to the Archbishop of Canterbury, 14 August 1851, Bishop's Letter Book; and to Earl Grey, 15 August 1851, ibid. Italics in original.

¹¹⁵ Ibid.; see also Melbourne Church of England Messenger, July 1851, p. 220.

At virtually the same time that Perry was writing to the archbishop, there came the news of the discovery of gold in Victoria. An editorial in the Messenger welcomed the discovery in a guardedly optimistic manner, and restated the paper's earlier views that the separation of the colony from New South Wales had been in its best interests. Indeed, it expressed the belief that the delay of discovery until shortly after separation was "a remarkable instance of God's providential care over us", since their present position and future prospects would be different if they were "still trammelled by our connection with Sydney".¹¹⁶ In thus linking the discovery of gold with independence from Sydney, the Messenger was, perhaps not altogether unwittingly, underscoring the independent line which the diocese had thus far taken in constitutional matters; for the problems caused by gold were to make Perry's desire and need for some form of self government for his Church even more pressing than before.

The effects of the gold rushes were of great consequence both to the colony and to the Church. Within three years, the population of the colony had trebled, and nearly half of the population was shown in the census returns as being Anglican. But in the same period, the number of Perry's clergy only increased from twenty-three to thirty-five, a number which was grossly inadequate. Even had more clergy been available in 1852, Perry would not have been able to provide for their support. The increase in the grant of state aid to religion (at the beginning of 1853) came just in time, for Perry's finances were almost exhausted. The number of church buildings to house the increasing number of worshippers was quite inadequate, as the scarcity of labour, combined with increased building costs, stopped most church building projects.¹¹⁷

¹¹⁶ Melbourne Church of England Messenger, November 1851, p. 323.

¹¹⁷ Robin, op. cit., pp. 83-84. See also editorial, "The Want of Faithful and Able Ministers, and the Means of Supplying That Want", Melbourne Church of England Messenger, May 1852, pp. 129-134; and Serle, op. cit., pp. 336-340.

While the problems which the gold rushes created for the Church in Victoria were of varying importance and permanence, there is no doubt that they demonstrated even more clearly that the bishop could not carry all of the burdens himself, and that the Church needed to look increasingly to itself rather than to the colonial administration and to various sources in England to supply its wants. In short, the gold rushes made a new form of church government even more imperative than before; and they reinforced the existing tendency to see the solution in diocesan rather than provincial terms.

Nevertheless, there were no immediate concrete results following the assembly of June and July 1851, for the attention of churchmen in Victoria (and elsewhere) was largely focussed on Gladstone's promised attempt at new legislation on the subject of colonial church government. After the first insistent beginnings of an independent approach to the question of church government, Perry and his diocese preferred to await the pleasure of the Imperial Parliament, for they believed that only by that body could the necessary authority be given.

In contrast to this, the first steps towards the establishment of a new constitutional basis for the Church in New South Wales were not taken for some time. Whether or not Broughton was accurate in his assertion that the bishops had agreed to take no further action until the views of the authorities in England were known cannot be conclusively proved. Nevertheless, the fact remains that neither Broughton in Sydney nor Tyrrell in Newcastle (nor, indeed, Nixon in Tasmania) took any steps towards the bishops' stated objectives until a reply had been received from England. In this they stood in marked contrast to the Bishops of Adelaide and Melbourne.

Broughton received a reply from the Archbishop of Canterbury towards the end of 1851. It was brief, and not particularly encouraging.¹¹⁸ The archbishop recognised, in general terms, the difficulties under which the colonial Church was labouring, particularly insofar as the various aspects of ecclesiastical discipline were concerned. However, he insisted that before the authorities could remove any of the difficulties they would need a more detailed statement from the colonial bishops of both the problems they saw and the solutions they proposed.

Broughton, who was on tour in the country when he received the archbishop's letter, believed that the matter was of such importance for the Church in the province that he replied forthwith.¹¹⁹ He had hoped that the minutes of the conference of bishops would have given a sufficiently precise definition of the needs and wishes of the Australian Church. Nevertheless, he expressed his intention of taking steps towards meeting the archbishop's request by calling a conference of the clergy of his diocese for the purpose of obtaining both their views and those of the laity. In all probability, Broughton communicated the archbishop's reply and his own intentions to all of his suffragan bishops, but there is conclusive proof of this only in the case of the Bishop of Tasmania.¹²⁰

On 8 March 1852, Broughton summoned his clergy to a general meeting (he still avoided the use of the word "synod", as had Perry and Short) which he set down for 14 April. The purpose of the meeting was to consider the

¹¹⁸ An extract from the reply appears in Tasmanian Church Chronicle, 7 February 1852.

¹¹⁹ Broughton's letter (1 December 1851) appears in Copies or Extracts of Correspondence ..., House of Commons Accounts and Papers, Volume XXXII, No. 459, 1852, pp. 3-5.

¹²⁰ Tasmanian Church Chronicle, 3 April 1852.

"establishment of a Constitution for our Church", and the steps which might be taken to this end.¹²¹

By this time Broughton had come to the firm belief that, in the colonies (where the Church was not established), the act of supremacy did not apply, and that there was therefore no legal obstacle to the holding of synods. Nevertheless in order to avoid suspicions of illegality, he attached to his letter to the clergy a draft petition to the Queen asking for the removal of any obstacles which might prevent the holding of synods. In his letter, he stated his opinion that the recommendation which the bishops had made in 1850 had been under notice for sufficient time for a mature judgement to be made, and that the time had now come to decide whether a constitution for the Church was favoured by the clergy. If the decision were in favour of a constitution, it would also be necessary to decide what practical measures were required, especially for enabling the laity to express an opinion. Broughton therefore suggested that they should convene and preside over meetings in their parishes, in order that the clergy could come to the general meeting able to express their parishioners' views on the matter as well as their own. There were several such meetings, most of which were reported in the secular press at the time.¹²²

In a letter written to Tyrrell after the conference, Broughton expressed the view that only a few of his clergy had really given the matter much thought, and that as a result the various parish meetings had been of little value.¹²³ Nevertheless, there was a particularly strong feeling

¹²¹ Broughton's letter to the clergy may be found in the Hassall Correspondence, Volume 2, A1677-2, pp. 1079-1080. The text was printed in S.M.H., 20 March 1852.

¹²² See e.g., S.M.H., 31 March and 2-14 April 1852.

¹²³ Whittington, William Grant Broughton, p. 231.

amongst those Sydney churchmen who did take an interest in the subject that the role of the laity under the projected constitution was of the utmost importance. In the interval between the issue of Broughton's circular and the general meeting, this theme continually recurred in the press, both in letters to the editor and in reports of parish meetings, with an occasional notice on the subject in the classified columns.¹²⁴

Shortly after issuing his summons to the meeting, Broughton privately set down his ideas about the lines along which the movement should develop. He believed that a system of unity should be developed throughout the whole of the British world, that it would be "a false suicidal policy to individuate our efforts", one being directed to the revival of convocation in England, another to synods for India, another to synods for Australia, and so on. The result which he envisaged "would be the establishment of one uniform system of Synodical action throughout the whole; uniform as to principle I mean though necessarily modified and diversified in detail according to the variety of circumstances under which the separate members may exist". Thus, the various dioceses would be regulated by synods and conventions, both provincial and diocesan, "all framed according to the same model".¹²⁵ Broughton's ideas were clearly somewhat visionary in character, although they eventually came to pass more or less as he had foreseen.

The meeting on 14 April was preceded by a service in St. Andrew's church. The psalm for the day was the seventy-first, the same one used at

¹²⁴ See, e.g., S.M.H., 23-31 March, and 1, 2, and 9 April 1852.

¹²⁵ Broughton to Coleridge, 19 March 1852, Papers of Bishop Broughton, G245. Robin, op. cit., p. 55, fn 43, misinterprets the extent of Broughton's vision of uniform organisation for the Church, and incorrectly cites the date of this correspondence.

Broughton's consecration sixteen years before.¹²⁶ Neither its coincidence nor its content was lost on the bishop: "I am become as it were a monster unto many: but my sure trust is in thee ... Let them be confounded and perish that are against my soul: let them be covered with shame and dishonour that seek to do me evil".

Although Broughton had summoned only his clergy, there were thirty or forty laymen at the meeting (which was an open one) when it assembled in St. Andrew's schoolroom. Predictably, the principal theme of the discussions centred around the relative powers of bishop, clergy, and laity. This was the same question which had been so much to the fore at the earlier meetings. Broughton stoutly defended the recommendation of the bishops that the laity should exercise their functions through conventions meeting concurrently with the synods which would consist only of the bishops and clergy. He was not impressed with "the sort of 'Rights of man' argument" upon which those who opposed his views on this question based much of their approach. Tactfully, he chose not to stress unduly his own belief that the bishop was by virtue of his office "entitled to control" the decisions of the clergy ("and a fortiori those of the laity"). Hence he was able to keep his temper "pretty well; and that being the case was able to keep up the dignity of the episcopal seat, and to carry weight".¹²⁷

In accordance with the majority viewpoint, the meeting finally decided after two days of debate that the time had come to set about obtaining a constitution for the diocese, and a petition was approved (by a majority of thirty-five to eight) asking the Queen to remove any obstacles

¹²⁶ Broughton to Coleridge, 19 April 1852, Broughton Papers 1824-1898; S.M.H., 15 and 16 April 1852.

¹²⁷ Broughton to Coleridge, 19 April 1852, Broughton Papers 1824-1898.

which might prevent the holding of a synod. Broughton was pleased not only with the actual results of the meeting, but with the fact that the various speakers were able to differ markedly "without assailing one another with the fierceness of hostility: as has been too much the case in neighbouring Dioceses". Somewhat surprisingly, in the light of Broughton's strong earlier statements (both public and private) the deliberations of the general meeting in Sydney related exclusively to that diocese. Despite the fact that he had earlier chided Perry for adopting an independent course of action ahead of the metropolitan diocese, the letter which Broughton addressed to his clergy related only to the achievement of synods "for this Diocese". In opening the general meeting, Broughton told his clergy that they must confine their deliberations only to the diocese, for they had no competency to consider the question of provincial synods. Accordingly, the meeting confined itself to diocesan matters. It is intriguing (and probably unfortunate) that the metropolitan bishop, who had given every sign of feeling more strongly about provincial synods than any other churchman in his province, was so unwilling to allow his own clergy to consider the subject.

Nevertheless, there was strong but not (apparently) widespread opposition in Broughton's diocese to the idea of a provincial synod. This was expressed by W.R. Piddington, at a meeting (attended by about 150 people), which was called in May 1852 by a few of the laity who opposed the resolutions passed at the April meeting of the clergy.¹²⁸ Speaking forcefully,

128

See, e.g., Letter of 13 May from George King Esq., and draft petition, in Macarthur Papers, Volume 99 (Church of England, 1839-1909), A2995, Mitchell Library, Sydney. Also in this volume is a manuscript document, apparently in the hand of James Macarthur, containing three resolutions the content of which indicates that they refer to this meeting. They were in all probability drafted on the basis of forethought, and were apparently not proposed at the meeting itself (which adopted similar resolutions moved by others). They contained a deprecation (reminiscent of the views expressed in 1851 by Perry's clergy) of any attempt to form a provincial synod thereby prejudicing the supremacy of the crown and the right of direct appeal to the Archbishop of Canterbury.

Piddington insisted that "the Episcopal Napoleons, by the coup d'etat contained in their minutes", were seeking to assume for themselves the supremacy of the crown and Parliament by means of provincial synods, "bodies composed, as their lordships tell us, of one or more bishops, with representatives chosen from among the clergy, that is packed by the bishops themselves". Furthermore, he asked, "what greater calamity could befall this province than the establishment of a House of Bishops, composed of such Anti-Protestants as Dr. Nixon, of Tasmania?" In his own somewhat inconsistent way, Piddington was falling into the same error about the composition of provincial synods¹²⁹ as his fellow laymen in Adelaide had done, and for much the same sort of reason. His fear was that if the bishops' proposal for a provincial synod were adopted, "the supreme powers of Church government would be deposited with the Provincial Synod, and ... the independence of the Diocesan Council [Synod] would be entirely sacrificed".¹³⁰

At this stage, however, there were indications that some united action might be taken at least on the part of the two dioceses in New South Wales. Before he issued the summons to his clergy on 8 March, Broughton had spent some time in discussing with Bishop Tyrrell of Newcastle the course which should be followed. According to his biographer, Tyrrell was in Sydney between 18 February and 1 March 1852 for this purpose.¹³¹ Tyrrell was unwilling for his diocese to take the lead from the metropolitan diocese in these matters. He himself attributed this attitude to the fact

¹²⁹ Prior to the clerical meeting in April an anonymous "Letter to the Laity of the Church of England in New South Wales" had made a passing reference to provincial synods "should such be deemed necessary". This writer too saw the membership of provincial synods as consisting of bishops only. S.M.H., 23 March 1852.

¹³⁰ S.M.H., 19 May 1852. Apart from this, the meeting was generally anti-episcopal in tone, and was largely concerned, as similar meetings in the other colonies had been, with the rights of the laity. See also the editorials of the Empire, Sydney, 17 and 18 May 1852.

¹³¹ Boodle, op. cit., p. 122.

that his diocese was in the same colony - but it was also attributable in no small measure to the fact that Tyrrell was Broughton's closest episcopal neighbour personally as well as geographically.¹³²

Like Broughton, Tyrrell at this point of time regarded the role of the laity with some degree of circumspection. In the circumstances of 1852, he believed that it would be "inexpedient, or injurious" to involve the laity too deeply in synodical government - for one thing, he did not believe that there were enough learned Anglican laymen in the colony for this.¹³³ Yet it is significant that Tyrrell was the only Australian bishop not to be faced with troublesome laymen as a result of the recommendations of the conference of bishops. This must be attributed in large measure to Tyrrell's method of approach to the laity of his diocese. Early in 1850, for example, Tyrrell held discussions with some of his senior clergy on various aspects of the organisation of the diocese, including the question of lay participation in its affairs. Shortly after the conference of bishops had concluded in 1850 he set about the formation not of a diocesan synod, but of a church society. This reflected his belief that the cessation of state aid was inevitable before very long, and that the groundwork had to be laid for synodical government.¹³⁴

Furthermore, Tyrrell followed Broughton in giving an assurance that no constitution for the Church in Newcastle would ever be accepted by himself and his clergy "without the full consent and concurrence of the laity".¹³⁵ He also followed Broughton's lead in calling a conference in

¹³² S.M.H., 14 May 1852. Broughton's correspondence with both Coleridge and Tyrrell prior to the conference of bishops in 1850 illustrates this close relationship very well. See, e.g., Broughton to Coleridge, 4 July 1848, Papers of Bishop Broughton, G245; see also Colonial Church Chronicle, May 1857, p. 176.

¹³³ S.M.H., 14 May 1852.

¹³⁴ Colonial Church Chronicle, May 1857, pp. 174-175; Boodle, op. cit., pp. 72, 91-92.

¹³⁵ S.M.H., 14 May 1852.

his diocese to discuss the desirability of a petition - with the difference that, in requesting his clergy to call parish meetings, he asked that at each of these one layman should be elected to the conference (laymen had attended Broughton's conference, but not at the express invitation of their bishop).

The Newcastle conference, consisting of the bishop, thirteen clergymen, and ten lay representatives assembled at Morpeth on 27 October 1852, together with a few other laymen who were present as spectators. It approved a petition to the Queen which had been circulated in draft throughout the diocese and which was broadly similar to that adopted by the Sydney conference. Here again, however, there was a difference which was to recur: the Newcastle conference voted unanimously for the petition, something which the Sydney conference had not done.¹³⁶

In speaking to the meeting, Tyrrell made quite clear his belief that the state should do more than just free the colonial Churches from their difficulties. He supported Broughton's belief that some degree of uniformity was essential in their constitutional arrangements, and that the crown should provide a uniform constitutional framework for the whole colonial Church. Otherwise the result would be in the direction of a separate Church in each diocese.¹³⁷ Hence the Newcastle petition went further than Sydney's and asked the Queen to appoint a royal commission to investigate the constitutional position of the various branches of the colonial Church.¹³⁸ A few months previously Tyrrell had outlined his belief that this was the wisest course, and that it should result in an act of Parliament fixing the broad

¹³⁶ Maitland Mercury, 30 October 1852.

¹³⁷ Ibid.

¹³⁸ The possibility of such a course had in fact been raised in England prior to the 1850 conference - see above, p. 30.

outlines of a constitution for the Church in the colonies, "leaving ample powers for the Dioceses in each colony or series of colonies to make such modifications of detail as their circumstances required". This, in Tyrrell's view, would have the dual advantage of uniformity and practicality.¹³⁹

Thus, of the diocesan conferences held in the four mainland dioceses of Australia at this time, the Newcastle meeting had shown itself to be the most favourably disposed towards a united effort to gain a synodical structure not confined to its own diocese. Such a judgement may well assume a greater degree of understanding of the subject by the Newcastle churchmen than is warranted - but it can at least be said that the Newcastle conference was the only one of the four not to betray signs of either indifference or hostility to the proposals for a provincial synod for the Church in Australia as a whole.

The same could not be said of the diocese of Tasmania, which was suffering from serious dispute and conflict well before the conference of bishops assembled in Sydney towards the end of 1850. Throughout the 1840s, Bishop Nixon had been in difficulties over the enforcement of discipline amongst his clergy. In addition, the sectarian disputes and hostilities which had, in varying degrees, characterised the other Australian dioceses, had also found their way into Tasmania. In the wider sphere, Tasmania was no less prone to turbulence in secular affairs: there was much talk of rights, much hostility to authority. Few Tasmanian institutions avoided quarrels altogether in the mid-nineteenth century, and the various denominations were not amongst those who did escape them.¹⁴⁰

¹³⁹ S.M.H., 14 May 1852. Italics not in original.

¹⁴⁰ See Batt, Neil, and Roe, Michael, "Conflict Within the Church of England in Tasmania, 1850-1858", Journal of Religious History, Volume 4, No. 1, 1966, pp. 42-43.

In such a situation, the Gorham judgement of the Privy Council (which, as we have seen, had significance for reasons of both doctrine and authority) served to provoke further trouble. News of the judgement reached the Australian colonies by about mid-1850, and in Tasmania it had an immediate effect. Clergymen of high church sympathies addressed their like minded bishop in condemnation of the judgement, and received a reply from him which clearly upheld their views.¹⁴¹ Low churchmen, both clerical and lay, upheld the judgement just as strongly.

Into this charged atmosphere came the minutes of the conference of bishops, and there was a swift reaction. Nixon apparently began to enforce upon his ordinands the bishops' majority viewpoint on baptism, to which he heartily subscribed. One of his clergy, the Reverend H.P. Fry, newly converted to the low church anti-tractarian viewpoint, was in Adelaide (on his way back from England) when the dispute over the minutes of the conference broke out there. He was soon agitating in Hobart.¹⁴² In March 1851, there was a meeting of members of the Church of England in Hobart to form an association, and to request the bishop to convene a meeting of the laity for the purpose of considering the bishops' minutes. Somewhat tactlessly, but not surprisingly, Nixon refused, subsequently claiming that the requisitionists had either been too hasty in forming their judgements, or else had not read the minutes at all.¹⁴³ Later in the same month, the Archdeacon of Hobart called a meeting of the clergy of his

¹⁴¹ Letter of September 1850, Barrett Collection, Christ College, University of Tasmania, cited in Batt and Roe, op. cit., p. 44.

¹⁴² Courier, Hobart Town, 26 February and 19 March 1851.

¹⁴³ Courier, 19 March 1851; Launceston Examiner, 31 May 1851. Shortly afterwards, Perry expressed the belief that, in comparison with Nixon's approach, he had followed the wiser course. Perry to Broughton, [28] April 1851, Bishop's Private Letter Book.

archdeaconry to consider the bishops' minutes. One of Nixon's opponents later saw this as an attempt to secure the approval of the clergy for the minutes. If it were, it misfired, for the clergy passed resolutions, subsequently approved somewhat gratuitously by a meeting of laymen, which were critical of the bishops concerning the rights of both clergy and laity and the thorny baptism issue.¹⁴⁴

Unrest continued, with Nixon declining a further request, in May 1851, to convene a meeting of the laity for discussion of the minutes of the conference. In an effort which was undoubtedly aimed at quelling the unrest, Nixon held a formal visitation of his clergy in the Hobart archdeaconry later in May. The visitation was repeated in Launceston. In his charge to the clergy, the bishop vigorously refuted the allegations which had been made against the conference of bishops, and against himself. He insisted that although the laity should take part in the affairs of the Church, they should do so in their proper sphere. Timidity in the discipline of the laity, so Broughton had told his bishops in 1850, was "the sin of the Church of England", and on this occasion Nixon was by no means conciliatory.¹⁴⁵

His refusal of the request from the laity, and his forceful remarks to his clergy, prompted an immediate meeting of the laity, called by the recently formed protestant association. This meeting again attacked the conference of bishops on such issues as the alleged desire of the bishops to exclude the laity from synods, and the power of the bishops over their

¹⁴⁴ Courier, 22 March 1851; Launceston Examiner, 28 May 1851; Colonial Church Chronicle, March 1852, pp. 355-356. In England the views of the clergy received favourable comment from the Christian Observer, December 1851, pp. 866-867.

¹⁴⁵ Courier, 17 May 1851; Launceston Examiner, 31 May 1851; Perry, "Bishops Meeting 1850", p. 26.

clergy. The Launceston Examiner, a journal supporting the protestant cause, described this meeting as "the funeral of Tractarianism in Van Diemen's Land".¹⁴⁶ The Examiner's remarks underscored the outlook and direction which the cause of opposition to the conference of bishops was assuming in the diocese of Tasmania. It was used to cloak and inflate disputes of doctrine and authority within the diocese itself - and it was not until the first excited flurries had passed that the recommendation of the bishops concerning a provincial synod for Australia as a whole was even considered by the disputants. Unfortunately, the trend of events in Tasmania was more confused, and certainly more heated, than in any of the other dioceses, and it is indeed difficult to disentangle from more extraneous issues the question of how far (if at all) churchmen in Tasmania were concerned that they should work in concert with churchmen in other dioceses to achieve not only their common objectives, but also a common or higher synodical government for the Church in Australia as a whole.

By July, churchmen in Tasmania had had more time to think about the minutes of the conference and they also had before them the early developments in Melbourne as well as in Adelaide. At a preliminary meeting in Launceston prior to a fuller meeting of the laity, some speakers felt that the various dioceses ought perhaps to act in concert. "It would be anomalous" said W. Henty, "for one portion of the church to meet in a discussion on its future organisation and not another ..."¹⁴⁷

The full meeting of laymen held in Launceston at the beginning of September had a two-fold significance. Firstly it showed perhaps more clearly than any other development of the period how, in Tasmania, disputes

¹⁴⁶ Courier, 28 May 1851; Launceston Examiner, 28 May 1851.

¹⁴⁷ Launceston Examiner, 6 August 1851. Another speaker also felt that a constitutional government for the Church should be organised by the whole body.

involving questions of churchmanship coloured all ecclesiastical matters, including the apparently innocuous sections of the minutes of the conference of bishops. Thus, the third of the resolutions passed by the meeting congratulated those of the clergy who had publicly opposed the minutes of the conference and at the same time protested against the alleged dissemination of anti-protestant works in the diocese.¹⁴⁸ Secondly, the meeting demonstrated the scant attention paid and sometimes contradictory attitudes adopted towards provincial rather than diocesan requirements. Henty again spoke of the need for the various dioceses to work in harmonious co-operation to establish their constitutional aims - but another speaker (Mr. D.A. Turner) placed a careful limitation on this when he insisted that the theological safety of churchmen in Tasmania lay in the maintenance of the Queen's supremacy, "and this the establishment of the metropolitan court at Sydney would remove from us".¹⁴⁹ The meeting subsequently adopted a petition which was aimed at reducing the power of the bishop with respect to both clergy and laity, and which was later presented to the Legislative Council.¹⁵⁰

In January 1852, religious affairs were again brought under the notice of the Council. In his speech at the opening of its new session, the Lieutenant Governor foreshadowed a bill which, by giving every religious denomination the power of self government, and having amongst its objectives the cessation of local state aid by way of clergy salaries,¹⁵¹ would alter

¹⁴⁸ Launceston Examiner, Supplement, 10 September 1851. In August Nixon resigned his membership of the Executive Council.

¹⁴⁹ This was as much a reference to the existing avenue of appeal for ecclesiastical offenders as to the proposal of the bishops for a provincial synod. Ibid.

¹⁵⁰ V. & P.L.C.V.D.L., 1852, Paper No. 57.

¹⁵¹ Ibid., 1852, p. 8.

the whole constitutional basis of the diocese. Two weeks after this, the bishop circularised his clergy, advising them that the Archbishop of Canterbury's reply to the minutes of the conference of bishops had arrived, and that in response to the archbishop's request the metropolitan bishop had decided to convene the clergy of his own diocese. Nixon advised his clergy that he would follow the lead now given by the metropolitan. Accordingly, he summoned them to an early meeting later in the month, in order that the views of churchmen in Tasmania might be formally ascertained.¹⁵²

The Tasmanian clergy assembled in Hobart on 28 January for a five-hour meeting. In the course of his address, Nixon defended his actions in refusing to act on the bishops' minutes until the archbishop's reply had been received from England. It is notable that, in the diocese which had demonstrated the most hostility and unrest following the conference of bishops, Nixon made one of the strongest statements in favour of provincial action yet heard from any Australian churchman, when he insisted that "whatever was done, should be done with a view not to this Diocese only, but to the Province of Australia". He envisaged meetings in every diocese, to be followed by a general meeting in Sydney. Amongst the clergy of Tasmania, only Nixon had this vision, and it did not come to pass. The response of the Tasmanian clergy was a resolution insisting that the diocese needed a constitution and that it should be one which was established in the Australasian dioceses upon a system of general uniformity.¹⁵³

In order to obtain the views of the laity, the meeting appointed a committee to make recommendations to the bishop. This resulted in a meeting of the laity being called by the bishop for 23 June, after a period

¹⁵² Tasmanian Church Chronicle, 7 February 1852.

¹⁵³ Ibid.

of continued conflict and controversy.¹⁵⁴ The meeting did nothing to quieten that unrest - rather, it increased it. Some parishes expressed their hostility to the petition approved by the clergy by failing to send a delegate - but many others set about expressing their disapproval in a more positive and forceful manner.

The meeting of laymen, which was opened by the bishop, promptly proceeded to express by a large majority its disapproval of the clerical petition. It then went on to record, "with more show of energy than of reason", its own views.¹⁵⁵ Hostility and uncertainty (both of issues and ideas) were marked, and on no issue was this more apparent than in relation to provincial church government. Henty again spoke of the importance of concerted action with the other dioceses, and suggested the establishment of "a Convention of all the Colonies in this movement". He was supported by C.B. Brewer, who stressed (more or less as Bishop Broughton had done) the importance of uniformity as a prerequisite to imperial legislation.¹⁵⁶ But Henty's purpose in seeking this united action was twofold: to preserve the diocese in indissoluble union with the Church at home, and at the same time to secure to each diocese the right of independent legislation. No extraneous authority, such as the House of Commons, should have any control over them. Henty did allow that each diocese, "while left to its independent legislation, might combine their wisdom, talent, and piety for the promotion of those holy objects for

¹⁵⁴ Ibid., 3 April, 1 May, and 15 June 1852; Colonial Times, with which is incorporated The Tasmanian, Hobart, 11 June 1852.

¹⁵⁵ Colonial Church Chronicle, December 1852, p. 236.

¹⁵⁶ Proceedings of the Conference of Lay Delegates of the Church of England. Convened by the Lord Bishop of Tasmania. Held at Hobart Town on the 23rd and 24th June, 1852, Hobart Town, 1852, pp. 15, 22.

which the Church was originally constituted". Here he was unwittingly foreshadowing the basis of the general synod of the province, still twenty years in the future.¹⁵⁷

However, such willingness to allow even minimal co-operation with the other dioceses of the province was not evidenced by other speakers, whose sentiments seemed to echo those of the ecclesiastical separatists in Victoria. Mr. J. Barnard, whose principal concern was the fear of episcopal autocracy, insisted that the desire for uniformity was of no importance whatsoever. He objected to the creation of a metropolitan bishop, thereby depriving offenders in Tasmania of the right of direct appeal to Canterbury, without their knowledge or consent. Tasmania, he said, should not be a "mere appendage", and for himself he would not be "fettered by the opinions of the church at Sydney ..."¹⁵⁸ R.Q. Kermode, M.L.C., similarly insisted that they should not transfer their rights and concerns outside their own diocese, for they were the best judges of their own needs. "Why then should they go to the Metropolitan of Sydney to define a system which they know might be subversive of their best interests". Even Henty, showing the same misconception and misunderstanding which had characterised the laity of other dioceses, opposed the transfer of any powers from the crown to the provincial synod, composed as he saw it of bishops only.¹⁵⁹

Thus, in yet another diocese, this misconception about the membership of the provincial synod which the bishops had recommended was recurring. Here again it apparently contributed to the hostility with which the proposal was met by the laity, for the fear of tractarian, even

¹⁵⁷ Ibid., p. 15.

¹⁵⁸ Ibid., pp. 16, 24.

¹⁵⁹ Ibid., pp. 21, 26.

Romish autocracy on the part of the bishops was strong in many minds. Brewer's plea for the preservation of an intermediate appeal to Sydney, on the grounds of the distance and expense of going direct to Canterbury and the "peculiarity of colonial habits and circumstances which could only be known locally" fell on deaf ears. Somewhat tardily, the meeting proceeded to carry a motion expressing its complete lack of confidence in what it saw as the unsafe arrangement whereby the diocese had been deprived of the right of appeal to the Archbishop of Canterbury, having in his place the Bishop of Sydney who had been styled metropolitan.¹⁶⁰

There was no other allusion to the province and its problems in the remaining resolutions passed by the laity at this meeting, which embraced the various areas of dissatisfaction in the diocese. Throughout the meeting, the objectives which the bishops had set forth in 1850 were inseparable from the current disputes over doctrine, authority, and theology. Commenting on the meeting, the Colonial Church Chronicle expressed the hope that the activity of the laity would survive "when their prejudices are extinguished".¹⁶¹ But though their prejudices survived, their activity waned for a while, and for the remainder of 1852 there was something of a lull in the affairs of the Church of England in Tasmania.

Indeed, there was a lull in the constitutional progress of the Church in Australia as a whole in the latter stages of 1852. In the diocese of Melbourne, where a consistently independent approach to church matters had been shown since the foundation of the diocese, churchmen were still awaiting the outcome of projected legislation in England, following Perry's actions immediately after the conference of bishops. There had

¹⁶⁰ Ibid., pp. 23, 36.

¹⁶¹ Colonial Church Chronicle, December 1852, p. 236.

been no major conflict between bishop, clergy, and laity, which partly reflected Perry's diplomatic handling of his diocese. It was also due largely to the fact that he sympathised with the predominant views of his clergy and laity.

The diocese of Adelaide, whose bishop was less disposed to independent action than Perry, had been precipitated into it nonetheless by the unrest which the conference of bishops seemed to provoke amongst the laity (and, to a lesser extent) the clergy, in that "paradise of dissent". The abrupt and early withdrawal of all state aid in South Australia simply made Short's difficulties even more pressing, and more or less forced him into taking immediate steps towards a form of constitutional government for his diocese.

In Tasmania, only the bishop had been consistently willing to follow the lines laid down by the conference of bishops, and by the metropolitan. Up to mid-1852, he had been unable to find acceptance of his attitude to provincial action in more than a few churchmen, and their support was at best unenthusiastic. During these critical years in the Church's constitutional development, Nixon's diocese was the most disturbed portion of the whole Australian Church.

As far as the Church in New South Wales was concerned, the situation was a curious one. In the mother diocese, Broughton (conscious of his own position as metropolitan) had ruled that the constitution of the Church in the province was outside the competence of the diocesan clergy despite his own sense of its importance. Notwithstanding this, there was some opposition in Sydney to the proposal for a provincial synod. It was not particularly widespread, and in the neighbouring diocese of Newcastle there was no opposition to it at all.

Thus, in each of the Australian dioceses at this time the prospects for a united approach to their common needs, and to a united, provincial structure, were different. Only three of the five bishops were disposed to adopt such an approach. The most common direct cause for opposition to such unity was the fear of tractarian, semi-Roman doctrines and innovations with which some of the bishops and clergy were charged. This fear gave rise to the belief that a provincial synod would strengthen the hands of the allegedly tractarian bishops and (to a lesser extent) clergy. More indirect causes for this marked absence of enthusiasm for provincial development lay in misunderstandings about the composition and functions of unfamiliar bodies, and in apathy to causes involving churchmen in other places.

It was in this context that Broughton decided to go to England in an effort to resolve the Church's constitutional problems through personal intervention and discussion with the authorities there and with other colonial bishops. His task as he saw it would be twofold: on the one hand to overcome the "recorded indisposition" of the Archbishop of Canterbury to allow synodical government; and on the other hand to prevent its supporters from going too far beyond simply granting the whole colonial Church the freedom to act subject to a few fixed principles so as to secure the broad "universal unity" on which he had set his heart. He was seriously considering the idea even before he called his general meeting in April 1852,¹⁶² and he apparently made the decision to go shortly after that meeting.

It is not entirely clear whether he went with a view to representing the interests of his whole province, or those of his own diocese alone,

¹⁶² Broughton to Coleridge, 19 April 1852, Broughton Papers 1824-1898; Broughton to the Archbishop of Canterbury, 1 December 1851, in House of Commons Accounts and Papers, Volume XXXII, No. 459, 1852, p. 5.

or those of the dioceses of Sydney and Newcastle together. Certainly, the views which he had previously expressed would indicate a desire on Broughton's part to represent the interests of the province, and there is some indication that he mentioned such a wish to Tyrrell. But in a letter to Broughton, Tyrrell pessimistically expressed his conviction that the other bishops would be unwilling to allow him to go as "proctor or representative of the province" in England. Indeed, Tyrrell believed that "any attempt to unite the six dioceses of the province in one form, or under one code of church laws and regulations, will be labour lost. The united action of the Church in this province would seem to be a matter of great and real difficulty ..."¹⁶³ Nevertheless, Tyrrell was quite content for Broughton to speak for Newcastle as well as for Sydney.

Broughton's departure for England in August 1852 proved to be a turning point in the constitutional development of his young province. The significance of this turning point was different for the various portions of the province - for some dioceses the next stage was both short, and, in a somewhat limited sense, productive. For others, it marked the beginning of a slow and protracted struggle. For the province as a whole, it marked the beginning of a period of constitutional drift.

¹⁶³ Tyrrell to Broughton, 1852, cited in Whittington, William Grant Broughton, pp. 225-226.

CHAPTER 2: THE STRUGGLE FOR DIOCESAN SYNODS

Broughton reached England in November 1852, after a long and arduous voyage which left him in poor health. Notwithstanding this, he wasted little time in seeking to remedy the constitutional difficulties of the colonial Church, and at the end of January 1853 he was meeting in conference with the Bishops of Quebec, Newfoundland, Nova Scotia, Antigua, and Cape Town. In 1851, all but two of the Canadian bishops, following the example of the Australasian bishops, had met in conference, and three of their number had come to London following a proposal by Broughton for a convention of colonial bishops. Bishop Gray of Cape Town had come to England, also on constitutional matters, at the behest of a meeting of the clergy of his diocese which he had summoned in Cape Town in November 1851.¹

The timing and composition of this meeting suggests that had Broughton lived it would have been a landmark in the constitutional advance of the Church in the colonies, and that his vision of a system of uniformity throughout the British world might well have become a reality. But just as the bishops had begun their work, Broughton died, on 20 February 1853. For the embryonic Anglican communion in general, and for his own province in particular, the loss of a leader of such vision and strength of character was immense. His place as chairman of the meeting of colonial bishops was taken by Bishop Mountain of Quebec.²

¹ Broughton to Coleridge, 19 November 1852, Broughton, William Grant, Papers 1824-1898, MSS 913, Mitchell Library, Sydney; Broughton to Coleridge, January 1853, cited in Whittington, F.T., William Grant Broughton Bishop of Australia. With Some Account of the Earliest Australian Clergy, Sydney, 1936, p. 268; Colonial Church Chronicle, London, May 1852, p. 417, and April 1853, p. 391; Stephenson, Alan M.G., The First Lambeth Conference 1867, London, 1967, pp. 68-69, 74.

² Carrington, Philip, The Anglican Church in Canada. A History, Toronto, 1963, p. 115. Broughton was replaced only after a protracted delay. See below, pp. 76-78.

Within a few weeks of Broughton's death, the Archbishop of Canterbury foreshadowed in the House of Lords the early introduction of another bill aimed at relieving some of the difficulties of the colonial Church.³ Accordingly, the colonial church regulation bill was read for the first time in the Lords on 14 July 1853. Although introduced and sponsored by the archbishop, it had received the concurrence of the Secretary of State for the Colonies (the Duke of Newcastle), and in fact incorporated some amendments suggested by him. There were some objections raised to the measure in the course of debate - including the Earl of Harrowby's fear of giving a controlling power over the dioceses to the provincial synod (a body which the bill made optional) - but they were objections which had already been raised in the Australian colonies. Nevertheless, the bill encountered no serious opposition in the upper house, which passed the measure towards the end of July.⁴

In the House of Commons, it was a different story. There the bill encountered strong opposition from those who spoke of surreptitious attempts at church establishment and of unwarranted interference by the Imperial Parliament in the self government of the colonies. The House voted to postpone the bill's second reading for three months, a move which effectively killed it.⁵

A similar measure was introduced into the House of Commons in February 1854 by the Solicitor General (Sir Richard Bethell). It was

³ Hansard, Third Series, Volume CXXV, cols. 420-421.

⁴ Ibid., Volume CXXIX, cols. 512-533, 697; Tasmanian Church Chronicle, Hobart, 1 September 1853.

⁵ Hansard, Third Series, Volume CXXIX, cols. 1207-1214. See also Pugh, R.K. (transcriber and ed.), The Letter-Books of Samuel Wilberforce 1843-68, Oxfordshire, 1970, pp. 271-274, 277.

briefier than its predecessor, and simply sought to give the colonial Church power to meet in synods. Notwithstanding its brevity - indeed in some quarters, because of it - this measure encountered opposition similar in scale and content to that which had befallen the 1853 measure. Sir George Grey, soon to become Secretary of State for the Colonies, was amongst those who expressed grave doubts about the measure. The bill passed the second reading stage by a vote of 196 : 62; but in the committee stage, the prejudice and confusion which had surrounded the subject both in the colonies and in England was only too apparent. As one member neatly put it, "the question had got into an extraordinary state of complication, so that he questioned whether any Member could give a vote with perfect satisfaction to his own judgment". Under criticism from opponents, and with various reservations coming from supporters of self government for the colonial Church, the Solicitor General finally withdrew the measure with a view to amending it.⁶

Shortly afterwards, Sir George Grey, whose churchmanship was of the low church, evangelical variety, succeeded the Duke of Newcastle at the Colonial Office. Although he gave an assurance that the government would bear the matter in mind and hoped to introduce a more satisfactory measure in the next session of Parliament,⁷ twenty years elapsed before the Imperial Parliament passed legislation directly affecting the colonial Church.

⁶ Hansard, Volume CXXX, cols. 1320-1322; Volume CXXXI, cols. 998-1017; Volume CXXXII, cols. 786-814. In a prophetic comment, Mr. R. Phillimore, M.P., expressed the view that the letters patent of the colonial bishops conferred no territorial jurisdiction and no civil prerogatives, and were of value only for their spiritual connection. Col. 793.

⁷ Ibid., Volume CXXXV, cols. 495-496. See also Short's comments, in Visitation of the Lord Bishop at Christchurch, North Adelaide. January 3, 1855, Adelaide, n.d. [1855], p. 8. Copy held in Diocesan Registry, St. Andrew's Cathedral, Sydney.

Some months after Broughton had left for England, Short also decided to make the journey. Some of the legal questions relating to the introduction of synodical government were still unresolved after the diocesan assembly meetings of 1852; and its December session had unanimously passed a resolution (which it ordered to be sent to the Secretary of State for the Colonies) giving qualified approval to the imperial legislation then proposed. In addition, Short felt that the creation of a soundly based synod was of such unique and pressing importance for his diocese following the withdrawal of state aid that he should go to England to discuss the question with the authorities there.⁸

Short left Adelaide in April 1853, but the failure of the archbishop's bill of that year, and the unlikely prospects of the 1854 measure meant that he could do little other than seek advice on the courses open to him. In addition, reports began to reach him of clashes between some of his clergy and laity over the distribution of funds; and by the end of 1853 he was making plans to return to his diocese.⁹

The absence of imperial legislation, which contributed to the failure of the Australian dioceses to act in concert to achieve their common objectives and a common structure, left the colonial Church with two alternative methods of creating synodical government. They were the creation of a constitution by mutual agreement or "consensual compact", and legislation by the Parliament of each colony.

