Colonial Religion

Bruce Kaye

Scholars Collection

The volumes in this Collection aim to celebrate the quality of work by scholars whose reputation has been established through a substantial career. They bring together essays, articles from journals and chapters in publications around a particular theme or topic, often showing a development or progression in thinking over time. ATF Press is pleased to promote the series that highlights an author's significant contribution within theology, biblical studies, history, ethics or social issues. The purpose of the Collection is to provide a valuable resource for current and future generations by those who have contributed at an international level in their respective field.

1. *Opening the Bible,* 2014, Antony Campbell SJ

2. *Amplifying that Still Small Voice*, 2015, Frank Brennan SJ

3. *Gospel Interpretation and Christian Life*, 2017, Francis J Moloney. SDB

4. *The Natural World and God: Theological Explorations*, 2017, Denis Edwards

5. *Thinking Faith: Moods, Methods, and Mystery*, 2017, Anthony J Kelly, CSsR

Brief notes on the cover figures of Colonial Religion

Top left

Sir Richard Bourke

Governor of New South Wales 1831–1837. Liberal Anglican and Irish in background Bourke was a successful Acting Governor in South Africa. In New South Wales, he moved to reform courts and pressed for an elective government. His Church Acts in 1836 put the main christian churches on the same footing thus breaking the monopoly of the Church of England. He failed to make changes to the school system which was basically run by the churches. He was continuously opposed by the 'exclusives' in the colony and in church affairs by Bishop Broughton. Portrait held in the National Portrait Gallery.

Top Right

Sir Alfred Stephen

Acting judge in the Supreme Court of New South Wales in 1839, Acting Chief Justice 1844, Chief Justice 1844–1873. He had family connections with prominent legal and reformist leaders in England. Sir Leslie Stephen was his godfather. He was a strong supporter of the Church of England and in part of Bishop Boughton, though the thought the bishop to be somewhat narrowly conservative. A strong advocate of lay initiative in the church and of reform in the law and government.

Lower Left

William Tyrrell

Bishop of Newcastle 1847–1879

While they were undergraduates at Cambridge University, he became friends with GA Selwyn later bishop of New Zealand. Tyrrell was much influenced by Selwyn in later life. A consultative figure of deep piety and faith. He fought for Broughton's view of a university in a public dispute with the Vice-Provost, Sir Charles Nicholson. He encouraged his nephew Edward to come to the Hunter Valley where he established Tyrrell wines. The image is held in the archives of the University of Newcastle and is dated 1881.

Lower Right

William Grant Broughton

Archdeacon of New South Wales (1829–1836) Bishop of Australia 1836–1847) Bishop of Sydney 1847–1853). A distinguished scholar and conservative High Churchman. Educated at Cambridge, he maintained his scholarly habits after he came to New South Wales. He is the foundational bishop and churchman of the colonial period influencing church governance and contributing to education and the ending of transportation. Portrait held by the University of Woolongong.

Colonial Religion

Conflict and Change in Church and State

Bruce Kaye

Adelaide
2020

Cover design by Myf Cadwallader
Layout by Extel Solutions
Text: Minion Pro size 10 &11

ISBN	978-1-925612-92-9	soft
	978-1-925612-93-6	hard
	978-1-925612-94-3	ebook
	978-1-925612-95-0	pdf

Published by:

An imprint of the ATF Press Publishing
Group owned by ATF (Australia) Ltd.
PO Box 504
Hindmarsh, SA 5007
ABN 90 116 359 963
www.atfpress.com
Making a lasting impact

Table of Contents

Author Information

Bruce Kaye

Bruce Kaye taught New Testament and Hermeneutics in Durham University (UK) for fifteen years, Social Values and Institutions at the University of New South Wales in Sydney for ten years before becoming General Secretary of the Anglican Church of Australia. He has held research Fellowships in Freiburg im Breisgau, Cambridge (UK) and Seattle. His books include *A Church Without Walls. Being Anglican in Australia* (Collins), *Reinventing Anglicanism* (Church Publishing NY), *Introduction to World Anglicanism* (CUP) *Conflict and the Practice of Christian Faith: The Anglican Experiment* (Cascade) and most recently *The Rise and Fall of the English Christendom. Theocracy, Christology, Order and Power* (Routledge). He was the founding Editor of the *Journal of Anglican Studies* and a member of the Inter Anglican Theological and Doctrinal Commission III of the Anglican Communion. He is an Adjunct Research Professor in the Centre for Public and Contextual Theology, Charles Sturt University.

Acknowledgements

I am delighted and privileged that this book is published in the ATF Scholars Collection series. I am grateful for the energetic cooperation of Hilary Regan and salute the contribution he and the ATF have made to the cause of theology in Australia.

The essays in this book arise from a particular phase in my life and work beginning in 1991. When I spent a year in Cambridge as a Fellow of Churchill College and a Visiting Scholar in the Divinity School. I spent that year beginning a study of early colonial Anglicanism in New South Wales and have been occupied with work on Anglicanism ever since. Having spent twenty-six years working in universities in the UK and Australia I was appointed General Secretary of the Anglican Church of Australia in 1994. This provided me with a very different perspective on the contemporary Anglican church both in Australia and further afield. During this period I incurred many debts too numerous to mention all. Special among these has been Keith Rayner who was Primate of the Anglican Church of Australia for the greater part of my tenure as General Secretary. He brought formidable strengths of wisdom, learning and humility to his office. I thank him for his friendship, wisdom and generous support. Former colleagues in the group of Provincial Secretaries in the Anglican Communion, very many scholars and learned people who lent their time and gifts to the Anglican Church in Australia. Colleagues in Cambridge and Seattle and the community at St Denials Library in Wales. Members of the Anglican Theology Seminar and the Anglican History Seminar which operated out of the General Synod Office and members of that sacred learned society, The Heretics, who haunt the University of Sydney and the cause of christian theology in the great city of Sydney. In particular I acknowledge the encouragement of Dr David Thompson who first encouraged me in my initial endeavours so long ago in Cambridge, Dr Mark Goldie, a colleague at Churchill, at the time, and more recently Christopher Haigh. In Australia Brian Fletcher, Ken Cable, John Gascoigne, Geoff Treloar, Mark Harding, David Hilliard, Stephen Pickard, Deryck Schreuder and many others who have been playing in the growing orchestra of scholars and making music in the fields of Australian Anglican history and theology. Regular conversationalists over many years have been Stanley Hauerwas, Keith Mason and Hugh Mackay.

Particular mention should be made of the Centre for Public and Contextual Theology and Charles Sturt University for continuing intellectual encouragement and for financial support in the publishing of this book.

My best thanks go to my wife Louise. When we were in Cambridge she dictated onto audio tapes from a marginally legible microfilm the whole of Broughton's correspondence with Edward Coleridge. A searchable transcript of that correspondence is now available in

the history archive of the State Library of New South Wales. She has a sharp eye for any text and a keen sense of what it means to be a christian in a changing and conflicting culture. Much more than that she has been a constant companion and example that has made my life and my work worthwhile, and better and illuminated with joy and the sound of music.

Sources

The essays in this book are edited and slightly revised versions of the following articles with the exception of chapters Six and Seven. Chapter Six, 'Church Conflict and the Founding of Sydney University' is a thorough re-working of three earlier papers. Chapter Seven is a re-working of an earlier paper 'From Anglican Gaol to religious pluralism: Re-casting Anglican views of church and state in Australia'. Chapters Six and Seven are here published for the first time.

The sources for the earlier works are:

'The Baggage of William Grant Broughton: The First Bishop of Australia as Hanoverian High Churchman', in *Pacifica* 8 (1995): 291–314

'The Laity in Church Governance according to Bishop Broughton', in *Journal of Religious History* 20.1 (1996): 78–92

'Broughton and the Demise of the Royal Supremacy', in *Journal of the Royal Australian Historical Society* 81 (1995): 39–51

'Selwyn and the Australasian Conference of Bishops, 1850', in *A Controversial Churchman. Essays on George Selwyn, Bishop of New Zealand and Litchfield, and Sarah Selwyn.* edited by AK Davidson (Wellington, New Zealand: Bridget Williams Books, 2011): 146–58.

'The Strange Birth of Anglican Synods in Australia and the 1850 Bishop's Conference', in *Journal of Religious History,* 27.2 (2003): 177–97

'From Anglican Gaol to religious pluralism: Re-casting Anglican views of church and state in Australia', in *Church and State in Old and New Worlds,* edited by H Carey and J Gascoigne (Leiden: EJ Brill, 2011): 287–306

Introduction

In December 2017, the Royal Commission into Institutional Responses To Child Sexual Abuse established by the Commonwealth Government published its final report.[1] Anglicans were represented and disgraceful behaviour by both lay and clerical officers of church institutions and grossly negligent conduct by a number of bishops were reported. Several bishops, including one archbishop, resigned when this negligence was exposed. The actual offenders are being or have been dealt with by police and church authorities.

However, the commission had some difficulty in coming to terms with the organisational complexity of the Anglican Church. They worked with the General Synod thinking that it was the national body and had some kind of jurisdiction in relation to the twenty-three dioceses. The reality was that the jurisdiction lay with the dioceses and the General Synod was an arena in which some agreement might be negotiated but from which no certain jurisdiction flowed to the dioceses. When the Commission asked for information from the dioceses about schools one diocese included all the schools in the diocese that described themselves as Anglican, another diocese included only those that came specifically under the jurisdiction of the synod of the diocese. In one sense both were correct depending on how one counted what was the Anglican Church and what counted as an Anglican institution. Such distinctions in a loose voluntary association such as the Anglican Church of Australia presented a real difficulty for the Royal Commission. It worked in jurisdictional terms and generally on assumptions that were national in character.

For outside bodies such as the government it is not entirely straight forward to identify what is the Anglican Church or even an Anglican body. This becomes a more complex question for Anglican welfare agencies who receive substantial government funding for some of their services. This is even more complicated where entities themselves comprehend a variety of internal sub groups such as schools within a diocesan church schools system. It has not always been so in relations between church and state. In the early years of the colony of New South Wales it was much simpler. The governor represented the state and the Anglican Archdeacon represented the Church of England.

In 1829 William Grant Broughton arrived in Sydney as the Church of England Archdeacon. He was responsible for all schools in the colony and was third in seniority in the government. In 1836, Broughton became Bishop of the new Diocese of Australia and in the same year lost his monopoly control of schools in the colony and of government financial support for his church. He remained part of the government but with a diminished role. In 1847 his Diocese was divided and he became bishop of Sydney but Metropolitan of Australasia. In 1852, he left for England hoping to sort out the problems of colonial churches

but he died without achieving this goal. When he left Sydney, he was no longer part of the government and had to battle for private support for his church. He was challenged by a growing presence of other churches and more so by dramatic changes in society and the politics of the colony which arrived at local representative government just as he was leaving.

Broughton's transition from senior government officer to independent player in a plural environment was neither easy nor comfortable for him. He was not alone in this. The abandonment of convict immigration, which Broughton had strongly supported, had a profound effect on the colony. Older social groups like the 'exclusives' were being challenged by the new men of the rising generation. Shadows of uncertainty clouded hopes for the future for some while others could not wait to embrace what was to come.[2]

The middle two decades of the century was a time of great transition that heralded profound changes in the colony and in the place of the Church of England in the colony. Broughton was greeted with gubernatorial splendour and public acclaim when he arrived. When he departed it was a somewhat miserable and lonely affair. His personal circumstances had been marred by personal tragedy and he had given away half his income to support the creation of another diocese. His church reforms for Sydney had been rejected in the midst of public protest and counter petitions to the Queen. When he departed there was no public farewell from the governor.

The great social and political currents in the colony in the middle of the nineteenth century enveloped Broughton but he was not to be swept away. He had the intelligence, strength and personal gifts to be a major contributor to the colony. At a memorial event for Broughton the Chief Justice, Sir Alfred Stephen, declared 'There was not one great object for the promotion of civilisation and special advancement in the colony with which he was not connected; there was not one effort to raise its name in the estimation of the world with which his name was not identified'[3] In England he was entombed in Canterbury Cathedral as a hero of the Church of England and the Empire.

This period in the history of Australia has been widely studied and in many respects has become a distinctive turning point by which to interpret succeeding decades and generations. It was a significant period in the sense that major changes occurred which had a profound influence on the future. But the history of societies is more a wandering affair than a series of straight grid lines as if a great matter settled at one point remains a determining force into the future.[4]

This mid-century period has itself been seen to be marked by some surprising even unexpected turns.[5] The period also draws attention to areas of startling surprise in the longer run. Who at the time could have thought that the long struggle over the control of school education from Bourke in the 1830s to Parkes in 1880 might be totally turned on its head in the second half of the twentieth century by a Commonwealth Government providing finance for science laboratories and then moving on to provide munificent funding for non-government schools.

The case of the Church of England in mid nineteenth century New South Wales in relation to some critical social and institutional changes does however present a useful study

of how some of the dynamics of memory and hope contribute to informing action in the present. The essays in this volume are concerned with these social and political issues as they affected both the government and the Church of England in the middle of the nineteenth century.

On the one hand was the heritage that the Church of England brought to the colony, principally in the person of the archdeacon and later bishop Broughton. But, on the other hand, were the social and political dynamics that emerged in the colony. The matter was complicated by the fact that these two aspects of life in the colony did not arrive as separate streams. The colonising power was the political entity of the English Christendom, a system in which the clerical and lay elements shared in the government of the kingdom. Not only so but the kingdom was professedly a christian kingdom, indeed in this case a kingdom that professed the faith of the Church of England. Its colony in New South Wales began on the same terms.[6] At one level these essays could be seen as historical in character and intention. They address particular historical events or people and seek to set them in their context. In that respect, they participate in the general conversation about mid nineteenth century history of New South Wales. However, they are also concerned with a theological endeavour that has to do with the way in which a christian tradition like Anglicanism is sustained through changes in time and place. In that respect they are theological.

Christianity is rightly described as an historical religion. That is not only because it has existed over time, but more importantly because it is founded on beliefs about an historical figure, Jesus of Nazareth, who lived in a particular time and place. The belief, central to Christianity, is that Jesus of Nazareth, as articulated by the apostle Peter and by subsequent Christians, is the Christ the Son of the living God. Debates among early christians about what came to be called Christology arise from these roots. How may christians speak of Christ as both divine and human, and in what way. These foundations have meant that christians have had to exist, as they early began to express it, in two worlds or kingdoms: the kingdom of this world and the kingdom of Christ. But this dynamic in Christianity has also meant that christians have had to take the mundane historical reality of their lives seriously and thus also the material culture that they created over the centuries.

As a consequence for christians historical interpretation has always paid attention to continuities in history and to the means of transmission in christian culture and faith. Such continuity has been thought of in a variety of terms such as the working of the Holy Spirit to reveal new truths; the memory of things Jesus or the apostles did or said or wrote; memory laden activities like the Lord's Supper or Baptism; arrangements like ministerial order or texts regarded as authoritative or political relations with governments. These are matters that involve theological questions; they are not simply historical developments. The inter-penetration of events and theology remains whether the Christian lives in a Christendom or some other kind of society. These essays are focussed on a period in which the transition from a Church of England Christendom to a different kind of society was already underway. That transition dynamic shaped the character of significant parts of the conflict described in these essays.

These essays do not refer to these changes in the middle of the nineteenth century as if they necessarily set the path ahead into the distant future for either church or state. Rather

they are offered as examples of how these Church of England Christians responded to significant changes in their day. In that sense, they offer examples of how christians in the twenty first century in Australia might engage with the dramatic cultural changes of their own day.

The first three essays focus on Bishop Broughton and his trials. They explore his background before he arrived in Sydney and his struggles with two of his biggest challenges; the role of laity in church Governance and how to rid himself of the restrictions of the operation of the Royal Supremacy.

The following two essays relate to the 1850 conference of the bishops of Australasia, which Broughton, in his capacity as Metropolitan, called to discuss issues facing the bishops in their separate colonies. The sixth essay arises from three other shorter essays on different aspects of the founding of the University of Sydney, to which Broughton took such great exception. When reviewing these three essays it seemed to me to be better to draw material from them and my subsequent thinking into a comprehensive account of the conflicts involved in this great enterprise. As a consequence this is a longer essay and includes a good deal of original material from the time in order to illustrate my particular interpretation of this moment. The conflicts show up not just division within the Church of England in the colony but also the quite different orientations of those involved in trying to come to some kind of accommodation with the new university. These are not just about how to relate to the university but also who could be thought to represent the Church England in this matter. In the absence of a Bishop of Sydney the question of who might properly be regarded as representing the Church of England was a significant issue for a government about to hand over large endowments. For the church there was also a domestic question of what kinds of initiatives and power lay people could take in the church. Church governance had been an earlier case of re-locating power in the church. The tussle with the university was another. The last essay arises from a conference on Church and State in Old and New Worlds and seeks to re-configure the terms in which it is approproate to speak about relation between church organisations and aspects of the modern state that is Australia. Once again this is not the original essay but a reconfigured essay developing the work of the earlier article.

Many of the questions raised by the events dealt with in these essays still confront Anglicans and Australians albeit in quite different circumstances. The Royal Commission mentioned above is but one example. Another ongoing example is the debate about religious freedom and the terms upon which the debate might most usefully be conducted. I hope that some airing of these discussions might contribute to a calmer and more reflective conversation about these things.

1. https://www.childabuseroyalcommission.gov.au/final-report
2. See the excellent overview of this transition period in JB Hirst, *Freedom on the Fatal Shore: Australia's First Colony* (Melbourne: Black Inc, 2008)
3. Quoted from GP Shaw, *Patriarch and Patriot, William Grant Broughton 1788–1853* (Melbourne: Melbourne University Press, 1978), 274
4. One might compare the overtly philosophical interpretation of Manning Clark Manning Clark, *A History of Australia*

(Carlton, Vic: Melbourne University Press, 1962); John Manning Ward, *et al*, *The State and the People: Australian Federation and Nation-Making, 1870–1901* (Leichhardt, NSW: Federation Press, 2001).

5. JB Hirst, *The Strange Birth of Colonial Democracy. New South Wales 1848–84* (Sydney: Allen and Unwin, 1988).
6. Bruce Kaye, *The Rise and Fall of the English Christendom. Theocracy, Christology, Order and Power* (London: Routledge, Routledge Contemporary Ecclesiology, 2018).

Chapter 1
The ‘Old High Church’ Baggage of William Grant Broughton

This article examines the intellectual and ecclesiastical baggage which WG Broughton brought with him when he came to New South Wales as Archdeacon in 1829 by tracing Broughton’s early life and education, his early ministry and scholarly writings, and identifying Broughton’s circle of friends in the Church of England. The travel diary, which Broughton kept on his journey to New South Wales is examined for his estimate of the books he read while on ship. Broughton emerges from this study as a person of considerable scholarly talent, and a member of the old High Church group (The Hackney Phallanx) by both theological, and political conviction as well as personal friendships.

Late in the afternoon on 26 May 1829 the recently appointed archdeacon of New South Wales could have been seen deftly stepping aboard the convict ship John with his wife and two daughters. In such a manner did he set out from Sheerness for the other side of the world with their assorted household baggage. The baggage that he carried in his head, and which would direct the way in which he tried to arrange the affairs of the Church of England and its mission in the colony, is also reasonably identifiable. Here we have a high churchman of the Hanoverian church/state mould. He was entirely committed to the Church of England as the fruit of the Protestant Reformation with its basis in the authority of scripture. The Duke of Wellington, great though he was, had made a terrible mistake with Roman Catholic emancipation, for Romanism was not just politically subversive it was a system of error from which the Reformation had delivered the Church of England.

Broughton warrants more attention than he has been given so far in terms of Australian history and religion.[1] However, he also deserves some consideration in terms of the English framework within which he spent the first forty-one years of his life, and that in two respects. First, with what convictions, habits of thought and educational qualities did he venture to Australia to deal with this new and threatening situation for the Church of England in New South Wales. Secondly, does an examination of his background shed any light on our understanding of church and theological movements in the early part of the nineteenth century in England itself, especially the position of the old high church group?[2] It may, therefore, prove of interest from both an English point of view, and also from an Australian point of view, to look a little more carefully at the baggage which Broughton took with him to Australia.

Such an examination, I suggest, places Broughton in the category of the ‘Old High

Church' group. There is a certain difficulty of definition involved in this statement, since it is a matter of discussion as to how exactly that High Church group should be characterised, a characterisation which may well vary according to the point in time in which one was interested. The term in an ecclesiastical sense goes back to the last decade of the seventeenth century when 'High Churchmen' tried to respond to a flood of anti-clerical publicity.[3] The term comes to have a variety of connotations in the nineteenth century, in no small measure as a result of the division which developed between Tractarianism and the High Church group in the late 1830s.[4] We are concerned here, however, with the period up to 1829, when Broughton departed for New South Wales. In this period that division had not occurred. It is very easy to project the post Tractarian categories back on to the earlier period, just as, more generally, it has proved to be a temptation for historians to read back later Victorian categories into the interpretation of the eighteenth century.

William Grant Broughton was born on 22 May 1788 at Bridge Street, Westminster. When he was six years old the family moved to Barnet in Hertfordshire, and the young Broughton went to Barnet Grammar school. In January 1797 he entered the King's College Canterbury, and at the end of that year he was granted a King's scholarship. He left school in December 1804, having won an exhibition to Pembroke College, Cambridge, but he was not able to take up his position for lack of funds. For the next two years he appears to have lived at home and then, in April 1807, obtained a position at the East India Company in London. Six years later he inherited £1000 from his uncle and this enabled him to take up his position at Pembroke in October 1814. He graduated BA (sixth wrangler in mathematics) in 1818, and then was ordained deacon by the Bishop of Salisbury, married his long time sweetheart Sarah Francis and became the curate of Hartley Wespall in Hampshire, where he stayed for nine years. In 1827 he went to be Assistant at Farnham in Kent and was also appointed Chaplain to the Tower of London in 1828. He was offered the position of Archdeacon of NSW in October 1828, for which colony he set sail on 26 May 1829, four days after his forty-first birthday.

Such, in brief outline, is the course for the formation of the Archdeacon. That formation and its results can be identified in more detail by concentrating on three stages in his life, each of which contributed something to the final outcome; his early life, time at Cambridge and his ministerial period. Before turning to these details, it will help to focus the developing picture if we pause briefly to note the sorts of issues which Broughton would have to face in New South Wales first as Archdeacon and then later as the first Bishop of Australia. The English background can be focussed as well by identifying Broughton's circle of friends and acquaintances, for they securely locate him in the High Church tradition.

New South Wales was founded as a convict colony and this fact dominated the first twenty-five years of its existence. The Governor was supreme and the Archdeacon was an important person in the hierarchy of the colony. Although he came later in the life of the colony, Broughton still had to contend with some of the convict problems. The role of the church in relation to marriage, divorce and social mores certainly were a concern to him. The problems of the developing colony in matters such as immigration, the cessation of transportation, the settlement of land and the basis of its tenure, and the supply of labour in the colony all occupied his attention as an advisor to the government. For a number of years he was the chairman of the immigration committee of the Legislative Council. He was

continually occupied with the problems of the role of the church in education, particularly with the rising anti-ecclesiastical sentiment in this area. In his episcopal role he was faced with questions of church government and the relation of the church to the colonial government. As we shall see these challenges pick up elements in his background and development. The 'baggage' he took with him was useable in the colony, but it had to be significantly re-arranged.

An interesting circle of Broughton's acquaintances within the ecclesiastical life of the Church of England can be identified. At Cambridge the Greek Professor, James Henry Monk, turns up again as the Bishop of Gloucester at Broughton's consecration. He was the leading light on Greek textual criticism at Cambridge, and he was also a staunch high churchman. Broughton would also have met or known of, George D'Oyly who was the Christian Advocate at Cambridge in Broughton's first two years as a student. D'Oyly was well known in his day as a theologian, was the Treasurer of the Society for the Promotion of Christian Knowledge (SPCK) and a member of the committee of the Society for the Propagation of the Gospel (SPG); the two societies which Broughton supported, the latter being the object of his first published sermon at Reading in 1822. D'Oyly's successor as Christian Advocate during Broughton's time at Cambridge was Thomas Rennell, who was also the editor of the *British Critic* from 1811.

Rennell was a close friend of the Revd Handley H Norris, whom we know from Broughton's correspondence was an old friend of Broughton as well. An indication of Broughton's friendship with Norris and his identification with the 'church principles' of Norris, and thus the Hackney Phalanx group, can be seen in their correspondence. Norris had written to Broughton about his appointment to NSW and in his reply of February 9 1829, Broughton said;

> you are quite right in saying that there is no ground for congratulation on my appointment . . . you have taken what appears to me to be the truest view of the relation in which the maintenance of the Church of England stands to the present and future happiness of mankind; and it is truly in the hope of recommending such views that I am going to what I know and feel to be a banishment.[5]

Norris was an extremely close friend of Joshua Watson, who not only knew Broughton well but also was one of his greatest and warmest supporters in the colonial church. Years later, when Watson's daughter Mary died, Broughton wrote to Watson to console and encourage his friend with recollections of the work which he had done for the church.

> Your mind should preserve its activity and interest in those plans which were cherished by you and others within the bosom of the church at a time when the world at large, though retaining the word church in the creed, yet seemed to have forgotten that it had any proper meaning. You have lived to see the revival of a better feeling.[6]

Then, of course, we have Dr Keate, with whom Broughton was on close and familial terms from the time at Hartley Westpall when he was Broughton's non-resident rector. Keate maintained his connections with Eton, which institution, through the person of the Revd Edward Coleridge was to play such a vital part in Broughton's work later as a bishop. Last but not least we note Bishop Pretyman-Tomline, to whom Broughton dedicated his first

significant publication which was an answer to *Palaeoromaica*. Tomline wrote to Broughton with approval for his work,[7] and in relation to Broughton's publication on the politically more sensitive issue of the *Eikon Basilike* he told Broughton that he strongly inclined to his side of the matter. Tomline was also on personal terms with Broughton's father in law, the Rev J Francis.[8]

We see here a circle of friends and acquaintances of not inferior influence in the institutions of Church, State and University in the persons of Marsh, Tomline, French and also Wellington, through whose patronage Broughton was appointed to the chaplaincy of the Tower of London, and then the Archdeaconary of New South Wales. Tomline, together with Monk, D'Oyly, Rennel, Norris and Watson indicate Broughton moving in the orbit of the Hackney Phalanx. Certainly this grouping sits well with Broughton's opinions and convictions. We might even say that Broughton was the sort of person who could be covered by Lyall's phrase '. . . men who had no other claim except that of merit . . . persons whose fathers were in very humble stations in life . . .'[9]

Edward Churton wrote to S Copeland on 29 October 1855 saying that some good might come from 'quietly rebuking the upstart self-satisfied spirit of some whom I have heard preaching up their noble selves as if they had been the people and the knowledge might die with them.' Peter Nockles relates this intention with Churton's composition of his Memoir of Joshua Watson, which was thus an attempt to set the later Tractarians in their proper place and to re-assert the position of the Hackney Phalanx High Churchmen. Thus in the second volume of the memoir[10] Churton says, 'The picture of the calm practical and retired wisdom of Joshua Watson was, to all who witnessed it, the most instructive contrast and preservative of those who came within the glare and dazzle of the rival and eccentric scintillations. What were the fruits to be attained in a school equally distinct from that of Newman and of Arnold.' It is in the circumstance of this intention and purpose in the Memoir, that he devotes an entire chapter to a very sympathetic account of Broughton. In 1855 Churton clearly thought Broughton to be in Watson's group and not in that of the later Tractarians.

With these future problems and this circle of acquaintances in mind we can now turn to the development of the young William Grant Broughton and the formation of his 'baggage'.

Broughton's early life

Broughton's family circumstances were relatively modest. Nonetheless there are some indications of aristocratic connections.[11] He is reported to have obtained his position at the East India Company on the patronage of the Marquess of Salisbury. In June 1852 the grandson of the Marquess, Lord Robert Cecil, stayed with Broughton in Sydney, and, in correspondence with his mother at that time, Broughton was able to relate the event with nostalgic recollections. 'I could not help thinking how strange is the course of events which brings one of that family to my house: and I think that my having the honour of being able to receive and entertain him on terms of equality, may lawfully gratify you, and make some little return for the exertions and sacrifices which you and my dear father made to give me education, and to prepare me for the situation in which I am'.[12]

It was that education at the King's College Canterbury which contributed so much to Broughton's future development; a solid grounding in the classics, particularly Latin, a habit of discipline, personal and mental, and an enduring emotional commitment to the symbols of the established position and character of the Church of England, so richly supplied by living in close proximity to Canterbury Cathedral. He also found there his Housemaster's daughter, whom he later married. His later correspondence makes it abundantly clear that this time at the King's College was profoundly formative, and he remembered it with great affection.

The ten years that followed school were not so well remembered, but they nonetheless exposed him to questions which, in the colony of NSW, would prove to be extremely valuable. Undoubtedly this was a frustrating time in terms of advancement, but it was a period of practical activity and developing romance with Sarah Francis. Broughton worked in the Treasury section of the East India Company from 1807 to 1814, that is to say, when he grew from a nineteen-year old youth to a twenty-six-year-old young man.

East India House has received a bad press from Charles Lamb's references to the dark and dingy corridors which impressed themselves on him when he worked there at this time. However, for an intelligent and energetic young man like Broughton there was a good deal to observe and to learn. It was a period of significant change for the company in terms of its organisation, the extent of its power and success and also the range of its religious responsibilities in India.[13] In 1809 there was a major re-organisation of the company's administrative arrangements at India House, and although the Charter was renewed in 1813 some changes were made in the way directors were elected. One of the debates which would have been of interest to the young Broughton, was that concerned with the responsibility of the company for missionary activity in India. In the period 1806–1812 India House was literally a house divided against itself on this issue. Charles Grant and Edward Parry, together with their Clapham Sect associates, were striving for a change in the policy of non-interference to one of the universal dissemination of Christianity in India.[14]

What we learn, then, from this early life of Broughton is that he came from modest family circumstances, with peripheral but significant aristocratic contacts. Clearly a boy of intelligence and promise, he imbibed the classical learning and ecclesiastical traditions of King's College Canterbury. We also observe that he spent the very formative years of his youth in the capital working in an environment which exposed his to the issues of the day, commercial, colonial, political and ecclesiastical.

Broughton at Cambridge 1814–1818

Broughton was admitted to Pembroke College on 7 May 1814,[15] and he graduated sixth wrangler, that is to say, the top group of candidates, out of a list of twenty-eight.[16] In the terms of the day this must be reckoned to be a very considerable achievement. Broughton was also the top candidate of his year in Pembroke.[17] The Tripos examination was, of course, mathematical and required a high level of technical skill as well as ability to present and argue before the Moderators.[18] He would have been prepared for this examination by his tutor in Pemboke, William French, in interactive small group and individual exercises.

French would have been the key influence on Broughton. He taught him mathematics and was Bursar of the College 1816–1817, and Dean 1814–1815. He was also one of the two College Tutors throughout the whole of Broughton's time. French had migrated from Caius where he had graduated as second Wrangler and Smith's prizeman. He was appointed Master of Jesus College in 1820 at the age of thirty-four and in 1830 published a new translation of the Psalms. Only two years older than Broughton he offered him the sharp training of mathematical precision and linguistic skills. This influence came in the environment of a small and stable college community, which was Tory in politics and strongly supported the church establishment.

The University and the town were both affected by the immediate post-war problems of depression and financial stress, which led to farm workers' riots in Ely in 1816. In 1815 students founded the Union and this became a forum for debates on political and other matters.[19] However the forces of conservatism were very strong in what was still a very clerical society. Isaac Milner's objections in 1811 to student desires to establish an auxiliary of the British and Foreign Bible Society were more those of conservatism than religion. 'He was convinced that if undergraduates were permitted to organise themselves for the purpose of diffusing a knowledge of the Bible, it would not be long before they were banding together to spread subversive political ideas; and that therefore it was of the utmost importance to impress upon them that they had not come to the university to teach their elders and betters.'[20]

Of the theological professors the most effective presence was that of Herbert Marsh.[21] The points of contact between Marsh and Broughton are extensive, and while there are a number of aspects to Marsh's outlook with which Broughton would not have agreed, there are many areas of agreement. Herbert Marsh grew up in Farnham, Kent, where his father was the incumbent and where Broughton was later curate. Marsh went to the King's College Canterbury as a Kings scholar in 1771, as Broughton also did sixteen years later. Marsh went straight on to Cambridge, and spent the last decade of the century in Germany studying and translating the work of Michaelis on the New Testament. When he returned to Cambridge he became Lady Margaret Professor in Divinity and began lecturing in 1809. He initiated the practice of lecturing in English, and gave his lectures in Great St Mary's Church in order to accommodate the larger audience, and also to enable townspeople to attend. His lectures were printed but were never set as a text in the university. He lectured on a three-year cycle and Broughton would have heard them delivered in 1816. He would also have had available to him the lectures Marsh gave on New Testament textual criticism for the first time in 1810.

Before he went to Germany Marsh had been influenced by Paley and the case for Christianity which deployed arguments from 'evidences' and from prophecy. This theological approach was sharpened by his stay in Germany where the theological issues were differently drawn. Marsh came to emphasise the case for Christianity based upon a defence of the New Testament as historically reliable, rather than the arguments based on the fulfilment of prophecy from the Old Testament. However, in the process the New Testament becomes not a divinely authoritative book in its own right, but rather historically reliable evidence for early Christianity. In England, the intellectual challenge from Deism was met by a development of what was essentially a Lockean epistemology which enabled the defence of

Christianity to be brought into more positive relationship with Enlightenment impulses. Cambridge played a particular role in this respect, in some contrast to Oxford which was less hospitable to the Enlightenment.[22] It is interesting to note that a contemporary of Marsh at Cambridge, Richard Malthus, also developed Paley's line of argument and sought to deal with the question of theodicy raised by the Enlightenment in relation to social evil.[23]

In Germany the reaction in theological circles to the Enlightenment was to develop an aggressive, critical attitude to the interpretation of scripture which eventually, in the hands of people like Semler, Reimarus and most notably Lessing, separated in a quite radical way the defence of Christianity from the defence of the Bible. The former could be enterprised on what came increasingly to look like romantic grounds, while the latter was left aside as either unreliable or irrelevant.[24]

In England, and Herbert Marsh exemplified this, the Bible remained in large measure secure at the end of the eighteenth century, but a more open historical approach had to be developed in relation to the regularities of the Lockean epistemology. Thus, from Michaelis Marsh developed a view of history which opened up more possibilities for the defence of a conservative social and ecclesiastical position than appeared to be possible in Germany. 'The Christian religion was as true within the first ten years after the death of Christ, as it is present; but at that time the New Testament was not written, consequently the truth of Christianity could not depend on the authenticity of the New Testament.'[25] The christian apologetic did not fall apart if the Bible was shown to be unreliable, as it did for Reimarus, nor was that apologetic restricted to what one believed in one's heart, as it did for Lessing. The apologetic was conducted on a broader base and with a more confident critical historical outlook. RK Braine characterises Marsh in the following way.

> Marsh was thus in many ways a representative churchman of his day even if he was more learned than most of his ecclesiastical colleagues. He belonged to a self-confident latitudinarian-Orthodox apologetic tradition and was not, as some commentators have supposed, a High Churchman. He rejected the authority of the Fathers, of Councils and Tradition. He never seriously considered the doctrine of apostolic succession. Nor did he dwell on the spiritual authority of the church or her priesthood. Instead he gave articulate voice to the two typical themes of latitudinarians—the authority of reason and the Bible. At the Reformation, he believed, papist claims to infallibility, fallacious appeals to the authority of tradition, and the whole superstition of the middle ages, had been swept aside by the Reformers. The scriptures had been subjected to reason, their grammatical sense restored, and a new era of learning inaugurated.[26]

Not all of this would have been congenial to Broughton. In later life he did appeal to the early church and its councils, and he would more correctly fit into the category of the late eighteenth century 'orthodox'. He was not a latitudinarian, though he certainly shared Marsh's strident anti-Roman sentiments. He also came to share Marsh's views about the importance of education and the role of the Church of England in it. 'Broughton made Marsh's arguments his own.'[27] Shaw has argued that Broughton took up Marsh's emphasis that the clergy should be a learned profession and that the history of Israel had something to teach all nations, 'Marsh had scarcely a more devoted pupil'.[28] However, Broughton had taken on more than this from Marsh, and in some respects it was more profound and important; namely, a critical and open historical approach to the past. This attitude is revealed

in Broughton's early publications, particularly in his defence of Gauden's authorship of the *Eikon Basilike*, a position which ran against the grain of Broughton's social and royalist sentiments. For the moment we should note that this historical attitude has its antecedents in Marsh and the historical methods and attitudes which he contributed to Cambridge from his study and reflections in Germany.

When Broughton graduated from Cambridge he wanted to marry Sarah Francis and was firmly committed to ordination and a clerical career. His achievements at Cambridge would have opened up the prospect of a Fellowship at his college, but he could not hold a Fellowship and at the same time be married. He left such thoughts of a College Fellowship behind him in order to plunge into his ministerial work.

Ministerial work

Broughton wasted no time in getting on with things.[29] He had clearly made prior arrangements for his ordination in February by the Bishop of Salisbury on letters dimissory from the Bishop of Winchester. He was licenced immediately to Hartley Wespall, where the non-resident rector was the Hon and Revd Alfred Harris, to be replaced soon after by the Head Master of Eton, Dr Keate. In July he was married to Sarah Francis in Canterbury Cathedral where her father, his former housemaster, was one of the Six Preachers of the Cathedral, and later in the same year he was made priest. Broughton came to love this little village just off the road between London and Winchester, and sitting near to the social and architectural bulk of Strathfield Saye, the seat of the Duke of Wellington given to him by a grateful nation.

Broughton occupied a large vicarage in which he conducted a school, reflecting his educational commitments. He became acquainted with the Duke, and more particularly the Duchess who assisted him in seeking to obtain a librarian's position in London. He and his family entered into an intimate and affectionate relationship with his rector Dr Keate, and Broughton quickly established a reputation as a staunch High Churchman. It was not long before he was offered a curacy in Margate.[30] His first publication was of a sermon preached at a deanery conference to support the SPG and it was dedicated to the Bishop of Salisbury, John Fisher, who coincidentally had been previously the resident incumbent of Broughton's parish. We also have a sermon which Broughton preached on the resurrection at Farnham in 1829.[31] However, in the intervening years Broughton published two significant works, each with a follow-up publication, and these call for some more detailed consideration in order to identify a little more clearly Broughton's intellectual skills and outlook.

Palaeoromaica

In 1823 Broughton published a 320 page reply to *Palaeoromaica*, an anonymous work on the linguistic background to the text of the New Testament, and then later in 1825 he published a further contribution.[32] This densely argued debate reveals something about Broughton's general social and ecclesiastical attitudes as well as showing something of his skills. The

timetable of the debate was as follows:

> 1822 *Palaeoromaica*, published anonymously by someone identifying themselves as a 'humble protestant'.
>
> 1823 five published reactions to this book; Thomas Burgess (Bishop of St David's), the Revd JJ Conybeare (Prebend of York), the British Critic, the Revd WG Broughton and Dr Falconer.
>
> 1824 the anonymous writer published a Supplement to *Palaeoromaica* which included a response to Burgess, Connybeare, Broughton and Dr Falconer and the British Critic and appended three postscripts dealing with German debates of the original language of the New Testament.
>
> 1825 Broughton published an 84-page Reply to the *Second Postscript*.

The original publication consisted of six disquisitions which effectively set the terms of the debate:

I. Was Greek as widely known in the time of the Apostles as is commonly thought ? No.
II. The apostolic autographs are considered and some general principles about translations made. Indications of translation are then identified in St Mark's Gospel according to the Elzevir text. A thesis is developed that the Elzevir text has behind it a Latin original.
III. The style of the Greek NT examined, and the difficulty of designating this style. The 'barbarism' of Paul's style had been noted by the Early Church Fathers, and these stylistic marks betray a Latin original.
IV. A long list of words and phrases are considered which point to 'a servile version from the latin'.
V. The history of the formation of the canon on the NT is reviewed in a way that suggests preference would be given to a Greek text. In the history of NT text editions up to Wetstein greater respect had been given to Latin texts.
VI. The hypothesis of a Latin original is applied to Griesbach's theory of recensions, and the advantages of the hypothesis are noted.

Palaeoromaica, in general terms, argues the thesis that behind the Elzevir Greek text of the NT, which had been published in 1624, there is a Latin original. This whole exercise and the hypothesis itself has, of course, been overtaken by later events in the *textual criticism* of the NT; the discovery of many more manuscripts, the development of scientific methods of dating ancient documents, the vastly superior knowledge of first century Greek provided by the discoveries of papyri, the increased knowledge of the Graeco-Roman social and linguistic environment arising from archeological discoveries. The dispute is really a *quaint cul de sac* from a modern perspective, and indeed even in 1823 it really should not have raised much of a ripple. That Broughton engaged so substantially in the debate is in itself interesting and sheds some light on his own more general attitudes.

In Broughton's reply he deals at some length with the details of the argument in *Palaeoromaica*. He has no difficulty in showing that Greek was in fact quite widely known in the first century. He then goes through the questions of style, especially Paul's, and of the examples claimed as indicators of translation, particularly those from the Gospel of Mark. He summarises the testimony of the Early Church Fathers and relates the hypothesis to that of

Hardouin. Broughton's reply to the second postscript simply answers the further questions and then concludes with some general remarks on the nature of reasoning that is appropriate in such debates.

The exact terms of this debate do not concern us here. We are interested in what is revealed of Broughton's skills, learning and attitudes, and in all these respects we learn something. We also have the opportunity of observing to which writers and authorities he appeals. All in all Broughton shows up very well from these publications. He discusses a wide range of particular cases of supposed latinisms of translation, and in the process demonstrates a very high level of skill in Latin and Greek, as well as a reasonable competence in Hebrew. At one point he discusses Hebrew morphology with a degree of facility.[33] He is clearly aware of text critical methods in relation to the NT and to classical writers, an aspect of classical studies which had a strong tradition at Cambridge. He is aware of scholarly discussion of these issues, and he sees the significance and limitations of applying the criterion of 'sense' to text critical questions. He clearly sees the strength of having a wide range of textual variations and is able to compare NT and classical texts in this respect. He also readily recognises that the best that can be hoped for is what is most likely in the light of the available evidence and that absolute certainty in such cases is not possible. He points out that the tendency to Latinise referred to by Wetstein referred to Codex Bezae and not generally.

Broughton's historical skills and learning are also of a very high standard. His summary of the evidence for the extent of Greek in the apostolic age is neat, crisp and to the point. He identifies the relevant evidence from the New Testament, particularly the Acts of the Apostles, from Josephus and relevant information about Roman language policy in imperial administration. His approach to the characterisation of style is appropriate in terms of historical method; comparisons should begin from a known exemplar and it is therefore necessary to identify precisely Paul's style before seeking to discriminate particular passages within the Pauline corpus. So he examines the evidence for Paul's biographical details, and the likely linguistic implications from such a background. He draws in a consideration of Paul's social station, and the known regional differences in the Roman world. He agrees that Paul quotes from the Roman poets, but does not think he read them extensively.

Broughton is aware of scholarly debate on the issues he discusses; the main hypothesis of a Latin ur-text, the non-classical character of New Testament Greek, and the latinisms in the New Testament. One of the quite remarkable features of this book is the range of knowledge it shows of the Early Christian Fathers, particularly those of the second and third century. He is able to discuss with some familiarity Gregory of Nyssa, Jerome, Clement of Alexandria, Tertullian, and he has also worked his way through Eusebius' *Ecclesiastical History*. He is familiar with the early sources which point to Mark having written his gospel in Rome, and is willing to take an independent line on the synoptic relations of the gospels. In taking the view that Mark wrote after Matthew and to a certain extent copied his words, he says, 'I am aware that I am opposing very great authorities'.[34]

Broughton's reading is also disclosed in the sources and authorities which he quotes or uses. He seems to have access to a reasonable range of editions of the classical and patristic texts which he quotes from, and it is interesting to note that he quotes from a wide range of

scholars including Paley, Warburton, Leland, Bellamin, D'Oyly and Mant, Michaelis and Marsh. We might note that he quotes Michaelis with warm approval in support of the view that a number of Greek words and phrases in the NT come from the Septuagint; the point cannot be put 'more sensibly or more correctly than has been done by Michaelis'.[35] However, even though he quotes Michaelis on a number of occasions, he does not always agree with him. On the other hand when he refers to Marsh, as he does on a number of occasions it is always in agreement. The range and character of references shows that Broughton is not only widely read in the primary sources, but that he is well read in the theological literature of his day in connection with this subject. He shows a distinctive awareness of German literature on the subject.

In this work Broughton also reveals some of his own attitudes, most obviously in regard to the NT and the early church, but also in relation to more contemporary matters. He reveals a very optimistic estimation of the unanimity of the testimony of the *Early Church Fathers* and the value of this unanimity in moving back to the time of the apostles; 'the testimonies of Clemens of Alexandrinus, of Tertullian, of Gregory, of Jerome, and of Augustine are, I repeat, valuable as evidence of a widely diffused, uniform and unbroken persuasion, existing among Christians from the beginning; they assure us of their own sentiments, and lead us, by a kind of induction, to those of a much earlier period.'[36] The unanimity of the testimony of the early church was important for anyone who wished to vest the period of the first four councils with special authority, as did many churchmen of Broughton's day and before. Not only so, but this appeal also saw that early church period as continuous with the apostolic witness. In the hands of Protestants, the appeal to the early church was an extension of their appeal to the New Testament and played a distinct anti-Roman Catholic role. On the other hand he avers that Paul intended 1Corinthians not just for its immediate addressees in Corinth 'but of the whole Christian world in that and every succeeding age. St Paul himself knew this; and his disciples knew it as well as we know it now; the perusal of the fifteenth chapter of the first epistle to the Corinthians was alone sufficient to convince them; and, as far as they were able, though their ability might be trifling compared with ours, they would seek to extend the knowledge of these universally interesting truths.'[37]

This does not lead him into any kind of absolute certainty about the contemporary authority of scripture since that would imply a form of certainty which is not appropriate in religion. Thus, he rejects the demand of *Palaeoromaica* that there should be absolute certainty in establishing any text which is to claim to be the word inspired by the Holy Spirit. Such certainty could only be achieved by a constant divine superintendence at every point in the transmission of the text, that is, it would demand a series of miracles, and a perpetual infraction of the laws of nature, which no reasonable person can expect to witness. In a less instructed age the exertion of such a superintendence was inferred, because it was thought that, without it the integrity of the Sacred Writings could not be preserved. But a fuller enquiry has shewn that it was not exerted (otherwise there had been no various readings) and a juster comprehension of the subject teaches us to believe that neither was it necessary. 'Should we grant the assertion', says the author of *Palaeoromaica* 'that every word of the Greek Testament was originally inspired by the Holy Spirit, yet amidst a hundred and fifty thousand various readings, *which is the word used by the Holy Spirit'* (469). And again 'I

would exclaim with Erasmus, let me be shewn the word dictated by the Holy Spirit and I will embrace it with the utmost reverence'. We know who they were who cried 'shew us a sign from heaven;' give us demonstrative assurance and then 'we will believe'; but God rejected their unreasonable demand because a *moral* and not a *demonstrative* assurance was all the evidence which he saw could reasonably be required.[38]

Shortly afterwards Broughton reverted to the same allusion to Erasmus as presented by *Palaeoromaica*, where the point at issue was whether or not it was possible historically, and necessary for religion, to be able to produce with absolute certainty the original text of the New Testament.