As far as the diocese of Adelaide and its bishop were concerned, no such choice existed, for the local legislature had clearly demonstrated its unwillingness to assist the cause of the Church. Hence, if there was

⁸ South Australian Register, Adelaide, 3 January and 4 April 1853.

⁹ See South Australian Register, 21 October 1853.

to be no legislation at Westminster, the only course of action open to Short was to proceed by consensual compact. Accordingly, before leaving England, he sought legal opinion on whether synods could be held without enabling legislation.

Short reached his diocese towards the end of 1854, and lost little time in summoning a visitation of his clergy, to be followed by a meeting of the diocesan assembly (henceforth to be known as a synod) for January 1855.¹⁰ By the time the adjourned session of the synod resumed in February, the opinion of Short's advisers arrived from England, stating that there appeared to be no legal obstacles to prevent or render illegal the holding of synods. In the course of his address to this session, Short explicitly and publicly recognized that the constitutional progress of his diocese was important for the Church in the province as a whole. Somewhat belatedly, he supported the views already expressed by Bishops Broughton and Tyrrell that "one ecclesiastical system should pervade all the branches of the United Church of England and Ireland in Australasia", and, indeed, in the whole of the British Empire.¹¹ Regrettably, there is no evidence that Short gave anything more than lip service to this idea at the time.

Many of the Adelaide laymen were still disposed to be difficult over various aspects of the proposed constitution, such as the status and rights of laymen, and the power of the bishop. Unfortunately for Short, it was a time when secular autocracy was very much a live issue in South Australia and it was only too easy for politically active churchmen to carry their ideas from the civil to the ecclesiastical sphere. However,

¹⁰ "Inaugural Meeting of Synod", Visitation of the Lord Bishop at Christchurch, North Adelaide. January 3, 1855, p. 8ff.

¹¹ South Australian Register, 21 February 1855.

their differences had been largely settled by July 1855,¹² and in October of the same year, a constitution for the diocese of Adelaide became operative.¹³

Thus, in less than three years, the metropolitan had died; the Imperial Parliament had twice failed to pass enabling legislation; and the needs of the diocese had become no less pressing. It is hardly surprising, therefore, that Short continued (as he had begun) to work towards synodical government at diocesan level only, independently of the other Australian dioceses.

In the diocese of Melbourne, it was basically a similar story. Perry had been advised by friends in England that Parliament was unlikely to pass any measure dealing with colonial church government, and from mid-1853 he had been preparing to meet this eventuality. He asked W.F. Stawell, then a leading figure in the Church and the legal profession in Victoria, to draw up a constitution based on the archbishop's abortive measure. A conference of clergy and lay representatives was called for June 1854. The conference approved the draft constitution, with some amendments, and it was presented to the Legislative Council. The Council passed the measure towards the end of 1854, although not before some of its non-Anglican members had expressed their opposition on such grounds as the allegedly excessive power of the bishop and the fear of the Church becoming legally dominant.¹⁴

The bill was reserved for the royal assent, and Perry decided to go to England to press for that assent in person, for he correctly foresaw

¹² Ibid., 12 and 13 April, 3 May and 12 July 1855; Short to Archdeacon Hale, 5 July 1855, Hale, Mathew Blagden, Letters, Ah 111/8, Mitchell Library, Sydney.

¹³ South Australian Register, 11 October 1855.

¹⁴ Age, Melbourne, 22, 25, and 30 November 1854.

some difficulty in securing it. Not long before his departure he forwarded the minutes of the June conference to the archbishop and the Secretary of State for the Colonies, and in his accompanying letters he anticipated that one of the difficulties which could be raised during his efforts to secure royal assent might be that by taking independent diocesan action, "the Diocese of Melbourne would be thereby cut off from the rest of the province, and that a provincial Assembly should be constituted, simultaneously with, if not previously to, a Diocesan". Perry's comment on this was twofold. Firstly, there was the problem of legal jurisdiction: "there is the same obstacle in the way of obtaining a Constitution ... invested with the necessary powers for the Church in any particular Colonial Province, which exists in respect to the whole Colonial Church; viz, that inasmuch as a province includes several independent Colonies, nothing can be done except by Imperial Legislation; which your Grace knows by experience it is impossible to obtain". Secondly, and consequently, for the benefit of his English audience he stated that "each particular Diocese does & must stand alone, except so far as the authority of the Metropolitan may avail to unite them". In the light of his previous attitude to metropolitan authority, this sounds a little insincere; but one must remember that at least in this matter Perry was adapting his stated views to his audience. He claimed too that the absence of a provincial body was not necessarily a barrier to united provincial action where this was practicable - for "variety in respect to local regulations is perfectly consistent with agreement in all those matters in which an union among the several Dioceses of a province depends". At present, he quite accurately, if drily, said, there was such a variety as a result of the dispositions of the various bishops of the province.¹⁵

¹⁵ Perry to the Archbishop of Canterbury, 29 September 1854, Bishop's Letter Book; and to Sir George Grey, 30 September 1854, *ibid.*

Perry's efforts to secure royal assent for his diocesan constitution were not without impediments. While he was in England the office of Secretary of State for the Colonies was successively occupied by three different men, one of whom (Lord John Russell) was prevented from proceeding with a scheme of his own for the colonial Church only by his loss of office. Other objections were raised to the measure on policy grounds.¹⁶ Perry had to leave England before royal assent was secured, but the importance of the measure was recognised towards the end of 1855 by the then Secretary of State (Labouchere), and the assent was duly given.

Perhaps the coup de grace to Perry's approach to united action by the whole province was given by the provision, in his constitution act, for the future constitution of a province - of Victoria.

In the same year - 1855 - as the fully enacted constitution for the diocese of Melbourne became law, and the first diocesan synod sat in Adelaide, a new bishop arrived in Sydney to take possession of the see as the second bishop of Sydney and metropolitan of Australia. At this crucial time for the Church in the Australian colonies, the appointment of a successor to Broughton was a matter of the utmost importance for the future of the province, both constitutionally and otherwise. This was recognised - although perhaps not in the fullest sense - both by churchmen in the province, and by the authorities in England. In New South Wales, Tyrrell wrote to one of his senior clergy that "I consider Sydney the most important, and for any one who will act upon sound Church principles, by far the most difficult position". His friend Bishop Selwyn believed that to appoint "a vacillating and time-serving man to Sydney at the present time" would be detrimental to the Church, which required rather a man of "nerve and

¹⁶ Goodman, George, The Church in Victoria During the Episcopate of the Right Reverend Charles Perry First Bishop of Melbourne Prelate of the Order of St. Michael and St. George, Melbourne, 1892, pp. 244-248.

strength of character ..."¹⁷ The Tasmanian Church Chronicle, speculating on the question of the appointment, spoke of the importance of Sydney as the metropolitan see of the province. Its secular contemporary, the Colonial Times, also recognised the importance of the office, and in a rather prophetic note pointed out that to Broughton's successor would "greatly belong the formation of an important section of the clergy".¹⁸

But it was easier to make a new colonial bishop than to find one, for their duties were frequently far from congenial, and a colonial see was not on the normal path of advancement for English ecclesiastics. There was a prolonged vacancy in the see of Sydney; and the Duke of Newcastle (who held office as Secretary of State for the Colonies during the greater part of the vacancy) expressed the view, in reply to a question in the House of Lords, that it was "a great misfortune". He hoped that such a delay would not recur. The Duke also stated that the Archbishop of Canterbury and other bishops had made representations to the government about the expediency of erecting Sydney into an archbishopric, a move which (in the terms of the Duke's reply) would have made it the only archiepiscopal see in the embryonic world wide Anglican communion apart from Canterbury and York.¹⁹ Although the proposal was not adopted, it

¹⁷ Tyrrell to Boodle, 2 July 1853, and Selwyn to Tyrrell, 7 September 1853, cited in Boodle, R.G., The Rev., The Life and Labours of the Right Rev. William Tyrrell, D.D. First Bishop of Newcastle, New South Wales, London, 1881, pp. 136, 159. Italics in original.

¹⁸ "The Primacy of Australasia", Tasmanian Church Chronicle, 1 April 1854; Colonial Times, with which is incorporated The Tasmanian, Hobart, 26 May 1853.

¹⁹ Hansard, Third Series, Volume CXXXIV, col. 178. A proposal to cabinet by the Duke that the senior colonial bishops should become archbishops had been unfavourably received and consequently withdrawn.

does seem to indicate that the post of metropolitan of the province of Australia was seen not only in the province itself but in England too as being of both present and future importance. Others, taking up the views which had been expressed before Broughton's death by dissident churchmen in Adelaide, Tasmania, and Melbourne, insisted that the appointment to Sydney was important for reasons of party or churchmanship. Noting that the public journals were "prodigal in their vaticinations" as to the successor of the Bishop of Sydney, the evangelical Christian Observer, stressing its party viewpoint, made out a case for the translation of Perry from Melbourne to Sydney.²⁰ Fortunately for the province, Perry was never a serious contender for its leadership.

Nevertheless, two of Perry's episcopal contemporaries in Australasia were strongly favoured, both in England and in the colony for translation to Sydney: they were Tyrrell and Selwyn, the Bishops of Newcastle and New Zealand. Both were men of considerable quality. They had both shown, and were to continue to show, that they possessed strength of character, and significant capacity for wise and strong leadership. Of all the Australasian bishops, Tyrrell and Selwyn were the only ones at this time to preside over dioceses virtually free of internal dissent and dispute. They had been friends since their youth, and each strongly urged the other to accept translation to Sydney should it be offered. Tyrrell was unable to make up his mind what he would do if he were asked to go to Sydney - but in the event no formal offer of translation was ever made to him.²¹ Another local possibility, the Reverend Robert Allwood of Sydney, was reluctant to be a bishop.

²⁰ Christian Observer, London, March 1853, p. 216.

²¹ Boodle, op. cit., pp. 135-136. His dispute with some of Sydney's laymen over the issue of religion and the University of Sydney tended to tell against him in England at this time. See ibid., pp. 154-157.

The first person selected for the post was Archdeacon Anthony Grant, a friend of Newcastle, but he declined with remarkable speed on rather unconvincing grounds. For a while the Duke considered an appointment from the colonial scene, but his next choice fell on Dr. Moberly, the tractarian headmaster of Winchester. Since the Archbishop of Canterbury would not hear of this, Moberly never received a formal offer. The perplexed Duke was next persuaded to offer the appointment to Selwyn, who had departed New Zealand on his way to England before the offer of appointment reached him. Selwyn arrived in May 1854, but despite some urging from Newcastle he declined the appointment, to the detriment of the Australian Church.²²

Shortly after Selwyn refused appointment to Sydney there was a cabinet crisis, which resulted in the evangelically inclined Sir George Grey assuming control of the Colonial Office. This turned the search for a new metropolitan for Australia in another direction, to the alarm of the high churchmen, including Selwyn. Selwyn suggested that he be made metropolitan concurrently with his existing appointment and that Allwood be made Bishop of Sydney. But it was too late, and although it is not known how many others were unsuccessfully offered the see by the new Secretary of State, the appointment was finally offered to Frederic Barker, the evangelical vicar of Baslow in Derbyshire.

The precise considerations which led to the choice of Barker are not known.²³ Although he accepted the offer after only a short delay, he

²² See, inter alia, Hansard, Third Series, Volume CXXXIV, cols. 178-180.

²³ See Cable, K.J., "Mrs Barker and her Diary", Journal of the Royal Australian Historical Society, Volume 54, Part I, March 1968, p. 76. Barker's dean offered one explanation of the choice in his biography of Barker; but he was clearly not satisfied with his account, and he continued to speculate in his autobiography. See Cowper, William M., Episcopate of the Right Reverend Frederic Barker, D.D. Bishop of Sydney and Metropolitan of Australia. A Memoir, London, 1888, pp. 26-27; The Autobiography and Reminiscences of William Macquarie Cowper Dean of Sydney, Sydney, 1902, pp. 59-60.

was not consecrated until November 1854, and another three months were to elapse before he left England for his new diocese and province. He arrived in Sydney at the end of May 1855, more than two years after the death of his predecessor and nearly three years since Sydney had last had a bishop in residence.

For the province, the considerable period of time between the death of Broughton and the arrival of Barker meant that the dioceses of Adelaide and Melbourne were able to pass what was in effect the point of no return and to create their own synodical structures at diocesan level and for diocesan purposes only, while the province was leaderless. As far as the province as a whole was concerned, the Melbourne development was the more important of the two, for its constitution had been passed into law and embraced the projected lines of development for the Church in that diocese for well into the future. As in the other colonies, the local legislature was viewing affairs with increasing disfavour. Even if the Melbourne churchmen had been willing, therefore, it would have been very difficult indeed to obtain a fundamental alteration in the diocesan constitution to provide for the affairs of the province.²⁴ But attitudes are often more important than legalities, and there was limited disposition in either diocese to accommodate the new diocesan structures to any provincial arrangements.

If the remaining three dioceses were to co-operate in any way, either to achieve their common objectives or to create a common synodical body for the whole province, a metropolitan capable of strong leadership

²⁴ It is probably true to say that the timing of Perry's measure was fortunate for him; had he waited a few years longer he might not have secured the passage of his bill. See Parsons, Vivienne, "The Church of England in Victoria During the Episcopate of Bishop Perry, 1848-76", unpublished M.A. thesis, University of Melbourne, 1969, pp. 119-120.

in such matters was required.²⁵ Barker was not this kind of man, for he had little real interest in such constitutional questions. An English evangelical, he was to value highly the connection between Church and state throughout his life,²⁶ just as much as he was to insist on the need to preserve the connection between the colonial Church and the mother Church in England. Since evangelical churchmen at this time were inclined to see a provincial body as tending towards ecclesiastical independence for the colonial Church, and since at this time "the state" in Australia was four separate colonies, Barker was not as favourably inclined as his predecessor had been to the principles of joint action and a provincial structure.²⁷

Soon after his arrival, Barker was advised by Tyrrell to concentrate for a while on familiarising himself with his new diocese and its more pressing wants before taking up the question of constitutional development. This was not unacceptable advice to Barker: for one thing Perry, the Australian bishop whose churchmanship was closest to Barker's own, and whose advice on constitutional matters he had hoped to obtain, was in England, and did not return until April 1856. It was not until 1857 that Barker began to interest himself in the constitutional progress of his diocese. The alleged reasons for the delay provided a ready ground for attack by his

²⁵ The possibility of even a strong and tactful metropolitan being able to induce Adelaide and Melbourne to modify or adapt their new diocesan structures for provincial purposes was, to say the least, remote.

²⁶ For the disposition of evangelical churchmen to value the connection of the Church and state, see Chadwick, Owen, The Victorian Church, Part I, London, 1966, esp. p. 441.

²⁷ Barker's appointment was welcomed by the pro-evangelical, anti-synod Christian Observer, December 1854, p. 865.

critics and by those beyond his "own very exclusive circle ..."²⁸ Tyrrell's advice undoubtedly appeared to be well founded at the time, and in the short term it was sound - but in the long run, in combination with Barker's outlook on constitutional matters, it proved to be most unwise.

Insofar as the diocese of Tasmania was concerned for example, the absence of strong leadership from the new metropolitan, together with the continuing unrest and hostility to the conference of bishops and to its recommendations, meant that Bishop Nixon ceased to be concerned about the need for action on a provincial basis, and after an interval he proceeded to complete a synodical structure for his diocese only. It was difficult enough for him to unite his own diocese. let alone to create a feeling of unity with the rest of the province.

Opposition to Nixon had continued, at a variable pitch, throughout 1853, the year of Broughton's death. In the second half of the year, a dispute over appointment to an incumbency in Hobart was in progress when (in July) the bill which the Lieutenant Governor had presaged was introduced into the Legislative Council. While foreshadowing the cessation of state aid to religion in the near future, the bill was designed to provide for the maintenance of the clergy and for "the extension and development" of all religious bodies.²⁹ Fortunately, the bill was withdrawn in

²⁸ Empire, Sydney, 11 May 1857. Barker later confirmed that he had consulted Tyrrell soon after his arrival and that he had been given (and had readily accepted) this advice. See J.L.C.N.S.W., 1859-60, Volume V, Part I, p. 708 ("Minutes of Evidence Taken Before the Select Committee on the Church of England Synods Bill"). See also [A Presbyterian], The Unpopularity of Modern Episcopacy and Some of its Causes Considered with Reference to the Anglican Church in New South Wales, in a Letter to the Lord Bishop of Sydney, by a Presbyterian of the Church of England, Sydney, n.d. [1857], p. 9 and passim. For Barker's later comment on the state of the diocese at the time of his arrival, see Australian Churchman, Sydney, 12 August 1871, p. 355.

²⁹ Courier, Hobart Town, 14 July 1853.

September, after objections in the Council on the grounds of pending legislation in England (a reference to the archbishop's bill) and to the excited state of local feeling on church matters.³⁰

Later in the same month the anti-tractarian laity of Hobart held another public meeting, at which opposition to any links with the metropolitan diocese was again expressed. Petitions to the Queen and the Archbishop of Canterbury were adopted, calling amongst other things for the Gorham judgement, condemned by Nixon and the other bishops at the 1850 conference, to be upheld in the diocese. Another called for the Legislative Council to pass an act for the election of representatives for the administration of the affairs of the Church and to secure for congregations a voice in the selection of their ministers. It was, in other words, a call for the local legislature to provide a new and more democratic constitution for the diocese.³¹ Although the request was not acted upon, R.Q. Kermode did introduce a kindred measure designed to regulate the issuing of salaries to Anglican ministers in the diocese; it was defeated at the second reading stage by a vote of 9 : 7.³²

That was the last move in Tasmania towards a new constitution for the diocese for over a year, although dissent and unrest continued. The bishop, who had never expressed the same sense of urgency in constitutional matters as his colleagues in Adelaide and Melbourne, was waiting for action on the part of the authorities in England to secure legislation for the colonial Church and to fill the vacant metropolitan see.

³⁰ Ibid., 15 September 1853.

³¹ Ibid., 12 September 1853; Tasmanian Church Chronicle, 1 October 1853.

³² V. & P.L.C.V.D.L., 1853, Volume III, pp. 177, 222.

Nevertheless, Nixon decided that the continuing unrest within his diocese warranted another charge. By May 1855, when it was delivered, he had undoubtedly been fortified by the opinion supplied to Short that there was no legal obstacle to the holding of synods in colonial dioceses. Certainly one of his objects in calling his clergy together was to lay the basis of synodical action in his diocese.³³ Furthermore, official aid to the Church from England was to cease from the middle of the following year, and he believed that other forms of state aid would also cease before very much longer. Thus, Nixon was determined, in the very month that the new metropolitan took possession of his see, that the time had now come to secure lay participation in the affairs of the diocese in a fruitful way, and to lay the basis of a sustenance fund for his diocese much as Short had done earlier in Adelaide. Synodical government had been created in Adelaide and Melbourne, and Nixon was probably wise not to delay any longer. Furthermore, the institutionalisation of lay activity might deflect or at least control lay opposition.

Following the bishop's charge, the clergy of each archdeaconry met to discuss his proposals. Committees were appointed in each archdeaconry to manage the sustenance fund, a task which was given to the laity.³⁴ These arrangements were clearly provisional pending the formation of a synod - and probably because of their provisional nature the sustenance fund was not a success.

³³ [Nixon, Francis Russell], A Charge Delivered to the Clergy of the Diocese of Tasmania, at the Visitation, Held in the Cathedral Church of St. David, Hobart Town, on Tuesday, 22nd May, 1855; And in The Church of the Holy Trinity, Launceston, on Thursday, 31st May, by Francis-Russell Nixon, D.D., Bishop of the Diocese, Hobart, 1855, p. 46.

³⁴ Davenport, Arthur, History of Synodal Proceedings in Tasmania: With an Appendix, Containing the Act of Parliament by Which the Diocesan Synod is Constituted, Hobart, 1858, p. 8.

By 1857 Nixon was apparently convinced that no further leads were to be expected for the time being from either Westminster or Sydney. Accordingly, he took more positive steps towards the formation of a synod. He convened a council of advice, with both clerical and lay members, and in accordance with its recommendations the first synod of the diocese of Tasmania assembled on 29 September 1857.³⁵ At about the same time, the new metropolitan began to take an interest in constitutional matters. Had he desired it, it is possible that he could have secured some degree of co-operation from Tasmania in a common scheme. For one thing, his churchmanship was more acceptable to the pro-protestant laity than Broughton's had been. However, Barker was then only interested in a synod for his own diocese. Events in Tasmania led steadily towards the completion of the new constitutional framework for that portion of the province. The new synod appointed a committee to draft a bill for Parliament embodying the new constitution. The bill, which was based on the Victorian act, was endorsed by the synod in August 1858, and it subsequently received the approval of both houses of the legislature and of the Governor.³⁶

For many Tasmanian churchmen, the establishment of a synod in the diocese had a consequence similar to that of the conference of bishops eight years earlier: it provided a new framework, a new clothing for dissent and dispute in the diocese without causing it to cease. But, as was the case in Melbourne, the creation of a diocesan synod by colonial legislation put the diocese at least temporarily beyond the scope of the provincial body recommended by the bishops in 1850. Indeed, by 1857, when Barker began to take an interest in questions of church government, the pattern of diocesan development preceding provincial development in constitutional matters appeared to be firmly established.

³⁵ Ibid., pp. 9-10.

³⁶ Ibid., p. 11.

There were also moves from some churchmen in New South Wales, including Tyrrell, at about the same time. Early in May 1857 a pamphlet on The Unpopularity of Modern Episcopacy was pushed under Barker's door - an act which Barker himself viewed as a cry for a synod,³⁷ and which also reflected the general colonial concern with secular self government. Later in the same month some of Barker's clergy held a meeting to discuss a synod for the church. Barker saw this as "an impertinent, officious act".³⁸ There was, however, a lack of enthusiasm on the part of other Sydney clergy, which became evident when in the following month Barker circularised those who held licences to separate cures of souls. A large majority favoured delay for the purpose of making further enquiries, rather than immediate progress. This was a judgement in which Barker acquiesced.³⁹ Nevertheless, in a development reminiscent of Adelaide and Tasmania, Barker's circular provoked some public meetings, apparently aimed at ensuring that any synod which might be formed should restrict the powers of the episcopacy. There was at least one meeting at which Barker's cautious approach to the subject was defended.⁴⁰

In Newcastle, Tyrrell believed that the time had now come for further action. In an address to a meeting of the Newcastle church society - his embryonic diocesan synod - on 7 May 1857, he again stressed the need for a uniform constitution which could be adapted to the Church

³⁷ Barker's Diary, 6 May 1857; [A Presbyter], loc. cit.

³⁸ Barker's Diary, 24 May 1857.

³⁹ Ibid., 3 July 1857; Church of England Chronicle, Sydney, 1 September 1857.

⁴⁰ S.M.H., 15 August 1857.

in all of the colonies. Again he expressed the belief that the metropolitan diocese should have precedence and take the first step. Strangely ignoring developments in Adelaide, Melbourne, and Tasmania, he felt that the other dioceses should wait until a draft constitution had been prepared in the metropolitan diocese, where (in contrast to the situation a few years earlier) there were now many qualified men. In a burst of optimism he believed that any disagreements between the dioceses could easily be harmonised by mutual concessions.⁴¹

Towards the end of 1857, Barker began a visitation of the southern part of his diocese, a tour which he extended to Melbourne. He had previously indicated his intention of calling a conference of the clergy and laity of the Sydney diocese on his return. While in Melbourne, Barker made a point of meeting and consulting with the leading churchmen there on their experience of and attitude towards synods.⁴² It is no coincidence that Barker's views on synods were, on the whole, quite similar to those of Perry, as was his churchmanship. He found little to please him in his other suffragans.

Almost immediately after his return, Barker invited those of his clergy who lived near Sydney to meet him and to discuss the question of a synod for the Church. Speaking of this meeting, the Chronicle looked forward to a synod not so much because it would popularise the government of the Church, or because it would alter the relations of Church and state in any desirable way, but simply because it might promote "a spirit of

⁴¹ Empire, 11 May 1857.

⁴² The meeting on 5 November was reported at length in the Church of England Chronicle, 1 December 1857, pp. 310-311, which stated that Barker met 50 clergymen and laymen. Barker, in his Diary, gave a figure of 120, and referred to the meeting, briefly, as "very interesting". Barker's Diary, 5 November 1857.

unity, peace, and concord" in the Church.⁴³ This was a theme which was to recur.

Not long afterwards, in January 1858, Barker asked some of the lawyers amongst the Sydney laymen to prepare a constitution along the lines of the act which embodied the constitution of the Church in Victoria. He held no fears about legislative interference by the state in Church affairs. The main burden of drafting the bill fell on two men - Sir William Westbrooke Burton,⁴⁴ and Mr. Alexander Gordon. The latter had arrived in the colony only in the previous year, strongly opposed to synodical action by the Church as a general principle. Nevertheless he was willing to accept the idea, and began to play an important, if somewhat unpopular, role in the synodical movement.⁴⁵ He got on well with Bishop Barker, whose background and experience were broadly similar to his own.

By March 1858, the bill had been drafted, and at the end of August copies were sent to the Sydney clergy, and to Newcastle. The bill was concerned only with providing for a synod for the diocese of Sydney,⁴⁶ a feature to which Barker referred in an address to his clergy on 23 November, when he told them that the conference of clergy and laity which he had summoned for the following day had "for its ultimate object the

⁴³ Church of England Chronicle, 1 December 1857, p. 305.

⁴⁴ Burton had been appointed to the bench of the Supreme Court of New South Wales in 1832, leaving for India in 1844. He returned to New South Wales in 1857 and almost immediately was sworn in as a Member of the Legislative Council. He became President of the Council in March 1858, resigning in May 1861. See biography by K.G. Allars, in Pike, Douglas (general editor), Australian Dictionary of Biography, Volume 1: 1788-1850, Melbourne, 1966, pp. 185-186.

⁴⁵ For Gordon's own account of his change of views on synodical action after he arrived in New South Wales, see Sydney Synod Proceedings 1874, p. 50.

⁴⁶ Barker's Diary, 2, 20 and 22 January, and 1 March 1858; J.L.C.N.S.W., 1859-60, Volume V, Part I, p. 716.

establishment of a Diocesan Synod" for Sydney.⁴⁷ Tyrrell, having waited for the metropolitan diocese to take the initial steps in what he hoped would be a joint effort, could hardly have been encouraged by this rather inward looking approach.

At the Sydney conference of 1858, there was a good deal of uncertainty⁴⁸ among the clergy and laity present about the fundamental purpose of the projected course of action, and about the best means of pursuing that course. A proposal to proceed on the basis of a short enabling bill received some support, especially from Canon Allwood, the incumbent of St. James' Church, but the conference rejected the idea by a two-thirds majority.⁴⁹ There was also a significant measure of support for the proposal (which was strongly advanced by the Reverend George King and the Reverend T. Druitt) that a synod should be formed by the consensual compact method which had already been adopted in Adelaide and New Zealand. King believed that legislative enactment of a constitution would restrict the Church's right to govern itself, and in any case it was not necessary since the colonial Church was not established. King's proposal was negated by a large majority. As had been the case in other dioceses, the conference evoked some opposition to the proposed synod on the ground that it would increase the already extensive power of the bishop, rather than

⁴⁷ [Barker, Frederic], A Charge Delivered to the Clergy of the Diocese of Sydney, November 23rd, 1858, at the Primary Visitation of Frederic Barker, D.D., Bishop of Sydney, and Metropolitan of Australia, Sydney, 1859, p. 25. The visitation was criticised in a letter to the editor of the Church Sentinel, Sydney, 19 November 1858, pp. 9-10. This journal sprang up in opposition to Barker's policy; it lasted for approximately a year.

⁴⁸ For example there was uncertainty as to whether provision should be made for a provincial synod for the Church in New South Wales as a whole, and what its role was to be. There was uncertainty too as to just what the alternative methods of proceeding would entail. An anonymous attempt to counter uncertainty before the conference assembled may be found in To the Clergy and Laity of the United Church of England and Ireland in New South Wales, [Newcastle], 1858.

⁴⁹ J.L.C.N.S.W., Volume V, Part I, 1859-60, pp. 740-742.

distribute it more widely.

The conference evidently felt that links between Church and state in the colony, whatever their nature, ought not to be severed, and after a vigorous debate lasting several days, it accepted a motion from Gordon that the measure which had been drafted earlier in the year be adopted. The conference appointed a committee to "peruse the Draft Bill" and to supervise its passage through the legislature.⁵⁰

The attitude taken by the supporters of the bill towards the possibility of a provincial synod was one of indifference rather than hostility. This outlook marked the effective abandonment of the recommendation for such a synod for the whole Australian Church which the bishops had made in 1850. It was an attitude shared by clergy and laity alike. Barker was at this stage no more favourably inclined towards a provincial body than his suffragan in Melbourne. Additionally, he had by this time built up a significant body of evangelical clergymen whose outlook was close to his own. These were men who had arrived in the colony to find (if they were sufficiently interested) that the dioceses in the other colonies were at various stages along the road to the creation of diocesan synods free of restriction by the metropolitan or by any provincial authority.

The Sydney laity were also generally content to remain largely unconcerned about provincial arrangements. This was only to be anticipated, for there was no reason to suppose that they would be any more concerned about the province than the clergy. Additionally, some of the more prominent laymen such as Burton and Sir Alfred Stephen were lawyers who

⁵⁰ Ibid., pp. 738, 740; Church Sentinel, 4 December 1858, p. 31; Professor Pell to James Macarthur, 4 December 1858, and Macarthur to Pell, 7 December 1858, Macarthur Papers, Volume 99 (Church of England, 1839-1909), A2995, Mitchell Library, Sydney. The Church Sentinel, in a later reference to the conference, spoke of what it called the unholy alliance between Barker and Gordon, describing the latter as "the Bishop's evil genius at the Conference". See the issue for 6 May 1859, pp. 144-145.

had recently played some part in the abortive movement for the federation of the Australian colonies and had displayed no more enthusiasm for that movement than their fellows.⁵¹

The measure which had originally been laid before the conference did in fact provide for a provincial synod, a feature which was probably due to the insistence of Bishop Tyrrell. Having received a copy of the draft bill earlier in the year, he had corresponded with its framers with a view to securing some amendments. Some of his suggestions were accepted by the framers of the Sydney measure. Nevertheless, in the form presented to the conference the draft bill provided not for a provincial synod for Australia, but for a provincial synod for the Church in New South Wales. From this point onwards, even Tyrrell abandoned for a time the idea of a synod for the whole province. Those churchmen in New South Wales who advocated a higher body, and those who opposed it, now argued almost exclusively in terms of a provincial synod for New South Wales.⁵² There were periodic calls from some churchmen in dioceses in the other colonies for the more comprehensive body, but it was to be a decade or so before they were acted upon.

Thus, the measure laid before the Sydney conference at the end of 1858 provided for a provincial synod which was to have power "to consider of and determine upon all matters and things concerning the affairs of the United Church of England and Ireland in New South Wales". In other words,

⁵¹ Ward, John M., Earl Grey and the Australian Colonies 1846-1857. A Study of Self-Government and Self-Interest, Melbourne, 1958, pp. 457-458.

⁵² For some years to come, this was a misleading term: a provincial synod was eventually provided for the Church in New South Wales, and met from 1869 onwards. But there was no province of New South Wales until the 1880s. When a higher synod was eventually formed for the Australian Church as a whole, it took the name general synod.

it was to be a superior body, with power to override the individual dioceses which constituted it.

Throughout the debate on the bill, clauses were inserted and clauses were deleted,⁵³ and at one point the provision for such a provincial synod was weakened; at another point it was lost altogether. But shortly before the conference concluded, a motion was passed restoring clauses concerning the provincial synod to the bill. Even so, there was one dissenting vote to the motion that the committee appointed by the conference "have power, at the request of the Lord Bishop of Newcastle ... with the concurrence of the Lord Bishop of Sydney, to introduce such modifications into the Bill not affecting the principle thereof as may enable the Bill to apply to the Diocese of Newcastle".⁵⁴ This was subsequently done by the committee, thus bringing the northern diocese under the provisions of the measure.

Just over a week after the Sydney conference had concluded, a similar conference for the diocese of Newcastle assembled at Morpeth. It was a smaller and shorter meeting, lasting for only two days. In his opening address to the conference, Tyrrell made it clear that his views on the course of action had changed little since 1852.⁵⁵ He now spoke unreservedly in favour of full participation by the laity on a democratic basis in the proposed synods. He recognised that even a broadly uniform constitution for the Church throughout the British colonies was no longer a practical proposition; but he still hoped that a significant measure

⁵³ Many of the documents which came before the conference may be found in the Macarthur Papers, Volume 99. This volume also contains a list of the clergy present at the conference.

⁵⁴ J.L.C.N.S.W., 1859-60, Volume V, Part I, p. 764. The debate on the full bill appears on pp. 44-53 and pp. 742-765.

⁵⁵ The proceedings of the Newcastle conference were reported at length in the Maitland Mercury, 16 and 18 December 1858.

of uniformity, at least "in substance", could be achieved in the various Australian dioceses, and that there would be uniformity in form as well as in substance for the dioceses in New South Wales. He continued to insist on the need for seeking legislative enactment of the constitution, largely because of the close relations between Church and state in New South Wales through financial aid. Tyrrell also insisted that the legislature was not being called upon to deliberate on the details of the proposed bill, but simply to sanction it or reject it as a whole. He made clear his dislike of wide powers for the bishops.

The bill as it had been finally approved in Sydney proved for the most part to be acceptable to the Newcastle conference. For instance the clauses relating to the bishop's power of veto in synod had been vigorously opposed by a significant section of the Sydney conference and by the Church Sentinel, but in Newcastle the opposition to it was neither strong nor widespread. Only Richard Sadleir, a strongly evangelical churchman and an opponent of clerical autocracy, pressed his opposition, albeit unsuccessfully. When Charles Bolton proposed a clause providing for voting by secret ballot in synod, he was met with a chorus of opposition, both clerical and lay. There was a limit to the democratic lengths to which Newcastle's churchmen were prepared to go. On most points, there was little dissatisfaction with the Sydney measure. The Church Sentinel, discussing the Newcastle conference, described that diocese as imitating Sydney while behaving better.⁵⁶

On one point, however, the majority of those attending the Newcastle conference was insistent that the Sydney measure was seriously deficient.

⁵⁶ Church Sentinel, 31 December 1858, pp. 67-68.

The Sydney bill had provided for a provincial synod with power to regulate the affairs of the Church in New South Wales as a whole, but it made no provision as to when or how often it should meet. Rather, this was left to the discretion of the metropolitan bishop. This provoked more discussion at the Newcastle conference than any other question. An amendment requiring meetings at fixed intervals was moved by Canon R.G. Boodle, who insisted that he was not casting any suspicion of unwillingness on the present metropolitan. Several speakers made the point that a provincial synod was made necessary by a clause in the draft bill which provided for appeals in certain circumstances from diocesan synods to such a body. Boodle also desired a provincial synod on the ground that it would tend to "neutralize any natural liability in each diocese to local influences". The Newcastle conference finally supported an amendment to make the calling of a provincial synod compulsory on the part of the metropolitan at least once every three years.⁵⁷

Earlier, a meeting held at North Grafton to choose a representative to the conference at Morpeth unanimously resolved against the provision of a full constitution for the Church in New South Wales by the state, on the ground that such a course was "open to this objection that it invites the

⁵⁷ Maitland Mercury, 18 December 1858. In a statement apparently based on Boodle, op. cit., pp. 182-183, Ross Border, Church and State in Australia 1788-1872. A Constitutional Study of The Church of England in Australia, London, 1962, p. 247, claims that the resolution of the Newcastle conference made a provincial synod mandatory as soon as a third diocese was created in New South Wales. In fact, as Boodle himself made clear some twelve months later before a select committee of the Legislative Council of New South Wales, the reference to the third diocese was inserted subsequently as a compromise, in order to secure Sydney's acceptance of the principle that the calling of a provincial synod should be made mandatory at all. This appears to account for the errors by Border and by Boodle, op. cit., and for Boodle's confusion on this point at a later stage of his evidence.

interference of a Legislature" not necessarily consisting of persons "of our communion" in matters which would more properly come under the cognisance of the synods themselves when constituted. The meeting then unanimously resolved that "an Enabling Bill removing doubts as to the lawfulness" of the Church meeting in synod "and vesting in such Synod all property held from the State" was all that was required.⁵⁸ Clearly, the minority in the diocese of Sydney which thought that an enabling bill was sufficient had its counterpart in the diocese of Newcastle at this stage of the Church's progress towards a constitution.

After the requisite notice had been given, leave was sought to bring the bill, generally referred to as the synods bill, before the Legislative Council, and on 13 October 1859 Edward Deas Thomson successfully moved that in accordance with standing orders it be referred to a select committee of the Legislative Council.⁵⁹ The committee began its hearings in December. Altogether, nine witnesses were examined by the committee, representing a considerable variety of churchmanship and opinion. The evidence which they gave clearly showed that, like many of the speakers at the conference, they were uncertain and confused in their minds. The complexities, both real and suspected, of the legal position of the colonial Church meant that not even the metropolitan bishop himself fully grasped the ramifications of the Church's position, the requirements for constitutional progress, nor the implications of the various alternatives by means of which progress could be made. The various witnesses were

⁵⁸ "Minutes of Meeting Choosing Representative to Conference Decbr 58", Selwyn Papers, A735, Mitchell Library, Sydney.

⁵⁹ S.M.H., 25 August and 14 October 1859; J.L.C.N.S.W. 1859-60, Volume V, Part I, p. 651. The Church Sentinel, 7 October 1859, pp. 227-228, opposed this course of action with an editorial entitled "Secular Legislation in the Domain of Religion and Conscience".

not agreed amongst themselves as to what the Church was in fact seeking, and some of them were characterised by an insularity of outlook, and by a failure to appreciate that the Church must adjust to colonial conditions and that the methods of adjustment were not static. Opposition came from both Anglicans and non-Anglicans. On the whole, the prospects for the successful passage of the bill were not especially bright.⁶⁰

Four witnesses appeared before the committee to oppose the bill. The Reverend James Fullerton (a Presbyterian) already on record as supporting the co-operation of Church and state, insisted that the measure would infringe the rights of Anglicans, and that the legislature should not do anything which would interfere with religious doctrine or discipline. It was clear, however, that the main cause of his opposition was a fear that the bill was an attempt to secure the colonial establishment of the Church of England. The Reverend John Woolley, of Sydney University, insisted that the colonial Church already possessed the power to govern itself, but his chief objections to the bill were liable to change under close questioning. He was principally motivated in his opposition by the fact that he had been excluded from membership of the conference, and would be excluded from the projected synod, because he was not licensed in a cure of souls. The Reverend George King was mainly concerned with episcopal autocracy. This was a burning issue with him, and a direct conflict between himself and Bishop Barker broke out in the following year. Michael Metcalfe, a prominent layman, whose evidence was a curious mixture of perception and confusion, also opposed the measure. He saw clearly enough that apathy in

⁶⁰ See, for example, the evidence of the Presbyterian, James Fullerton. The chief cause of denominational antipathy, in New South Wales as elsewhere, was the fear that the moves for synodical government were actually attempts to secure the colonial establishment of the Church of England.

church affairs was widespread amongst many of the Anglican laity; but he was confused over where effective power lay, and ought to lie, in the administration of church affairs.⁶¹

Bishop Barker, who gave more evidence than any other witness, strongly defended the proposed constitution and insisted on the need for the Church to have the legislative backing of the state. Despite the growing cleavage between the two, he never conceded this point for long during his episcopate. In other parts of his evidence, he was to change his mind at other times. He did not have great strength of will on matters which he felt were not of primary importance, and his chief weaknesses, at least in constitutional matters, were vacillation and conservatism. His evidence was supported, with varying emphases, by Gordon, by Cowper (the Dean of Sydney), and by Stephen. The only representative from the diocese of Newcastle to appear before the select committee was Canon Boodle, who supported the measure with a degree of insistence which reflected the attitude of his bishop and which was not quite matched by any of the other witnesses.

On the whole, there were significant differences of opinion amongst the supporters of the bill, both as to the need for seeking a new form of church government at that time, and as to the means by which this should be achieved.⁶² Unfortunately, there were also strong differences of opinion over the projected provincial synod for the Church in New South Wales as a whole. The chief witnesses for each diocese - Barker for Sydney and Boodle

⁶¹ J.L.C.N.S.W., 1859-60, Volume V, Part I, pp. 831-884. For King's dispute with Barker, see below, pp. 100-101.