> But 'let me be shewn the word dictated by the Holy Spirit' is the cry; out of many readings which is genuine? That, we reply, in favour of which reason and judgement, exercised according to certain approved rules, shall pronounce the balance of evidence to incline. Because reason and judgement are not infallible, the criterion here proposed, I am ready to admit, is not infallible; but this is a question of evidence; and the assurance which is thus obtained, after impartially weighing what may be said on either side, is as satisfactory as that upon which men do not hesitate to act in the most important affairs of life: and in the case before us the balance of evidence is sufficient to beget a moral conviction, which, in matters of religion is faith.[39]

The attitudes that are expressed in these sentiments about the text of the NT are quite important in determining Broughton's attitude to authority in Christianity. They also reflect the attitude with which he opened his book. There he explained to the reader that he was going to treat the matter as an historical question without any prejudice as to the character of the authority of the NT; 'I am anxious to explain to him that the reasonings which they contain are founded on no such assumption, as that the writings of the Apostles are above scrutiny, and that every opinion which appears to intrench upon their authority must therefore *a priori* be necessarily false.'[40]

It is in this context that Broughton declares that the same kind of critical examination may with the utmost propriety be applied to any scriptures taken to be divinely inspired as might be applied to any other texts. In making this claim that the Bible can properly be examined in an historical critical way just like any other texts Broughton is moving significantly ahead of many of his conservative contemporaries, but not, of course, of Herbert Marsh. That view was to attract a good deal of hostility when it was expressed in more elaborate and extended form by Benjamin Jowett in *Essays and Reviews* in 1861.

Broughton's real objection to *Palaeoromaica*, apart from the historical weaknesses in its case, is the spirit of scepticism which the book represents.[41] It does not seek to argue for the strength of its own point of view as to cast doubt and uncertainty, 'to produce *doubt* rather than *conviction*; not to fix, but to unsettle opinions, by insinuating that the most general and the longest established persuasions of men may be false, rather than by shewing that their own are true.'[42] It is for this reason that Broughton says he writes for the unlearned,[43] since they may not be in a position to see the inadequacies of the arguments put forward by *Palaeoromaica*. The learned will be well able to see the inadequacies and errors in the book but Broughton judges that it is his place to write for a wider audience, and thus he gives expression to Herbert Marsh's ideal of the role of a learned clergy.

Eikon Basilike

Broughton's second excursion into public controversy did not involve any thought about the defence of the Bible, or the protection of the unlearned from the evils of sceptical thought. Rather, it had to do with what he regarded as one of the most important periods of English history, namely the seventeenth century, and in particular the reign and fate of Charles I. It had to do with history and it also had to do with Tory politics.

Within a few days of the execution of Charles I on 30 January 1649 a document was published which appeared to have been written by the king as an apologia, the so called EIKON BASILIKE.[44] It was presumed to be by the king and in time it came to be a symbol of Tory loyalty to the royal cause. In 1690 this assumption was brought into question with the publication of the Anglesey Memorandum and its claim by Bishop Gauden that he had been the author of the EIKON. The matter seemed to have reached something of a conclusion with the publication in 1717 by Wagstaffe of his third and very full edition of his vindication of the King's authorship. However, in 1821 HJ Todd, who had been working as Librarian at Lambeth, published the memoirs of Bishop Waller. Included in these were four letters from Gauden and one from Mrs Gauden, the originals of which were at the Lambeth Library. *The Edinburgh Review* seized upon this new information, which appeared to make Gauden's claim decisive, and made the most of what it called 'yet another Tory attempt to falsify history'.[45] This stung some Tory sympathisers in their familial discussions in the Lakes District[46] and a public debate ensued.[47]

The dispute was finally settled in Gauden's favour, much along the lines argued by Broughton, with the publication in 1839 of the autobiography of Symon Patrick, who had died in 1707, and whose diary refers to the writing of the EIKÔN by Gauden and its revision by the King.

It is not necessary to rehearse the arguments put forward by Broughton, but his two publications reveal a detailed knowledge of the period and the events involved. He deploys the same kinds of skills as were found in the *Palaeoromaica*. Though there is not the same variety of linguistic usage, there is nonetheless a question of style in the documents under dispute. Broughton, however, places the weight of his argument on the historical circumstances and the possibilities that these yield. His classical learning is again apparent.

The reasons for Broughton's involvement in this debate are quite different from those in the previous excursion. He believed strongly that the period was one of great importance.[48] He says that he had studied it over a period of time. In the *Additional Reasons*, he acknowledged that he had made a mistake in the name of an author to whom he referred. 'In sober sadness, then, I am compelled to acknowledge I had not books whatever. The truth is, that having read, or rather devoured everything relating to this subject, as it fell from time to time in my way, I thought myself able, from recollection only, to shew the fallacy of your conclusion . . .' Broughton also probably had some contact with Henry Todd whose publication in 1821 had sparked the debate. Todd was one of the Six Preachers at Canterbury Cathedral at the time of Broughton's marriage there, and would consequently have been known to Broughton's father in law. He had used Todd's work in the *Palaeoromaica* debate.

Broughton's sentiments and political attitudes were decidedly on the side of the King, so

that there was no desire on his part to make a political point out of proving Gauden the author. Almost his last word on the subject concerns the King's reputation, 'my first anxiety was as to how it might affect the king's character for probity; and my principal gratification at the present moment arises from the conviction which I feel that it does not at all injuriously affect him.'[49] In the first contribution he had, however, found Gauden to be at fault because he had sought to defend the church and episcopacy in the name of the dead king. Good causes do not need and should not use such dishonest supports.[50] Tory in politics he may be, committed to the established church order as a High Churchman he may be,[51] but he was also the student of Henry Marsh in the matter of historical method and of historical honesty.[52]

Broughton's travel diary

Broughton set sail for NSW on 26 May 1829 and sixteen weeks later arrived in Sydney harbour on 13 September. It was a fairly tedious journey on a convict ship with the usual difficulties and inconveniences. Broughton kept a diary on this journey and, although it is somewhat intermittent, at several points it relates his reflections on the books that he has been reading. The comments only occur in the first half of the journey, but during that time he records his thoughts on six books; Harris' History of Charles I, Hey's lectures in Divinity, Thomas Balguys' sermons and Charges, Heber's journal, John Balguys' collection of tracts and Elisha Cole's book on God's sovereignty and righteousness.[53] He is clearly still occupied with the seventeenth century and his recent controversy over the Eikon Basilike in reading Harris. He comments on the critical role of errors of judgement by the chief players, and the weakness of the leaders, indeed the 'wickedness of chief actors', and 'the King's insincerity'. Of the archbishop he says, 'Excepting for his magnanimity at the hour of death, I have indeed little to say for Laud. His views might be honest. To a great extent I believe they were; though mixed with too great an anxiety for the exclusive interests of his order.'[54] The reference here to King Charles' insincerity marks a critical note as compared with what he had said in the Eikon Basilike dispute. While the King may be cleared of any charge against his probity, he is nonetheless not entirely sincere in his dealings.

The basic attitudes displayed in the diary are quite consistent with what we have seen so far in Broughton's writings. He is politically conservative, yet historically critical, even of the cherished aspects of the Tory tradition. He nonetheless thinks that civil freedom is in fact dependent on some having privileges above others. He is totally committed to the rightness of the subscription required of Anglican clergy. He finds Thomas Balguys to be weak on this point and to be 'sadly Hoadleyan' in his principles. He worries that Hey has perhaps left room for the kind of scepticism of mind that makes for refinements that amount to dishonesty.

> Surely a Christian and above all a minister of the gospel in practicing his assent to the doctrines of his church may speak the truth from his heart without all those refinements, reservations and subtle distinctions which are so many helps to prevarication and seem meant to enable men to swear that black is white with a safe conscience.[55]

He is similarly concerned with John Balguys, that he may have left the sceptic's objections to Christian faith still in place. As in the *Palaeoromaica* debate he is exercised by the threat of a sceptical frame of mind. He also reveals that it is not so much the learning that students acquire at University that is finally important, but rather the habits of mind which their teachers instil in them. In this context he is concerned about Hey's lectures. Even though Elisha Cole is a Calvinist and his book argues for limited atonement, Broughton enjoys the scriptural quality of the argument. He makes the opposite complaint about Hey's lectures.

Au revoir

This analysis of Broughton's development up to 1829 shows that he was highly intelligent, well read and linguistically very competent. He had clearly demonstrated his historical acuteness and learning in public disputes and he was aware of German historical scholarship. He was concerned with education and religious commitment and held to the ideal of a clergy who were not only learned but who had the right habits of mind and dispositions. He was able to submit his political commitments to the higher demands of historical honesty. In this, it is fair to say that he was a churchman and a scholar before he was a Tory. He was also a man of practical experience of administration in the East India Company and had been exposed there to the issues of trading, finance and missionary policy. He was also clearly a man of strong and independent personality.

This picture of Broughton and his intellectual baggage is relevant to the recent interest in the old high church group during the 1830s and their relationship to the Tractarians. As we see him stepping aboard the John in 1829 to go to New South Wales he is clearly a High Churchman. This is apparent from his social and religious connections with the leaders of the Hackney Phalanx group. Not only did he see himself as belonging to this group, their leaders saw him as one of them. His 'church principles' and intellectual habits belonged in this tradition.

In 1829 Broughton is a very good example of this high church tradition, just at the time when the Tractarians' star began to rise. This picture of his intellectual baggage helps to mark out more accurately the lineaments of that high church tradition at the beginning of the 1830s.

During the next twenty years the High Churchmen faced major changes in those matters which were closest to their identity as a group; church state relations, the authority of social institutions, indeed the very character of authority in social institutions and as a consequence the nature of authority in religion. Many of these questions were directly related to their commitment to the Royal Supremacy in Church and State.[56]

What his English colleagues faced gradually over a period of forty years, Broughton was forced to confront and come to terms with in less than twenty. In England that confrontation took place in a complex and developed institutional environment. In New South Wales Broughton stood virtually alone. When he responded to these social challenges he did so from the standpoint of a High Churchman.[57] In the raw institutional environment on New South Wales that provided him with an intellectual base of some considerable flexibility and

sophistication.[58] He did not lack the intellectual strength to re-arrange his 'baggage' in the new environment. What he sometimes lacked was the emotional and personal disposition to act upon the conclusions to which his very considerable intellectual endeavours led him. His intellectual and religious instincts enabled him to map out the basis for a response to the death of christendom in Australia, even if he was not able to act out those conclusions.

One of the critical challenges facing the High Churchmen in the 1830s was the clarification of their relationship with the Tractarians as both groups sought to respond to social changes. Perhaps because he was separated from the power of the enthusiasm coming from Oxford, Broughton saw more sharply than some of his English colleagues the tendency of the Tracts and the threat which it constituted to their brand of Anglicanism. Despite some loose and misconceived contemporary characterisations in Australia, Broughton was not a Tractarian. True he supported the reforming zeal of Newman and his Oxford colleagues in the early 1830s, but that waned towards the end of the decade. Broughton's enunciation of his conception of apostolic succession over against that of the Tractarians in his Charge to the clergy of New South Wales in 1841 made the difference between Newman's very singular and highly focused religious impulse and his own absolutely clear. Broughton's was a more open religion, with a more diffused sense of authority, a more open conception of history and of theodicy. He specifically condemned Tract 90.

From the point of view of the re-assessment of English religion in the 1830s Broughton constitutes a valuable study of the continuing High Church tradition. In Australia the colonially given form of the political English Christendom was the Anglican Royal Supremacy. The death of that christendom and the emergence of politically recognised religious pluralism came quickly and sharply. Broughton is the key to understanding the Anglican response to those changes. It is a key that can only be turned by a better appreciation of the intellectual baggage with which he came.

---

1. That Broughton has been somewhat neglected is clear from the biographical publications on him. Shaw, *Patriarch and Patriot.* (Melbourne: Melbourne university Press, 1978), hereafter referred to as Shaw. Shaw's biography is the only modern critical biography on Broughton and all who work on this subject are indebted to him for his pioneering and excellent work. There is an earlier biography, FT Whitington, *William Grant Broughton, Bishop of Australia* (Sydney: Angus and Robertson, 1936) (This work was completed with extensive assistance from Dr P Micklem). There is also an extensive memoir by Archdeacon Benjamin Harrison in the collection of Broughton's sermons which the Archdeacon edited, *Sermons on the Church of England, Its Constitution, Mission and Trials* (London, 1857). Shaw thinks that the Revd George Gilbert wrote the memoir of Broughton in the *Gentleman's Magazine*, volume 39 (1853): 431–436. There is also a memoir in the *Annual Register* (1853): 214–217 and in E Churton, *Memoir of Joshua Watson* (Oxford/London, 1861) the whole of chapter 23 is devoted to Broughton.
2. See in particular Peter Nockles, *Continuity and Change in Anglican High Churchmanship 1792–1850*, DPhil thesis (Oxford, 1982) and also his essay, The Oxford Movement: Historical Background 1780–1833, in G Rowell (editor) *Tradition Renewed* edited by G Rowell (London: Pickwick Publications, 1986), 24–50. In relation to patronage and the Hackney Phalanx see Clive Dewey, *The Passing of Barchester* (London: The Hambeldon Press, 1991)
3. See G Every, *The High Church Party, 1688–1718* (London: SPCK, 1956) xiii. However PB Nockles, 'Continuity and Change in Anglican High Churchmanship in Britain, 1792–1850', DPhil University of Oxford, 1982, xliv, refers the origin of the term to its use by Richard Baxter in relation to Richard Hooker.
4. For a detailed analysis of the relations between High Churchmen and Tractarians, see Peter Nockles, *Continuity*, Chapter 6

5. Churton, *Memoir*, 113
6. Quoted from Churton, *Memoir*, 125.
7. Tomline to Broughton 1 March 1824 'I have read your work with much pleasure. I really think that it does you very great credit. It possesses merits of various kinds. You have displayed no small share of learning and knowledge, which you have applied with very forcible reasoning . . .'
8. Tomline to Broughton, 14 March 1826
9. WR Lyall, *The Nature and Value of Church Property Examined* (London, 1831), 20f, quoted from C Dewey, *The Passing of Barchester* (London, 1991), 15
10. Churton *Memoir*, volume II, 157
11. The obituary for Broughton, in *The Gentleman's Magazine,* volume 39 (April, 1853): 431, identifies the God-parents as Broughton's grandparents and the Countess of Strathmore, the baptism taking place in June 1788. The 9th Earl of Strathmore married Mary Eleanor in 1767, but then died in 1776. His widow re-married in January 1777, but this marriage was dissolved by divorce in 1789. The tenth Earl was born in 1769 and did not marry until 1820. The reference to the Countess of Strathmore in connection with Broughton's baptism must be a reference to this Mary Eleanor.
12. Broughton to his mother, June 1852, quoted from Whitington, 19.
13. During the period 1784–1834 the company was losing power in India. The renewal of the charter was sometimes a doubtful matter, and certainly a question of concern in the company. The company also faced financial pressure because of the European blockade, and this created severe trade and cash-flow problems. The Indian debt, for example, during the period 1806–1812 grew from £10 mil. to £26 mil. Operations were disrupted by a Sepoy revolt at Vellore in 1806, and there were more severe disturbances with rebellion and mutiny in 1809. The increasingly severe financial problems which afflicted the company from 1811 would have had an impact on the Treasury of the company, and those who worked in that section. For the general background of the East India Company in this period I am indebted to, CH Philips *The East India Company 1784–1834* (Manchester: Manchester University Press, 1940).
14. See Philips *The East India Company 1784–1834*, 159–166. The same Charles Grant as Lord Glenelg was later the Colonial Secretary with whom Broughton had to deal when he became Bishop of Australia
15. The Pembroke College Admissions Book, 1797–1891 records Broughton's admission on 17th May 1814, *ad mensam secundum sub Tutoribus Mags Wood et French*. Despite the increased enrolments following the end of the war, Pembroke was a small community.
16. There were also 30 Senior Optimes, and 11 Junior Optimes.
17. There were two other Pembroke Wranglers; Attwood (seventh) and Hutchins (ninth).
18. The Moderators for 1818 were William French (Pembroke) and Fearon Fallows (Johns). Broughton was not examined by Isaac Milner, *pace* Shaw, 7. In fact Milner was an old man during Broughton's time as an undergraduate and he almost certainly had no contact with him as a teacher or an examiner. Milner was Lucasian Professor of Mathematics 1798–1820, but he delivered no lectures. He was Vice-Chancellor in 1792 and again in 1809/10. He engaged in a public dispute with Herbert Marsh in 1813 about the Bible Society, but towards the end of his life (he died in 1820) he described himself as an invalid and rarely left the Lodge.
19. See MJ Murphy, *Cambridge Newspapers and Opinion 1780–1850* (Cambridge, 1977) 15.
20. DA Winstanley, *Early Victorian Cambridge* (Cambridge, 1955).
21. In what follows I am particularly indebted to RK Braine, *The Life and Writings of Herbert Marsh* (unpublished PhD thesis, Cambridge, 1988).
22. J Gascoigne *Cambridge in the Age of the Enlightenment* (Cambridge: Cambridge Univeristy Press, 1989), 21.
23. See Anthony Waterman, *Revolution, Economics and Religion. Christian Political Economy, 1798–1833* (Cambridge: Cambridge Univeristy Press, 1991), especially 58–60, 114–23. Malthus was ordained deacon in 1789, and priest in 1791, serving as curate in Oakwood, then holding the living of Walesby in Lincolnshire before becoming, in 1805, Professor at the East India College, where he remained
24. See Bruce Kaye, 'Lightfoot and Baur on Early Christianity', in *Novum Testamentum*, 26 (1984): 193–224 and 'DF Strauss and the European Theological Tradition: "Der Ischariotismus unsere Tag"?', in *The Journal of Religious History,* 17 (1992): 172–193.
25. From Michaelis, Introduction to the New Testament, volume 1, 378–9, quoted from Braine, *Marsh*, 53.
26. Braine, *Marsh*, 10, 11.
27. Shaw, *Patriarch*, 7.
28. Shaw, *Patriarch*, 7.
29. The impression given by Shaw (7, 8) that Broughton's ordination and move to Hartley Wespall were somehow a second best to seeking a fellowship at Cambridge is, I think, not correct. Broughton's final examinations began on 20 January 1818 and would have extended for at least two weeks. Even on the minimum scale this would only leave less than two

weeks for him to get ordained and licenced. Such things were not then arranged at such short notice and it is impossible to think that there were not prior arrangements made. It is an interesting question as to how Broughton was able to come by such a comfortable house and position at Hartley without some connections or patronage. Shaw thinks Broughton's income at Farnham was £1,000. Peter Virgin has investigated the incomes of clergy in some detail and such an income in 1830 would have put Broughton in the top six percent of incomes for beneficed clergy. See Peter Virgin, *The Church in an Age of Negligence. Ecclesiastical Structure and Problems of Church Reform* (Cambridge: James Clarke, 1989), Table VI, 277

30. See Shaw, *Patriarch*, 8, though I am not sure that Broughton felt as isolated as Shaw suggests.
31. *The Resurrection of the Dead and Life Everlasting* (Farnahm, 1829).
32. *An Examination of the Hypothesis, Advanced in a Recent Publication, Entitled 'Palaeoromaica'* (London: C&J Rivington, 1823) and *A Reply to the Second Postscript in the Supplement to Palaeoromaica* (London: C&J Rivington, 1825).
33. Broughton, *An Examination*, 146.
34. Broughton, *An Examination*, 219
35. Broughton, *An Examination*, 122
36. Broughton, *An Examination*, 296
37. Broughton, *An Examination*, 275
38. Broughton, *An Examination*, 244–46
39. Broughton, *An Examination*, 251f.
40. Broughton, *An Examination*, ix.
41. Compare the same complaint made three years earlier by Thomas Rennell, who had been Christian Advocate at Cambridge when Broughton was there; 'There is a fashion of scepticism, which readily adapts itself to the reigning humours and caprices of mankind. Yet the shapes which it assumes, and subjects to which it is applied, vary with the peculiar character of the day.' . . . 'At another it shelters itself under the garb of candid discussion and free enquiry. Sometimes the Scriptures of the New, but oftener those of the Old Testament, are the object of derision.' *Remarks on Scepticism* (London: FC & J Rivington, 1819) 1, 2.
42. Broughton, *An Examination*, 13.
43. With which we might compare the review in the *British Critic* (19, 1823) 'We have reason to complain of the manner in which this is done; a manner remote from that of modesty and candour with which the author professes to conduct his enquiries, and savouring more of universal scepticism and a thorough contempt for sacred literature. The *Palaeoromaica* is calculated to unsettle all the historical notions of the young student of theology,' 347.
44. For a summary of the debate and the issues involved see FF Madan, *A New Bibliography of the EIKON BASILIKE of King Charles the First with a note on the authorship* (London: Bernard Quaritch, 1950).
45. Quoted in Madan, *A New Bibliography of the EIKON BASILIKE*, 147
46. Robert Southey to George Ticknor, 30 December 1824, 'Wordsworth was with me lately, in good health, and talked of you. His brother, the Master of Trinity, has just published a volume concerning the Eikon Basilike, a question of no trifling importance both to our political and literary history . . . I am the more gratified that this full and satisfactory investigation has been made, because it grew out of a conversation between the two Wordsworth's and myself at Rydal, a year of two ago.' CC Southey, *The Life and Correspondence of the Late Robert Southey*, volume v (London: Longman, Brown, Green & Longmans, 1849), 197.
47. The publications in this debate were as follows:

    1824 C Wordsworth, Who Wrote EIKÒN BASILIKH ? (413 pages)

    1825 C Wordsworth, Documentary Supplement to 'Who wrote EIKÒN

    BASILIKH ? (56 pages for the King)

    1825 HJ Todd, A letter . . . Concerning the Authorship of EIKÒN BASILIKH.

    1825 Robert Southey, Review of Wordsworth's two volumes in *The Quarterly Review*, volume 32, 467–505 (for the King)

    1826 W G Broughton, A Letter to . . . Who was the Author . . . (92 pages for Gauden)

    1826 Sir James Mackintosh, in the Edinburgh Review, volume 4, 1–47, 514–515 (for Gauden)

    1828 C Wordsworth, reply to the above (256 pages for the King) 1829 WG Broughton, reply to Wordsworth (76 pages for Gauden) 1829 HJ Todd, reply to Wordsworth (72 pages for Gauden)
48. See the entry in his Travel Diary for the journey to NSW for 5 June 1829, in his reflections upon reading Harris' history of Charles I, 'Of all periods whereof the history has been written I consider this as the most deeply interesting and it is

one concerning which all Englishmen ought to have their minds well made up.' The Diary is held in the Library of Moore Theological College, Sydney.

49. WG Broughton, *Additional Reasons in confirmation of the opinion that Dr Gauden and NOT King Charles the First was the author of EIKÒN BASILIKH in a letter to the Revd Christopher Wordsworth DD, Master of Trinity College Cambridge* (London: Printed for C J G and & F. Rivington, . . . and sold by J and J J Deighton, Cambridge and J. Parker, Oxford., 1829), 70
50. *Letter to a Friend Touching the Question, Who was the author of EIKÔN BASILIKH* (London: Printed for C and J Rivington 1829), 88ff.
51. Peter Nockles, *Continuity*, x, makes the connection between High Churchmen and the monarchy on the basis of 'the divine origin of all political power and authority in the family as well as in the state, and on the sacral notion of monarchy'.
52. Shaw has suggested that both Broughton's controversial excursions were examples of the well-known device of public display in order to attract patronage, and that this was particularly so in the case of the Eikon Basilike. I have already suggested that Broughton was not as isolated as Shaw suggests. It is also the case that Broughton's first effort on *Palaeoromaica* had gained the sympathetic attention of his bishop, Pretyman-Tomline.
53. Broughton's reference to the titles of these books is not full but they can be identified with reasonable confidence as follows: W Harris, *An Historical Critical Account of the Life of Charles I King of Great Britain after the manner of Mr Bayle. Drawn from original writers and State papers* (London, 1758), John Hey, *et al*, *Lectures in divinity: delivered in the University of Cambridge* (Cambridge: Printed by John Smith, Printer to the University; and sold by Messrs. Rivington . . . J Mawman . . . Baldwin, Cradock & Joy . . . London; and Deighton & Sons, Cambridge, Second edition ... 1822) (the first edition was published in 1785), T Balguys, *Discourses on Various Subjects. Charges delivered to the Clergy of the Diocese of Winchester* (Winchester, 1785), R Heber, *Narrative of a Journey through the Upper Province of India, from Calcutta to Bombay, 1824–1825, and An Account of a Journey to Madras and the Southern Provinces 1826* (London: John Murray, 1828), J Balguys, *A Collection of Tracts Moral and Theological* (London, 1734), The book by Elisha Cole does not appear in the British Library catalogue and I have not been able to trace a copy of it.
54. Broughton, *Travel Diary*, 5 June.
55. Broughton, *Travel Diary*, 5 June.
56. Broughton, *Travel Diary*, 5 June.
57. See BN Kaye, 'Broughton and the Demise of the Royal Supremacy', in *Journal of the Royal Australian Historical Society*, 81 (1995): 39–51
58. A contrast between Broughton and his successor, Frederic Barker, can be made in this respect by comparing the way in which they understood and used tradition, see BN Kaye, 'The Role of Tradition in Church State Relations in Mid-Nineteenth Century NSW: The Cases of Bishops Broughton and Barker,' in *Prudentia, Supplementary Number, 1994, Tradition and Traditions*, edited by D Dockrill and RG Tanner (Auckland: University of Auckland, 1994), 224–242.

Chapter 2
Laity in Church Governance—Broughton's Non-Adventure

Writing in 1962 Ross Border claimed for Bishop Broughton that 'the work of the bishop in the matter of synodal government with lay participation is the greatest single contribution to the life of the church in Australia made by any one man in the whole of its history'.[1] The *Sydney Morning Herald* of 19 May 1852 reported the more contemporary view of Mr J B Darvall, MLC, speaking to a meeting of lay members of the Church of England in the School of Arts in Sydney on the previous afternoon; 'They were aware that the bishop of this diocese did wish to have the supremacy of the church here vested in the Bishop. He regretted he should have endeavoured to carry this wish out, persuaded as he was that even should the efforts of the bishop be successful, and he should be invested with the powers he sought, the members of his communion here would never submit to it, and that in the fierce struggle that would ensue his church would be torn to pieces.'

Undoubtedly the question of the governance of the Church of England in the colonies was a complex and difficult matter. It took several decades for it to be clarified during which time courts in the colonies, as well as in England, even up to the Privy Council, were asked to make judgements about several aspects of the question. Church governance was also a matter of much debate in England itself, and was not settled, even if it is now, until the current century, over one hundred years after Broughton had taken his initiative in Australia. Broughton himself did not live to see any resolution of the problems which vexed his later years; he died in England in 1853 while still trying to find a way forward.[2] It remains the case, however, that it was Broughton who called his suffragan bishops to a conference in 1850 where the question of church governance and the role of the laity was promulgated.[3] It is undoubtedly the case also that Broughton had a significant influence on the direction of the discussion at that conference. It can also be shown that Broughton came to this question of the role of the laity according to a fairly clearly formulated theory.

To understand Broughton's theoretical approach to this question it is important to understand the background from which it was formulated. Bishop Broughton was first and foremost a Hanoverian High Churchman.[4] He had been encouraged in the early 1830s by the contribution of the Tractarians, particularly in their call to restore the church to its true vocation. He even encouraged his English friends to send him clergy who were imbued with the spirit and principles of Mr Newman. However, he never accepted the doctrinal emphases of the later tracts, and, in his Charge to the clergy of his diocese in 1841, he went out of his way to rebut in uncompromising terms the developed conception of Apostolic succession of the Tractarians, and the attempt to see the formularies of the Church of England as

compatible with Roman Catholicism. While the Tractarians developed a view of the church and its authority in terms of apostolic succession of a particular kind, and the divine vocation, indeed divine right and authority, of bishops, Broughton did not do so. Whereas the Tractarians came to regard the Royal Supremacy as the cause of evils in the church and therefore sought an ecclesiology established on quite other grounds, Broughton developed his ecclesiastical views according to the terms of the Royal Supremacy. In doing so he showed himself to be thoroughly committed to the principles of the High Church group in the Church of England, rather than to the Tractarians. That starting point caused him significant problems later.

Broughton's commitment to the Royal Supremacy was not to the constitutional device in itself, though he certainly was a conservative and a royalist at heart. Rather his commitment to the Royal Supremacy was fuelled by that which the Supremacy preserved; the English Reformation settlement. The elements in the Reformation settlement which were of pre-eminent importance to Broughton were the foundation of the Church of England on the faith and authority of the apostolic church and the rejection of the errors of Roman Catholicism. The appeal to the primitive church, which recurs in his discussions, is essentially an extension of the appeal to scripture[5], and a reflection of the Reformation rejection of the institutional authority of the Church of Rome.

The background from which Broughton approached the question of church governance in the colony of New South Wales was that of the Reformation settlement as focussed in the Royal Supremacy. This meant that the church which Broughton had in mind was a lay church with a lay monarch at its head, a clear ecclesiastical role for parliament, for lay patrons and lay ecclesiastical appointments. The issue presented itself to Broughton in NSW in terms of the failure of the crown to fulfil its responsibilities under the terms of the settlement, and the absence of the institutional arrangements necessary for the operation of the ecclesiastical law established under the settlement. It is not surprising that the issues on which Broughton complained of the failure of the crown had to do with the acceptance by the crown of the Roman Catholic Church and its representatives. This was a leading question for Broughton because the Reformation settlement had to do with the rejection of the errors of Rome, of which, of course, the claimed jurisdiction of the pope was one. The role of the crown in the Reformation settlement and therefore, by implication, the role of the laity in the governance of the church, was not such a significant priority for Broughton, but it nonetheless was there and was important.

The issues at stake for Broughton were those implied in the Royal Supremacy and the Reformation settlement which stood behind that supremacy. The problem with which he was confronted was how to transfer the terms of that settlement to the novel circumstances of the colony of New South Wales. His awareness of and concentration upon this way of seeing the matter is revealed in the attention he paid, almost alone amongst his episcopal colleagues, to the significance of the Australian Courts Act of 1828, which set the terms for the transfer of English law to the colony.

In this context the central question was that of the authority needed for the purposes of the ordering of the affairs of the church. Broughton struggled long and hard with this question and it was not made easy for him by the High Church principles to which he had

been committed in England and to which he still adhered in Australia. It would have been easier for him if he had been less wedded to the institutional structure of the Church of England, as exemplified in the Royal Supremacy. Were he able to slip to a more evangelical private biblical source for his authority, or to a more separatist Tractarian notion of the church and its authority, then his task would have been more straightforward. But these options did not appeal to him and he turned rather to the reasons for the failure of the Royal Supremacy; namely plurality in the consciences, and thus of the religion, of the state. This plurality had come about by default in England, and presented itself by sheer novelty in NSW; a novelty compounded by the determined policies of religious pluralism of Governor Bourke. Broughton's church, for its part, must set itself against this kind of failure in its own house; he must guard it against divisive plurality. The principle of authority to which he turned was that of the unity of the church. This he saw as a church principle, and one from which he could maintain the Protestant terms of the Reformation settlement.

However, within the terms of this very Reformation settlement a distinction was to be found between spiritual and temporal, between clerical and lay. The precise delineation of that distinction differed somewhat between the Elizabethan and Henrican settlements, but it was there and it was expressed in a variety of institutional arrangements. The role of the monarch and the increasing power of parliament meant the lay voice was predominant. It was, in Claire Cross's phrase, a triumph of the laity in the English church.[6] Church and nation were, of course, simply two aspects of the one christian commonwealth in this arrangement and therefore the roles of the laity and the clergy were often interlaced and interacting. Just as this was a laicised church, so also it was a clericalised society. Clericalised in the sense that the clergy fulfilled a wide range of roles throughout society and were part of the social and institutional fabric. Their role was not narrowly restricted to church or ecclesiastical matters in a modern sense. We are here talking about a different kind of society. In this framework the distinctions between spiritual and temporal could be achieved with some better sense of their belonging together, than in a society whose conceptions were beginning to move significantly away from the older social pattern. Even in that older society the distinction between spiritual and temporal had not been easy to maintain. The distinction between spiritual and temporal became an important issue for Broughton in NSW in the middle of the nineteenth century.

The issue, therefore, for Broughton is one of translating the meaning of the Reformation settlement, as exemplified in the Royal Supremacy, from England to the novel and institutionally unformed situation of NSW. The crown had, in his judgement, defaulted from this relationship, and therefore a new way of handling church governance must be formulated according to the terms of the settlement theory. Broughton was able to transfer the ministerial institutions into the new situation, since he was a Bishop, indeed a Metropolitan Bishop, and his Letters Patent seemed to give him wide powers. But what of the lay element ? That was the question he had to confront, and he had to deploy his arguments principally and most critically in the conference of his clergy which he called in Sydney in 1852.

In order better to understand Broughton's argument at that time it will help to set the context by observing how he had approached this question in his sermons and charges, and in the Bishops' conference in 1850. Broughton was an inveterate preacher. Both as archdeacon,

and more particularly as Bishop, he travelled thousands of miles and preached hundreds of sermons. Many were published but as far as I can discover not one deals with the role of the laity in the church, and even the notion of christian lay vocation is hardly dealt with at all. After Broughton's death Benjamin Harrison edited a collection on twenty-five sermons taken mainly from the last ten years of Broughton's life. There are numerous references to matters such as christian behaviour, and more particularly, to themes relevant to ecclesiology but in not one of them is there explicit treatment of the subject of lay vocation or of the role of the laity in the church.

Broughton was confident that the Church of England provided, if not a perfect, then certainly a much more than adequate expression of the Divine will as to the shape and character of the church. In a sermon in 1848 on Christ and the Church he set out to demonstrate that the Church of England,

> furnishes a correct and lively image of the church, according to the will and purpose of Christ; that it affords the means of grace effectually to all who faithfully seek them; and in its ordinances and in its doctrines, in its sacraments and in its ministry—all having expressly or implicitly the sanction of Scripture—it teaches all things that are necessary to everlasting salvation.[7]

Having outlined the teaching of scripture he declared, 'And if this be Scripture, what is the entire system of the Church of England but a faithful repetition and reflection of it ? The entire economy of 'grace and truth which came by Jesus Christ' is incorporated into that system.'[8]

Towards the end of that same sermon Broughton emphasised that the Church of England in its teaching and polity was based on scripture and the teaching of the apostles. 'Mark, I beseech you, how closely this Church of ours conforms with the apostles' doctrine in all things fundamental and essential.'[9] Indeed Broughton regularly returns to the theme of the consistency of the church's teaching and polity with the apostolic teaching and the practice of the primitive church. At an ordination service in 1839 he addressed himself to the question of the apostolic commission and its relation to the ordained ministry of the Church of England.

> It will not be deemed surprising if the authority and functions of the ministry, under the new Covenant, be made the subject of my discourse on the present occasion; or that the foundation of it should be laid in that form of words by which our Lord, on the approach of His departure from the world, appointed, instituted, and commissioned His evangelists, pastors and teachers for the work of the Christian ministry. The application of those words which is thus proposed, will appear to be sufficiently complete, if two points be made good:—first, that the commission conveyed by them was not intended by our Lord to be confined to the apostles to whom it was personally delivered; and secondly, that the true force and extent of that commission are such as are now held in our church by derivation from the original source.[10]

Later in the sermon he made a distinction between the church as an organisation and other organisations. Whereas there is no definitive will of God as to the particularities of the arrangements of ordinary human organisations, there is just this quality in the church. God has appointed such arrangements, 'more positive, and therefore unalterable by any authority inferior to His.' In a sermon in 1847 devoted to the Primitive Church, Broughton repeated the point that the role of the reformers of the Church of England was to 'restore that which was most ancient and edifying in the form and order of the Church of Christ.'[11] Later in that

sermon he made it plain that the appeal to the primitive church was but an extension of the appeal to scripture 'beyond which no true son of the Church of England can go, or wish to go.'[12] The arrangements in the Church of England are therefore of Divine origin, embody the apostolic order and are unalterable; at least those arrangements which relate to the ministry and the teaching and doctrine of the church. It is not surprising that we find him declaiming against the authority of 'the private will and judgement of each' as being contrary to the theory and practice of the apostles.

What we have, therefore, in Broughton's sermons is a clear commitment to a particular order in the church for Bishops priests and deacons, and for the teaching and practices of the church. In other words the clerical or spiritual element of the Church of England is here enunciated and defended as being according to scripture, the primitive church and the will of God. The laity, apart from being the audience of these sermons, are significantly ignored. They are part of the church by default, they are the balance left over, and are identified only by the positive definition of the spiritual element.

We have four Charges from Broughton to the clergy under his care. Unlike the sermons these were addressed, of course, to the clergy and were naturally concerned with the conduct of their ministry in the church. The first two Charges were given by Broughton as Archdeacon. In 1829, soon after he had arrived in the colony, he spoke in fairly general terms about the focus of the preaching of the clergy, and the vast tracts of country which they could not possibly cover with any regularity. He advocated that they should encourage heads of households to conduct regular family prayers. He recommended the book of family prayers by Bishop Blomfield and promised to support the provision of the publications of SPCK to promote this activity. Here was something that lay persons could do, but in fact it was simply a lower level substitute for what the clergy, for practical reasons, were not able to do themselves. Broughton repeated this advice in his Charge of 1834, saying that the clergy should develop 'strong holds' in the country by this system of regular family prayers.

In his Charge of 1841 Broughton was occupied with the question of the status and authority of the clergy, particularly as this had been raised by the recent emphases of the Oxford Movement. In general he welcomed the renewed emphasis on the authority of the ministry in its threefold order, but was at some pains to distance himself from the extremity of the Tractarians, and the arguments used in support of their conclusions. He approved of the apostolic succession, but not the Tractarian form of it. He dealt with the problem of lay baptism, and, within limits, accepted its validity on the basis of the example of the primitive church and as consistent with the teaching of the Church of England. During the course of this Charge he had occasion to refer to the support t available to the clergy in the colony. It was, he declared, the responsibility of the laity to provide the financial support of the clergy, and he re-iterated what he saw as the scriptural teaching on this point. 'It is more necessary here to recall these principles to remembrance, because our clergy are placed at present in a state of dependence upon two unstable supports; the will of government, and the disposition of the people. Both of these I regard as objectionable; but especially the former if contemplated as a permanent measure.'[13] His reasons were simply that the clergy require, for the purpose of properly exercising their ministry, to have some degree of freedom and independence.

The Charge of 1844 is concerned with the place of the Reformation in the Church of England and the inadequacies of the later Tracts, especially any trend which diminished the contrast between the Church of England and the Roman Catholics.

The Charges thus leave us with basically the same situation as the sermons. There appears here no positive conception of the vocation of the laity, either in the church or in society at large. They should support the clergy financially, conduct family prayers as a default strategy for the absence of the ministry of the clergy, and in the same vein they can validly baptise. It may be argued that in the conceptual framework with which Broughton was working the idea of a lay vocation in society was so presumed that it hardly needed elaboration or defence. It is true, of course, that the High Church tradition from which Broughton was operating, and the kind of mixed clerical / lay society which he presupposed in England would also presuppose that the christian in that society, by the very fact of being in that christian society and having obligations and employment in it, would be fulfilling a christian vocation. The idea of Christian vocation in society would not be problematical as it could be in a non-christian society, or in a society not confessionally organised in christian terms. The Reformation protest in support of the godly vocation of the laity was a protest against a society in which the church had come to dominate the whole mentality of the society from a clerical point of view. The 'triumph of the laity' in the English Reformation[14] simply changed the hegemony, but not particularly the conception of society as christian, and indeed as singularly christian. Now in New South Wales, of course, Broughton was faced with a different kind of society, and the problematical character of the christian lay vocation in that society had not yet impressed itself on his thinking.

The role of the laity, however, comes to the fore in the conference of the Bishops in 1850, because the Bishops were there concerned specifically with the question of the government of the church. The problems of transfer from the English situation of the Church of England were clearly formidable, but the broader question of the role of the church, and of the christian lay person in a plural society had not at this point impinged on them. It was, in any case, not on their agenda at this conference. They were particularly concerned with church governance and discipline.

The conference was overshadowed by the news of the Gorham judgement in England. Gladstone had written to Selwyn and, through the personal offices of the Revd CJ Abrahams, to Broughton. Broughton replied to Gladstone in July 1850 indicating, amongst other things, that the approaching conference would be concerned with 'the degree of participation and control to be granted to lay-men in church matters temporal.'[15] That Broughton, at this time, was approaching the lay question in terms of the Royal Supremacy is clear from his public letter to the Right Revd Nicholas Wiseman of 2 December 1850. At some length he made it clear that the issue for him was the way in which the lay element in the church's constitution, represented by the crown under the terms of the Reformation settlement, could now find appropriate expression.[16] He repeated this theme in a long letter to Gladstone in August 1851.

> To express my own opinion candidly, I think that for the general security it is necessary that such a power of control should in some shape or other be exercised by the laity within the church; and that the absence of it is

> one leading cause of the tyranny and corruption of the papal system. I can conceive no arrangement so just in principle or so easy and safe in practice as that the Sovereign should be invested with this supreme authority in behalf of the laity of the church and as its representative. But if the shadows of events prognosticate truly what is approaching, the time may not be remote when the crown must be, if it be not even now, disqualified for the exercise of such a function in the Colonies. Yet the lay element must not be excluded; who is to be its representative, and by whom is its legitimate controlling influence to be exercised when disunited from the crown? It must be sufficient for me at the present time to have proposed this question. The determination of it will require most anxious consultation on the part of the best informed and discreet, and most devoted members of the church.[17]

It was this theme which, in his address to the clergy of his diocese the following year, Broughton said had been on his mind for a long time. There is clear evidence of his concern about the Royal Surpemacy problems in both England and the colony as early as 1839, and indeed his reaction to Roman Catholic emmancipation in 1829 reflects the same concern.[18] When Broughton assembled his suffragans in October 1850 the question of lay participation in church governance was clearly on his mind, and formulated in a precise framework.

Bishop Perry of Melbourne kept a somewhat sketchy diary of the discussions of this conference and, apart from the published minutes and some allusions in the correspondence of some of the Bishops, it provides our only source of the line of discussion at the conference. Early in their discussions the bishops tackled the question of who were to count as church members for the purposes of church government. The Adelaide rule of subscription to the Articles was felt to be too severe. There was some reference to the convention style of the American episcopal church, but in discussion this model was not at all favoured by Broughton. On the 8 October there was an extensive discussion of this question introduced by the Bishop of Newcastle. Broughton delivered himself of a very candid set of remarks at this point in the conference, and Perry's record of them is worth setting out.

> In America church does not work satisfactorily—elements of discord, self-will-of the feelings of Diotrophes. The church of the future, our children's children to be regarded. Colonial bush population absolutely without religious education—'What feeling of church membership do they have ?' The population is eratic—registration inoperative-subscription to the Articles and Prayer Book as at Adelaide too stringent—The laity will not submit to discipline wielded by the clergy, yet after three warnings refusal to bury was sanctioned by him at the Hawkesbury. The laity had no right to sit in a proper convocation; nor a Provincial, nor a Diocesan Synod. For parochial work let them be employed to the full by voluntary association of Parishioners.[19]

These remarks indicate fairly clearly both the problems as Broughton saw them, and also his own convictions. Convocations and synods are clearly thought of here on a straight projection from the English pattern; they are for clergy. The difficulty of an informed laity, particularly from the bush, is patent, and echoes the remark of Nixon earlier in the day that the more democratic New Zealand constitutional model would not work in a convict colony. Tasmania was, at this time, the leading example of a colony dominated by the convict role. Broughton also reveals here his inability to see a very extensive constructive role for the laity in the governing affairs of the colonial church.

A more determinative position is reflected in the minutes of the conference. These provide for synods of clergy and bishop, which appear to be one house together. Lay conventions are then envisaged which would meet at the same time as the synod in order to facilitate consultation with the clerical synod. Resolutions would require the agreement of

both the synod and the convention, though the convention would be concerned with temporalities. Membership of the convention would be restricted to communicant members of the church. Clergy would be disciplined by the synod and the laity would be disciplined by the clergy through the mechanism of refusal to administer the Holy Communion to them. As well as this it would lie with the bishop to be able to excommunicate lay members of the church.

This conference is of considerable significance not just in the Australian scene but more generally. It was regarded in England as a great step forward, and significantly innovative in dealing with the question of independent government for the colonial church. However it was fraught with ambiguities. What would be the effective criterion for distinguishing temporal and spiritual matters ? Would the laity be willing to have what was effectively a passive role in the governance of the church, when they, in effect, were likely to come to hold the purse strings? The proposal was clearly influenced by Broughton, and it reflects his theoretical approach to the matter in terms of the Reformation settlement and the Royal Supremacy. While he regarded the Supremacy as a dead letter in the colony, nonetheless he still used the terms of the supremacy theory in thinking about church governance in the colony. In doing so he was more clearly able to project the ecclesiastical side of the theory, than the temporal. As a consequence the hegemony of the laity under the English church settlement, was actually inverted in this transposition of the theory. Now we have an hegemony of the clergy.