⁶² For further details, see Daw, E.D., "Synodical Government for the Church of England in N.S.W.: The First Attempt", Journal of Religious History, Volume 6, No. 2, December 1970, pp. 165-171.

for Newcastle - gave most support to the proposed body. Barker considered, at least on this occasion, that the diocesan synod would be incomplete without the higher body, which he believed would also function as a court of appeal. Boodle went further, and saw it as "an important means of promoting unity of feeling and action" in the Church.⁶³ Cowper, in contrast, was less enthusiastic about the idea; and Gordon, whose already limited enthusiasm for a provincial synod was to diminish further in time, saw the diocesan synod as the superior body (despite the wording of the bill). He anticipated no clash between the two bodies, since the "canons or ordinances of the Provincial Synod would not interfere with the acts of a Diocesan Synod, except so far as those canons or ordinances should be introduced into the diocese in the same way as used to be done in dioceses in England in olden times".⁶⁴ Gordon forgot that the colony was not England and that the times were not olden. His hostility to a higher body with power of its own was a consistent feature of his whole colonial churchmanship. Metcalfe, in a moment of pessimism, looked on the idea of a provincial synod as "a perfect myth - something that will not be established for half a century to come". He did not think there were enough interested churchmen who would serve on it, since there was "such an extraordinary apathy among the laity ... and so strong an idea that the Church belongs to the State, that you cannot get them out of the notion".⁶⁵ Like some of his contemporaries, he could sometimes see the existing situation clearly enough, but his forecasting was faulty.

⁶³ J.L.C.N.S.W., 1859-60, Volume V, Part I, pp. 708, 727, 779-780.

⁶⁴ Ibid., pp. 770, 773, 816-817.

⁶⁵ Ibid., pp. 881, 884.

The select committee made some alterations to the bill as a result of its hearings. Those provisions relating to the provincial synod (giving it power to govern the Church in New South Wales as a whole) were fundamentally unaltered, and most of the other changes made were not great in substance. The main changes were in keeping with the democratic spirit of the time: the power of the bishop vis-à-vis the diocesan synod, a question pursued at some length during the public hearings,⁶⁶ was reduced, and provision was made for increasing the proportion of laymen in each synod. Clause 17 of the bill, which provided for the establishment of a tribunal, was also amended so as to deprive the bishop of the presidency of the tribunal. The committee proceeded to recommend that the bill be passed by the Legislative Council.⁶⁷

However, just before the bill was read for the third time the full Council made a further amendment to the bill, the effect of which was to further restrict the bishop's veto power in synod to spiritual matters only. The supporters of the amendment believed that it would have the effect of conciliating many members of the Church who were then opposed to the bill.⁶⁸ In fact it helped to ensure the bill's failure: it was neither conciliatory to the bill's opponents, nor acceptable to all of its supporters. Both Barker and the Sydney conference committee would have accepted the altered bill rather than lose it altogether; but Tyrrell would not accept this latest amendment unless it was first referred back

⁶⁶ One member of the committee in particular, Robert Johnson M.L.C., had been well to the fore on this matter and on giving the synod legal power to punish. His obituary touched on his opposition to some aspects of the synods bill. S.M.H., 8 November 1866.

⁶⁷ The committee's Report, and the amended bill, appear in J.L.C.N.S.W., 1859-60, Volume V, Part I, pp. 675, 679-703.

⁶⁸ S.M.H., 15 February 1861.

to the Church. In addition, he subsequently insisted (correctly, as it happened) that the bill would meet strenuous opposition in the Legislative Assembly and that in any case it would shortly lapse as its passage could not be completed before the end of the legislative session. Although the Legislative Council had (on 14 March 1861) proceeded to pass the bill by a majority of 13 : 4, it was decided at a conference that the bill should be withdrawn from the Legislative Assembly.⁶⁹

In an address to his clergy early in the following year, Barker analysed the bill's failure. His understanding of the reasons for its fate was quite clear - much clearer in fact than either his understanding of the needs of the colonial Church or his own strength of purpose had been. The reasons as he saw them were differences amongst Anglicans themselves, opposition from "conscientious members of the dissenting bodies", and opposition from Roman Catholic quarters.⁷⁰ Had he gone more deeply into the question, he might have realised that the most fundamental reason was the failure of many churchmen, including himself, to grasp the need for the Church to adapt to the continually changing context in which it found itself, both social and political. Barker was not a man who adapted easily to the colonial environment,⁷¹ and those of his clergy who shared his churchmanship sought not so much to adapt to the world as to change it.

⁶⁹ Tyrrell to Boodle, 19 April 1861, cited in Boodle, *op cit.*, p. 185; *Newcastle Synod Proceedings 1865*, p. 3; *S.M.H.*, 14 November 1860, 5 and 15 March and 13 April 1861.

⁷⁰ [Barker, Frederic], A Charge Delivered to the Clergy of the Diocese of Sydney at the Second Triennial Visitation of Frederic, Bishop of Sydney, and Metropolitan of Australia, February, 19, 1862, Sydney, n.d. [1862], pp. 19-22.

⁷¹ Barker's Diary, and (more particularly) that of his wife, give ample evidence of this. See also Cable, *op. cit.*, p. 83; and a review of Barker's biography in *Sydney Mail*, 22 September 1888.

There were other changes at about the same time which also affected the position of the Church in New South Wales. Not long before the failure of the synods bill, the existing constitutional basis of the Church suffered another setback, this time at the hands of the law, in the case of ex parte the Reverend George King. Although King was the incumbent of the parish of St. Andrew, Sydney, in 1858 Bishop Barker had appointed William Macquarie Cowper to be Dean of the Cathedral Church of St. Andrew. Not unnaturally, King felt somewhat aggrieved by this, but did nothing (apart from protesting to Barker) until September 1860, when Barker notified King that he proposed to hold an ordination in St. Andrew's Church and that King's assistance would not be required, as it had often been in the past. King locked the bishop and his party out of the church, and the result was an effort by Barker to discipline him for insubordination. King thereupon appealed to the Supreme Court of New South Wales and obtained a prohibition order against Barker. The judgement of the Court, in the persons of the Acting Chief Justice (Dickinson) and Mr. Justice Wise, was delivered on 11 February 1861.⁷² It was in fact the most complete consideration given in New South Wales up to that time to the legal position of the colonial Church. Mr. Justice Dickinson held that:

"[A colonial bishop] is a bishop moreover, here over those only who voluntarily submit to his jurisdiction... I am of opinion that her Majesty has no power to introduce into this colony, by her letters patent of appointment to the bishopric of Sydney, the law and method of proceeding by which the bishops in England and Ireland are enabled to enforce discipline over their clergy... I am of opinion that the King's

⁷² The judgement is given in Legge, J. Gordon, A Selection of Supreme Court Cases in New South Wales, From 1825 to 1862, Volume 2, Sydney, 1896, pp. 1307-1336.

Ecclesiastical Law of England has no applicability to the circumstances of this colony...the Christians in this colony, who were or would be members of the Established Church in the United Kingdom, have never been recognised as being members of a church established here by law..."

Mr. Justice Wise, in a considerably longer judgement, put the essence of the matter much more succinctly:

"Tried by this [one safe] test, no ecclesiastical law could be applicable to the colony... I am, therefore, of opinion that the legal powers of the Bishop of Sydney must be sought in and limited by the colonial statutes".⁷³

In short, the colonial Church was not established by law, the ecclesiastical law of England did not apply in the colonies, and the crown had no power to grant power and coercive jurisdiction to a colonial bishop. Already, in 1857, an English court had decided that the diocese of Christchurch, New Zealand, was not a diocese of the Church of England, and that a colonial bishop did not have the legal privileges of a bishop of the Church of England and hence could not be regarded as a prelate of that Church.⁷⁴

King's dispute with Barker was settled in a reasonably amicable way, but the issues which it had forcibly raised were not resolved so easily or so quickly. At this juncture in the Church's constitutional development, Barker decided to return to England for his first visit since his consecration. He was disturbed by the undermining of his letters patent by the decision of the colonial court, and by the threats of the withdrawal of state aid to the Church (which came to pass while he was in England). Understandably, one particular purpose behind his

⁷³ Ibid., pp. 1311, 1314, 1324, 1328.

⁷⁴ Whittington, F.T. (ed.), Ancient and Modern Church Law. A Short Historical Sketch, Hobart, 1910, p. 23.

decision to visit England was to consult bishops and lawyers at home on legal questions. Accordingly, he left Sydney in March 1862, and arrived in England in the middle of May.⁷⁵

Barker's time in England was of greater significance than he himself could have known, for while he was there the first of the English legal judgements arising out of disturbances in the Church in the South African colonies was given. The judgements affected still further the legal basis of the whole colonial Church. The first was the decision of the judicial committee of the Privy Council in the case of Long v. Bishop of Capetown, a case which was even more closely related to current constitutional questions than King's case, in Barker's own diocese, had been. It arose because a clergyman in the diocese of Cape Town, the Reverend William Long, refused to obey the summons of his bishop to attend a synod (which had been established on the basis of consensual compact) in 1861. The bishop, Robert Gray, cited Long to appear before his diocesan court, and the process eventually resulted first in Long's suspension and then in his removal from office. Long appealed to the Supreme Court of the colony, and when its judgement was not to his liking he appealed to the judicial committee of the Privy Council.⁷⁶ The Council's decision was given in June 1863, while Barker was still in England. The judgement stated (in part):

"The Church of England, in places where there is no church established by law, is in the same situation with any other religious body, - in no better, but in no worse position; and the members may adopt, as the members of any other communion may adopt, rules for enforcing discipline within their body which will be

⁷⁵ Amongst his other purposes was to secure additional clergymen, and to achieve a subdivision of his still enormous diocese. See, e.g., Border, J.T.R., The Reverend, The Founding of the See of Goulburn, Canberra, 1956, passim.

⁷⁶ Hinchliff, Peter, The Anglican Church in South Africa. An account of the history and development of the Church of the Province of South Africa, London, 1963, pp. 51-53. In contemporary accounts, the name of Gray's diocese was frequently shown as "Capetown".

binding on those who expressly or by implication have assented to them ... [Furthermore, any tribunals constituted under such rules] are not in any sense courts; they derive no authority from the Crown; they have no power of their own to enforce their sentences; they must apply for that purpose to the courts established by law, and such courts will give effect to their decision, as they give effect to the decisions of arbitrators, whose jurisdiction rests entirely upon the agreement of the parties".⁷⁷

As well as declaring that the colonial Church was not established, this judgement from the highest court of appeal stated that Gray's letters patent were invalid because they had been issued subsequently to the granting of self government to the colony. Although an important judgement, it did not have the strong immediate impact which might have been expected.⁷⁸ Its importance probably lay as much in its source as in its content, for it contained views which had been current in various quarters for some time.⁷⁹ The conclusions reached by the Privy Council were emphasised soon afterwards in a despatch from the Secretary of State to colonial Governors.⁸⁰ But, following so soon upon King's case, it undoubtedly caused great concern to Barker, not least because the question "most insisted upon by the Judicial Committee, as well as by the Court below [in Cape Town]... is the illegality of Letters Patent, professing to confer coercive jurisdiction in a colony possessing an independent legislature".⁸¹ Barker always laid great store by

⁷⁷ Phillimore, Robert, The Ecclesiastical Law of the Church of England, Volume II, London, 1873, pp. 2245-2246.

⁷⁸ The Colonial Church Chronicle, for example, delayed any report of the decision until its issue of August 1863, pp. 309-311, and did not give its own assessment until September, pp. 321-326.

⁷⁹ See above, pp. 26, 70.

⁸⁰ S.M.H., 5 and 7 May 1864.

⁸¹ Colonial Church Chronicle, September 1863, p. 322.

his letters patent from the crown and was to do so throughout his episcopate.

Shortly before leaving Sydney, Barker had insisted that "the sanction of the Legislature is necessary for the introduction of Synodical action", not by a mere enabling bill but by a measure along the lines of the one just rejected, possibly without "some of the portions which were objected to ... and which may not be essential to its successful working".⁸² His initial reaction to the decisions in the cases of King and Long undoubtedly took the form of a strengthened resolve to take up again the procedure he had followed in his first effort to secure synodical government for his diocese.

But amongst those with whom Barker discussed these problems while he was in England were some of the bishops of the Canadian Church, which had recently made advances in its own organisation with the nomination by the crown (at the request of the Church itself) of its first metropolitan in 1861, and the holding of its first provincial synod in the same year.⁸³ The basis of the Canadian Church constitution was a short enabling act; and Barker, who on constitutional matters was sometimes firm to the point of stubbornness but at other times only too easy to persuade, was convinced on this occasion by the Canadian bishops whom he consulted that a short act was preferable to a fuller measure.⁸⁴ Towards the end of 1863, Barker decided that the time had come to return

⁸² [Barker, Frederic], A Charge Delivered to the Clergy of the Diocese of Sydney, at the Second Triennial Visitation of Frederic, Bishop of Sydney, and Metropolitan of Australia, February, 19, 1862, p. 22.

⁸³ "The Metropolitanate of Canada", Colonial Church Chronicle, October 1863, pp. 384-387. See also its issue for March 1863, p. 91.

⁸⁴ See [Barker, Frederic], An Address Delivered to the Members of the Church of England by the Bishop of Sydney, on Tuesday Evening, February 23rd, 1864, on the Occasion of His Return to his Diocese After a Visit to England, Sydney, 1864, pp. 7-8.

to his diocese. He was now anxious to complete the reorganisation of the Church's framework, and to introduce synodical government into his diocese.

He apparently remained relatively unconcerned about his province as a whole. The jurisdiction of metropolitan bishops was something to which the Privy Council's judgement in Long's case had, except perhaps by implication, "studiously omitted all reference ..."⁸⁵ This question was to figure largely in another dispute then occupying the colonial Church, and the South African Church in particular. On 16 December 1863, the day before Barker left England to return to his see, the metropolitan Bishop of Cape Town deposed the Bishop of Natal (Dr. J.W. Colenso) from office on the ground of heresy. Barker arrived in Sydney in February 1864, apparently not greatly disturbed by early reports of the Colenso case.

While Barker had been in England, Tyrrell had also changed his opinion about the course which the Church in New South Wales ought to pursue in seeking to establish synods. Unfortunately for the Church the thinking of the two bishops did not move in the same direction. Following the legislative failure in 1861, Tyrrell had reacted by deciding that at its next attempt the Church should avoid all risk of state interference with the provision of its constitution by seeking a short enabling bill rather than trying again for a fuller measure.⁸⁶ But with the start of the withdrawal of state aid to the churches in New South Wales (which meant that the Church of England would soon have to depend entirely on its own resources), and the judgement of the Privy Council in Long's case, Tyrrell (according to his own later account) abandoned the view that a constitution should be sought from

⁸⁵ Colonial Church Chronicle, September 1863, p. 326.

⁸⁶ Boodle, op. cit., p. 197.

the state in any form, and instead came to believe that legislative sanction was both unnecessary and undesirable. His biographer also claimed that he was influenced by the example of consensual compact which had been adopted by the Church in Adelaide and New Zealand.⁸⁷ The creation of the diocese of Goulburn in 1863 convinced him that the time for further action had now come. He insisted that the wisest course would be "to have as little as possible" to do with the legislature.⁸⁸ In reaching this viewpoint he showed a greater sensitivity to the social and political atmosphere of the colony than most other churchmen, including Barker.

In August 1864, Barker called a conference of ten of his senior clergy to discuss, amongst other matters, what steps should be taken next to achieve synodical government. He invited Tyrrell to attend this conference. One of the clergy present, William Stack, had been calling since the Privy Council's judgement for the immediate introduction of a synod on a voluntary or consensual basis.⁸⁹ Thus, it became apparent that Tyrrell's current preference for the consensual compact method had some support from within the metropolitan diocese. However, Barker was still in his phase of preference for an enabling bill, and both Tyrrell and his own senior clergy deferred to the metropolitan. It was decided that if an enabling bill could not be secured, then the Church would proceed "without legislative sanction".⁹⁰

⁸⁷ Newcastle Synod Proceedings 1865, p. 4; Boodle, op. cit., pp. 197-198.

⁸⁸ Newcastle Synod Proceedings 1865, p. 4.

⁸⁹ Church of England Chronicle, 21 May 1864, pp. 79-80; 7 June 1864, pp. 86-87; and 8 August 1864, pp. 118-119.

⁹⁰ The Reverend H.T. Stiles to the Reverend G. Stiles, 30 August 1864, Stiles Papers, Volume 1, No. 21, A3248, Mitchell Library, Sydney; see also Newcastle Synod Proceedings 1865, pp. 4-5.

Accordingly, Barker called a diocesan conference for 7 February 1865 "to consider the propriety of applying to the Legislature" for an enabling bill. Writing to Tyrrell, he stated his intention of confining the business of the conference to that "one point". A Newcastle conference to consider the same question was convened by Tyrrell for 24 February.⁹¹

At the Sydney conference, Barker was obviously anxious for some positive action. He told the clergy and laity who were present that under certain conditions a synod could be formed without any legal backing, although without such backing any subsequent action would be "feeble and ineffective".⁹² Despite strong support from a minority in favour of consensual compact action, the conference decided that the assistance of the state was necessary. There was a total lack of concern about the principle of united action - one questioner asked about the views of churchmen in Newcastle and Goulburn; but the Reverend Percy Smith hoped that their dioceses would not have the opportunity of vetoing legislation which was considered necessary for the diocese of Sydney.⁹³ Nevertheless the conference proceeded to appoint a committee to draw up a full bill for a constitution for the Church in the colony of New South Wales. Barker was unable or unwilling to confine the conference to the question of an enabling bill - indeed, he denied that this had ever been his intention. The committee deviated from its charter by drawing up a measure to apply to the diocese of Sydney alone, but this apparently failed to disturb the full conference.

⁹¹ Circular Letter from Barker, Hassall Correspondence, Volume 2, p. 1117, A1677-2, Mitchell Library, Sydney; Newcastle Synod Proceedings 1865, p. 5. A copy of Tyrrell's summons is in the Selwyn Papers, A735.

⁹² Church of England Chronicle, 21 February 1865, p. 26.

⁹³ Ibid., p. 33.

Barker wrote to Tyrrell, informing him of the results of the Sydney conference and asking for his views. In his reply, Tyrrell reiterated his belief that action by the Church in New South Wales as a whole should precede action by any one of the three dioceses. He stated his intention of guiding the Newcastle conference to this viewpoint. According to Tyrrell's biographer, Barker (still vacillating) stated by return mail that "the course you propose is the proper one. I quite feel that our course is open to objection, and that we are beginning at the wrong end".⁹⁴

When the Newcastle conference met on 24 February, the purpose for which it had been called had been rendered redundant by the independent line taken by the Sydney conference. But this does not mean, as Border infers, that the Newcastle conference was unimportant in the progress of the Church in New South Wales towards synodical government, for it registered the next change of view on the part of Bishop Tyrrell. He now abandoned his short lived belief in the virtues of consensual compact, and proceeded to advance reasons for seeking the authority of the state. Only one member of the Newcastle conference pointed out the "fatal defect" of the Sydney constitution: that it made no provision for a provincial synod. Strangely, Tyrrell did not reply to this point. The conference concluded by appointing a committee with a charter to consider proposals which might emanate from Sydney and to consult with the Sydney and Goulburn dioceses.⁹⁵

⁹⁴ Boodle, op. cit., p. 199.

⁹⁵ Maitland Mercury, 28 February 1865. See Border, Church and State, pp. 249-250. It is misleading to say, as Border does, that the Newcastle conference "refused to recognise even the necessity of an Enabling Bill", ibid., p. 250. It is also hard to agree with the view expressed by Tyrrell six months later (under very different circumstances) that the conference was "wisely content to do nothing". Newcastle Synod Proceedings 1865, p. 7.

When the Sydney conference reassembled three days later, it proceeded to endorse a bill incorporating the proposed constitution. It was not long before Tyrrell became profoundly dissatisfied not only with its lack of provision for a provincial synod, but with the whole episode of unilateral action on the part of the metropolitan diocese. Accordingly, in March he wrote to Barker informing him of his intention (which he carried out) to publicly oppose the Sydney bill.⁹⁶ The Sydney conference committee decided nonetheless to proceed on its chosen course, and on 20 April "Mr. Cowper obtained leave to bring in a Bill" in the Legislative Assembly to enable the diocese of Sydney to regulate its affairs. Tyrrell reacted, at the end of May, by summoning a diocesan conference.⁹⁷ When this body assembled in August, it did so as the first synod of the diocese.

In its progress through the Legislative Assembly, the synod bill encountered opposition from similar quarters and on similar grounds as its predecessor in 1861. Members of the Assembly of various religious persuasions (including the Church of England) combined to oppose the measure, principally because of the fear that the Church was either seeking a form of establishment under the bill, or would in any case become established by it. Forty-five Presbyterian ministers and laymen made common cause with the Roman Catholic Archbishop of Sydney and nineteen of his clergy in subscribing to this fear of disturbing

⁹⁶ Report of the Committee appointed by the Conference, on the 16th February, to prepare and superintend the progress through Parliament of a Bill to legalise the Fundamental Constitutions agreed to by the Conference, [Sydney, 1865], p. 1.

⁹⁷ S.M.H., 21 April 1865; Report of the Newcastle Church Society for the Year 1864, to Which are Annexed the Accounts of the Diocesan Committee, With a Letter From the Lord Bishop of the Diocese, West Maitland, 1865, pp. 57-58.

denominational equality. The Presbyterians also insisted that the bill was tantamount to inviting the civil power to legislate in matters of doctrine and discipline, and that by providing for a tribunal it would lead to unwarranted infringements of the rights of members of the Church of England. This also lay behind much of the opposition which was expressed in the legislature. In the course of debate, the fact that the bill originated from only one of the three dioceses in New South Wales was also touched upon.⁹⁸

This forceful opposition, together with Tyrrell's firm and publicly proclaimed hostility and the diminishing prospects of success of any bill emanating from one diocese and opposed by another, led the Sydney conference committee to seek withdrawal of the measure. In any case, the prorogation of Parliament was imminent. The committee recommended that the Sydney conference should reconvene.⁹⁹

The Sydney conference duly assembled on 26 September. In his address to the meeting, Barker took a curious approach.¹⁰⁰ He devoted a great deal of time to what was doubtless intended to be a learned critique of synodical practice in other colonies. In fact, it demonstrated his inability to understand much of what was actually involved in the processes of achieving synodical government. At times he denied things he had said on earlier occasions, and on other points he contradicted himself apparently as a result of ignorance rather than

⁹⁸ V. & P. L. A. N. S. W., 1865, Volume II, pp. 621, 623, 625, 633; S. M. H., 26 April 1865.

⁹⁹ Report of the Committee appointed by the Conference, on the 16th February ..., p. 1; S. M. H., 17 and 22 June 1865. See also the letter from the Reverend W. S. Wilson (Diocese of Newcastle), S. M. H., 11 May 1865.

¹⁰⁰ Barker's address to the Conference appears in the Church of England Chronicle, 9 October 1865, pp. 151-155.

deliberate design. It was apparent that he was now greatly worried by the legal decisions in the King and Long cases, and probably also by the outcome of the Colenso case involving the deposition of the Bishop of Natal, news of which had reached the colony just a few months earlier.¹⁰¹

A significant portion of Barker's address was taken up with a thinly disguised criticism of the opinions and actions of the Bishop of Newcastle, and it is clear that relations between the two men (especially from Barker's point of view) had never been more strained. Adamant that a constitution was required for his diocese, he proceeded to deliver an unprecedented attack on the projected provincial synod. It would, he said, be "contrary to Church principle and to historical precedent to permit our diocesan independence to merge in the authority of a Provincial Synod" for New South Wales. In any event, "the formation of a Provincial Synod for all the purposes for which it is required may be attained through diocesan action ..." He announced his willingness to call a conference of the three dioceses provided that each diocese desired it and provided that such a conference could in no way alter the constitution already on by the Sydney diocese. After much discussion, the Sydney conference agreed with these terms.

It was at about this time that the diocese of Goulburn and its bishop began to take an interest in constitutional matters. Bishop Mesac Thomas had been in his diocese little more than a year, and like Barker ten years earlier he gave priority to familiarising himself generally with his new diocese and its needs. Early in 1865, he saw Goulburn as being in a missionary situation, in which a synod was

¹⁰¹ See below, pp. 140-141.

"undesirable". But by June, he was petitioning the legislature in favour of the Sydney synod bill,¹⁰² and in September he attended the Sydney conference at Barker's invitation. Thomas was, in contrast to Tyrrell, personally close to Barker and generally held opinions similar to those of his metropolitan, especially on constitutional matters. An unashamed erastian, he was one of the last colonial bishops to be appointed by letters patent, a fact of which he was intensely proud to the end of his long episcopate.¹⁰³ Hence it is not surprising that Thomas and his diocese (which until 1863 had been part of Barker's see) followed, as Tyrrell soon afterwards put it, "in the exact wake of the Metropolitan Diocese", for which they "may certainly be excused ..."¹⁰⁴

Thomas proceeded to summon his own diocesan conference, and when it assembled in December 1865, he insisted upon the absolute necessity of legislative sanction for a constitution enshrining the principle of diocesan independence. There was no evident enthusiasm for a provincial synod for New South Wales, and when the Reverend T. Druitt moved a resolution in favour of a triennial provincial body, the chancellor of the diocese (Charles Campbell) "deprecated any action on our part in this matter". The motion was thereupon withdrawn, undefended.¹⁰⁵ Again following in "the exact wake" of the metropolitan

¹⁰² Church of England Chronicle, 21 February 1865, p. 33; S.M.H., 7 June 1865.

¹⁰³ Thomas died, still in office, in 1892.

¹⁰⁴ [Tyrrell, William], Letter of the Bishop of Newcastle Containing Remarks Upon the Sydney Diocesan Conference, Held September, 1865, Sydney, 1866, p. 2, in Macarthur Papers, Volume 99.

¹⁰⁵ Church Chronicle for the Dioceses of Sydney, Newcastle and Goulburn, Sydney, 8 January 1866, p. 29.

diocese, the Goulburn conference proceeded to bind its delegates to the general conference not to permit any alteration in the constitution which it had approved.

In January 1866, Barker summoned a general conference of all three dioceses for 11 April.¹⁰⁶ Since two of the three dioceses had drawn up constitutions giving no real part to any provincial body, and had bound their representatives not to permit any alteration in the constitutions approved by them, the outcome of the conference was in very large measure a foregone conclusion.

The conference duly assembled in Sydney, and consisted of the three bishops together with four clergymen and four laymen from each diocese.¹⁰⁷ In a curious remark during his opening speech, Barker insisted that the principle of united action which the three dioceses were putting into effect by holding such a conference would not "in the least interfere with the union of all of them in a general or provincial synod. On the contrary, this appears to me to be the best way of securing united action".¹⁰⁸ It was a curious and probably deliberately limited understanding of what united action involved, for he insisted throughout the conference on the principle of diocesan supremacy. Possibly it was Barker's way of reacting to a public attack which had been made on him only a week before by Tyrrell, who had said:

¹⁰⁶ Ibid., 9 March 1866, p. 82.

¹⁰⁷ The proceedings of the conference were reported in ibid., 25 April 1866, pp. 128-148.

¹⁰⁸ He had modified his earlier attack on the proposed provincial synod (see above, p. 111), probably in the realisation that Tyrrell's opposition to any measure not providing for such a body would prevent the creation of diocesan synods under an act of Parliament.

"It is certainly a very singular fact, that the Metropolitan Bishop and Diocese in New South Wales are by word and deed urging the breaking up of our Church into almost independent separate Dioceses under their Diocesan Synods; while a Suffragan Bishop and Diocese are calmly but firmly advocating the uniting the several Dioceses together to form one united Church, under the central control of its Provincial Synod".¹⁰⁹

Strong feelings persisted over this conference, and in a subsequent (and slightly emotional) account, Tyrrell spoke of the opposition to the proposed provincial synod which was offered by Charles Campbell, chancellor of the Goulburn diocese. Having recently returned from England, Tyrrell claimed, Campbell "had taken no part in drawing up the Synod Bill of 1860 - had never approved of the Provincial Synod clauses in that bill, but on the contrary, having returned ... strongly imbued with the old Tory opinions respecting Church and State, placed the utmost reliance on the Queen's letters patent, and considered that the province of Australia professedly created in the Bishop of Sydney's letters patent¹¹⁰ was really and legally created; and so strongly was he possessed with his opinion that he almost derided the idea of any other Provincial Synod, [such] as a Provincial Synod for our own single colony of New South Wales, not created by letters patent".¹¹¹ Sydney's chancellor (Gordon) joined his Goulburn colleague in rejecting Tyrrell's proposition - and Tyrrell subsequently insisted that Gordon

¹⁰⁹ Letter of the Bishop of Newcastle ..., p. 3.

¹¹⁰ The word "professedly" was a reference by Tyrrell to the controversy arising out of the cases involving Dr. Colenso, the deposed Bishop of Natal. See below, pp. 141-143.

¹¹¹ Newcastle Synod Proceedings 1869, p. 13. It is misleading simply to say, as does Border, Church and State, p. 256, that Campbell held out "for a Provincial Synod based on Letters Patent".

later stated that "as he could not succeed in preventing entirely the introduction of these Provincial Synod clauses, he thought the next best thing he could do was to cripple its powers as much as possible".¹¹²

Tyrrell was not prepared to give up his desire for a provincial synod for New South Wales, and together with some of the Newcastle representatives he fought hard for it at the conference. Eventually, the conference acceded to Tyrrell's wish and provided for a triennial provincial synod for New South Wales, but it gave this body no independent power or authority of its own.

In all other respects, every detail of the Sydney and Goulburn constitutions had to be inserted in the measure which the conference drew up. Tyrrell was subsequently moved to make an apt comparison between the work of the conference and the manufacture of a piece of "church Mosaic work". The general conference concluded by approving a bill designed to enable the Church in New South Wales to manage its property in accordance with the constitution which was to be recorded in the Supreme Court within three months after the passing of the bill. This had the added advantage of removing the terms of the constitution itself from the scrutiny of the legislature.

Notwithstanding this, however, the fear that by seeking legislative assistance the Church of England was surreptitiously seeking a form of colonial establishment again raised its head. Nevertheless, the bill in its new form had a successful passage through the legislature, and despite further exchanges between the dioceses over the

¹¹² Newcastle Synod Proceedings 1869, p. 14. It is not easy to justify Tyrrell's claim from the general conference proceedings as they were reported in the Church Chronicle for the Dioceses of Sydney, Newcastle and Goulburn, 25 April 1866, pp. 128-148.

next few months which at times verged on acrimony,¹¹³ the bill which had been so long in the making became the church property act on 4 October 1866. Finally, on 29 October 1866 the process was completed with the recording of the constitution in the Supreme Court.

In the end, the connection between Church and state on this issue was a curious one, perhaps even ironic in the light of the various views which Barker, Tyrrell, and the other churchmen had espoused at different times. Although the constitution had not required approval by the legislature it had legal force and could not be altered while the church property act remained on the statute book. The minority of churchmen in New South Wales, led by Bishop Tyrrell, who had consistently espoused the causes of common action and a common synodical body, first for all of the Australian dioceses and then on the more limited basis of the dioceses in New South Wales, had achieved their provincial synod (even though it was not based on a province);¹¹⁴ but it was a body which, apart from meeting once every three years, could do nothing without the consent of the units which constituted it, the dioceses in New South Wales.

By the mid-1860s therefore the various dioceses which had been created during the episcopate of the first metropolitan had each

¹¹³ Empire, 20 April 1866; Church Chronicle for the Dioceses of Sydney, Newcastle and Goulburn, 11 June 1866, pp. 190-193; 23 June 1866, pp. 199-200 and pp. 210-213; and 7 July 1866, pp. 220-224. The report of the committee appointed by the conference to draw up the bill is in the Macarthur Papers, Volume 99. During the passage of the bill, the Christian Pleader, Sydney, noted that "the Church of England party are now getting up a much more moderate Bill than they have ever put forth before. It is merely for the management of property. Other denominations can hardly complain of this, for they have the same". See its issue for 21 August 1866, p. 57.

¹¹⁴ The province of New South Wales was not formed until after Barker's death. It was formed under a determination passed in 1881 by the general synod of the dioceses of Australia and Tasmania.

completed their synodical structures. They had adopted either the consensual compact method, or the alternative by means of which the state provided a full constitution for the Church in an act of the legislature.¹¹⁵ Dioceses which had been formed since the second metropolitan had taken office simply followed one or other of these approaches. The diocese of Perth (whose first bishop, Mathew Blagden Hale, had been an archdeacon in the diocese of Adelaide) followed the consensual compact method which had been adopted by Adelaide, its parent diocese, from which it was separated in 1857.¹¹⁶ The diocese of Brisbane, separated from Newcastle in 1859, was also to follow this course of action in 1867 after its bishop returned from an extended visit to England.¹¹⁷ The diocese of Goulburn, formed in 1863 from the diocese of Sydney, had participated in the latter stages of the movement for synodical government for the Church in New South Wales.

Yet the constitutional framework of the Church in Australia as recommended by the conference of bishops in 1850 was still incomplete: there was as yet no higher or common synodical body taking counsel for the Australian Church as a whole. Moreover, the achievement of the diocesan synods had been marked by a distinct lack of harmony and co-operation on the part of the several dioceses. Those churchmen - and they included bishops, clergy, and laymen - who spoke in favour of

¹¹⁵ The method finally adopted in New South Wales, whereby the constitution was contained in a schedule to the act but was not actually scrutinised by Parliament, was a variation of this latter method.

¹¹⁶ Giles, *op. cit.*, p. 126. Its diocesan synod was formed in 1872.

¹¹⁷ An abortive effort to secure a constitution from the legislature was made in 1865 by a group of dissident churchmen shortly after the bishop's departure. See below, pp. 149-151.

either a provincial body or of provincial co-operation in achieving common diocesan objectives, found their words either falling on deaf ears or in some instances being decisively rejected.

In the mid-1860s, only the very rudiments of a super-diocesan structure existed. For the dioceses in New South Wales, there was a common provincial synod, which, to Tyrrell and his supporters, was a higher body in significance as well as in name. At the end of the decade, Tyrrell was still hoping that the provincial synod of New South Wales would not long remain subservient to the dioceses which created it, but would "soon be restored to its proper constitutional powers".¹¹⁸

For the Church in Australia as a whole, the provincial structure (such as it was) had remained unchanged since Broughton's time, in the form of a metropolitan bishop appointed by letters patent from the crown. The foundation on which his appointment rested - his letters patent - was coming under increasing attack from 1863 onwards, when it became clear that the crown's power to appoint both diocesan and metropolitan bishops was severely limited. Barker was not greatly interested in constitutions or synods, and despite one or two assurances to the contrary, he was content to ignore the constitutional development of his province until late in the decade.

Notwithstanding this relative lack of interest in synodical matters, Barker did take his status (and his duties) as metropolitan fairly seriously. His letters patent professed to give him coercive power over his suffragan bishops, a power which he never felt called upon to exercise.¹¹⁹ But in 1860, he exercised his right of visitation,

¹¹⁸ Newcastle Synod Proceedings 1869, p. 14.

¹¹⁹ Barker's letters patent appear in J.L.C.N.S.W., 1859-60, Volume V, Part I, pp. 655-658.

when he held a primary visitation of the dioceses of Tasmania, Adelaide, Melbourne, and Newcastle. Four years later he held a visitation of the diocese of Brisbane, again "in conformity with the requirements of the Queen's letters patent ..."¹²⁰ Rather hopefully, he spoke of his visitations as having been the means "of uniting and strengthening the Church ..."¹²¹ If this were so, then it was apparent only to himself. In later years, Barker was to be even more conscious of his status as metropolitan although he did come to accept the fact that the metropolitan powers which derived from his letters patent had become ineffectual. With few exceptions, Australian churchmen were content with this situation.

For the most part, the dioceses valued their supposed status as portions of the Church of England more than their positions as parts of the province of Australia. Writing in London at the end of 1863, the editor of the Colonial Church Chronicle was quite out of touch with the situation in Australia at least when he spoke of those parts of the Anglican communion with their own metropolitan bishops as being less bound to the Church in England (if only in formal terms) than those individual colonial dioceses which were directly suffragan to the ancient see of Canterbury.¹²² Of all the colonial provinces, Australia was the least conscious of its ecclesiastical status and of the implications of independence which went with it.

¹²⁰ [Barker, Frederic], A Charge, Delivered by the Right Reverend the Lord Bishop of Sydney and Metropolitan, Brisbane, n.d. [1864?].

¹²¹ Ibid.

¹²² Colonial Church Chronicle, January 1864, p. 5.

Undoubtedly, the forces favouring some unity of outlook, of action, and of organisation by the province as a whole were very few. For nearly six years, it had at its head a strong and capable metropolitan in the person of Broughton. Regrettably, he was not a man who always communicated well with his people. His leadership was consistently acknowledged and valued as such only by his bishops; but while they respected him they did not always accept his leadership uniformly. Tyrrell was the most devoted of Broughton's suffragans, while Perry had the least regard for his metropolitan in his official capacity. Writing to Broughton in 1851, Perry had carefully limited the range of matters in which he would seek and consider himself bound by his metropolitan's opinions.¹²³

Notwithstanding this, only a leader with the strength of character and conviction such as Broughton possessed could have had any chance of uniting the province in constitutional matters, but he had died, aged and ill, at a critical juncture of his province's constitutional development. The vacancy in the metropolitan see was both crucial and prolonged, and when it was finally resolved Broughton's successor proved to be an entirely different type of bishop. Barker possessed strength of character in his own way, and in many matters he demonstrated his firm resolve quite unmistakably; but his interests did not lie so much in constitutional matters. At another time this would not have been of much practical consequence; but in the mid-nineteenth century it was of vital consequence for the Church's constitutional progress. When Barker felt that constitutional progress was necessary, he was too often content to rely upon the advice of others who did not always fully

¹²³ Perry to Broughton, [28] April 1851, Bishop's Private Letter Book.

appreciate both the problems and their context, and who for the most part lacked the vision which had so characterised Broughton in his later years.

But in addition to this, the circumstances in the Australian colonies in the early 1850s went far towards stifling those few forces which favoured provincial action. It was unfortunate that questions of a more democratic system of church government were pressing at the same time as questions of liberalism, of rights and freedoms, of imperial restrictions, of separation, and of democracy were so occupying the secular affairs of the Australian colonies. It was inevitable that the one spilled over so readily into the other. Secular problems thus affected the constitutional affairs of the Church in Australia in a very real way as the terms of their arguments were carried over into the colonial legislatures and indeed into the Imperial Parliament itself.

In Adelaide, legislative hostility to the Church reached a climax at the worst possible time insofar as questions of church government were concerned. At the very time when legislative assistance was thought to be necessary for the Church, the legislature turned its back. It is little wonder, on this ground alone, that churchmen in Adelaide for the most part displayed a spirit of independence. In the diocese of Tasmania, where antipathy to many aspects of the Church's affairs both constitutional and otherwise was perhaps at its strongest, the Church in the end received legislative assistance in constitutional matters, despite vocal opposition within the legislature itself. Bishop Nixon remained loyal to the ideal of provincial action while Broughton lived, but whether he could have done so much longer than this, even had he been encouraged to do so by the new metropolitan, is open to question.

In the diocese of Melbourne, the bishop and his supporters were predisposed to pursue an independent course of action, and even before the separation of the colony from New South Wales an unsuccessful attempt had been made to secure legislative assistance for the administration of diocesan affairs. This attempt had to be abandoned in the face of opposition both in the colony and in the legislature itself, but it was resumed in the context of the recommendations made by the conference of bishops of 1850. After some initial steps had been taken, to the annoyance of the metropolitan, the diocese paused in the hope that legislation providing for synodical government for the colonial Church would be passed by the British Parliament.

But in Westminster too there was opposition to and misunderstanding of the constitutional aims of the Church of England in the colonies. It was partly because of his desire to counter this that Broughton set out for England in 1852 on the long and arduous voyage which weakened him and contributed to his death at so critical a juncture in the Church's constitutional life. The measures which were presented to the British Parliament after his death were no more successful than those which had been attempted before 1853, and the effort was abandoned.

In New South Wales, the problems were similar but their impact was different, not least because of the time scale which was involved. Prior to Broughton's death, only the first steps towards synodical government had been taken. Such was the nature of the Church, and the hesitancy of the clergy and laity about what they should seek rather than what they should avoid, that progress was not resumed until 1857, when the new bishop was ready. Fortunately, his own readiness coincided with that of at least some of his churchmen, although not all were prepared to move. By this stage, the significance of general and legislative suspicion and hostility was changing. State aid to the

Church was clearly coming to an end (Tyrrell had foreseen it at the beginning of the decade), and it would have been more desirable for the Church to proceed by the consensual compact method as far as possible rather than to provide an outlet for this suspicion and hostility. But even Tyrrell was late in reaching this conclusion. In a sense it is paradoxical that many churchmen should seek the assistance of an increasingly hostile legislature in achieving a new constitution. The end of state aid was clearly coming - and yet the fact of the connection between Church and state (in England as well as in the colony) influenced some churchmen in New South Wales to seek to maintain (and in a sense strengthen) the links between them. The need for some legislative provision for the holding of property under a synodical system probably confused some churchmen who might otherwise have sought to avoid the legislature altogether. But for the Church in New South Wales, legislative suspicion and hostility served, as it had done elsewhere, to cause an undue preoccupation with its own needs, and the needs of the province were again pushed to one side. As the existing foundations of church government were coming under critical scrutiny from the law in the early 1860s in the cases of King and Long, so the law in the form of parliamentary provision for synods seemed to many churchmen to provide the desired safety and security. This strengthened their resolve to seek legislative assistance albeit from an increasingly hostile legislature.