There was an eighteen month delay between the Bishops' conference and the meeting of the clergy of the Diocese of Sydney, called by Broughton for 14 April 1852. Broughton had been waiting for a reply from the Archbishop of Canterbury to the letter which he had written following the Bishops' conference. When the reply came Broughton was disappointed since it procrastinated on the issue of synodical government. Broughton circulated the Bishops' minutes to the parishes in his diocese and asked for vestry meeting discussion on them prior to the meeting of the clergy. The agitated discussions at these vestry meetings were widely reported in the press.

The first day of the conference was taken up entirely with an exposition by Broughton of the issues which he was inviting the clergy to consider. This address is one of the most important of Broughton's statements, for in it he outlines in some detail his thinking on the question of church government in the colony. It was published in full the following day in the *Sydney Morning Herald* and so became publicly available in the colony. He began by stating the purpose of the conference; to consider the minutes of the Bishops' meeting and decide on two questions, do the clergy concur with the Bishops' conclusions and do they agree that the best way to deal with these problems is a petition to the Queen. He defended the lawfulness of the conference, but declared that it was not a synod. The Royal Supremacy he explained did not operate in the colony, but the bishops and clergy were still morally bound by their oaths. The claims of the laity, he said were justified; they were a a part of the church, they had a role in scripture and also a role under the Royal Supremacy even though there were defects in the operation of the Sovereignty in the colony. The proposed church government provided a role for the laity, and he then outlined how the Royal Supremacy, scripture and the early church presented that role. He then went on to deal with three objections to the proposed scheme; the synod/convention terminology, the eclipse of the Queen's Supremacy

and the distinction between temporal and spiritual. He repeated that they were only being asked to concur, or not, with the bishops and the planned petition to the Queen. He turned aside to reject the relevance of the American model of church government, and to assert the importance of restricting disciplinary appeals to the bishop of the diocese. He referred to the difficulties of clergy and lay discipline, and the provision for the expansion of the church, and stated that the current disabilities of the laity in an effective say in the affairs of the church should be removed. He concluded his address by setting these diocesan matters in a broader context of a world-wide Reformed Episcopal Church in the British colonies which could even include Scotland and America. Such a church would be a counter to the Roman Catholic imperial model of the church.

This wide ranging address set out clearly the terms of Broughton's thinking on the question of the laity. From the beginning, and indeed throughout, he was constrained by the terms of the Royal Supremacy. How that operated in the colony was the broader issue of which the role of the laity was a part. True, the laity were part of the church. That could be seen in the theory of the Royal Supremacy, since, by that theory, the monarch was a member of the church. However, it remained the case that Broughton could still think of the role of the laity only in terms of default in relation to the role of the clergy in the church. The laity have no role in matters spiritual, but they do have a restraining power in relation to the decision making of the clergy. Similarly the moral restraint on a diocesan bishop provided by the local presence of the church was a good thing, and was a reason for not transferring appeals to a distant tribunal, whether that be Canterbury or Rome. The effect in either case would be the same, namely a tyranny separated from the local living situation in which the disciplinary questions arose. Thus the laity have a role in church governance in the discipline of both the clergy and the laity.

It is interesting to note that in this address Broughton had significantly hardened on the question of the role of the Bishop as a separate house in the government of the church. He rejected the American arrangement in strong and uncompromising terms. The regulation in that church, 'that in a Diocesan Synod the Bishop shall sit, not as a distinct estate or order having a controlling voice, but simply as a chairman of a meeting, having but a casting vote . . . This arrangement presents an idea of the office of a Bishop, which, it is scarcely necessary to say—for all must know—the Church of England has never adopted, the primitive churches never contemplated, and the scriptures do not recognise.'[20]

In defending this position Broughton appealed to the New Testament and to the early church. These have authority and they are the leading guide for any decisions. Broughton went into some detail to demonstrate that the example of the apostolic church showed the kind of division of order which the Bishops were proposing. Paul followed such principles in dealing with the Corinthians, but the evidence of the Acts of the Apostles was the most extensive and relevant. He argued that it was the apostles who elected Mathias in the place of Judas, and that the laity, though not present in large numbers contributed to the process by not dissenting. In the case of the council of Jerusalem in Acts 15 the laity had little or no role.

> The multitude was present, it is true, but the only allusion to them from which we gather this, is that they kept silence. There is no other mention of the laity as having been present on the occasion. Thus the history plainly shows what part the multitude took. They concurred in what the apostles and elders and James had decided; and

> in token of this, they became parties to the letter which was written to communicate the decree to the converts at Antioch.[21]

He also appealed to church history as conveying lessons to be learned. However, the fundamental appeal was to the basic foundations of the Church of England as a Reformed Episcopal church. He argued for the translation of its principles into the different situation of the colony. He was not an innovator.

Unfortunately Broughton did not manage to persuade his clergy, and certainly not the laity. Shaw describes how, with the good offices of Robert Allwood, recor of St James Church, Broughton was able to get away with an acceptable compromise at the conference of clergy.[22] There was dissatisfaction amongst some laity, and a meeting was called at the Royal Hotel on 5 May 1852 which did not go far. However, a meeting on the 19 May at the School of Arts attracted one hundred and fifty laymen who debated at some length the points of the Bishops' minutes and the details of Broughton's speech, finally passing a group of resolutions and appointing a committee to see that a separate petition from the laity was sent to the Queen.[23]

On 14 August Broughton bade farewell to his fellow churchmen as he set off to seek from England the constitutional liberties for the church which had been so widely debated. In his farewell address he outlined the three principles which would guide his actions.

> First, that all approach towards an Erastian character be scrupulously avoided; that is that the state do not assume to itself the right to alter the existing laws of the church, or to impose rules of government, unless the church (both clergy and laity) shall have had a previous opportunity of examining the proposed settlement, and judging whether it is fully agreeable to the law of Christ: Secondly, that all the fundamental rules of the Church of England, whether as to doctrine or as to its rule of discipline, be fully maintained; and thirdly, that one uniform system be established throughout all the Colonial Churches,(uniform, I mean, as to all vital and essential observances) whereby they may be bound together in one great system of unity, and so form collectively, one with another, and with the parent Church of England and Ireland, one great assembly of saints engaged throughout the world in spreading abroad the truth of the glorious Gospel, that all men may be brought to the knowledge of it, and the nations may be prepared for the appearing of the great God and our Saviour Jesus Christ.[24]

The reference here to any kind of Erastian pattern probably reflects Broughton's concern not to be subject to the local legislature, something he had sought to avoid at almost all costs since the times of Richard Bourke. In the English context the tendencies which were increasingly regarded as Erastian and objectionable were in fact those very aspects of the lay control of the church provided for in the Royal Supremacy.

This review of the sermons, Charges, and addresses of Bishop Broughton, together with the proceedings of the Bishops' conference clearly indicates the terms in which he approached the question of the laity in the church and of the role which the laity might exercise in the government of the church. The conceptual framework is provided by the English Reformation church settlement, and focussed in the terms of the Royal Supremacy. The presumption of a plurality of religions in the state, and the demise of the confessional commitment of the State had impressed themselves upon Broughton quite early on. In his address to the 1852 conference of his diocesan clergy he declared, 'I have been prepared

during more than twenty years for the approach of such a state of circumstances.'[25] This framework enabled him to see quickly the need to incorporate the laity in the governing procedures of the church, although it did not in itself provide precise or direct indications as to what that role might be. The demise of the state's confessional commitment to the Reformation settlement led to and reflected religious and political changes in society. These changes constituted a fundamental challenge to the position of the church in society. The 'church principle' by which Broughton would defend the church against this challenge was the unity of the church itself. The state may deny its confession of the Reformation faith and allow a plurality of religions, but in Broughton's church that confession would not be denied, and divisive plurality would be resisted tooth and nail.

He came to the question from the standpoint of a Hanoverian High Churchman; one of the 'orthodox' if you favoured that position, one of the 'Zs' if you did not.[26] He was a man of the ancien régime, and as such he believed in the confessional state and the divine institution of the parts of that christian state. Thus all authority, in its variegated aspects and expressions was the gift of God. It is not surprising therefore that Broughton was able to seize quickly the issue of the changed political and constitutional situation in the colony of NSW. As a reality he could hardly avoid it, but its importance from the point of view of a theory of the state, and of the church, immediately confronted him because it was so different from, and such a constitutional challenge to, his previous convictions. However, these very convictions, while they enabled him to see quickly, and with some prescience, the political and constitutional issue of authority and governance, did not enable him to see that the changed situation constituted also a challenge to the conception of the laity in their role in society, and the body politic. Because he was so adamantly anti Roman, and against dissenting sectaries, he was not able to turn down the path of private judgement or of an internal or introspective ecclesial authority. Within the church he found it hard to go beyond a conception of the laity as defined by default from the role of the clergy, and he does not address the question of the institutional role of the church, or of the ambiguities of the godly vocation of the laity in the plural society of New SouthWales. These were questions beyond his horizon. Broughton's contribution was to fasten on the fundamental question of the controlling character of the body politc and the church that came from England in 1788 but which now had become a dead letter. Coming to terms with that tectonic change was to occupy Anglicans for another hundred years.

Broughton and the alternative approaches of Perry and Pusey

Broughton's dilemma can be seen in somewhat sharper relief if his conclusions, such as they were, are compared with two other approaches, Charles Perry his evangelical suffragan in Melbourne and Eduard Pusey.

Charles Perry, Broughton's Suffragan in Melbourne, took a quite different line from Broughton on a number of issues, including church government and the role of the laity. In 1848 Perry had attempted to secure through the local Legislative Council in Sydney, Victoria no yet being a separate colony, a bill which would have dealt with two issues with which he was concerned in the diocese of Melbourne; clerical discipline and patronage. His proposal

would have given the laity a much greater share in patronage at the parish level. However, the bills were withdrawn in the face of local pressure, particularly from Geelong. Victoria was proclaimed a separate colony in July 1851 at the very time when Perry was holding the first of his diocesan conferences. This conference was called following the meeting of the Bishops in Sydney in 1850 and it considered the minutes of that meeting. The conference resolved that the it should assemble from time to time, that the clergy should meet with the laity in one house, presided over by the Bishop, and that the assembly should consist of all priests in the diocese and one or more lay representatives from each parish. The conference also appointed a committee to enquire into the laws that affect the regulation of the temporal affairs of the Church of England in Victoria.

A second conference was held on 24 June 1854, which was able to consider the developments that had taken place since the last assembly. In London the Archbishop of Canterbury (JB Sumner) had unsuccessfully promoted a bill for the colonial churches. The Melbourne committee presented a proposed bill, to be submitted to the Victorian legislature, which was a modified version of the Sumner bill. In November this bill was indeed put to the Victorian legislature, who agreed to it on 30 November 1854. Perry went to England with the Bill in order to secure the Royal Assent for it, which was given, after some delays and difficulties, on 12 December 1855. The purpose of the Bill was 'to enable the bishops clergy and laity of the United Church of England and Ireland in Victoria to provide for the regulation of the affairs of the said Church.' Giles[27] points out a number of differences between the Sumner and the Victorian Bills; specific reference to patronage, reference to those 'in communion with' as well as members of the church, the ecclesiastical discipline commission does not seem to include the Bishop but to report to him, a different reference to the 'authorised standards of faith', a tighter adherence is required of members of the diocesan assembly in relation to doctrine and discipline, it specifies male membership of the assembly, representatives must make a declaration of membership and the Victorian Act does not cover the possibility of the assembly being later found to be not legal. Overall the Act is distinctive in that it reflects many of Perry's concerns, not just on the question of lay membership.[28] The Act provided for one assembly as the fount of authority in the diocese, though there were to be three houses for the purpose of voting. There was also a provision for appeal to the Archbishop of Canterbury.

Perry's interpretation of his actions can be very conveniently identified by looking at the sermon which he preached at the commencement of the 1854 conference, the letter which he sent out to representatives and clergy before the conference, and also the comments that he made on a pamphlet written by Henry Venn. Perry's comments on the Venn pamphlet are dated December 1855, and so were probably written while he was in England.

In a preface to the sermon Perry expressed some concern lest his criticisms of the Church of England in the sermon should be taken amiss in England. He particularly mentioned the matter of private patronage and the character of the clergy, on both of which he commented negatively in his sermon. His purpose, he said, was to emphasise to the conference that while there may be differences in Victoria from England, that should not be regarded as necessarily a bad thing. 'They had no reason upon the whole to regret the differences between our position and that of our brethren in our fatherland'. In the sermon itself he began by

comparing the position of the church in Victoria with that of the Church of England. It has, of course the same articles of faith and forms of prayer, but beyond that it is not connected with the state, the English code of ecclesiastical law is in abeyance, there are not institutions such as exist in England, and there is no established parochial system. Clearly there are some disadvantages in Victoria, not the least of which is the entire dependence of the clergy on the bishop, there being no freehold or other protections. However, there are also certain advantages in the Victorian situation. The reason people were forsaking the Church of England was 'the want of faithfulness, ability, and self-denying earnest activity, among the existing clergy, and in the apathy and indifference of the great body of the laity'.[29]

Having addressed the problem of the clergy, Perry then turned to the laity. The great fault 'of our ecclesiastical system may be expressed in this one short sentence, *viz*: The church as such makes no use of them'.[30] They are allowed to be churchwardens, and to perform certain administrative tasks, but 'the whole body of the parishioners, except the churchwardens,—and these also, except as far as I have mentioned—are exempt from all responsibility, and destitute of any power to render effectual assistance to the church.'[31] The connection with the state inhibits people in England from even trying to deal with this problem, and so it would be better to be without all the benefits of the Church of England if it enabled us to organise the church 'so as to secure, with God's blessing, faithfulness, ability, and diligence, in the clergy, and to call forth the active earnest co-operation of the laity.' Two practical inferences flow from this, declared Perry. We should rejoice that we are not trammelled by the incumbrances which hinder the Church of England, and secondly, we should take the opportunity which God has given of putting the church on a proper footing so that it may grow with the society of Victoria, and so that 'we not only deliberate, but act'.

> In his comments on the pamphlet by Henry Venn, long time Secretary of the Church Missionary Society, Perry commented in a similar direction. He added that the church government should be established by individual colonies, that the diocesan assembly should deal not only with temporalities but also clerical matters. Perry passed over without criticism Venn's remark that 'In the United Church of England and Ireland there is not precedent for giving the bishop of a diocese a separate vote, on questions in which the whole Church is interested.'[32]

Perry's whole approach was entirely different from that of Broughton. Not just in details, such as episcopal veto, separate diocesan connection with Canterbury and no power for metropolitans or provincial synods, but in terms of the whole tenor and purpose which is aimed at. Perry comes dissatisfied with corruptions in the Church of England, and sees these as deriving from the institutional arrangements there, in particular the connection with the state. Broughton avers himself to be an English churchman, and although he is critical of the application of the Royal Supremacy in the colony, he does not doubt that the establishment of the Church of England has been a benefit to the church. Perry has a totally different conception of the church so far as the laity were concerned. Sir Charles Sladen in farewelling Perry from Melbourne drew attention to this particular emphasis in Perry's work. 'When the introduction of laymen into the councils of the church was regarded with apprehension by the clergy, and with doubt by the laity themselves, you invited them to take their full share in her legislation.' He referred to Perry's encouragement of lay preaching and of lay involvement in

the appointment of clergy. ‘Moreover you encouraged faithful men who still continued in their secular calling to exercise in aiding the parochial clergy, their gifts as visitors, teachers and preachers.’[33] Perry’s biographer, Dr A de Q Robin, has suggested that Perry was influenced in his attitude to church government in the colonies, especially in regard to the role of the laity, by his contact with the convention system of the Protestant Episcopal Church of America. That may well be true, but Perry was motivated more fundamentally by theological dispositions which grew out of his evangelical experience and commitments, and which preceded his contact with the American Church. His evangelical commitments meant that he placed less emphasis on the ‘orders’ of the church, that he conceived of the church much more precisely as the total christian community and that lay people with gifts can and should do things which their gifts enabled them to do; that is to say, not just administrative of even legislative things, but also matters to do with pastoral care, and with preaching.

The clergy/lay distinction is much less pronounced in Perry as compared with Broughton. That reflects Perry’s evangelicalism and Broughton’s High Churchmanship.[34] Perry’s enthusiasm for the American model sits easily with his critical stance towards the English situation and his desire to start afresh. That attitude contrasts with Broughton’s conservatism in regard to the pattern of the Church of England, and his defensive pro-English attitudes towards other models of church government.

Clearly Broughton would not want to founder upon the charibdis of evangelicalism, nor would he want to strand himself on the scylla of developed Tractarianism. One can see this by contrasting his views on the laity in church government with those of Edward Pusey. By 1850 Pusey had become the ostensible public leader of what was left of the Oxford Movement. Dr Ruth Teale has recently drawn attention to the interest which Pusey took in the colonial church and has rightly pointed out that Pusey ‘never subscribed to the position adopted by colonial bishops regarding lay participation in church government. The thought of laymen, however well schooled, pronouncing in a synod upon faith and doctrine, horrified him.’[35] The reason is not hard to find, and is made clear by Dr Teale. Pusey believed in the divine right of Bishops on the basis of a particular doctrine of apostolic succession. ‘The Church has the principle of perpetuity imparted to it through His promise, who is her Head and Lord; her succession of Bishops mount up, by a golden chain, link by link, to the apostles.’[36] This belief led him to think that missionary activity should be conducted by bishops and the church should be governed by bishops. Naturally such a view led him to doubt the appropriateness of the lay involvement in the conduct of the affairs of SPG and SPCK.[37] It also led to some considerable discussion of the idea of missionary bishops, though H Cnattingius claims that the American Bishop G W Doane and Heber of Calcutta were the originators of the idea, and that Newman and S Wilberforce introduced the idea into England.[38]

Whatever may have been the immediate means of the introduction of this idea to the English public, the practice of the Roman Catholic church must have been significant. In the ten years 1833–1843 Pope Gregory XVI named 195 missionary bishops as part of the huge missionary thrust by Roman Catholics in mid-century. The Pope created seventy new dioceses or Vicariate Apostolical, a significant number of which were in British colonial

territories. Newman and Wilberforce did not need to introduce the idea of missionary bishops to the English public, the pope and his colleagues had done it already.

Broughton was completely committed to the Church of England as represented in the Reformation Settlement. It was the theoretical terms of that settlement, as expressed in the Royal Supremacy, which prompted Broughton to consider and then to raise the question of the role of the laity in the government of the church. It was this commitment that provided the intellectual framework for Broughton's approach to the question of the laity in church government. It was also this commitment which distinguished him from both Pusey and Perry who were together in rejecting, with varying degrees of vigour and for different reasons, the theoretical framework of the Royal Supremacy. Pusey, moved by the political reforms in England and the corruption of the Church of England, adopted an ecclesiological authority based upon a particular doctrine of the apostolic succession. He therefore dispensed with the terms of the Royal Supremacy as a way of thinking about the church. Authority in the church was developed on the internal ecclesial basis of the apostolic succession. Perry similarly wished to dispense with the terms of the theory of the Reformation settlement as represented by the Royal Supremacy. Moved by his evangelical experience, his despair at the lack of religious zeal and orthodoxy in the Church of England and the opportunity in the colony to make a new start, he had adopted a different authority line which was also internal and ecclesial in character; not the authority of office, as with Pusey, but the authority of strict orthodoxy of belief and the authority of the gifts of God to individual christians in the church. Office is to find and to follow gift, for Perry, whereas for Pusey office, that is the office of the bishop in apostolic succession, is itself the gift.

Broughton saw very early on that the Royal Supremacy was doomed as a way of operating church and state in both New South Wales and also in England. It failed because the state gave up on it, a dereliction dramatically seen in the emancipation of Roman Catholics in 1829. During the course of the 1830s he had concluded that the Royal Supremacy was a dead letter in the colony of New South Wales. It took him some time to develop a theoretical response to that reality, and when he did so he retained the intellectual framework of the Reformation settlement. His conclusion was that if the laity were no longer represented in the governance of the church through the crown and parliament, then an alternative mechanism must be found for them. That mechanism he had concluded by 1849 should be a concurrent lay convention. That mechanism, however, must preserve the spiritual / temporal distinctions of the old system. He consistently rejected the idea that the Reformation settlement was in itself Erastian. Furthermore he remained committed to the legitimacy of the theory of the Royal Surpemacy which that settlement expressed. Thus he remained, like the Elizabethan settlement, strongly anti-Roman, and committed to the doctrinal correctness of that settlement because it could be shown to be in accord with scripture, the apostles' teaching and, by the extension of this appeal, with the primitive church.

Broughton's conservatism hindered him from going beyond the terms of the Royal Supremacy theory to the more fundamental epistemological elements which made the theory possible. The defence of the Elizabethan settlement required some theological presupposition about the consonance of, or commonality between, the law of God and the laws of society.

For church and state to be defensibly in such close relationship, as is implied by the Royal Supremacy, calls for a theory of law, or order, which Hooker, at least, discussed in terms of natural law. Such an epistemological basis could be related to a formulation of the idea of Incarnation. Again, this is a direction in which Hooker found it convenient to move. Broughton, however, did not take his consideration of the problem in this direction. If he had he might have provided an appropriate Hookerian defence of the demise of the Royal Supremacy and some indication of how that kind of theology might relate to the new plural situation in which he found himself. His conservative instincts, reinforced by his Establishment High Churchmanship, kept him in touch with a belief in the necessity of some degree of externality in authority for christian faith and for the church; with the conviction that authority in christianity, and thus for the church, must be public, must be accessible and contestable, in the public square, with the public. While he did not take the further analytical steps referred to, he nonetheless retained a commitment to the traditional theology that lay behind the theory of the Royal Supremacy. Had he taken such further analytical steps then the difference between his Anglicanism and that of Perry and Pusey would have been seen to have been even greater than is already clear. It may perhaps be a clue to this general point that at the end of his life Broughton was not only seen as a patriarch in the church, but also as a patriot in the colony.[39]

1. R Border, *Church and State in Australia 1788–1872. A Constitutional Study of the Church of England in Australia* (London: SPCK, 1962), 242
2. For an account of Broughton's life and this part of it, see GP Shaw, *Patriarch and Patriot, William Grant Broughton 1788–1853, Colonial Statesman and Ecclesiastic*, (Melbourne: Melbourne university Press, 1978), hereafter referred to as Shaw. Shaw's biography is the only modern critical biography on Broughton and all who work on this subject are indebted to him for his pioneering and excellent work. For further references see foonote 1 in Chapter 1 of this book.
3. Earlier, but unsuccessful initiatives had been taken by Perry in Melbourne and Selwyn in New Zealand, see RA Giles, *The Constitutional History of the Australian Church* (London: Skeffington, 1929).
4. I have written elsewhere on Broughton's ecclesiastical and intellectual background, and in another place with Broughton's interpetation of the Royal Supremacy. See chapter 1 of this book.
5. On this point in general terms see, H Green, 'Apostolic Succession and the Anglican Appeal to History', in *Church Quarterly Review*, 163 (1962): 293–304.
6. C Cross, *Church and People 1450–1660. The Triumph of the Laity in the English Church* (London: Collins, Fontana Press, 1976).
7. W Broughton, *Sermons on the Church of England: Its Constitution, Mission, and Trials* (London: Bell and Daldy, 1857), 4.
8. Broughton, *Sermons*, 11
9. Broughton, *Sermons*, 14
10. Broughton, *Sermons*, 151
11. Broughton, *Sermons*, 19
12. Broughton, *Sermons*, 27
13. WG Broughton, *A Charge to the Clergy of the Archdeaconry of New South Wales, in the Diocese of Australia* (Sydney: October 6 1841), 10.
14. Claire Cross, *The Church and People 1450–1660* (London: Collins Fontana, 1997).
15. Broughton to Gladstone 13 July 1850. Britsh Museum, Additional MSS 44369.
16. A Letter to the Rt Rev Nicholas Wiseman (London: F&J Rivington, 1852)
17. Broughton to Gladstone 18 August 1851, British Museuam Additional MSS 44370.
18. Broughton to Coleridge 14 October 1839 in which he discusses Gladstone's recent book on State and Church. This

evidence undercuts Dr Robin's claim that Broughton was led, if not initiated, into the lay question by Perry, A de Q Robin, 'Bishop Perry and Lay Participation in Colonial Synods', in *Journal of Ecclesiastical History*, 15 (1964): 51–59

19. Bishop Perry, Diary of the 1850 Conference, held in the Archives of St Paul's Cathedral Melbourne.
20. Quoted from the version of the address given in the *Colonial Church Chronicle* (as reproduced from the *Sydney Morning Herald*) volume vi, 1852/53, 150.
21. *Colonial Church Chronicle,* Volume VI, 146.
22. Shaw, *Patriarch and Patriot,* 256–58.
23. The meeting was reported in some detail in the *Sydney Morning Herald*, 19 May 1852.
24. *Colonial Church Chronicle,* voume VI, 222
25. *Colonial Church Chronicle,* voume VI, 150
26. On the High Churchmen as 'orthodox' and as 'Zs' see RK Braine, *The Life and Writings of Herbert Marsh*, PhD thesis, Cambridge, 1988, O Chadwick, *The Victorian Church, Part 1* (London: A&C Black. 1966), and P Nockles, *Continuity and Change in Anglican High Churchmanship 1792–1850*, Oxford DPhil, 1982.
27. A Giles, *Constiutional History*, 88, 89
28. Perry had been concerned with the way in which patronage had been a source of abuse in England at the expense of the parish, his concern to have tight doctrinal tests surfaced again in his retirement when he played an influential role in the founding of Ridley Hall, Cambridge.
29. C Perry, *The Comparative Positions of the Church of England and in Victoria. A Sermon Preached June 14, 1854* (Melbourne: 1854), 11
30. Perry, *Comparative Positions*, 13
31. Perry, *Comparative Positions*, 13
32. H Venn, *Colonial Church Legislation, with Observations by the Lord Bishop of Melbourne* (London: 1856), 26
33. A Robin, *Charles Perry, Bishop of Melbourne: The Challenge of a Colonial Episcopate, 1847–1876* (Perth: University of Western Australia Press, 1967), 180.
34. Perry's disposition to retain a direct connection with Canterbury and to diminish the provincial element in colonial church government may also be related to the evangelical sympathy between himself and Archbishop JB Sumner.
35. Ruth Teale, 'Dr Pusey and the Church Overseas', in *Pusey Re-Discovered*, edited by Perry Butler (London: SPCK, 1983), 189.
36. A sermon of 1838 on *The Church the Converter of the Heathen, published in, Parochial Sermons preached and printed on Various Occasions* (London, 1865), 10f.
37. See Teale 'Dr Pusey and the Church Overseas'. Broughton also was doubtful about the lay character of 'our societies', Broughton to E Coleridge 3 February 1843.
38. H Cnattingius, *Bishops and Societies: A Study of Anglican Colonial Missionary Expansion, 1698–1850* (London: SPCK, 1952), 202.
39. Shaw, *Patriarch and Prophet,* 274.

Chapter 3
The Collapse of the Royal Supremacy: Broughton's Struggle

In late 1993 in the context of public debate about the possibility of Australia becoming a republic the primate of the Anglican Church of Australia made a public announcement that such a move, whatever else might or might not be said about it, would not have any affect upon the constitutional position of the Anglican Church of Australia. The primate was able to make such a statement in no small measure because the first bishop of Australia had been compelled to make a dramatic transition from a clear commitment to the Royal Supremacy to an acceptance of colonial pluralism.

William Grant Broughton, as Bishop of Australia constitutes a very good case example of the problems which might confront traditional Anglicanism in coming to terms with a plural society and an ecclesiastically non-confessional state. In order to make some sense of this example I will briefly outline the background of the Royal Supremacy in England and the colonial experience of New South Wales. Against this background can be set Broughton's background as an old High Churchman deeply attached to the Hanoverian church state settlement. How Broughton dealt with the question of the Royal Supremacy, as expressed in the oath of allegiance, during his period as bishop from 1836 to 1853 is a convenient and illuminating window on the transition which he made.

There are, of course, other themes, and other aspects of the adjustment which ought to be considered. Broughton himself was confronted with questions such as his ecclesiastical jurisdiction as a bishop and pressing matters of church governance.

However, the theme of the Royal Supremacy was not only important to Broughton himself, but also it conveniently illustrates a number of issues that might be of more general interest. Seen from another perspective, this theme also illuminates some of the more generally political issues of authority in a modern plural society.

Since the Reformation the Royal Supremacy has been a powerful theme in English constitutional experience. It has been associated with other themes such as Godly Rule, Divine Right of Kings and of Bishops, and that still living conundrum, the Church of England as by law Established. During the reign of Henry VIII the idea was formulated in a strikingly concentrated form.[1] It is encapsulated in the Preamble to the Act for the Restraint of Appeals (24 Henry VIII, C.12):

> . . . this realm of England is an Empire . . . governed by one supreme Head and King . . . unto whom a Body politick, compact of all Sorts and Degrees of People, divided in Terms, and by Names of Spirituality and Temporality, been bounden and owen to bear, next to God, a natural and humble obedience . . .

Thus, also, the Act of Supremacy (26 Henry VIII, C1) 'Albeit the King's Majesty justly and rightfully is and ought to be the supreme head of the Church of England.'[2]

Henry's purposes in this formulation were no doubt various and complex, but they certainly included independence from the Pope and his universal jurisdictional claims. The formulation presupposed the unity of the nation under the king's own personal sovereignty covering the territorial extent of England. Given the terms of the external threat to which the Royal Supremacy was responding, that unity of the nation so conceived was both political and ecclesiastical. In this formulation the sovereignty was embodied in the person of the King.

The struggle to modify this coherent constitutional package necessarily had two inter-related aspects; political and religious. On the political front the struggle moved in the direction, ultimately, of the assertion of the power of parliament as concerns the sovereignty, and towards pluralities of power within society. On the religious side the struggle moved in the direction of independence for the church from the sovereignty, in the crown, and then in the parliament. What we observe is the movement, albeit in fits and starts, from a singular state with temporal and spiritual aspects to a plural society with a plurality of spiritual and temporal institutions and a diminished notion of the sovereignty.

As this process proceeded new social institutions came into being and old ones were changed, or withered. Some were violently destroyed. People also tried to make sense of what was happening and developed theories to explain it to themselves or to provide some conceptual framework for the future. Sometimes people acted on the basis of their theory despite the social and political realities. Often the political realities, either domestic or foreign, were parent to new theories or the development of old ones.

There are many examples of this general process which illustrate the developing plurality and the consequential re-definition of the idea of the Royal Supremacy. When Elizabeth instructed Grindal to contain prophesying she undoubtedly had in mind a political issue of conformity. Grindal on the other hand was influenced by religious and different considerations. 'She had consistently disapproved of the prophesyings, or preaching exercises, wherever she had come across them. The basis of her dislike of them was largely political, for she sees them as harbourers of Presbyterianism, and Presbyterianism as the foe of the monarchy.'[3]

The reaction of James I at the Hampton Court Conference in 1604 illustrates the political significance of church polity in a striking fashion. The king kept reasonably civil towards the Puritans until they asked for a revival of prophesying, unlicensed and itinerant preaching. Barlowe, reflecting at least a contemporary perception, reported the king as saying, 'that they aymed at a Scottish Presbytery, which, sayth he, as well agreeth with a monarchy, as God and the divell. Then Iack and Tom, and Will and Dick, shall meete, and at their pleasure censure me and my councill, and all our proceedings.' And then turning to the bishops, the king said, 'If once you were out, and they in place, I know what would become of my supremacie. No Bishop, no king . . .'[4] Elizabeth would have sympathised with James.

Elizabeth and James clearly thought that the particular ecclesiastical polity of episcopacy was more consonant with monarchy and their Royal Supremacy than was presbyterianism. It may be that we meet here the idea that in such a supremacy, authority must necessarily, or

will more normally and naturally, be exercised in each aspect, political and ecclesiastical, in a similarly structured way. In the cases of James and Elizabeth the political requirement of controlled order meant that for internal security reasons they would be suspicious of any activity which held the potential to subvert that authority, that sovereignty.[5]

The reality of English society has, of course, been a great deal more rough and ready than the theory. There have been degrees of religious toleration. However, even the toleration of dissenting worship from 1689 was severely circumscribed; it did not open any public office to them.[6] Similarly the toleration of dissenting religion was possible only by the introduction into the social fabric of an anomaly; namely the idea of plurality in religious practice. The anomaly worked because it was contained, and did not imply any reduction of civil responsibilities for religious dissenters for the maintenance of the social structure in both its political and religious, that is Anglican, dimensions. Such toleration before the nineteenth century meant not only that dissenters of whatever kind must continue to maintain the church/state establishment, but also that they had no access to decision making power in its institutions. It is interesting to note that in the analysis of WR Ward one of the key issues in the undermining of the establishment and the Royal Supremacy, was the practice of itinerancy,[7] the eighteenth century equivalent, in terms of the social / ecclesiastical order, of the prophesying to which James and Elizabeth took such exception.

However in such a unified society, such a singular society, authority can only be both social and religious. While it might be possible intellectually to distinguish religious and political authority, in practical terms it was not possible to separate them. The establishment relationship was multi-faceted and variegated. It was not just a partnership between church and state, it was a whole set of working relationships between squire and parson, cleric and patron. Clergy received the same kind of general education at university as others, and served in significant numbers on the magistrate's bench in the eighteenth century. The role of the clergy in society was not restricted to a narrow set of ecclesiastical or church concerns, but encompassed a very wide range of social and institutional responsibilities. Such a society was therefore highly clericalised. On the other hand such a church was also highly laicised, with significant power, in ecclesiastical affairs, in the hands of lay people at all levels of the system.[8]

This picture of a Christian society, which is also monarchical and episcopal in its political and religious dimensions is, of course, a description of a nation within a designated territory, in this case England. The English nation had been willing to recognise other kinds of political and ecclesiastical polities in other territories, although there was always some concern about the importation of alien orders into England lest they undermine the established order. On the religious side the long tradition of Anglican acceptance of non-episcopal orders not only in other territories, but when such ministers came to England is evidence of this more tolerant point of view.[9] The continuing mutual suspicion between English and Scots over ecclesiastical polity points to the difficulty of the union with Scotland under the Royal Supremacy theory. This difficulty for the theory became intolerable in the nineteenth century, with the incorporation of Ireland into the political union.[10] What had always been a possibility now inexorably began to happen in dramatic form, namely, the collapse of the

Hanoverian establishment and the Royal Supremacy.

The transformation during the nineteenth century of the church/state establishment of the Church of England with the crown of England, exemplified in the constitution of the Royal Supremacy, has been the subject of a good deal of renewed scholarly interest. Recent work has given more attention to the inter-relationship of the religious groups within the Church of England and the degree to which the *ancien régime* persisted into the nineteenth century. Thus there has been considerable interest in the nature of eighteenth and early nineteenth century High Churchmen. Peter Nockles draws our attention to the connections between the Tractarians and the old High Church group.[11] Peter Virgin speaks of recent work which traces the church reform movement to its roots in the 1780s.[12] Clive Dewey suggests that pursuing the theme of clerical connections and patronage might lead to a radical re-assessment of the changes in the Church of England in the nineteenth century and rescue 'the old High Churchmen from the "massive condescension of posterity"'.[13] JCD Clark, English Society 1688–1832, is professedly a 'revisionist tract'.[14] Perry Butler has shown that despite the various forces at work in the changes in Gladstone's political and ecclesiological attitudes, we may still see a development of 'church principles' at work. 'For Gladstone's experience was the reaction of one man in a particular set of circumstances to a phenomenon as much European as English—the demise of the Confessional State, and the emergence of what in France, came to be called indifferentism and l'etat laique.'[15] It is interesting to note Gladstone's interest in the colonies in this context. Gladstone had been Under Secretary of State for the colonies in 1834/35 and in December 1845 replaced Lord Stanley as Secretary for war and the colonies. On both occasions in office he had taken a particular interest in the church in Colonial affairs. 'His real interest was as much the Colonial church as it was the colonies themselves, for it was in the colonies that the Establishment principle had been compromised most seriously.'[16]

Undoubtedly the whole process was very complicated and the changes that did occur, arose in situations fraught with the past and its complexities.

The Colonial Experience

One interesting facet of this whole process which has not received as much attention as it might, is the particular form this process of disintegration of the Royal Supremacy took in societies which had an English pedigree, but were not located on English soil and did not possess the totality of the English political and ecclesiastical institutional structure. These were the colonies of the empire.[17] Some of the American colonies had, of course, a clear religious motivation, at least initially, and the movement in those colonies from state church to pluralism has interesting parallels with the process in England. Another set of questions arose in India and Canada because of the commercial interests of the great chartered companies which operated in them.[18] The battle to extend religious responsibility, and therefore opportunity for missionary activity, beyond the ex-patriots, did not occur until the second decade of the nineteenth century in the case of the East India Company and only as the result of an extensive and persistent campaign, which reached its peak when a young

William Broughton was working in the Treasury department of the company.[19] Perry Butler points out the significance of the colonies. 'The part that colonial affairs played in shaping political development should not be overlooked.'[20] He goes on to refer to the West Indian Education plan under Peel and the Canadian Clergy Reserves Bill in 1840. Gladstone was Under Secretary of State for Colonies in Peel's 1835 administration and the proposals in 1835 to change the arrangements for education in the West Indies so that all churches were to be treated indifferently prompted Gladstone to contemplate resigning.

New South Wales was, however, a very particular case because it was a convict settlement established by the government and placed under the supreme and singular authority of the Governor. Despite the fact that the first fleet was overwhelmingly made up of convicts and their guards, there were from the beginning of the settlement some free settlers. Alongside the governor from the beginning there was also a Judge Advocate, representing the authority of the English legal tradition. There was an Anglican chaplain with the first fleet, but he was effectively in the position of a military chaplain and under the control and authority of the governor. That pattern held for some time, but soon other religious officials were allowed to operate in the colony and although some, including the Anglican chaplains, assumed an exclusive position for the Church of England, the practical effect was fairly open. A regular Church of England ecclesiastical organisation did not exist until 1824 with the establishment of the Diocese of Calcutta and Thomas Scott as the first archdeacon of New South Wales.[21]

Our focus here however is on Scott's successor William Grant Broughton because of the changes in the colony during his long tenure first as archdeaon and later as the first and only Bishop of Australia. Broughton was an old fashioned High Churchman committed to the Hanoverian church state establishment, to Godly Rule as expressed in the Royal Supremacy. When he arrived in New South Wales he was confronted with a situation which challenged the very heart of his national ecclesiology, of his conception of the Royal Supremacy. Within a decade he was faced with problems which the Church of England would have the rest of the century to deal with.[22] Furthermore he was almost entirely without resources either of property or institutions as compared with his colleagues in England, and when he became Bishop of Australia in 1836 all these problems were magnified because he was at that point more isolated in his responsibility. As an archdeacon he could defer to his distant bishop who had the responsibilities of Ordinary,[23] but as Bishop of Australia Broughton himself was the Ordinary and from this point on the buck stopped with him.

Broughton's Baggage

It is possible to trace with reasonable confidence the theological and social baggage which Broughton brought with him to New South Wales.[24] He had been born in London in 1788 of a modest middling class family with some aristocratic connections. The Countess of Strathmore was reportedly one of his godparents,[25] and he later obtained a position at the East India Company as a result of the patronage of the Marquess of Salisbury, who is said to have held a high opinion of Broughton's father.[26] Broughton went to King's College

Canterbury(1796–1804) on a scholarship and was introduced to its traditionalism and classical studies.[27] Unable, for financial reasons, to take up an exhibition which he had won to Pembroke College Cambridge, he worked for ten years (1804–1814), seven of these at the East India Company in the Treasury (1807–1814). From 1814 to 1818 he was at Pembroke College and graduated BA as sixth wrangler in the mathematics tripos. At Cambridge he was taught and examined by the brilliant young William French, and was exposed to the historical critical scholarship of Herbert Marsh.[28] He married his former housemaster's daughter and was ordained to the curacy of Hartley Wespall. He stayed there for nine years (1818–1827) during which time he came to the notice of the Duke of Wellington whose estate Stratfield Saye was nearby. Also during this time he formed a close family friendship with his non-resident rector, Dr Keate, the Headmaster of Eton college. In 1827 he became Assistant in the parish of Farnham and in 1828 was offered the Archdeaconry of New South Wales, departing for that colony in 1829.

Broughton continued his scholarly activities after his ordination, publishing a sermon strongly supporting the Society For The Propagation Of The Gospel,[29] two lengthy works, one defending the Greek text of the NT[30] and a similarly historical critical work defending Gauden's authorship of the *Eikon Basilike*.[31]

All of these details reveal a man of sound, conservative church principles. He was one of the 'orthodox' who believed in the church-state relationship and the Royal Supremacy and saw the Church of England as the instrument for the maintenance of true Christianity, the basis of social order and the essential protection against Roman Catholicism. He believed in the institutions and priorities of the High Church group; education and schools, and the Society For The Propagation Of The Gospel and the Society For The Promotion Of Christian Knowledge. His personal connections, developed at Cambridge and later, made him a peripheral member and a supporter of the Hackney Phalanx. In turn, he was supported by the Phalanx when he was in Australia. He was well read in history and linguistically competent. He clearly had absorbed some of the historical skills and attitudes of Marsh, even though they had overtones of German critical scholarship. He had practical experience and had been exposed to critical trading, financial and missionary issues during his time at the East India Company. He was in that category of 'men of merit' to whom the Dean of Canterbury, WR Lyall, referred in 1831,[32] as the coming men for the future of the Church of England.

His commitment to the church establishment is reflected in his last communication with his patron the Duke of Wellington as he set out for New South Wales. Two days before Broughton was due to depart the Duke announced that the government would be introducing legislation for the emancipation of Roman Catholics. Broughton was shattered at such a betrayal of the Protestant Supremacy. He had petitioned against such a step many times and his farewell letter to the Duchess sadly conveyed his conviction that the Duke was plainly wrong in what he had done.[33]

As an Archdeacon in New South Wales Broughton had seen many things to challenge his English attitudes, but when he returned in 1836 he was confronted with a decisively different situation from what pertained in England. Ever since Sir Richard Bourke had arrived as Governor in 1831 Broughton had witnessed the development of a rule which was

determinedly not Anglican. The Roman Catholic Church now arrived in force in the person of Ullathorne,[34] and Presbyterians were also more effectively present.[35] Bourke had been pressing for a new school system, and Broughton tried unsuccessfully to make his own solution to the educational question in the colony a condition of his return as Bishop.[36] Bourke wanted a single school system which provided general education and non-dogmatic religious education, while separating students for denominational religious education. The result was Bourke's Church Act which gave support to the three Christian churches according to the distribution of their adherents in the population census, and held out the prospect of assistance to other churches in the future.[37]

In 1828 the Australian Courts Act confirmed what had been broadly the case since the establishment of the New South Wales Supreme Court in 1823 by Letters Patent, namely, that all laws and statutes in force in England were to be applied to the administration of Justice in New South Wales, 'so far as the same can be applied within the said colonies'. Cases of doubt could be settled by ordinances of the local government, or decisions by the New South Wales Supreme Court. Just before Broughton arrived as Archdeacon in 1829 the court had decided in relation to pew rents that 'for want of machinery in so infant a settlement it was impossible to apply the ecclesiastical law of England in the immature institutions and mixed state of society in this remote colony'.[38] Again, just before he returned as Bishop in 1836 the court held that the English marriage act did not apply in the colony because, in the majority decision of the court, the institutional framework for the application of the Act was lacking, principally, the absence of a parish system.[39]

Governonr Bourke's approch to this plurality was set out in his despatch to the Colonial Secretary Lord Stanley.

> I cannot conclude this subject without expressing a hope, amounting to some degree of confidence that in laying the foundation of the Christian religion in this young and rising colony by equal encouragement held out to its professors in their several churches, the people of these persuasions will be united together in one bond of peace and taught to look up to the Government as their common protector and friend, and that there will be secured to the State good subjects, and society good men.[40]

Stanley's successor, Grant, replied on 30 November 1835 leaving the decision to the local government. He said, *inter alia* . . . 'In dealing with this subject in a case so new as that of the Australian Colonies, few analogies can be drawn from the institutions of the parent state to our assistance.'[41]

Broughton, as the new Bishop of Australia, found himself in a society in which the Government supported a plurality of religions, the major institutional instruments of the established Church of England were simply not available to him, and the laws of England unless specifically denoted as referring to New South Wales had no authority unless a local court or the local government deemed that they were applicable to the circumstances of the colony. What of the Royal Supremacy in such a circumstance ?

The Oath of Allegiance and the Royal Supremacy

On three occasions Broughton had occasion to protest that the government was not observing the terms of the oath of allegiance on matters that had to do with the Roman Catholic Church. In 1839 the new Governor, Sir George Gipps, who had been a classmate of Broughton's at the King's School Canterbury, received the local Roman Catholic bishop in his full episcopal attire at an official function. Broughton raised the question, whether Her Majesty's civil officers, duly sworn by the Oath of Supremacy, were now permitted to receive publicly on Her Majesty's behalf Roman Catholic bishops who dressed unmistakably as the agents of that foreign ruler the pope ?[42]

Four years later in 1843 the government acquiesced in the establishment of a Roman Catholic hierarchy in New South Wales.[43] This ante-dated by seven years the so-called papal aggression in England, and Broughton held a solemn ecclesiastical protest.[44] However, more politically, he wrote to Lord Stanley reminding him of the terms of the Oath of Supremacy which was taken by every holder of an ecclesiastical benefice, and by every person admitted into holy orders which declared that 'no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this realm.'

> The representation which I feel it my duty to submit to your Lordship is, that in case the civil powers should even tacitly, admit the exercise of the papal authority in erecting and conferring ecclesiastical dignities within the dominions of Her Majesty, this would be an admission, sufficiently direct on the part of the Government, that a foreign prelate has that ecclesiastical and spiritual authority and jurisdiction within this realm, which it is directly affirmed by our oath he neither has by right, nor ought to have in fact . . . I feel perfectly satisfied that we cannot safely continue either to take or to administer the same, if the papal superiority, as now attempted to be exercised, should be admitted by the State.[45]

For a High Churchman committed to the Royal Supremacy, it was not only an important point, but it was also one on which he would naturally not wish to take unilateral action. Stanley gave nothing away. He simply instructed the Governor to tell Broughton 'that his letter has been received, but that I must decline a discussion of the question which it raises'.[46] Broughton was not going to get any help in that quarter. Perhaps he should have received this terse reply as an invitation to act on his own judgement.

In 1848 Broughton again protested that the Roman Catholic Archbishop of Sydney was not only recognised by the government, but actually given precedence over the Anglican Protestant bishop who held his position by Letters Patent from the Crown. Broughton repeated his 1843 protest when Wiseman was made Archbishop of Westminster in 1850. By then, however, he had lost heart in the whole affair and had reconciled himself to the fact that the government, neither local nor home, any longer believed in their own oath of allegiance, and were certainly not going to act upon its terms. The political side of the question was a dead letter, and he was increasingly turning his mind to the ecclesiastical and ecclesiological implication.[47]

This change in focus for Broughton did not mean that he abandoned the public arena, far from it. Nor did it mean that the idea of a unified sovereignty in any sense no longer existed in the colony. Far from it. Some of the most difficult questions which were to be confronted in the middle of the nineteenth century were to do with the character of the sovereignty of the

local government, in relation to the social institutions in the colony, as well as to the Imperial government, and the governments of others nations. The very nature of the loose arrangement of the colonies on the continent of Australia was itself a form of dispersed or divided sovereignty in the land, to say nothing of the position of the indigenous peoples.

Nor, indeed did it mean that the idea of sovereignty in the governance of the Church was clarified by this decision about the collapse of the Royal Supremacy. On the contrary the very terms in which Broughton interpreted the meaning of the Royal Supremacy for the governance of the Church meant that there could be no straightforward divine rule of bishops, or of clergy, or of laity. All these had a place in Broughton's scheme of things, and by that very fact a fundamental challenge to define sovereignty in terms which allowed for this plurality of participation still lay ahead of him. At least Broughton did witness to, and come to terms with, the manifest collapse of the Royal Supremacy in plural Australia. Unravelling that great transition continued to engage Anglicans well into the twentieth century.

---

1. For a brief conspectus of the relevant Acts and their preambles for the Royal Supremacy see ET Davies, *Episcopacy and the Royal Supremacy in the Church of England in the XVI Century* (Oxford: Blackwell, 1950), 59–68
2. Quoted from Davies, *Episcopacy and the Royal Supremacy in the Church of England in the XVI Century*, 60f.
3. Claire Cross, *The Royal Supremacy in the Elizabethan Church* (London: Collins, 1969), 62
4. I Barlowe, *The Summe and Substance of the Conferenc* (London: 1604), 83, quoted from WK Jordan, *The Development of Religious Toleration in England From the Accession of James I to the Convention of the Long Parliament 1603–1640* (London: Allen and Unwin, 1936), 19. For a critical appraisal of these events see MH Curtis, 'The Hampton Court Conference and Its Aftermath', in *History*, Volume XLVI (1961): 1 and following.
5. Compare the way in which JJ Rousseau, having developed a conception of the state and its relation to the people of a society, which was also unified, even singular when understood in terms of the 'general will', found it necessary to deal with religion in this state because it was an alien authority within the system, and therefore subversive, *Social Contract and Discourses*, translated by GDH Cole (London: Dent, 1913)
6. It was also not entirely secure as can be seen from the tendency on the part of magistrates in the 1790s to decline licences for dissenting preachers. These problems were not really resolved until 1812; 'The 1812 act quietly effaced this memorial to the religious intolerance of the Restoration', DW Lovegrove, *Established Church, Sectarian People: Itinerancy and the Transformation of English Dissent, 1780–1830* (Cambridge: Cambridge University Press, 1988), 141.
7. WR Ward, *Religion and Society in England 1790–1850* (London: Batsford, 1972)
8. See, for example, P Virgin, *The Church in an Age of Negligence* (Cambridge: Cabridge University Press, 1989), 15; RW Greaves, 'The Working of an Alliance: A Comment on Warburton', in *Essays in Modern English Church History in Memory of Norman Sykes*, edited by GV Bennett and JD Walsh (London: A&C Black, 1966), 163–180; and GFA Best, *Temporal Pillars* (Cambridge: Cambridge University Press, 1964), 46 and follwing, and ER Norman, *Church and Society in England 1770–1970. A Historical Study* (Oxford: Clarendon Press, 1976), chapter 1.
9. See, for example, N Sykes, *Old Priest and New Presbyter* (Cambridge: Cambridge University Press, 1956), chapter 2.
10. See O Chadwick, *The Victorian Church, Part I* (London: A&C Black, 1966), 47. 'Ireland forced a Tory England to emancipate the Roman Catholics'.
11. P Nockles, 'The Oxford Movement: Historical Background 1780–1833', in *Tradition Renewed*, edited by G Rowell (London: Pickwick, 1986), 24–50. At the intellectual level John Gascoigne, *Cambridge in the Age of the Enlightenment*, (Cambridge: Cambridge University Press, 1989), draws our attention to the role of Anglicans in the English Enlightenment and the significance of this for Anglican apologetics.
12. Virgin, *Age of Negligence*, chapter 1.
13. C Dewey, *The Passing of Barchester* (London: Hambeldon Press, 1991)
14. JCD Clark, *English Society 1688–1832: Ideology, Social Structure and Political Practice during the Ancien Regime* (Cambridge: Caambridge Univeristy Press, 1985).

15. Perry Butler, *Gladstone Church State and Tractarianism* (Oxford: Clarendon Press, 1982), 233
16. Butler, *Gladstone*, 98
17. Butler, *Gladstone*, 98
18. See SH Farnsworth, *Gladstone's Policy Towards the Colonies 1833–1855*, Unpublished BLitt thesis (Oxford, 1977); WP Morrell, *British Colonial Policy in the Age of Peel and Russell* (Oxford: Clrendon Press, 1930), H Cnattingius, *Bishops and Societies: A Study of Anglican Colonial Missionary Expansion 1698–1850* (London: SPCK, 1952) who notes Broughton's visit to New Zealand in 1838/39, P Burroughs, 'Lord Howick and the Colonial Church Establishment', in *Journal of Ecclesiastical History,* volume XXV (1974): 381–405. JE Pinnington, *Anglican Reactions to the Challenge of a multiconfessional Society, with Special Reference to British North America, 1760–1850*, unpublished DPhil thesis (Oxford, 1971), provides an extrensive account of the Canadian experience.
19. CH Philips, *The East India Company 1784–1834* (Manchester: Manchester Univeristy Press, 1934), describes the conflicts at India House between 1809–1813 involving Wilberforce, Grant, Thornton and Stephen, 159–166, 188–90.
20. Butler, *Gladstone*, 49.
21. On the general pattern see John Barrett, *That Better Country* (Melbourne: Melbourne Univeristy Press, 1966), R Border, *Church and State in Australia* (London: SPCK, 1962), JD Bollen, 'English Christianity and the Australian Colonies 1788–1860', in *Journal Ecclesiastical History,* 28 (1977): 361–385, KJ Cable, 'Protestant Problems in New South Wales in the Mid-nineteenth Century', in *Journal Religious History,* 3 (1964): 119–136, and 'Religious controversies in New South Wales in Mid-Nineteenth Century: Aspects of Anglicanism', in *Journal Royal Australian Historical Society*, 49 (1963): 58–74.
22. AD Gilbert, *The Making of Post-Christian Britain: A History of the Secularization of Modern Society* (London: Longman, 1980), argues that the conflict between the Church of England and the dissenting churches delayed and disguised the eventual emergence of post-christian Britain.
23. On Broughton's deference to his bishop his opening remarks to his second Charge in 1834 are revealing. He explains the delay since his last Charge has been occasioned by the vacancy in the see of which New South Wales was a part. 'During the vacancy of the episcopal office, I hesitated to assume or exercise a power which, agreeably to my views of the constitution and policy of our church, can devolve upon me only as the representative among you of one who has been invested with the highest of the ministerial orders'. WG Broughton, Sydney, 1834.
24. See chapter 1 of this book
25. FT Whitington, *William Grant Broughton, Bishop of Australia: With Some Account of the Earliest Australian Clergy* (Sydney: Angus & Robertson, 1936), 18
26. Shaw, *Patriarch,* 3.
27. On the general character of the Kings School, see DL Edwards, *History of the Kings School Canterbury* (London: Faber, 1959)
28. On the character and influence of Marsh, see, RK Baine, *The Life and Writings of Herbert Marsh*, PhD thesis Cambridge, 1988.
29. *Sermon Preached at the Monthly Clerical Lecture in the Church of St Lawrence Reading* (London, 1822). This sermon was dedicated to the Rt Revd John Fisher . . . Bishop of Salisbury, whom Broughton identified as a supporter of the Society for the Propagation of the Gospel, 'inasmuch as I have endeavoured to advocate the cause of an Institution which among its numerous supporters, at the Anniversary meetings, has found none more able or zealous than your Lordship'.
30. *An Examination of the Hypothesis, Advanced in a Recent Publication, Entitled 'Palaeoromaica,* London, 1823, and followed up with *A Reply to the Second Postcript in the Supplement to Palaeoromaica*, London, 1825.
31. *Letter to a Friend touching the Question, Who was the Author of EIKWN BASILIKH ?* London, 1826, and followed up by *Additional Reasons in Confirmation of the Opinion that Dr Gauden and NOT King Charles the First was the Author of EIKWN BASILIKH,* London, 1829. On the general question of the Eikon Basilike see FF Madan, *A New Bibliography of the Eikon Basilike of King Charles the First* (London: Bernard Quarich, 1950). Broughton records his view of the importance of this period in English history in his travel diary while giving his reflections on the book by W Harris, *An Historical and Critical Account of the Life of Charles I,* 'Of all the periods whereof the history has been written I consider this to be the most deeply interesting and it is one concerning which all Englishmen ought to have their minds well made up'. (Diary, 5 June 1829).
32. WR Lyall, *The Nature and True Value of Church Property Examined (*London: 1831), 21, quoted from C Dewey, *The Passing of Barchester* (London: Hambelton, 1991), 15.
33. Shaw, *Patriarch,* 12
34. E Campion, *Australian Catholics* (Ringwood: Viking, 1988), 20, recounts a telling story of Ullathorne's powerful presence, referring to an incident just after he had arrived in 1833. 'The next morning Therry collared him after mass

and tried to tell him about the two parties among Sydney Catholics, the pro-Therry and the anti-Therry factions. “No Father Therry,” said Ullathorne, “if you will pardon me, there are not two parties.” “How can you know about it?” Therry replied angrily, “You have only just arrived.” “Father Therry,” said the new Vicar-General, “listen to me. There were two parties yesterday. There are none to-day. They arose from the unfortunate want of some person carrying ecclesiastical authority. That is at an end. For the present in New South Wales I am the Church; and they that gather not with me, scatter”. TLL Suttor, *The Catholic Church in the Australian Colonies*, PhD Thesis, Australian National University, 1960, claims that in the 1830s there was a prevailing view to secure Australian Catholicism by connection with Ireland, but that Polding was the key resistance to this because of his desire to restore the Benedictine influence.

35. See Barrett, *Better Country*, 167; KJ Cable, ‘Protestant Problems in New South Wales in Mid-Nineteenth Century: The Dissenting Sects and Education’, in *Journal of the Royal Australian Historical Society*, 49, (1963): 136–148.
36. See Shaw, *Patriach*, 83–98.
37. See Barrett, *Better Country*, 1966, 32–37, WW Burton, J, *The State of Religion and Education in New South Wales* (London, 1840), 106–07, suggests that Bourke gave favourable support to the Roman Catholics even before the Church Act in the matter of extra chaplains and a higher stipend for Polding to reflect the dignity of his office, that is as Bishop. Lord Aberdeen had originally approved Polding’s move to New South Wales as a chaplain along with some others. Subsequently he was designated by the Papacy to be a bishop and despite Aberdeen’s instructions to the contrary he was given the higher salary by Governor Bourke.
38. See, John Dillon, The decision of the three judges of the Supreme court of New South Wales pronounced seriatim Monday, 11th of April, 1836, on the applicability of the Marriage act of England to this colony, Sydney, 1836. The reference to the earlier case is made in the judgement of Dowling J, 26. See also Blackstone, *Commentaries* (London: 1825), 107–108, in regard to the applicability of English law in the colonies.
39. See *The Decision of the Three Judges*
40. Despatch No 76 of 30th September 1833, Bourke to Stanley. Quoted from Burton, *State of Religion*, Appendix, lxiv.
41. Burton, *State of Religion*, Appendix lxx. Grant, later Lord Glenelg, had previously held responsibilities in Ireland. He was forced to resign in disgrace in February 1839 because of calamities in Canada and earlier in Cape Colony.
42. Shaw, *Patriarch*, 134. See WG Broughton to E Coleridge 13 September, 1839. ‘This reception and acknowledgement of one who derives his order from the Pope’s jurisdiction alone, is, on the part of the government, a virtual acknowledgement of that which they require me to swear neither does nor should exist. If they receive such bishops avowedly as bishops, the Oath of Supremacy ought to be abolished; for the Pope then has jurisdiction acknowledged by the Government within Her Majesty’s realm.’
43. There had been considerable discussion when Roman Catholic emancipation was agreed to in 1829 as to the precedence of Roman Catholic bishops in England. They were not to take titles used by Church of England bishops and there were also a number of other proposed restraints. See Chadwick, *Victorian Church*, 18f.
44. The text of Broughton’s protest was re-printed in *A Letter to the Right Rev. Nicholas Wiseman, D.D., by the Bishop of Sydney, Metropolitan of Australia, together with The Bishop’s Protest, March 25th, 1843* (London: 1852).
45. Broughton to Stanley 27 March 1843
46. Stanley to Gipps 12 September 1843
47. The claim made by Suttor, 125, that ‘much Catholic hostility towards Broughton, of course, was directed against a rival interest rather than a rival doctrine’ has a certain plausibility when set in the context of competition for government funds for schools and churches, or for protocol recognitions. However, more generally the depth of Broughton’s protestantism ought not to be underestimated. It was a protestantism which saw Roman Catholicism not only as subversive, in the English setting, and at first also in the Australian setting, but also, and more enduringly, as a system which was fundamentally erroneous as to christian truth. The theme recurs in private correspondence, and is found in his letter to Wiseman.

Chapter 4
Broughton's 1850 Bishops Conference and the Energetic Bishop Selwyn

In a letter to Edward Coleridge begun on 14 April 1842, William Grant Broughton, Bishop of Australia,[1] recorded his first impression of George Augustus Selwyn:

> I was in the executive Council the day before yesterday when a message was brought to me 'the Bishop of New Zealand is come'; and within a very few minutes come he did; and in one of the Committee Rooms I had the long-looked for gratification of meeting one whose character, principles, and self-devotion to the best interests of the Church and of the human race firstly endear him to all good men. I am writing this on the 16th of April: and have satisfaction of saying that the Bishop with Mrs Selwyn and their little boy are now our guests.[2]

The Selwyns stayed as house guests with the Broughtons for over a month during which time Broughton's view of the new Bishop of New Zealand only grew. Broughton had previously met Mrs Selwyn in the home of Joshua Watson in 1835 before she had married, when Broughton was in England negotiating his future and becoming the Bishop of Australia.[3] Mrs Selwyn and their son stayed on for a further month on account of her being unwell.

Selwyn subsequently returned to Sydney at least three times. He was present for the 1850 conference of the Australasian bishops, and also in 1853 when he was caught up in the foundation of the University of Sydney. These are clearly the two most important contacts Selwyn had with Australia and they were the occasion of his active participation in important issues: church governance, education, and church–state relations. He also visited Sydney briefly in 1856 to seek permission from Sir William Dennison, Governor of New South Wales and Norfolk Island to establish the headquarters of the Melanesian Mission on Norfolk Island.[4] Selwyn also possibly called at Sydney after stopping at Newcastle in September 1851 at the end of his fourth voyage to the Melanesian islands.[5]

These were important years in New South Wales. A new constitution for the colony was being promoted and finally came to fruition in 1850. In the same year separate colonies were established in Victoria and South Australia, and the University of Sydney was being established. These changes were momentous developments and they came in the context of much thought and agitation about the nature of the society that had grown up in the colony. The issues that engaged Selwyn's attention were set within that wider question of the changing nature of the colonial society.

Church Governance and the 1850 Conference

Broughton had originally intended to call a meeting of his suffragan bishops in 1848, but

personal difficulties delayed the meeting until 1850.[6] In 1847 Broughton had been made metropolitan and Francis Russell Nixon in Tasmania and George Augustus Selwyn were made his suffragans together with the new bishops of Melbourne, Newcastle and Adelaide: Charles Perry, William Tyrrell and Augustus Short. Selwyn was the senior of this group by consecration—he was consecrated in October 1841—though he was the youngest. The conference convened on Wednesday 2 October and went until the end of the month. On the first day they decided that, out of sensitivity to the royal prerogative for calling synods, they would regard their meeting as a conference. To make their position abundantly clear the agreed minutes of the conference began by stating: 'We, the undersigned Metropolitan and Bishops of the Province of Australasia, in consequence of doubts existing how far we are inhibited by the Queen's Supremacy from exercising the powers of an ecclesiastical synod, resolve not to exercise such powers on this occasion.' The main discussions took place in the first two weeks. Tyrrell was appointed secretary and his minutes were confirmed in stages and published by the bishops when they returned to their dioceses. These minutes were unanimously adopted except on the question of baptism for which Perry wrote a separate statement.[7]

We are greatly assisted, however, by a personal diary that Perry kept of the conference discussions. This diary runs from 2 to 11 October with the exception of the intervening weekend when they did not meet in conference.[8] This diary seems to give a reasonable account of the discussion, though its author is clearly on a different wavelength from the others on some questions. He wrote a dissenting report on baptism and he was much more inclined to accede to the authority of the Archbishop of Canterbury than Broughton and probably Short, Selwyn and Tyrrell. The diary gives some reasonable indications of Selwyn's role in the conference.

It is clear from the diary that the bishops allocated reading and writing tasks among their number. They were aware of developments in the United States, and had access to conciliar documents and other texts. During the conference Broughton shared with them his new translation of Cyprian's *Epistle to Rogation concerning a Deacon who had set himself in opposition to his Diocesan*.[9]

Throughout this period of his life Tyrrell kept a detailed spiritual journal that contains a record of his tasks for the day, a note of whether they were finished, and summaries of his scripture readings and reflections.[10] The notes contain a number of references to his doing preparatory work both before and during the conference and also several brief references to private conversations with Selwyn.

These various documents suggest that there was quite a deal of conversation among the bishops outside the actual conference meetings described in Perry's *diary*. The conference meetings seem to have been fairly formal with the bishops habitually contributing in the same order. The pattern of these discussions is provided in a table at the end of this chapter.

In the first two weeks, the main line of discussion is clear enough. They began with the issues flowing from the Royal Supremacy and moved to the authority of provincial synods, how to divide dioceses and appoint bishops. Then they turn to church governance, the roles of presbyters and laity, and issues of how clergy and laity are to be disciplined. Perry's diary

ends on Friday 11 October with a discussion of church schools.[11]

Selwyn comes across in this record as an influential member of the conference. His obvious gifts and personal presentation give the impression of someone who gained attention, an impression consistent with Broughton's initial response in 1842. Newspaper reports of his contribution to public meetings on his later visit to Sydney also contribute to that effect. He appears as constructive in outlook, deeply committed to missionary work in the islands of the Pacific, with a keen eye to establishing a clear pattern of church governance that would enable practical problems to be dealt with locally.

In the initial discussion of the Royal Supremacy Selwyn argued for a simple statement of the practical difficulties they encountered rather than 'some abstract question of the Queen's Supremacy being referred home for solutions'.[12] Broughton thought the Royal Supremacy to be a dead letter in the colony because it lacked any legal modes of action[13] and Short thought the reference to the 'ordinance of the realm' in the consecration service meant that they were free to act on their scriptural episcopal authority. Selwyn pressed for the practical. He, of all the bishops present, had good reason to be concerned about this jurisdictional issue. The mission field he envisaged, and had already begun to give shape to through his voyages in the Pacific in 1847–48, 1849 and 1850, went beyond the boundaries of British colonial jurisdiction established in 1840. He contended that 'the Provincial Synod should have authority to divide existing Dioceses; recommend to the Crown Presbyters for consideration, and send forth Missionary Bishops'.[14]

The immediate background to the idea of missionary bishops in modern Anglicanism is probably to be found in the United States of America. In 1835 the General Convention of the Protestant Episcopal Church of the United States of America (PECUSA) passed a canon on 'Missionary Bishops' which allowed the Convention to 'elect a suitable person or persons to be a Bishop or Bishops of this Church, to exercise Episcopal functions in States and Territories not organized as Dioceses'.[15] The same convention appointed Jackson Kemper as a missionary bishop in Missouri and Indiana.[16] The Bishop of New Jersey, the learned George Washington Doane, was an influential figure at the 1835 General Convention which also reunited the Foreign Mission Society with the constitution of the General Convention, making mission part of the understanding of the church.[17] Doane preached at the consecration of Kemper and set out the grounds for seeing bishops as missionaries going forward to create and organise churches rather than being appointed after the event.[18] Doane's writings probably influenced Samuel Wilberforce, Bishop of Oxford who became an advocate of missionary bishops.[19] In 1844 PECUSA appointed missionary bishops to work outside America in China and Liberia. Not until much later was anything like this done from England when Charles Frederick Mackenzie was appointed Bishop of the Universities Mission to Central Africa in Zambezi in 1861. In 1862 Ajayi Crowther was appointed a bishop to work in the Niger region, then beyond British colonial jurisdiction.[20]

Selwyn's Letters Patent defined his diocese at 34 degrees 30 minutes north, that is to say roughly in line with Tokyo.[21] While clearly a mistake in the Colonial Office it provided a thin justification for Selwyn engaging in extensive missionary activity outside the limits of British jurisdiction established from New South Wales in 1840 and from New Zealand one year

later.[22] In the minutes of this conference Selwyn does not enter into the issue of the Royal Supremacy. He points to contradictions in the English practice and confusion about bishops other than diocesans.

On the other hand Broughton was captured by the difficulties presented for him in the colony of New South Wales by the Royal Supremacy, especially in relation to the recognition by the Governor of the Roman Catholic bishop, John Bede Polding, who had been consecrated a bishop in 1834 and elevated as 'Archbishop of Sydney and Metropolitan of Australia' in 1842. By 1850 Broughton had given up thinking that Royal Supremacy had any effective force in the colony and further that the analogous authority of the Archbishop of Canterbury had no power now that a province had been established. Broughton had been some time coming to this conclusion.[23] In the late 1830s he had been engaged in conflict with Roman Catholics in Sydney and was frustrated at criticism that his episcopal orders were deficient because his appointment was made by a political process. He wanted to spike this criticism. This prompted him to visit New Zealand in 1838 and exercise his episcopal ministry on the basis of his scriptural and spiritual authority as a bishop in territory where he was free from the reach of the Royal Supremacy. New Zealand was at that time outside the jurisdiction of the English crown. It presented an opportunity for him. In England Lord Glenelg, as Colonial Secretary, and James Stephen, the Permanent Under Secretary, had been working on a way of bringing English jurisdiction and authority to New Zealand. Samuel Marsden, the Anglican chaplain in Sydney who had overseen the foundation of the Church Missionary Society work in New Zealand, had long wanted the blessing of English rule to be extended to New Zealand. Until his death in 1838, Marsden was a voice in Broughton's ear.

In 1837 William Hobson was sent by Governor Richard Bourke to provide protection for settlers in the Bay of Islands. On his return Hobson made recommendations about New Zealand's future relations with the British Crown. In January 1840 Hobson left Sydney with a mandate from the Colonial Office to negotiate with Māori chiefs for acceptance of British sovereignty. These issues were under discussion in government circles in Sydney, and Broughton would have been aware of them. An opportunity to make a point would slip away if New Zealand came under British jurisdiction. This may have influenced the timing of Broughton's visit to the Bay of Islands. He needed a location outside the jurisdiction of the Royal Supremacy to sustain his point. Broughton left for New Zealand on 13 December 1838 arriving in the Bay of Islands on 21 December. He was back in Sydney at the end of January 1839.[24] His strategy does not show that at this point Broughton rejected the Royal Supremacy. Rather it implied he accepted its force in territories under British rule, that is to say in Australia and Tasmania. Broughton's visit was to demonstrate to his Roman Catholic critics that his episcopal orders were not dependent on the Royal Supremacy in any general sense. Exercising them in a place where the Royal Supremacy did not apply made that point.[25]

Selwyn's position was quite different. Colonial jurisdiction in New Zealand was well in place when he arrived. He simply left it aside when he went on missionary work outside the range of that jurisdiction. Selwyn arrived in New Zealand less than two years after the signing of the Treaty of Waitangi and the establishment of a colonial administration.[26] He

envisaged the life of the church set around the cathedral and the oversight of the bishop.[27] His approach came more from his conception of the role of the bishop in a diocese rather than a theory about missionary bishops cast in the missionary apostolic terms of Bishop GW Doane. Allan Davidson[28] draws attention to the different aspects of Selwyn's work and suggests some influence of the frontier aspects of Doane's account of a missionary bishop. The concept of a missionary bishop in the Episcopal Church of the United States of America was directly linked with the understanding of the church as a missionary structure, as revealed in the Canons of 1835. This was not the thinking of the Church of England. Selwyn is revealed in Perry's Diary as frustrated with the limitations of the organisational arrangements in the Church of England. He does not appear to be interested in making a point against any Roman Catholic critics, as had motivated Broughton. The evidence of this period suggests to me that he was primarily driven by a burning desire to evangelise in the Pacific islands and he would do whatever served that purpose.[29]

On the second day of the conference, Selwyn introduced the discussion of how to divide dioceses and whether to promote clergy from within the existing dioceses to be bishops of the new dioceses. Nixon wanted no change from the Crown appointment system. Perry wanted to leave it with the Archbishop of Canterbury on the grounds of church unity. Short differed, and said unity was based on doctrine and faith, not ecclesiastical arrangements. Given that there now was a metropolitan province Broughton thought that 'nomination and consecration of Bishops within the province would be a "Papal" assumption of power' if done by the Archbishop of Canterbury.[30]

Selwyn quoted from a variety of sources, English laws and the canons of the Council of Toledo to argue that, according to ancient canons, 'no bishop could divide his diocese without the consent of his Metropolitan and comprovincial bishops'.[31] Furthermore, English law already allowed for suffragan bishops. He argued that a recommendation should go forward that allowed dioceses to be divided on the authority of the provincial metropolitan and bishops[32] and also that bishops should be appointed 'in partibus infidelium'.[33] He thought that the synod might select a candidate from the diocesan clergy or from 'the mother church; and the Commission of the Patriarch Archbishop of Canterbury would authorise the consecration of the candidate'. Such a procedure would be better if it was to be found that 'authorising the Queen to create Colonial Dioceses [being subsequent to the Colonial Charter of Justice] is illegal',[34] which indeed it was later found to be.[35]

Clearly Selwyn had the better of this discussion and he was alone in insisting on the need to appoint missionary bishops. This is not surprising in that he had already turned to missionary activity well outside the confines of the colony of New Zealand on the basis of the power of his 'scriptural episcopacy'[36]. In the official minutes of the conference this concern of Selwyn however makes no appearance.

On Friday 4 October the bishops turned to the role clergy and laity should have in church governance. The initial contributions from Tyrrell, Perry[37] and Short all move in the direction of allowing presbyters a significant role. They refer to English law and its defects, the American Episcopal Church's arrangements, scripture and especially the Council of Jerusalem as recorded in Acts 15. There is little sympathy for Episcopal power. Indeed, Short

declared that autocratic episcopacy was a relic of popery.

Selwyn agreed with Tyrrell that presbyters should be admitted into legislative powers and clergy should be tried by their peers. For support, he referred to the American Church. He had circulated 'suggestions for ecclesiastical constitution of New Zealand' and these provided for presbyters to 'have legislative judicial and administrative authority'. Of parish endowments, he commented that 'all the difficulties of the discipline of the Church of England arise from the legal rights of incumbents.'[38]

This discussion was resumed the following Monday with Broughton indicating reservations about lay involvement, reservations that he would later display in his dealings in Sydney, only to be forced to give them up in the face of concerted lay opposition.[39] Short continued to refer to the Council of Jerusalem as the model and his view that as long as doctrinal matters were preserved that would be enough to maintain proper relations with the Church of England. In other words, local arrangements could be made for these matters of governance and discipline.

Selwyn held to his more incorporating views and this time appealed to the Council of Toledo, which admitted presbyters and deacons, and the example of Athanasius as a deacon who played such a significant role at the Council of Nicea. The Council of Arles[40] had a British bishop, presbyter and deacon present. Furthermore, 'an appeal in the old time lay from the bishop of a diocese to the Provincial Synod which met twice a year and consequently presbyters should be represented in it by presbyters'.[41] Clearly Selwyn is in favour here of a collaborative involvement of all orders of ministry. Before he left New Zealand for the conference he had been encouraged in this direction by a letter from leading lay people in New Zealand.[42]

The question of lay involvement revealed more serious disagreements. Nixon was very cautious in a penal colony such as Tasmania; Broughton would not have it at all:

> Colonial bush population absolutely without religious education—What feeling of Church membership have they? The population is erratic . . . The Laity has no right to sit in a proper Convocation; nor a Provincial, nor a Diocesan Synod. For parochial work let them be employed to the full by voluntary association of parishioners.[43]

Selwyn was at the other end of the spectrum. He wanted laity involved, but noted that the question of who was a member of the church was a difficult issue. Despite preoccupying difficulties, he wanted to go back to ancient and pure principles.

The discussion of discipline of the laity held on Wednesday 9 October reveals confusion in the debate and no real conclusions to deal with the difficulties.

Broughton summed up a crux issue for them: 'In England ecclesiastical offenders may be tried in ecclesiastical courts; here ecclesiastical censures perhaps actionable in the civil courts.'[44] However, in the matter of clerical discipline there were clear opinions and serious disagreements. The clearest was that between Broughton and Selwyn and can be illustrated by an extensive extract from Perry's diary.

> Bp of New Zealand—considered that power of refusing and revoking License given by {George} III C. 36 Burns vol. 2. Curates, did not extend to Colonies. St Paul rule 'Dare any of you etc.'[45] cases to be tried before the Saints ie members of the Church without appeal to Civil Courts. '*He denied the absolute and irresponsible*

power of any Bishop upon earth'. The Laity should be associated in the Judicial proceeding by means of Lay Chancellor or Registrars. Bishop should have competent assessors. But Reformation not punishment is the true meaning of Discipline as Bishop of Newcastle had said in speaking of training Clergy. Each Diocese should 'consume its own smoke'—have its competent Court a Church, not a Civil Court—no *loving* reformation by means of latter. The proper punishment would be degradation of offending *cleric* from one ministry to a lower one—remaining under the Bishop's eye.—value of Collegiate and Corporate life which provides various offices meet for such contingencies. No sentence to be *final* and for ever. Locus Poenitentioe. He could not *confirm* the deposition of Mr Sconce for secession as an act of Metropolitical Jurisdiction but simply as a Diocesan sentence. See Canon 38 Bingham VIII. 84. His conclusions were these

1. Bishop had no legal power and therefore could exercise none.
2. His power internal—a power of love and for Reformation.
3. The Governing body of the Church not Bishop 'sole' should control all sources of clerical income.
4. The means of Reformation should exist within the Diocese and consist
5. In steps of degradation from higher to lower offices rather than incomes.

Bp of Sydney said the above mode of internal discipline was both vague and novel—married clergy could not depend upon vote of a Church Court for Income—Adulterers could not be employed in a lower office or ministry. By Letters Patent Bishop most powerless yet most influential. All Charges shd be made openly and by responsible accuser. Proved by competent voluntary witnesses. Bishop himself may be witness. Depositions to be regularly drawn up and read over to the accused and to the Court or Jury-Sentence by Bishop—License revoked—reissued when reformation proved—deprivation of orders in extreme cases. Cyprianus Rogation 65 *Ep* de Diacono. An uniform system of acting in the Province should be adopted.[46]

Selwyn's position and his underlying sentiments come out clearly in this passage. His vision of the church is collaborative, his sense of the ordained orders is in terms of service and for the benefit of the church. The laity, and clerical office is always penultimate in its significance and role. Broughton may have been more experienced in the colonial situation having worked in New South Wales since 1829 whereas Selwyn had been in New Zealand just eight years. Selwyn was twenty-one years Broughton's junior. But they were actually very different people, and on key social attitudes their instincts were very different. Selwyn is revealed here as almost something of a romantic, harking back to apostolic times for his inspiration and seeing church history subordinate to that. In this regard, he is somewhat like Augustus Short in Adelaide. But, like Tyrrell in Newcastle, he saw his ministry in teaching and pastoral terms.

Attached to Perry's *Diary* is a document that records the resolutions of the conference though not in the order in which they appear in the public minutes. Section I of the minutes dealing with the objects and status of the conference is noted as having been read and confirmed on 10 October. This step is recorded in Perry's diary. On 16 October the opening of section III of the minutes providing the definitions of synods was read and approved, as also was section III (3) dealing with lay conventions. Section III (2) on the subdivision of dioceses and the consecration of bishops was not read and approved until eight days later, on 24 October. The document provides the rest of the minutes without any note about when they were read and approved. Perry's diary ends on Friday 11 October with a preliminary discussion of church schools, which is represented in the minutes at section IX (1). The draft document indicates this section was read and approved on 24 October. Discipline was debated on 10 and 11 October, and resolutions are included as section V of the minutes, though there is no note on when these were read and confirmed. The long section VII on

liturgy and VIII on baptism appear in the draft but with no note of the date of their approval. The same is true of the minutes on the University of Sydney and the Australian Board of Missions.

If we turn from the internal debates at this conference as revealed in Perry's diary to the formal minutes published after the conference it is clear that some changes were made.[47] The minutes define a synod as a gathering of one or more bishops with representatives of the clergy. These synods, provincial or diocesan, are to agree on rules of practice and ecclesiastical order within the diocese or province, but not to alter the Thirty-Nine Articles, the Book of Common Prayer or the Authorised Version of the Bible. These provincial synods would also authorise the division of dioceses and nominate bishops for appointment.

The minutes then refer to conventions of the lay representatives which are to meet simultaneously with the synods. Clergy and laity may consult on temporalities of the church, and no decision should be taken unless both bodies agree. Changes affecting the whole constitution of the church should be proposed in the provincial synods but not be valid without the consent of the lay conventions.

Clearly this is not the view expressed by Selwyn and some others at the meeting including Perry whose record we must rely on. It is worth noting that the order in which the sections of the minutes were discussed and approved is not the order in which they finally appeared. The section on the definition of synods was approved on 16 October. That on the role of synods was approved on 24 October. The placing of the subdivision of dioceses immediately after the clause defining synods has the effect of giving the minutes a very strong Episcopal tone and giving the bishops effective control over church affairs. This was essentially the view of Broughton and clearly not that of Selwyn, Short or Perry. It looks very much as if Broughton got his way in the formulation of the public minutes outside the discussion recorded in Perry's diary.

However, it was Selwyn's views that prevailed in every diocese in Australasia.[48] Broughton faced widespread opposition from parish meetings and public protests,[49] including a petition to the Queen.[50] Lay opposition can be seen in a resolution passed at a meeting in Sydney on 18 May 1852. This was widely circulated for signature, along with other resolutions and the text of a petition to the Queen. The resolution declared the views of the bishops to be:

> repugnant to the wishes of the members of the Church of England generally in this diocese, and that such further administrative functions as are, or may be necessary, can alone be safely and properly delegated to an assembly composed of the Bishop, clergy, and representatives of the laity, with equal and co-ordinate powers, always reserving to her Majesty all such authority as is vested in her as the head of the Church.[51]

In one form or another this was the pattern that emerged in every Australian diocese. It differed from the pattern established (and still prevailing) in the Episcopal Church of the United States. It was different too from the pattern that was introduced early in the twentieth century in England with the Church Assembly, which essentially operated on the Broughton model. The Episcopal Church reflects the pattern of the constitution of the United States. It bears some relationship to the older pattern in England of a convocation of clergy, laity in the House of Commons and bishops in the House of Lords. In Adelaide and Sydney the

arguments were much influenced by sentiments of democracy and in Adelaide with a strand of anti-clericalism and a dose of antipathy towards any kind of Episcopal authority. The Australian colonies had just acquired constitutions and local elected legislatures. Democracy was in the air. It is noteworthy that in Australia Tyrrell and Perry avoided the open conflict that erupted in Hobart, Sydney and Adelaide. They both acted with a deal of circumspection, and one is bound to say, somewhat in line with their own more open attitudes as revealed in Perry's *Diary* of the debates at the bishops' conference. These views were eclipsed in the public minutes of the conference. Broughton could not act with such circumspection towards democratic impulses, which he distrusted. His view of church governance has some correspondence with his views about the proper political arrangements for the colony. He argued for an appointed upper house to counterbalance the unreliable character of an elected lower house. He also thought that this upper house should contain only Crown appointees who would hold office for life and would come to express the inherited character of an aristocracy.[52]

Selwyn was not really part of this Australian context and yet he clearly held views that were consonant with the popular mood as it was applied to the question of church governance. Modern democratic sentiment in Australia coincided with the early church principles preferred by Selwyn. This coincidence made him a figure who could easily be seen to be in tune with the times, and thus popular. Broughton, on the other hand, became more alienated from the popular mood and more committed to Episcopal authority and a separate 'house' in any synod. This corresponded with his general social views that monarchy, inherited rank and social distinctions were essential to good social order.[53] On 13 August 1852 Broughton left Sydney for England to promote the idea of a pan-Anglican confederation of dioceses with similar constitutions agreed by the current episcopate. He left behind him continuing agitation on church governance and suspicion about Episcopal tyranny.

After a long trip via Lima in Peru, Broughton reached England in November, but alas died on 20 February 1853 with only preliminary work done on his project. Back in Australasia Selwyn thus became the senior bishop in the Province. By chance, Selwyn arrived in Sydney when news of Broughton's death arrived. Selwyn found himself in the midst of confusion about the role of the church in the new Sydney University.

Selwyn's views on church governance, expressed in private at the 1850 conference, may have been excluded from the public minutes of the conference, presumably at the hands of his metropolitan. In the end, what prevailed in every diocese in Australia corresponded with Selwyn's views.

Bishops Conference October 1850 Schedule from Perry's diary

This schedule sets out the timetable of the conference discussions giving the date and the topic discussed. The right-hand column records the order in which the bishops spoke at each session being recorded. There is a notable consistency in this order. This could simply reflect the way in which Perry wrote up the diary though the actual content of the record in the diary tells against this view. It is more likely this record reflects the actual order of the

conversation. This in turn would suggest a relatively formal shape to the conversation which would suit the times and Broughton's own social style.

Date	Debate Topics	Order of Presentation
Wed Oct 2	Convened Sydney Proposed discussion of Royal Supremacy and Provincial Synod	ASNZ
Thur Oct 3	NZ Introduced—How to divide diocese and appoint bishops An explanatory conference held	MAT NZ
Frid Oct 4	Role of presbyters in management of church affairs	NMAT NZ
Sat Oct 5		
Sun Oct 6		
Mon Oct 7	Role of presbyters continued Evening session NZ introduced Removing unsound clergy	SNMAT NZ S NZ
Tues Oct 8	Laity in church government	NMAT NZ S
Wed Oct 9	Discipline of laity	NZ MAT NZ S
Thur Oct 10	Introduction to minutes read and confirmed Discipline of clergy	NMAT NZ S
Frid Oct 11	Adjourned discussion on discipline of clergy NZ Proposed resolutions on provincial synods to be copied and for written opinions for Wednesday evening (ie 16 October) Church Schools	NZ S
	No record for 12—15 October	
Wed Oct 16	Confirmed report III	
Thur Oct 17	The conference adjourned for seven days	
Thur Oct 24	Confirmed Report I and II, IV, VII Record in Perry's diary ends at this point	Separate report n Baptism from Perry
Frid Nov 1	Conference concluded with Holy Communion at St Andrews church	

A = Adelaide (Short), M = Melbourne (Perry), N = Newcastle (Tyrrell), NZ = New Zealand (Selwyn), S = Sydney (Broughton), T = Tasmania (Nixon).

1. William Broughton was consecrated Bishop of Australia in 1836. When he became Metropolitan of Australasia in 1847 he was redesignated as Bishop of Sydney.
2. William Grant Broughton to Edward Coleridge, 14 April 1842. The original mss for the Broughton correspondence is

held in the Library of Moore Theological College, Sydney.

3. Broughton to Coleridge, 14 April 1842. Broughton also thought that the rector of St James, Robert Allwood was a relative of Selwyn. Broughton to Coleridge, 14 February 1842, though I cannot find any evidence to confirm this. Joshua Watson was a great supporter of the Society for the Propagation of the Gospel, the Society for the Promotion of Christian Knowledge and the colonial church.
4. These visits are recorded in the Acta of Selwyn, which are available in a transcribed form at http://anglicanhistory.org/nz/selwyn/blain_acta.pdf accessed 5 March 2009. Denison was preoccupied with difficulties on the island consequent upon the removal of the settlers from Pitcairn Island to Norfolk. Denison described Norfolk as his 'singular little autocracy'. CH Currey, *Australian Dictionary of Biography Volumes 1–12, 1788–1939,* edited by Douglas Pike (Melbourne: Melbourne University Press 1996), volume 4, D–J, 51.
5. The journey is noted in the Acta, but there is no reference to calling at Sydney. HW Tucker, *Memoir of the Life and Episcopate of George Augustus Selwyn, DD, Bishop of New Zealand 1841–1869; Bishop of Lichfield 1867–1878*, 2 volumes (London: Wells Gardner, 1879), volume 1, 358 says that Selwyn greeted Bishop Broughton in Sydney on the evening of 20 September.
6. See Broughton's letter to Edward Coleridge, 5 January 1848: 'My present purpose it to summon the Suffragans to assemble here about Septr or Octr next: and in the interim by mutual consultation and intercourse by letter to determine the subjects to be submitted for joint consideration, and, as far as practicable to ensure a concurrence of sentiment upon those of most importance.' For details on Broughton's life see Shaw, *Patriarch and Patriot*, and on Broughton as Metropolitan 201–205.
7. The minutes were published in a variety of places but in Sydney in a supplement to the *Sydney Morning Herald*, 4 December 1850.
8. Perry, *Diary*. The diary is in the form of a book kept in the Archives of the Diocese of Melbourne. It is handwritten and sections of it have been annotated by a second hand. The book also contains what appears to be the draft version of various parts of the final minutes as they were approved by the bishops. They are not in the same order as the final minutes. See the schedule of the conference on pages 91 & 92 of this chapter.
9. Shaw, *Patriarch and Patriot*, 238.
10. Tyrrell's Spiritual Diary, MS AB6556, Newcastle University Archives.
11. A timetable of the conferences is on pages 91–92 of this chapter.
12. Quotations from these debates are taken from Perry's *Diary*. A later hand has numbered the pages 1–37 of the diary manuscript, but this numbering does not continue through the following draft minutes. In this paper the references to this diary are given according to the day recorded. This quotation comes from the entry for 2 October 1850
13. This is a principle which was well established in English legal doctrine and played an important role in the administration of law in the colony. For an account of the changing pattern of legal practice see B Kercher, *An Unruly Child: A History of Law in Australia* (St Leonards, NSW: Allen & Unwin, 1995). For more general descriptions of the constitutional situation see Paul Finn, *Law and Government* (Melbourne: Oxford University Press, 1987); R Lumb, *The Constitutions of the Australian States* (St Lucia, Qld: University of Queensland Press, 1991); and the older and more detailed account in A Melbourne, *Early Constitutional Development in Australia* (St Lucia, Qld: University of Queensland Press, 1963).
14. Perry, Diary, 2 October.
15. General Convention Diary, 1835, Appendix—Canons, 145. Copy kindly supplied by The Episcopal Church National Archive.
16. See RW Prichard, *A History of the Episcopal Church* (Harrisburg: Morehouse), 1991.
17. See IT Douglas, *Fling out the Banner: The National Church Ideal and the Foreign Mission of the Episcopal Church* (New York: Church Hymnal Corporation, 1996) 35–38.
18. This was precisely the point of difference with the Church Missionary Society and Henry Venn, see TE Yates, *Venn and Victorian Bishops Abroad: The Missionary Policies of Henry Venn and their Repercussions upon the Anglican Episcopate of the Colonial Period 1841–1872* (Uppsala and London: Swedish Institute of Missionary Research and SPCK, 1978)
19. See Yates, 'The Idea of a "Missionary Bishop" in the Spread of the Anglican Communion in the Nineteenth Century', in *Journal of Anglican Studies*, 2/1 (2004): 52–61.
20. On the modern use of missionary bishops in Nigeria see BN Kaye, *An Introduction to World Anglicanism* (Cambridge: Cambridge University Press, 2008), 227–31. John Coleridge Patteson was consecrated in New Zealand on 24 February 1861 as a Missionary Bishop for the Western Islands of the South Pacific Ocean.
21. Selwyn defended the limits of his diocese as set out in the Letters Patent in a letter to Edward Coleridge on 8 October 1851, even drawing a diagram of his thus odd-shaped diocese. There had been some criticism that he was neglecting his

diocese to which he replied that he had been travelling in his very extensive diocese. The letter is quoted in Tucker, *Memoir,* volume 1, 375–76.