As the constitutions for the majority of the dioceses were provided one by one by three different legislatures, a formal barrier was placed in the way of provincial action and a provincial structure. But attitudes are probably more important than formal barriers, and in New South Wales especially the clash of personalities further ensured that diocesan supremacy triumphed over the view that the Church was one and that the dioceses should therefore act together. In a sense, the

clash was between those with vision and those who worked towards immediate goals. Naturally, it was most noticeable when it involved the two bishops, Barker and Tyrrell. Barker's lack of drive in constitutional matters irritated Tyrrell (and others) beyond the point of exasperation. Barker was a good organiser and a capable administrator, but his grasp of constitutional issues and requirements was inferior to that of Tyrrell, especially when he was faced with them in such forms as the Privy Council's decision of 1863 in Long's case.

Subsequent legal decisions also arising out of difficulties in the Church in South Africa over the powers and status of colonial bishops did not reach the Australian colonies until the progress of the Church in New South Wales towards synodical government had gone virtually beyond the point of no return. On those occasions when his mind was made up on constitutional matters, Barker was not easily dissuaded; when he was under attack, as he was in 1865 and 1866, his characteristic firmness tended to resolve itself into obstinacy.¹²⁴ The development of synods in New South Wales was against the background of the South African difficulties, but although they caused some concern to Barker and others and although they were widely publicised and debated, they had no marked effect on the arguments offered. The Church in New South Wales proceeded to achieve synods for the dioceses, and a provincial synod for itself as a whole. There was not much consciousness of the need for unity, and in accounting for this the personalities and outlooks of Barker and his contemporaries are not unimportant.

¹²⁴ This happened again in 1875, when Barker was involved in a protracted but more restrained dispute with churchmen in Victoria over their attempt to separate from the province over which Barker had been created metropolitan.

This lack of concern for mutual problems and mutual solutions, this tendency to be introspective derived in some measure from what has been aptly termed the tyranny of distance. In 1863, the Colonial Church Chronicle spoke in a moment of realism of the "geographical difficulties of communication between the Bishops of what, almost in mockery, are called neighbouring dioceses". In secular affairs, the movement for a degree of federation for the Australian colonies in the mid-nineteenth century was not a success. Although there was some hostility towards the proposals for federation, apathy and indifference formed perhaps a stronger force. George Fife Angas, writing to Earl Grey about the federation question, touched on the problem of distance and isolation when he expressed the belief that "the distances, with the means of conveyances at present" helped to make the federation issue less pressing than it might otherwise have been.¹²⁵

This was one of the objections which had been raised in the diocese of Melbourne in 1851 to the proposal of the bishops for a provincial synod, and it was a subject which was to recur from various parts of the province, even after a synod for the whole Australian Church had actually been formed. Indeed, it is a problem which is real enough even today. Sometimes it was an excuse for another objection, but it had just enough truth to carry some weight. Those in London who were insistently advocating some form of federation for Australia, whether for Church or for state, were in the 1850s and early 1860s out of touch at times with the local situation. This was true of both the Colonial Office and (with rare exceptions) the Colonial Church Chronicle.

¹²⁵ Colonial Church Chronicle, March 1863, p. 83; Ward, Earl Grey, pp. 2, 153.

Even after a measure of constitutional advance had been achieved, this parallel between Church and state in Australia continued. In the colonies, constitutional development seemed to encourage their centrifugal tendencies. The colonial governments were too much under the influence of parochial interests to take a broader, Australia-wide view.¹²⁶ Earl Grey's ideas on federation lacked any significant foundation in the colonies, and for a time at least they grew further apart rather than closer together. Both the colonies and the dioceses were conscious of their separation and isolation from each other, and this consciousness was not affected by their common loyalty to the mother country and the mother Church. When they were aware of common problems, they were more disposed to look to England rather than to a mutual effort on their own part for the solution. Those in the Church who did advocate some sort of provincial structure, especially in the latter stages of the development of the diocesan synods, were inclined to do so either as a matter of principle or because they were looking to the future as much as (if not more than) to the present. The editors of the Colonial Church Chronicle were sometimes in this category. This was an approach which was also to be found in the colonial federation movement.¹²⁷ But by 1857, in both Church and state in Australia, the outlook for federation was unfavourable from virtually every point of view. Subsequent developments, at least in the short term, did little to alter this.

¹²⁶ See Quaife, G.R., "Make Us Roads No Matter How: A Note on Colonial Politics", Australian Journal of Politics and History, Volume XV, Part 1, April 1969, pp. 47-54.

¹²⁷ Ward, Earl Grey, pp. 429-430, 454-456; Empire, 17 September 1857.

In any case the achievement of a measure of self government for both the colonies and the dioceses seemed to many to answer the need. For the colonies, the problems which had existed ten years earlier were being solved by 1857, and the forces in favour of federation had all but vanished.¹²⁸ For the dioceses, many of the needs which had been felt by the Church in the Australian colonies had been largely if not completely answered for the time being by those synods of the older dioceses which had been created first.¹²⁹ This was acknowledged by those who had been foremost in advocating synodical government. For those who had been less enthusiastic, such as men with low church evangelical sympathies who laid greater stress on the spiritual rather than the organisational aspects of the Church's life, diocesan synods were quite adequate. Especially did this appear to be so when synods were (in practice rather than in theory) a new and unfamiliar part of church government. As for those problems which remained or which were newly emerging, many churchmen looked to England for the solution. Few looked to the future in creating the synodical structure of the Church - the creation of diocesan synods had been accomplished with enough difficulty as it was.

Matters of theology and churchmanship also help to account for the lack of any real provincial development in the Australian Church by the mid-1860s. At one level it simply reflected the increasing tendency

¹²⁸ Ward, Earl Grey, p. 467.

¹²⁹ Whittington, Fred. T., Augustus Short: First Bishop of Adelaide: A Chapter of Colonial Church History, Adelaide, 1887, chapter 8; Goodman, op. cit., pp. 264-288; Robin, A. de Q., Charles Perry Bishop of Melbourne. The Challenges of a Colonial Episcopate, 1847-76, Nedlands, 1967, chapter 10; Barrett, W.R., History of the Church of England in Tasmania, Hobart, 1942, pp. 10-11.

towards theological polarisation in the various dioceses. In the formative years of the dioceses, especially those dioceses which antedated the creation of synods, the bishops were able to exercise a policy (whether consciously or not) of admitting only those clergy whose churchmanship was similar to their own. Broughton, Perry, Nixon, and Barker were all accused of this at one time or another, and not many of the leading bishops of the Australian Church have escaped the charge down to the present time. Reinforcing this was the low rate of migration by the clergy from one diocese to another for various reasons, of which the churchmanship of the bishops was but one.¹³⁰

The effect of this tendency towards polarisation on constitutional development was reinforced by differences in the approach to matters of constitution and organisation by different churchmen. Those with high church Catholic sympathies invested the corporate life of the Church with great importance, and tended to lay stress on questions of unity, of common action, and of organisation in general. Those with low church protestant sympathies tended to view questions of organisation with lack of enthusiasm and (occasionally) with hostility. The distinction as between different churchmen is not always an easy one to make but it can be seen fairly clearly in some of the ecclesiastical journals of the day. Thus the Christian Observer, a journal of pronounced low church evangelical sympathies, was opposed to synods whether diocesan or provincial. It had once remarked that the recommendations of the 1850 conference of bishops demonstrated "the

¹³⁰ See inter alia, Anglicanus to editor, S.M.H., 19 December 1856; Cable, op. cit., esp. p. 91; Teale, Ruth, "By Hook and by Crook: The Anglican Diocese of Bathurst, 1870-1911", unpublished M.A. thesis, University of Sydney, 1967, pp. 104-195; Herring, N.D., "Bendigo Story. A Short History of the Diocese", unpublished typescript, written c. 1968, p. 46.

mischievous measures which high ecclesiastical authorities would too often be disposed to employ", and it had warmly approved of the rejection with which some of the recommendations had been greeted.¹³¹ Its contemporary in London, the Colonial Church Chronicle, exemplified the approach of those churchmen who inclined to the high church viewpoint. It enthusiastically reported every synodical advance, and seized every opportunity to advocate further progress. It sometimes saw evidence where there was none, and ignored evidence of trends to the contrary. Almost from the time of the province's formation it had been insisting on the need for a provincial synod for the whole Australian Church in order that its organisation might be more complete - but those in the colonies were not always so concerned with tidy-mindedness.

This difference of approach could also be seen in the Australian bishops. Short, Tyrrell, Nixon, Tufnell and others whose sympathies were of the high church variety were on the whole more enthusiastic about a provincial synod; while the evangelicals Barker, Perry, and Thomas were principally concerned with diocesan synods. Barker, the metropolitan bishop, insisted (in the course of the efforts to secure synods in New South Wales) that the wider work of the Church could and should continue rather than await the completion of its organisational framework.¹³² Addressing the first synod of his diocese, he insisted in the same vein that matters of church government were "but the means - the scaffolding of the temple. We may frame an orderly system of

¹³¹ Christian Observer, June 1852, p. 434.

¹³² [Barker, Frederic], An Address Delivered to the Members of the Church of England by the Lord Bishop of Sydney, in St. James' School-Room, Sydney, on Tuesday Evening, December 6th, 1864, Sydney, 1865, p. 25.

government ... yet is this but the machinery; we want the motive power".¹³³ His high church contemporary Selwyn, the metropolitan bishop of the New Zealand Church, expressed the contrary viewpoint in his address to the general synod of his Church in 1862. Speaking of its role, he said:

"This is the principle of our synodical action. It is not, as some suppose, a vain attempt to supply by material organization the defects of inward life; but it is the result of a conviction, founded upon the records of the Apostolic Church, that the inward life must not be separated in practice from the external unity of the Body of Christ ... This work cannot be done without union of many hearts and hands ... Men of the greatest gifts and the most exalted piety have tried to reform mankind by their own spiritual energy and individual zeal; but their work too often died with themselves, because it built up no system to endure to future generations".¹³⁴

In churchmanship and policy Barker and Selwyn were far apart, and Barker was never able to reconcile as Selwyn could the value of an outward organisation with the Church's inward spiritual life. This must account at least in part for his failure to promote the constitutional development of his province as a whole.

But there is yet another sense in which theology, as well as practical reasons, helps to account for the absence of any meaningful form of provincial development in the Australian Church at this time. Insofar as there was any theological justification for constitutions and synods, it was for diocesanism rather than provincialism. Because

¹³³ [Barker, Frederic], First Session of the First Synod of the Diocese of Sydney. Address of the Lord Bishop of Sydney Delivered to the Members of the Synod, December 5th, 1866, Sydney, 1868, p. 8.

¹³⁴ Evans, John H., Churchman Militant. George Augustus Selwyn Bishop of New Zealand and Lichfield, London, 1964, p. 148. Italics not in original.

of the doctrine of episcopacy, the diocese is the level of organisation which is theologically legitimated; and hence theologically there has always tended to be a problem in Anglicanism about the status of an organisation or a leader above the level of the diocese or its bishop. Those levels of ecclesiastical organisation which are not anchored in theology are usually at a disadvantage. The episcopal order is the highest order in the Church - primates, metropolitans, even archbishops hold special offices rather than special orders, and hence are not theologically justified. In England the solution to these problems concerning the status and justification of the Church's national and provincial structure and leadership is found in the historic positions of the metropolitan sees of Canterbury and York, whose archbishops possess authority on traditional rather than legal grounds.¹³⁵ But in the context of the Australian Church in the 1850s and early 1860s, this theological justification of diocesanism was another factor which had an inhibiting effect on the development of any meaningful provincial structure.

¹³⁵ Rudge, Peter F., Ministry and Management. The Study of Ecclesiastical Administration, London, 1968, pp. 142-145.

PART II

CHAPTER 3: THE TROUBLED SIXTIES

Elsewhere in the emerging Anglican communion, there were those to whom diocesanism in constitutional matters was also a leading virtue. But even where this was the case, provincial structures were developing and taking shape, and provincial churches were adapting themselves more closely to their environments. In its growth towards autonomy in the various provinces, the colonial Church was very largely following the earlier pattern of the Protestant Episcopal Church of the United States. The first step in this process had been the creation of an overseas episcopate (beginning in 1787), followed by the gradual but definite separation of the colonial Church from the state, and then by the growth of diocesan and provincial synods.¹ While this progress towards autonomy was unmistakable, the pace was not uniform in the various provinces.

In Canada, for example, where most of the bishops had met in conference in 1851, diocesan synods were being formed throughout the 1850s, although not without difficulties similar to those which were encountered in Australia. An assembly in the diocese of Toronto resolved itself into a synod in October 1853; in Nova Scotia a synod was formed in 1856; and it was not long before local legislation was passed giving legal standing to synods and providing for meetings of a provincial body.² In 1859, Quebec and Montreal both achieved diocesan

¹ Stephenson, Alan M.G., The First Lambeth Conference 1867, London, 1967, p. 58. The next stages were the attempt to try a bishop for heresy (in South Africa) without reference to the crown; a movement towards the appointment of bishops from amongst clergymen in the colonies rather than receiving them from the Church in England; and the movement for a higher body for the whole Anglican communion. Ibid.

² Carrington, Philip, The Anglican Church in Canada. A History, Toronto, 1963, pp. 116-118; Colonial Church Chronicle, London, December 1863, p. 447.

synods, although again this was not done without difficulty and dispute. Two years later, diocesan synods were formed in Fredericton and Ontario.

During this period the Canadian Church was moving closer towards full autonomy in the appointment of its bishops. The first Bishop of Huron, Benjamin Cronyn, was already serving in Canada when elected to that office in 1857, although he went to England for consecration in the usual way. In 1862 the first consecration of a bishop in the province itself took place, although the usual documents were still obtained from the crown.³ Although the Canadian Church was moving towards independence it was not so ready to dispense with the legal forms, either in the selection of bishops or in the formation of a provincial structure.

Following the creation of diocesan synods, the next steps were the appointment of a metropolitan, and the formation of a provincial synod. Both of these developments would at once lessen the formal ties with England's Church and state and draw the independently-inclined dioceses together in a common structure. The conference of Canadian bishops in 1851 had recommended a provincial synod for the whole of British North America, but as with the Australian Church it was some time before this came about. Writing to his diocesan church union at the end of 1851, the Bishop of Toronto had said:

"... I yet trust that I shall not only see Diocesan Synods regularly assembled, and in prosperous operation, but also convocations of the Bishops with their Clergy and laity by delegation, under a Provincial Metropolitan, to settle from time to time such questions of a general nature as may arise, affecting the welfare of the Colonial Church in the British North American Provinces; and why should not the British North American Provinces possess a privilege which is enjoyed by much younger and

³ Carrington, op. cit., pp. 118-119, 131.

weaker branches of the same Church in India and Australia?"⁴

Within ten years, however, Canada had overtaken Australia constitutionally. In 1858 the diocesan synod of Toronto resolved "that it is most desirable for the well-being of the Church in this Province, and essential to the harmonious and consistent working of Synodical action through its various dioceses, that there should be a general controlling power, aided by the advice and assistance of the Bishops acting as a united body", in the form of a provincial synod.⁵ In the following year, the diocesan synods (except for the diocese of Huron) petitioned the Queen to appoint a metropolitan bishop "who might call and preside over the General Assemblies of the Church in the Province". Consequently, letters patent were issued designating Bishop Fulford of Montreal as metropolitan. This was not done without opposition: the diocese of Huron under Cronyn, a bishop of low church sympathies, thought that such a development was premature.

Although the rights of the dioceses were carefully guarded, the province was successfully formed, and the first provincial synod assembled in 1861. At its request the letters patent of the metropolitan were amended so as to make the exercise of his office subject to the provincial synod.⁶ The influence of the Canadian bishops in these developments was important. They had tended to dominate the

⁴ Cited in Colonial Church Chronicle, March 1852, p. 357. In comparing the Church in Canada in 1851 with the Church in Australia, the bishop was referring to the fact that Australia already had a metropolitan bishop.

⁵ Colonial Church Chronicle, August 1858, pp. 293-294. When formed, the provincial synod was confined to the dioceses of Canada proper. It did not include the Maritimes, Rupertsland, or British Columbia. Carrington, op. cit., p. 126.

⁶ Ibid., pp. 126-130; Clarke, Henry Lowther, Constitutional Church Government In the Dominions Beyond the Seas and In other parts of the Anglican Communion, London, 1924, pp. 225-226.

creation of the diocesan synods, and they were able to take an important part in the events leading up to the formation of the provincial synod.⁷

Thus, little more than a decade after the 1850 conference of Australasian bishops, the Canadian Church had virtually completed its initial constitutional framework. Together with the fact that it was moving closer towards being completely free to appoint its own bishops, this meant that in Canada the Church was well on the way towards full autonomy within the Anglican communion.

In New Zealand, the story was in essence a similar one. Bishop Selwyn had held an "informal Synod" as early as 1844. In 1850, a large number of churchmen had written to Selwyn prior to his departure for the conference of bishops in Sydney, urging the early introduction of a system of synodical government for the Church in New Zealand. Amongst their proposals was one for a general convention consisting of bishops together with clerical and lay representatives.⁸ For reasons similar to those which had hindered the constitutional progress of the Australian Church during this period, nothing was achieved for several years. A second diocese, Christchurch, was created in 1856 and was inadvertently placed in the province of Australia under Bishop Barker. After an appeal to the crown, however, the anomaly was rectified. At the same time three more dioceses were created, and Selwyn became metropolitan of New Zealand. Even at this early stage, the Church in New Zealand

⁷ Kingsford, Maurice Rooke, "Origins of the Constitution of the Church of England in Canada, Being a Study From the Beginning of the Church in Canada Down to the First Provincial Synod", unpublished S.T.M. thesis, McGill University, 1953, p. 293.

⁸ Grey, G., et al., A Letter to the Right Reverend the Lord Bishop of New Zealand From Members of the Church of England in That Colony, Bishops' Auckland, 1850, p. 7.

was starting to find its own bishops: three of the four new bishops were working in the colony at the time of their appointment.⁹

In 1857, a conference of the bishops together with clerical and lay representatives adopted a constitution providing for a general synod broadly along the lines proposed in 1850. It was to be the supreme legislative authority for the Church in New Zealand as a whole; the dioceses were to be subordinate to it.¹⁰ This was the principle for which Selwyn's close friend Tyrrell was to fight so hard in Australia. Nevertheless it was not easily accepted, for there were objections to the general synod and to the basis on which it was established. These were various, but principally they came from the diocese of Christchurch and reflected the low church viewpoint on constitutional matters. Anglicans in Christchurch disliked the 1857 constitution, and asked for it to be abandoned and for the general synod to be replaced by a "Provincial Synod" convened by the metropolitan of the province acting on the authority of his letters patent rather than on the basis of mutual agreement. Fundamentally, they objected to the subordinate position of the dioceses in relation to the general synod, but they were especially unhappy about the provisions of the constitution relating to the central control of property. They insisted, as Barker and his supporters did in Australia, that the diocese rather than the general synod should be the basis on which the organisational framework of the Church should rest.

Efforts to resolve these differences at the second session of the general synod in 1862 were unsuccessful, and for a time it appeared

⁹ Clarke, op. cit., p. 171.

¹⁰ Colonial Church Chronicle, October 1857, p. 381.

as though Christchurch would separate from the general synod, and that as a body it might collapse.¹¹ However, at its third session in 1865, the constitution was amended by altering the preamble and by redefining the position of the diocesan synods. A further amendment brought the Church in New Zealand a step further towards complete freedom to appoint its own bishops. Most importantly, the provisions of the constitution relating to the holding of property were amended so as to allow the dioceses to control their own property.¹² Nevertheless the fundamental position of the dioceses in relation to the general synod was not altered, and that body remained the superior legislative authority for the Church in New Zealand. A neat and workable compromise had been effected.

As with the Canadian Church, the achievement of a meaningful provincial structure at this time was due in no small measure to the strong episcopal leadership. Selwyn's province was, in comparison with the Church in Australia, relatively small and homogeneous, and he was a man of immense prestige¹³ with great strength of character and powers of leadership. He was a much loved and much respected man, as was Barker in Australia, but he had an all round strength of character which Barker lacked.

¹¹ Colonial Church Chronicle, February 1863, p. 66.

¹² Evans, John H., Churchman Militant. George Augustus Selwyn Bishop of New Zealand and Lichfield, London, 1964, pp. 149-152.

¹³ His translation to the English diocese of Lichfield shortly afterwards, in 1868, bore witness to this. See also a report from the Guardian, reproduced in Church Gazette for the Diocese of Melbourne, Melbourne, 1 March 1866, p. 51.

In South Africa, where (as in Australia) the civil power was divided, the first tentative moves towards the creation of a provincial structure had been taken by the mid-1860s. On the division of his see, Bishop Gray of Cape Town had become metropolitan of the new province in 1853. In 1860, the four bishops began to frame a document setting out the fundamental principles according to which the structure of the province was to develop following the establishment of diocesan synods. Curiously, the greatest share in the framing of these principles was taken by the evangelically inclined Bishop of Grahamstown, Henry Cotterill. He and the metropolitan sought the support of clergy and laity, and guided the Church in South Africa towards full self government and autonomy. Initially, their plan provided for the completion of the diocesan machinery; this would then be followed by a conference to draw up a constitution for the whole province. To accomplish this, it was proposed that the bishops should meet in synod under the metropolitan, and then invite the clergy and laity to join them.

Such a conference did in fact assemble in 1866, but the formal constitution of a provincial synod was delayed by the Lambeth conference of 1867. The bishops met again in 1869, and soon afterwards, in January 1870, the provincial synod assembled for the first time. It was established along the lines laid down by the Lambeth conference committee on constitutional development in the provinces, of which Cotterill was secretary. Principally this meant that the provincial synod was the superior body in practice as well as in name.¹⁴

¹⁴ Hinchliff, Peter, The Anglican Church in South Africa. An account of the history and development of the Church of the Province of South Africa, London, 1963, pp. 43-45, 111-113.

By the mid-1860s, therefore, provincial synods were assembling or were in the process of formation in Canada, New Zealand, and South Africa "for the settlement of those pressing questions of practical Church polity which must, owing to the diversities of race and country and hereditary institutions, be determined differently" in each province. Colonial metropolitans too were gradually beginning to assume positions of some consequence. In 1863 two bishops were consecrated in Westminster Abbey for colonial service, taking the oath of allegiance to the metropolitan Bishop of Cape Town. This act was seen in some quarters as marking the recognition by the authorities in England that the office of metropolitan in the colonial Church should be more than a mere name, that it should become a reality, against the day when the colonial Churches would be fully independent. Initially appointed under letters patent which professed to give them visitorial and coercive powers over their suffragan bishops and clergy, they were starting to preside over provincial synods possessing varying degrees of authority, and in some instances over bishops swearing allegiance to their own metropolitans rather than to the metropolitan of another province, that of Canterbury.¹⁵

In South Africa, for which province the two bishops were consecrated, the energies of the Church were being more fully taken up with a series of disputes which had a profound impact constitutionally and otherwise not only on that province, but on the whole colonial Church generally. The first of these was the case involving the

¹⁵ Colonial Church Chronicle, March 1863, p. 84. This was not the first occasion on which bishops chosen for South African dioceses had taken oaths subordinating them to their own metropolitan at their consecration. See Hinchliff, op. cit., pp. 44-45.

Reverend William Long, in which the judicial committee of the Privy Council decided that the colonial Church was not established, and that in a self governing colony the crown had no power to grant letters patent professing to confer coercive jurisdiction on bishops.¹⁶

In 1861, the year in which Bishop Gray had commenced action against Long, Bishop Colenso of Natal published a commentary on Romans. In content, it was not a particularly important work, but it created something of a stir for it showed Colenso to hold lax views of biblical inspiration, and to have abandoned beliefs which he had publicly professed at his consecration as a bishop. Not long afterwards, he followed with an examination of the Pentateuch, in which he claimed that it was in parts unhistorical, and a compilation of different sources. Coming during a time when theology was in the melting pot, his works created enormous unrest.¹⁷ Here was a bishop preaching what seemed to many to be heresy. It seemed imperative to remove the contradiction by removing Colenso from office, either by persuading him to resign or, if necessary, by deposing him. At first Colenso did contemplate resignation. In May 1863 he was formally charged with heresy by three clergymen, and he was summoned to appear before the metropolitan's court in November. But the Privy Council's decision in Long's case, announced in June, was instrumental in persuading Colenso to resist Gray's claim to exercise metropolitan jurisdiction over him.¹⁸

¹⁶ See above, pp. 102-103.

¹⁷ For a rare account of the effect of Colenso's works at the popular level in Australia, see Pyne, Alex., Rev., Reminiscences of Colonial Life and Missionary Adventure in both Hemispheres, London, 1875, pp. 274-275.

¹⁸ Hinchliff, op. cit., pp. 91-92.

Colenso did not appear in person before Gray and two of his co-provincial bishops, but he was found guilty of all the charges laid against him, and on 16 December 1863 Gray pronounced the sentence of deposition from his episcopal office. Gray offered to allow an appeal to the Archbishop of Canterbury; but Colenso, still denying Gray's jurisdiction over him, exercised his right as a British subject and appealed directly to the crown to prevent his being deprived of his rights. So the case went before the judicial committee of the Privy Council which, in the person of Lord Westbury, delivered its judgement on 20 March 1865.¹⁹

The apparent clarity of its decision is still deceptive, even for ecclesiastical lawyers. Reinforcing and extending the decisions in the Long case, it held that the crown could by letters patent create ecclesiastical persons, and create a personal relationship between Gray and Colenso as metropolitan and suffragan; but it could not in a self governing colony confer on the metropolitan any coercive jurisdiction over his suffragans. Although Colenso had twice taken an oath of allegiance to his metropolitan, the Council held that this did not allow jurisdiction by consent since the crown could in no way make it competent for Colenso to give submission or for Gray to receive it.²⁰ Thus, Colenso's removal from office was null and void.

These views were not new - indeed there had been forewarnings of them for some years - but the effect of the judgement was far reaching.²¹

¹⁹ The case was *Re the Bishop of Natal* 1864.

²⁰ Phillimore, Robert, The Ecclesiastical Law of the Church of England, Volume II, London, 1873, p. 2245; see also Hinchliff, op. cit., pp. 96-97.

²¹ According to Chadwick, Lord Shaftesbury referred to the Colenso affair as "the turning-point in the ecclesiastical and theological history of England". See Chadwick, Owen, The Victorian Church, Part II, London, 1970, p. 90.

It was received by some with dismay, and by others with rejoicing. Doubts were expressed, not only about the grounds on which the decision was given but also about its "exact force and extent ..."²² This was inevitable, for "the difficulty of thoroughly mastering the niceties of such a case is great to a non-legal mind. It is full of intricacy".²³ Few would admit their own bewilderment, however, and opinions were offered from all quarters both on what had been done and on what ought to be done. The only incontestable conclusion was the one reached by the Guardian: "It is evident that this question cannot rest where it is".²⁴

The question was not allowed to rest, for Colenso sued the Colonial Bishopricks Fund for his salary, payment of which had been stopped following his deposition from office by the metropolitan's court in Cape Town. The decision of the Chancery Court in this case²⁵ was given by the Master of the Rolls, Lord Romilly, on 9 November 1866. In finding in favour of Colenso, Romilly appears to have taken account of the fact that in the earlier judgement the Privy Council had held that letters patent could create ecclesiastical persons. He went further and held that they created "corporations" capable of holding property; and that notwithstanding anything in Lord Westbury's judgement Colenso

²² Fremantle, W.H., "Church Government in the Colonies", Contemporary Review, London, Volume I, 1866, pp. 311-312; Grahamstown, H. [Henry Cotterill, Bishop of Grahamstown], "Church Government in the Colonies: A Reply", Contemporary Review, Volume II, 1866, p. 169; Bernard, Mountague, Remarks on Some Late Decisions Respecting the Colonial Church, Oxford and London, 1866, p. 5.

²³ The Churchman, reprinted in Church Gazette for the Diocese of Melbourne, 1 February 1865, p. 3.

²⁴ Opinion reprinted in ibid., 1 June 1865, p. 87.

²⁵ The Bishop of Natal v. Gladstone and others, Trustees of the Colonial Bishopricks Fund.

retained his legal status as Bishop of Natal. He also appeared to think that Colenso's letters patent might have more validity than Gray's, for when Colenso received his patent, Natal was not a self governing colony. (In the Long case the Privy Council had agreed that the crown did have power to confer jurisdiction by letters patent in crown colonies).

Lord Romilly's judgement created still further confusion when placed side by side with that of Lord Westbury, with which it was seen in some quarters as being in conflict. "Upon these decisions I defy anybody to say for certain whether there is, or is not, a Bishop and a diocese of Natal", was the exasperated comment of one contemporary observer.²⁶ Some churchmen and lawyers were embarrassed by Romilly's judgement. In South Africa, it "fell and exploded like a bombshell ... The sensation which it created ... would be difficult to describe".²⁷ The confusion was understandable, for the effect of the various judgements of the courts from 1857 to 1866 seemed to be:

"The Church of England cannot exist outside England; colonial bishops in colonies with independent legislatures are therefore ecclesiastical persons but have no jurisdiction; the Crown cannot any longer create such persons; yet those persons are corporations capable of holding property given to the Church of England elsewhere; therefore there is a sense in which the Church of England can exist outside England, but perhaps especially in Natal".²⁸

²⁶ Bernard, op. cit., p. 8. Romilly's obiter dicta, containing two statements "which, taken in their plain grammatical sense, seem to militate against each other", contributed to the confusion; ibid., p. 7. See also Australian Churchman, Sydney, 11 April 1868, p. 19, and Phillimore, op. cit., pp. 2247-2248.

²⁷ Colonial Church Chronicle, March 1867, p. 91.

²⁸ Hinchliff, op. cit., pp. 98-99.

It is little wonder that the implications of the two decisions of the Privy Council and the judgement of Lord Romilly when taken together were difficult to grasp, even for men well versed in ecclesiastical law. On the whole, they presented a confusing and uncertain picture, but they had just enough patches of apparent clarity to justify the diverging opinions which churchmen so insistently began to offer. Only the general import of the decisions was clear, and it was soon reflected in official policy: the colonial dioceses and provinces were being made to stand on their own feet to an increasing extent.

This was recognised by many people in Church and state in England and in the colonies. In England, the authorities seemed for the most part only too willing to shed such responsibilities for the colonial Church as still remained. The issue of letters patent for colonial bishoprics ceased, and in 1864 the Secretary of State for the Colonies (then the Duke of Newcastle) emphasised the freedom of the colonial Churches to adopt synodical government in a despatch consequent upon the Privy Council's judgement in the Long case.²⁹ The Archbishop of Canterbury (Longley) recognised that the colonial Church was growing towards even greater autonomy; and in 1866 he received permission from the Secretary of State for the Colonies to consecrate colonial bishops without letters patent. In May of the same year, the Secretary of State (Edward Cardwell) sought to formalise the new state of affairs by introducing the colonial bishops bill into the House of Commons. Owing to a change of government, the bill was not passed. But it was the first attempt by the British government to recognise in legislation the increasing freedom of the colonial Church since the failure of the Solicitor General's bill in 1854.

²⁹ Church of England Chronicle, Sydney, 9 May 1864, pp. 67-68.

On the other hand, the Bishop of London (A.C. Tait) who inclined towards the evangelical viewpoint, preferred that the colonial Church should remain connected to the home Church and under the royal supremacy. In October 1866, Tait circularised the colonial bishops on the desirability and form of maintaining this connection. Probably to his surprise, his views received little support. Some of the strongest came from some of the Australian bishops.³⁰

In the colonies, all these developments were profoundly unsettling, for as well as raising "questions of great delicacy" they involved the relations of the various colonial provinces both to the mother Church and to each other in the Anglican communion. Opinions on both present and future relations diverged, and nowhere was this more apparent than in the Australian dioceses.³¹ Those who welcomed the effects of the three judgements were less able to agree on their reasons than those who feared them, although it is difficult to decide whose voice was loudest in the arguments which ensued.

Some Australians were troubled by this enforced movement towards autonomy. For them, the Church of England was perhaps the closest tie with their native land. Externally so much had changed, but the Church had not. It was the Church with all its familiar associations which made many colonial churchmen feel "at home again, and ... drawn, by an indescribable tie, closer to [their] kindred as well as to [their] God".³² They naturally sought to convince themselves (and others) that

³⁰ See Stephenson, op. cit., pp. 83-84. Support came as well from India and the West Indies, where there was a close relationship between Church and state.

³¹ Colonial Church Chronicle, March 1867, p. 90, and April 1867, p. 153.

³² Pyne, op. cit., p. 334.

nothing had really changed as a result of these decisions. Accordingly, they looked for the maintenance of the status quo. Perry, the evangelical Bishop of Melbourne, sought and obtained legal opinions to the effect that his status as defined by his letters patent and the Victorian act of 1854 was not affected. Although not in sympathy with Colenso, he subsequently referred to the consecration of a new Bishop for Natal as "illegal and schismatical".³³ An editorial in the Melbourne Church Gazette imputed schismatical tendencies to those who believed that the Privy Council had upset the authority of colonial bishops, solemnly observing that "schism is no light thing, but a sin ..." The Melbourne Church News, forgetting that Colenso had already been excommunicated, regretted that some churchmen in England were more concerned with expelling Colenso altogether than with the effects which this would have on the colonial Church if they succeeded. It hoped that the principles of Romilly's decision would carry the day, thus preserving what it saw as the integration of the diocese with the mother Church.³⁴

In the diocesan church assembly in Melbourne a motion for the appointment of a committee to report on how best to fill one of the gaps created in the constitutional machinery of the colonial Church by the English decisions - the appointment and removal of bishops - encountered strong opposition, to which the bishop lent his tacit support, and was carried by a majority of only one vote. This was principally

³³ Perry to the Archbishop of Canterbury, 4 January and 16 July 1869, Tait Papers, Volume 86 (Archbishop of Canterbury: Miscellaneous Correspondence 1869), pp. 8 and 183.

³⁴ Church Gazette for the Diocese of Melbourne, 16 June 1865, p. 99; Melbourne Church News, Melbourne, 1 August 1867, p. 207.

because of a fear by some members that the Church in Victoria would as a direct consequence be separated from the Church of England.³⁵

Bishop Thomas, at his first diocesan synod in Goulburn, took a stand similar to that taken by Perry. Entering a field in which he had no particular competence, he reviewed at length the three English judgments and their implications as he saw them. He maintained that in New South Wales the law of the colony had given support to the letters patent of the bishops, and hence the two decisions of the Privy Council did not make the Church in that colony any more independent than previously. Seizing on Lord Romilly's judgement soon after news of it arrived in the colony, Thomas extracted from it the view that they must be governed by the laws of the Church of England if they professed to be part of it, and insisted that there was "a legal identity" between the Church in England and in the colonies.³⁶ He was so pleased with his analysis that he wrote to Lord Romilly enclosing a copy of his address. In reply, Romilly expressed his approval of the bishop's remarks, and commended both Thomas and Barker for their efforts to prevent any

³⁵ Melbourne Church News, 17 February 1868, p. 44; Rusden, G.W., Remarks on the Status of Colonial Bishops, and the Law Concerning Bishops in Victoria, Melbourne, 1868, passim. The clergy voted 17 : 16 against, but the resolution was carried by the lay vote of 16 : 14 in favour. When the report was presented to the next session of the church assembly, there was considerable reluctance to act upon it. See Argus, Melbourne, 4, 6, and 10 February 1869. The question was referred to the diocesan council, which in 1870 successfully asked the church assembly to approve a draft bill for submission to the legislature. There was a further delay while the authorities in England were consulted. The bill was finally submitted to the legislature and approved by it in November 1872, some four years after the original resolution was proposed.

³⁶ Goulburn Synod Proceedings 1867, pp. 11-15.

severance of the colonial Churches from the Church in England.³⁷

In Sydney, views such as Thomas had expressed were carried even further by observers who while equally blind to unpleasant realities were sometimes more skilled in the use of legal concepts. The Church of England Chronicle sought in a tortuously worded article to defend that which the Privy Council had ruled against, namely the value of letters patent, and then proceeded to assert that in any case the diocese of Sydney was little affected by its judgement. It subsequently went straight to the heart of the matter when it said that its chief fear over the Privy Council's decision in the Colenso case was that the union of the colonial Church with the Church in England, maintained until then by ecclesiastical organisation alone, would be weakened. Its successor, the Australian Churchman, would not admit even the spiritual validity of Colenso's deposition, already accepted by fifty-six bishops of the Anglican communion.³⁸

At the first diocesan synod in Sydney the chancellor (Alexander Gordon), a man who never really reconciled himself to the altered circumstances of the colonial Church, also insisted that by recognising the existence of the bishop and the diocese, colonial legislation prevented any "want of validity" in the bishop's letters patent, and hence in the status of the diocese as an integral part of the Church of England. At its next session the synod was sharply divided on a

³⁷ The letter from Thomas does not survive, but its substance can be readily ascertained from Romilly's reply, which Thomas quoted at length to the next session of his synod. This puts the dates of the correspondence between February 1867 and October 1868. See Goulburn Synod Proceedings 1868, p. 4.

³⁸ Church of England Chronicle, 21 June 1865, pp. 93-95, and 8 August 1865, pp. 117-119; Australian Churchman, 22 February 1868, p. 153.

motion from the Reverend George Vidal condemning Colenso's doctrines and expressing its sympathy with and thanks to the Bishop of Cape Town for his efforts to maintain the truth by taking action against Colenso. In the course of the debate it became clear that the motion would be defeated if put to a vote, and it was withdrawn by the mover. Those who spoke against the motion did not defend Colenso, but (along with Barker) preferred to avoid the question altogether, ostensibly on the ground that it was beyond the competence of the synod to consider. Fundamentally this reflected the deep disturbance of some of its members at the effects which Gray's responses to Colenso seemed to be having on the colonial Church.³⁹

Others in Australia welcomed the judgements, principally because for one reason or another they believed that the colonial Church must seek or accept its legal autonomy. But opinions differed on the exact form in which this autonomy should be embodied. In Sydney the Christian Pleader, opposed to Barker's conservative policy on synods for the Church in New South Wales, welcomed in general terms what it saw as the newly independent colonial Church.⁴⁰

Opposition to their bishop also caused some churchmen in the diocese of Brisbane to welcome this independence which they believed had been conferred by Lord Westbury's decision, news of which arrived at a critical juncture. The Bishop of Brisbane, E.W. Tufnell, was not a popular man. In Barker's view, Tufnell's "chief want is that of administrative ability & energy & his moderate high Church views do not

³⁹ Mr. E.B. Docker objected that Gray "had deliberately acted against constituted authority". Church Chronicle for the Dioceses of Sydney, Newcastle and Goulburn, Sydney, 22 December 1866, p. 401; Sydney Synod Proceedings 1867, pp. 19, 47, 48; S.M.H., 29 August 1867.

⁴⁰ Christian Pleader, Sydney, 22 May 1865, pp. 27-28.

suit a people which is for the most part Evangelically disposed ..."⁴¹
In the light of his inability to establish a proper rapport with his people, it was understandable that some of them took advantage in May 1865 of their membership of the Queensland Parliament and the bishop's departure for England to introduce a bill providing for a form of synodical government. It was an ill conceived and loosely framed measure, and would have drastically altered the whole basis of church government in Queensland. It encountered heavy and sustained opposition. Non-conformists read into it an effort to secure an established Church, while some Anglicans saw it as an attack on the bishop's position (which it was).⁴²

The first news of the Colenso judgement reached the colony just as the bill was beginning its passage. The essence of the judgement was seized on at once by the proponents of the measure, for it seemed to support them in their purpose. The Attorney General insisted that the effect of the Privy Council's decision was to make the bishop's absence irrelevant, for with worthless letters patent he was nobody, and as a Church "they were nowhere". Another member raised the question of the relationship of the diocese to the province when he pointed out that the bishop was no longer subject to the effective jurisdiction of the metropolitan.⁴³ Nevertheless petitions against the bill from Anglican congregations poured in, and at least one member who had helped to

⁴¹ Barker to the Archbishop of Canterbury, 7 July 1873, Tait Papers, Volume 194 (1873 Foreign), pp. 3-4.

⁴² Rayner, Keith, "The History of the Church of England in Queensland", unpublished Ph.D. thesis, University of Queensland, 1962, p. 120; Queensland Daily Guardian, Brisbane, 17 June 1865.

⁴³ Queensland Daily Guardian, 17, 18 and 24 May 1865.

frame the bill came out in opposition to it. He too sought to draw on the Colenso judgement for support. Those who had brought up the bill decided to beat a strategic retreat, and the Colenso judgement did duty yet again: clearly, the Privy Council's decision had altered the whole aspect of the matter, and it would have to be considered afresh.⁴⁴

By the time the Bishop of Brisbane returned, in the early part of 1867, Lord Romilly had given his decision in the second of the Colenso cases. Probably because it appeared to run counter to the earlier decisions and to uphold the positions of colonial bishops appointed by letters patent, it was largely ignored in Brisbane when, in September 1867, Tufnell summoned a diocesan conference to discuss the question of a synod for the diocese. By then, the majority of churchmen in Brisbane had come to favour the early introduction of some form of synodical government. The position of the whole colonial Church was being altered from without, and the diocese was still marred by distrust and ill feeling within. A new form of church government seemed to provide the answer to both problems.