22. See D Hilliard, *God's Gentlemen: A History of the Melanesian Mission, 1849–1942*, (St Lucia, Qld: University of Queensland Press), 1978. A general review of the development of British rule in New Zealand can be found in K Sinclair, and R Dalziel, *A History of New Zealand*, revised edition (Auckland: Penguin Books, 2000).
23. See chapter 3 of this book
24. Broughton to Edward Coleridge, 25 February 1839.
25. Rowan Strong has suggested that Broughton's 1838 visit to New Zealand is evidence that he had given up on the Royal Supremacy at that point. R Strong, *Anglicanism and the British Empire 1700–1850* (Oxford/New York: Oxford University Press, 2007), 236–40. I do not think this is correct. In a letter to Edward Coleridge on 14 January 1843, Broughton argued that his appeal to strictly church principles in his battle with the new Roman Catholic bishop in Sydney was because he thought the governor unreliable in fulfilling his oath of allegiance to the supremacy of the Crown, not that he himself did not think that sovereignty still pertained in the colony. If the Roman bishop was to be officially recognised then he said the oath of allegiance should be repealed. Broughton's point was that his consecration as a bishop was scripturally based and of universal effectiveness. His right to exercise his episcopal role within territory under the jurisdiction of the Crown was by an authority under that Crown and expressed in his Letters Patent. The records of the 1850 bishops' conference show that Broughton did not believe that the Royal Supremacy was operative in the colony—it was 'dead'—but also that he was not willing to act on this view in relation to the status of the conference as a synod.
26. Andrew Porter refers to a letter of Selwyn to CJ Abraham of 20 October 1841 for Selwyn's view before he left England that he preferred a situation where he was free from influence from the state in the organising his church and that this separation placed him practically in a better position. AN Porter, *Religion Versus Empire? British Protestant Missionaries and Overseas Expansion, 1700–1914* (Manchester: Manchester University Press, 2004), 161.
27. See his open letter to WE Gladstone of 1838, GA Selwyn, *Are Cathedral Institutions Useless? A Practical Answer to This Question Addressed to W E Gladstone, Esq. M.P.* (London: 1838), quoted to this effect by Porter, *Religion versus Empire*, 160.
28. AK Davidson, 'Selwyn as Missionary and Colonial Bishop', in AK Davidson, *A controversial Churchman: Essays on George Selwyn, Bishop of New Zealand and Lichfield, and Sarah Selwyn* (Wellington: Bridget Williams Books, 2011), 46–66.
29. His enthusiasm for this mission is reflected in the account he gave at a public meeting under the auspices of the Australian Board of Missions in Sydney 20 July 1853 when he and Tyrrell gave an account of their recent journey. *Sydney Morning Herald*, 21 July 1853.
30. Perry, Diary, 3 October 1850. Broughton had raised this question in a letter to SPG on 15 July 1847: 'it will be most desirable to propose the question to the Primate whether, if a Metropolitan be created here, he . . . should not have authority to consecrate such additional bishops as the exigencies of the church may require'. Quoted from Shaw, *Patriarch and Patriot*, 205. Shaw suggests that Perry was more inclined to resort to the Archbishop of Canterbury because of the Evangelical dispositions of the new incumbent JB Sumner. See also Davidson, 'Selwyn as Missionary and Colonial Bishop'.
31. Perry, Diary, 3 October 1850.
32. Shaw, *Patriarch and Patriot,* 236, notes that the new Archbishop of Canterbury, J B. Sumner, had 'only just subdivided the Diocese of New Zealand and appointed a second bishop without a word of consultation'. I cannot find any support for Shaw's claim in this context that Selwyn denounced the arrogance of Sumner.
33. Perry, *Diary*, 3 October 1850. The term was widely used by the Roman Catholic Church for bishops who held titular Latin sees but who were actually working in missionary areas. Since the time of Pope Pius V (1566–72) local diocese that had suffragan bishops had the freedom to appoint such titular bishops.
34. Perry, *Diary*, 3 October 1850. The Colonial Charter of Justice here probably refers to the act which came into force in May 1824 which established a Supreme Court in New South Wales, the appointment of court officers and the admission of solicitors and barristers.
35. In 1844 the government law officers in England had advised Nixon in Tasmania that Letters Patent were not a legal way of introducing ecclesiastical courts into a colony where a legislative assembly had been established. In 1863 the House of Lords ruled on appeal from the Supreme Court at the Cape of Good Hope in favour of the Revd William Long against actions taken by the Bishop of Capetown. (1 Moore NS 411–71). In giving judgement Lord Kingsdown declared 'the Letters Patent of 1853, being issued after a constitutional Government had been established in the Cape of Good Hope, were ineffectual to create any jurisdiction, Ecclesiastical of Civil, within the Colony, even if it were the intention of the Letters Patent to create such jurisdiction, which they think doubtful'. The point was reinforced in 1865 when the Privy

Council found against the jurisdiction of the bishop as Metropolitan in disciplining the Bishop of Natal, JW Colenso, for heresy. See the discussion in WL Sachs, *The Transformation of Anglicanism: From State Church to Global Communion*, (Cambridge: Cambridge University Press, 1993), 197–201 and generally in Norman Doe, *Canon Law in the Anglican Communion: A Worldwide Perspective*, (New York: Oxford University Press, 1998).

36. He also made use in other contexts of a letter to him after his consecration from the Archbishop of Canterbury, Williams Howley, encouraging him to extend New Zealand's influence 'on the basis of an Apostolical church and pure religion . . . over the islands and coasts of the Pacific' Davidson, 'Selwyn as Missionary and Colonial Bishop', 54
37. Shaw, *Patriarch and Patriot*, 230–31, describes a serious conflict between Perry and Broughton just before the conference on the issue of seeking a local legislative constitution which included elements on clergy discipline.
38. Perry, *Diary*, 4 October 1850.
39. For a narrative of the opposition in Sydney see Shaw, *Patriarch and Patriot*, 253–62, and *BN Kaye*, 'The Strange Birth of Anglican Synods in Australia', in *Journal of Religious History*, 27/2 (2003): 177–97. See chapter 5 of this book
40. If this is a reference to the Council of Arles in 314 then the records show that three British bishops attended. See JRH Moorman, *A History of the Church in England*, third edition (London: A& C Black, 1973), 4.
41. Perry, *Diary*, 7 October 1850.
42. 'Before the bishop left New Zealand to attend the Synod in Australia he had received—without surprise but with entire sympathy—an address signed by the Governor, the Chief Justice, the Attorney-General, and all the most thoughtful of the laity, praying that the Church might be constituted in some way that would secure to her the power to manage her own affairs, and that in any such constitution the laity might have their full weight.' HW Tucker, *Memoir of the Life and Episcopate of George Augustus Selwyn, Bishop of New Zealand, 1841–1867; Bishop of Lichfield, 1867–1878 . . . With two portraits, lithographs and maps*, 2 volumes (London: WW Gardner, 1879), volume 1, 350.
43. Perry, *Diary*, 8 October 1850.
44. Perry, *Diary*, 9 October 1850.
45. A reference to 1 Cor 6:1.
46. Perry, *Diary*, 10 October 1850.
47. The minutes were published in uniform style in a number of places. The text I have used here is from the report of the Lieutenant Governor of Tasmania, together with his comments, sent to the Colonial Office. *British Parliamentary Papers 'Blue Books' Short Title Catalogue of the First 520 Volumes* (Shannon: Irish University Press, 1970), volume 13, 468–76.
48. For an examination of the diocesan responses and the subsequent constitutions see Kaye, 'The Strange Birth of Anglican Synods'. Chapter 5 in this book
49. The pages of the *Sydney Morning Herald* contained many reports of objections to the minutes in Sydney, Adelaide and Melbourne to the minutes. Between 30 March 1852 and 15 April the *Sydney Morning Herald* carried 23 reports of parish meetings in Sydney in response to the conference minutes. By 13 May 1852 one hundred and six reports concerning reactions to the conference were published in the *Sydney Morning Herald*. Other papers such as the *Freeman's Journal* and *the Empire* carried similar levels of reporting.
50. *Sydney Morning Herald*, 10 May, 1852.
51. *Sydney Morning Herald*, 10 May, 1852.
52. In a long letter to Edward Coleridge on 17 April 1842 he expounded his social views at some length. There is some similarity between Broughton's views and those of WC Wentworth, see P Cochrane, *Colonial Ambition: Foundations of Australian Democracy* (Melbourne: Melbourne University Press, 2006).
53. Broughton to Coleridge, 17 April 1842. At the conclusion of the exposition of his social views he said in relation to English colonies generally, 'Having reference to Colonial policy in general I am perfectly certain of the advantage which would arise from the institution of rank entailed by descent, and of recognised distinction of families'.

Chapter 5
The Strange Birth of Anglican Synods in Australia and the 1850 Bishops Conference*

On 26 May 1852 William Tyrrell, the Bishop of Newcastle, wrote to the ageing Joshua Watson, for many years a driving force in the Society for the Propagation of the Gospel and the High Church pressure group the Hackney Phalanx.[1] Tyrrell gave Watson an extensive account of the diocese and then went on to give his reflections upon the conference of bishops held in October of 1850 in Sydney. He described the closing aspects of the conference and then in brief summary form described what happened in each of the dioceses of the bishops who had attended the conference namely; Augustus Short from Adelaide, Charles Perry from Melbourne, Francis Nixon from Tasmania, George Selwyn from New Zealand and of course William Grant Broughton, Bishop of Sydney and Metropolitan, who had convened and chaired the conference.

Tyrrell expressed the view that the bishops made two mistakes. The first was that the Metropolitan's letter, which was to be sent to the Archbishop of Canterbury with a copy of the Minutes of the conference 'should have been laid before the Suffragans that they might know exactly what application was made to the Archbishop of Canterbury'. The second mistake was that 'we should have agreed on some uniform course of action as for instance just to ask the opinion of the clergy or laity, until the answer of the Archbishop had been received. We, however, dispersed to our dioceses without seeing the Metropolitan's letter, and without agreeing upon any uniform course of action.'

Tyrrell goes on to describe what we know from other sources that in each of the dioceses different things were done and they were done at different times and not always to the pleasure of the bishops. At the end of his letter he argued that Newcastle and Sydney needed to work together because they came under the one colonial government. In regard to the other dioceses he expressed the following interesting point of view.

> In addition to the great difficulty of keeping dioceses under different governments acting together, the real circumstances of the six dioceses, their wants and means, are so essentially different that it would seem to me unwise and unreasonable to expect from them any great uniformity of enactment or union of action. New Zealand with its native population, Tasmania with its convict population, Adelaide without any government support and Melbourne with its wish for isolation cannot be expected to have the same wants and wishes, to require the same laws and regulation as Sydney and Newcastle, united under the same government and receiving the same government aid for religious and educational purposes.

This is a very astute observation. Tyrrell identified not only that there were different social circumstances in each of the separate colonies and dioceses but also that there were emerging different legal environments within which each of the dioceses had to work out their

institutional arrangements.

Subsequent accounts of the significance of this conference have not been quite so open to the influence of these social and political considerations. That may in part be due to the fact that three influential accounts, Micklem,[2] Clarke[3] and Giles,[4] where written to contribute to a very particular contemporary church campaign, namely the formation of a national church constitution. The interpretative line set out by Clarke and Giles has moved into the popular memory. That tradition explains the constitutional patterns that emerged in terms of the theological views of the bishop. Thus Short is described as a Tractarian and hence looked for independence from the state in a 'consensual compact', whereas the evangelical Perry looked for an alliance with the state.[5]

It is the argument of this article that the emergence of synods in Australian Anglicanism flows in large measure in interaction with the social democratic political forces at the time and that these were in large measure expressed by Anglican lay people. Furthermore it is suggested that this process is in line with the way in which the shape of church institutions historically over two millennia have been shaped, and especially is it in line with the experience of English Christianity, which has been the tradition from which modern Anglicanism has grown. Furthermore it is argued that while the conference in 1850 identified the issue of church governance and lay involvement the precise recommendation of the conference was nowhere followed. Even in Sydney this was true, despite the best efforts of the Metropolitan, Broughton, to put the recommendations in place. A more careful examination of the correspondence of the participants and the diary kept by Perry, and with some help from the spiritual journal kept by Tyrrell enables us to see better that the minutes of the conference do not reflect profound unanimity, but rather cover significant disagreement.

The Church of England came to Australia with the First Fleet in the role of chaplain. An archdeaconry was established in 1823 with the appointment of Thomas Hobbes Scott and then in 1836 Broughton, who had been archdeacon since 1829, was appointed Bishop of Australia. In 1842 Tasmania was separated from NSW as a colony and the diocese of Tasmania was established. In 1847 the diocese of Australia was divided by the creation of the dioceses of Adelaide, Melbourne and Newcastle and Broughton was made Bishop of Sydney and Metropolitan of Australasia, New Zealand being brought into the Province at this time. Broughton had planned to gather his bishops together in a conference in October 1848,[6] but the conference did not happen at that time and 1849 was a fateful year for Broughton when he almost died from an illness. His wife, who had been nursing him through this illness, herself died while Broughton was still unconscious.[7] Together with this personal devastation was the fact that Selwyn in New Zealand was grappling with a volcanic eruption with earthquakes in Wellington[8] and Perry was preoccupied in Melbourne. Shaw comments that 'it would have been impolitic of Perry, whose bishopric symbolised Port Phillip's approaching equality with Sydney, to make too hasty a pilgrimage north'.[9] So the conference was postponed to 1850.

Broughton was no doubt influenced by the development of the Roman Catholic Church in NSW. In 1842 Polding had been appointed Archbishop of Sydney and Metropolitan of

Australia and in 1844 had summoned the first Roman Catholic Synod in Australia.[10] While Presbyterians had called conferences or synods from an early time it is unlikely that Broughton would have thought of following their example since he regarded Presbyterianism as sectarian and socially divisive.[11]

More generally, however, the colony of NSW was itself developing and growing in political and commercial sophistication. Partly elected representative government came to NSW and Van Dieman's Land in 1842. At the end the 1840s the self-consciousness of the NSW colony could be seen in the founding of the University of Sydney and in the protests against the continuation of transportation, protests in which Broughton was deeply involved. For many years he chaired the immigration committee of the NSW Legislative Council. In 1841 New Zealand had been proclaimed a colony independent of NSW within whose boundaries it had been defined since 1839. Victoria was declared a separate colony with its own legislature in 1850. The colonies were growing and developing, socially, commercially and politically.

The four colonies had developed in quite different ways by 1850.[12] Tasmania was established as a colony essentially to receive convicts, in much the same way as NSW had originally been established. On the other hand, Victoria began as the result of private initiative of Batman and others who came as free settlers in 1834. Port Phillip was settled as part of the desire to find more extensive lands for commercial development.[13] South Australia was formed on a commercial basis with the support of the Imperial Government and by colonising interests in England. These founders, deeply affected by political and religious dissent in England, sought to create a colony free from any established religion.[14] Originating in different ways, inhabited by different kinds of populations, the colonies which emerged in 1850 of NSW, Victoria, South Australia and Tasmania were also dioceses set within these same emerging and different contexts.

An Anglican bishop was appointed to Tasmania in 1842 and in Melbourne, Adelaide and Newcastle in 1847. By 1850 these bishops had had time to familiarise themselves with their social and political circumstances. When, therefore, they came to Sydney for their conference in October 1850 they came from different situations with their own local possibilities and problems. Those realities lie beneath the surface of the debates that are recorded in the private correspondence of the participants and in the *Diary* which was kept by Charles Perry[15] and are also hinted at in the spiritual journal kept by Tyrrell throughout this period.[16]

The bishops gathered on Tuesday 1 October 1850 with a service at St Andrews Church in Sydney. This was followed by a preliminary meeting at which procedures and orders of operating were agreed upon. The conference proper convened on the morning of Wednesday 2 October. The pattern for the day appears to have been 9.00 am prayers, 10 am, commencement of the conference which ran until 1.00 pm. An evening session began at 4.00 pm until such time as business was completed.[17] Charles Perry kept a *Diary* of the debates. That *Diary* covers in some detail the conversations that took place at the conference sessions from the period 2 October to 11 October. Tyrrell's journal notes his significant reflections, and his devotional reading and brief references to conversations and activities. There were further meetings and other activities until the conclusion of the conference on Thursday 24

October.[18] At that point the Minutes of the conference, which had been agreed by the bishops in stages, were read to an assembly of clergy and then subsequently published.[19]

Broughton had expressed his desires for the conference to a number of people in correspondence beforehand and not least to WE Gladstone, in a letter in July 1850. With Gladstone's encouragement he wanted to see the question of baptism and the implications of the Gorham case in England addressed but his real concern was with the question of authority and the legal institutions for the governance of the church in the colonies together with certain local matters to do with church discipline.[20] How far Broughton communicated his plans is a little uncertain in that Short later said the he left for the conference not knowing what the agenda would be.[21]

The Minutes of the conference indicate that they had consulted about the various difficulties in which they were then placed 'by the doubtful application by the church in this province of the ecclesiastical laws which are now in force in England, and to suggest such measures as may seem to be most suitable for removing our present embarrassments'. They also wanted to consider questions about the development and progress of religion in Australia and how the gospel might be propagated amongst the 'heathen races of Australasia and the adjacent islands of the western Pacific'.

The published Minutes indicate that there were several broad issues with which they were preoccupied. The 1604 Canons of the Church of England were regarded by the bishops as part of their understanding of the church and its order and they 'must be, as far as possible, complied with in substance'. They addressed the question of synods and conventions for the purposes of church governance, church membership and the discipline of bishops and clergy, as well as laity. They also considered some more particular issues to do with liturgy, baptism, education and the establishment of a board of missions.

The bishops were stewards of a religious faith which had grown up in England with particular church institutions related to that society. Now, however, they found themselves in a society which lacked those institutional frameworks, a society which was nonetheless still linked to England not only by ties of sentiment but by certain legal obligations especially for the bishops. Also they were the stewards of such church institutions as existed in the colonies and of the faith to which they committed themselves at their consecrations. In other words, they faced what we would call a challenge of contextualisation which involved not just beliefs, ideas and practices but also institutions.

Perry's Diary also points to an awareness by the bishops that they are serving different kinds of communities and that the same solution may not necessarily apply in every colony. Nixon is particularly conscious of this in regard to the convict situation in Tasmania and also Short in terms of the church state relations in South Australia and the community attitudes which went with that.

Clearly church governance was an important issue before the bishops. The practical questions which they discussed hung underneath the shadow of this question.

According to Perry's *Diary* the key people in the debate on governance were Broughton, Perry, Selwyn and Short. Tyrrell was relatively quiet on this subject and Nixon's few contributions revealed his concern with the special circumstances of Tasmania as a convict

colony.

They focussed on the significance of the Royal Supremacy and its importance to the colonial churches. Broughton declared that the ecclesiastical law aspects of the Royal Supremacy had no mode of operation in the colonies and were thus inoperative. However he implied that the Royal Supremacy contained within itself a theory of government and indeed of church government. The bishops attempted to interpret the theory of the Royal Supremacy to produce conclusions as to how they might proceed in the colony. Broughton made the interesting argument that the crown was the lay element in the Royal Supremacy and thus the lay element should be reflected in what they proposed. They were divided on the question of whether priority should be given to the diocese or to the province and there was significant debate as to the nature of synods which for most of them meant an assembly of the bishop and clergy. They were divided also about the way in which discipline should be exercised under any kind of constitutional arrangement in the colonies but they were all clear that the financial implications of the colonial situation for the churches created significant problems for them in the area of governance.

The argument reflects a very considerable knowledge of ancient sources and the standard text books. They also seemed very well aware of contemporary debates. They were aware of what was going on in the United States and indeed appeared to have records of the various conventions and the constitution of the Protestant Episcopal Church of the USA.[22] Tyrrell's Journal reveals that he spent days preparing for this conference. Perry's *Diary* suggests the same for all of the bishops. From time to time it is clear that they wrote papers on topics which they read to each other trying to develop their own position. On 7 October Perry notes that a subcommittee was appointed to draft resolutions on the structure of a provincial synod. Perhaps the sub committee did not do its work, because he later records of 11 October 'Bp of New Zealand proposed some Resolutions on the powers of Provincial Synods etc. It was agreed to take copies and to deliver written opinions on Wednesday evening.' Unfortunately none of these papers survive.[23]

Perry's record of the debate reveals each of the bishops adopting different perspectives. Broughton took a leading role and argued that in the colony they were free from the operation of the Royal Supremacy because there was no mode for its operation. He emphasised that they were an ecclesiastical province and thus in terms of church polity they were an independent and self sustaining entity. Indeed Broughton describes any intervention by Canterbury in the affairs of the province of Australasia in regard to the appointment of bishops as a kind of papal intrusion. 'Now that there is a Province of Australasia and Metropolitan of Sydney, the nomination and consecration of Bishops within that Province by the See of Canterbury is irregular, and in fact a "Papal" assumption of power.'[24] Broughton was very conservative in his view of the structure of governance instruments. The laity clearly needed to have a voice and they can have a convention separate from the meeting of the clergy and should be consulted when they have an interest. The involvement of the laity was needed for the exercising of discipline at the parochial level but that was put forward as a purely practical argument. The mode of his arguments in this conference tended to be practical and based upon legal theory and a particular conception of the legal situation in which they found themselves.

Perry on the other hand focused strongly on the diocese and was not really interested in pursuing the question of the governance of a province.[25] He wanted to maintain a clear relationship with Canterbury for reasons of orthodoxy and unity. On the morning of 3 October he even went so far as to record his own comment that 'Romish provincial bishops refer in all proceedings to Rome—so we should to Canterbury'. The laity he believed should have specific roles in regard to clergy and parishes, particularly in appointments. This concern probably reflects agitation earlier in the year in Melbourne particularly emanating from Geelong when he had promoted a clergy discipline bill. In regard to finance he considered the lay people had an entitlement to see how their funds, which were being held on trust, were actually being used. In matters of governance he appealed to the practice of the ancient church and of the Church of England and what he described as those things which were desirable in the current circumstances.

Augustus Short as presented in Perry's *Diary* constantly appealed to scripture. He argued that the power of the bishop and the presbyter was of the same order except that the bishop ordained. The presbyters should therefore probably have a role in any judicial proceedings and bishops who were responsible for the administration of money which had been given from whatever source should be required to give an account. In Short's view 'Autocratic Episcopacy' was a relic of popery and he supported the view that the laity should have a fair claim to present any clerk for consideration in a parish because they the laity were actually paying. In the matter of discipline the clergy had no other authority to act on except their inherent internal authority as presbyters in the church. The same, he said, goes for bishops because of the disconnectedness of church and state in South Australia. It is remarkable how much Short appealed to scripture. Repeatedly he cited the Council of Jerusalem as a model for synodical process and he derived from it the conclusion that laity and clergy should all be involved. Indeed he claimed the Church of England rediscovered this scriptural principle of church governance at the Reformation.[26]

Tyrrell on the other hand regarded the Church of England as having been wrong at the time of the Reformation and particularly in the legislation where the church appears to be construed as the clergy. The church is not just the clergy in Tyrrell's view. It is more scriptural to admit Presbyters into the governance structure and the Royal Supremacy in his view 'overstrained' the lay principle because it gave so much control over the life of the church to the Crown and to Parliament. He was unhappy about a juridical approach to discipline believing that the preliminary issues of what he called 'training' were more urgent and important.

Nixon did not contribute extensively to this debate and when he did so he generally referred to the advice given to him by the Colonial Secretary and his legal advisers. Lay involvement in his view was very difficult in Tasmania because it was a convict colony. Like Broughton he appealed to the legal framework.

An inspection of Perry's *Diary* read in conjunction with some of the relevant sections of Tyrrell's spiritual journal suggests that the public Minutes of the conference which were agreed by the bishops section by section represent at certain points significant compromises for some of the participants.[27] Indeed later in Melbourne Perry said this in response to public discussion about the Minutes and suggested that some of these compromises might need to

be reconsidered in the Victorian context.[28]

In the Minutes a synod is said to be a meeting of bishop and representatives of the clergy. Such a synod was to consult and agree on rules and practices of ecclesiastical order and to institute and conduct the processes necessary to give effect to these things. What such synods may not do is alter the Thirty-Nine Articles, the Book of Common Prayer or the Authorised Version of the Bible. Representatives of the laity might meet in convention simultaneously with a meeting of the synod. They could consult upon temporalities and any acts of a diocese would need the consent of both the lay convention and the synod. Changes in the constitution of a diocese would need to be proposed first by the synod and then the approval of the lay convention should be sought.

Clearly this is a very cautious statement. It does not go as far by any means as some of the bishops would have wished. The role given to the laity in these Minutes is significantly restricted and reflects the influence of Broughton who at one point in the conference declared that the bishops had to have an eye to the future particularly in any thought of committing to the present lay population any significant decision making. He declared;

> colonial bush population absolutely without religious education—what feeling of Church membership have they? The population is erratic, registration inoperative—subscription to articles and prayer book as at Adelaide too stringent—the laity will not submit to discipline wielded by the clergy . . . The laity has no right to sit in a proper convocation; nor a provincial, nor a diocesan synod. For a parochial work let them be employed to the full by voluntary association of parishioners.[29]

It is also interesting that Short's arguments from the Council of Jerusalem as a model for the whole church were completely eclipsed in these Minutes.

Tyrrell appears to be correct in saying that there was no agreement as to what should be done by the bishops when they each returned to their dioceses. All of them made the Minutes available and in fact they were published in all the colonies. Newcastle presented them to his clergy and in Tasmania the bishop received responses from various people. In Sydney, nothing was done to invite comment on them and indeed after the conference Broughton went off on a tour of his diocese which took him out of Sydney for several months. An angry negative initiative was taken in Adelaide at a 'very numerously attended' meeting on 28 January 1851 when Short was not present. The meeting passed the following resolution by a large majority;

> That this Meeting has heard with regret and alarm, that the Australian Bishops, at their recent Conference held at Sydney, have attempted to narrow the terms of Communion with, and admission into the Ministry of our Church, by their formal, gratuitous, and unnecessarily dogmatical declaration on the subject of Baptismal Regeneration, thereby disturbing the peace and harmony which have hitherto prevailed among its members in the Diocese.[30]

They also passed resolutions supporting Short and, 'desirous to pay proper deference and respect to the Lord Bishop of this Diocese' rejecting any assumption of ecclesiastical authority by the bishops of the other Australian colonies and denouncing what they thought was their encouragement of the Tractarian and anti Protestant portion of the church.[31]

Melbourne was the only place where an early effort was made to seek responses following the conference. In the Messenger several articles prepared the way for the

publication of the Minutes. Perry sent a copy to every clergyman in the diocese and there were clear steps to encourage responses.[32] A number of letters from groups of clergy was published and Perry responded to them. The tone of the responses in Melbourne was much less critical than in Adelaide, as Perry himself noted in his letter to Broughton of June 1851 in relation to his Melbourne conference.[33]

> There may be a difference of sentiment on some points between this mixed assembly and ourselves, but I do not apprehend any such disposition to sit in judgment upon us and upon our conclusions as has been exhibited in Adelaide and in Hobart Town. So far as I can perceive the spirit of the members of our conference is all together different and I expect that their decisions will tend in all material points to confirm our own.

Broughton received a curt and brief response from the Archbishop of Canterbury in the second half of 1851.[34] He therefore decided to consult with his clergy about the contents of the Minutes and to seek to formulate a petition to England asking for some solution to the problems as he saw them. In February 1852 he met with Tyrrell and the minutes and a draft petition were circulated to parishes. A series of meetings took place throughout Sydney which led to considerable opposition to aspects of the Minutes, particularly the role of the laity in governance.[35] Broughton invited the clergy to come to a meeting on 8 March and forty-one lay people turned up uninvited and sat behind the clergy. In a difficult situation Broughton was lucky to escape with a compromise that the laity would meet 'in connexion' with the synod of bishop and clergy.[36] That clearly did not satisfy the laity because a counter petition went from a group of lay people to the Queen[37] and in August Broughton himself went to England in order to lobby for some kind of solution to the colonial problems.[38] He never returned, dying in England. Nothing effectively happened in Sydney until the new Bishop, Frederic Barker, arrived. Even then the progress towards a NSW constitution was complicated and difficult and nothing emerged until 1866 when a bill was passed in the NSW Parliament to provide for the control of Church property according to a constitution which was attached to the bill as an appendix.[39] Newcastle, of course, was caught up in the difficulties associated with Broughton's handling of the Sydney situation and the later complication of the formation of the Diocese of Goulburn in 1863. Tyrrell hoped for action by the Imperial parliament, but in the period after 1855 he came around to the view that a legislative solution should be sought from the NSW Parliament.[40] In Tasmania a council of clergy and laity met in 1857 and the following year the Church of England Constitution Act came into effect.

The two places where things actually happened with more expedition were Melbourne and Adelaide. The first synod to be established on any constitutional basis took place in South Australia in October 1855 just four years after the bishops' conference.

In Melbourne Perry had encouraged discussion of the Minutes. From 24 June to 9 July in 1851 a conference of clergy and laity took place and resolved that they should meet again and a committee was established to advise on the legal situation.[41] There was complaint about the baptismal declaration in the Melbourne reactions but Perry's dissenting view in the conference Minutes blunted any criticism of him.[42] The conference met again three years later in 1854 and a bill passed through the Victorian Legislative Council in November of that

year. Perry went to England to lobby for royal assent which after some difficulty was obtained on 12 December 1855.

In Adelaide the South Australian Church Society met on 28 January 1851 protesting vehemently that the Minutes reflected too much episcopal authority. The statement by the bishops on baptism was very ill regarded in Adelaide because it appeared to narrow the membership of the Church of England and to constitute a significant change in the range of legitimate opinion on the doctrine of baptismal regeneration. It is clear that in Adelaide there was a strong sense that the Protestant character the Church of England was compromised. These meetings were also greatly concerned that there should be a continuing strong connection with England and the Ecclesiastical authorities there.

The significant turning point in Adelaide was the decision of the Legislative Council to abolish all Church aid within weeks of the election of the new Council in 1851. This created a dire financial situation for the Church of England in South Australia and Short initiated a conference in December 1852 to deal first and foremost with financial questions. However a meeting of the Church Society held prior to this conference considered issues to do with a constitution and prepared material which was discussed at the December conference. In the event a constitution was drawn up and a petition to the Queen to give effect to this constitution was formulated. In February 1853 Short went to England where he was advised that no legislation was needed[43] and so it was that in early 1855 a diocesan conference agreed to a constitution for a synod on the basis of voluntary agreement amongst the parties concerned. That synod came into effect in October 1855.[44]

The resulting constitutional patterns in the Australian colonies differ significantly. The two earliest, South Australia and Victoria, best illustrate these differences. The South Australian Constitution contains a recital and a declaration that this constitution is going to be based on a ‘consensual compact’.[45] The Declaration states that this church is part of the United Church of England and Ireland and retains the doctrine and sacraments, the Book of Common Prayer and the Ordinal of that Church. There is to be a synod made up of bishop, clergy and elected lay representatives from parishes provided that the parishes have paid their contributions to synod expenses. The synod may make regulations and will be the proper court for offences of the clergy. The synod ‘shall be the proper Court for the trial of such offences as may be presented to it by the Bishop’.[46] The synod may hold property, and is to meet annually. A vote will be taken by orders on all matters except finance. All clergy and synods men will be obliged to sign a declaration which is contained in the appendix of the constitution. This last aspect highlights the consensual character of this arrangement.

The Melbourne Constitution, which was cast in the terms of an Act of the Victorian legislature, follows a different pattern from that in South Australia, though the implicit ecclesiology is very similar.[47] The Victorian Bill follows much the same lines of Archbishop Sumner’s unsuccessful Bill of 1853. The synod will contain clergy and laity and may be convened by the bishop. Regulations and acts of the synod are to be binding on the clergy and lay members insofar as they concern their membership of the Church or their ministry in the Church. Members are to make a declaration that they are communicant members of the Church of England. Any resolutions of this synod require a majority of the laity and the

clergy and to be voted for by the bishop. There is reference in this constitution as well to patronage and advowson, an issue which had been a running sore in Melbourne since 1850. The synod can establish a commission and its acts are to be sent to the Metropolitan and to the Archbishop of Canterbury who may comment to the Crown about any actions of the synod or its rules. On the advice of the Archbishop of Canterbury those rules may be disallowed.

The Victorian constitution thus kept the Archbishop in full play in order to remove any prospect of interference from the other colonies. In their 25 March letter to the Bishop the clergy of Melbourne explicitly reject the idea of a local Metropolitan and argue that the senior bishop in the colonies should act simply as a 'Primus of the Australian dioceses, without possessing any judicial authority over the same'.[48] Both colonies were determined to keep the other colonies from interfering in local affairs. Victoria did this by tying themselves to Canterbury, South Australia by establishing themselves more independently.[49]

The arguments in Melbourne appealed to ancient usage, for example in regard to the appointment of any new bishop by the synod. In the Melbourne debate reflected the view that there was to be no provincial synod because it would weaken the ties with England and would interfere with the bishop's and the diocese's independence. Any doctrinal issues ought to be settled by duly constituted authorities which for this purpose were understood to include the ecclesiastical courts in England.

In Adelaide both the laity and the clergy complained about the absence of any consultation. The laity argued that the bishops' statement narrowed the conception of church membership and they did not want any Tractarian or anti-protestant section of the Church of England to be given any kind of encouragement.[50] There should be no authority given for other bishops to intrude upon what happened or might happen in Adelaide.[51] The clergy also complained that there had been no proper consultation and that in fact it was the clergy's responsibility to appoint bishops according to ancient practice. They agreed with their lay colleagues about the Gorham judgement because it left the range of legitimate opinions open. In this whole process Short shows a remarkable combination of pragmatic common sense and an openness to what the South Australian Church Society was saying. At the conference in 1852 where the report of the South Australian Church Society was discussed he defended it as being in accord with the principles of the Church of England.[52]

The debates in both Adelaide and Melbourne show a remarkably strong democratic temper from both the clergy and the laity. Whereas in Melbourne there had been easy and early consultation, in Adelaide the South Australian Church Society took an early initiative and set itself against the bishops' conference and on a number of matters against Short.

The political circumstances in these two places differed as well. In Melbourne the legal environment put the focus on the local parliament and royal assent. The constitution which was prepared and presented to the local parliament was modelled on Archbishop Sumner's unsuccessful Bill in England. On the other hand in Adelaide the legal steps were taken not via the local parliament, where they clearly would not get any satisfaction, but by means of a petition to the Crown with regard to their agreed constitution.

The general financial situation in Victoria was better and the church continued to receive

aid from the state. In South Australia there was lay objection to state aid. The earlier acceptance of State aid by bishop Short and the clergy had been criticised and in any case aid was abolished early in 1851 as one of the first acts of the newly elected parliament.

In both Melbourne and Adelaide senior public figures were involved in these debates which revealed both a high level of legal acumen and of social awareness. The context in Victoria reflected the newly separate and independent status of the colony and identification with it. In Adelaide one has the feeling that the issue of loyalty to the Crown and to the Royal Supremacy by the members of the Church of England reflects something of their nostalgia for the English establishment in a colony where church and state were separate and in which members of the Church of England necessarily perceived themselves to be just one among others in the denominational stakes.

This examination of the 1850 conference and the emergence of synods as the key element in the polity of Anglicanism in Australia has proceeded on the basis of examining fully Bishop Perry's *Diary* of the conference and the contemporary accounts of the developments after the conference in each of the colonies. It has sought to set the conference and these developments in the broader social circumstances in each of the colonies in the middle of the nineteenth century. Regional differences have been highlighted and also the decisive influence of popular lay opinion in shaping what eventually emerged in each of the colonies. The proposals contained in the minutes of the conference in regard to synods were nowhere adopted. The notion of a synod of bishop and clergy alongside a convention of laity concerned with temporalities only was explicitly rejected by popular pressure in every colony. The evidence of Perry's *Diary* makes it clear that the bishops were not in any case agreed on this point. In fact it is quite clear that neither Perry nor Short shared this view and probably Tyrrell and Selwyn did not either. Broughton is the only one who shows after the conference that he holds to this view of things, but he was defeated in Sydney on the point by popular protest. This same evidence makes it clear also that the views, theological or otherwise, of the bishops were not decisive. Those bishops which gained most did so by diplomacy and adjustment.

It is a curiosity therefore that the received tradition moves in the direction of explaining the different models which emerged in terms of the theological opinions of the bishops. By theological in this context is usually meant opinions which are shaped and derived from the internal traditions of the church. This phenomenon can perhaps be explained by the fact that the historiography of the 1850 conference has been developed as part of the effort to secure a national constitution for the Anglican Church. The three central accounts were all written at crucial times in the long history of the debates about a national constitution. The first three, Micklem (1921), Clarke (1924) and Giles (1929) were written to contribute to the intense debates in the General Synod during the 1920s. Ross Border (1962) wrote much later in the final stages of the development of the constitution which eventually came into being in 1962.

The first three contributions have set the main directions of the tradition. They were written in the 1920s when it was widely thought the constitution was about to be agreed. All are concerned with constitutional questions. All work on a comparative historical basis. Micklem compares the contemporary situation with the historical expression of church constitutional ideas from the earliest times of Christianity. He pays particular attention to the

development of western Christianity and the limited historical reality of papal hegemony. Clarke tracks the contemporary and recent constitutional developments in the Church of England, particularly is relation to the spread of Anglicanism beyond England to the farthest reaches of the British Empire. Giles restricts himself to the Australian experience and sets out the story from 1788 to 1929, written in the expectation that this would see the culmination of that development in an agreed national constitution. Clarke provides an immense amount of contemporary material, and also a number of general background essays, but he does not consider the 1850 conference itself in great detail. For Micklem and Giles the 1850 conference is crucial. Each of the accounts emphasises the relationship with the state and social institutions for the development of church institutions and each emphasises the role of the bishops in that development.

Micklem declared at the beginning that his purpose was to contribute to the current constitutional debate. He regarded it as important to have a national constitution so that the church can be independent for mission. He wanted local liberty so that Anglicans can 'make their full appeal to the peoples in which they are planted'.[53] He also wanted a national constitution for the sake of Christian unity which he claimed was increasingly seen to be best achieved not through a rigid standard of uniformity but 'through a rich diversity of life and devotion'.[54] This second point particularly is shown in his account of the development of church polity up to the modern period. It is the key to his account of the relationship between the papacy and the Holy Roman Empire and the response of the church in the west to nationality as seen in such movements as the Hussites and to the Councils of Constance and Basel. He claims the 'the principle of nationality may legitimately be asserted in Church government'.[55] In turn this becomes a key issue in the expansion of the Church of England in relation to emerging national sense in different countries. That point in turn prepares the way for arguing that the emerging context of political development in Australia for understanding the 1850 Bishops conference; 'In the civil sphere constitutional development was proceeding apace.'[56]

At first he claims it was thought changes should be effected by the Imperial Parliament and indeed this is reflected in the actions of Broughton. Perry also thought that any constitution should be achieved by legislation, and he pursued that aim in the Victorian parliament. However he claims that Selwyn in New Zealand wanted to move by consensual compact and that 'similar action was taken by the diocese of Adelaide under the guidance of Bishop Short'.[57] Micklem claims that although the method of achieving a constitution was a burning question, the practical result in the end was not all that different. The bishops desire to secure independence from a constitution was, according to Micklem, prescient as can be seen by the case of King vs Barker in which it was made clear in the *NSW Supreme Court* that the Bishop's powers to use ecclesiastical institutions for clergy discipline were very limited.[58] 'Thus the Bishops' resolution of 1850 recommending the establishment of synodal government was abundantly justified by the trend of events both in the civil and ecclesiastical sphere of the next few years.'[59]

Micklem's account of these events is very interesting from a number of points of view. First he is acutely aware of the historically conditioned character of the decision making on

church structures, not only for the 1850 conference but for the history of the Christian church generally. He also recognises that the practical differences in outcome between the so called consensual compact basis for a constitution and a parliamentary legislative basis were not all that great. However his presentation of the flow of events does not account for the conflict which the resolution of the bishops' conference encountered. For example, Adelaide, he says, moved forward under the guidance of Bishop Short. Undoubtedly Short did guide the process, but not in the sense that he led Adelaide gently forward to the conclusion already reached by the bishops in 1850. On the contrary he ran into a lot of trouble. Short's leadership in this matter consisted more in adjusting to the strongly expressed mood of the lay and clergy members of his diocese.

Clarke does not discuss the 1850 conference in great detail, but he does remark upon the different bases upon which a constitution was or should be sought. He clearly affirms the idea of a consensual compact as being a 'true principle' and he appears to approve of an unidentified quote from Gladstone that a voluntary consensual compact was the way to go and was 'the basis on which the church of Christ rested from the first'.[60]

However it is in Giles that we come fully into the notion that the different approaches in each of the colonies flowed from the Bishops and that the principle divide on this issue was whether they were Tractarian or not. He takes Victoria and South Australia as the key examples of the different approaches. In Victoria Perry's views on despotism and particularly episcopal despotism are noted and that the reason for Perry going to the legislature was because 'we are so circumstanced'.[61] It is Perry's views on institutional and political authority, especially as seen in the church, that provides the interpretative context for Melbourne's move towards the legislature.

By way of contrast Short is characterised at some length as a Tractarian on the basis of an essay he had written on Tract XC, the Tract which sought to show that the Thirty-Nine Articles were susceptible of a fully Roman Catholic interpretation. The issue for Giles is not so much that the constitutional arrangement in South Australia was prompted by Short's Tractarian views, but rather that the evangelical laymen in Adelaide disliked Short's views on baptism and the Gorham judgment as expressed in the minutes of the bishops' conference. They regarded the move to synodical government as just another expression of Short's Tractarianism.[62] References to Short in Perry's *Diary* of the conference tend to show him more inclined to appeal to scripture and to moderate any enhanced episcopal authorioty in the church. He declared at one point 'In fiscal matters, where Bishops are Trustees for Clergy, the latter have a right to know how the money is spent—"Autocratic Episcopacy" relic of Popery'.[63] Giles recounts the Adelaide story in those terms. He goes on to recall that the legal effect of the trust approach to a constitution was tested in the courts in 1858. A clergyman charged with drunkenness opted to be tried by a church tribunal and was found guilty. The clergyman then brought a suit of libel against the synod, but the court found that he had accepted the jurisdiction of the church procedure. Giles also records that in 1862 an unsuccessful attempt was made to secure a legislative basis for the church constitution.

We see here the beginnings of a tradition which portrays the bishops' conference as the fount of the movement for synods in Australia and that the different foundations for such

constitutions in the different colonies, Victoria and South Australia in particular, arose from different theological opinions held by the respective bishops. The characterisation of the debates on a national constitution in the twentieth century given by John Davis reflect a disposition to perceive the differences in terms of such theological opinions. Thus Sydney stands for an evangelical position upholding a Reformation opposition to the Romanising tendencies introduced into the Church of England by the Tractarians, and that the issue of the constitution in it various aspects is to be seen in these terms.[64]

I do not propose to examine the process of the debates on the constitution in the twentieth century but do point out that the rhetoric of a debate may not necessarily tell you what the real issues are for those involved. I think that point can be profitably applied to the interpretation of the 1850 Bishops' conference and the emergence of synods in Australian Anglicanism. There was debate, but it was not a public debate where issues of rhetoric and persuasion played a much greater role.

In the case of Short the way in which he approached the matter of church state relations does not at all reflect a supposedly Tractarian view that the church should be independent of the state and therefore that it should seek a constitution on the basis of a consensual compact. If we take Short's attitudes and actions on church state relations in the matter of a church constitution then he could not possibly be said to have that kind of point of view be it Tractarian or otherwise. It seems to me that Short's Tractarianism is more secure in the subsequent rhetorical mythology than in the reality of his actual utterances and actions. The accusation of Puseyism was bandied around in mid century but it often had more to do with the anxieties of the accusers than with the realities of the subject of the accusation. In the case of Broughton we have clear evidence of this discrepancy.[65]

This examination of the 1850 conference shows that the bishops were well informed and certainly were the catalysts for the emergence of synods in Australian Anglicanism. It also shows that not one of the final constitutions in the different colonies conformed in basic structure to the resolutions in the Minutes of the Bishops' conference. It also shows that the bishops were subject to very considerable pressure from lay people to make the constitutions more democratic. Perry and Short were most open to this move, Broughton was not. Furthermore the contemporary accounts in both church and secular papers show that the move to church constitutions was seen as part of the general moves in society to more democratic and local institutions. This can easily be seen in terms of government, but it is also true in other social institutions. This is the period when Mechanical and Literary Institutes flourished, when the co-operative movement gathered pace as never before. Affiliated societies came in the 1830s and legal recognition of friendly societies was given, along with some control, in the Friendly Societies Act of 1843.[66] The economy was developing and while it was the age of the pastoralist and the economy was riding on the sheep's back industry and commerce were developing as well and financial institutions were emerging. All of these developments meant that the Australian colonies were taking on board moves which enabled the development of social institutions which could be created by the people for the people.

Given that the bishops were in general responsive to contemporary social forces and given that the lay people who were active in these church matters were also involved in the

wider social changes it appears much more likely on the evidence that the democratic character and pragmatic foundations of the emerging synods in Australia were shaped by these wider social movements. To make that claim does not mean that these developments lacked any theological foundation or influence. It simply means that the theological influence was of such a kind that enabled such openness in the formation of ideas and institutions for decision making in the church.

There is one aspect of this which does call for comment and illustrates the continuing influence of the English tradition of social institutions on the formation of these synods. By and large the models used in the synods were drawn from government and politics, that is to say the synod was thought of in parliamentary terms. That model has continued in the synodical tradition in Australia,[67] as indeed elsewhere in the Anglican Communion. It probably arises from the long tradition of the establishment of the Church of England and the re-shaping of church structures along the lines of those of the state which was put in place at the time of the Reformation in England. Perhaps this state model could be regarded as a fossil from the English past and at a time of great institutional change alternative models could be profitably explored.

Another consequence of these forces at work in the strange birth of synods in Australia, is that regional differences were embedded in the arrangements. Democratic, local, synodical governance became the determining mark of the church polity and lay power moved to centre stage in Australia, whereas in England it was in the process of being eclipsed.[68]

The participants in these synods were essentially conservative in their approach to central doctrines and theology. However, in relation to institutions there is clearly a diversity of point of view. Underlying that diversity is a common assumption about the guidance or providence of God. What has providence provided at this point in time? Broughton answered, an ecclesiastical province which is independent and sufficient to itself. Perry answered, a continuing connection with the Church of England's institutions particularly their ecclesiastical legal institutions. Short was nearest the mark with a vision of the whole community functioning together like the Council of Jerusalem in the Acts of the Apostles. In fact the whole church community finished up with what was finally democratic local and regional. That was what it turns out providence effectively provided in the middle of the nineteenth century and what has characterised Australian Anglicanism ever since.

In the ecclesiology to which I am drawing attention the synods are one part of the life of the church community. They seek to secure the provision of word and sacrament and the discipline of bishops, priests and deacons. Because of the way in which they emerged in the middle of the nineteenth century they also institutionalised a way of settling questions which involved the whole church community. Such a commitment, as the conciliarists of the fourteenth century discovered,[69] called for a notion of representation. The same issue also emerged in Australia in the nineteenth century and has become part of the ecclesial tradition of modern Anglicanism.

I have borrowed the terminology of my title from the book by John Hirst called, *The Strange Birth of Colonial Democracy.*[70] Hirst concentrated on NSW whereas I have noted also the separate development of South Australia and Victoria. However, his analysis of the

political situation has a number of echoes in the church debates. He underlines that democracy came in the middle of the nineteenth century by a series of pragmatic steps rather than an idealistic struggle.[71] Self-government was reasonably easily granted by England and the egalitarianism which became part of the Australian culture was largely created by social forces outside of local politics Some similar things can be said in regard to the strange birth of synods and church governance in Australia. Local social, political and institutional circumstances were crucial in terms of shaping what was possible.

John Hirst suggests that in the broader Australian political environment, Australians wanted a society which was opened to all especially in the area of politics. He concludes his book with this sad comment.

> But as parliament lost its eminent and gentlemanly manners it also ceased to enjoy wide respect. The Colonists inverted the Greek ideal and made public life something to be ashamed of.[72]

The population of the synods of the Anglican Church has not changed quite so quickly. But an arrangement which institutionalises an arena of argument is probably never fully able to escape the possibility of it becoming something to be ashamed of. On the other hand if such an assembly of representatives conducts its affairs in a way which reflects the claim that this is a community which is called by God and manifests the Christian virtues and prayer, then it could be a powerful witness to the presence of the community of the crucified. That is an ecclesial model to strive for, and the modern foundations of its possibility were laid in the strange birth of synods in Australia in the middle of the nineteenth century. How far the current versions of these synods with their continuing parliamentary pattern is still appropriate is altogether another question.

---

1. Tyrrell to Watson, 26 May 1852, kept in the archives of the diocese of Newcastle, New South Wales.
2. P Micklem, *Principles of Church Organisation with Special Reference to the Church of England in Australia* (London: SPCK, 1921)
3. HL Clarke, *Constitutional Church Government in the Dominions beyond the Seas and in other Parts of the Anglican Communion* (London: SPCK, 1924)
4. RA Giles, *The Constitutional History of the Australian Church* (London: Skeffington, 1929)
5. I regret to say that I expressed a view skirting along these lines myself in an earlier work, BN Kaye, *A Church without Walls. Being Anglican in Australia* (Melbourne: Dove, 1995), 111. ‘Attitudes sympathetic to a Tractarian approach are to be found in the way in which synodical government was established in Queensland, South Australia and Western Australia.’ This article significantly corrects a number of things I said in that book concerning the emergence of synods, especially 38–45.
6. WG Broughton to Edward Coleridge, 4 July, 1848. Broughton’s correspondence with Edward Coleridge is kept in the Donald Robinson Library at Moore Theological College, Sydney.
7. A good account of this can be found in Shaw, *Patriarch and Patriot*, 229.
8. See Broughton to Coleridge 15 January 1849
9. See Shaw, *Patriarch and Patriot*, 219
10. See TL Suttor, *Hierarchy and Democracy in Australia: 1788–1870* (Melbourne: Melbourne University Press, 1965), 67, 68
11. See Broughton to E Coleridge 14 October 1839, and 24 April 1846, where he says of Presbyterianism that ‘it lacks any stable foundation’.
12. This diversity reflects the different ways in which the British Empire grew, and is relevant material in the

reconsideration of the character of Empire and colonisation currently going on, see for a comment on the Australian situation of this Stuart Macintyre, 'Australia and the Empire', in *The Oxford History of the British Empire*, volume V, Historiography, edited by RW Winks (Oxford: Oxford University Press, 1999), 163–181 and more generally RW Louis, 'Introduction', in *The Oxford History of the British Empire*, volume 1–42.

13. See G Blainey, *Our Side of the Country* (North Ryde: Methuen, 1984), AGL Shaw, *A History of the Port Phillip District. Victoria before Separation* (Melbourne: Melbourne University Press, 1996).
14. The classic statement of South Australian religious history is D Pike, *Paradise of Dissent. South Australia 1829–1857* (London: Melbourne University Press, 1957).
15. Perry's *Diary* is held in the archives of the diocese of Melbourne
16. Tyrrell's journal and related correspondence is kept in the archives section of the library of Newcastle University, New South Wales
17. The rigour of the programme is testified to by AE Selwyn, Dean of Newcastle, in a letter to Miss Rose Rusden, marked Monday October, 1850 while in Sydney, published in *Letters of the Late Dean Selwyn (of Newcastle) chiefly to his wife* (Sydney: Angus and Robertsons, 1902), 3.
18. Drawn from Perry's *Diary* and remarks in Tyrell's journal.
19. The minutes were published in a supplement of the *Sydney Morning Herald* on Wednesday 4 December 1850. They are now available in a number of places. They can be found together with a commentary from the Governor of Tasmania, '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, AD 1850', reprinted in *British Parliamentary Papers: Correspondence and Papers Relating to Immigration and Other Affairs in Australia, 1851–52, Colonies Australia*, Irish University Press Series, 13 (Shannon: Irish University Press, 1969)
20. Broughton to Gladstone, 13 July 1850, British Library, Additional MSS 44369
21. 'When I left Port Adelaide for Sydney, I was perfectly ignorant of the topics which I should be called on to consider.' According to the Colonial Church Chronicle, volume V, 1852, 231, this was said at a meeting in Adelaide on 28 January 1851.
22. For example, on the second day Tyrrell proposed the American Episcopal model for the nomination of bishops and Short used the American and Scottish example to argue that the independent provincial action did not compromise doctrinal purity. The following day Tyrrell was able to quote from the resolutions of the Convention of October 1784.
23. A few scribbled notes survive in what appears to me to be Broughton's handwriting in a collection of miscellaneous papers in the Mitchell Library Sydney, but they give us no help about the details of the debates.
24. Perry's *Diary*, 3 October. Underlining is in the original
25. These kinds of comments may have helped Tyrrell form the view about Melbourne which he expressed in his letter to Joshua Watson quoted above.
26. These are views consistent with what Short had said to the clergy of his diocese when he first arrived. He declared that in his efforts to build the diocese he looked 'to the zealous efforts of the clergy and the hearty co-operation of the laity. The clergy were not the church, but the ministers of the church', in *Colonial Church Chronicle*, 11 (1849): 35.
27. In a letter to the editor of the *Christian Observer*, 10 January 1851, which Perry asked not to be published he said 'You will observe, that our conclusions are expressed in very few words, and are of a very general character, a course adopted in order to ensure a perfect unanimity.' I am quoting this from ED Daw, 'Church and State in the Empire: The Conference of Australian Bishops, 1850', in *JournaL of Imperial and Commonwealth History*, 5/3 (1977): 262 who locates the letter in the Bishop's Letter Book.
28. *Argus*, Melbourne, 25 June 1851.
29. Perry *Diary*, 8 October
30. The meeting was reported in the *Sydney Morning Herald* of 18 February, 2, where the text of this resolution is given.
31. These resolutions of a meeting which included some of the leading citizens do not support the view that Short was seen as a Tractarian innovator.
32. Perry to Broughton June 1851, Perry Letter Book 1, 81–88, Melbourne Diocesan Archives.
33. Perry to Broughton June 1851.
34. There is an interesting short note from the Archbishop of Canterbury to Secretary Sir John Pakington dated 27 May 1852 published in *British Parliamentary Papers*. 34 volumes (Shannon: Irish University Press, 1969), Edited by P Ford and G Ford, volume 13, 2, 'I have searched in vain for a copy of my reply to the Bishop of Sydney, but its tenor may be collected from the reply; it was chiefly occasioned by a remark of Lord Grey, when pressed upon the subject, that before he could legislate for the colonial Church, he must know what were its principal requirements.'
35. These meetings were reported in the *Sydney Morning Herald*, 9 April, 17 April and 6 May.
36. See *Sydney Morning Herald*, 15 April, 1852. The meeting adjourned and met again 15 April 1852, see *Sydney Morning*

Herald, 16 April. The story is well told by Shaw, *Patriarch and Patriot*, 253–262

37. *Sydney Morning Herald* 19 May, 1852, and 20 May, 1852, reports the meeting of lay people, and the terms of the petition were advertised in the *Sydney Morning Herald* 10 May 1852 seeking signatures.
38. He set out his intentions in a farewell speech to a gathering of people just before he departed, *Sydney Morning Herald* 16 August, 1852
39. New South Wales Select Committee, 'Report from the Select Committee on the Church of England Synods Bill: together with the Proceedings of the Committee, Minutes of Evidence and Appendix.' (Sydney: New South Wales Legislative Council, 1860), provides considerable material relevant to these developments and an excellent insight into the issues and arguments.
40. See the discussion in AP Elkin, *The Diocese of Newcastle. A History of the Diocese of Newcastle, N.S.W., Australia* (Sydney: Printed by Australasian Medical Publishing Company, 1955), 270–3
41. Reports of the conference were published in the *Church of England Messenger*, 1851/52, 143–156, 161–168, 218–223, 227–235, 245–254.
42. That part of the Minutes dealing with Baptism were separately published in the *Church of England Messenger*, 1851/52, 10–13, and were introduced by the editor with words including the following; 'merely observing that the latter (that is Perry's dissenting statement), as will be perceived, is in exact agreement with the paper upon the subject in our May number'. In the same year the paper published the letter dated 25 March 1851 from the clergy of the diocese to the bishop concerning the minutes of the bishops' conference in which they 'strongly deprecate the putting forth of any authoritative decision upon the doctrine of our church regarding it, beyond that contained in Articles' 9 as agreed in 1562
43. See *Colonial Church Chronicle*, volume VIII, 1855, 302 for the opinion of the lawyers R Bethel, F Kelly, J Napier and AJ Stephens, 'We are of the opinion that the Act of Submission (25 Henry VIII, c19) does not extend to prohibit or render illegal the holding of Diocesan Synods within the Diocese of Adelaide.'
44. It is interesting to observe that at almost the same time as royal assent was given to the Victorian bill a similar request from Canada was rejected in London on the grounds that the Canadian Bill went too far.
45. The text of the constitution can be found in H Lowther Clarke, *Constitutional Church Government in the Dominions beyond the Seas and in other Parts of the Anglican Communion* (London: SPCK, 1924), 99–104
46. Clause 2.
47. The text is also printed in Clarke, *Constitutional Church Governemnt*, 136–140.
48. *Church of England Messenger*, 1850/51, 150.
49. The Adelaide position was criticised by the editor of the *Church of England Messenger* 1851/52, 363.
50. *Sydney Morning Herald*, 18 February, 1851, 2 Resolution 4.
51. *Sydney Morning Herald*, 18 February, 1851, 2, Resolution 2.
52. *Sydney Morning Herald*, January 26 1852, 2.
53. PA Micklem, *Principles of Church Organisation* (London: SPCK, 1921), v.
54. Micklem, *Principles*, v.
55. Mickelm, *Principles*, 71.
56. Micklem, *Principles*, 106.
57. Micklem, *Principles*, 111.
58. See Ex parte The Revd George King, Supreme Court of New South Wales, 2 Legge 1307.
59. Micklem, *Principles*, 109.
60. H Lowther Clarke, *Constitutional Church Government in the Dominions Beyond the Seas and in Other Parts of the Anglican Communion* (London: SPCK, 1924), 83.
61. RA Giles, *The Constitutional History of the Australian Church* (London: Skeffington, 1929), 84.
62. Giles, *Constitutional History*, 98.
63. Perry, *Diary*, October 4.
64. John Davis, *Australian Anglicans and Their Constitution* (Canberra: Acorn Press, 1993), 98–100 and 106, 107.
65. See BN Kaye, 'The Baggage of William Grant Broughton: The First Bishop of Australia as Hanoverian High Churchman', in *Pacifica*, 8 (1995): 291–314. Chapter 1 in this book
66. See David Green and Lawrence Cromwell, *Mutual Aid or Welfare State. Australia's Friendly Societies* (Sydney: George Allen & Unwin, 1984).
67. In the Constiuton for the Anglican Church of Australlia the final point of reference for procedure is the forms and practice of the Hose of Representatives of the Commonwealth Parliament of Australia.
68. Burns has argued for a diocesan revival in the second half of the nineteenth century, but it is not a revival of lay participation in church governance, A Burns, *The Diocesan Revival in the Church of England c.1800–1870* (Oxford:

Clarendon Press, 1999). Throughout the nineteenth century the role of Parliament in the affairs of the Church of England was diminished and in 1852 Convocation began meeting again. Lay people met in a separate assembly from 1885 but a joint meeting only occurred with the Church Assembly in 1920.

69. See for example the work of Brian Tierney, *Church Law and Constitutional Thought in the Middle Ages* (London, 1979) and *Religion Law and the Growth of Constitutional Thought* (Caambridge: Cambridge University Press, 1982). See also RW Albright, 'Conciliarism in Anglicanism;' in *Church History,* 33 (1964): 3–22.
70. JB Hirst, *The Strange Birth of Colonial Democracy. New South Wales 1848–84* (Sydney: Allen and Unwin, 1988).
71. A similar approach is to be found in the recently published manuscript of the late John Manning Ward, *The State and the People: Australian Federation and Nation-making, 1870–1901* (Sydney: Federation Press, 2001).
72. Hirst, *Strange Birth*, 273.

Chapter 6
Church Conflict and the Founding of Sydney University[1]

1850 was a big year in Australia politically and socially. The *Australian Colonies Government Act* came into force, adding Victoria and South Australia to the colonies of Tasmania and New South Wales and anticipating self-government. A Governor General of Australia for these four colonies was established though no provision was made for any overall political entity. In the oldest colony, NSW, changes were in the wind. The Roman Catholic *Freeman's Journal*[2] was established to promote a catholic view of events. At the end of the year Henry Parks' *Empire*, was launched to be 'the chief organ of mid-century liberalism and to serve as the rallying and reconciliation point for the sharpest radical and liberal minds of the day'.[3] These papers were alternatives to the political and social reporting from the government *Gazette* and the *Sydney Morning Herald*. On October 1, the Legislative Council voted that no more transported convicts would be received in the colony under any circumstances. These were pointers to very significant changes taking place in the colony which some saw as the final removal of the old order, the destruction of the *ancien regime*. A new constitution came in 1850 which in short order would lead to representative government. As if to confer nature's blessing on these changes, gold was discovered in February 1851.

In any great social transition, it is not always easy to set such a moment within a continuum. Sometimes the connection with preceding events is hard to see.[4] It can also be convenient to read the events in terms of what came after as if what came after was the natural result of our particular reading of the great change. Doing so almost always misses quite a few of the complicated dynamics involved. In the case of the founding of the University of Sydney this is easy to do since one of the central points of argument was the secular character of the proposed university, which seems to resonate with the later secularism in Australian history. In the debates about the founding of the university in 1850 secular meant that the university would not teach divinity which was seen as a preparation for ordination. It would only teach secular subjects such as physics, chemistry and mathematics. There was to be no religious test for admission to the university and the enabling Act stated that this did not prevent the making of regulations, 'for securing the due attendance of students for Divine Worship, at such Church or Chapel as shall be approved by their parents or guardians'.[5] The university might not involve itself directly in any religion but it would be able to enforce the wishes of students' parents in this regard. Religion was part of the mix in the founding of the university and this fact is important not only for the understanding the meaning of secular in this process but also for the conflicts within the church that emerged.

Background

The persistent issue in the shaping of the university in respect to religion was really a continuation of the debates over school education from 1836 which remained an arena of ongoing struggle that would not be concluded until 1880. Even that conclusion lasted for only eighty years when a new national form of government aid to church schools commenced and continues to this day under the protection of the Commonwealth Constitution of 1901. In the founding of the university the issue was how society was to adjust to the growing diversity of religious traditions in the colony and whether the plurality expressed in the Bourke Acts would flourish in the intellectual world of the University and a rapidly changing society and if so in what form.

As early as 1823, the Earl of Bathurst had written to Governor Brisbane telling him to reserve land for schools and ultimately, for the establishment of a university. In 1834 a Select Committee of the Legislative Council into education referred to the need for a university for training teachers and 'for instruction of students for the learned professions'. In 1838 WC Wentworth had urged the establishment of a university on the site of the old barracks in Sydney, which were to be vacated at the time. This initiative was freighted with potential conflicts similar to those that had affected the schools.

But in 1849 the world had changed a great deal and personal and institutional interests were differently positioned. The Church of England had strong and powerful interests from the foundation of the colony when it was the state church. As such it claimed the right to provide education in the colony. In the 1830s Bishop Broughton had been an energetic and powerful defender against any incursions into the privileges of the church. Broughton came to the colony in 1829 as archdeacon and was made bishop of Australia in 1836. He came from a relatively modest background but had a distinguished academic career at Cambridge before moving to parish work. He wrote well-recognised works on historical and biblical material and attracted the attention of important ecclesiastical people with his work. His parish appointment at Farnham would have put him in the top six per cent of payments to beneficed clergy in England.[6] He became associated with the Hackney Phalanx of High Churchmen. He stood for the established order and especially the place of the Church of England in the life of the nation. England was a confessional state and the Church of England represented the faith the nation confessed. It was a political Christendom model which Broughton was forced to abandon during the 1840s by circumstances in the colony of New South Wales. He supported the early years of the Oxford revival of the 1830s but became an opponent after the publication of Tract 90. Broughton was staunchly opposed to both the jurisdictional claims of the Papacy and its doctrine.

In July 1848, he had told Coleridge in England that 'all the great interests in and attachment to which I was brought up, and which have so contracted sacredness in my regard, have sunk and are sinking'.[7] In 1849 he was not so energetic and he was facing challenges within his church. In desperately tragic circumstances his beloved wife died on 16 September 1849 while he himself was ill and unconscious. He recovered consciousness only to discover his wife, who had been caring for him, had died and was already buried. A month later his grand daughter who had been staying with him also died. He never really recovered

from these personal disasters. Seven months later he poured out his heart to his friend Coleridge in England 'I am lonely and alone'.[8] Grief and disappointment diminished his vigour and tinged his judgements with sharpness.

His two closest clerical colleagues in Sydney also became involved in the university struggle. Archdeacon Cowper was his official commissary. Cowper was a devout churchman from humble circumstances and education and an evangelical of deep piety and pastoral instincts. He took no part in the politics of the colony and repeatedly declined to act as a magistrate. He 'laboured with constancy and zeal for the salvation of his fellow men', and made every effort 'neither willingly nor knowingly to offend anyone'.[9] When Broughton left the colony on 16 August 1852 Cowper was Broughton's ageing commissary. By disposition and strength he was not one to take to any public action, let alone a public battle about a university.

Broughton's other close colleague, the Rector of St James Church Robert Allwood, was quite different. He came from a distinguished family, was educated at Eton and Cambridge, served as a curate in a fashionable Bristol parish and was chaplain to the mayor of Bristol before coming to Sydney in 1839 as an SPG sponsored chaplain in the colony. Well educated and highly intelligent he was a close and moderating adviser to Bishop Broughton. He was the head of the bishop's unsuccessful attempt to establish the beginnings of an Anglican university, St James College. He played a more independent role in relation to the university of Sydney and later made a sustained contribution to its development becoming a member of the Senate in 1855 and Vice Chancellor from 1869–82. He was a foundation Fellow of St Paul's College from 1855. Cable remarks that 'his tact and diplomatic skills were necessary when his influential laymen sometimes took an independent line is church affairs'.[10] More a diplomat than a combatant, he was guided by practical common sense rather than any strict ideology. These characteristics reflected a religion shaped by the early reform dynamics of the Oxford Movement

More distantly located at Morpeth was the Bishop of Newcastle, William Tyrrell, who had been appointed in 1847. An intensely devout man, throughout his life Tyrrell kept a spiritual diary in which he listed for each day prayer points, personal development as a Christian, tasks to be completed and scripture readings for the day. These were followed up by noting things he had not done or failed in. 'The key to Tyrrell's long and highly effective episcopate was his deep and disciplined spiritual life.'[11] Broughton regarded him very well.[12] He was practical in the way he led his diocese and maintained good relations with his clergy. Reliable and loyal the more cautious Tyrrell enjoyed a warm relationship with the romantic and adventurous George Selwyn, which began in their undergraduate days at St Johns College, Cambridge. He was away during July and August 1851 travelling with Selwyn on the Bishop of New Zealand's fourth missionary voyage to Melanesia. Tyrrell's later contributions in the columns of the *Sydney Morning Herald* were focused on detail and did not reflect immediate personal engagement with the situation in Sydney.

With the best of educations at Eton and Cambridge Selwyn was very well connected at the highest levels of English society and was consecrated Bishop at the age of thirty-two. Nonetheless at the 1850 bishops conference in Sydney he revealed radical views about the

relation between the troubles of the Church of England and the role of property in the deployment of parish clergy. His vision of the church, in an early Tractarian way, was a community gathered around the bishop and the cathedral where the bishop's throne was located, while yet seeing both laity and clergy as properly fully involved in church governance. On the other hand, his plans to put this vision into place in New Zealand were seen by Broughton and 'serious men here who know much about Colonies' to be admirable but not quite realistic.[13] He also came to the university struggle briefly at a late stage and made a significant contribution in terms of divisions within the church.

These were the principal clerical players in the church conflicts with the university. Of those who lived in Sydney and had close connection with clergy and lay people in the diocese Allwood was the most significant and influential. In the early stages of the conflict he was also the most active in engaging with the university people. Walsh (rector of Christ Church Sydney) and Cowper were not so involved and Cowper steadfastly stayed passively loyal to Broughton's views. After Broughton's departure for England on 16 August 1852 he was unwilling to do anything until he knew what Broughton's views might be. Such passivity meant that the progress of the university simply would pass the church by. Allwood on the other hand took action on the basis of his own judgement confident that Broughton would agree. Only after the event would he write to Broughton to let him know what had happened.

The story of the founding of the University of Sydney is a tale of conflict and disagreement both amongst the promoters of the university and the Church of England interests. The state when still connected to the Church of England established the Church and Schools Corporation to provide for the church to run the schools in the colony. It also envisaged the foundation of a university as one aspect of the plan for education in the colony. The corporation was disbanded as the relation between church and state frayed.

As that frayed relationship broke Bishop Broughton established St James Grammar School in 1840, which included a plan for a university, and two years later he began purchasing property for a college. In March 1846 St James College was started in connection with St James Church with the rector Robert Allwood as the Principal.

Nine months later the college was established at Lyndhurst[14] in Glebe. The college was to teach liberal arts and to be the seed from which a future university would grow. However, it sounded too much like a clerical project to some ears and not all supported the project. One active churchman, the Chief Justice in the colony Sir Alfred Stephen, looked for a broader more determinedly lay vision and bided his time.[15] Lyndhurst flourished briefly but it attracted criticism as a 'Puseyite' centre. Alas it seemed as if this were so when Robert Sconce a clerical tutor in the College defected to the Church of Rome.[16] Falling numbers and staffing problems led to classes being suspended at Lyndhurst in December 1849.

Wentworth's Initiative

As St James College at Lyndhurst was dying the ever-energetic promoter of the public good, William Charles Wentworth was proposing in the Legislative Council that a University should be established by the government and it should be quite different from the Lyndhurst

model. Indeed it should be free of all ecclesiastical influence, especially that of the 'established church'.

Wentworth was one of the prodigies of the native-born Australians. Son of a convict mother and of a doctor who gained significant wealth and land holdings, Wentworth was educated in England and qualified in law. On returning to the colony, he became involved in politics and extended his considerable land holdings. An explorer, author and barrister, Wentworth set out to bring constitutional freedoms to the colony. He campaigned for government-run schools as well as for a constitution for the colony, and had been doing battle with Broughton over the schools system for over a decade when he came to the establishment of the University of Sydney. As in the schools debate, he was for a national approach in the University.

By 'national', Wentworth meant that the University should be run by the government in a way that it was open to all, and its education was not objectionable to any. He set out the details of this approach in his first reading speech to the 1850 University Bill. The University would not teach at the public expense 'peculiar tenets' or 'peculiar sectarian doctrines'. It 'must be kept entirely free from the teachers of any religion whatever.' These sectarian divisions had 'prevented any combined effort for the advancement of education' in the recent past. It was time, Wentworth said, for the government to show that 'the cause of education could no longer be controlled by religious bigotry.' He rejected the idea that this would be an 'infidel institution': 'Did it follow that because religion was not taught, that infidelity must be taught?'[17] He feared that there would be no end to conflict until 'the Established Church had gained the entire monopoly of the educational establishments of the colony.'

Colleges affiliated to the University could teach religion, and Wentworth referred particularly to Lyndhurst, the Anglican College established by Broughton. The Preamble, he declared, stated 'that it was for the better advancement of religion and morality, and the promotion of useful knowledge, &c.' Wentworth believed that increasing education and diffusing enlightenment would greatly advance the cause of religion.

The three major themes in this opening gambit from Wentworth were: the pursuit of a University on the same lines as the national system of schools; the threat of sectarianism to the progress of education; and the need for a University to provide an education for the youth of the colony so that they could fulfil the tasks of responsible government. This last was an important issue in the argument, since it was part of the underlying political agenda of the conservatives in the Legislative Council. John Hirst puts it neatly, the creation of the university was the defensive action of conservatives to protect the future from the democrats whom they saw as the harbingers of mob rule and the destruction of due order:

> The men composing the Legislative Council had very different views of how the future rulers of New South Wales were to be created. In October 1849 they unanimously decided to establish a university in Sydney which was to turn out well-educated gentlemen to fill the highest positions in the state once self-government was achieved. No one in the Council doubted that the high places would fall naturally to the gentlemen.[18]

Behind this reference to the future role of the graduates of the university lay the early and growing vibrations of political changes that would shake the colony and all who lived in it. Wentworth's proposal grew from a conservative view that the coming democratic forms of

government should be clearly under the guiding influence of the conservatives, the ‘exclusives’ of the colony. These conservatives had so far held a strong hold on the government of the colony. With the coming of growing vernacular democracy that hold would be threatened. In one sense therefore the founding of the university was a rear guard action by conservatives in the colony to protect their vision of the future of the colony.

On 6 September 1849 Wentworth moved the establishment of a Select Committee to consider the creation of a university. He began by saying that he did not want to provoke a discussion but ‘whatever difference of opinion there might exist, as to be the best mode of proceeding, no doubt, he thought, could be felt by any honourable member of that house as to the necessity of adopting some measures for affording to the youth of the colony the means of obtaining a more perfect education than was at present within their reach.’[19]

Wentworth argued that any university should not be collegiate in character. In the debates about the university the terminology of ‘collegiate’ gained significance because of the pattern in Oxbridge. Collegiate tended to refer to the pattern of church colleges in Oxford and Cambridge which provided most of the teaching for undergraduates and where religion had a powerful role. The two ancient universities were effectively Church of England establishments. Wentworth saw these colleges as the vehicles of the power of the church. In England, this Church of England monopoly was under challenge in a Royal Commission. In Sydney, there should be no religion and no religious tests in the university.

> He felt bound to say that the attempt to introduce any collegiate education into this colony, to be endowed at the public expense, in which peculiar tenets were to be promulgated, peculiar sectarian doctrines taught, should have no support from him. He believed if any higher system of education than had hitherto been obtained in the colony was to be perfected, it must be kept entirely free from the teachers of any religion whatever; and he did not hesitate to avow what his own opinion was—and it was the opinion he should advocate in the committee, that no religion at all should be taught in an institution such as he proposed; and if it should be found desirable to adopt any form of prayers, it must be such as would not violate the conscience, or shock the feeling of any class of denominationalists.

Wentworth went on to say that he envisaged that it would be entirely appropriate for denominational colleges to be affiliated to the proposed university and that these colleges might indeed teach divinity. He argued that higher education had been neglected by the government and that this reflected on the ‘tainted’ origin of the colony of New South Wales. In providing a higher education, such an institution would contribute to reclaiming the colony from this moral taint.

Wentworth was aware of international examples. He drew attention to the experience in Nova Scotia, using as his source Porter’s, *Progress of the Nation.* He referred to the way in which American higher education institutions had been provided for by means of lands and money grants made in Canada. He also referred to Iceland. Wentworth spoke of the great benefits that flowed from the wise investment in university education in these foreign places. Indeed, he claimed that he had heard that in the case of Nova Scotia, ‘the result of this extended education was, that there was no crime.’

The colonial secretary replied to Wentworth’s criticism of government inaction saying that the government had wanted to proceed but the ‘undeniable difficulty in the way of such a proceeding had been found in the opposition of the heads of the clergy of different

denominations'.

Mr Cowper, a prominent Anglican layman, said that Wentworth was mistaken in thinking that contests about education would abate. These, he said, were matters of conscience and would continue. Whereas, 'he (Wentworth) said he would have no religion at all taught there, but he thought without it, there could be no education worth anything at all. Nova Scotia, he said, was a church institution with a charter from the Queen which had only recently been changed. Education without 'sound religious principles . . . would be only rearing up more accomplished villains.'

Wentworth replied to these comments in vigorous style. He alluded to Anglican opposition from James MacArthur claiming that his statements reflected the spread of Puseyism in the colony. He agreed that the English universities were professedly Protestant 'whilst they were heretical at heart, he finally believed were to a great extent the insidious propagations of the church of Rome, which they would openly avow but for the revenues attached to the established church'. Here he is clearly alluding to the influence of the Tractarians at Oxford.

But during the course of his speech, Wentworth clearly indicated that he felt that the provision of higher education was related to the coming of responsible government.

He thought it was particularly incumbent on those who thought with him (Mr Wentworth) that the time has come when they should have responsible government, that they should educate people so as to fit them for the higher offices of the state. He did not mean to say that there were no persons in that house, and out of it, who had received European education, who were not as well fitted to fill these offices as their present incumbents but the mass of the youth of the colony were not; and should they fail to give them that education which would furnish them with the knowledge of the responsibilities they undertook, the achievement of responsible government would not be to achieve a blessing but the achieve the greatest curse it was possible to conceive.

A Select Committee was established and it reported to the Legislative Council a mere fifteen days later on the 21 September 1849.[20] The Committee recommended that a university should be established on a comprehensive basis. This university should 'belong to no religious denominations and require no religious test.' Furthermore, the governing body should be made up of laymen and its professors should all be laymen. The Committee said that they had given careful examination to such of the 'models of the old and the new world, as your committee have had access to', and then recommended that a senate of the proposed university should hold and dispense endowments given to the university, select and remove professors, establish a curriculum of education, 'to confer degrees in the various branches of literature, science, and art taught at the university', and to make by-laws and regulations binding on the professors, students, and members of the university.'

The rest of the report went on to deal with financial provisions for the proposed university and recommended that five professors should be appointed. The Committee's report finished with a considerable flourish as to the social reasons why the university ought to be established and complained that, except for basic education, the youth of the colony had to go overseas for higher education.

> For all beyond the mere rudiments of learning, we have still to send our sons to some British or foreign university, at the distance of half the globe from all parental or family control, as might be predicated, in most cases, with certain detriment to their morals; in few, with any compensating improvements to their minds.

On the second of October, a bill was introduced into the Legislative Council and on the fourth Wentworth gave his second reading speech in support of the bill. The university was to exclude clergy from it and the model that he took for the Bill was to be found in the University of London. The university itself was to examine and supervise colleges. Such colleges could be religiously affiliated. However, it was a secular university and such a secular university was, he argued, in the best interests of religion. The bill, however, lapsed, because it was not dealt with during the course of the then session.

There followed in the next six months a very great deal of debate. Petitions were received for changes to the bill from all over New South Wales and the churches, in particular, were opposed to the exclusion of the clergy. Both the Roman Catholic and the Anglican Churches pointed to the University of London as a model with a central university examining and awarding role and the teaching role lying with colleges affiliated with the university. In the following year, when a new bill was introduced two significant changes had been made. The Executive Council was to nominate the Senate of the university and the Senate was enlarged by four to allow clergy from each of the major denominations in the colony. The later London model, which included Kings College as well as the original University College, was simply excluded,[21] though the provision for the university to establish a teaching college itself was a departure from the London model. The Sydney model also provided for examination of extra mural students whose moral and religious activities could be regulated.[22]

On the l October 1850, the Act of Incorporation was assented to by Governor Fitzroy and the University of Sydney came to existence. It provided for the establishment of a university to confer degrees in arts, law, and medicine. The university was to be controlled by a Senate and there would be no religious tests for staff or students.

On the same day the bishops conference that Broughton had called began in Sydney. The University had come and Broughton and the Church of England did not control it. Broughton regarded it as an evil thing and would have nothing to do with it. Despite his fierce opposition the bishops concluded their conference with a resolution on the university that held out some prospect of further engagement.

> We are of opinion that the establishment of the University of Sydney may promote the growth of sound learning, and may in many ways assist the Collegiate Institutions of the Church of England in our respective dioceses.
>
> But while we are not unwilling that the students in our Diocesan Colleges and Schools should compete with all other classes of students in such public University examinations, on general literature and science, as may be established by a senate, appointed under ordinance of the Colonial Legislature, we should decidedly object to any University system which might have the effect of withdrawing from our own collegiate rule the students educated in our separate Diocesan Institutions.[23]

This somewhat ambiguous conclusion left a number of things open. Broughton seems still to have wanted just one college affiliated with the university and that it should be Anglican. The

bishops minutes seem to leave open the possibility of other colleges, but that the Anglican college should not be subject to the control of the university or the university college. Who was to teach whom and who was to examine whom and under what constraints remained a question to be resolved. The pattern of an examining university with its own university college was presumed in these questions and was the first thing to be challenged. Beyond this was a question about the place of religion in any arrangement. The members of the Church of England were to be divided on every one of these questions and in ways that implied important questions about power and jurisdiction in the church, and in effect what was to be counted as the church and for what purposes.

From Act to Inauguration

Broughton continued to oppose the university and to regard it as beyond hope. He regarded it as an infidel place and he forbade his clergy to be involved with it. He wrote to his friend Edward Coleridge in England in February 1851, saying he had refused a seat on the Senate, and then later in May 1851 he wrote at length about the university.

> . . . to call your attention to the concerns of our recently erected 'Sydney University' it is godless in its constitution; but having obtained £5,000 per ann: from the public funds, and being favoured and encouraged by the Government, is a most frightful and formidable instrument of evil. It will both attempt and tend to undo, and may to a great extent succeed in undoing, the good which you are striving to do at Auckland and Canterbury. It will be the great emporium of false and anti-church view in this hemisphere. It is ruled by a Senate of 18 or 20. Romancy, Unitarian, Wesleyan, Presbyterian, and the lowest of churchmen: Edward Hamilton, I regret to say, has accepted the office of Provost. They offered me a seat in this senate: and indirectly I had since had a higher bid: but I will not have anything to do with it.[24]

This comment is remarkable for the strength of feeling against the University and the language in which it is expressed. It is clear that Broughton will have nothing to do with the University. He forbad any clergy being involved in it. The 'godless' design to which he refers appears to mean the exclusion of divinity from the curriculum, and the inclusion in the Senate of clergy from other denominations. The sentiments of this letter point to Broughton's deep commitment to the pre-eminence of his own church nurtured by a mood of frustration and despondency. Wentworth was not far off the mark in claiming that the Protestant bishop would not be content unless the University were an Anglican institution. Here is drawn, in the sharpest terms, the conflict between the mentality of an Anglican Christendom and a society that was already religiously plural.[25]

The Senate of the university proceeded to create the institution envisaged by the Act. They advertised for professors with instructions to their nominated representatives in England that no clergy should be appointed. In fact, in England the scene was different and the instructions were not followed. Morris B Pell was appointed the first Professor of Mathematics. He had been a Fellow of St John's College, Cambridge. The first professor of chemistry and experimental philosophy was John Smith from Aberdeen in Scotland who was an extremely energetic and very liberal minded churchman.

The first principal of the University College was the Revd John Woolley who had previously been a Fellow of University College, Oxford and was a master of King Edward VI

Grammar School at Norwich. He was well connected in the educational establishment in England. His correspondence also indicates an awareness of the moves for reform at Oxford and that he identified strongly with them. His appointment to Sydney was a career breakthrough for him, having had a number of disappointments in establishing a school or academic career. He came to Sydney keen to make it work and probably to secure a stepping stone for a return to a post in England.

He had been strongly influenced by the educational ideas of Thomas Arnold which enhanced the professorial teaching of the university. Whilst the reforms in Oxford were 'reanimating and enforcing professorial teaching, in the hope of opening the university to different religious communities, it will be strange if in Sydney, without the difficulty of an Established Church and a theological faculty, we fall back upon an abuse from which Oxford escaped until the days of Laud'.[26] In correspondence with Henry Parkes, he urged that the teaching of the University should be done by university professors rather than in colleges.

Woolley arrived in Sydney 9 July 1852 and began to form his thoughts on the details of the university that he was to lead. It is very doubtful that he met with Broughton who in any case departed the colony five weeks later on 16 August to preach in Peru and to settle colonial church governance matters in England. The first he achieved but he died in London on 20 February 1853 without progress on the second. News of his death did not reach Sydney until 25 May 1853.

We know from later correspondence from Woolley that he met with Allwood before the meeting of the Senate meeting of 21 September 1852. It is unlikely Allwood met with the new Principal of the university before Broughton departed the colony for England on 15 August, which means the meeting took place between these dates. Allwood was the Principal of the Lyndhurst College even though it was in 'abeyance' at this time. It was thus quite a natural thing for these two to meet and further for Allwood as a long resident cleric in the colony to take the initiative, as Allan Atkinson suggests.[27] Allwood's personal style and open approach to issues that were important for the place of the church in the colony were warmly appreciated by Woolley. It was a moment for practical common sense and finding a way forward, skills with which Allwood was well endowed. The meeting went well and encouraged the move to dispense with the college structure as a way of meeting the objections of the church group.[28]

Once in Sydney the professors discussed their situation as professors of the University College. They focussed on the meaning of college in common understanding and the purpose of the university. Woolley and Pell wrote to the Senate in September 1852 in the following terms.

> In the design as we understand it—that the university makes no attempt to *educate*, but furnishes instruction in those branches of learning which all may pursue harmoniously together—has no objection to the affiliation of institutions by religious bodies, to provide home tuition, and religious teaching for members of their own communion—we are assured that very many hitherto unfriendly, heartily concur.
>
> What we venture respectfully to suggest is that the name of 'college', as conveying no practical meaning, but giving occasion to misconception, should be discontinued.
>
> That Professors should be styled 'Professors of the University'; and that, *as a general rule*, all matriculated

students should be required to attend their lectures.[29]

A second letter modified this. ‘The question of compulsory attendance, though thinking it ourselves, most desirable, we will not include in our request’.[30] Woolley also wrote to Nicholson reporting on a meeting with Allwood.

> The abolition of the name ‘college’, making no change whatever in the proposed regulations for students or professors,- would remove the only hindrance to the hearty cooperation of a very influential body . . . This being done their pupils will come to us. Otherwise they will, I conclude, keep aloof, *except for examinations*.[31]

On 21 of September 1852, the Senate agreed to a form of this proposal. The lectures of the professors would be compulsory for all matriculated students except those belonging to an affiliated college.

Nicholson provided a rationale for this in terms of the new vision for Cambridge and Oxford following the Royal Commissions in England, that they were not following the Queens College model and that the changes had been made for purely academic reasons. Further that the removal of the term ‘college’ would remove the objection of ‘an important religious interest’, according to a ‘high authority’. These decisions became public a few weeks before the inauguration of the university on 11 October 1852 at which the two leaders of the university at this time laid out their vision of the university.

From Inauguration to land and Endowments for Colleges

11 October 1852 a great ceremony was held in the presence of the Governor to matriculate the twenty-four students to the university and to note the inauguration of the institution. Once the students had been signed into the matriculation book the inauguration ceremony began. The reporter from the *Sydney Morning Herald* noted the arrangements. In the audience were clergy from all denominations including Allwood from St James Kings Street, who had been acting as principal of the Anglican college at Lyndhurst, but not bishop Broughton who had left two months before for England, nor the Roman Catholic Bishop Bede Polding. The hall was decorated with shields, the coat of arms of England above the Governor and on either side the shields of Oxford and Cambridge. Over the Registrar’s chair was a blank white shield for the new university carrying only the motto ‘I will achieve’. Only ten of the Senate were present and only one of the clerical members. The imagery was significant of the changes and the struggles ahead. London University was absent, an absence that would be confirmed by the speeches to follow.

The speeches of both Nicholson and Woolley at the inauguration of the university sought to deal with the question of the relationship between religion and the activities of the university in such a way as to put forward the idea that an entirely secular university in *its organisation* and in its teaching was not only compatible with but promoted Christian religion and morality. The act of incorporation itself indicates that theory in the Preamble. Secular instruction means teaching subjects other than divinity. A secular university means that it is not narrowly denominational, or ecclesiastically controlled.

At the inauguration, two major speeches were delivered. One by Sir Charles Nicholson,

the Vice Provost, and the other by Professor John Woolley, the Principal. Nicholson began by explaining the background to the establishment of the university and the purposes envisaged by the Act. 'In the year 1850, the Legislative Council passed an Act to incorporate and endow the University of Sydney. The Preamble to the Bill declares it is expedient for the better advancement of religion and morality and the promotion of useful knowledge, to hold forth to all classes and denominations of her Majesty's subjects resident in the colony of New South Wales, without any distinction whatever, an encouragement for pursuing a regular and liberal course of education.'[32]

Nicholson went on to argue that the university was distinctive in its comprehensive design and that it is open to all religions and classes because it would dispense 'mere secular instruction'. 'Limited to no sect and confined to no class, its sphere of action was calculated to embrace men of every creed and of all ranks. Dispensing mere secular instruction and leaving the inculcation of religious truth to the spiritual guardians of each denomination of religionists, the University presents the widest possible area for all who are willing to come within her precincts.' It would be improper, he said, to include revealed religion as a special element in the teaching of the university.

> Such a proposition would be totally inconsistent with the spirit of an institution established and maintained from public funds to which all alike can contribute, and in the benefits of which all have a right to share. In thus abstaining from blending secular and religious teaching, neither the legislature nor the present conductors of the institution can permit it to be inferred that such a separation is to be held as implying indifference on their part to those higher objects of revealed religion, upon the due perception and practical observance of which the happiness of all both here and hereafter must depend. It is not because we abstain from inculcating, that we ignore the existence of dogmatic truth. Rejoicing in the blessing of religious freedom, and believing that religious convictions are the most valuable of possessions, we leave the guardianship of them to parents and teachers, whose special function it may be to assume and to exercise a trust.

Clearly, Nicholson's conception of the University as a secular institution is related directly to the necessity that it should be comprehensive and open to all. The very fact of the plurality of denominational differences within the community which is supporting the university means that no one religious community can be dominant or in control at the University. The logic of his position is that there is a common non-dogmatic secular or non-denominational kind of truth which is not incompatible with revealed religion and indeed can be seen to support the benefits of revealed religion and to which the university should commit itself. Furthermore, that this relation between secular truth and religious truth does not require that it be embraced within the one institution.

Nicholson also repeated the argument that Wentworth had deployed in the Legislative Council namely, that the University's education would fit people 'to discharge the duties and offices belonging to the highest grades in society; to enable her citizens to become enlightened statesmen, useful magistrates, learned and able lawyers, judicious physicians; to enable each and fine, to discharge with credit and ability the several duties belonging to the particular station in life in which God's providence has placed him.'

John Woolley followed Nicholson and drew attention to the social significance of the establishment of the University.

> Amidst the social and political revolution which is going on before our eyes, fraught in many respects with the

> elements of anxiety and alarm, there is no circumstance more suggestive to a patriotic mind of sober exaltation and rational hope than the foundation in the bosom of our society, by the unaided, unsuggested act of that society itself, of the first colonial university in the British empire.

Wentworth must have wondered within himself as he sat and waited for Woolley to say that the university had been established on the model of the University of London, which model he had hoped would flourish and grow. Instead, Woolley, declared, 'I stand as the representative not only of one of our ancient universities, but of the oldest collegiate corporation in Christendom',[33] clearly alluding to his education at Oxford. Furthermore Woolley declared that

> true religion and sound learning cannot brook to dwell apart; the foundation of faith can never be finally impaired by knowledge . . . The passions, but still more, the misconceptions of men have rent the bond of brotherhood asunder, they that worship our common Lord may no longer kneel at a common altar; and in a national school of learning, theology would now tyrannically usurp that pre-eminence which he blamelessly enjoyed of old.

He referred to the need for colleges of residence to provide corporate supervision and care for country students who need to reside near the university. Thus, envisaging the establishment of church colleges associated with the University.

Nicholson saw the teaching of the university as serving the pursuit of religion. As students shared in study they would find a capacity for shared endeavour and thus serve the common pursuit of religious truth, which they might engage with in another place. He articulates a notion of commonality in the pursuit of truth in the secular subjects as in religion. He reflects here a common view at the time that 'progress would produce an ultimate harmonious world in which there would be a balance established between the material and the spiritual, the universal and the particular'.[34]

Woolley had a somewhat different understanding from this. Although he had explained to the appointing panel in England that he was ordained purely to comply with the requirements of being a schoolmaster in the schools where he taught he nonetheless did preach while he was in Sydney as a clergyman, and he was also clearly a Christian. Greg Melleuish describes him as 'essentially a Christian Platonist trying to adapt spiritual principles to an era dominated by the idea of progress'.[35] This well formed philosophical framework was on display in this Inauguration address. God 'has designed and commanded us by the right use of material symbols into harmony, and attune our faculties to the work in which they engaged.'[36] Education is thus a matter of 'the mind searching for Divine music'.[37] This is not simply shared endeavour but an overarching conception of education. It is part of this vision that he sees poetry, and in particular the poetry of Tennyson, as part of this straining after the divine and that poets stand on the frontline of the battle against materialism. Tennyson and his fellow poets are 'literary apostles' whose poetry has 'smitten the Goliath of materialism with the sling of spiritual aspiration'.[38]

It is no wonder that any suggestion that he could not comment on any metaphysical aspects of classical texts, as had been suggested to him as a result of the later church agreement, would have been quite fundamentally objectionable. It was he said at the time a resignation issue.