This was recognised not only by those who supported the calling of the conference by the bishop, but also by those who opposed it as an arbitrary use of authority on the bishop's part.⁴⁵ Amongst the latter was an anonymous correspondent of the Queensland Daily Guardian, who insisted that the effect of the Privy Council's judgements was to render the bishop's authority imaginary, to make his claims baseless, and to

⁴⁴ Ibid., 24 May and 6 July 1865; Despatch No. 43, 10 July 1865, Governor's Office: Letterbook of despatches to the Secretary of State for the Colonies, Volume 3, pp. 315-316, Q.S.A. GOV/24, Queensland State Archives, Brisbane.

⁴⁵ Queensland Daily Guardian, 7 September 1867; 6 and 13 May 1868.

show that his diocese was not a branch of the Church of England. The Guardian would not accept these allegations, but in refuting them it expressed the opinion (shared on the whole by Bishop Tufnell) that while "the legal identity may not, indeed, exist ... the absolute identity is still the same". Its correspondent rejected this, and, maintaining his legalistic interpretation, insisted that since the Church in Queensland was not a branch of the Church of England it was necessary to establish a totally new Church, perhaps embracing other ultra-protestant denominations to form a "Protestant Episcopal Church" indigenous to and coextensive with Queensland.⁴⁶ Neither succeeded in convincing the other; but almost unwittingly both had grasped however imperfectly the essential point, that the colonial Church in Queensland was now more independent of the home Church, and of the ecclesiastical province of which it had been constituted a part, than had previously been realised.

Independence was similarly welcomed by some churchmen in Melbourne, where several correspondents of the Church Gazette and the Church News, none of whom was willing to shed the cloak of anonymity, also proclaimed that the Privy Council had by its decisions effected the independence of the diocese. Some advocated early action by the diocesan church assembly (synod) to establish its own tribunals, and to make its own provision for new dioceses and new bishops. In the early 1850s not a voice had been raised against the wish to remain tied to the Church in England. Now there was a call, similar to that in Queensland, for the Church in Victoria to seize the opportunities provided by the Privy Council to assert her independence and to "take her legitimate place as a free Episcopal Church ...". Others, in the

⁴⁶ Ibid., 13 and 23 May 1868.

context of independence, raised the question of the relationship of the diocese to the province. On the one hand, two correspondents expressed the view that the metropolitan bishop now had no authority whatever over their diocese. But another anonymous writer, in calling for the diocese to sever "the effete, mischievous, and utterly undefinable connexion" with the Church in England, suggested that this should be done "in conjunction, if possible, with her sisters in the other Australian colonies ..."⁴⁷

This consciousness that, following the decisions of the Privy Council, their mutual interests might be served by substituting for the now looser ties with the mother Church a stronger relationship between the dioceses of the Australian Church, was slowly beginning to emerge in some of the other dioceses as well. In Adelaide, Bishop Short was amongst those who welcomed the effects of the various judgements, although for a time he reflected the widespread confusion which resulted from them. He openly approved the decisions of the Privy Council, but by the time Romilly had given his controversial decision he was heartily sick of the whole question and hoped that Romilly's judgement would put an end to the matter. While privately critical of Bishop Gray's actions in both the Long and Colenso affairs, he told his synod that he found the decision of the Privy Council in the Long case "altogether satisfactory", for he saw it as fully acknowledging the liberty which his diocese had claimed in creating a synod. At the same time he was unwilling to completely separate the colonial Church from the Church

⁴⁷ Church Gazette for the Diocese of Melbourne, 1 June 1865, pp. 89-90, 16 June 1865, pp. 102-103, and 1 March 1866, p. 54. See also Melbourne Church News, 16 May 1867, p. 151. A correspondent of the Churchman of Victoria, which had its own grievances, urged that church tribunals should not be established until there was "some joint action" by all of the Australian dioceses. See Churchman of Victoria, Melbourne, 21 October 1867, p. 6.

of England and thus (as he put it) "become a schismatic Bishop", but he could foresee the time when the colonial Church would have to stand on its own feet to an even greater extent. In 1864 he was again looking ahead to the stage when a provincial synod would meet.⁴⁸

In the following year, the Adelaide diocesan synod considered a motion requesting the bishop to ask the metropolitan to convene a conference of the diocesan synods of Australia on the constitution of a provincial court of appeal now that the Privy Council had shown that the office of metropolitan carried no such jurisdiction. After "an animated debate" the motion was withdrawn, but for those who were concerned with the development of the province it was only a temporary setback.⁴⁹

The Church News in Tasmania similarly insisted that the colonial Church had a right to all the freedom of an unestablished Church as laid down by the Privy Council. Where Lord Romilly's views were in conflict with those of the Privy Council (in the Long and Colenso cases) they would have to give way. While reluctantly recognising that the Privy Council's judgements created some danger of disunity between the English and colonial Churches, the Church News preferred that the relationship with the mother Church should be maintained not through any continuation of legal bonds but through the essential power of divine truth. The new

⁴⁸ Adelaide Synod Proceedings 1864, p. 74; Adelaide Synod Proceedings 1865, pp. 114, 120; Short to Bishop Hale of Perth, 15 November 1866, Hale, Mathew Blagden, Letters, MSS Ah 111/13, Mitchell Library, Sydney. In December 1852, at the first meeting of his diocesan assembly, Short had spoken of his hope "that ere long we should have our representatives journeying by steam along the beautiful waters of the Murray to take their seats in a Provincial Assembly at Sydney". But the metropolitan, who was then in England, died soon afterwards, and the matter was not pursued at the time. See South Australian Register, Adelaide, 3 January 1853.

⁴⁹ South Australian Register, 18 May 1865.

bishop, C.H. Bromby (who had arrived early in 1865), expressed views similar to those of Short, and told his diocesan synod that appeals to the Privy Council should in future be carefully limited. The synod was willing to accept a measure of autonomy, and in April 1866 it appointed the first of several committees to consider whether a provincial synod should be established for the Australian dioceses in order to meet the situation created by the decisions of the Privy Council. In its report, the committee recommended that a provincial synod should be created which, while not being able to give inherent legal force to its enactments, should be able to control the exercise of the legislative and judicial powers of its constituent dioceses, and perform various functions which could best be exercised at provincial rather than diocesan level. Action on this report was deferred by the Tasmanian synod, and shortly afterwards it was overtaken by the course of events outside the diocese.⁵⁰

Bishop Tyrrell of Newcastle was another who recognised that the effect of the legal judgements on the position of the colonial Church was to give it more freedom to act on its own behalf. At his first diocesan synod in August 1865, he too spoke, albeit in general terms, of a provincial synod for the Australian Church as a whole.⁵¹

But the decisions of the English courts were confusing, and churchmen in each diocese were able if they wished to extract from them what seemed to suit their purposes best. Some were fearful that the

⁵⁰ Church News for the Diocese of Tasmania, Hobart, 20 April 1866, p. 243; 1 June 1867, p. 470; 2 September 1872, p. 327; Colonial Church Chronicle, August 1867, p. 325.

⁵¹ Newcastle Synod Proceedings 1865, pp. 2, 14-21.

supposed status of their dioceses as integral portions of the United Church of England and Ireland was endangered as a result of the judgments of the Privy Council, and they sought to convince themselves that their relationship with the mother Church had not been affected. Others urged that the independence which they believed was offered by the Privy Council should be recognised or grasped without delay. There were a few, moreover, who were gradually coming to the belief that the challenge of independence might best be met by provincial action of some kind.

Not long before Lord Romilly delivered his controversial decision, a more specific challenge had come in the form of the colonial bishops bill, introduced into the House of Commons in May 1866 by Edward Cardwell, the Secretary of State for the Colonies. It was an uncomplicated measure which sought to recognise the altered circumstances of the colonial Church, to allow the surrender (where desired) of existing letters patent, and to permit future consecrations without them. Although it did not pass, it achieved a great deal by helping to clarify the thoughts of churchmen in Australia on the whole subject.⁵² Some saw it as a danger, others as an opportunity. It was certainly a greater challenge than the Privy Council had provided, for it sought to resolve, in legislative form, the doubts which that body had raised concerning the relationship of the English and colonial Churches.

In October 1866, not long after the bill was introduced, the Bishop of London (Tait) sent a circular to each colonial bishop asking

⁵² The text of the bill was reprinted in the Church Chronicle for the Dioceses of Sydney, Newcastle and Goulburn, 21 July 1866, pp. 236-238. Although a measure akin to Cardwell's bill was not passed until 1874, the proposals which it contained remained alive, especially in the minds of some colonial churchmen.

his views on four aspects of that relationship:

- "1. The desirableness or otherwise of all Bishops in British Colonies receiving their mission from the see of Canterbury, and taking the oath of canonical obedience to the Archbishop.
2. Whether it is desirable that there should be an appeal in graver cases from the judgements of the Church Courts, or decisions of Bishops or Synods in the Colonies, to any authority at home and if so, (a) to what authority, (b) under what restrictions?
3. How far the Royal Supremacy, as acknowledged by the United Church of England and Ireland, can be maintained in our colonial Churches.
4. What seems the best guarantee for maintaining unity of doctrine and discipline between the different scattered branches of our Church in the Colonies?"⁵³

These questions provided Australian bishops and synods with a clear and direct means of making their views on specific aspects of the relationship between the home and colonial Churches known in the highest quarters of the Church in England. Since this relationship was also the subject of Cardwell's bill, they were frequently able to use their replies to Tait as a means of commenting on the bill as well.

Those who saw Cardwell's measure as a further danger to the relationship of their dioceses to the mother Church maintained their opposition to any more autonomy for the colonial Church. Perry's reaction was predictably clear and unambiguous. In a long and heated letter to the Archbishop of Canterbury he insisted that the effect of the bill would be to "destroy our existence as a branch" of the Church of England, for it would even nullify the colonial act of 1854 which

⁵³ Longley Papers, Volume 3, p. 230. Also cited in Stephenson, *op. cit.*, p. 84. Tait first asked the Archbishop of Canterbury (Longley) to send out the letter, but he refused. Tait then sent it out himself, relying for justification on the past relationship of the Bishop of London to Anglicans in the colonies.

provided for synods "of the said Church" in Victoria. In support of his claim that disruption would result unless the colonial Church retained legal ties with the Church in England, he drew on both the disturbances of the Colenso affair in the South African Church and the logical result (as he saw it) of "a violent conflict" over ritualism in the Church.⁵⁴ The Melbourne Church News echoed Perry's worries, and would have none of the freedom allegedly offered by the proposed measure. The church assembly in Melbourne adopted a petition to the authorities in England deprecating the measure.⁵⁵

The reaction of the ultra-conservative Bishop of Goulburn was even stronger. Thomas opposed the bill on the ground that it would lead to the separation of the colonial Church from the mother Church and to the destruction of the legal identity which he believed existed between them. A resolution to this effect was moved in his first synod by the diocesan chancellor (Campbell), and appropriately worded petitions were unanimously adopted. An editorial in the Goulburn section of the Church Chronicle reprinted an article from an English journal which linked Cardwell's bill with Romanism (always useful in an argument among Anglicans) and described it as "a very ill-advised production".⁵⁶

⁵⁴ Perry became so carried away with the force of his own argument in this letter that when he briefly (and somewhat inaccurately) allowed the existence of a contrary viewpoint in the Australian dioceses, he said: "The only persons who, so far as I know, are desirous of Ecclesiastical independence of England, are some of our Bishops and clergy". Perry to the Archbishop of Canterbury, 27 September 1866, Bishop's Letter Book, Volume 11, pp. 573-580, Diocesan Registry, Melbourne. See also his letter to the Bishop of London, 27 August 1866, *ibid.*, pp. 521-524.

⁵⁵ Melbourne Church News, 16 November 1866, p. 243; Perry to Lord Carnarvon, November 1866, Bishop's Letter Book, Volume 12, pp. 37-41.

⁵⁶ Church Chronicle for the Dioceses of Sydney, Newcastle and Goulburn, 22 August 1866, p. 275; Goulburn Synod Proceedings 1867, pp. 15, 31, 48, 49.

Privately, however, Thomas was more frank. He described Cardwell's bill as "a most mischievous affair", and told Bishop Tait that to allow the bill to become law would be indulging bishops like Gray in South Africa and Selwyn in New Zealand, whose recognition of the independence of the colonial Church in relation to the English Church and state he described as "aberrations of individual self-will" by those who had "sacrificed the Colonial Church to their private theories ...". As far as he was concerned the Church in New South Wales neither required nor desired any legislation from Westminster.⁵⁷

As for the diocese of Perth, where there was as yet no synod, Bishop Hale told Tait that a meeting of the clergy and church wardens had decided that some imperial legislation was appropriate, not to recognise (as Cardwell's bill would have done) the increasing autonomy of the colonial Church, but rather to restore its status to what it had been under the letters patent of the colonial bishops prior to the judgements of the Privy Council in England. The Perth meeting was fearful of any new or voluntary form of church government, and saw in the maintenance of the royal supremacy the only hope for the continued unity of doctrine and discipline in the various colonial Churches.⁵⁸

In Sydney, there was considerable opposition to Cardwell's bill, although Barker's first reaction was that his own diocese would not be greatly affected by it. He nevertheless opposed the bill, for he

⁵⁷ Thomas to Thomas Hough, 21 August 1866; to Tait, 22 September 1866; and to the Reverend W.T. Bullock (Secretary of the Society for the Propagation of the Gospel), 22 November 1866, Letter books of Mesac Thomas (1816-1892) first Bishop of Goulburn, 1866-1890, Volume 2, pp. 21-22, 32-33, 61, St. Mark's Institute of Theology, Canberra.

⁵⁸ Hale to the Archbishop of Canterbury, 24 January 1867, Tait Papers, Volume 178 (1871 Foreign), p. 42.

believed that it would lead to separation from the mother Church and to the existence "of a number of Colonial Churches differing from each other as widely as possible ..."⁵⁹ Barker's chancellor was far more critical of Cardwell's measure. Taking Barker's views further, Gordon insisted that it was uncalled for, and would have the result of separating the colonial Churches from the Church in England and from each other, even within colonies (such as New South Wales) which contained more than one diocese. The Church Chronicle supported the tenor of Gordon's arguments. Claiming that if Cardwell's bill were to become law it would be "impossible to say to what the crotchets and vagaries of Bishops and Synods may not lead", it proceeded to say just where they would lead: in the direction of a number of independent episcopally governed colonial Churches. Cleverly bringing the matter a little closer to home, it spoke in two seemingly unrelated but consecutive sentences of the synodical activities of an unnamed cleric in the diocese of Adelaide and of the effects of Colenso's activities in South Africa.⁶⁰ Soon afterwards, in an article apparently reprinted from an English journal, it stated quite explicitly that Cardwell's bill would open the way for heretical "admirers" of Colenso.

Schism and disruption were therefore in the air when the first diocesan synod met in Sydney at the end of 1866. By then news of the failure of Cardwell's bill had arrived, but many members of the synod were so concerned about the bill and the probability of it being reintroduced that they proceeded to debate the whole issue at great length. In moving three sharply worded resolutions condemning the bill,

⁵⁹ Barker to Tait, 23 August 1866, Tait Papers, Volume 169.

⁶⁰ Church Chronicle for the Dioceses of Sydney, Newcastle and Goulburn, 22 August 1866, pp. 263, 269, 270.

Gordon spent some time in acquainting the synod with the views which he had earlier expressed.⁶¹ His proposals encountered opposition from a large minority of the synod, although only the Reverend George Vidal was convinced that Gordon had studied the subject so hard that he was suffering from a temporary hallucination. Canon Allwood believed that to petition the crown against Cardwell's bill was to manifest a "faithless and unworthy fear" of independence for the colonial Church, and sought to have the whole question referred to the standing committee of the synod. Although supported by several speakers he was unable to prevail. Eventually a compromise was reached with the appointment of a committee to draw up a petition to the crown, to the imperial parliament and to the convocations of Canterbury and York deprecating the bill. The synod accepted this, and the petitions were duly despatched.⁶² But the problem continued to occupy churchmen in Sydney. Barker subsequently referred to the bill as "most unchurchlike" - but the Australian Churchman accused it, early in 1868, of the greater sin of being un-English. Condemning the bill, the Churchman introduced a new element into the debate in Sydney when it said that if the Australian dioceses wanted to follow the pattern of the American Church and become independent of the mother Church, they had "only to determine on separation in a Provincial Synod ..."⁶³

⁶¹ [Gordon, Alexander], Speech of The Chancellor of the Diocese of Sydney Delivered in Synod on Moving Resolutions Against Mr. Cardwell's Bill, Friday, December 7th, 1866, Sydney, 1867, passim.

⁶² Church Chronicle for the Dioceses of Sydney, Newcastle and Goulburn, 22 December 1866, pp. 396-402; Sydney Synod Proceedings 1866, pp. 31-32.

⁶³ Australian Churchman, 22 February 1868, p. 153; Sydney Synod Proceedings 1868, p. 12.

But amongst those who sought and welcomed the autonomy which Cardwell's bill seemed to promise in such large measure, there were those who now saw the way ahead in precisely those terms. They had before them the examples of provincial synods already created or in the process of formation in Canada, New Zealand, and South Africa. In Australia, the existing provincial structure as laid down in the letters patent of the metropolitan was minimal, and in any case its foundations had been affected by the recent decisions of the Privy Council.

There had in fact been sporadic signs of renewed interest in a provincial synod for Australia since 1858, when Bishop Short spoke of the value of common action in the province in matters of discipline and worship. In the same year he revoked the licence of one of his clergy, who promptly began to make much of those provisions of the metropolitan's letters patent concerning the power to hear appeals from provincial clergymen in such cases.⁶⁴ However, the clergyman concerned did not proceed to make use of Barker's appellate jurisdiction.

In the following year the Adelaide diocesan synod carried a resolution requesting "that communications be entered into with the Metropolitan Bishop of Sydney in order to promote the establishment of a Provincial Synod".⁶⁵ Nothing, however, was done; but when in 1860 Barker paid his first visitation to Adelaide as metropolitan, the leading clergy and laity of the diocese welcomed the event as foreshadowing "the establishment, by 'federal compact between the dioceses', of a provincial Synod, which ... may cement them in one common and

⁶⁴ Whittington, Fred. T., Augustus Short: First Bishop of Adelaide: A Chapter of Colonial Church History, Adelaide, 1887, pp. 236-237; Platts, Frederick C., the Rev., Colonial Ecclesiasticism, As Exemplified in the Diocese of Adelaide; With the Author's Vindication From a Statement Contained in the Charge Delivered by the Bishop of Adelaide, on May 11, 1858, Adelaide, 1858, p. 17.

⁶⁵ Adelaide Synod Proceedings 1859, p. 22.

enduring discipline in accordance with the scriptural usages of our Apostolic Church".⁶⁶ The Adelaide synod formally expressed a similar view during Barker's visit, and in petitioning the crown for a revision of Short's letters patent to take account of the creation of a diocesan synod, it requested (with Barker's concurrence) the creation of a metropolitan court of appeal for the province. In the same year the Tasmanian diocesan synod joined Adelaide by resolving "that the assembling of a Provincial Synod is desirable".⁶⁷

Barker responded politely but without enthusiasm to these requests. Surveying his province, he spoke vaguely of the importance of unity of council and action, of the Australian board of missions (nominally established by the conference of bishops in 1850), and of the potential of Sydney's Moore College for training clergy for the Australian dioceses. As for a provincial synod, he spoke initially of "preparing to initiate arrangements for inviting the Bishops and representatives of the Australian Dioceses to meet in Provincial Synod". But after conferring with the Bishops of Adelaide and Melbourne he decided that such a body could not be established without the Queen's consent, and that it would be necessary to prepare a petition to this effect. "This will in due time be done", Barker concluded.⁶⁸ But

⁶⁶ South Australian Register, 19 June 1860, p. 5.

⁶⁷ Adelaide Synod Proceedings 1860, p. 32; Digest of Acts and Resolutions Passed in the Diocesan Synod of Tasmania: to which are Appended The Church Constitution Act and Other Documents. Compiled by the Secretary of Synod, Hobart Town, 1868, p. 44.

⁶⁸ Adelaide Synod Proceedings 1860, p. 29; [Barker, Frederic], A Charge Delivered by Frederic, Bishop of Sydney, and Metropolitan of Australia, at His Primary Metropolitan Visitation of the Dioceses of Tasmania, Adelaide, Melbourne, and Newcastle, In the Year of Our Lord, 1860, Sydney, n.d. [1860?], pp. 23, 35-37, 58-59.

insofar as he was concerned with constitutional matters, it was his own diocese (and, to a lesser extent, the other dioceses in New South Wales) which occupied his energies for the next six years, and apart from the few suggestions for provincial action following the decisions of the Privy Council, little more was heard of a provincial synod for some time.

It was not until news of Cardwell's bill arrived, followed by Tait's questions, that observers in Australia began to think seriously again of a provincial synod. The colonial Church was now faced with circumstances quite different from those of 1860, especially insofar as its relationship with the mother Church was concerned. Faced with the specific challenge of Cardwell's bill, which would have formalised the changes in that relationship, some churchmen (especially in Adelaide and Tasmania) once more began to discuss the positive part which a synod for the whole province might play in the response of the Australian dioceses to these new circumstances.

In Adelaide, the dean (James Farrell), in the absence of Bishop Short, offered a preliminary answer to Tait's questions. On the desirability and form of maintaining the connection between the home and colonial Churches, Farrell believed that the royal supremacy should be maintained in order that the legal relationship might be unimpaired. He told Tait that in expressing such views he spoke for a majority of the clergy and a minority of the laity - but when he convened a special session of the synod to obtain a more detailed answer to the questions, he found that such was not the case.⁶⁹

⁶⁹ Church Chronicle, for the Diocese of Adelaide, Adelaide, February 1867, pp. 29-30.

Most of those who spoke in the Adelaide synod on the subject were in no doubt that the freedom of the colonial Church should not be restricted by an abrogation of its autonomy to Canterbury, although only Canon Farr asked whether the province of Canterbury wanted the colonial Church to be tied to it anyway. Nevertheless they hastened to emphasise the need for some kind of spiritual unity and uniformity; indeed, the last resolution passed at this special session of the synod was to the effect that unity of doctrine and discipline should be maintained in the various branches of the Church by a common voluntary subscription to the articles and formularies of the Church of England.

Although the Adelaide synod was willing to accept increased autonomy in general terms, like an infant found abandoned on its doorstep, there was much uncertainty as to exactly what should be done with it. There was a general feeling that the diocese should not continue to receive its bishops by the grace of the authorities in England. Alternatives suggested were that they should be selected by the diocese, or that the metropolitan (or perhaps the Archbishop of Canterbury) should select a bishop from two names submitted by the diocese. Another suggestion was that a provincial synod, or an Australian college of bishops (neither of which yet existed) should have power to approve a person nominated by the diocese. In the end a compromise resolution was passed recommending the consecration of future bishops in England by whomsoever nominated. Similar alternatives were suggested in answer to Bishop Tait's question on whether there should be continued provision for appeals to England by ecclesiastical offenders.

On the question of how to maintain unity of doctrine and discipline throughout the various branches of the Church, Archdeacon Twopeny prophetically suggested that the solution initially lay in a general

conference of the Australian dioceses.⁷⁰ Throughout the whole debate there was an unspoken, indeed partly unconscious recognition that the colonial Church was in a state of transition, a feeling which was manifested most importantly in the allusions to a provincial synod for the Australian portion of the Church. A similar recognition was evident at the next session when the Adelaide synod considered a new version of Cardwell's bill, the early introduction of which seemed imminent. During a visit to England, Short had discussed the proposed measure with Cardwell's successor, Lord Carnarvon. He readily accepted the changed relations between the home Church and its colonial branches, and preferred that "the missing link of that golden chain which binds our sympathies to the mother Church" should be spiritual rather than legal. The synod endorsed his views and approved the proposed measure, again demonstrating its readiness to adapt to the increasing autonomy of the colonial Church.⁷¹

The diocese of Tasmania demonstrated an outlook similar to that which prevailed in Adelaide, although recognition that the colonial Church was in a state of transition was more explicit. Bishop Bromby saw the external machinery of the Church as being paralleled by that of the empire: parts of both were becoming increasingly autonomous. However while this should be frankly recognised full independence should not be claimed immediately. Bromby told Tait that the best guarantee of unity in doctrine and discipline was the establishment of provincial

⁷⁰ Ibid., pp. 20-29.

⁷¹ Adelaide Synod Proceedings 1868, pp. 326-329; Australian Churchman, 15 February 1868, p. 150.

synods, which would among other things regulate the appointment of future bishops who would then normally be consecrated in Australia by the metropolitan and his suffragan bishops. But until political independence had been attained, the royal supremacy should be acknowledged and appeals through the colonial Supreme Court should be permitted. His synod was not quite so advanced in its views: it would not for example pronounce on the nomination of future bishops. But it did continue to appoint committees to consider the constitution and functions of a provincial synod for Australia.⁷²

In New South Wales, where the dioceses had only just succeeded in completing their own synodical structures as news of Cardwell's bill arrived, a few churchmen were at least beginning to consider the question of a synod for the whole province. In April 1866, shortly before Cardwell's bill was announced, Barker condemned a proposal for a provincial synod as "impracticable". His ultra-conservative suffragan, Thomas, spent some time in February 1867 acquainting the first diocesan synod in Goulburn with his views on why a provincial synod for Australia could not usefully be formed.⁷³

But for Tyrrell, the advocate of unity, the difficulties of trying to secure united action by the three dioceses in a provincial synod for New South Wales were now behind him, and he too was giving increasing consideration to the question of a synod for the whole Australian province. As far as Cardwell's bill was concerned, an

⁷² Colonial Church Chronicle, May 1867, p. 206, and August 1867, p. 325; Church News for the Diocese of Tasmania, March 1868, p. 36 and 2 September 1872, p. 327.

⁷³ Church Chronicle for the Dioceses of Sydney, Newcastle and Goulburn, 25 April 1866, p. 146; Goulburn Synod Proceedings 1867, p. 10.

editorial in the Newcastle section of the Church Chronicle said that it was "most simple and clear, while it contains all that we can desire". Condemning the conservative opinions advanced in Sydney by Gordon, Tyrrell felt that while unity with the Church in England was desirable it should be based on voluntary consent rather than on the coercive force of imperial law. Accordingly, he commended Cardwell's bill. He was content that the Church in New South Wales at least had bound itself to the articles and formularies of the Church of England - "but let us be very cautious about seeking to strengthen this union" in the form of imperial legislation - for the bonds which would result "may prove ere long to be grievous fetters ..." ⁷⁴ For practical purposes the royal supremacy had in his opinion ceased in things ecclesiastical; to revive it would not only be impossible but undesirable as well.

In his answers to Tait's questions Tyrrell referred to the role of a provincial synod. He believed that colonial bishops should receive their mission from the provincial synod rather than from the Archbishop of Canterbury since they would in future be elected and consecrated under the authority of diocesan and provincial synods. Provincial tribunals (which would "probably be soon established") should be the final court of appeal for ecclesiastical offenders. ⁷⁵

But the creation of a provincial synod for the Church in New South Wales, into which Tyrrell had put so much effort between 1858 and 1866, and which had been the cause of so much dispute in that colony,

⁷⁴ Newcastle Synod Proceedings 1866, pp. 10-17; Church Chronicle for the Dioceses of Sydney, Newcastle and Goulburn, 21 July 1866, p. 236.

⁷⁵ Newcastle Synod Proceedings 1867, pp. 23-26; Australian Churchman, 16 November 1867, pp. 45-46.

led to yet another dispute. This had as its basis the allegation that the establishment of a provincial system for the whole of Australia had as a result been seriously prejudiced, and it served to open up even further the question of a provincial synod for Australia.

The dispute began quietly in England with an editorial in the Colonial Church Chronicle, expressing the hope that the provincial synod of New South Wales would be "speedily improved and enlarged into a Provincial Synod of the whole Ecclesiastical Province of Australia ..."⁷⁶ The Reverend W.S. Wilson wrote from the colony to defend the formation of the New South Wales body on the grounds of the practical difficulties which he believed stood in the way of the formation of the larger body. He raised the possibility of the future division of Barker's Australian province into two provinces, of which New South Wales would be one. His arguments were extended by the Reverend J.A. Greaves, formerly of Newcastle, who spoke of the designation of the province (in 1847 and 1854) as a "bare circumstance", and forecast several provinces in Australia, one for each colony.⁷⁷ These views were condemned by an anonymous correspondent who insisted that the dioceses in New South Wales had committed a "very grievous mistake" in forming their own provincial synod to the exclusion of the other dioceses outside New South Wales but within Barker's province. He finished by accusing them of the very sin with which Barker and other conservative churchmen in Australia were then so much concerned: schism.⁷⁸

⁷⁶ Colonial Church Chronicle, May 1867, p. 201.

⁷⁷ Ibid., June 1867, pp. 242-246, and August 1867, pp. 323-325.

⁷⁸ Ibid., October 1867, pp. 425-426.

While this argument was proceeding the controversy erupted in Barker's province itself, where it was conducted with a good deal less dignity. An anonymous writer in the Adelaide Church Chronicle, undoubtedly influenced by the desire of some Adelaide churchmen for a provincial synod for Australia, concluded his review of the first session of the Sydney synod with some comments on the constitution of the Church in New South Wales. Referring to those sections concerning the establishment of a provincial synod for New South Wales, from which Adelaide and the other dioceses were excluded, he suggested that the metropolitan had by thus destroying "all hope of an Australian Provincial Synod" done a "great wrong" to the Australian Church. Besides, if he were to respect his letters patent, as he was doing by petitioning against Cardwell's bill, Barker should not have helped to constitute a provincial synod not including all the dioceses over which such a body "is supposed to exercise jurisdiction".⁷⁹

A few months afterwards, the Australian Churchman deigned to place before its readers in Sydney a few facts in reply to its Adelaide contemporary. It was annoyed not so much because the comments had been written in the first place, but because they had been picked up by the Colonial Church Chronicle in England. As far as an Australian provincial synod was concerned, the Churchman insisted that there was as much hope for it now as there ever had been - although "the organ of hope is very small in some cases". Editorially the Churchman did not notice the matter again for some time, although controversy continued in its columns. The only correspondent to identify himself was Barker's

⁷⁹ Church Chronicle, for the Diocese of Adelaide, August 1867, p. 136.

chancellor, Gordon. Accusations were made of inconsistency and schism, and the author of the original article wrote from Adelaide that the creation of an Australian provincial synod would probably soon be "a matter of immediate importance, and even necessity".⁸⁰

To the Churchman's annoyance, the Colonial Church Chronicle raised the matter again and took both the Churchman and Gordon to task for defending the creation of a provincial synod for New South Wales rather than for Australia. Surely, the Chronicle concluded from 12,000 miles away, with more conviction than perception,

"the eyes of all our brethren in Australia will soon be opened to the importance of a speedy convention of a genuine Provincial Synod. Extension beyond the bounds of the British Empire has not prevented the corporate action of the Province of South Africa: ought, then, the mere division of colonies to impede that of the Province of Australia?"⁸¹

There is no evidence that by itself this dispute opened anyone's eyes, at least in the colonies; but it did enable the whole question of an Australian provincial synod to be thoroughly ventilated in the province itself at a crucial time.

It was a crucial time not least because the first Lambeth conference of bishops of the Anglican communion had been summoned shortly before the dispute began, and the last comments were being offered as reports of the conference were reaching the Australian dioceses.

The first Lambeth conference was not simply a consequence of the Colenso disturbances; indeed, the first call for such an assembly

⁸⁰ Australian Churchman, 25 January 1868, p. 121; 22 February 1868, p. 158; 29 February 1868, p. 164; 14 March 1868, p. 180.

⁸¹ Colonial Church Chronicle, June 1868, p. 226.

had come from John Hopkins, Bishop of Vermont in the United States of America, as far back as 1851. His suggestion was made in the context of celebrations marking 150 years of work by the Society for the Propagation of the Gospel, and it received some support in both England and the United States.⁸² In 1854, Bishop Fulford of Montreal (later the first metropolitan of Canada) revived the suggestion at a time when Roman Catholic bishops and ecclesiastics were coming together for the proclamation of new dogma. In 1855 a similar call was again made by a bishop of the American Church. These suggestions were not taken up at the time, partly because of lack of interest by Archbishop Sumner of Canterbury. The convocations (or provincial synods) had not been revived for the Church in England, and diocesan synods were still in the formative stages in the various parts of the Anglican communion. When the next call for an assemblage of Anglican bishops was heard, these things had been achieved.⁸³

The next call was not from Selwyn, who had led the way with diocesan synods (in 1844) and provincial synods (in 1857), but from Gray, the metropolitan of South Africa. By 1860, Gray was speaking of a synodical gathering of English and colonial bishops "now that the colonies are likely to hold Provincial Synods ..."⁸⁴ It is important that this desire, shortly repeated by the convocation of Canterbury,

⁸² "Proposal for an Assemblage of the Whole Anglican Episcopate", Colonial Church Chronicle, August 1852, pp. 47-48; F.H.D., "How are the Colonial Churches to be Connected with the Church of this Country?", ibid., September 1853, pp. 94-97.

⁸³ See Stephenson, op. cit., pp. 43-57. Sumner died in September 1862, and was succeeded by Charles Thomas Longley.

⁸⁴ Gray to his sister, 17 April 1860, cited in Stephenson, op. cit., p. 80.

was expressed by Gray prior to his disputes with Colenso. He repeated his call in 1865, by which time similar requests had again come from some quarters of the Church in Canada. The causes of the first Lambeth conference included a desire to resolve the growing confusion over the exact relationship between the Church in England and in the colonies, to consider the various changes by the convocations in England to the canons of 1603 (which left the Irish and colonial Churches out of step), and to deal with the problems created by the publications of Colenso and others. But the prime cause was clearly the desire to cap the growing edifice of synods in the colonies, where the development of diocesan and provincial synods had been relatively uncoordinated, and where varying opinions were held on the extent to which the model of the American Church should be copied.⁸⁵

At the annual meeting of English bishops which was held in February 1867, and which was attended by one American and several colonial bishops, the proposal for an assembly of the episcopate of the entire Anglican communion was approved. Once the decision had been taken, little time was lost. The first invitations were sent out towards the end of February, and the conference itself was set down for September of the same year. When it duly assembled it was attended by seventy-six bishops, about half of the number invited.⁸⁶

Although Short was in England and had been present at the February meeting which approved the proposed conference, he was not amongst those who were present when the conference opened. Together with Tufnell of Brisbane, who was also in England in the early part of

⁸⁵ For a more detailed analysis, see Stephenson, op. cit., pp. 79-86, and chapters 6-8.

⁸⁶ See ibid., pp. 177-182, 187-188, 241.

1867, he claimed that to prolong his absence from his diocese would be undesirable (although several other bishops in similar situations were willing to stay). Tufnell offered to return later in the year if the archbishop requested it, but he did not return.⁸⁷

Bromby of Tasmania and Thomas of Goulburn both pleaded consecration to their sees so recently as to make their absence undesirable. For Thomas in particular this was a convenient excuse, for in private he expressed the fear that if the metropolitans of New Zealand and South Africa (Selwyn and Gray) were to attend, "mischief will be the result". Early in 1867 his diocesan synod refused to commend the Lambeth conference as being essential to the well-being of the Anglican communion.⁸⁸ The newly consecrated W.C. Sawyer, bishop-designate of the new see of Grafton and Armidale, had greater justification in being absent for the same reason as Bromby and Thomas. Tyrrell, from whose jurisdiction Sawyer's diocese was to be taken, preferred to await the latter's arrival.⁸⁹

Barker was more concerned about the representative responsibility which he believed devolved upon him as metropolitan than he was about the inherent importance of the conference. But the pressure of affairs in his own diocese outweighed both considerations as far as he was concerned, and he too decided not to attend.⁹⁰

⁸⁷ Tufnell to the Archbishop of Canterbury, 19 March 1867, Longley Papers, Volume 6, pp. 136-137; Short to the Archbishop of Canterbury, 31 July 1867, ibid., pp. 328-329.

⁸⁸ Bromby to the Archbishop of Canterbury, 24 June 1867, ibid., pp. 82-83; Thomas to the Archbishop of Canterbury, 31 July 1867, ibid., pp. 275-276; Thomas to Barker, 20 June 1867, Letter books of Mesac Thomas, Volume 2; Goulburn Synod Proceedings 1867, p. 33.

⁸⁹ Tyrrell to the Archbishop of Canterbury, 15 July 1867, Longley Papers, Volume 6, p. 273.

⁹⁰ Barker to the Archbishop of Canterbury, 27 May 1867, ibid., pp. 123-124.

Of all the bishops invited, only Perry of Melbourne declined to attend because of the distance of his diocese from England. He also pleaded the season of the year and the demands of his duties in Melbourne. But early in 1866, when Gray was seeking the support of the colonial bishops for a meeting of the English and colonial episcopate, Perry had suggested instead that discussions should be held in each province, followed by correspondence among the metropolitans. He rejected Gray's proposal for the larger meeting on the same grounds on which he declined to attend the Lambeth conference in the following year, adding that while it "would be very pleasant, and might be very profitable" in some ways, it would in his judgement accentuate differences rather than produce agreement. He also touched on this fear again in declining the archbishop's invitation. In any case he realised that the relationship between the Church in England and in the colonies would be one of the main topics. He candidly confessed that on this subject his opinion was "at variance with that of Your Grace, and probably with that of the large majority of my right reverend brethren; - but my conviction is so strong, that I do not think any reasoning would shake it".⁹¹

Of the nine Australian bishops only Hale of Perth, who had a sense of the importance of the Lambeth conference, accepted the archbishop's invitation to attend. In proportion to its number of bishops, no other part of the Anglican communion was so poorly represented as Australia.

⁹¹ Perry to the Bishop of Cape Town, 24 May 1866, Bishop's Letter Book, Volume 25, n.p.; Perry to the Archbishop of Canterbury, 27 May 1867, Longley Papers, Volume 6, pp. 255-256. Further support for the view that Perry's attitude was probably determined partly by his failure to see eye to eye with Archbishop Longley may be found in a letter to Longley's successor, Tait, with whom Perry was generally in accord. Written in 1873, when Perry was nearing retirement, it expressed his willingness to attend another Lambeth conference if one was called. See Perry to the Archbishop of Canterbury, 11 August 1873, Tait Papers, Volume 92 (Miscellaneous Correspondence 1873), pp. 236-237.

Regrettably, illness subsequently prevented Hale from being present at one of the most vital discussions of the whole conference when the principle of a graduated system of diocesan, provincial, and "higher" synods was considered.⁹²

The suggestions which some of the Australian bishops offered for the agenda (at the archbishop's invitation) also gave some indication of the light in which they viewed this first Lambeth conference. Not all of them bore on the constitutional development of the Anglican communion and its provinces. Thomas took the opportunity to restate his views on various aspects of the relationship of the colonial Church to the mother Church, and suggested that the conference should consider ritualism, and the admission of the laity to the government of the Church in England (following its success in the colonies). Thomas also requested that the power of selection of future colonial bishops should be retained by the home Church. Together with Perry, he asked that the conference consider how far the Church in the colonial context was obliged to conform to the English canon law on marriage. Perry also suggested that consideration be given to some revision of the Prayer Book and to a standard form of letters testimonial for clergy moving between dioceses, and added (for good measure) a whole host of matters relating to the internal organisation of the dioceses. Predictably, he asked that the conference support the retention of letters patent and of the Privy Council as a final court of appeal.⁹³

⁹² Hale to the Archbishop of Canterbury, 26 April 1867, Longley Papers, Volume 6, pp. 125-126; Hale, Mathew Blagden, Papers 1848-1875: typescript copies, Volume 1, p. 457, MSS B988-1, Mitchell Library, Sydney. Hale was also involved in colonial disputes, and probably regarded the call to Lambeth as an opportune time to go to England.

⁹³ Thomas to the Archbishop of Canterbury, 22 July 1867, Longley Papers, Volume 6, pp. 275-276; Perry to the Archbishop of Canterbury, 27 May 1867, ibid., pp. 255-256.

In contrast to Thomas, Tyrrell insisted that the Lambeth conference should endorse the surrender of the power of selection of colonial bishops to the colonial dioceses. He also referred to the role which should be given to provincial synods in providing for the consecration of newly chosen bishops.⁹⁴

Barker's response to the archbishop's invitation for items for discussion was to ask Archbishop Thomson of York to take charge of a pamphlet drawn up by his chancellor, Gordon, containing his views. The basis of the pamphlet was the fear that unless the colonial dioceses were part of the Church of England they would inevitably separate from the mother Church and from each other. It argued the case for a "National Church" for the British Empire as a whole, recognising the royal supremacy, and providing for bishops to take (either directly or indirectly) an oath of allegiance to the Archbishop of Canterbury. Gordon's proposals contained some recognition of the trend of events in allowing for a small amount of imperial legislation providing amongst other things for the local nomination of bishops. He also introduced what was for him and for those who shared his views a new element: that churchmen should consider a "Council of Appeal" in place of the Privy Council, one which would command the confidence of the entire (that is, national) Church.⁹⁵ The importance of Gordon's pamphlet lies more in what it contained than in any influence which it may have had, for the

⁹⁴ Tyrrell to the Archbishop of Canterbury, 15 July 1867, *ibid.*, p. 273.

⁹⁵ [Gordon, Alexander], A National Church for the British Empire by The Chancellor of the Diocese of Sydney, Sydney, 1867, *passim*. Stephenson, *op. cit.*, (pp. 200-208) in dealing with the suggestions of bishops from all over the Anglican communion, is inclined to oversimplify the responses of those Australian bishops who replied to the archbishop's invitation.

Archbishop of York's outlook on ecclesiastical affairs was similar to Barker's own, and he too did not attend the Lambeth conference.

Barker elaborated on these views when he addressed the 1867 session of his diocesan synod. He reiterated his hope that the bishops of the Anglican communion would specifically consider this question of the relationship of the home and colonial Churches, and that they would recognise that the connection of the colonial dioceses was "something more to the Church at home" than that of the Episcopal Churches of Scotland and America (whose bishops had been invited to Lambeth).⁹⁶

Tufnell and Bromby both characteristically took a larger view, and informed their respective dioceses of their hope that the Lambeth conference would be a step on the road towards Christian unity. As for the Anglican portion of christendom, Tufnell was confident that the bishops at Lambeth would consider how to combine some unity of the various parts of the Anglican communion with enough independent government of the various branches of the Church in matters of local detail and discipline. Short expressed the view that provincial organisation was "absolutely necessary for the future well being of the Colonial Churches", and agreed with the proposal that the conference should consider this question.⁹⁷

This the conference did when it assembled at Lambeth towards the end of September 1867. It continued in full session over five days,

⁹⁶ Sydney Synod Proceedings 1867, p. 9.

⁹⁷ Short to the Archbishop of Canterbury, 31 July 1867, Longley Papers, Volume 6, pp. 328-329; Abstract of the Minutes and Proceedings of the Conference of the Bishop, Clergy, and Lay Delegates of the Branch of the United Church of England & Ireland, in the Diocese of Brisbane, in the Colony of Queensland, Assembled in Brisbane on the 4th, 5th, & 6th September, 1867, Brisbane, 1867, p. 6.

with a concluding meeting in December. Much of its work was in fact done by committees, to which it delegated the task of giving fuller consideration to some important subjects, such as missionaries and missionary bishops, the situation in Natal, and the question of a voluntary spiritual final court of appeal. As well as recommending the creation of such a body, the committee which considered this subject produced reports on various matters of particular relevance for the colonial Church. It recommended that bishops should be elected by dioceses and their appointment confirmed by the bishops of their province, that newly appointed bishops (and clergy) should subscribe to a declaration of submission to synod, and that provincial synods should devise rules for the functioning of metropolitans' courts and for the trial of bishops. It also recommended that dioceses not in provinces should be organised provincially as soon as possible, and that the division of provinces should follow civil divisions. Its report on the question of imperial legislation for the colonial Church, although never published, generally approved the principles which had been embodied in Cardwell's measure of 1866.⁹⁸

The work of the committee on synodical government was no less important. It consisted of Selwyn as chairman, one bishop each from England, Ireland, Scotland, and the United States, together with the metropolitan bishops of Canada and South Africa. Another South African bishop, Cotterill of Grahamstown, acted as secretary. The report of this committee incorporated several principles of immense importance for the colonial Church. Confessing (along with the full conference) the impossibility of a synodical body for the whole Anglican communion,

⁹⁸ See Stephenson, op. cit., pp. 309-315.

the committee recommended the creation of diocesan and provincial synods wherever possible. On the relative positions of the two bodies, the committee concluded that the provincial synod should be the superior body; no diocesan regulations were to have force if contrary to those of the higher synod. It recommended that the provincial synod should have power to authorise any alterations in forms of worship which might be required in the province, and to frame rules for clergy discipline, for the trial of clergy, for the creation of an appeal tribunal, and for the creation of new dioceses out of existing ones. In questions relating to patronage, tenure of property, parochial divisions and related matters, the diocese should legislate in detail and the province should be able to guard against the introduction of principles contrary to the common interests of the Church.⁹⁹

The full conference, which also debated this question, approved a resolution (drafted in its final form by Selwyn) expressing its belief that "unity of faith and discipline will be best maintained among the several branches of the Anglican Communion by due and canonical subordination of the synods of the several branches to the higher authority of a synod or synods above them".¹⁰⁰ This, and the report of the committee on synodical government, was a clear and forceful endorsement of the organisation of provincial synods and of the subordination of diocesan synods to them.

Both in its context and in itself, the importance of the first Lambeth conference in 1867 for the constitutional development of the

⁹⁹ See ibid., pp. 306-308.

¹⁰⁰ Cited in ibid., pp. 263-264.

Anglican Church is clear.¹⁰¹ Apart from setting the pattern for subsequent Lambeth conferences, it was important as a visible expression of the unity of the Anglican communion in its voluntary form. It was important too for its endorsement of the synodical system and of provincial autonomy along the lines of the American Church. For many colonial bishops, in various parts of the Anglican communion, the work of the Lambeth conference and the recommendations which it produced were of considerable significance and encouragement.¹⁰²

In the Australian dioceses, those of the bishops who had spoken favourably of the Lambeth conference earlier in the year commended it for the work it had done, even though (with the exception of Hale) they had not been sufficiently enthusiastic to make the effort to attend. There was little more that they could do, for none of them occupied the metropolitan see. Hale himself evidently found his attendance to have been a worthwhile experience, for he changed the opinions which he had given to the Bishop of London at the beginning of 1867, and in his own quiet way expressed the belief that the reports which the Lambeth conference produced were "very judicious and wise and at the same time calculated to put the Colonial Church into a really efficient condition". In Tasmania Bromby spoke favourably of the conference, and his diocesan journal reprinted the Lambeth report on provincial and diocesan synods.¹⁰³

¹⁰¹ The second conference took place in 1878. Subsequent Lambeth conferences have been held more or less at ten-year intervals.

¹⁰² See ibid., chapter 15.

¹⁰³ Hale, Mathew Blagden, Papers 1848-1875: typescript copies, Volume 1, pp. 460-462; Church News for the Diocese of Tasmania, March 1868, p. 36, April 1868, pp. 59-60, and June 1868, p. 83.

Tufnell told the Brisbane diocesan synod that the principles adopted by Lambeth on synods almost exactly coincided with their own, and he foreshadowed the establishment of a diocesan board to hold the property of the Church subject to the control of the "General Synod" which he anticipated would be created for the Church in the province of Australia. The Brisbane synod resolved to receive the pastoral letter issued by the bishops at Lambeth with respect and gratitude. Probably because of Tufnell's commendation, the Guardian's anonymous correspondent attacked the Lambeth bishops and the errors into which he insisted they had fallen. Writing to Archbishop Longley, Short spoke of the conference as "a wise and beneficial act", and together with Tufnell asked for his signature to be appended to the bishops' pastoral letter.¹⁰⁴

In Newcastle, Tyrrell also spoke warmly of the conference, and regarded its published documents as being "of great value". The conference, so he told his synod, "affords most valuable guidance ...; it solves many doubts and difficulties: and it shows the best mode of escape" from the difficulties then occupying the colonial Church. In a "long and eloquent speech", the Reverend W.S. Wilson commended the pastoral letter of the Lambeth bishops. The Newcastle synod expressed its concurrence with both Wilson and Tyrrell by passing a resolution approving the pastoral letter.¹⁰⁵

On the other hand, those of the Australian bishops whose prime concern was that the links between their own dioceses and the mother

¹⁰⁴ Brisbane Synod Proceedings 1868, pp. 19, 22; Queensland Daily Guardian, 6 June 1868; Short to the Archbishop of Canterbury, 18 December 1867, Longley Papers, Volume 6, p. 50; Stephenson, op. cit., p. 317n.

¹⁰⁵ Newcastle Synod Proceedings 1868, pp. 7, 15, 21; Maitland Mercury, 16 May 1868.

Church in England should be maintained at all costs responded very coolly to the recommendations of the Lambeth conference. The Bishop of Goulburn contented himself with laying the official reports of Lambeth on the table at his synod, and caused the pastoral letter to be read only when requested to do so by one of his clergy, the Reverend Thomas Druitt, who was quite alone in his synod in speaking of Lambeth as "the commencement of a good and most important work".¹⁰⁶ Yet even this was more than the diocese of Melbourne managed to achieve. The Melbourne Church News formally noticed the adoption of committee reports and the closing session of Lambeth, but Perry, always aloof and independent, ignored it altogether until the Reverend R. Potter asked (in the church assembly) whether he proposed to take any steps in relation to the resolutions of the conference. Perry's answer was to lay the official Lambeth report on the table, saying that "it did not become him to make any remarks on these proceedings ..."¹⁰⁷ But in comparison with the responses in the metropolitan diocese of Sydney, the reaction to Lambeth in Melbourne and Goulburn was both restrained and dignified.

Initially, the response which the Lambeth conference evoked in Sydney was almost schizophrenic. The Australian Churchman, which although published in Sydney was outside Barker's control, must have thrown its readers into utter confusion, for within the space of a month it first commended the recommendations of the Lambeth conference and then attacked them in scathing terms. In April 1868, it engaged in hair-splitting on a few points, but stated that some churchmen were prone to create an identity between the English and colonial Churches which had

¹⁰⁶ Goulburn Synod Proceedings 1868, pp. 4, 6, 15, 16; Goulburn Herald and Chronicle, 7 October 1868.

¹⁰⁷ Melbourne Church News, 1 February 1868, pp. 30-32, and 17 February 1868, p. 43.

no real basis. On balance, it concluded that the general suggestions of the Lambeth fathers "for orderly government of the Anglican Church in its several provinces and dioceses are founded on trustworthy experience, and dictated by practical wisdom and good sense".¹⁰⁸

In the following month, however, the Churchman told its readers that many of the committees of the bishops (whom it gratuitously referred to as "a fortuitous concourse of episcopal atoms") were declaring themselves schismatic in sentiment, or devising plans which if put into operation would result in schism. The proposed voluntary tribunal for the Anglican communion would be "an elaborate schismatic organisation", a term which would accurately describe a colonial Church led by such bishops as the metropolitans of Canada, New Zealand, and South Africa. The ultimate purpose of it all was to bring about the independence of the home Church from the secular arm, but the effect would be the fragmentation of the Church of England into small, sectarian bodies. Not a single recommendation of the conference could be accepted, for all of its reports were tarred with the brush of schism.¹⁰⁹

The Churchman's readers would have been justifiably confused by this sudden condemnation, although its cause was clear enough. Fundamentally it reflected fear - not just fear of what might result from the Lambeth conference, but of what seemed to some observers to be the

¹⁰⁸ Australian Churchman, 11 April 1868, pp. 209-210.

¹⁰⁹ Ibid., 9 May 1868, pp. 241-242. Some months later, the Sydney correspondent of the Church of England Messenger, Melbourne, noted that a change had been made in the editorial management of the Churchman, "which may ensure more consistency of tone in the leaders, and an abatement of mere wrangling". However, the editorial characteristics and policies of the paper continued to attract criticism. See Church of England Messenger, 25 February 1869, p. 3, and Australian Churchman, 25 June 1870, p. 302.

cumulative effect of all these events of the 1860s on the colonial Church.

Barker himself manifested a similar fear when he acquainted his diocesan synod with his own views on the work of the Lambeth conference at a session of the synod in August 1868. In comparison with that of the Churchman, his language was more restrained. He read the pastoral letter of the bishops to his synod, and while commending it in general terms he expressed his disappointment that the relationship of the home and colonial Churches had not been more explicitly and extensively discussed.¹¹⁰ Feeling strongly moved about this, he went on to express his "distrust" of some of the recommendations of the conference. Insisting that Lord Romilly's judgement defined the true legal position of the colonial Church, Barker particularly criticised the Lambeth recommendations concerning the powers of provincial synods and the creation of a voluntary spiritual court of appeal for the whole Anglican communion. He readily recognised that the value of the Privy Council as a court of appeal was limited by distance and expense; but to supersede it with a voluntary tribunal for the Anglican communion would be "fraught with elements of discord ...". He was no less worried about the role proposed for provincial synods. If as the bishops recommended they had the power to adapt the services of the Church to local conditions, the resulting liberty would lead to licence, and eventually to schism.¹¹¹

¹¹⁰ This relationship was one of the topics set down for discussion at the annual meeting of the English bishops early in 1868, to which Hale was invited. However, the meeting was postponed. See Archbishop of Canterbury to Hale, 24 and 30 January 1868, located with Hale, Mathew Blagden, Letters, MSS Ah111/19 and 20.

¹¹¹ Sydney Synod Proceedings 1868, pp. 9-14.

In December 1867, when the recommendations of the Lambeth conference committees were being issued, the Right Reverend W.C. Sawyer arrived in Sydney claiming consecration by the Archbishop of Canterbury (to whom he had sworn obedience) for the new diocese of Grafton and Armidale. He had not been consecrated under letters patent, but by a mandate from the crown authorising the consecration but giving him no territorial jurisdiction. He arrived without any documents, and Barker would not take an oath of obedience from him or take any steps towards installing him in the new diocese. As it happened, Sawyer was drowned before he could be officially installed. Although his documents subsequently arrived, Barker strongly hinted to the archbishop that he would still have refused to accept Bishop Sawyer, since (in Barker's view) any new diocese not designated in some way by the crown would have been outside his jurisdiction as metropolitan, and hence "the present ecclesiastical organisation of the Colony would have been seriously invaded".¹¹²

Barker was seriously disturbed by these developments. Although he eventually accepted the fact that letters patent had ceased and were unlikely to be revived, he would not willingly accept any loosening of the legal bonds which he believed tied his diocese and his province to the mother Church.¹¹³ He was, in common with Perry and Thomas,

¹¹² Barker to the Earl of Belmore, 24 January 1868, and to the Archbishop of Canterbury, 30 June 1868, Tait Papers, Volume 170 (Foreign 1870); Barker's Diary, 21 December 1867. Bishop Thomas of Goulburn was in substantial agreement with Barker on this question, and drafted a statement containing his views on Bishop Sawyer's position. See Letter books of Mesac Thomas, Volume 2, pp. 356-357.

¹¹³ Provincial Synod Proceedings 1869, pp. 8-9.

unenthusiastic about the Lambeth conference and its recommendations. But he was more concerned than ever about the direction in which the colonial Church seemed to be moving as a consequence of the events since the beginning of the decade. If the bonds between the Australian Church and the Church of England were severed or even weakened, then his province would find itself in the same position of independence as the Church in South Africa. The bishops of Lambeth appeared to be encouraging the emergence of independent churches in the colonial provinces, and the authorities in England seemed for their part to be disrupting the bonds which Barker desired with the mother Church. As metropolitan, he was not content to stand by and see them broken. The Lambeth bishops, the correspondents of the Colonial Church Chronicle and the Adelaide Church Chronicle, and various other churchmen had all put their imprimatur on a provincial synod for Australia. Furthermore, Barker believed, the "tendency of public opinion" was such that churchmen were increasingly prepared to discuss the further organisation of synodical government in Australia.¹¹⁴

Thus Barker reached the conclusion that the creation of such a body might provide the answer, not as a recognition of the increasing autonomy of the colonial Church, not just as a means of completing the synodical organisation of his province and binding the dioceses more closely together, but first and foremost as a means of binding them more closely to the mother Church.

Accordingly, at the conclusion of his remarks on Lambeth to the Sydney synod in August 1868, the metropolitan formally announced his

¹¹⁴ See Provincial Synod Proceedings 1869, p. 8.

intention of inviting the Australian bishops to be present at the long delayed consecration of the metropolitan cathedral in October, and to meet in conference immediately afterwards "to confer with me upon subjects of interest to the Colonial Church ...". Of the subjects which Barker intended the bishops to consider, he specified only two on this occasion. One would be the formation of a provincial synod for the Church in Australia as a whole, and the other would be the creation of a voluntary appellate tribunal in the province itself.¹¹⁵

The decade of the 1860s represented one of the most crucial periods in the evolution of the Anglican Church in the British colonies. At the beginning of the decade, the foundations of synodical government had been laid at the diocesan level in the longer established dioceses, and provincial structures had been created or were emerging in various parts of the Anglican communion. Australia lagged behind in provincial development, not least because of a lack of real interest in such matters on the part of its metropolitan.

The decade had scarcely begun when the colonial Church was shaken by a series of challenges, originating in the South African province, which significantly affected the constitutional foundations of the colonial Church as a whole. The precise meanings of the legal judgements which resulted from these challenges were not always clear, but there was no doubt that their general effect was to put the Church in the colonies in a position of greater autonomy than hitherto.

Both in England and in Australia, many people were willing (and occasionally anxious) to accept the results or at least the inevitability of this increased autonomy. A more specific embodiment of autonomy soon

¹¹⁵ Sydney Synod Proceedings 1868, p. 14.

followed in the form of the colonial bishops bill, first brought before the Parliament at Westminster in May 1866 by Cardwell, the Secretary of State for the Colonies. The bill sought to clarify and to formalise the new situation in which the colonial Church found itself. But some churchmen in Australia were greatly troubled by these developments, and sought instead to strengthen the ties which they believed to exist between their own dioceses and the mother Church in England. Cardwell's bill, and the series of questions directed soon afterwards to every colonial bishop by the Bishop of London, sharpened the thinking of churchmen in the colonies and provided an opportune means for the expression of both types of view. Some talked openly but fearfully of separation and schism; others began to take up once more, for various reasons, the idea of a provincial synod for the Church in Australia as a whole.

At the same time, the creation of a provincial synod for the Church in New South Wales gave rise to a dispute over whether it should have been formed to embrace all of the Australian dioceses. Barely had the argument on this died away¹¹⁶ when the colonial Church was confronted with another issue affecting its constitutional development, in the form of an invitation from the Archbishop of Canterbury to every bishop of the Anglican communion to assemble, towards the end of 1867, for the first Lambeth conference.

For a variety of reasons, only one Australian bishop attended Lambeth. Of the remainder, some commended both the call for the conference and the recommendations which emerged from it for the solution of problems then so occupying the colonial Church. Others,

¹¹⁶ See above, pp. 169-171.

such as Perry, Thomas, and Barker were cool (and in private even hostile), for they tended to see in the Lambeth conference little of any value and much of which to be fearful: it seemed to them to be the latest in that whole series of developments which had so shaken the colonial Church since the beginning of the decade.

Almost more than anything else, Barker and some of his fellow churchmen feared the separation of their dioceses from the mother Church. He was clearly no less troubled than they about the Lambeth conference and the developments which preceded it. But Barker felt just as keenly about his position as metropolitan of the Australian province. The result of this two-fold concern was his announcement, in August 1868, of his decision to invite the bishops of his own province to meet in Sydney later in the same year (when the metropolitan cathedral was to be consecrated) to discuss those questions which had been so forcibly brought before them, and to seek the most appropriate solutions.

In taking this step Barker was, in general terms, following the precedent laid down eighteen years earlier by Broughton, his predecessor as metropolitan. Broughton was a man of vision in constitutional and other matters,¹¹⁷ and had foreseen the need for a provincial synod for the Australian Church if only to prepare it for the day of increased autonomy. But in 1850 Broughton was an old man, and he died before he was able to turn his vision into a reality. His successor was a man whose interests and talents were of a different order, and who was prepared to resume the task of building up a synodical structure for the

¹¹⁷ For instances of his vision, see his letter to Coleridge, 19 April 1852, Broughton, William Grant, Papers 1824-1898, MSS 913, Mitchell Library, Sydney.

whole province only after a series of developments which even Broughton could not have foreseen in their entirety.

Writing to his close friend Tyrrell shortly before the conference of bishops of 1850, Broughton had conceded the possibility that "it may remain for future assemblages of Bishops to accomplish within this Province" all that he was seeking in church government. Now, in 1868, his successor was about to assemble his suffragan bishops for that very purpose.¹¹⁸

¹¹⁸ Broughton to Tyrrell, 10 September 1850, *ibid.* Barker's reasons would almost certainly have been unacceptable to Broughton.

CHAPTER 4: COMPLETING THE TASK: THE GENERAL SYNOD

The actual announcement that there would be a conference of bishops did not come as a complete surprise, for there had been a brief report in May 1868 that such a meeting might take place towards the end of the year. Without the benefit of any further information, the Australian Churchman could comment only briefly on the proposal, observing that such a meeting should be "a most influential means of promoting the usefulness of the Church, and may also prepare the way for united action, and, perhaps, the ultimate holding of a general Synod".¹

On the whole the proposal for a conference of Australian bishops received a quiet but favourable welcome. In Tasmania, where recent advocacy of a provincial synod had been stronger than in any other Australian diocese, the Church News approved the idea and offered suggestions (mostly unheeded, as it happened) as to what were the greatest needs of the province and what might be discussed by the bishops. Its remarks were reprinted without comment by the Melbourne Church News, and with comment by the Churchman in Sydney. The Tasmanian journal felt that the questions of discipline and the canons of the Church, matters which the conference of 1850 had "failed to master", should be dealt with, especially as it saw no sign that the mother Church intended to re-examine them in the light of modern needs. Similarly, the Australian province still required more liberty as far as forms of worship were concerned. As for a synod for the whole province, "we are as we were eighteen years

¹ Australian Churchman, Sydney, 16 May 1868, p. 249; Church News for the Diocese of Tasmania, Hobart, June 1868, p. 89.

ago". But there was room for confidence, since "courage and hope seem to have revived".²

The Churchman also welcomed the forthcoming conference, although it sought to restrain the enthusiasm of its contemporary in Tasmania. It disclaimed the need for more liberty in the adaptation of forms of worship to colonial conditions on the ground that the Church did not need "under the plea of more liberty, the enactment of some stringent and definite regulations that will prove burdensome or inconvenient". Nevertheless, in a subsequent editorial it welcomed the possibility that such questions as the marriage law, the trial of clergymen for ecclesiastical offences, and the presentation of clergymen to incumbencies might be referred to the proposed Australian provincial synod, so that the diocese of Sydney would not find itself isolated from the rest of the Australian Church in such matters.³ In Adelaide Short, who was conscious that his diocese was part of the wider Church, also spoke to his diocesan synod of the need for at least some progress towards a provincial structure.⁴

Predictably, Tyrrell also welcomed the announcement of the conference. Although his views on the autonomy of the colonial Church and the superior position of a provincial synod had not been accepted in relation to the Church in New South Wales in 1866, his ideas had not changed. Hence in October, learning that his close friend Selwyn was in Sydney on his way back to England to occupy the see of Lichfield, and

² Church News for the Diocese of Tasmania, July 1868, pp. 100-102.

³ Australian Churchman, 18 July 1868, p. 321, and 15 August 1868, p. 353. As it turned out, the Churchman was not happy with the way in which the bishops finally dealt with its suggestions.

⁴ Ibid., 6 June 1868, p. 274.

that Perry was also in Sydney as a guest of Barker, he shrewdly made his first moves in relation to the proposed provincial synod for Australia.

Conscious of the part which Selwyn had taken in the recent Lambeth conference, Tyrrell first asked him if he would discuss Church matters with himself and the other two bishops. Having secured Selwyn's agreement, he then suggested to Barker that Selwyn be invited to discuss the problems of the colonial Church, and of provincial action, with the three bishops. Barker agreed to this, and the four of them met in an informal conference over three days, discussing the position of the Church generally, union with the mother Church, the problem of an appellate tribunal, and the projected provincial synod for Australia. Tyrrell was afterwards very confident that something worthwhile had been achieved, for even "if there was no positive change of opinion, there was certainly a visible moderating of previous differences". Certainly Perry, whose outlook on church affairs rarely coincided with that of Selwyn, thought that the meeting had been worthwhile.⁵

The assembling of the full conference was preceded by the consecration of St. Andrew's cathedral, the event which had provided Barker with the opportunity to assemble his suffragan bishops together. The service of consecration, together with the events associated with it, "went off very successfully", and undoubtedly put Barker in the very congenial frame of mind which others were quick to note.⁶ This in its

⁵ Boodle, R.G., The Rev., The Life and Labours of the Right Rev. William Tyrrell D.D. First Bishop of Newcastle, New South Wales, London, 1881, pp. 231-232; Barker's Diary, 28 October 1868; Perry to the Archbishop of Canterbury, 3 November 1868, Tait Papers, Volume 85, pp. 78-79. Although they may have been moderated, serious differences remained at the conference.

⁶ Barker to the Archbishop of Canterbury, 4 December 1868, Tait Papers, Volume 171, pp. 273-274; Sydney correspondent of Church News for the Diocese of Tasmania, December 1868, pp. 181-183.

turn probably contributed to the apparent success of the conference of the bishops, who met for their first session on 23 November 1868. Seven bishops were present: Barker of Sydney (the metropolitan), Tyrrell of Newcastle, Thomas of Goulburn, Tufnell of Brisbane, Perry of Melbourne, Bromby of Tasmania, and Short of Adelaide. The only absentee was Hale of Perth. No one seemed to notice the irony of the fact that Hale was absent from this conference of Australian bishops not because of the distance of his diocese from Sydney, but because he did not return in sufficient time from England, where he alone of all the Australian bishops had been attending the conference of bishops of the whole Anglican communion. Even so, Barker secured the attendance of all the other six bishops only because he requested rather than summoned them to come. Tyrrell, very much concerned with the effect of the decisions of Westbury and Romilly on the authority of metropolitans appointed by the crown, afterwards stated publicly that he would have refused to attend had Barker relied on other than his personal authority in calling the bishops together.⁷

Whether Barker advised all of his suffragans beforehand of the precise questions which they were to consider is not known, although the events affecting the position of the colonial Church in recent years had made this scarcely necessary. There is evidence to suggest that he made the proposed agenda for the conference known to the Archbishop of Canterbury. In it he set down five subjects: the present relationship

⁷ Barker to the Archbishop of Canterbury, 4 December 1868, Tait Papers, Volume 171, pp. 273-274; Hale, Mathew Blagden, Papers 1848-1875: typescript copies, Volume 1, pp. 142-145, B988-1, Mitchell Library, Sydney; Maitland Mercury, 29 April 1869. The first Bishops of Grafton and Armidale (J.F. Turner, consecrated in succession to the ill-fated Sawyer) and of Bathurst (Samuel E. Marsden) did not arrive until August 1869 and March 1870 respectively.

of the colonial Church to the Church in England; the mode of appointment for future colonial bishops; a synod for the whole province of Australia; the procedure of appeal in cases of discipline in the colonial Church; and the regulation of the transfer of clergy from one diocese to another.⁸

In contrast with the gathering of 1850 this conference of bishops was a short affair, extending over little more than a week. Basically, its work was related to the creation of a synod for the province, sometimes referred to as a provincial synod, but now more usually (to avoid confusion with the New South Wales body) given the name "general synod". Virtually everything which the bishops outlined in the published minutes of the conference required the creation of such a body.

The opening session of the conference, occupying a little over two hours, was devoted to the relationship of the province to "the Church at home". The bishops declared that the existing relationship was one of "identity of doctrine and worship and of subjection to the Law of the United Church of England and Ireland, so far as it is applicable to a Church not established by law ..."⁹ The apparent clarity of this declaration was deceptive, since "identity of doctrine and worship" carried with it subjection to much of the law of the established Church of England in any case. No one really knew exactly how far the

⁸ Barker to the Archbishop of Canterbury, 4 December 1868, Tait Papers, Volume 171, pp. 273-274. Following this letter is a document entitled "Proposed Questions for Conference to be held at Sydney Nov. 23 1868". This document, although not in Barker's hand, bears his signature.

⁹ Minutes of Proceedings at a Conference of the Metropolitan and Bishops of The United Church of England and Ireland in the Province of Australia Held at Sydney From November 23rd to December 1st. A.D. 1868, Sydney, 1868, p. 5 (hereinafter cited as Minutes ... A.D. 1868).

law of that Church did apply to its Australian branch, although few would admit that its exact status was probably unclear to everyone.¹⁰

Contrary to an interpretation placed on their minutes soon afterwards, at least some of the bishops were fearful of separation from the mother Church. Even Bromby, a man whose analytical mind was equally perceptive about changes in the contemporary environment of the Church and about their implications for the future, spoke of "organic unity" with the Church in England (something quite different from identity of doctrine and worship). There was, he said, a strong disinclination on the part of the bishops "to take any measures which would tend to precipitate ... severance" from the mother Church. The time had come "for the exercise of some, but not all of the privileges of maturity".¹¹

This willingness to go only part of the way towards autonomy was most obvious in the procedure which the bishops suggested in their minutes for the appointment of colonial bishops in the future. With an appearance of unanimity, they expressed the opinion that each new bishop should be elected by the synod of the vacant diocese (which could delegate its power). Then, within a framework of rules to be drawn up by the proposed general synod, he would be confirmed in his election by the bishops of the whole province, and consecrated to his office either by the Archbishop of Canterbury or by the metropolitan of Australia. This apparent concession to the changing relationship between the English and colonial Churches amounted to very little, for the bishops prefaced

¹⁰ It remained unclear for some time. See the remarks of the Reverend A.E. Selwyn (Newcastle) in Australian Churchman, 16 March 1872, p. 191.

¹¹ S.M.H., 30 June 1870; Church News for the Diocese of Tasmania, May 1869, p. 259.

their published opinion by "saving the rights of the Crown" (already declared by Lord Westbury to be virtually meaningless), and concluded by asking that "so long as it is practicable, Letters Patent, assigning to the Bishop a territorial sphere of action, should continue to be issued".¹²

Clearly, there was a tension between the desire to have future bishops appointed from England in the old way, and the growing realisation that the colonial Church would have to attend to its own needs. This tension reflected a deep and fundamental disagreement amongst the Australian bishops. The three evangelical and erastian-inclined bishops, Barker, Thomas, and Perry, were unwilling to accept the Lambeth recommendation on this question, and placed great value on the existence and continuation of letters patent, and the unity with the mother Church which they believed these documents conferred. Barker emphasised his belief that appointment by the crown should continue; while Thomas, although conceding the wisdom of providing an alternative method, would not have agreed to the proposal for election by each diocese without the qualifications relating to appointment by the crown. Soon afterwards, he told the Archbishop of Canterbury, quite deliberately, that the bishops "were unanimous in wishing that Letters Patent might still be issued to all Colonial Bishops, appointed by the Crown". But the other bishops were not unanimous. Tyrrell subsequently insisted that he had only agreed to the insertion of the request for the continuation of letters patent because of his belief that the phrase "so long as it is practicable" robbed the request of any real meaning since letters patent were no longer practicable without the interference of the British

¹² Minutes ... A.D. 1868, p. 6.

Parliament. It was in Tyrrell's view much to be regretted that not one of the bishops at the 1868 conference had gone to the Lambeth conference of the whole Anglican communion, for "if they had been in England in 1867 at this Conference ... they could not have retained the hope that the old letters patent would have been again issued ..."¹³

This divergence of opinion about the appointment of future bishops for the Church in Australia was more than a disagreement amongst the bishops over procedure, for it reflected their differences about the form which the relationship between the English and colonial Churches should take. Since these differences affected the role which they proceeded to assign to a general synod for the whole province, and since the general synod would itself have a part in providing for the appointment of new bishops, the importance of their disagreement extended beyond this single issue.

The maintenance of the relationship between the Church in Australia and the Church in England, so the bishops declared, could be best effected by a system of diocesan and provincial synods, together with a common final court of appeal (to be constituted by the proposed general synod of the whole province) and a council of reference in England. In order to establish such a general synod, they recommended that the metropolitan should convene a conference of bishops and clerical and lay representatives of the Church in each colony. The general synod would maintain the ties between the province and the mother Church not least by securing "unity of doctrine and discipline" between the various

¹³ Barker to the Archbishop of Canterbury, 4 December 1868, Tait Papers, Volume 171, pp. 273-274; Thomas to the Archbishop of Canterbury, 31 December 1868, Tait Papers, Volume 85, pp. 305-306; Goulburn Synod Proceedings 1869, pp. 6-8; Newcastle Synod Proceedings 1872, pp. 8-9; Boodle, op. cit., pp. 233-235. Italics in originals.

dioceses constituting the province.

It was at this crucial point that the unanimity of the bishops broke down again, and they declared in their minutes that (in contrast with the Lambeth resolution) they could not agree on whether the proposed general synod should have any "directly controlling powers" which some of them believed were "essential to the complete organisation of the Church ..."¹⁴ Although they proceeded to set out the functions which should be exercised by the general synod in such a way as to suggest that some of its powers should after all be absolute, it is clear from comments made subsequently by the bishops that only Tyrrell (and possibly Tufnell) took this view at the time. Bromby even insisted that the functions of the general synod would be "explanatory and declaratory, rather than legislative".¹⁵

Hence, the bishops declared that the power of the general synod to deal with any matters brought before it "affecting the well-being of the Church in the Province" was to be limited to framing regulations which would take effect in any diocese only if not disallowed at the next session of the diocesan synod.¹⁶ More specifically, it would have the task of framing general rules for the formation of new dioceses (hitherto left to the efforts of individual bishops, notably Barker and Tyrrell) and for the confirmation and consecration of their newly

¹⁴ Minutes ... A.D. 1868, pp. 5, 7, 8.

¹⁵ Church News for the Diocese of Tasmania, May 1869, p. 259.

¹⁶ The tasks which the bishops proposed for the general synod were set out in Minutes ... A.D. 1868, pp. 8-11.

elected bishops, a task for which (in Barker's view) the establishment of a general synod was essential.¹⁷

In addition, they proposed that the general synod should be the proper medium of communication with the Church in England (and with its branches elsewhere). Apparently fearing that the home Church was becoming less interested in the affairs of its colonial branches, Barker at least was hopeful that communications from the general synod "would carry great weight at home ...";¹⁸ but it is difficult to see how he reconciled this hope with the restrictions which the bishops placed on the effective functioning of the general synod.

The bishops next proposed that the general synod should constitute a tribunal of appeal for questions involving "faith or worship" in the province. Without prejudice to any existing avenues of appeal, this would provide a right of appeal from the decision of any diocesan bishop or tribunal. While honouring the spirit of Barker's letters patent, which purported to constitute him as the court of appeal for the other dioceses of his province, this would support the general synod in its larger task of maintaining unity of doctrine and discipline in the province. Thomas thought that since the proposed tribunal would not have the force of law, it might not fulfill its purpose. Indeed, it might even encourage litigation. But, dutifully, he was willing to agree to its creation if the other dioceses wanted it.¹⁹

¹⁷ Sydney Synod Proceedings 1869, pp. 12-14. Only because of the absence of detail (and the individual interpretations which they were able to place on their published minutes) were the bishops able to avoid the need to reconcile this function with their earlier opinions on the appointment of colonial bishops.

¹⁸ Ibid., p. 14.

¹⁹ Goulburn Synod Proceedings 1869, p. 9.

Since it was quite possible that the tribunals of the various branches of the colonial Church might "arrive at different decisions upon questions of doctrine and discipline", the bishops proposed that a council of reference should be created in England for the whole colonial Church.²⁰ In their published minutes they justified their advocacy of such a body on the ground that it might be impractical in future to carry appeals from the colonial Church to the judicial committee of the Privy Council (which had declared that Long could defy his bishop and that Colenso still possessed his bishopric). But they were not agreed on what they meant by "impractical". Perry spoke vaguely of the possibility that the colonial Church might not possess "the power of appealing" to the ecclesiastical tribunals in England, but Bromby only agreed to the creation of a council of reference on the assumption that the jurisdiction of the Privy Council would be specifically declared to be inaccessible to the colonial Church. Barker believed that even if this did not happen, appeals to the Privy Council would be very expensive. Both he and Thomas assumed (quite mistakenly, as it happened) that the council of reference would be established with the specific sanction of the Imperial Parliament or some other competent authority.²¹

In other matters there was greater unanimity. With the Colenso affair never far from their minds, the bishops added to Barker's agenda their agreement that the general synod should establish a tribunal for the trial of errant bishops, and that every bishop of an Australian

²⁰ Minutes ... A.D. 1868, pp. 9-10.

²¹ Perry to the Archbishop of Canterbury, 4 January 1869, Tait Papers, Volume 86, p. 9; Church News for the Diocese of Tasmania, May 1869, p. 260; Sydney Synod Proceedings 1869, p. 13; Goulburn Synod Proceedings 1869, pp. 9-10.

diocese should at his consecration take the oath of canonical obedience to the Bishop of Sydney as his metropolitan. Barker was later to modify this proposal, confusing himself in the process, but in writing to the Archbishop of Canterbury shortly after the conference he contented himself with adding that "we all feel that the 'nexus' will be complete" if the metropolitan in his turn continued to take the oath of obedience to the archbishop. He was determined that if the Church in his province was not bound to the mother Church in one way, then it would be bound in another.²²

The bishops' final minute expressed their apparently harmless opinion that a clergyman wishing to take up employment in another diocese should be required to give three months notice to his bishop and to obtain his bishop's acceptance of his resignation or consent to his removal.²³

But there was one question which the bishops altogether omitted to face adequately in their published minutes, and it was (after the relationship of the Australian Church to the Church in England) one of the most fundamental questions of all. This was not the question of the functions of the general synod, but of its place in the overall synodical structure of the Church in Australia. The bishops' minutes barely touched on whether the proposed general synod was itself to be the synod of a province of Australia, or whether it was to be the highest synod in an aggregation of provinces. Having spoken of "a system of Diocesan and Provincial Synods" in their first minute, the bishops then proceeded to deal with the province of Australia and its needs. However, in outlining

²² Minutes ... A.D. 1868, p. 11; Barker to the Archbishop of Canterbury, 4 December 1868, Tait Papers, Volume 171, pp. 273-274.

²³ Minutes ... A.D. 1868, p. 11.

the functions of the proposed general synod of that province, they provided for it to make rules for the formation of new provinces (as well as new dioceses). It was a curious reference, for nowhere else in their minutes (or in Barker's letter to the archbishop) did they mention or even imply the existence of provinces or provincial synods in between the diocesan synods and the general synod.

Not long after the conference of bishops had concluded, Barker told his own diocese that New South Wales (which was not a province) had "what we have termed (and most properly so)" its own provincial synod, that in time new provinces would be formed, most likely in Victoria and in "the northern parts of Australia", and that this "new state of things may require the modification of existing arrangements ...". This task, Barker said, would fall to the proposed general synod. But there were other dioceses too small to form the bases of new provinces, or remote from the metropolitan see, which he was sure would feel "shut out from intercourse with others. They are not likely to establish a Provincial Synod in their own colony, and their only hope of being practically recognised as forming part of the great body of the Church in Australia, is by their becoming members of the General Synod".²⁴

In one scheme, Barker was trying to reconcile a provincial synod which had no province and no power of its own, new provinces with provincial synods in the more developed areas of the continent, and other single dioceses which would not fall within any future province, and whose only hope lay in the formation of a general synod representing

²⁴ Sydney Synod Proceedings 1869, pp. 11-12. Not everyone was sure that there was a legally constituted "Province of Australia" still in existence.

"a higher development of the functions of the Church ..."²⁵ Synods and constitutions were never Barker's strongest points, and he failed to think through the full implications of the scheme which he laid down as his interpretation of what the conference of bishops had proposed.

But there were others who were more skilled in such matters, and they proceeded to outline their own interpretations of the projected framework of synods. These were usually more logical than Barker's, but they also conflicted with one another. In Tasmania, Bromby drew a clear distinction between provincial synods and the proposed general synod. The former would in his view only develop when the Australian dioceses became (by their own choice or by the force of circumstances) completely independent of the English Church. Their new provinces would follow civil boundaries, and while the dioceses would not be bound by the general synod they would be bound by the "controlling power" of their own provincial synods (one such synod had already been under consideration in Victoria for some time).²⁶

In Goulburn, Thomas even suggested that insofar as the dioceses in New South Wales were concerned, unity with the Church at home could be maintained quite adequately without any general synod at all, now that provision had been made for a provincial synod in that colony. He did concede that a general synod could be necessary for the preservation of unity "among the several branches of the colonial Church", but this was

²⁵ Ibid., p. 12.

²⁶ Church News for the Diocese of Tasmania, May 1869, pp. 259-260; Perry's answers to a committee appointed by the church assembly (1866), in Bishop's Letter Book, Volume 11, p. 583, Diocesan Registry, Melbourne. The act of 1854 which provided for synodical government in the diocese of Melbourne incorporated a clause (section 17) dealing very briefly with a future province and metropolitan bishop in Victoria.

an objective which he felt was subsidiary to the maintenance of his own diocese in unity with the mother Church.²⁷

In Newcastle, a different view was taken of the synodical structure proposed for the Church in Australia. Certainly, Tyrrell never really abandoned the hope that the provincial synod of New South Wales would be given directly controlling powers of its own, thereby restoring it to what he believed was its rightful position in relation to the dioceses which had constituted it. Nevertheless in 1869, while upholding the principle (contained in the bishops' minutes) that the general synod should be formed by a conference of representatives from the Church in each colony rather than each diocese, he scathingly condemned the Sydney diocesan synod for the delay which it caused by referring the bishops' minutes to the provincial synod of New South Wales. One of Tyrrell's leading clergy, the Reverend W.S. Wilson, abandoned the view which he had expressed in 1867, and now insisted that the New South Wales body had no right to participate in the formation of a general synod, since it was not a true provincial synod either in powers or in constitution. The bishop of its metropolitan diocese was metropolitan not of New South Wales but of Australia. Its weakness meant that to introduce it into the process of forming a general synod would result in a weakening of the whole synodical structure of the Church in Australia.²⁸ This apparent inconsistency on the part of churchmen in Newcastle must have been confusing for their neighbours.