The period following the inauguration was a time of open conflict within the church as different responses to the emerging university were pursued and conflict between some of these elements with different parts of the University. The shadow of Broughton fell over these events for a short time but eventually his English Christendom instincts faded to insignificance.

He had faced increasing alienation of his church from the broader stream of social development. In a letter to the SPG the previous month he complained that the Diocesan Committee was ‘drawn over to the adverse side’ and prepared to co-operate with the university. Even the best of colonial men were coming to think that dogma was too narrowing and liberalism more open to the spirit of the age.[39] The social and political character of the colony was being changed by the discovery of gold, the separation of Victoria and South Australia as independent colonies and the looming arrival of representative government which seemed to imply the incursion of the populist element into populist government.

But in the end, he was not able to embrace the changes in the social culture around him and he was so emotionally enmeshed in the structures of the old High Church instincts and their christendom framework that he had absorbed in his youth, that he could not embrace the implication of what he clearly saw in his mind. He saw the Royal Supremacy was dead, he saw that an independent constitution for the church was necessary, but he was not able emotionally to engage with the options at hand.

When Broughton left Sydney on 16 August 1852 Selwyn and Nixon were ostensibly the senior Bishops in the church, but they were in distant Tasmania and New Zealand or travelling around the Pacific. Tyrrell in Morpeth, also some distance away, nonetheless was asked by Broughton to deal with the university in his absence. The day before he left he made Allwood, Grylls and Walsh canons of the cathedral and together with Archdeacon Cowper handed over to them the management of the Diocese Sydney.[40] Broughton had left a heritage of determined opposition to the university. He had rejected the governor’s overture for involvement in the university senate in return for support for the project. He scorned the idea of supporting an institution he continued to regard as godless and infidel. He chose rather to see the future in terms of his own college growing in strong opposition to the new university. In practical political terms his position had become untenable.

Tyrrell Cowper Memorandum 8 November 1852

Less than three months after Broughton left Tyrrell produced a memorandum on the subject that was jointly signed by Cowper, Broughton’s commissary while he was away. They declared at the beginning their intention ‘to provide superior education for the members of their church, by the establishment of a College’.[41] Tyrrell arrived in Sydney 5 November 1852 staying with Cowper. Their memorandum, dated 5 November, was published in the *Sydney Morning Herald* 8 November over both their names. Also published with the memorandum were separate letters from Walsh and Allwood dissociating themselves from the memorandum. The tone of the memorandum was very different from that used by

Broughton. It was much more sympathetic to the university and the value of teaching secular subjects. The fundamental objection was to the exclusion of the teaching of religious Knowledge, or Divinity, from the curriculum of the University. That had not changed by the removal of the University College. They

> acknowledge the necessity of providing able instruction in literature and science for the complete education of the students in their college, and their more than willingness to have that instruction imparted through the professors of the Sydney University, if such an arrangement could be made without the sacrifice of principle.[42]

They say that a university with affiliated colleges on the right principles could confer invaluable benefit on the Australian colonies, but 'if carried out on its present defective principles, cannot prosper, because it will never obtain general support, and is destitute of that element which would save it from destruction and decay.'

Their proposal was threefold:

- That the government should make the same allocation of six hundred pounds as is given to literature in the University and that these funds should be divided amongst the churches equitably according to the census of 1851 according the usual government regulations for grants to churches, namely a government grant of one pound for every pound subscribed by the church members.
- That the prizes for divinity should be allocated on an equal share with science and literature.
- That there should be inscribed on each degree diploma words to the effect that it has been certified to the Senate that the candidate has 'attended and received the religious instruction of his own denominational college'.

These terms were offered as a basis for the support of the bishops and clergy of the Church of England.

The memorandum was written in the context of moves for the Church of England to establish its own college which Broughton had instituted before he left. They say 'it has been the earnest desire of the undersigned to find out some remedy for the absences of all religious teaching in the University, so that they might not be compelled to found their own college unconnected with it, and thus stand aloof from an institution which they sincerely believe was founded for the public good'.

Tyrrell published this memorandum in the *Sydney Morning Herald* on 8 November 1852 together with his correspondence with The Revd Robert Allwood from St James King Street and The Revd WH Walsh from Christ Church Sydney. In general Walsh agrees with Tyrrell but insists that nothing should be done before the views of Broughton had been ascertained. However, Allwood's letter is much more significant. It revealed that he had consulted with both clergy and laity in the sydney Diocese on the question of the University and also with the recently arrived new Principal for the University, John Woolley. That conversation had gone well as Woolley reported to Nicholson.[43] He had seen the petition of the professors seeking the abolition of the University College and the transfer of the professors to the

University where their teaching would take place. He had objected to the initial arrangement of teaching being done in the University College and to the fact that religion would be excluded from this teaching.

It is worth quoting the following section of his letter fully for the dynamics at play.

> Previously to the inauguration I had much conversation with influential laymen in the Church, as well as with many of the clergy, and with two of the Professors of the University, on the cause which prevented the clergy from co-operating with the University. This I declared, as I considered it, to be the University College with its anti religious features. I believe this to the obstacle which caused the Bishop of Sydney to decline a seat in the Senate. I imagined it to be the obstacle which prevented your Lordship having anything to do with it. I know it to be the stumbling block with many members of the Church of England, lay as well as clerical.
>
> When therefore I received a letter from Dr Woolley, informing me that the professor of the university had memorialized the senate for the abolition of the College, as tending to a misconception of the real object of the University, that they had strengthened their request by the statement that they had reasons to believe the Church of England objected not to the University but to the College, considering that it bore the appearance at least of a model of educational establishment with religion left out, that in the event of such concession they further believe that the Church would sanction and assist in the founding of a theological college in connection with the University. I confess that when I received the information conveyed in Dr W's letter with unmixed satisfaction, I considered that the great obstacle would now be removed by this concession on the part of the Senate and the way be open to the Church of England without any question of principle to co-operate cordially with the University, the Church of England availing herself of the superior means of instruction in art and sciences provided by the University, whilst her own important and legitimate purposes and duties would be undertaken by her without interference from without, viz.: the moral and religious training of her own children in her own college.
>
> Under this conviction, I wrote to Dr Woolley conveying to him of my hearty concurrence in the memorial of the Professors, and that I had every reason to think that the opposition of the Bishop of Sydney would be removed by this concession, and the earnest assistance of the great majority of the clergy of the diocese would be delivered.
>
> The Senate, as your Lordship is aware, complied with the prayer of the memorial, upon which I wrote immediately to the Bishop of Sydney, informing him of what had taken place, in the full expectation that my communication would be the subject of much satisfaction to him.
>
> Thus the case stood until your arrival in Sydney Friday last, and it was with no little dismay that I learnt from you that you were convinced that the Bishop of Sydney would not approve of what I had done, that as far as you had consulted the clergy of your diocese, they were unanimous in saying that the abolition of the College did not remove the objection to the University, and that unless there was on the part of the University a distinct recognition of religion and as by you proposed in the memorial to be sent to the senate, you could not sanction the suggestion of any Church of England College in connection with the University.
>
> Under these perplexities, arising from the grave doubts which I now entertain with respect to the propriety of co-operating with any educational institutions, which omits religious teaching, and from our difference of opinion with respect to the sentiments of the Bishop of Sydney on this subject, I feel bound to abstain from taking any steps towards the institution of a Church of England College in connection with the Sydney University, until my present doubts are removed, and I have clearly ascertained the sentiments and wishes of my diocesan.[44]

In short Allwood had been active in this matter well before Tyrrell had arrived in Sydney from Morpeth. He had initiated negotiations with the recently arrived new Principal of the university and opened up practical ways of dealing with the key issues as he saw it from the

standpoint of his knowledge of the clerical and lay members of the diocese and his direction of St James College. A gap had opened up between events locally in Sydney and Bishop Tyrrell distantly located in Morpeth.

A Tetchy public argument between the Bishop and the Vice Provost

At the same time a tetchy public argument was developing between Tyrrell and Nicholson. Tyrrell's public memorandum brought an immediate somewhat lofty response from the Vice-Provost, Charles Nicholson. He mistook Tyrrell's intention to share any endowment amongst all churches, and declared that it would be completely against the spirit of the Act to make such a provision. He drew attention to the provisions at London University and the involvement of Anglican bishops in that university.[45]

Clearly irritated by Nicholson's letter Tyrrell returned fire in a letter from Morpeth dated 12 November, but published 19 November.[46] He took Nicholson's letter paragraph by paragraph. He made much of Nicholson's mistake in attributing to Tyrrell a claim for the Anglicans to have the endowment, whereas Tyrrell had suggested a proportionate disbursement amongst all churches according to the census. Having made this point with detailed figures he offered a significant commentary on the developments in the university.

> By this appropriation, every one of Her Majesty's subjects in New South Wales would have the same fair and equitable proportion of the University funds, without any distinction whatever, as an aid and encouragement for pursuing the religious, which is the most important branch of a regular liberal course of education. How, then, can this proposition be said to be against the spirit of the Act of Incorporation? It is a sad truth that any provision for, or recognition of, religious teaching, was against the spirit of the first framers of the Act of Incorporation, who by express enactment, attempted to exclude ministers of religion both for the Senate and the Professorships, from every post of honour, or of usefulness, in their university: but this spirit has, we trust, passed away, and the majority of the senate would not sanction the total absence of religious teaching only from the seeming impossibility of providing for it.

While Tyrrell might be correct in relation to the 1849 Bill, the Act of 1850 expressly included clergy in the Senate and it had been made clear that clergy could teach in the university. Tyrrell was making the most of this Charge, though in fact it was Broughton who banned clergy of his church from taking any teaching post in the University and it was Broughton who declined a place on the Senate and again forbad any of his clergy taking up an invitation to join the Senate.

Tyrrell also took some trouble to point out the differences between the University of London, an examining body not a teaching body, and the University of Sydney, a teaching and examining body. The University of London had an examination in scripture and awarded prizes in this subject. If Sydney followed exactly the model of London then the local clergy would support it. However, he is doubtful that Nicholson would be zealous in seeking a change in the Act to make it resemble exactly the university of London, since he 'dwells with such satisfaction on the 'almost literal' resemblance of the Universities of Sydney and London.' If he were open to such a change then he would secure the 'cordial co-operation of the clergy and the laity of the Church of England in the united Dioceses of Sydney and Newcastle.' Just to emphasise the point he added a brief history of the university of London.

Nicholson was back the next day in strong and unyielding terms.[47] He advised Tyrrell to apply to the Legislature if he wants the endowment to be shared amongst the churches, 300 pounds for the Church of England and 30 pounds for the Wesleyans, clearly an example to suggest special interest. He produces more detail on the London situation of religion and its scripture exam to suggest that Tyrrell was not telling the whole story. He criticised Tyrrell for sneering allusions unworthy of someone in his position. He began his letter by saying that he had neither the time nor the inclination to enter into a newspaper controversy with Tyrrell and ends his letter with even more fiery words. 'It is too bad, that those who are either incapable or unwilling to do anything for the cause of advanced education, should thus systematically decry the efforts of those who are anxious to promote that great object.'

One cannot but wonder what Tyrrell thought he was going to achieve by such a correspondence with the Vice Provost of the new University. It involved a renunciation of the clear intention of the University Act. It was taken up with historical details which in large measure had been left behind in the developments of the previous weeks between Broughton's departure and the momentous event of the inauguration of the University the month before. Tyrrell appears to be significantly out of touch with events in Sydney and arguing for a lost cause.

Tyrrell addresses the question of how religious teaching can be funded rather than within what institutional framework it might be secured. Funding would be a later question, as it proved to be in the case of the colleges. It was still at least theoretically open to think of an affiliated college in which there would be religious instruction but the prospects of the Church of England. But those involved in Sydney had concluded that in practical terms this was not really possible. But the most telling paragraph in Nicholson's letter pointed to the internal church situation which was different within the diocese of Sydney from what it seemed to appear to Tyrrell. Of course the founders of the university thought that it would be an institution for the colony as a whole, which would clearly include the territory of Tyrrell's diocese. However, the university would in reality be in Sydney and would in that respect claim the attention and involvement of the Church of England in the Diocese of Sydney.

In those terms Nicholson boldly tells Tyrrell that neither he nor the archdeacon of Cumberland have any right 'to be considered as expressing the sentiments of the clergy and members of the Church of England in this Diocese, on the question to which their joint memorandum relates'. More than that Nicholson rejoices 'my friend Mr Allwood has abstained from a course that I know to be the opposite to the declared wishes of many of the clergy and influential laity of the Church of England, who are anxious to participate in the advantages of that liberal system of education, which is held out to them, in common with all other classes in the colony'.[48]

Tyrrell was understandably irritated by this letter and responded immediately,[49] though it was not published until 19 November, thereby illustrating the delays occasioned by the distance of Morpeth from Sydney. Tyrrell addresses Nicholson's reference to this issue by stating correctly that the university was planned to serve the whole colony and adds that the Provost of the University, Hamilton, lives in the diocese of Newcastle and he continues in that office 'though it is understood that he has more than once intimated his wish to resign'. Tyrrell devotes most of his letter to defending his interpretation of the structure of the

University of London and its model for the University of Sydney.

The following day Nicholson was back in the columns of the *Sydney Morning Herald* declaring that he has neither the time nor the inclination to enter into a newspaper controversy with the Bishop of Newcastle.[50] He responds to Tyrrell's funding issue by referring him to the government to change the Act. But then he returns to the more political question of Tyrrell's relevance in the matter. He repeats his view that Tyrrell's memorandum 'does not represent the feelings or views of the members of the Church of England generally, whether clergy or laity. He adds a telling point that 'every clergyman with whom I spoke on the subject of the University *prior* to the recent visit[51] of the Bishop of Sydney—expressed his approval of, and good wishes towards the Institution. It would be alike painful and humiliating to pursue the history, or to enquire into the grounds for the change of opinion which any of these gentlemen may have arrived at, *since* the period above referred to.' Perhaps we see here Nicholson the politician but even so it echoes something of the strong negative lay reaction to Broughton's proposal for church governance which had filled the parishes and the papers just nine months earlier.

As a parting shot Nicholson states that Tyrrell's views about Hamilton wishing to resign as Provost contradict the facts and Tyrrell's language about the university are 'unworthy of someone holding the so dignified and grave an office as that filled by the Bishop of Newcastle'.

His concluding flourish is damning.

> A standard and means of education have been provided for the youth of the colony in the Institution of the University, that merit very different language from that employed by his Lordship. It is too bad, that those who are either incapable or unwilling to do anything for the cause of advanced education, should thus systematically decry the efforts of those who are anxious to promote that great object.[52]

This vigorous exchange of letters between Nicholson and Tyrrell appeared between 8 and 19 November. Tyrrell wrote a response to Nicholson's last letter the same day but it was not published in the *Sydney Morning Herald* until 25 December. It was a long and summarising letter tracing the issues of education in the colony.

The question of the role of religion in education was abroad in the community. In the same issue of the *Sydney Morning Herald* Richard Sadleir contributed to this debate. Sadleir was a life long evangelical member of the Church of England and had been deeply involved in organising the lay protest against Broughton's proposals for church governance. In his letter he pleaded for a compromise between the two extreme positions of the contenders. In an echo of earlier debates about schools he argued for a role for a Professor of Biblical studies so that there might be a teaching of the general tenets of Christianity.

> To pacify this rivalry of denominations, we become, though a Christian nations, *intolerant* of Christianity, and would exclude THAT which is the very source of our social happiness and our national greatness (which is founded not upon wealth, but moral power) . . . We would teach youth, as he puts his foot on the very threshold of our University, that Christianity cannot be associated with 'a regular and liberal course of education,' and that we libel the word of eternal wisdom.[53]

Divisions on how to approach the university were emerging into the light of day from within his own church. Less than a month after the Nicholson Tyrell correspondence Edward Hamilton, a prominent pastoralist in the Upper Hunter valley and lay member of the Church of England in the Diocese of Newcastle, published a letter in the *Sydney Morning Herald* correcting an impression given by Tyrrell in other correspondence that he had on more than one occasion wished to resign from the position of Provost. His reply is telling.

> The principles of the institution I accept, however, reluctantly, as the only solution to the difficulties presented by the conflicting claims and pretentions of the different sects of Christians. It was a matter of great satisfaction to me to find that many of the clergy of the Church of England attended the ceremony of inauguration; and I cannot but think that if they enjoyed the same rights as the freehold tenure of living gives to their brethren in England, this lamentable revocation of the sanction of our institution would not have ensued.[54]

Thus, a prominent figure and Anglican layman claims the clergy are unfairly, perhaps even improperly, restrained by the bishops and in particular by Broughton, from supporting the new university. Hamilton was appointed Provost of the University but being so distantly located in Cassilis in the Upper Hunter Valley he was an irregular attender at Senate meetings and did not attend the Inauguration. He resigned in 1854 when he left the colony to live in England.[55]

At the other end of the social spectrum the young curate of Archdeacon Cowper, Robert Letherbridge King, wrote to the Herald to attack an advertisement calling for a meeting that week at St James Church to plan for the establishment of a Church of England College at the University.[56] Such a meeting was clearly an initiative intimately connected with the conflict over the character of the University. He declaims that the Bishop of Newcastle and the archdeacon are the sole representatives of the Bishop of Sydney and that the archdeacon and the Bishop of Newcastle have recently declared publicly that they cannot join such a scheme ‘until serious alterations have been made in the Sydney University’. He went on to attack the university as a godless place and made a number of clearly inaccurate statements about the University. He was, of course, a young clergyman in his first curacy and we may be reading the name of King but hearing the voice of his rector the archdeacon.

Nonetheless this public activity shows that the total opposition to the university presented by Broughton was not only being somewhat moderated by Tyrrell but was also fracturing within the Anglican Church in Sydney. Active public dissent from some leading laymen in the church was emerging and it was focussed around the establishment of a Church of England College affiliated to the University.

Sir Alfred Stephen and The Queen’s College Project

The meeting, to whose advertisement King objected, was held on 15 December in the St James School room in Philip Street where Allwood was the rector.[57] Allwood was apparently not present at this meeting, perhaps having been warned off by his interaction with Tyrrell the previous month.[58] The Chief Justice, Sir Alfred Stephen, was elected chairman and three resolutions were passed. The first welcomed the foundation of the university as a ‘means of imparting secular knowledge’. It is worth noting the use of the term ‘secular’ in this

resolution. As can be seen in earlier stages of the founding of the university the term has no anti-religious connotations and simply characterises the non-divinity subjects of a curriculum, subjects that serve non-clerical, that is to say secular, vocations. The other resolutions are so significant in terms of the rising force of dissent from episcopal leadership in the church that they constitute one of the most important decisions by Anglicans in relation to the university of Sydney. The first resolutions was:

> That it is at the same time matter of deep regret that circumstances over which the Legislature could exercise no legitimate control, precluded it from conferring upon the University, in addition to the cultivation of science and letters, the Charge of religious and moral teaching of the student,[59] and that it has therefore become the duty of members of the Church of England promptly to make provision for the moral and religious superintendence of their youth, by the establishment of a separate College, independent as to its internal discipline and rules, but in permanent alliance with the University as presently constituted.

This resolution is striking in a number of ways. It says that the decision of the Legislative Council not to include religion in the curriculum was beyond the capacity of the Council. The reality is that there was no appetite at all in the Council to do such a thing. The second point is of the utmost importance in understanding the church situation when this privately assembled gathering chaired by the Chief Justice of he colony with both lay and clerical people present, but no bishop, undertakes as members of the Church of England to start a college for Church of England youth. There were of course voluntary societies of Church of England people that were formed for missionary educational and welfare purposes. Though the principal supporting society for the diocese of Sydney at this time had been the SPG, which was the bishops' society in England. But strikingly this new group at St James were of a mind to approach the university and the government as a Church of England body. If a voluntary association of this kind can act in the name of the Church of England what then is the Church of England in the diocese of Sydney and what role did the absent Bishop Broughton's commissary have in such a move?

At this point the Revd RL King, the young curate of Archdeacon Cowper pursued the point of his earlier letter to the Herald by moving an amendment to defer all action until Broughton returned, noting the 'unqualified refusal' of the Archdeacon of Cumberland, Mr Cowper (Mr King's rector) to sanction the establishment of any college affiliated to the University under its present regulations. Rather he said it would be better to wait so that any college would have a 'real connection' with the Church of England'. His amendment was defeated. Worse for the young campaigner a second resolution was agreed by the meeting inviting all the clergy of the Diocese into the project.

> The clergymen of the Diocese desirous of co-operating in the objects of the preceding resolutions, together with the following gentlemen (with power to add to their number) form a Committee with full powers of conference with the Senate of Sydney University, of collecting subscriptions and donations, and of taking such other steps as may be desirable to carry into effect the objects proposed.

The committee appointed was Sir Alfred Stephen CJ, Mr Thacker, Mr Thomas Holt jun., Mr Charles Kemp, Mr James Norton, Mr Robert Johnson, Mr T S Mort, Mr Croft, Sir Thomas Whistler Smith, The Revd George King, Mr J F Josephson, Mr Charles Lowe, Mr J R Hirst, Mr W T Cape, Mr M Metcalfe, Mr T W Smart. Secretaries: The Revd Alfred Stephen, Mr

Robert Johnson.[60]

The significance of such a meeting and its decisions could not have been lost on Tyrrell, or Cowper. The people involved were not just the A Team of local colonial authority and power; they were also leading lay members of the church. Numbers of them had served on the diocesan committee and were public supporters of the church and indeed of Broughton. These influential people were now inviting clergy to engage in a project manifestly lacking the support of Bishop Tyrrell, Broughton's designated representative in this matter, and moving in a direction directly contrary to Broughton's clearly stated policy. This was a more elite and vastly more significant form of dissent by the laity than Broughton had seen previously in relation to church governance and synods. As on that previous occasion clergy were incorporated in this move, and all clergy in the Diocese were now invited to join in with this movement. The Chief Justice, Sir Alfred Stephen, did not give just nominal leadership of this cause; he spent endless time and energy promoting it.

The Revd Alfred Stephen, the son of Sir Alfred Stephen, and Mr Robert Johnson were appointed to act as secretaries. The young Alfred Stephen was the only person in this group who had graduated from an English university, in his case Cambridge. This group represented a very elite form of dissent. Two days after the meeting Alfred Stephen Jr, Walsh's curate at Christ Church and one of the secretaries appointed at the meeting clarified this resolution in relation to the practices at Cambridge as far as religious instruction is concerned.

> that each College, in one way or other, supplies this deficiency by not permitting ANY candidate to present himself to the University for the B. A. degree, who has not regularly attended both the chapel services, and in some cases the divinity lectures in his own hall or College. This is precisely the course which will, it is understood, be pursued, with the consent of the University in the proposed affiliated College. And this being the case, the great though unavoidable defect of the Sydney University, at any rate as regards the members of the Church of England, will be wholly remedied. The same remedy is of course equally within the reach of other religious bodies.

Here in a nutshell is the bones of what was to become the Anglican compromise. Tyrrell wanted to change the University on religion. Stephen wanted to find a way around what he saw as an immovable obstacle. Yet lacking was the agreement of the University to such a requirement about religious instruction before graduation. While in Cambridge it might have been possible for colleges to control whether a student was presented for graduation, that power in Sydney lay entirely with the University.

There are two streams at work here. On the one hand, there is the inherited authority of the bishops enhanced in the colony by the absence of the moderating lay institutions in the governance of the Church of England in England. On the other hand, there is the question of actual power within the church. Broughton had learned to his cost in relation to synodical governance in the church that the laity were determined to have a strong voice and they effectively frustrated his wishes in this centrally important matter. In the case of the university it was a question of who represented the church in such matters. The young Mr King, Cowper's curate, claimed that the meeting lacked real connection with the church because it lacked the support and authority of the bishop. The meeting acted in defiance of this conception of the church. As members of the church they were capable of taking an

Anglican initiative. This initiative also pointed to lay churchmen being determined to see a place for Anglican influence in the tertiary education of lay people. Wentworth had declared in the 1850 debates that he was mainly concerned with education for lay people. The same focus is present in this meeting chaired by Sir Alfred Stephen and it also reflects his long-held views.

Tyrrell's continuing public argument to change the University

On 11 December 1852, just four days before the meeting in St James Hall Tyrrell had written from Morpeth a long and detailed response to Nicholson's letter of 19 November. It was published in the *Sydney Morning Herald* on 18 December, the day after the publication of the minutes of the meeting. Again, he refutes the letter paragraph by paragraph. He disputes the claim that Sydney was modelled on London. He quotes from the letter sent to the English representatives who were to select the professors for the University of Sydney that they were to appoint professors of the college and not the university. However, by agreeing to the memorial from the professors to the Senate they became teaching professors in the University. The deliberate exclusion of religion from that teaching constitutes a contradiction with the preamble, which had been copied from London, and had arisen because of the actions of the Senate in relation to the college. Thus 'the claims of advancing religion is true in the case of London, it is utterly devoid of truth in the case of the University of Sydney'.[61] This is in plain contradiction of the argument made by Nicholson at the university inauguration ceremony. Tyrrell and Nicholson had clearly got their horns locked on the place of religion in the University.

Tyrrell returned to the columns of the *Sydney Morning Herald* on 25 December with a very long letter in which he set out general principles of education rather than responding to the correspondence of others. He confronted the issue of plurality of religious denominations and claimed 'the difficulty arises from the existence of these different communions, with their conflicting principles and claims.'[62] He believed that their political equality 'affords the only sound solution to the difficulty'. He dismisses the idea of giving up all public provision for education or religious worship and also the idea of providing only for instruction in secular subjects. So, the question becomes what is the best mode of providing for religious instruction in a society composed of different religious denominations. He then offered an extended comparison of denominational schools and national schools on the basis of how far they respect the totality of the religion of the various churches. He rejected the idea that you can divide the faith into compartments. Each formulation of the faith in the various traditions is entire to itself.[63] The national school system is thus wrong in principle, its claimed practical advantages are non-existent and it is dangerous in practice. On the other hand, the denominational schools 'can provide the best and highest secular instruction' and also imparts 'in all its completeness, that religious instruction, which parents of the child or student conscientiously believe the best.'

Tyrrell continued this line of argument into the tertiary level and placed his assessment of the university in its terms. He criticised Nicholson's claim that the University of Sydney was

the first to mark distinctly the boundary between secular instruction and education generally. The way forward was to be found in the denominational system ‘by supplying, through the denominational colleges the teaching of religion as is suggested in the memorandum’, or leaving all teaching to the colleges. Those who wish to teach the secular subjects without any religion can form their own college for this purpose on the same basis as the denominations must form their colleges. That would be the fair thing to do.

In relation to the university and the Queens College project he laid down a very strong line of authority which was necessarily addressed to both lay and clerical members of the church.

> The tendency of such a system is so irreligious, so likely to tend to ignorance and indifference with respect to religious truth, that communicant members of the Church of England cannot countenance, or co-operate with it, unless the religious element be imparted to it, and the teaching of religion be duly provided for, encouraged and recognised.[64]

Right at the end of his letter he addresses the Queens College group directly.

> On this important subject, I do not yet despair of unity in sentiment, and union in action. Those members of the Church of England, who, doubtless with the best intentions, have begun a movement in Sydney, for the establishment of a Church of England College in connexion with the Sydney University, will soon find how difficult the task is which they have taken in hand. When they become aware of these difficulties, may they be induced to pause-simply to pause, until the return of their aged Bishop and Metropolitan.

This letter lays down lines of argument and also of ecclesiastical authority. He declares as the only bishop in the colony that the Sydney based project contradicts their membership of the church.

This broader based letter brings out clearly the different starting points in this dispute. There is a political argument. On the one hand the community is best served by government support for the different religious traditions on an equitable basis so that they can provide teaching set in the context of the whole of their own system. This would be a plurality of institutions, which the community as a whole, through the government, could properly support. Such an approach could include those who did not want any religion in this education. On the other side is the national approach, which said that the community should support through the government only those things that can be accepted by all. Hence instruction in secular subjects can be gathered into one institution and supported by government, and in the matter of religion, where there are significant and apparently irreconcilable differences, these should be the responsibility of the supporters of those different religious denominations. Political diversity in this understanding is of groups of citizens, rather than simply a diversity of individuals. The relationship between the state and its citizens embraces associations or groups, there is a place for lawful association. When that association is for the purpose of providing education for which the government has some responsibility then the issues becomes more vexed. As it was in 1853 so it has been ever since in the Australian polity and Tyrrell’s position has had its day from time to time, but not with the Sydney University in 1853.

The second issue at stake here is the indivisible coherence of the different versions of religion represented in the various denominations. He clearly has in mind the Church of

England. This was a crucial issue when he came to consider how an educational institution such as the university could incorporate religious instruction so as to maintain the coherence of the religious instruction in or related to the university. He seems to concede that denominational colleges with responsibility for all instruction, in combination with a purely examining university, satisfies his criteria if the university includes exams and prizes in scripture. He does not require that the University should include examinations in the doctrinal aspects of each denominational position. As with the schools, debates in the previous twenty years scripture was one thing, doctrinal commitments were quite another.

Underlying these arguments are serious and difficult questions about the nature of religious truth and the presence of different sub traditions in Christianity. Is it really the case that each sub tradition of Christianity must claim that everything in its self-understating is so inter related and inter dependent that it can only be considered as a whole entire unto itself. Undoubtedly the experience of a political christendom in the countries of Europe, including England, moved Christian self understanding in this circumscribed direction because of political forces at work as nations began to form and define themselves in relation to other nations. The experiment with Acts of Uniformity in England during the sixteenth and seventeenth centuries amply illustrates this tension.

It should not surprise us that Broughton should have been so committed to such a comprehensive, even solipsistic understanding of Anglicanism. It is the unified ecclesiastical regime represented in the form of the Royal Supremacy that he supported. It is also why he had such trouble coming to terms with the collapse of the Royal Supremacy in an English colony. His solution was to withdraw into an independent church in which the unity of the church was the cohering and controlling principle. That is to say a unity like that which was supposed to pertain in the English Christendom of the Royal Supremacy and its Acts of Uniformity. His successor Frederic Barker embraced a different solution in his 1880 deal with Sir Henry Parkes. He agreed that in a government school there was such a thing as general christianity that could be part of a government school curriculum and that the particular doctrines of each denomination could be taught to their members in the government schools on a released time system for the clergy of those churches. By 1880 the effective memory of the English Christendom, and the evangelical views of Barker meant that the unified notions of Broughton and Tyrrell no longer held sway.

There are in fact two institutional issues at work in this debate. The coherence of the religion of the various denominations and the coherence of the university in terms of the content of its education. At what point institutionally does any religious instruction count as being part of the university. Must it be taught on an equal footing with literature and science as Tyrrell at certain points claims? Could it be achieved, on the London model, by the university setting exams in some aspects of religion for which students would be prepared in denominational colleges? Could it be achieved as Alfred Stephen claimed following the Sydney meeting to promote a college, by a certificate being required by the university that the student had received instruction in religion from their denominational college?

As 1853 opened the university continued to develop as a teaching institution from whose curriculum divinity was excluded. The Anglicans were increasingly divided. Tyrrell was loyally defending in only a slightly modified form the Episcopal opposition to the university

laid out by Broughton. The University must change. At the same time he was trying to keep alive the project of an Anglican tertiary institution. The Queen's College group led by Sir Alfred Stephen developed their plans and cultivated the interest of the government in them and tried to find a way around the obstacle in front of them, the religious education of Church of England youth at the university.

On 26 May 1853, the colony heard news of Broughton's death in London three months before on 20 February 1853 and his burial in Canterbury Cathedral on 25 February. Cowper had told the clergy this sad news the day before the press announcement. Clearly it would take time for a bishop to be appointed and who could tell what the new bishop's views might be in relation to the university and on anything else for that matter. In fact, Broughton's successor Frederic Barker did not arrive until May 1855. Tyrrell, Cowper and his curate were left without their principal argument for not moving beyond Broughton's resolute opposition. When the news of Broughton's death arrived in New Zealand Selwyn, acting as the senior Bishop in the Province, wrote on 2 June to Tyrrell to encourage him and declared his support for what Tyrrell was doing in relation to the university, which was Tyrrell's principal activity being carried out on behalf of the late metropolitan.[65]

Nicholson's Annual Report 1853

On 3 January 1853 the Vice Provost, Charles Nicholson, presented the annual report of the Senate, though published much later on 16 March, reporting on a successful year with twenty-four students matriculated and examinations completed and results published. He reported on the appointment of the three professors and at length the assimilation of the proposed University College into the University. He presented this as a response to representation from high authority and in order to deal with a misconception that the College was to conduct the whole education of students including the moral teaching of the students, without the aid of religion. The 'high authority' is probably Allwood's assurance that such an arrangement would have met with Broughton's approval. On this arrangement, the University would be the place where the professors delivered their lectures on secular subjects while that wider education would be in the hands of private affiliated colleges.

What is interesting here is that it is portrayed as simply a name change of no great significance and that it had met with 'distinct and continued approbation of the persons before alluded to'. The report also frames the terms of the university's self understanding in relation to religion. The undergraduate students unattached to any recognised private foundation, will be lodged in the town, under the Proctorial surveillance of the Vice Provost and his delegates; that theological teaching which the ecclesiastical condition of this country forbids to a national institution, and that moral training and domestic discipline which no University is competent to undertake, the Senate will gladly see supplied by private establishments within the University, after the model of the Oxford and Cambridge 'Colleges'.[66]

The report sets out the terms in which the Senate sees the university unfolding both in terms of organisational shape and the place of religion. It is to be a teaching and examining university and there will be no religion either in terms of teaching in the curriculum for the

purposes of degrees, or in terms of moral oversight and teaching generally. The Colleges are envisaged on the Oxbridge model, but in the post Royal Commission sense in which their role was much more as an adjunct to the central role of the teaching of the university professors.

Shortly after on 21 March 1853 the Senate adopted a report on lands that recommended the university should seek land from the government at Grose Farm enough to provide for a central university building and a cluster of colleges. This would mean that students could easily and conveniently be able to attend the professors lectures and also have time for academic pursuits. The direction of these colleges for 'moral and religious training' would be committed to the 'four principal religious denominations recognised by the Senate.' By this pattern it said the 'objections on the score of religion raised against the University, as at present constituted, would be removed, and thus members of all denominations would unite, in obtaining the great objects of University education for our youth.'[67]

It is hard to overstate the importance of this offer. At a stroke, it removed one of the arguments for any affiliated College providing a full range of lectures because of the distance of the College from the University.

In the meantime, moves to form an Anglican College in connection with the University proceeded apace in the first half of 1853. Sir Alfred Stephen was very active as chair of the committee that had been formed. He collected money and guided the formation of the details of its foundation. On 27 April and on several other occasions a prospectus was published in the *Sydney Morning Herald* and subscriptions sought. The prospectus made it clear that the college will operate in conjunction with the University and the lectures of the professors. They acknowledged that the legislature had provided for an institution in which

> secular knowledge of the highest order may be acquired, but from which, by the terms of its constitution, Religious instruction is excluded, it has become a matter of deep importance that members of the Church of England, by the establishment of a College of their own. In connexion with the university, (as contemplated in the Act of its incorporation) should be enabled to avail themselves of the advantages thus offered.[68]

They anticipate that a large portion of the community will support them in this endeavour. In other words, if the church hierarchy will not take the necessary steps to enable Anglicans to take advantage of the University's secular instruction in a manner consistent with the tenets of the Church of England then the lay led committee will do so. The great object of the college would be 'of instilling into their minds a reverences for the doctrines and tenets of our church'. Archdeacon Cowper's young curate did not like this at all and returned to the columns of the *Sydney Morning Herald* on a number of occasions attacking the proposal as an alliance with a godless institution. But he was clearly not getting anywhere with his complaints.

This prospectus for the new college was advertised through the following month and in early June the committee was encouraged by news from the government, intimated in the financial statements published in the *Herald* on 8 June. These financial projections for the next year showed the government was still committed to the university. It made provision for a grant for the building fund and inter alia said;

> The Governor-General is happy to perceive that there is already a proposal for the early foundation of one affiliated college, which by affording its members moral training and religious teaching during the period of their attendance on the University source of secular instruction, will complete the organisation of the system which the University was designed to carry out. The direct encouragement of this and similar collegiate institutions which may be formed on similar principles will deserve the most favourable consideration of the Executive Government and of the Legislature.[69]

Just a month later on 16 July the Queens College committee published its current subscription list and also an announcement that the proposed meeting of subscribers would be deferred because they had received information from the government on 'the subject of the assistance proposed to be afforded to the College by endowment and annual pecuniary grant'.[70]

Clearly progress was being made in bringing to reality an Anglican College affiliated to the university. Where Tyrrell had been caught up in debates with the university about religion in the teaching of the university, or on its governing body, or whether teaching should be in the affiliated colleges, or whether the church should continue the plan to establish its own tertiary college, the lay led committee of both laity and many of the clergy of the diocese was getting on with negotiating the practical realities of funding and organisation.

However, the divisions within the church had also been moving swiftly along. The fundamental issue at stake was the isolation of Tyrrell from the fast-moving promotion locally under the leadership of Sir Alfred Stephen. That division significantly hindered church efforts to shape a role for the Church of England in the new University. The earlier plan for a liberal college like St James had aimed to provide a broad education for all and also specific education for ordinands. Such a college operating as a satellite of the university at some distance from it was eclipsed by the proposal for colleges proximate to the university and thus in reach of the lectures of the professors which it was increasingly clear would be required of all undergraduates. The Anglican element in the University was to be found in the Anglican College being developed under the enthusiastic work of Sir Alfred Stephen.

It is worth pausing at this critical juncture to recall something of the character of Sir Alfred Stephen. He was brought up in the circle of a large family connected to the Clapham Sect of evangelical church were political reformers. He arrived in Tasmania as a lawyer with hopes of obtaining a good government job. In early complications to his life he showed determination and what some thought of as craftiness. In the end, he was successful as Attorney General. His cousin James was the influential Under Secretary to the Colonial Office from 1836 to 1847. Given Alfred's early entertaining lifestyle James recommended he go to Tasmania to pursue his legal career. He showed early on that he was a doughty fighter for what he wanted in the court and also that he was a determined hard worker. He was seen a 'fixer' in an early struggle with in the law and that while he did not always have a detailed legal argument he was capable of fierce and sustained rhetoric in the court room. What he showed in Tasmania he demonstrated in more mature fashion in Sydney first as a judge then as Chief Justice from 1844. When it came to the foundation of the university and then of the Queen's College he was a skilful operator in conflicted situations and still a fixer with well honed oratorical talents.[71]

As part of his missionary travels Selwyn was in Sydney during the month of July staying

with Walsh at Christ Church rectory. Sir Alfred Stephen's son of the same name was the curate in the parish at this time as well as being the secretary of the Queens College committee. Walsh was a close friend of Selwyn and also of Thomas Mort who was active in the Queen's College movement. Walsh had also distanced himself from Tyrrell's memorandum in November the previous year. He was part of the later important meeting of church representative with those from the University that settled on a way forward. He was well placed to bring Selwyn up to date on things in Sydney.

Selwyn brought three important qualities to the Sydney problems. He was an impressive and charismatic figure with connections to the highest levels of English society. He had clear views on education informed by recent developments in England and he was a long standing and close friend of Tyrrell who had been the episcopal representative of the Broughton view of the University, even if in a slightly modified form. All these qualities were on display during his very busy month in Sydney.

Soon after he arrived he spoke at a meeting of subscribers to St Andrews Cathedral on 4 July. He took the chair for part of the meeting and his every utterance was well received. He vowed not to lay another stone on his cathedral in New Zealand until the Sydney Cathedral was finished. At this meeting, there was some discussion of the use of the vacant adjacent land of the old cemetery and the possibility of asking the government if it might be incorporated into the cathedral precinct as a public park.

He dined with Sir Alfred Stephen on a number of occasions and Nicholson and Woolley visited him at the Christ Church Rectory on 5 July. The following day he wrote urgently to Tyrrell in Morpeth urging him to come to Sydney. The terms of this letter are very revealing of the reasons for his urgency—land.

> If you can possibly come to Sydney, I think that it is very important that we should agree upon some declaration upon the subject of the Sydney university. The Provost and the Vic-Provost we with me yesterday, and in private conversation expressed their willingness to consent to terms, which as far as I can judge from your letters, would be satisfactory to you . . . Something must be done, as the government are now offering four sites of twenty acres each for Denominational Colleges, and if we do not take some step, the self-constituted body calling itself Queen's College will very likely get possession of the grant for that portion which belongs to the whole Church of England . . . I have talked to both sides, and hope that some accommodation may be effected, as the governing body of the College shows signs of yielding . . .[72]

Apart from daily conversations with Walsh, his host at Christ Church Rectory, Selwyn had clearly spoken with at least Stephen, Woolley and Nicholson who were in reality the principals at this point. It is impossible to know what Selwyn heard from his three interlocutors. The terms of this letter seem designed to appeal to Tyrrell. Both sides seem willing to change, the Queens College group, energetically headed by the prominent Chief Justice in the colony, is described as 'self constituted body calling itself Queen's College' reducing them to their place as usurper of episcopal initiative in the church. Worse still they will get hold of the property on offer from the government to the Church that belongs to 'the whole Church of England'. It is quite unlikely that he received any intelligence from Stephen, Woolley or Nicholson that would have suggested such an attitude. Nor would he have heard such a view from Walsh at Christ Church, with whom he was staying. It would of course be the kind of thought that would motivate Tyrrell to come to Sydney as requested.

Tyrrell reflected on this meeting very carefully in Morpeth and came poste haste. How could he resist his long standing and persuasive friend.

Then on 12 July the Colonial Secretary wrote to Stephen and Nicholson to say that any endowment would be contingent on a conference of interested parties. It is noteworthy that as far as he was concerned the relevant people were Nicholson and Stephen. Tyrrell may not yet have arrived from Morpeth, but the very present Selwyn was clearly in Sydney and not thought by the Colonial Secretary to be relevant. Nonetheless the acute Chief Justice would have understood that the standing of the Queen's College project would be of interest when it came to handing over any endowment and he would have seen that it was not entirely certain that the government would recognise his project as representing the Church of England in the colony. He had an interest in achieving some representable unity between the church groups and that meant getting the Tyrrell on side.

Ten days later, on 20 July, Selwyn and Tyrrell were present at a meeting called in the name of the Australian Board of Mission at which they both spoke of their recent missionary journey in the Pacific islands. Selwyn was the star attraction and he told wonderful stories of daring do which were greeted with loud and sustained cheers.[73] Here was the great missionary bishop in full flight and greeted as a truly great one.

The question of the University and the church would not go away. Tyrrell for his part wanted the university to 'give its recognition of religious learning' and he and Selwyn produced a memorandum that was presented to Archdeacon Cowper and the clergy and laity of the Diocese. This meeting agreed to the memorandum and it became a Memorial from them to the Senate of the University. 'We the undersigned Bishops. Clergy, and Laity of the Church of England, respectfully present the following Memorial to the Senate of the University of Sydney for their consideration.' The memorial is dated 14 July.[74] The list of all those subscribing included the principal players on both sides of the division. This Memorial was presented to the Senate which in turn appointed a committee to meet with the subscribers and that meeting took place on 26 July.

The issues at stake in these moves are quite important in understanding how the new university was to relate to the existing religious institutions and how the churches were to understand their place in society at large. They reveal something of the character of an emerging somewhat pragmatic Australian secularity. The introductory sentence in the memorandum states that the signatories are 'willing to hope that the senate desires to 'promote religious teaching within the university system by means of affiliated colleges, under the direction of the religious bodies.' On that basis they make effectively four proposals.

1. That sites be reserved out of land granted to the University by Government, for the use of colleges connected with the religious bodies
2. That application be made to the Legislative Council for an additional grant of money, to enable the University to provide for the encouragement of religious knowledge in affiliated colleges, by lectureships, scholarships, and prizes

   That with a view to the good of all, and with no wish to exclude any one from the benefits of the University system, we propose the adoption of a rule to the following

effect, viz:-

3. That before any degree or honour be conferred by the University, every student shall be required to produce a certificate of competent religious attainment from the Principal of the affiliated college of the religious denomination to which the said student belongs (or a certificate countersigned by the Principal under certain regulations)
   And if there be no such college in connection with the denomination to which the student belongs that a similar certificate be required from such religious teacher or other responsible person as the Senate of the University may in such case accredit for that purpose.
4. We would further respectfully suggest that, as the full power of existing Professors belongs most properly to the Senate of the University, we approve of the lectures of the Professors being 'open to all matriculated students', but we desire that the attendance upon such lectures should not be made compulsory upon students attending affiliated colleges.

These conversations led to a meeting on 26 July, perhaps in the rooms of the Speaker of the Legislative Council, between a delegation of church people and representatives of the Senate of the University. Present and 'acting in the name of and on behalf of the Church of England and the Queen's College' were Bishops Selwyn and Tyrrell, and Chief Justice Stephen, The Revds W Walsh, John Milner, Alfred H Stephen, and Messrs Charles Lowe and Robert Johnson.[75] From the Senate were the Vice Provost Nicholson, Bishop Davis (Roman Catholic), The Revd WB Boyce (Wesleyan) and Messrs Merewether, Plunkett and W C Wentworth.[76]

John Woolley, the Principal of the university, was not in this group, though he clearly had been in touch with some of the people involved. There is an agitated letter from Woolley to Nicholson in the Sydney University archives dated simply July 1853. He refers to a conference between Nicholson and the bishop and to conversations with Sir Alfred Stephen. It appears to refer to meetings prior to the more formal occasion reported in the Senate minutes as having taken place on 26 July.[77] The Bishop concerned was probably Bishop Davis since Selwyn and his people are referred to in the third person later in the letter.[78] This letter probably reflects some of the agitated conversations going on in the middle weeks of July. Woolley understands that the Church of England people will scrutinise the lecturing of the professors in particular lectures on Greek philosophy. Furthermore, that the students at the proposed Anglican College would not be required to attend University lectures in metaphysics, ethics and history. He cannot bring himself to believe that the Senate 'would allow her professors to be insulted by such an insinuation'. 'I claim and will maintain the right of perfect independence in my fulfilment of the charge committed to me—I have not given up a large income and hopes of preferment at home to be the bete noire of their retrograde party'.