²⁷ Goulburn Synod Proceedings 1869, pp. 8-9.

²⁸ Australian Churchman, 3 April 1869, p. 205; Maitland Mercury, 29 April 1869.

In their comments after the conference, neither Tufnell nor Short mentioned this question of provincial synods and their relationship to the general synod. There is no evidence to indicate whether the vagueness and brevity of the bishops' minutes on this issue reflected sharp disagreement during their discussions at the conference, or whether they simply did not discuss it. But it was an important question, because of its bearing on the thinking of themselves and other churchmen on the place and functions of a general synod for the Australian Church, and because it was yet another reflection of their attitudes towards the whole relationship of their dioceses to the Church "at home".

Despite their brevity, their confusion, and their concealment of disagreement, the minutes of the 1868 conference of bishops were important. Compiled under the metropolitan leadership of Barker, who was content to believe that they were better than the resolutions of the Lambeth conference, they compare poorly with the minutes produced under Broughton in 1850 at a much earlier stage in the development of the colonial Church. Although they could not be said to have embodied a "free and unfettered [effort] to adapt herself, without the loss of a single point of faith, to the people whom it is her divine mission to bring into the Kingdom of God",²⁹ the minutes of 1868 did represent at least some attempt by the Church in Australia to come to terms with its new environment. And yet no one seemed to notice the irony of the fact that the event which had served to bring the bishops together - the consecration of St. Andrew's cathedral - had resulted in such forms of worship as would "reproduce the Church's system in this new Hemisphere,

²⁹ Australian Churchman, 13 March 1869, pp. 178-179.

and gladden the hearts of those who have had the privilege to worship in their mother-land".³⁰

Barker lost no time in sending a copy of the minutes of the conference to the Archbishop of Canterbury, together with a letter outlining what the bishops had done and drawing the archbishop's attention to what he felt were the more important recommendations. Indeed, each of the three bishops who were most concerned with maintaining the relationship of the colonial Church to the Church of England - Barker, Perry, and Thomas - did this. All three were at pains to convince His Grace that the bishops had been unanimous on the most important questions. Perry felt that this was especially remarkable "when it is remembered, that our recommendations differ in points so widely from the Reports of the Lambeth Conference". Short also wrote to Archbishop Tait and spoke of "a pleasant gathering", and of "unanimity of feeling & judgement"; but apart from touching on the marital status of the seven bishops he did not go into any detail.³¹

But the bishops' minutes seemed to have a negligible effect in England, where the colonial Church was losing sympathy in some quarters because of its continuing disposition to seek its bishops from England rather than from its own ranks.³² As the Australian bishops were writing

³⁰ Sydney correspondent of Church News for the Diocese of Tasmania, February 1869, p. 212.

³¹ Barker to the Archbishop of Canterbury, 4 December 1868, Tait Papers, Volume 171, pp. 273-274; Thomas to the Archbishop of Canterbury, 31 December 1868, Tait Papers, Volume 85, pp. 305-306; Perry to the Archbishop of Canterbury, 4 January 1869, Tait Papers, Volume 86, pp. 8-9; Short to the Archbishop of Canterbury, Tait Papers, Volume 171, pp. 305-306. Short referred to the six episcopal wives - Tyrrell was a bachelor - as "the lower House of Convocation ..."

³² This was seen by at least one English bishop as "a source of weakness to them rather than of strength", since the premature return of some colonial bishops was injuring the status of the colonial Church in England. "Letters From an Old Friend. No. I", Church News for the Diocese of Tasmania, December 1870, pp. 571-572.

to Canterbury, the archbishopric became vacant by the death of Longley. His successor, nominated to the office in November 1868, was Bishop Tait of London. The author of a manuscript summary of the bishops' minutes which was apparently made in Archbishop Tait's office could not understand what rights of the crown remained for the Australian bishops to save in the appointment of future bishops; and he omitted to notice their stated desire to maintain unity of doctrine and discipline with the mother Church.³³ But in 1868 and 1869, churchmen in England were more concerned with Gladstone's efforts to secure the autonomy of the Church in Ireland than they were with the autonomy of eight dioceses in the Australian colonies.³⁴

In the Australian dioceses themselves, the recommendations of the bishops, brief though they were, received a great deal of attention. In Adelaide, for example, Bishop Short told his diocesan synod in April 1869 that the questions discussed by the bishops were "of the utmost importance to the Australian Church in its provincial capacity, its future unity and well-being under the state of independence in which it is now thought to stand to the Crown". Maintaining his belief that provincial unity could be successfully combined with adequate diocesan independence, he endorsed the proviso which the bishops had applied to the powers proposed for the general synod. His own synod accepted this view, and appointed a committee to report on the bishops' recommendations.

³³ "Resolutions of the Australian Bishops", Tait Papers, Volume 171, pp. 282-283. Barker wrote (as he thought) to Longley, while Thomas, Perry, and Short wrote after the news of Tait's translation to Canterbury had reached the colonies.

³⁴ See Marsh, P.T., The Victorian Church in Decline. Archbishop Tait and the Church of England 1868-1882, London, 1969, chapter 1.

Although the committee made one or two minor modifications in the direction of greater autonomy for the Australian Church as a whole, it strongly endorsed the minutes of the conference of bishops.³⁵

In Brisbane, copies of the bishops' minutes were distributed to every member of the diocesan synod which, after Tufnell had spoken briefly of his belief in "unity of organisation and action", proceeded to affirm the desirability of a general synod. Reporting this, the Brisbane correspondent of the Tasmanian Church News spoke enthusiastically of drawing the dioceses closer together, and of bringing about "that great federal union - a General Synod for the Province of Australia".³⁶ Perth was still without a diocesan synod, but Bishop Hale's subsequent support for the bishops' proposals indicates that he probably received them favourably.

Bromby also distributed copies of the minutes to members of his diocesan synod, and devoted some time to giving them an account of the work and recommendations of the conference. It was, he said, "an important event ... calculated, I hope, to unite and develop the Church of England in Australia ...", and should receive the synod's attention. His approach was, although cautious, forward looking; but his synod was poorly attended in 1869, and was preoccupied with financial matters. The bishops' minutes were "dismissed with little more than a formal acknowledgement". The editor of the Church News suggested, somewhat ironically as it turned out, that this sort of thing could be avoided in

³⁵ Adelaide Synod Proceedings 1869, pp. 413-423; South Australian Register, Adelaide, 29 April, 1 May, and 27 May 1869.

³⁶ Brisbane Synod Proceedings 1869, p. 6; Queensland Express, Brisbane, 5 June 1869; Church News for the Diocese of Tasmania, August 1869, p. 315.

the future if the synod were to adopt procedural improvements modelled on the practice of the Sydney diocese.³⁷

The Melbourne church assembly gave fuller consideration to the bishops' minutes when it met only a matter of weeks after the conference had concluded. The Church of England Messenger, for whose policies Perry was responsible, compared the episcopal conferences of 1850 and 1868 in a vague sort of way, and proceeded in general terms to urge upon the assembly the seriousness of what the bishops had proposed.³⁸

Shortly after the assembly had commenced its session, the Chief Justice of Victoria, Sir William Stawell, moved resolutions (also in general terms) approving the proposed general synod and providing for the immediate election of diocesan representatives to the general conference which would create it. Stawell dwelt at some length on the subject, and it became clear that local factors had much to do with his advocacy. Thus, his fears about the development of party spirit in the diocese (to which Perry also alluded) were used to justify the proposed court of appeal which the general synod would create; and the need to provide for the appointment of future bishops, which insofar as it related to Melbourne had already been under discussion in the diocese seemed in his view to be adequately provided for in the bishops' minutes.³⁹

But it was at this same meeting in Melbourne that the first signs of opposition appeared to a general synod along the lines proposed by the

³⁷ Church News for the Diocese of Tasmania, May 1869, pp. 259-263; Australian Churchman, 29 May 1869, p. 269.

³⁸ Church of England Messenger, Melbourne, 28 January 1869, p. 3.

³⁹ See above, pp. 146-147; Australian Churchman, 27 February 1869, p. 166.

bishops. Local factors worked in both directions, and Sir James Palmer (who had been actively involved in the efforts to achieve the diocesan constitution in the early 1850s) rose in order to insist that there was no necessity for a general synod. He offered some vague objections to the idea, but the main basis of his opposition was "Victorian nationalism", on which he played with some degree of success. Since the Church in New South Wales had several bishops, Palmer claimed that it would dominate the general synod and ignore Victorian interests. Alluding to a future provincial synod for Victoria, he insisted that "in this matter, as in others", they should be "self-contained". But if a general synod were to be held, it should meet in Victoria. "Was not Victoria the most central, the most wealthy, and the most populous" of the colonies?⁴⁰

Mr. Justice Molesworth sought to support Palmer, and somewhat pompously insisted that "Victoria was more associated in these matters with England than the neighbouring colonies, and ought to take its tone from the higher rather than the lower example". He was effectively countered by the Reverend H.H.P. Handfield, who observed that "unless we bound ourselves to those nearest to us we should eventually find that the rope which bound us to the old ship would be parted". Others agreed with this; but for many Palmer had come close to the mark. Even Perry went out of his way to make it plain that his sense of the need for a general synod was such that he would agree to its creation only if it had no "controlling" power over the Church in Victoria. Only after the assembly had been reassured on this point, and the actual election of its representatives to a general conference had been postponed, would it agree to endorse the bishops' recommendation for a general synod.⁴¹

⁴⁰ Ibid.

⁴¹ Ibid.

But the objections which were raised in Melbourne in 1869 were both mild in force and limited in extent in comparison with the opposition to the bishops' minutes which developed in the dioceses of New South Wales. To the great surprise of many of the bishops it developed in the first instance in relation to the last of their minutes, concerning the resignation of cures by clergy. The intentions of the bishops in this matter were clear enough, at least to themselves. In the past, the acceptance of clergy from one diocese into another had caused difficulties between the bishops on one or two occasions, and they hoped by the simple agreement expressed in their seventh minute to prevent any recurrence. They agreed at the conference that they should never entice clergy from each other, and that any application from a clergyman for employment elsewhere should be known to his own bishop. They decided that the interests of all would be best served by the clergyman concerned obtaining his bishop's acceptance of his resignation or consent to his removal, and by giving three months' notice of his desire to resign his cure.⁴²

Nevertheless, many of the clergy in New South Wales took an early and strong exception to the bishops' seventh minute. Many were especially unhappy about the proposal that a clergyman should have his bishop's consent before moving to another diocese. In Goulburn, there was a long discussion in synod on the issue although a resolution seeking to counter the bishops' minute was unsuccessful. There was similar opposition to it in the Newcastle synod, but Tyrrell eventually succeeded in convincing his clergy that the operation of the minute would not be contrary to their interests.⁴³

⁴² See Minutes ... A.D. 1868, p. 11; and Tyrrell's subsequent explanation of the minute, in Australian Churchman, 25 June 1870, p. 302.

⁴³ Goulburn Herald and Chronicle, 8 May 1869; Maitland Mercury, 29 April 1869; Australian Churchman, 8 May 1869, pp. 241-244.

But in Sydney the opposition was stronger and more persistent. In March 1869, some of the clergy who were most disturbed at the potential effects of the offending minute (as they saw them) successfully requested Dean Cowper to call a meeting of the clergy in and around Sydney to consider the question. Just why opposition to the seventh minute developed as it did in Sydney is difficult to explain. There had been no real history of episcopal autocracy in Sydney, although all of the Australian bishops were accused of it at one time or another. Possibly the fact that it was the metropolitan diocese, and had a large number of clergy who were closest to the conference of bishops had something to do with it. Certainly the minute was poorly worded in terms of what the bishops intended, as Cowper (and, later, Tyrrell) tacitly admitted.⁴⁴

At their meeting, the Sydney clergy decided that the offending minute should be referred to a meeting of the provincial synod of New South Wales, representing the three dioceses, and a resolution to this effect was promptly brought before the final session of the first Sydney synod almost as soon as it commenced its business a few weeks later. However, the force of the opposition to the minute was deflected when the Reverend A.H. Stephen proposed an amendment stating that a simple requirement of three months' notice would be sufficient and asking the metropolitan to contact the other bishops accordingly. The amendment was carried. Barker did write to his suffragans, and the replies which he received from Perry, Thomas, Tyrrell, and Short expressed surprise at

⁴⁴ At the meeting of the Sydney clergy Canon Stack was quick to suggest that since their own bishop would interpret the minute liberally, and since "they belonged to the Metropolitan Diocese, they were in all the better position to make a stand for the common rights of their brethren throughout the province of Australia". Australian Churchman, 27 March 1869, p. 196, and 3 April 1869, p. 205.

the reaction to the minute in Sydney. Their opinions were published, and the matter then slipped into the obscurity which it deserved.⁴⁵

Whether the hostility of the Sydney clergy towards the bishops' seventh minute influenced their attitude towards the other and more important recommendations is difficult to assess, although the evidence seems to suggest that it did. At its meeting in March, the standing committee had decided to recommend that the proposals of the conference of bishops should be referred to the provincial synod of New South Wales before being thoroughly discussed by the synod of the diocese. Accordingly, Barker proceeded to deal at some length with the bishops' published minutes when the session opened. He pursued the cause of unity with the Church in England, and laboured to establish the connection between this and the creation of a general synod. His views on the relationship between the Church in England and in the colonies were if anything more conservative and less straightforward than those which the bishops had expressed in their minutes; but in bringing forward reasons to support the creation of a general synod he was on safer ground. He spoke of a united organisation as "surely reasonable and scriptural", and reflected a growing concern with what was widely if inaccurately referred to as ritualism when he spoke of the need to prevent "different usages" springing up in the various dioceses of his far flung province. Barker came back to this when he premised that the tribunal of appeal for questions of faith or worship in the province might have to meet more

⁴⁵ Sydney Synod Proceedings 1869, pp. 27-28; S.M.H., 8 and 9 April 1869; Sydney correspondent of Church News for the Diocese of Tasmania, May 1869, pp. 266-267; Australian Churchman, 5 June 1869, p. 273; Adelaide Synod Proceedings 1869, p. 413; Perry to Barker, 27 April 1869, Bishop's Letter Book, Volume 13, pp. 449-453; Brisbane Synod Proceedings 1869, p. 6.

frequently than the general synod itself.⁴⁶ He spoke too of the various grounds on which a general synod was needed, and of the functions which it would perform.

Barker's chancellor, Gordon, then proceeded to move a series of four resolutions referring the bishops' principal recommendations to the provincial synod of New South Wales for discussion and report. In referring to his hope that this course would lead to a "final unity of opinion", he was alluding to the disagreements which were emerging in the metropolitan diocese to some of the bishops' proposals. Although Gordon himself was able to recognise that the colonial Church's relations with the Church at home had changed in some respects, he did not welcome the change, and he was (as some observers were quick to note) unable to swallow his own objections to the scheme which Barker had advocated. This tension in Gordon's mind epitomised the conflict amongst his contemporaries on the question of the autonomy of the colonial Church.⁴⁷

But for Dean Cowper, the issue was relatively uncomplicated. Being primarily concerned with his attachment to the mother Church, he supported the resolutions in a speech which linked the British crown, the Church of England, and the colonial Church in one happy combination. He was content that his diocese should refer the bishops' minutes to the provincial synod, since this might eliminate disagreement. In any case the diocesan synod would have the final say.⁴⁸

⁴⁶ Sydney Synod Proceedings 1869, pp. 9-14. On ritualism, see below, pp. 238-242.

⁴⁷ S.M.H., 7 April 1869. Gordon refrained from outlining his objections publicly until the provincial synod met a few weeks later.

⁴⁸ Ibid.

The synod itself was by no means appreciative of the fact that the bishops' minutes had been brought before it in any form, although its members were not united in their attitude to the proposed course of action. As the life of the first Sydney diocesan synod approached its end, their sense of their own importance as members of it seemed to increase. E.B. Docker was one of those who supported the bishops' objective, along with Consett Stephen - but Stephen feared that it would be defeated if it were referred to the provincial synod of New South Wales, since this might widen the differences of opinion and thus destroy rather than promote unity. Since the provincial synod could decide nothing, others were contemptuous of it even before it had held its first meeting. W.H. Wilkinson, who appeared not to have read its constitution, opposed the resolutions on the ground that the diocese would be surrendering its power to the provincial synod; but he was forced to admit that he had not read the bishops' minutes in the first place. Eventually, because the diocesan synod was not at that stage being asked for its approval of the minutes as such the resolutions referring the bishops' proposals to the provincial synod of New South Wales were carried.⁴⁹

Although in his closing address Barker chided his synod for its attitude, he was conscious that the course adopted was the only realistic one in the circumstances. He told his synod that the measures proposed were essential for the well being of the Church, and sought to make a virtue out of necessity by offering something to everyone. It was, he said, an advantage that "some time, perhaps some years, may elapse before the whole scheme is elaborated and finally accepted by the Church". And

⁴⁹ S.M.H., 7 and 8 April 1869.

yet he also maintained that not only had the time for their consideration arrived, but that they might be too late. Privately, he was more direct. As the attitudes taken by the members of his own synod to the minutes and to the still untried provincial synod of New South Wales made only too clear, "the questions are too many so new and so important that the frequent discussion of them in the somewhat circuitous manner adopted ... is necessary ... I should have found it difficult if not impossible to induce the leading members of the Synod to consider the Conclusions [of the bishops] at all, if it had been supposed that what to them appeared undue haste was to be used in sending them to the General Conference".⁵⁰

Since the meeting of the provincial synod of New South Wales had been set down for May, the other two dioceses in New South Wales had to consider the bishops' minutes almost immediately after the Sydney synod had dealt with them. In Newcastle, the imminence of the provincial synod meeting led Tyrrell to go over the principles for which he had fought during the battle to achieve united synodical action in New South Wales. To some extent, therefore, his comments on the course adopted by the Sydney synod were a continuation of that battle. Trying to argue consistently, he declared that since Sydney had referred the question of a general synod to the provincial synod, the latter body would have to finally decide the issue for the Church in New South Wales. Since the provincial synod was not scheduled to meet again until 1872, a long delay would result. Because he was going over in his mind the disputes in 1864 over the role of the provincial synod of New South Wales, his language was as forceful, and possibly as damaging to his own cause, as it had

⁵⁰ S.M.H., 17 April 1869; Barker to the Reverend A.E. Selwyn, 30 April 1869, Selwyn Papers, A736, Mitchell Library, Sydney.

been on that occasion. Thus, he insisted that the proposing of "those useless, injurious resolutions" by the Sydney synod was "a mistake; another Bungle, another flaw in the proceedings of the Sydney Synod, who consider themselves so much wiser than their brethren of Melbourne", who had simply endorsed in general terms the proposal to create a general synod.⁵¹

Tyrrell would have been well advised to abandon his efforts to reform the provincial synod of New South Wales, and to concentrate his energies on the cause of a general synod with controlling powers for the whole Australian Church. One of his clergy, W.S. Wilson, was able to recognise the wisdom of such a course, even though he too delivered an attack on the New South Wales synod.⁵² Fortunately Tyrrell's synod was more restrained in its treatment of the Sydney resolutions, and agreed that they should be referred to the provincial synod. But Tyrrell seemed to be unaware of how the existence of opposition in the Sydney synod to the bishops' minutes had helped to determine the course of action which had been followed in that diocese, and he had become so annoyed at what the Sydney synod had done that at first he refused to give his assent to some of the corresponding resolutions of his own synod. However he calmed down, and realised that it would be unwise to put his own diocese "in any unhappy position ...". Hence, he assented to the resolutions "so that when they met at the Provincial Synod there should be nothing to show that there was a single point of disunion or difference in their own Synod".⁵³

⁵¹ Maitland Mercury, 29 April 1869. Soon afterwards, Barker also spoke of the need for the bishops' minutes to go back to the New South Wales body before they could be settled.

⁵² Australian Churchman, 3 April 1869, pp. 204-205.

⁵³ Australian Churchman, 8 May 1869, pp. 243-244; Maitland Mercury, 4 May 1869.

But if Tyrrell's remarks were not well received in some quarters of the metropolitan diocese, those of his colleague in Goulburn caused no stir at all, for the whole question of a general synod evoked very little interest in that diocese. It was still a new and large diocese, difficult to work.⁵⁴ Bishop Thomas would have been perfectly content for the still incomplete synodical framework of the Australian Church to remain as it was; and for the relationship of his diocese to the mother Church to continue unchanged, as he convinced himself that it was.

Addressing his own synod early in May 1869, Thomas dutifully went over the recommendations which the bishops had published, so that his diocese might also express its opinion before the provincial synod met. He elaborated on the minutes one by one, ignoring the bishops' differences of opinion and strengthening such elements of conservatism as the desire for bishops to be appointed by letters patent in the future as well as in the past.⁵⁵

With one or two exceptions, Thomas's attitude was reflected by the members of his synod, who voted to receive rather than adopt the bishops' minutes. There were a few objections to them, especially to the minute concerning the appointment of future bishops; but those who expressed them did so either for reasons unconnected with the minutes themselves or because they believed that the bishops had not been conservative enough. Thus, despite recent advice from England that the

⁵⁴ See Australian Churchman, 4 September 1869, p. 378.

⁵⁵ Goulburn Synod Proceedings 1869, pp. 6-10.

appointment of bishops by letters patent had been discontinued, the synod added a rider expressing its belief that letters patent should be continued for as long as was practicable.⁵⁶

Despite the length of his address, Thomas was not greatly moved about the whole business. Having demonstrated his loyalty to his metropolitan by going over the bishops' minutes, he ended by expressing regret to his synod "for having been obliged to occupy their time and attention so much in the discussion of topics which have only a remote bearing upon the practical work of the diocese. It would have been more agreeable to my wishes and feelings to have considered the wants of the diocese itself ..."⁵⁷

Nevertheless, within a matter of days, Thomas and twenty representatives of his diocese were summoned to Sydney to attend to the wants of three dioceses at the first meeting of the provincial synod of New South Wales. Although that synod had other matters to consider, its main business was the recommendations of the conference of bishops, and in his presidential address Barker again gave them most of his attention.

Almost in spite of himself, Barker could see that the course of events was such that the Church in the colonies could not content itself with hanging on but that it must go at least some way towards adapting itself to altered circumstances. Thus, he could now begin to accept the implications of the appointment of a bishop without letters patent to his own colony; but he would not abandon the hope that letters patent would be revived in time. His fundamental mistake, in which he was by

⁵⁶ Goulburn Herald and Chronicle, 8 May 1869; Goulburn Synod Proceedings 1869, pp. 14-16; S.M.H., 12 April 1869.

⁵⁷ Goulburn Synod Proceedings 1869, p. 10.

no means alone, still lay in his conception of the bond between the English and colonial Churches. Unlike some churchmen Barker could not accept the idea that the legal bonds, which seemingly made his province an integral part of the Church of England and which still existed in form, were largely irrelevant. For Barker these bonds, as well as unity in doctrine and worship, were what tied colonial churchmen to the mother Church.

Despite the opposition to the bishops' proposals which had been shown in his diocesan synod only a few weeks earlier, Barker seemed quietly confident that the provincial synod of New South Wales would endorse their ideas on the appointment of bishops and the creation of a general synod. He again made the point that one justification for the formation of a general synod was to prevent the more isolated dioceses from falling "into diverse practices and doctrines", but he said little on this occasion that had not been said before.⁵⁸ He had good reason for his confidence. After all, each of the three dioceses had agreed to refer the bishops' proposals to the provincial synod for consideration and report; he believed (and he knew that others believed) that the constitutional issues facing his province could be resolved; and he was confident that by following a "circuitous and cumbersome" plan, especially in relation to his own diocese, he would overcome his opposition.

But Barker's plan went astray, and his quiet, optimistic address to the provincial synod proved to be the calm before the storm. The constitution of the Church in New South Wales provided for the house of bishops and the house of representatives (clerical and lay) to meet and

⁵⁸ Provincial Synod Proceedings 1869, pp. 8-10; S.M.H., 13 May 1869.

deliberate separately. Almost immediately the house of representatives asked for a joint meeting with the bishops so that they might elaborate on their minutes. It was a short meeting, and as soon as it had concluded the representatives resumed their session.⁵⁹ There were four resolutions before the synod, asking it to consider and report on:

1. the creation of a general synod;
2. the appointment of future bishops, preferably by letters patent, giving each diocese a voice in the appointment;
3. the creation of a tribunal of appeal and a council of reference in England;
4. the creation of a tribunal for the trial of bishops.

The house of bishops at once endorsed the proposals contained in these resolutions. It was when the diocesan representatives considered the first resolution, concerning a general synod, that the storm broke. Approval of the resolution was moved by Selwyn of Newcastle, who (so he said) did so at short notice because he believed that no one else would have done it. Early in the debate Gordon came out in opposition to a general synod. He was not alone, for he was supported by four speakers from his own diocese and three from Goulburn.

The bases on which opposition to a general synod rested were diverse, and included the fear of episcopal power, the alleged ineffectiveness of a general synod, the fear that it would become too powerful, the belief that it was not necessary to keep the Australian Church together as such, disloyalty to the Queen, and the assertion that it was simply idealistic. The opposition was not united, and even those

⁵⁹ Provincial Synod Proceedings 1869, pp. 15-17.

who were clear in their own minds as to why they opposed a general synod were inclined to say things that were inconsistent or difficult to reconcile. Some tried to link the general synod with other issues which happened to concern them; but on the whole there was very little emotionalism and very little that was plainly irrelevant. There was not much understanding either. Common to all who opposed a general synod were two things: an absence of concern with the needs or wishes of the other Australian dioceses; and the desire to preserve at all costs their ties with the Church in England, legal as well as doctrinal and liturgical.⁶⁰

Those who supported the creation of a general synod were more restrained in their arguments. Rejecting letters patent as a bond of union, and preferring to put more faith in doctrinal unity, they were more inclined to look to the future as well as the present. Hence, some of them insisted on the value of a general synod as a force and focus of unity for the Church in Australia itself as well as for adapting its relationships with the Church in England to its changed circumstances.

But for most of those present it was not enough to be far sighted or even realistic, and only with the insertion of a proviso expressing its "strongest disapproval" of any action which would weaken their connection with the Church in England, or with the crown, would the lower house of the provincial synod agree that a general synod should be created. With the motion so amended the Sydney representatives were (for diverse motives) largely in favour of it, and the Newcastle people (because it endorsed a general synod) were unanimously for it; but even

⁶⁰ S.M.H., 14 and 15 May 1869. Mr. R. Jones feared an attempt to create an unnatural "Church of Australia", and said that the general synod would either be ineffective, or become a dangerous power. He was wrong on both points.

so Goulburn, the most conservative of the three dioceses, was evenly divided.⁶¹ The overall majority (27 : 10) was large, a reflection of the fact that the resolution as it was passed had at least something to satisfy nearly everyone.

Because the second resolution was similarly framed, it was passed by a majority of 23 : 7 without much delay. It asked that the bishops should continue to be appointed by letters patent from the crown if possible, with each diocese having some voice in their selection. It closely followed the bishops' minute on this question, and like the minute it was able to satisfy all sides.⁶²

The remaining two resolutions, containing proposals which were largely consequent upon the creation of a general synod, were not so successful. The first, approving the creation by the general synod of a tribunal of appeal in matters of ecclesiastical discipline and of a council of reference in England, met with opposition, chiefly from the Sydney laymen and from nearly all of the Goulburn representatives, both clerical and lay. These people displayed a highly erastian approach to the whole question; but apart from the connection between Church and state which remained in the minds of so many colonial Anglicans at that time, it is most likely that they saw this resolution as an opportunity which enabled them to oppose some of the bishops' minutes by voting against some of their seemingly less important proposals. In addition, opposition to this proposal was consistent with the opposition which had developed over the seventh minute. Whether the result would have been any different

⁶¹ S.M.H., 15 May 1869.

⁶² S.M.H., 18 May 1869.

had the bishops been able to take part in the debate, as a correspondent of the Churchman suggested it might, is doubtful. Almost to a man, the Newcastle representatives supported the proposal. They were joined by some from Sydney, and by the Reverend Thomas Druitt from Goulburn. But the majority thankfully seized upon a suggestion by Archdeacon Lillingston of Goulburn and resolved, in sentiments rather more polite than they had used in debate, that they were "unable to concur" with the bishops.⁶³

The recommendation concerning the creation of a tribunal for the trial of bishops met a similar fate, although the complicated voting procedure which the synod was required to follow meant that the feelings of all of its members were not easily judged from the decisions recorded. In the end, the synod was evenly divided on a motion expressing its inability to concur with the proposal to facilitate the trial of errant bishops, and Dean Cowper cast his presidential vote in favour of the resolution. Again, the Goulburn representatives were the most conservative, the Newcastle representatives were the most advanced in their views, and the Sydney people were divided.⁶⁴ Those who opposed the measure did not do so because of a wish to protect their bishops from such tribunals, but rather because they wished to protect their connections with the mother Church at all costs. To try a bishop as the metropolitan of South Africa had done, would be outside the law of the English Church, and hence a step towards severance from it.

⁶³ Provincial Synod Proceedings 1869, pp. 24-25; S.M.H., 18 May 1869; Australian Churchman, 5 June 1869, p. 274. The vote was 18 : 11.

⁶⁴ Provincial Synod Proceedings 1869, pp. 26-27; S.M.H., 19 May 1869.

As was his way, Barker was thankful for small mercies in his closing address to this first provincial synod of New South Wales. He was able to find cause for reassurance in the qualification and limitation of the first two of the resolutions dealing with the bishops' minutes, and even the rejection of the other two was not without its advantage. Being a conservative man himself, Barker saw the existence of "a strong conservative feeling" as no objection, "but rather the reverse". Tactfully (and happily) ignoring the wide differences of opinion which lay behind the synod's qualified approval of a general synod, he was able to see cause for believing that "considerable progress has been made towards that organisation and arrangement of our Church Constitution which present appearances seem to require us at least to consider".⁶⁵

Others were not so sure. A correspondent of the Australian Churchman reviewed the way in which the synod had dealt with the bishops' minutes and the other matters which had come before it, and concluded that "the results of the session fall far short of what might reasonably have been looked for ..."⁶⁶ In Tasmania, Bishop Bromby spoke early in the following year of the "undesirable" delay in the formation of a general synod which had resulted from the referral of the question to the provincial synod in New South Wales. He again reviewed the whole subject at length, in a thoughtful and well reasoned address. But his own synod gave little more attention to the question on this occasion than at its previous session in 1869, contenting itself with the adoption of a report recommending the election of representatives to a general synod should one be assembled in the near future.⁶⁷

⁶⁵ Provincial Synod Proceedings 1869, pp. 32-33.

⁶⁶ Australian Churchman, 5 June 1869, p. 273.

⁶⁷ Launceston Examiner, 24 February and 1 March 1870.

In Melbourne, the passage of time and the conservative outlook of the New South Wales synod apparently served to dampen the opposition in that diocese to a general synod. The next session of the Melbourne church assembly, early in February 1870, accepted resolutions providing for the election of representatives to the general synod which, so Bishop Perry suggested, might be convened by the metropolitan within a matter of months. Since Barker was present at this meeting, it is not unreasonable to suppose that he was the source of this suggestion, even though he had told his own churchmen that the question would still have to go back to the provincial synod after the dioceses in New South Wales had considered it again.⁶⁸

In closing its debates on the proposed general synod, Barker had told the New South Wales body that they would all "be glad to be relieved for a time from the necessity for discussing these questions".⁶⁹ With few exceptions, his hope was fulfilled, and it was not until the middle of 1870 that the synods of two of the dioceses in New South Wales met to consider the resolutions sent back to them by their provincial synod.

The result in Newcastle was on the whole quite predictable. Its representatives in the provincial synod spoke of the need for unity in the Australian Church, now passing out of the missionary phase, and of the need to "prevent the church drifting into diverse practices ...". The synod approved the formation of a general synod, leaving out the proviso restricting its powers. Similarly, it approved that part of the

⁶⁸ Argus, Melbourne, 4 February 1870.

⁶⁹ Provincial Synod Proceedings 1869, p. 33.

provincial synod resolution concerning the appointment of bishops which covered election by each diocese.⁷⁰

The Sydney synod was due to meet at the end of June 1870, and it was clear that the two resolutions approved by the provincial synod concerning a general synod and the appointment of future bishops would be the only topics of any interest likely to come before it. There were clear indications that it would be a difficult session for the advocates of a general synod. As in 1869, there were preliminary skirmishes in the church press before the synod assembled. The Sydney correspondent of the Melbourne Messenger told his readers that while some "sound and pious thinkers" in Sydney were in favour of progress in the Church's constitutional structure, there was "known to be a section of the Church here, though probably a small one, which is opposed to all the views enunciated in the minutes of the bishops". Nearer to home, the Churchman conceded that the synod was likely to be divided, and spoke with a little too much emphasis of the need for "careful and deliberate examination" of the important questions which would come before it.⁷¹

Aware that there was opposition to a general synod, Barker went out of his way, in opening the new session of his synod, to emphasise that while in his view such a body was needed, it should not be given any supreme authority over the dioceses. There were, he said, many difficulties which militated against such an arrangement. Thus, although he had

⁷⁰ Maitland Mercury, 7 June 1870; Australian Churchman, 18 June 1870, p. 293; Church of England Messenger, 14 July 1870, p. 10. The Goulburn synod did not meet at all in 1870.

⁷¹ Church of England Messenger, 19 May 1870, p. 9, and 16 June 1870, p. 9; Australian Churchman, 19 March 1870, p. 190; 9 April 1870, pp. 213-214; and 25 June 1870, p. 297.

previously spoken of the distance of some of the dioceses from any common centre as one of the reasons pointing towards the creation of a general synod, he insisted that this same factor was one which indicated that the general synod when formed should not be able to exercise any formal authority over its constituent dioceses.⁷²

Dean Cowper, always loyal to his bishop, rose almost immediately to move a resolution endorsing the provincial synod's acceptance of a general synod with the proviso that it should have no power to bind the dioceses. His advocacy of the general synod was simple and straightforward. Where he did not understand the altered circumstances of the colonial Church, he was content to accept the opinions of the bishops. Curiously, he advocated a general synod principally because it would benefit the weaker and more isolated dioceses. Except in the most general terms, Cowper did not touch on any benefits which might accrue to his own metropolitan diocese.⁷³

Two amendments were promptly moved. Canon Vidal sought to strengthen the basis of the general synod by deleting the proviso restricting its powers. Described as the leader of the small though talented high church minority of the Sydney synod, Vidal had established a reputation for holding no fears about the ability of the colonial Church to exist on the strength of its own inherent powers, apart from the mother Church. But he also had a reputation for tenacity, and his action in moving this amendment was, if honest and consistent, tactically unwise. He received support from only a few other churchmen, and his amendment was lost. Vidal also sought to amend the resolution concerning

⁷² Sydney Synod Proceedings 1870, p. 13.

⁷³ S.M.H., 30 June 1870.

the appointment of bishops so as to deprive the crown of any voice and to bring it completely under the control of the Church in Australia, but he was unsuccessful in this as well.⁷⁴

The second amendment was moved by Canon William Stack, whose motive was not dissimilar to that of Vidal. He was more realistic than his colleague, and he could see that the proposal for a general synod would run into serious opposition on this as on previous occasions. Accordingly, he sought for an alternative which would be more acceptable to a majority of the synod. Although he would personally have preferred to see "a General Synod of the province worthy of the Church", he proposed instead the establishment of an "interdiocesan conference" in order to secure as much unity as possible in the province.

Stack's amendment was seconded by the Reverend Hulton King, who was to become noted for his opposition to anything (including a general synod) which might conceivably increase the power of the bishops. King's speech was more amusing than constructive, and earned him a rebuke from the bishop. But he was the only one of those who opposed a general synod to speak in favour of Stack's proposal. In attempting to satisfy both sides it satisfied neither, and it was promptly negatived.⁷⁵ The synod preferred to let the original motions stand or fall by themselves.

There were few who were prepared to speak in favour of either a general synod or the local appointment of bishops, and less who would support both. Those of the clergy who spoke on the resolutions were all in favour of one or both of them. Two, the Reverend C.F. Garnsey and the Reverend G.H. Moreton, insisted that while the Church in

⁷⁴ S.M.H., 30 June and 2 July 1870.

⁷⁵ S.M.H., 30 June 1870.

Australia had cause enough to establish a general synod without delay, they should in any case take time by the forelock "and prepare themselves for that which must follow". But while two other clergy would support the local appointment of bishops, Moreton would not.⁷⁶

Some support for the resolutions came from the laity as well. Probably to the surprise of many, Gordon came out in favour of them. His support was clear, although by no means enthusiastic, and probably reflected loyalty to his bishop as well as the fact that the resolutions were qualified in such a way as to preserve as much of the old order of things as possible. This indeed was the key to his position. Thus, he insisted that they would be "quite safe" in agreeing to a general synod, for it would not have "any binding power. It was not contended that [it] would have any such power, but it was considered that [it] would be valuable to ventilate subjects with which the Diocesan Synods could afterwards deal". As for the resolution dealing with the appointment of bishops, he supported it because he recognised that some change was required. He accepted the fact that letters patent had been discontinued, but pleaded their value at some length. It was clear that he still felt a tension between the old order and the new, and he still sought to reconcile them.⁷⁷

Perhaps the best speech of the session was delivered by another of the laymen, Alexander Stuart, who was a member of the synod's standing committee. In his view, the purpose of a general synod was not just to form a common body for the Australian dioceses. He preferred to see it as part of a search to find "something which should unite all parts

⁷⁶ S.M.H., 30 June and 2 July 1870.

⁷⁷ S.M.H., 1 and 2 July 1870.

of the Church of England" throughout the world. Seen in this light, he believed that it was too soon to create a general synod, for the costs would outweigh any benefits (he reluctantly gave his support to the introduction of a local voice in the selection of bishops). Stuart did not so much oppose a general synod as advocate delay; and he left himself free to vote for it in the future. While clearly indicating that he had honest doubts about the question, his speech was a thoughtful one, and it probably carried a great deal of weight with any silent waverers who may have been in the synod.⁷⁸

Virtually all of those who spoke in direct opposition to a general synod and against the local selection or appointment of bishops were laymen, and for them such questions required less thought than Stuart had felt was necessary. They raised all manner of objections to both resolutions. Some spoke of dangers, other professed to see difficulties. A few were content to express general opposition. One contributor to the debate, W.H. Wilkinson, seemed to have read the bishops' minutes in the interval since the last session of the Sydney synod, thus rectifying the omission to which he had confessed on that occasion. He now advised his hearers that "our strength and our wisdom at the present moment was to sit still". Others, no more perceptive than Wilkinson, were inclined to agree with him. Some spoke darkly of the possibility of power being wrested from their diocesan synod by the proposals before them; a few came closer to the point when they insisted, as Wilkinson did, that "the practical effect of this proposed Synod must be immensely to diminish the power of the laity, and to increase in a corresponding ratio the powers of the ecclesiastical element ..."⁷⁹ In Sydney at

⁷⁸ Ibid., 1 and 6 July 1870. See also Church News for the Diocese of Tasmania, August 1870, p. 500.

⁷⁹ S.M.H., 1, 2 and 6 July 1870.

least, the role of the laity in synodical affairs was increasing, and to some of them the fear of having this offset in any way was real enough.

Behind all of these objections and fears, whether real or imaginary, was the same fundamental issue as before. For the opponents of a general synod and all that this would involve, it was a relatively simple one. It was the continuing desire to preserve in every possible way the ties between the diocese and the mother Church. A general synod, interposed between the two, would assume dangerous rights and powers even if it were not given them, and this would result in a further weakening of those ties. The unity of the Church of England in Australia was of little or no concern to them. One speaker raised the dangers of a "mushroom Church", another disclaimed any aspirations for a "Free Church of Australia"; but W.J. Foster put the issue more succinctly than any of them when he told the synod that the real question "at the present time was a Church of England, or a Church of Australia".⁸⁰

Speakers on both sides of the question were applauded, but it was clear that the opponents of a general synod were dominant. If Barker had not realised this when the Sydney synod began its 1870 session, it was rapidly brought home to him during the debates. Shortly before the vote on a general synod was taken, he urged his own synod to vote for the bishops' proposals, in a speech which a correspondent of the Messenger described rather kindly as "very earnest and emphatic ...". But even before he had finished speaking Barker could see that he was having little effect, and the stubborn side to his character came to the fore. It was, he said, "a matter of very little consequence to him, or

⁸⁰ S.M.H., 2 and 6 July 1870.

to the Church in the diocese, at the present time, in what way the question might be determined ... He felt as confident ... that it would be necessary to form a General Synod, and that that necessity might come upon us very rapidly and very unexpectedly".⁸¹

Dean Cowper's speech in reply before the vote was taken could not have been regarded by Barker as particularly helpful. It was brief, and conceded that the decision would be adverse. If the other dioceses had agreed to a general synod out of courtesy, as Stuart mistakenly suggested, the metropolitan's own diocese would not. Stuart himself provided the formula which it adopted by moving not for outright rejection but for the "previous question", a face saving method of arriving at the same result. At a late hour, when many of the lay representatives had gone home, the previous question was carried by a vote of 46 : 37. In the opinion of the Messenger's Sydney correspondent, the majority would probably have been larger had the house been full. The vote on the second resolution, providing for the retention of as much of the old order in the appointment of bishops as possible was, although carried at a later sitting by 45 : 32, something of an anti-climax.⁸²

It is difficult to explain this setback to Barker's hopes. Those who opposed a general synod did so for various reasons, but they were not always sure of their reasons, and they sometimes tended to make them up as they went along. Fundamentally, most of those who rejected a general synod did so because they shared the same concern which had led the bishops (albeit for their own diverse reasons) to propose it. From whatever standpoint, both sides were for the most part concerned

⁸¹ S.M.H., 1 July 1870; Church of England Messenger, 12 August 1870, pp. 8-9.

⁸² S.M.H., 1 and 6 July 1870; Church of England Messenger, 12 August 1870, p. 9.

with the relationship of their portion of the colonial Church with the established Church in England. In Sydney in particular there were many for whom a local "Colenso affair" was a possibility almost too remote to grasp. If it were to occur (as a few feared), it would hasten the movement of the colonial Church towards independence. A general synod, now a much more immediate possibility, would, so many believed, produce the same result, if not in one way then in another. For the Tasmanian Church News, the question of a general synod was not one of "mere symmetry, but one of spiritual growth and life"; but for the conservative members of the Sydney synod in 1870 it was neither. For them, it was a question of preventing any movement which could result in autonomy for the colonial Church.⁸³

Barker was very disappointed at this unexpected turn of events. In 1869 he had stated both in public and in private his belief that churchmen were increasingly willing to discuss the question of a general synod. But 1869 had seen the last session of the first Sydney synod; and when the newly elected synod met in 1870 it contained a large number of new lay members.⁸⁴ It must have looked as if he would have to begin his efforts again.

There were some who were more hopeful. The correspondent of the Melbourne Messenger believed that the intention of the Sydney synod was

⁸³ Church News for the Diocese of Tasmania, September 1870, p. 518.

⁸⁴ The Sydney correspondent of the Melbourne Messenger believed that this was in itself a sufficient explanation of the synod's rejection of a general synod in 1870. Church of England Messenger, 14 July 1870, p. 10. In the following year Barker himself spoke of the laity in the synod as having "proved to be eminently conservative, and they were the best of the best body in the colony - the body, that was, which contained most of the intelligence and wealth of the country". Australian Churchman, 15 July 1871, p. 322.

"simply to postpone the resolution and not to negative it...The subject must, in the order of things, come forward again; and, when the objects sought to be attained are better understood, a more progressive course will doubtless be adopted". The Churchman told "the respectable minority" that the question should not be regarded as having been finally settled, and predicted that it would be brought up again at an early date. In Tasmania, the Church News, having managed to maintain silence for a time, castigated the Sydney synod in unmistakeable terms and expressed its hope that its members would reverse their decision "either in deference to the wishes of other Dioceses, or in recognition of the importance and usefulness of the measure".⁸⁵

Rather than seek an early reversal of his synod's decision, Barker decided to go to England. Although he had not attended the Lambeth conference three years earlier, he felt that the temporary failure of the proposal for a general synod now provided a valuable opportunity for such a visit. There were other reasons which also led him to this decision. His wife's health may well have had something to do with it; and he was anxious to secure the further subdivision of his diocese by the appointment of a bishop for North Queensland. In this respect his journey was reminiscent of his return to England in 1862, for on that occasion too he had "gone home" in search of a new bishop soon after the failure of an effort to secure further synodical development. He also hoped to take advantage of his return to attend and to learn from the first meeting of the general synod of the newly disestablished Irish Church. In addition, although his synod had

⁸⁵ Church of England Messenger, 14 July 1870, p. 10; Australian Churchman, 30 July 1870, p. 337; Church News for the Diocese of Tasmania, September 1870, pp. 518-519.

agreed that some local voice should be introduced into the process of appointing new bishops, he was hopeful of influencing the manner in which the authorities in England would continue to play their part.⁸⁶ Indeed, he was anxious to secure advice on the detailed implementation of the bishops' minutes generally.

It is possible that Barker's decision to go to England at this time was also influenced by the increasing attention being given to what was widely referred to as "ritualism" in the Church's worship. This was a seemingly endless problem for the Church in England for many years in the nineteenth century, but the period between 1867 and 1874 aroused particularly bitter controversies.⁸⁷ Movements in the mother Church all had their effects in the colonies, even if their impact was delayed and less decisive.

By the end of the 1860s, the fear of ritualism and of departures from the Church's standards of worship had clearly arrived in Barker's own diocese and province. In Adelaide, only a few months after the conference of bishops had concluded, Short received a memorial against ritualistic practices allegedly existing in his diocese. This was followed by a long debate on ritualism in his diocesan synod, at the instigation of the Reverend D.J.H. Ibbetson. The Melbourne Church News

⁸⁶ Australian Churchman, 8 October 1870, p. 2; 24 December 1870, p. 89; and 18 March 1871, p. 188; Cowper, William M., Episcopate of the Right Reverend Frederic Barker, D.D. Bishop of Sydney and Metropolitan of Australia. A Memoir, London, 1888, pp. 248-249.

⁸⁷ This period coincided with the agitation over Irish disestablishment, controversies over the role of the Church of England in national education, and the "no popery" aroused by the Vatican Council. See Chadwick, Owen, The Victorian Church, Part II, London, 1970, p. 324.

printed a despatch on the question from its Adelaide correspondent,⁸⁸ a reflection of the trend for church journals in Australia to give a wider coverage of the affairs of other dioceses and to circulate beyond their dioceses of origin.

Perry, whose low church inclinations were always unmistakable, was publicly expressing his fears about the appearance of ritualism and the formation of parties in Melbourne as early as January 1868. There was a full scale debate on ritualism and party spirit at a subsequent session of his church assembly, during which Perry condemned the movement in strident terms. He was in turn accused of promoting the formation of parties by his narrowness and intolerance. The Church News, no longer under Perry's influence, spoke of the importance of the Church adapting itself to its new country, and accused Perry of retarding it in this task. At the church assembly of 1869, Sir William Stawell based his insistence that the diocese should endorse the proposals in the bishops' minutes partly on "the development of party spirit" in the Church.⁸⁹

Even Barker had spoken, in 1869, of the danger of isolated dioceses in his province falling "into diverse practices and doctrines". Barely a few months later, a notice appeared in the Tasmanian Church News, announcing Bishop Bromby's willingness to sanction some shortening of services in certain circumstances.⁹⁰ Bromby was not a ritualist, but

⁸⁸ South Australian Register, 29 and 30 April 1869; and 1, 3 and 31 May 1869; Melbourne Church News, 17 May 1869, pp. 117-118; Ibbetson, Denzil John Holt, the Rev., A Few Thoughts on Ritualism, Suggested Chiefly by the Recent Movement of the Anti-Ritualists in the Diocese of Adelaide, South Australia, Adelaide, 1869.

⁸⁹ Melbourne Church News, 1 February 1868, pp. 30-31; 1 November 1869, p. 243; and 1 April 1870, pp. 75-76; Argus, 2, 5, and 9 February 1870; Australian Churchman, 27 February 1869, p. 166.

⁹⁰ Church News for the Diocese of Tasmania, August 1869, p. 312.

in the eyes of some churchmen he committed the same sin as the ritualists in this action and had offended those who had "a deep sense ... of the value of every portion of our Church service" as laid down in the Book of Common Prayer.

In Sydney the Churchman, apparently unaware that the Bishop of Perth had sanctioned similar omissions in 1868, attacked Bromby for exercising a power which it said he did not have.⁹¹ The Tasmanian journal replied, with more than a trace of irony, that only a year before the Churchman had rejected its suggestion that the conference of bishops should look at the flexibility of the Church's services, on the ground that there was enough liberty already. Bromby himself was careful, at the next session of his synod, to state that the "liberty which I have allowed will be, of course, subject to the control" of a general synod, and that his diocese must be careful to avoid "any precipitate action which might render difficult the adoption of one uniform usage in the general province of Australia". For this reason he later urged his synod not to formalise any deviations from the Prayer Book, but to regard them as temporary until they could be given the imprimatur of a general synod. The Churchman's verdict on Bromby's action was that if this sort of thing was going to happen, then "the sooner we have a General Synod, the better, and thus endeavour to learn, as best we may, to secure by newly-formed ties the deeply-imperilled unity of the Church". In Hobart the Church News scored the final point by observing that it was something to have got the Churchman to acknowledge that the need to provide for alterations to the Church's authorised forms of

⁹¹ Australian Churchman, 4 September 1869, p. 377; Western Australian Church of England Magazine, Perth, October 1868, p. 19.

service might provide stronger reasons than it had supposed "in favour of the assembling of a General Synod ..."⁹²

This problem of "diverse practices and doctrines" was given a more pressing form in 1870, when the English ritual commission (1867-1870) published its proposals for a new lectionary, or table of lessons. Almost at once, Bishop Short gave his clergy permission to use the new lectionary even though it had yet to be approved by the authorities of Church and state in England. To the surprise of nobody, the Churchman criticised him not because of the contents of the lectionary itself but because of the danger of the various dioceses drifting "into endless diversities of uses". The solution to the difficulty lay not in a general synod, so the Churchman now concluded, but in everyone agreeing not to implement any deviations in worship at all, "whatever the temptation - unless we agree to set up altogether for ourselves" as an independent Church.⁹³

One of Barker's clergy, the Reverend R.H. Mayne, reached precisely the opposite conclusion. Conceding that recommendations and expressions of opinion were probably all that a general synod would attempt, "at least for a time", Mayne said that the encouragement of a common practice in such matters as the new lectionary and a general hymnal were the very things for which a general synod was appropriate. The Sydney synod preferred the solution offered by the Churchman, and by

⁹² Church News for the Diocese of Tasmania, October 1869, p. 343; Launceston Examiner, 24 February 1870, p. 5; Australian Churchman, 4 September 1869, p. 377, and 18 March 1871, p. 188. Early in 1871, the Churchman openly accused Bromby of tolerating ritualists in his diocese. See its issue for 18 March 1871, p. 185.

⁹³ Australian Churchman, 6 August 1870, p. 345.

again using the device of "the previous question" at its session in 1871 it shelved a motion concerning the introduction of the new lectionary.⁹⁴

The extent to which all this growing concern with party divisions and with conformity to the Church's authorised forms of worship in Australia influenced the metropolitan's decision to go to England to facilitate the creation of a general synod is difficult to assess. But there was no doubt that some churchmen in his province were not slow to see a connection between these developments and the proposals for the constitution of a common body.

Although Barker was anxious to secure advice on how best to put the bishops' minutes into effect, he decided not long before he left for England that in one respect they should be modified. Barker and two of the other bishops (Perry and Thomas) had shown, in their comments after the conference of 1868, that while they were not entirely happy with the existing avenues of appeal to the Privy Council, they were worried about the proposal that the general synod should create a council of reference in its place.

Accordingly, before his departure he consulted his own chancellor (Gordon) and, as he passed through Melbourne, Perry and some members of the council of the church assembly there, about the possibility of obtaining an easier method of carrying appeals from the colonial Church to the Privy Council. It was decided to seek imperial legislation for this, and Barker took with him two draft bills, one prepared by Gordon and the other by Sir William Stawell.⁹⁵

⁹⁴ Ibid., 23 July 1870, p. 334; S.M.H., 25 November 1871. The new lectionary was subsequently adopted in Sydney. See Australian Churchman, 13 July 1872, p. 324.

⁹⁵ To the Standing Committee of the Diocese of Sydney, Sydney, 1872, p. 1, in Society for the Propagation of the Gospel Original Letters. Received Australia 1867-74, microfilm FM4/552, Mitchell Library, Sydney.

Leaving Sydney towards the end of December 1870, Barker reached England on 26 February 1871.⁹⁶ He was unable to see Archbishop Tait until June, but he applied his time in seeking the advice of others on those aspects of his province's relationship to the mother Church which were then most concerning him. On the question of the draft bills dealing with appeals to the Privy Council, Barker spoke with the Secretary of State for the Colonies (Lord Kimberley), the Lord Chancellor (Lord Hatherley), and the Bishop of London (John Jackson). He was advised that it would be hopeless to attempt to carry any such bill through Parliament. His discussions with an eminent lawyer (T.D. Archibald) confirmed this view.⁹⁷

Barker's discussions with Archibald convinced him that the only feasible alternative was in fact the scheme which the 1868 conference had proposed in the first place. It only remained for him to devise a plan which would come as close as possible to achieving his main objective and at the same time meet with the approval of the archbishop. Accordingly, Barker submitted for the archbishop's approval a proposal for a council of reference consisting of certain bishops and laymen. In the form approved by Tait, the proposed council was to consist of himself, together with two episcopal and four lay members, all of whom would be members of the judicial committee of the Privy Council. It differed from that proposed by the conference of bishops of 1868 in that the lay members of the council would be in a majority, following

⁹⁶ Cowper, op. cit., p. 250.

⁹⁷ To the Standing Committee ..., p. 1; "Memorandum of Conversation Held at Mr. Archibald's Chambers in the Temple on June 17th 1871 with the Bishop of Sydney on the subject of an Appeal from the Doctrines of the Church Tribunals in Australia on questions of doctrine and ritual", Tait Papers, Volume 178, pp. 37-39.

the precedent of the judicial committee itself. The choice of lay members would rest with the proposed general synod.⁹⁸

Barker was quite happy with this plan. Others whom he consulted in England, including Bishop Selwyn (formerly of New Zealand) also approved it, and several churchmen who were Privy Councillors agreed to act as members of the council of reference if necessary. Since its members would be drawn from the judicial committee of the Privy Council, Barker believed that the two bodies were for all practical purposes identical; and his province was "thus preserved from all danger of departing from the doctrine and ritual of the Church as interpreted by her highest court of judicature".⁹⁹

As well as seeking Lord Hatherley's advice independently, Perry had written to Barker asking him to consult the authorities in England on the appointment of future colonial bishops. Accordingly, Barker wrote to the Secretary of State for the Colonies (Lord Kimberley) about this and other matters, making much of his desire to "keep up a link with the Mother Country in regard to the appointment and consecration" of bishops.¹⁰⁰ He again asked that the royal licence to consecrate should specifically identify a new bishop with his see. Again, he was unable to budge the authorities on this issue.¹⁰¹

⁹⁸ To the Standing Committee ..., pp. 1-2; Archbishop of Canterbury to Barker, 15 July 1871, Tait Papers, Volume 178, pp. 40-41.

⁹⁹ To the Standing Committee ..., pp. 1-2.

¹⁰⁰ Argus, 12 October 1871; 13 October 1871, p. 7; and 14 October 1871, p. 6; Hatherley to Perry, 2 October 1871, in Council of the Diocese, Minutes, Volume 3, pp. 5-6, Diocesan Registry, Melbourne; Australian Churchman, 29 June 1872, p. 309. Note that Barker spoke here of the "Mother Country" (as well as the "Mother Church" elsewhere in the same letter).

¹⁰¹ Australian Churchman, 29 June 1872, pp. 309-310; Argus, 12 October 1871.

Barker also submitted a series of questions to the archbishop in December 1871. These dealt with various aspects of the relationship between the colonial Church and the mother Church, including alterations to forms of worship, the appointment of future bishops, and the laws by which it was to be governed following the disestablishment of the Irish Church. Tait referred the questions to his chancellor, Sir Travers Twiss, who expressed the opinion that Barker's questions, being general, were difficult. So were the answers which Twiss prepared; but since ecclesiastical law was never Barker's strong point, he was probably unperturbed about this. It is most likely that Barker was quite happy with the answers, since on the whole they reflected a conservative bias.¹⁰²

Indeed, there were signs that Barker's views on constitutional questions were shifting a little in the direction of conservatism now that he was back in the mother country and worshipping in the mother Church of which he considered himself a bishop. Virtually all his plans and efforts while he was in England at this time were aimed at preserving the relationship of his province to the Church in England; but it seemed that he was holding to this objective even more tenaciously than usual.

This could be seen most clearly in a controversy involving Barker which took the form of a correspondence in the Guardian. Bishop Gray of South Africa, writing to Archbishop Tait about the oath of obedience taken by colonial bishops to the archbishop, had referred to the views of the Australian bishops on this question. Barker believed that Gray's reference was unfounded, and he quickly sought to convince the archbishop of this. Barker's letter to Tait covered many aspects of

¹⁰² Twiss to the Archbishop of Canterbury, 29 December 1871, Tait Papers, Volume 178, pp. 43c-43g; Australian Churchman, 29 June 1872, p. 310.

the question, but the burden of it was that unity between the home and colonial Churches could be maintained if each new colonial bishop were to take a dual oath. One would be a declaration of subordination to his own metropolitan. The other, taken immediately prior to consecration, would be an oath of obedience to the Archbishop of Canterbury. Since by this latter oath, so Barker's argument ran, a newly made bishop "thus becomes a Bishop of the Church of England", his diocese would be part of the Church of England also. In turn, such a bishop would - Barker did not explain how - be restrained "from that free action" which had resulted in an independent Church in South Africa. Although he seemed to recognise the existence of objections to such a plan, he preferred not to contemplate them, and (not for the first time) he so confused himself that at one point he denied the existence of his own province.¹⁰³

Barker's arguments were easily refuted by Gray's archdeacon (H. Badnall), who was in England at the same time as Barker. The Guardian itself also responded with an editorial which, although hard on Barker, was not unfair to him. It saw precisely what Barker's objective was, and concluded that if "the circumstances, the spirit and temper, the ties of common belief and worship" would not preserve the unity which Barker was so anxious to maintain, oaths of obedience to the archbishop were no substitute. It was, so the Guardian said, "curious to see a man of ability tempted, by a square and convenient theory, to overlook all that is most prominent and significant in the state of things with which he is dealing".¹⁰⁴

¹⁰³ Australian Churchman, 7 October 1871, p. 3.

¹⁰⁴ Cited in ibid., 4 November 1871, pp. 34-35.

Barker replied to both of these critics. Some of their arguments he ignored altogether; others he did not answer directly, choosing instead to re-state his own position. In short, he conceded very little to his critics, and learnt very little from them.¹⁰⁵

Although he had not been especially successful in persuading the authorities in England to facilitate his proposals for preserving the unity of his province with the mother Church, Barker's efforts during his stay in England in 1871 did mean that it would be easier to put the proposals of the 1868 conference of bishops into effect. If he had conceded little to his critics in England, likewise he conceded little to his critics in Australia. Writing to Perry while still in England, he made it clear that he intended to take further steps towards the creation of a general synod immediately after his return. He did not seem disturbed by the fact that during his absence some of the dioceses (besides Melbourne) had pressed ahead with efforts to lay down their own rules for the appointment of future bishops.¹⁰⁶

Barker left England early in 1872, reaching Australia in April. Passing through Perth, he discussed the proposed general synod with Bishop Hale (the only one of his suffragans not present at the 1868 conference), and secured Hale's agreement to attend a general conference for the purpose of forming such a body.¹⁰⁷ Reaching Melbourne, he again

¹⁰⁵ Ibid., p. 35. This dispute was afterwards the subject of articles in the Australian Churchman, which defended Barker's aim. See Australian Churchman, 2 March 1872, pp. 172-173, and 16 March 1872, pp. 188-189.

¹⁰⁶ Ibid., 28 October 1871, p. 26; Newcastle Synod Proceedings 1871, pp. 12, 13, 28; South Australian Register, 18 May 1871.

¹⁰⁷ Hale to his daughters, 3 April 1872, Hale, Mathew Blagden, Papers 1848-1875: typescript copies, Volume 1, p. 540.

had talks with Perry and his advisers. He addressed the diocesan council on his efforts in England, and announced his intention of summoning a general conference of the Australian dioceses for the purpose of considering the formation of a general synod.¹⁰⁸

After a week in Melbourne, Barker reached Sydney on 19 April 1872, having been away for almost sixteen months. He lost little time in seeking to complete the work he had begun before and during his time in England. Before the month was out he reported on his labours to the standing committee of his diocesan synod. Having made up his mind to summon a general conference of the Australian dioceses in Sydney before the end of the year, for the purpose of considering the formation of a general synod, he simply reiterated his intention on this occasion. Since the Sydney synod had yet to approve such a step, he sought the committee's advice on when it should be summoned.¹⁰⁹

The result of its advice was that the Sydney synod met in July 1872, under Barker's presidency again for the first time since its failure to endorse the idea of a general synod two years previously. In opening the session, Barker again urged upon it the creation of a common body, although his efforts to placate those who feared or opposed it caused him to circumscribe its proposed role to such an extent that his hearers may have wondered what value he saw in it. Loyally, Gordon proposed a resolution providing for the election of Sydney's representatives to the proposed general conference, with the proviso (although it was hardly necessary) that if the conference resulted in the creation of a general

¹⁰⁸ Council of the Diocese, Minutes, Volume 3, pp. 17-22; Barker to the Reverend H. Bullock, 6 June 1872, S.P.G. Original Letters Received Australia 1867-74, microfilm FM4/552.

¹⁰⁹ To the Standing Committee ..., pp. 2-3.

synod, none of its acts would be binding in the diocese without the consent of the diocesan synod.¹¹⁰

There was still strong opposition in Sydney to the idea of a general synod. One speaker deplored the necessity of having "such a lot of Synods to bother the people"; others were even less specific. But in the two years since the Sydney synod had last considered the question, much of the opposition had waned. Many had become used to the idea; others may have been won over because they could see that in the light of his efforts in England Barker himself still wanted a general synod for his province. There was evidence that some members of the Sydney synod, including Alexander Stuart, were willing to support the motion because they were being asked to agree to a general conference in the first instance rather than a general synod. Canon Vidal, no more tactful on this occasion than he had been in 1870, sought to strengthen that part of the motion referring to a general synod, but he was again unsuccessful. Eventually, the motion expressing approval of a general conference was carried by a large majority.¹¹¹

Undeterred, Vidal returned with a motion seeking to stamp the proposed council of reference in England as provisional until such time as "a proper spiritual tribunal of final appeal is established for all branches of the Anglican communion". He again claimed to be acting consistently with his bishop's wishes and with the recommendations of the 1868 conference; but his efforts, commendable though they may have been in some respects, were misguided. "O thou of little faith", he

¹¹⁰ S.M.H., 17 July 1872.

¹¹¹ Ibid. See Tyrrell's remarks to the Newcastle synod, in Maitland Mercury, 14 May 1872.

asked his hearers, "wherefore didst thou doubt?" A large majority of the synod, preferring (to use Vidal's own words) "the bondage of the world to the freedom of the Church of Christ", decided that he deserved an answer, and carried a motion for the previous question.¹¹²

Notwithstanding their doubt on that issue, most members of the synod were willing to approve a motion seeking to refer the question of framing rules for the appointment of future bishops to the provincial synod of New South Wales and to the general conference. Those who had been noted for their opposition to such matters in the past now supported the motion. In part this was because it contained a proviso reserving the power of final decision to the diocesan synod; but it did reflect the fact that in this matter at least some churchmen in Sydney were gradually coming to terms with their altered circumstances. Vidal, whose consistency of argument was not always apparent to others, opposed this motion on the ground that it could not be entirely reconciled with the recommendation of the Lambeth conference. Again, the Sydney synod left him in no doubt of its disagreement with him.¹¹³

Pleased that a general synod now seemed to be in sight, Barker could not resist telling his synod that the men it had chosen as its representatives at the general conference, now set down for October, were "men of a thoughtful and independent character", who would not echo his own opinions or those of anyone else.¹¹⁴ He did not dwell on his success when closing this session of his synod, contenting himself instead with a "prayerful anticipation of much good ..." Certainly he

¹¹² S.M.H., 18 July 1872.

¹¹³ S.M.H., 23 July 1872.

¹¹⁴ S.M.H., 25 July 1872.

was tactful; but even before the synod had met he had been confident that it would approve his plan for a general conference. He had demonstrated his confidence by securing Hale's agreement to attend, and by informing the leading churchmen of Melbourne that the conference would be held later in the year. He had also written to England before the synod met informing the Society for the Propagation of the Gospel that he had fixed October as the time for the conference. Only a matter of days after Barker had arrived back in Sydney, Short made public the fact that Barker had asked him to preach the opening sermon at the conference.¹¹⁵

Short himself was gratified by this request, for his desire for a general synod had remained constant for some years. At the same time, he was anxious that the time and money which must necessarily be devoted to such a body should be well spent. Hence, he sought to advance the work of the general conference before it had even begun. He corresponded with Barker about the agenda of the conference and drafted a constitution for a general synod.¹¹⁶

Nonetheless, Short maintained a degree of caution. He was consistent not only in his advocacy of a general synod, but also in his belief that such a body could be successfully combined with diocesan supremacy. The point at which he differed from Barker was his belief that this scheme could be contained within an overall framework of greater autonomy for the whole colonial Church. But here too he saw a need for care; for he was one of the few who realised that "the vexed

¹¹⁵ Ibid.; Barker to the Reverend H. Bullock, 6 June 1872, S.P.G. Original Letters Received Australia 1867-74, microfilm FM4/552; South Australian Register, 7 May 1872.

¹¹⁶ Short to Hale, 28 July 1872, Hale, Mathew Blagden, Letters Ah111/15, Mitchell Library, Sydney; Barker's Diary, 20 August 1872.

question of our legal relations to the Church established in England" could not be defined in detail. Hence, he said, "I suppose 'solvitur ambulando' is to be our motto".¹¹⁷

The members of the Adelaide synod reflected some of their bishop's caution at its session in May 1872. The Reverend Mr. Boake spoke of safety in a multitude of counsellors when the synod was electing its representatives for the general conference; and Mr. L.W. Thrupp insisted on the diocesan synod having the power of ratifying anything which the conference might do. With this proviso, the Adelaide synod was content to be represented at the general conference.¹¹⁸

Elsewhere in Barker's province, the news that at long last a general synod was imminent evoked a response which was sometimes cautious but generally favourable. The Tasmanian Church News, which had rebuked Barker for his efforts to continue the oath of allegiance to Canterbury as a bond of union with the Church in England, was pleased that the metropolitan had summoned a general conference in order to advance the organisation of his province. This, so the Church News said, would accomplish his purpose more effectively; but in anticipating the results which could be expected from a general synod, it was not hopeful that (at least in the immediate future) it would accomplish as much as its South African counterpart had done.¹¹⁹

¹¹⁷ Short to the Reverend H. Bullock, 7 September 1872, S.P.G. Original Letters Received Australia 1867-74, microfilm FM4/552.

¹¹⁸ South Australian Register, Supplement, 9 May 1872.

¹¹⁹ Church News for the Diocese of Tasmania, cited in Australian Churchman, 16 December 1871, pp. 84-85; Church News for the Diocese of Tasmania, 2 September 1872, pp. 326-328.

In 1871, during Barker's absence in England, Tyrrell had delivered a bitter attack on the proposal (to which he had agreed in the minutes of the 1868 conference) that in the exercise of its functions the general synod should be subject to the diocesan synods. Speaking to his own synod, he had become rather heated, and predicted that the proposed general synod would fail "if the excessive diocesan independence, the extreme diocesan jealousy of central control displayed in this third minute remains uncorrected". But in May 1872, when a general synod seemed imminent, he was more restrained, although still critical of the conservatism which pervaded the bishops' minutes. Even though his synod welcomed the advances which had been made in the direction of a general synod, it also exercised restraint on this occasion, and agreed to a motion that the relationship between the general synod and the provincial synod of New South Wales should be referred to the latter body for consideration.¹²⁰

More understandable was the caution which was evident in Perth, where the diocesan synod had to consider the proposed general synod at its own inaugural meeting in August of 1872. Bishop Hale believed that it was important for the various Australian dioceses to have one "uniform rule and method", especially insofar as a tribunal of appeal and the appointment of bishops was concerned. Although Hale expected little immediate benefit from the creation of a general synod, he believed "that much good would ultimately be done".

Some of Hale's churchmen, unused to synods, were suspicious, and there were references to "a leap in the dark", and to "our peculiar and isolated position with respect to the Eastern colonies [which] would

¹²⁰ Newcastle Synod Proceedings 1871, p. 10; Newcastle Synod Proceedings 1872, pp. 6-20; Maitland Mercury, 14 May 1872.

prevent Western Australia's voice from ever being heard in a Sydney Synod". Nevertheless, after suitable reassurances had been given by Hale and by Archdeacon Brown, the new synod of Perth agreed that it too should join the other Australian dioceses in a general synod.¹²¹

Although the announcement of the general conference was welcomed in Brisbane by Tufnell and his synod,¹²² there was still no enthusiasm for it in Goulburn. Only a matter of weeks before the general conference was due to assemble, Bishop Thomas refused to accept the discontinuation of the appointment of new colonial bishops by the crown as being anything other than temporary. Consequently, he preferred to "avoid adopting final measures now ...". His opinion was reflected by a majority of his synod, and it refused to go as far as the Sydney synod had done in providing for the appointment of future bishops to the diocese.¹²³

As far as the general conference itself was concerned, Thomas remained cool, contenting himself with outlining the recommendations made by the bishops in 1868 and the arrangements which had been made for the conference. Shortly before it assembled, he made his own view of its function clear when, in a letter to the Society for the Propagation of the Gospel, he spoke of the conference "endeavouring to agree upon terms of united action in several matters, relating to the well-being of the Church in Australasia - & particularly for the purpose of devising

¹²¹ Perth Synod Proceedings 1872, pp. 16-32.

¹²² Brisbane Synod Proceedings 1872, pp. 10, 20, 24.

¹²³ Goulburn Synod Proceedings 1872, pp. 24-27.

means of securing the continued union of our Church here with the Church of England, of which we are part".¹²⁴

Although their interpretations of the purpose of a general synod may have differed markedly, none of the Australian bishops ignored the metropolitan's summons to the general conference. Accordingly, on Thursday 10 October, the bishops of the province together with clerical and lay representatives from the various dioceses took their places in St. Andrew's cathedral, Sydney, for the opening service of the conference.¹²⁵

The commencement of the general conference was a proud moment for Frederic Barker, and he rose to the occasion in his presidential address. Having reviewed the subject at some length, he was adamant that they had to deal with matters "as we find them, and not as we conceive they ought to be". He was equally adamant that a general synod should be formed. If his views on its place and purposes were familiar to most of his hearers, not all of whom would have agreed with them, none would have disputed his sincerity.

In drawing his address to a close, Barker reminded those present of his predecessor's hope that

"one uniform system might be established throughout all Colonial Churches (uniform, that is, as to all vital and essential observances), so that they might ... form collectively one with another and with the parent Church of England one great assembly of saints engaged throughout the world in spreading abroad the truth of the glorious Gospel ... Is it too much to expect that we may be permitted to take some steps towards carrying out that great design? I think it may be so, and that some portion at least of these anticipations may be fulfilled,

¹²⁴ Thomas to the Reverend W.T. Bullock, 2 October 1872, S.P.G. Original Letters Received Australia 1867-74, microfilm FM4/552; Goulburn Synod Proceedings 1872, pp. 11-13.

¹²⁵ Because of its distance from Sydney, Perth was represented by its bishop only. The Bishop of Tasmania and some of his representatives did not arrive until late on the first day of the conference.

and that the work which he commenced may be maintained by us who have entered into his labours. Let us not fail to keep in view the great end suggested by his words ..."¹²⁶

It was a generous tribute to the man who, twenty years before, had left his province for the last time in pursuit of such a goal. At last, the challenge which Broughton had seen and sought to meet was to be faced by the bishops, the clergy, and the laity of the province whose first head he had been. Broughton might have taken issue with some of their purposes, and in all probability he would have been disappointed at the imperfect way in which his vision had been grasped by those who followed him; but he would have rejoiced when, on 23 October 1872, they called into being the general synod of the dioceses of the Church of England in Australia and Tasmania.

¹²⁶ General Synod Proceedings 1872, pp. 5, 10, 11.

CONCLUSION

In England itself, "the growth and structure of the various councils and conferences" of the Church of England which appeared after 1850 were "not determined by any agreed theory in the Church".¹ Similarly, the creation of synodical government in the Church of England in Australia was determined not by an "agreed theory" but by the pressure of events and by the force of circumstances. Insofar as there was a relevant theory it was a hindrance rather than a help, for although there were serious and continual differences amongst Australian churchmen over the nature and extent of episcopal authority, the doctrine of episcopacy meant that the diocese was the level of organisation that was theologically legitimated.² The effect of this doctrine was reinforced by the fact that for various reasons synodical organisation was completed first at the diocesan rather than the provincial level.

The creation of diocesan synods was determined almost entirely by the pressure of diocesan circumstances and by the attitude of the diocesan bishops. In Australia, these forces were not counterbalanced by strong leadership from the metropolitan. Where matters beyond the boundaries of their own dioceses were concerned, most colonial churchmen knew little and often cared even less, especially at times of crisis. They did begin to learn more of each other as time went on, and it was noticeable that as the 1860s were drawing to a close the various diocesan journals were seeking and publishing more about the opinions and activities of churchmen in neighbouring dioceses. And yet, in 1870 the Dean of Sydney (Cowper) could

¹ Thompson, Kenneth A., Bureaucracy and Church Reform. The organizational response of the Church of England to Social Change 1800-1965, Oxford, 1970, p. 91.

² See Rudge, Peter F., Ministry and Management. The Study of Ecclesiastical Administration, London, 1968, p. 142.

justifiably complain that Australian churchmen "were liable to various misunderstandings and misconceptions of each other's views, and to form their opinions of the action taken in the different dioceses under very incorrect auspices, from correspondents in some Church paper or statements in some daily periodical".³

Even within the various dioceses churchmen were too often inclined to look no further than their own parochial boundaries. All of the bishops encountered this and were troubled by it, whatever their own views about the place of their dioceses within the wider Church. Perry, whose views on the primacy of the diocese were only too clear, found that he had to contend with parochialism throughout the whole of his episcopate. Bromby's views on the place of the diocese were quite different, and yet his biographer was forced to conclude that insofar as his own diocese was concerned he too was unable to awaken a rich diocesan spirit, for what his people wanted "was probably parochial; what they achieved was not diocesan".⁴ Towards the end of Barker's episcopate, the Churchman was complaining that "the bane of the Colonial Church in the present day is an unlicensed parochialism".⁵

When they were disposed to look beyond their own boundaries, Australian churchmen looked not to each other but to the mother Church and the mother country (which for many were almost synonymous). This tendency was not without its critics, both in England and in Australia. Even some of those who accepted the need for a general synod did so because they believed that it would preserve the English connection rather than replace

³ S.M.H., 30 June 1870.

⁴ Parsons, Vivienne, "The Church of England in Victoria During the Episcopate of Bishop Perry, 1848-76", unpublished M.A. thesis, University of Melbourne, 1969, p. 25; Condon, Herbert H., "Charles Henry Bromby, Second Bishop of Tasmania". unpublished M.A. thesis, University of Tasmania, 1964, p. 350.

⁵ Australian Churchman, Sydney, 5 July 1877, p. 6.

it with something more worthwhile. As the connection was weakened by the pressure of events in the 1860s, and as the authorities in England were for the most part unwilling to do anything to stem this trend, so many Australian churchmen sought to bind themselves in every way to that from which they had come. So successful were they that the Church in Australia achieved complete autonomy in the formal sense only recently.

Those who could see that unity with the Church in England could be valuable and fruitful without formal or legal ties, and who insisted that a Church which was independent was not necessarily a Church in schism, were in a distinct minority. But if their vision was laudable, it was often imperfect and occasionally idealistic, and from time to time they were perhaps too critical of those who did not share it.

Broughton saw his vision more clearly than most, and earlier than most. He was a strong leader, respected by his suffragans, and his death after such a short time in office as metropolitan was a serious blow to the constitutional development of his province. It is by no means certain that, had he lived, he would have been able to secure the imperial legislation which he desired. But although there had been disagreements about synodical government in his own province, it is probable that under his leadership the course of events would have been markedly different if not in Australia as a whole then at least in New South Wales. This was the only colony to have more than one diocese within its borders until 1875, and under Broughton it is likely that the dioceses would have been able to act together and to acknowledge the superior position of a higher synod.

Frederic Barker, Broughton's successor, chose not to concern himself with constitutional affairs until he had become familiar with other and (to him) more pressing aspects of his work. By the time Barker was ready to proceed with constitutional affairs, the diocese had become used to working apart, and the colonial legislature (upon whose sanction Barker insisted)

was increasingly less willing to co-operate. He was never on close terms with Tyrrell, his nearest episcopal neighbour, and the two frequently disagreed where synodical matters were concerned.

Barker was never really familiar with the intricacies of constitutional questions, for his interests and his abilities lay elsewhere. It was ironic that under his leadership the province of Australia had to pass through its most testing time constitutionally. Barker remained firm on only a few constitutional principles, with occasional departures from them in the early years. As far as the connections between Church and state and between colonial Church and mother Church were concerned, he was a traditionalist to the end.

Superficially, a study of Barker's episcopate which concentrated on his role in constitutional matters would show him as a weak metropolitan whose aims were limited and whose vision was almost non-existent. Such a judgement would neglect the complete man, for he was firm and resolute in most things, and he could inspire respect in many, including Tyrrell. But in constitutional affairs he appeared to be weak largely because his limited aims could be identified with the attitudes of those who were more confused than he was himself by the trend of events and whose faith, reason, and tact were frequently hard to find.

Barker himself looked upon the creation of a general synod in 1872, to which he had given so much time and effort, as one of his most important achievements. Although it was more the beginning of a challenge than the resolution of one, this was a judgement with which many of his contemporaries agreed. He was confident that in the altered circumstances of the colonial Church he had secured as firmly as possible its connection with England, and with this he was content.

APPENDICES

APPENDIX 1: THE BISHOPS AND THEIR DIOCESES, 1847 TO 1872

<u>Diocese</u>	<u>Date of Consecration</u>	<u>Bishops</u>
Sydney *	1836	William Grant Broughton
	1854	Frederic Barker
Tasmania	1842	Francis Russell Nixon
	1864	Charles Henry Bromby
Newcastle	1847	William Tyrrell
Melbourne	1847	Charles Perry
Adelaide	1847	Augustus Short
Perth	1857	Mathew Blagden Hale
Brisbane	1859	Edward Wyndham Tufnell
Goulburn	1863	Mesac Thomas
Grafton and Armidale	1867	William Collinson Sawyer
	1869	James Francis Turner
Bathurst	1869	Samuel Edward Marsden

* Created in 1836 as the diocese of Australia. When the see was subdivided in 1847, its name was altered to Sydney, and Broughton became Bishop of Sydney and metropolitan.

APPENDIX 2: CHRONOLOGY

1850	October	Conference of Australasian bishops in Sydney
1851	January	Meeting in Adelaide hostile to the bishops
1851	March	Meeting in Hobart hostile to the bishops
1851	June-July	Conference in Melbourne concerning a synod for the diocese
1852	January	First diocesan assembly meeting in Adelaide
1852	January	Conference of clergy in Tasmania
1852	April	Conference in Sydney concerning a synod for the diocese
1852	June	Conference of laity in Tasmania
1852	August	Broughton's departure for England
1852	October	Conference in Newcastle concerning a synod for the diocese
1853	February	Broughton's death in England
1855	January	First diocesan synod in Adelaide
1855	May	Bishop Barker's arrival in Sydney
1857	September	First diocesan synod in Tasmania
1858	November	Conference in Sydney concerning a synod for the diocese
1858	December	Conference in Newcastle concerning provincial and diocesan synods
1863	June	Privy Council decision in Long case

1865	February	Conferences in Sydney and Newcastle concerning synods
1865	March	Privy Council decision in Colenso case (given by Lord Westbury)
1865	August	First diocesan synod in Newcastle
1865	December	Conference in Goulburn concerning synods
1866	April	Conference of the dioceses in New South Wales
1866	May	Introduction of Cardwell's colonial bishops bill into the House of Commons
1866	October	Bishop of London's circular to all colonial bishops
1866	November	Chancery Court decision in Colenso case (given by Lord Romilly)
1866	December	First diocesan synod in Sydney
1867	September	Commencement of first Lambeth conference in England
1868	November	Conference of Australian bishops in Sydney
1869	May	Provincial synod's (N.S.W.) partial approval of the bishops' recommendations
1870	June	Sydney synod's rejection of proposal for a general synod for Australia
1870	December	Barker's departure for England
1872	April	Barker's return to Sydney
1872	July	Sydney synod's approval of the proposal for a general conference

1872	October	Commencement of the general conference of the Australian dioceses in Sydney
1872	October	Creation of the general synod

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