Clearly there was a lot going on in the conversations around town before the meeting called at the formal instigation of the Colonial Secretary, Deas Thompson for 26 July. This was the final negotiating occasion to settle the compromise for which Selwyn's visit had been the catalyst. The Church of England / Queens College representatives put forward four points

contained in their Memorial.

The Senate representatives

1. indicated that the Senate had decided that ‘in those branches of purely secular instruction in which chairs were established in the university, the attendance of all matriculated students whether belonging to affiliated colleges or not would be regarded as indispensible.’[79] The senate regarded this as necessary to give effect to the intention of the legislature and they had no power to change it.
2. They agreed that attendance at lectures in metaphysics, ethics and modern history would not be required of students in affiliated colleges nor on any subjects not at present in the curriculum for a degree.
3. In order to help the colleges, the Senate could adopt a by law requiring before a degree that a certificate from the Principal of ‘satisfactory conduct’

At the end of this meeting the result was that the church representatives were willing to acquiesce in a by-law requiring attendance by all matriculated student at the lectures of the university professors. The Senate representatives agreed that they would be willing to recommend the Senate adopt a by law under clause XX of the Act, which authorised the Senate to secure due attendance at divine worship. Tyrrell’s funding point was lost, exemption from certain lectures was still on the table and satisfactory conduct had become attendance at divine worship. Woolley’s concerns about some lecture subjects were not met.

The morning on Wednesday 27 July a series of notices appeared in the *Sydney Morning Herald*. Several dealt with a memorial for bishop Broughton, three concerning funds to support the missionary work of Bishop Selwyn who was to leave the colony in the course of the week. A meeting of the Committee of Queens College was to be held the following day, Thursday, at the Chief Justice’s chambers at which ‘business of great importance in relation to the proposed terms of alliance between the College and the University, and the immediate establishment of the College, will be brought before the Committee.’ There was also a notice over the names of Bishops Selwyn and Tyrrell announcing a meeting of the members of the Church of England for the following Friday 29 July to be chaired by Archdeacon Cowper ‘to take measures for establishing a Church of England College in connexion with the University of Sydney’. So, in the last week of July all the church groups hitherto marching in different directions were meeting together with an agreement to announce. A meeting of the Senate of the university was scheduled for the following Monday.

A church united and a project identified

The meeting on 29 July, open to all members of the Church of England, was the final moment in this whole process. The activists and variously appointed representatives came together to put before the church at large in an open meeting the results of their endeavours and the foundations for the way ahead and to seek their support. That support was never really in doubt given those involved. But the fiasco not that long ago of Broughton’s attempt

to obtain some support for his version of church governance left behind it division and no resolution that could be worked on. The vital question of the church's relation to an external body such as the university could not be left in that way. It was essential to demonstrate to the public at large that this way forward was indeed one that enjoyed the confidence of Church of England people at large. A great gathering of the faithful that included leading members of the professions, the judiciary, politics, commerce and society would certainly do this.

In order to understand the dynamics of this meeting it is important to bear in mind the actual situation in which it occurred. The discussions between the local church representatives and the results of the discussion with the university authorities in the rooms of the Colonial Secretary were known to all the players and certainly many more. Those results are reflected in the resolutions passed at this meeting.

The whole project was to go ahead as a united whole of church project. No doubt this was an important issue for the government in terms of handing over large sums of money to what might otherwise have been regarded as a private association. That the two bishops now joined the project and brought with them those who had not previously been willing or able to join made it clear that this was indeed as good as an official church project and could confidently be accepted as such by the government.

Moreover, the college was to go ahead on virtually the exact terms of the prospectus published by the Queen's committee. The only changes being made to this document are noted in Tyrrell's speech. The name is changed from Queen's to Trinity, and when that was questioned by some the Chief Justice took part and secured the change to Trinity. The existing lay members of the College Committee were increased by an equal number of lay members so that the total now reached thirty-two lay members. The original eight clergy was expanded to include all the clergy of the diocese. The Chief Justice would certainly be the Chair of this huge committee, which was far too large to be an effective working group. There was no place in this arrangement for the diocesan bishop, whenever he arrived though he would be the Visitor to the College.

The leaders in this movement and the representatives of the divergent approaches to the University and the colonial government were clearly Stephen and Tyrrell. Tyrrell had ploughed his furrow in the columns of the *Sydney Morning Herald* pursuing the line initially presented by his memorandum published in that same paper. He finished up talking to himself, abandoned by Nicholson in Sydney and Hamilton in the Hunter Valley. Stephen organised some people to set out what a college might look like and drafted a prospectus and raised money on the basis of this plan. He was successful on all these counts. Stephen lacked manifest ecclesiastical support and this raised a question for the government as to how this could be regarded as a Church of England project, especially if handing over government funds were to become involved. From New Zealand Selwyn was supportive of Tyrrell but when he had met people in Sydney he saw the need for a deal with the Queens College group. These three were quite different people and this affected the progress of events. Tyrrell had dutifully followed the absent Broughton and argued on a very narrow horizon. Selwyn was a great orator, a public presence but Stephen was a master tactician. His time in Tasmania, especially in relation to land titles, showed not only a huge capacity for detailed

with Walsh at Christ Church rectory. Sir Alfred Stephen's son of the same name was the curate in the parish at this time as well as being the secretary of the Queens College committee. Walsh was a close friend of Selwyn and also of Thomas Mort who was active in the Queen's College movement. Walsh had also distanced himself from Tyrrell's memorandum in November the previous year. He was part of the later important meeting of church representative with those from the University that settled on a way forward. He was well placed to bring Selwyn up to date on things in Sydney.

Selwyn brought three important qualities to the Sydney problems. He was an impressive and charismatic figure with connections to the highest levels of English society. He had clear views on education informed by recent developments in England and he was a long standing and close friend of Tyrrell who had been the episcopal representative of the Broughton view of the University, even if in a slightly modified form. All these qualities were on display during his very busy month in Sydney.

Soon after he arrived he spoke at a meeting of subscribers to St Andrews Cathedral on 4 July. He took the chair for part of the meeting and his every utterance was well received. He vowed not to lay another stone on his cathedral in New Zealand until the Sydney Cathedral was finished. At this meeting, there was some discussion of the use of the vacant adjacent land of the old cemetery and the possibility of asking the government if it might be incorporated into the cathedral precinct as a public park.

He dined with Sir Alfred Stephen on a number of occasions and Nicholson and Woolley visited him at the Christ Church Rectory on 5 July. The following day he wrote urgently to Tyrrell in Morpeth urging him to come to Sydney. The terms of this letter are very revealing of the reasons for his urgency—land.

> If you can possibly come to Sydney, I think that it is very important that we should agree upon some declaration upon the subject of the Sydney university. The Provost and the Vic-Provost we with me yesterday, and in private conversation expressed their willingness to consent to terms, which as far as I can judge from your letters, would be satisfactory to you . . . Something must be done, as the government are now offering four sites of twenty acres each for Denominational Colleges, and if we do not take some step, the self-constituted body calling itself Queen's College will very likely get possession of the grant for that portion which belongs to the whole Church of England . . . I have talked to both sides, and hope that some accommodation may be effected, as the governing body of the College shows signs of yielding . . .[72]

Apart from daily conversations with Walsh, his host at Christ Church Rectory, Selwyn had clearly spoken with at least Stephen, Woolley and Nicholson who were in reality the principals at this point. It is impossible to know what Selwyn heard from his three interlocutors. The terms of this letter seem designed to appeal to Tyrrell. Both sides seem willing to change, the Queens College group, energetically headed by the prominent Chief Justice in the colony, is described as 'self constituted body calling itself Queen's College' reducing them to their place as usurper of episcopal initiative in the church. Worse still they will get hold of the property on offer from the government to the Church that belongs to 'the whole Church of England'. It is quite unlikely that he received any intelligence from Stephen, Woolley or Nicholson that would have suggested such an attitude. Nor would he have heard such a view from Walsh at Christ Church, with whom he was staying. It would of course be the kind of thought that would motivate Tyrrell to come to Sydney as requested.

Tyrrell reflected on this meeting very carefully in Morpeth and came poste haste. How could he resist his long standing and persuasive friend.

Then on 12 July the Colonial Secretary wrote to Stephen and Nicholson to say that any endowment would be contingent on a conference of interested parties. It is noteworthy that as far as he was concerned the relevant people were Nicholson and Stephen. Tyrrell may not yet have arrived from Morpeth, but the very present Selwyn was clearly in Sydney and not thought by the Colonial Secretary to be relevant. Nonetheless the acute Chief Justice would have understood that the standing of the Queen's College project would be of interest when it came to handing over any endowment and he would have seen that it was not entirely certain that the government would recognise his project as representing the Church of England in the colony. He had an interest in achieving some representable unity between the church groups and that meant getting the Tyrrell on side.

Ten days later, on 20 July, Selwyn and Tyrrell were present at a meeting called in the name of the Australian Board of Mission at which they both spoke of their recent missionary journey in the Pacific islands. Selwyn was the star attraction and he told wonderful stories of daring do which were greeted with loud and sustained cheers.[73] Here was the great missionary bishop in full flight and greeted as a truly great one.

The question of the University and the church would not go away. Tyrrell for his part wanted the university to 'give its recognition of religious learning' and he and Selwyn produced a memorandum that was presented to Archdeacon Cowper and the clergy and laity of the Diocese. This meeting agreed to the memorandum and it became a Memorial from them to the Senate of the University. 'We the undersigned Bishops. Clergy, and Laity of the Church of England, respectfully present the following Memorial to the Senate of the University of Sydney for their consideration.' The memorial is dated 14 July.[74] The list of all those subscribing included the principal players on both sides of the division. This Memorial was presented to the Senate which in turn appointed a committee to meet with the subscribers and that meeting took place on 26 July.

The issues at stake in these moves are quite important in understanding how the new university was to relate to the existing religious institutions and how the churches were to understand their place in society at large. They reveal something of the character of an emerging somewhat pragmatic Australian secularity. The introductory sentence in the memorandum states that the signatories are 'willing to hope that the senate desires to 'promote religious teaching within the university system by means of affiliated colleges, under the direction of the religious bodies.' On that basis they make effectively four proposals.

1. That sites be reserved out of land granted to the University by Government, for the use of colleges connected with the religious bodies
2. That application be made to the Legislative Council for an additional grant of money, to enable the University to provide for the encouragement of religious knowledge in affiliated colleges, by lectureships, scholarships, and prizes

   That with a view to the good of all, and with no wish to exclude any one from the benefits of the University system, we propose the adoption of a rule to the following

effect, viz:-

3. That before any degree or honour be conferred by the University, every student shall be required to produce a certificate of competent religious attainment from the Principal of the affiliated college of the religious denomination to which the said student belongs (or a certificate countersigned by the Principal under certain regulations)
   And if there be no such college in connection with the denomination to which the student belongs that a similar certificate be required from such religious teacher or other responsible person as the Senate of the University may in such case accredit for that purpose.
4. We would further respectfully suggest that, as the full power of existing Professors belongs most properly to the Senate of the University, we approve of the lectures of the Professors being 'open to all matriculated students', but we desire that the attendance upon such lectures should not be made compulsory upon students attending affiliated colleges.

These conversations led to a meeting on 26 July, perhaps in the rooms of the Speaker of the Legislative Council, between a delegation of church people and representatives of the Senate of the University. Present and 'acting in the name of and on behalf of the Church of England and the Queen's College' were Bishops Selwyn and Tyrrell, and Chief Justice Stephen, The Revds W Walsh, John Milner, Alfred H Stephen, and Messrs Charles Lowe and Robert Johnson.[75] From the Senate were the Vice Provost Nicholson, Bishop Davis (Roman Catholic), The Revd WB Boyce (Wesleyan) and Messrs Merewether, Plunkett and W C Wentworth.[76]

John Woolley, the Principal of the university, was not in this group, though he clearly had been in touch with some of the people involved. There is an agitated letter from Woolley to Nicholson in the Sydney University archives dated simply July 1853. He refers to a conference between Nicholson and the bishop and to conversations with Sir Alfred Stephen. It appears to refer to meetings prior to the more formal occasion reported in the Senate minutes as having taken place on 26 July.[77] The Bishop concerned was probably Bishop Davis since Selwyn and his people are referred to in the third person later in the letter.[78] This letter probably reflects some of the agitated conversations going on in the middle weeks of July. Woolley understands that the Church of England people will scrutinise the lecturing of the professors in particular lectures on Greek philosophy. Furthermore, that the students at the proposed Anglican College would not be required to attend University lectures in metaphysics, ethics and history. He cannot bring himself to believe that the Senate 'would allow her professors to be insulted by such an insinuation'. 'I claim and will maintain the right of perfect independence in my fulfilment of the charge committed to me—I have not given up a large income and hopes of preferment at home to be the bete noire of their retrograde party'.

Clearly there was a lot going on in the conversations around town before the meeting called at the formal instigation of the Colonial Secretary, Deas Thompson for 26 July. This was the final negotiating occasion to settle the compromise for which Selwyn's visit had been the catalyst. The Church of England / Queens College representatives put forward four points

contained in their Memorial.

The Senate representatives

1. indicated that the Senate had decided that ‘in those branches of purely secular instruction in which chairs were established in the university, the attendance of all matriculated students whether belonging to affiliated colleges or not would be regarded as indispensible.’[79] The senate regarded this as necessary to give effect to the intention of the legislature and they had no power to change it.
2. They agreed that attendance at lectures in metaphysics, ethics and modern history would not be required of students in affiliated colleges nor on any subjects not at present in the curriculum for a degree.
3. In order to help the colleges, the Senate could adopt a by law requiring before a degree that a certificate from the Principal of ‘satisfactory conduct’

At the end of this meeting the result was that the church representatives were willing to acquiesce in a by-law requiring attendance by all matriculated student at the lectures of the university professors. The Senate representatives agreed that they would be willing to recommend the Senate adopt a by law under clause XX of the Act, which authorised the Senate to secure due attendance at divine worship. Tyrrell’s funding point was lost, exemption from certain lectures was still on the table and satisfactory conduct had become attendance at divine worship. Woolley’s concerns about some lecture subjects were not met.

The morning on Wednesday 27 July a series of notices appeared in the *Sydney Morning Herald*. Several dealt with a memorial for bishop Broughton, three concerning funds to support the missionary work of Bishop Selwyn who was to leave the colony in the course of the week. A meeting of the Committee of Queens College was to be held the following day, Thursday, at the Chief Justice’s chambers at which ‘business of great importance in relation to the proposed terms of alliance between the College and the University, and the immediate establishment of the College, will be brought before the Committee.’ There was also a notice over the names of Bishops Selwyn and Tyrrell announcing a meeting of the members of the Church of England for the following Friday 29 July to be chaired by Archdeacon Cowper ‘to take measures for establishing a Church of England College in connexion with the University of Sydney’. So, in the last week of July all the church groups hitherto marching in different directions were meeting together with an agreement to announce. A meeting of the Senate of the university was scheduled for the following Monday.

A church united and a project identified

The meeting on 29 July, open to all members of the Church of England, was the final moment in this whole process. The activists and variously appointed representatives came together to put before the church at large in an open meeting the results of their endeavours and the foundations for the way ahead and to seek their support. That support was never really in doubt given those involved. But the fiasco not that long ago of Broughton’s attempt

to obtain some support for his version of church governance left behind it division and no resolution that could be worked on. The vital question of the church's relation to an external body such as the university could not be left in that way. It was essential to demonstrate to the public at large that this way forward was indeed one that enjoyed the confidence of Church of England people at large. A great gathering of the faithful that included leading members of the professions, the judiciary, politics, commerce and society would certainly do this.

In order to understand the dynamics of this meeting it is important to bear in mind the actual situation in which it occurred. The discussions between the local church representatives and the results of the discussion with the university authorities in the rooms of the Colonial Secretary were known to all the players and certainly many more. Those results are reflected in the resolutions passed at this meeting.

The whole project was to go ahead as a united whole of church project. No doubt this was an important issue for the government in terms of handing over large sums of money to what might otherwise have been regarded as a private association. That the two bishops now joined the project and brought with them those who had not previously been willing or able to join made it clear that this was indeed as good as an official church project and could confidently be accepted as such by the government.

Moreover, the college was to go ahead on virtually the exact terms of the prospectus published by the Queen's committee. The only changes being made to this document are noted in Tyrrell's speech. The name is changed from Queen's to Trinity, and when that was questioned by some the Chief Justice took part and secured the change to Trinity. The existing lay members of the College Committee were increased by an equal number of lay members so that the total now reached thirty-two lay members. The original eight clergy was expanded to include all the clergy of the diocese. The Chief Justice would certainly be the Chair of this huge committee, which was far too large to be an effective working group. There was no place in this arrangement for the diocesan bishop, whenever he arrived though he would be the Visitor to the College.

The leaders in this movement and the representatives of the divergent approaches to the University and the colonial government were clearly Stephen and Tyrrell. Tyrrell had ploughed his furrow in the columns of the *Sydney Morning Herald* pursuing the line initially presented by his memorandum published in that same paper. He finished up talking to himself, abandoned by Nicholson in Sydney and Hamilton in the Hunter Valley. Stephen organised some people to set out what a college might look like and drafted a prospectus and raised money on the basis of this plan. He was successful on all these counts. Stephen lacked manifest ecclesiastical support and this raised a question for the government as to how this could be regarded as a Church of England project, especially if handing over government funds were to become involved. From New Zealand Selwyn was supportive of Tyrrell but when he had met people in Sydney he saw the need for a deal with the Queens College group. These three were quite different people and this affected the progress of events. Tyrrell had dutifully followed the absent Broughton and argued on a very narrow horizon. Selwyn was a great orator, a public presence but Stephen was a master tactician. His time in Tasmania, especially in relation to land titles, showed not only a huge capacity for detailed

legal work, but a shrewd judgement about what was possible in public institutions.

What Tyrrell wanted was some significant mechanism for the presence of religious studies acceptable to Anglicans in the activities and structure of the university.

What Stephen wanted was certainty in dealing with the government about funding, which meant recognition that this was an activity of the Church of England in the absence of a corporate body and that meant on precedent a bishop of the diocese. Tyrrell and Cowper together could fulfil that role in the absence of a diocesan.

Selwyn came to this situation with his own vision of a diocese as a community gathered around the bishop and his cathedral where there would be learning and piety sustained for the diocese. Selwyn also came without local baggage and had both social and ecclesiastical standing and a persuasive presence and skills. He became the catalyst to bring together the local divided groups in order to sustain the goal of a significant connection of the Church of England with the University.

These were the issues at stake here at the great meeting of 29 July 1853 and they are reflected in the four resolutions passed unanimously by the meeting. Only two small questions were raised: should the name of the college be changed and was the empowering motion about the committee adequate. Trinity was retained and the committee given power to form their own sub-committees.

The meeting passed four resolutions moved by the following people:

1. That it is of the deepest importance to the welfare of The Church of England in this colony that all the members should act together as One united body . . .
   Moved Bishop of Newcastle
   Seconded The Chief Justice
2. That the following prospectus be adopted, namely, Prospectus of a Church of England College in connection with the University of Sydney.
   Moved JB Darvall Esq
   Seconded Charles Lowe Esq
3. That the following gentlemen form a committee, with power to add to their number
   Moved Charles Cowper Esq
   Seconded Rev WB Clarke
4. Agree to a Petition to governor for a cathedral close on the old burial ground next to the cathedral . . . That, in order to give full effect to tho proposed course of collegiate education, it will be necessary, as early as possible, to establish a Theological College for the reception of candidates for holy orders . . . Your petitioners pledge themselves to use their utmost efforts to give effect to this recommendation, by erecting as speedily as possible buildings which may be a lasting ornament to the city of Sydney; and by founding a Theological College, in which graduates of the University or other eligible persons may complete their education for holy orders.
   The Bishop of New Zealand
   Rev Frederick Wilkinson

Before this meeting took place the key players and many more knew the result. They had been central to its formulation in the preceding negotiations. Stephen had got what he wanted, confidence to go ahead on the basis that the college was a Church of England project and further that the college would be set up on exactly the terms set out in the earlier Queens College prospectus with the slight change in name and the committee enlarged to the point where the work would undoubtedly be done in a smaller sub-committee.

What he also wanted from this meeting was public confirmation that this was indeed a Church of England project and had the support of such relevant bishops as were available. It was therefore very much in his interests to present the recent events as a triumph for the bishops, both Selwyn and Tyrrell. Tyrrell had lost a good deal in the negotiations, especially a recognition of divinity in the curriculum and non-compulsory professorial lectures for members of affiliated colleges. The hope was that such lectures would be given in the Anglican College and set within a framework of Anglican divinity and piety.[80] Tyrrell would be the one remaining in the colony, not Selwyn, and his support had to be continuing and so his standing had to be reassured.

For his part Tyrrell needed to come away from this whole matter with some confidence that his stand against the University had been justified and he had truly fought the good fight for his absent metropolitan. His lengthy speech explaining how they had all arrived at the present position was not just an explanation but also a defence. He was to be the Bishop who had ploughed the proper course and was now adjusting to the death of Broughton and the political realities in front of him. He was able to do this with Selwyn playing cover defence for him.

Selwyn did not come to these events with specific ambitions, perhaps other than preventing the Queens college group getting the Church of England land at the university. Clearly, he would want to see the church resolve such problems and find the unity that he saw as the true vocation of the church. But he did have a clear and particular vision of the role of the cathedral in the life of the diocese as a community gathered around the bishop. Such was the goodwill to him created by his mediating and facilitating role that his own vision could very happily, indeed enthusiastically, be included in the package. It may even have been a contribution to complement the lay Christian vocation of Trinity College, even if Mr Lowe could envisage in his speech a time when that college might produce its own clergy and even bishops.

Three things point to the arrangements of this meeting and its elements. Who had won the substantial battles and the way forward already settled, who had the prominent roles, and the quite extraordinary speech of the Chief Justice. In this context, it is important also to recognise that the master strategist in these groups was the Chief Justice, Sir Alfred Stephen. He had already shown keen strategic skills in Tasmania over land title laws and in his reforming role as Chief Justice in New South Wales, a role he continued well into the future beyond his legal career into legislative activity in retirement. Selwyn could be visionary and charming in bringing people together but Stephen was a master general strategist.[81] The shape and character of this meeting and his contribution to it bear the marks of his handiwork.

It is important to bear in mind that all those involved in the promotion of this meeting

knew full well that everything contained in the resolutions of the meeting had been finalised beforehand. This meeting was not about demonstrating approval in the church at large for the recent agreements with the university and the government. It was all about consolidating the unity that these negotiations had brought and to elevating the standing and position of those who had lost most in the public argument. The organisation of the meeting and the speeches in it were also matched to these purposes. Of the ten people involved in proposing or seconding motions only two came from the Queens college group, Sir Alfred Stephen and Charles Lowe. Priority was given to Tyrrell and his colleagues. Archdeacon Cowper chaired the meeting as the former Metropolitan's commissary and Tyrrell moved the first and most generally fundamental motion. That we have come together in unity.

> That it is of the deepest importance to the welfare of The Church of England in this colony that all the members should act together as One united body; and that, inasmuch as the causes which have heretofore been felt by many Churchmen as insuperable objections to joining in the formation of a College affiliated with the University of Sydney are now happily removed—this meeting thankfully avails itself of the opportunity afforded for the promotion of sound learning and religious education, by the establishment of a Church of England College in connexion with the University.[82]

Tyrrell opened his speech in support by underling the first point 'which spoke to the deep importance to the welfare of the Church of England in this colony, that all its members should act together as one united body'. But the vast bulk of what he said 'adverted to the happy removal of the causes which have heretofore been felt by many Churchmen an insuperable objections to joining the formation of a college affiliated with the Sydney University.' The removal of the original University College was not enough. Happily, an opportunity arose when the Bishop of New Zealand was in the colony. 'After anxious deliberation, a memorandum was proposed by the Bishop of New Zealand and himself, and laid before the Archdeacon, clergy and laity of the Diocese of Sydney as the basis of an agreement between the Church of England and the University.' He then read out the memorandum and described the negotiations with the university that had lead to the happy outcome that enabled him and others to engage with the university and to bring to this meeting the basis for future engagement in the University. The organising activity of the Queens College group is muted even though it was fundamental in getting to the present position. The prior meetings of Stephen and Selwyn and the university authorities are not mentioned even though they were critical to the resolution of the division in the church and the success of the project.

The most extraordinary speech of the evening was that given by the Chief Justice. Repeatedly he referred to previous events in terms of a battle in which he and his colleague were beaten in the field. The following excerpts show something of the tone of the speech and the manifest discrepancy with the facts regarding the events to which he refers and most of all to the result of those events in which the Chief Justice had so obviously triumphed. Italics in the quoted material show up the character of the speech.

> On this occasion (the Chief Justice said) the *Bishops of the Church had prevailed against that other party who had sought to establish a system of ecclesiastical education in the colony, unsupported by the Church*. The party identified with the formation of Queen's College, and of which the Chief Justice was a member, *was confessedly vanquished, but the victory which had taken place* would be for the good of all. The party which

had taken up this question of collegiate education in connection with the Sydney University must and *did confess themselves beaten*. But they did not regard those by whom they were beaten as foes. Applications had been made to them for measure of conciliation, and *to his Right Reverend friends the Bishops of Newcastle and New Zealand must be attributed the final triumph* of the unanimity of the members of the English Church on this matter of university and collegiate education.

The intervention in this matter had been made by the Bishop of New Zealand-perhaps by temper, by talent, and by habit the most ably fitted man in the world for it, combining, as he did, in himself all the requisites for a Christian missionary. He came from his diocese to visit *him and the other savages connected with the foundation of the Queen's College,* and to his courtesy, his Christian kindness, his Christian spirit, was to be attributed the present reunion among Churchmen now.

That committee bad been formed solely with the idea of doing a considerable amount of good to the English Church; and he believed, *although that committee had been beaten out of the field in the contest that had ensued,* but they had still done a very considerable amount of good, although *he wished to acknowledge most distinctly that he and those who acted with him in this matter were beaten*; that though all their efforts for the advancement of the cause of Church of England education were to be ignored, and the very name of their educational institution swept from the face of the earth, yet in this acknowledgment he hoped and believed no thought would be conveyed of secession from the English Church.

That opinions on this subject of education were divided he must admit; but that any had done wrong in promoting Christian education in accordance with the rules of the Church of England he must emphatically deny.

The fight between the parties in the Church had been fought *a fair stand-up fight it was admitted to have been and having been beaten,* bearing on them tho signs and signals of defeat, *the Committee of the Queen's College were prepared properly and fairly to give in*.

(He) concluded by calling on all to forget the contest in which they had been engaged, and the hard knocks which they had received in it, and to join in one common object of forwarding education, which should enable them to provide ministers for themselves, and scholars and gentlemen for society.

This speech is extraordinarily, almost ridiculously out of place when looked at in the light of the public success of the Chief Justice's college proposals in the negotiations with the university and the government. However, when the speech is set in a different context it is a very apt and strategic piece of rhetoric. The government was enabled to grant land to the four main churches of which the Church of England was one. In order to make any grants or provisions it needed to be assured that it was in fact being given to that Church. So, the question of whether the Queens College project was indeed a legitimate even official project for this purpose becomes a crucial question. It is also a critical question for the university to have a reliable answer to this question.

When there was a bishop in place he could reasonably be thought to represent the church. A legal entity that could hold property in the name of the church, other than the bishop, did not come into place until 1866. In the light of the question of how this project could be seen in any legally defensible way by the government to be a project of the Church of England it can be seen as vital that the bishops should be won to the cause. This was what lay behind the letter of the Colonial Secretary requiring agreement between the different parties This very odd and over obsequious speech from the Chief Justice was designed, along with other arrangements at this meeting, to demonstrate and consolidate this public support from the bishops in the minds the wider church membership, the public at large and above all by the

government. In the terms of the day such an identification of the bishops was essential. Tyrrell had to be locked in to the Queens, now Trinity, College project. This was the strategy Sir Alfred Stephen was pursuing in his very odd speech.

Of course not everyone was happy. The Principal of the University was not happy about the agreement for a certificate before graduation. The Roman Catholic Bishop Davis in the Senate tried to reshape matters so that a Catholic College could provide a comprehensive education in connection with the university. Selwyn's plan for a college attached to St Andrews Cathedral on the grounds of the old cemetery to give expression to his dream of a Diocese as a community gathered around the Bishop in his Cathedral, came to nothing.

College established and fig leaf lost (December 1854–August 1858)

The single strand that held the proposed college to the university in any shaping or teaching sense was the requirement for a certificate of religious instruction before graduation. It was always gong to be a small fig leaf and so it proved to be when the time came for it to be tested.

On December 2 1854, An Act to establish a College within the University of Sydney came into operation. When St Paul's, as Trinity College had become, was inaugurated in 1857 the Senate of the University declared it would now act on the religious certificate arrangements from the agreements made in 1853. In November, the Professors protested against this action but were rejected by the Senate. The following week it was raised in the Legislative Council by WB Dalley, an admirer of the Principal, John Woolley, but it lapsed at the end of the session. In May the next year a Bill to remove the certificate provisions was again introduced and passed easily on 15 May. Tyrell wrote a long letter protesting but the repeal bill passed and was assented on 8 May 1858.

A University at Last—For the Time Being

The final result of this long process and much confusion and conflict was a university that taught only secular subjects. These would be taught by university professors whose lectures would be compulsory for all matriculated students. Clergy could be employed by the university, indeed the first Principal, John Woolley, was an Anglican cleric. The government would endow colleges for the four major denominations proximate to the University. These colleges would be able to provide religious instruction to their students by whatever means they chose.

How did each of the players in this drama fare?

Wentworth did not get to exclude the churches entirely from the University as he first proposed. He conceded in the second bill that clergy could teach in the University, there were some reserved places on the Senate for church representatives. Subsequently the government supported affiliated colleges for the four main denominations, though they had no specific teaching role in the undergraduate curriculum.

Bishop Broughton wanted initially an Anglican university, which was never a possibility. He then wanted a degree awarding university with an affiliated college to do the teaching for

their own students. An Anglican college would be established for this purpose. None of this happened. His obdurate opposition gained him nothing, but he left the colony and died in England before the final conclusion.

Bishop Tyrrell stood in for Broughton and at a later stage wanted colleges who would provide teaching and that all students would have to obtain a certificate of religious instruction from their college. He succeeded in gaining this point from the united Anglican forces. In the end, he did not get the kind of college he wanted and the certificate lasted only a very short time and so he gained nothing.

Sir Alfred Stephen from the beginning had wanted a college that was more open and was open to the University professors teaching the secular subjects. He pursued a wider view of the university than Broughton's ecclesiastical model. The model for his college as set out in the Queen's College prospectus was the final result with only trivial changes to get Tyrrell on board, the only current Bishop in office in the colony, and Selwyn, the senior Bishop in the ecclesiastical province. In his College the Diocese was not represented at all. The bishop was the visitor but this did not entail any significant influence in the college. The church was represented by having clergy on the council and with the Warden also to be ordained. His lay initiative won the day and with it his more open conception of the kind of knowledge that was appropriate for such a university experience for Anglican students. For all practical purposes he won everything he set out to achieve.

John Woolley as the first Principal gained the independence of the professors and that their lectures would be obligatory for all undergraduates. He also gained the removal of the religious instruction certificate.

Bishop George Selwyn came as an accidental participant in the latter stages of this saga. He told Tyrrell they needed to prevent the Queens College group from gaining the land offered by the government for the Church of England. Behind this of course is the idea that the Bishops were the necessary, even sufficient, representatives of the Church anglican a view that had generally been accepted at law and in the community but in the transitions in mid century was already being diminished. However, the coming of synodical government had made it clear that this was not going to be the case for very much longer. Stephen's success is another sign of this movement, which came to fruition much later with the formation of a system of synodical government of the church with full lay involvement. All church property would subsequently be held under the terms of a church constitution. Selwyn also wanted to bring the church groups together and in this he was a very significant facilitator. Sir Alfred Stephen's appreciation of Selwyn in his notorious speech did contain a significant element of genuine appreciation not just because he delivered what Sir Alfred wanted but also because the Chief Justice was himself a committed Anglican churchman.

If Selwyn was the late arriving facilitator Robert Allwood was the first to open a serious conversation with the University immediately after Broughton had left the colony. In the end, he was a major contributor to the University as the first Anglican clergyman to be a member of the Senate of the University in 1855, two years before St Pauls College was inaugurated, and he later served as Vice-Chancellor for thirteen years from 1869 to 1882.

The conflict over the founding of the University marks a turning point on a number of fronts. The changes taking place already in England and to an extent revealed in the

commissions of enquiry into the two ancient universities appear in embryo in Sydney. The older idea of a university education couched within an Anglican institution with a presumed sense of the coherence of the field of knowledge was giving way to an age of specialised knowledge. The growth of professions representing different aspects the knowledge driving the industrial revolution was leading to a vertical structure society where knowledge appropriate to particular fields of activity were the working connect in society. Thus, the museum in Cambridge led on to specialised areas of science. The coherence of the older model was giving way to separately specialised fields of knowledge. In time, this would give rise to how these increasingly specialised areas could relate to each other, but the beginnings of the University of Sydney marked the local beginning of these fundamental issues.[83]

The founding of the University of Sydney also marked the great social and political change from the 'exclusives' to the populace, from the Governor to the representatives of the people. Just as the new form of the university implied a change in the vision of human understanding so did these wider social movements imply a shift of social power and of how a mixed community of people could find how to live and prosper together. The complications in the founding of the University of Sydney reveal many of the pragmatic elements that can be seen in the later development of political life in the emerging colony, state and Commonwealth. The changes we have observed in the middle of the nineteenth century would be re-visited in varying forms many times well into the end of the twentieth century when universities had campuses in all sorts of places and the unity of their activity had become extremely difficult to discern.

---

1. I am very indebted in this essay to the monumental official . . . History of the University, C Turney, U Bygott and P Chippendale, *Australia's First: A History of the University of Sydney,* Volume I 1850–*1939* (Sydney: Hale and Iremonger, 1991). However, in relation to this period I think they overstate the role of the bishops in the negotiations and do not adequately recognise the degree to which Sir Alfred Stephen was the effective organizer and activist in these moves. The recent truly excellent history of St Paul's College, A Atkinson, *Hearts and Minds. St Paul's College, Sydney University, 1815–2016* (Sydney: New South Publishing, 2017) is a very persuasive account. Nonetheless I have not been able to agree entirely with his account of the role of Bishop Selwyn and the underlying educational issues at work.
2. The *Freeman's Journal* started on 27 June 1850 and continues to be published today as *The Catholic Weekly.*
3. *The Empire*, 28 December 1850.
4. See JB Hirst, *The Strange Birth of Colonial Democracy: New South Wales 1848–84* (Sydney: Allen and Unwin, 1988).
5. An Act to Incorporate and Endow the University of Sydney, Assented to 1 October 1850, clause XX.
6. In general on Broughton's background see BN Kaye, 'The Baggage of William Grant Broughton: The First Bishop of Australia as Hanoverian High Churchman', in *Pacifica*, 8 (1995). Chapter 1 in this book.
7. Broughton to Coleridge July 4 1848. A book of Broughton's letters to Coleridge is kept in the Moore College Library Sydney.
8. Broughton to Coleridge 2 April 1850.
9. NS Pollard, 'Cowper, William (1778–1858)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, http://adb.anu.edu.au/biography/cowperwilliam-1929/text2301 published first in hardcopy 1966, accessed online 25 October 2018. This article was first published in hardcopy in *Australian Dictionary of Biography*, volume 1 (Melbourne: Melbourne University Press, 1966).
10. KJ Cable, 'Allwood, Robert (1803–1891)', *Australian Dictionary of Biography,* National Centre of Biography, Australian National University, http://adb.anu.edu.au/biography/allwoodrobert-1701/text1841, published first in hardcopy 1966, accessed online 25 October 2018.
11. Keith Rayner, 'The History of the Church of England in Queensland', PhD Thesis 1962, 24. Accessed on line at

http://elibrary.bsu.az/books_400/N_359.pdf http://elibrary.bsu.az/books_400/N_359.pdf

12. Broughton to Coleridge 4 July 1848 'He is a fine active minded man: full of vigour, indefatigable in his exertions. We agree most cordially, and yet we differ: that is to say, he, as is natural in a younger man, is disposed to go much further than I can persuade myself to accompany him, in compliance with the prevailing notions of our time.'
13. Broughton to Coleridge 8 May 1850.
14. Broughton to Coleridge 5 May 1848 'My intention is to request Mr Allwood to draw up a summary Report of the operations of the preceding 12 months with a statement of the results. Upon the whole, I consider that our exertions have been crowned with much success: as three candidates for Ordination will be presented from among the Students next Lent.'
15. Atkinson, *Hearts and Minds*, 25, 26
16. Broughton to Coleridge 4 July 1848 describes fully Broughton's account of this public disruption
17. *Sydney Morning Herald*, 12 September 1850 contains the full text from which the following quotations are taken.
18. John Hirst, John. *Freedom on the Fatal Shore: Australia's First Colony*. Schwartz Publishing Pty Ltd. Kindle Edition, location 4505, 216 in the book version
19. *Sydney Morning Herald*, 7 September 1849. All quotations in the following paragraphs come form this source.
20. *Votes and Proceedings of the Legislative Council of New South Wales*, 21 September 1849.
21. Nonetheless clauses in the new bill did follow some of the features of London. C Turney, U Bygott and P Chippendale, *Australia's First: A History of the University of Sydney*, volume I 1850–1939 (Sydney: Hale and Iremonger, 1991), 53.
22. Turney, *Australia's First*, 55.
23. Minutes of the Bishops Conference 1850 were published in the *Sydney Morning Herald* on 4 December 1850 and in numerous other places since.
24. Broughton to EC Coleridge, 1 February and 1 May 1851. Coleridge was effectively Broughton's representative in England. There is a substantial collection of letters from Broughton to Coleridge between 1836 and 1852 held in the library at Moore College, Sydney. The last sentence quoted here suggests Broughton was offered the position of Provost by the Governor but declined. See Shaw, *Patriot and Patriarch*, 246. Broughton's letter implies—and Shaw's account states—that Broughton was offered the Provost's position. But according to the Act, clause IV makes it clear that the Provost is elected by the members of the Senate. While elections can be managed by influential external forces it is most unlikely that Broughton would have been elected by these people. Edward Hamilton was elected Provost on 17 March 1851 on the nomination of WC Wentworth.
25. This conflict would present practical problems for the University if the largest denomination were even moderately successfully in boycotting the University. The point made in the Legislative Council by Lang in relation to the University of Virginia and represented by the *Sydney Morning Herald* correspondent Lacoon, would come to fruition. The University needed widespread support in society to succeed. *Sydney Morning Herald*, 17 October 1849.
26. KJ Cable, 'The University of Sydney and Its Affiliated College, 1850–1880', in *The Australian University*, 2 (1964): 195.
27. Atkinson, *Hearts and Minds*, 36.
28. Letter Woolley to Nicholson, not dated, Nicholson Papers, Sydney University Archives P4/4/6.
29. Turney, *Australia's First*, 72.
30. Turney, *Australia's First*, 73.
31. Turney, *Australia's First*, 73.
32. *Sydney Morning Herald*, 14 October 1850 where the full texts of the two speeches can be found.
33. Woolley apparently believed the rather mythological idea that Oxford was founded by King Alfred in the ninth century. In fact, teaching began there at the earliest in 1096, but effectively in 1167. Paris was founded in 1150 and Bologna in 1058 both of which would in this context fall within the compass of 'christendom'. There are of course many institutions of higher learning from ancient times.
34. Gregory Melleuish, 'The Theology and Philosophy of John Woolley', in *Journal of Religious History*, 12/4 (1983): 418–32, here 419.
35. Melleuish, *Woolley*, 421.
36. Woolley, *Inauguration Address*.
37. Quoted from Melleuish, *Woolley*, 424.
38. Louise D'Arcens, 'Antippodean Idylls: An Early Australian Translation of Tennyson's Medievalism', in P Ingham and M Warren, editors, *Postcolonial Moves: Medieval Through Modern* (New York: Palgrave Macmillan, 2003), 237–257, here 246.
39. Shaw, *Patriarch and Patriot*, 263.
40. G Shaw, *Patriarch and Patriot, William Grant Broughton 1788–1853* (Melbourne: Melbourne University Press, 1978),

264.
41. *Sydney Morning Herald*, 8 November 1852.
42. *Sydney Morning Herald*, 8 November 1852.
43. Referring to this meeting with Allwood 'nothing can be more hearty and earnest than the manner in which he spake'. A letter in 1852 undated from Woolley to Nicholson, Sydney University Archives, Group p4, series 4, Item 6.
44. *Sydney Morning Herald*, 1852. 8 November presumably written from Sydney while staying with Cowper.
45. *Sydney Morning H*erald, 9 November 1852.
46. *Sydney Morning Herald*, 19 November 1852.
47. *Sydney Morning Herald*, 20 November 1852.
48. Nicholson *Sydney Morning Herald*, 9 November 1852.
49. Tyrrell *Sydney Morning Herald*, 19 November 1852. His letter is dated 12 November.
50. Nicholson *Sydney Morning Herald*, 20 November 1852.
51. The 'visit' here refers to Broughton's visit to England for which he departed Sydney on 16 August 1852.
52. Nicholson, *Sydney Morning* Herald 20 November 1852.
53. *Sydney Morning Herald*, 20 November 1852 See also KJ Cable, 'Sadleir, Richard (1794–1889)', *Australian Dictionary of Biography, National Centre of Biography*, Australian National University, http://adb.anu.edu.au/biography/sadleir-richard-2624/text3629, published first in hardcopy 1967, accessed online 1 November 2018.
54. *Sydney Morning Herald*, 3 December 1852. The letter was conveyed to the Herald by Charles Nicholson and may well have been encouraged or facilitated by him in order to confirm his rebuttal of Tyrrell on this point.
55. Turney, *Autralia's First*, 58.
56. *Sydney Morning Herald*, 1852.
57. The minutes were published in *Sydney Morning Herald*, 17 December 1852 over the name of Alfred Stephen as chairman.
58. Atkinson, *Hearts and Minds*, 40.
59. The words to this point were the original motion moved by The Revd Alfred Stephen. The remaining words were successfully moved as an amendment by Mr Charles Kemp.
60. Johnson and Hirst appear to have had sons amongst the first group of matriculates at the university.
61. *Sydney Morning Herald*, 25 December 1852.
62. *Sydney Morning Herald*, 25 December 1852.
63. This is precisely the principle on which the Roman Catholic Church stood in refusing to be part of the government school system established in 1880.
64. *Sydney Morning Herald*, 25 December 1852.
65. Selwyn to Tyrrell, 2 June 1853. Turney, *Australia's First*, 83. Unfortunately the authors miss the significance of this letter perhaps because they mistakenly date news of Broughton's death reaching the colony at July 1853, when in fact Cowper announced it to the clergy on 25 May 1853. The Legislative Council adjourned their proceedings for the day as a mark of respect. *Sydney Morning Herald*, 26 May 1853. See generally Shaw, *Patriarch and Patriot.* 272–274.
66. *Sydney Morning Herald*, 16 March 1853.
67. Minutes of the Senate 21 March 1853, quoted from *Australia's First*, 82.
68. *Sydney Morning Herald*, 27 April 1853.
69. *Sydney Morning Herald*, 8 June 1853. See also the *Sydney Morning Herald* editorial of 23 June 1853.
70. *Sydney Morning Herald*, 16 July 1853.
71. See generally JM Bennett, *Sir Alfred Stephen: Third Chief Justice of New South Wales 1844–1873* (Annandale, NSW: Federation Press, Lives of the Australian Chief Justices, 2009), especially 24, 42–49, and 418.
72. Selwyn to Tyrrell 6 July 1853. Quoted from Turney, *Australia's First*, 84.
73. *Sydney Morning Herald*, 21 July 1853.
74. The text of the memorandum was read by Tyrrell at the meeting of church members on 26 July and published in full as part of the record of the meeting in the *Sydney Morning Herald*, 1 August 1853. Turney, *Australia's First*, 83–85 misleadingly tend to refer to this document as if throughout it was the Bishops Memorandum. The process was that after consulting they drafted a memorandum, submitted it to a wider group who adopted it as a Memorial to go the Senate of the University from a group representing all classes of church men.
75. Following the terms of the memorandum sent to the University Senate these people represented the cross section of offices in the church, bishops, clergy and laity.
76. Senate Minutes 3 August 1853, Sydney University Archives.
77. Woolley's letter gives a quite different account of the meeting from that in the Senate minutes. He also indicates that he will be able to meet Nicholson that day in the Legislative Council. It seems to me likely that Nicholson has had several

meetings with Stephen and the two bishops and that Woolley is being kept up to date and consulted at the meeting he is to have with Nicholson.

78. ‘The bishop added that he believed that bishop Selwyn’s people intend to ask . . .’
79. Senate Minutes 3 August 1853.
80. This latter implied a good deal about a conception of education that was at stake in the emerging shape of the University and which reflected wider changes in society both in the colony and in England, a point to which we shall return is setting this whole episode in its wider cultural context.
81. See the brief summary of his life in Martha Rutledge, ‘Stephen, Sir Alfred (1802–1894)’, Australian Dictionary of Biography, National Centre of Biography, Australian National University. http://adb.anu.edu.au/biography/stephen-sir-alfred-1291/text7645, published first in hardcopy 1976, accessed online 25 October 2018.
82. *Sydney Morning Herald*, 1 August 1853
83. Harold James Perkin, *The Rise of Professional Society: England Since 1880* (London/New York: Routledge, 1989).

Chapter 7
From Anglican Gaol to Religious Plurality: How Time has Changed the Terms of Reference in 'Church State Relations'

Introduction

On the 26 January 1788, the Union flag was raised at Sydney Cove by marines from the ship *Supply*; a volley was fired and three cheers were raised, some port drunk as well. Eleven days later, Arthur Phillip addressed a gathering of convicts and a small band of others following the first night of full settlement at Sydney Cove. He made it crystal clear to all present that order would be enforced by the power he had been given as governor. His commission was read out and also an act of the British parliament establishing a court of civil jurisdiction, which showed that order would also be imposed on the small number of free settlers who had come on the first fleet.

A more solemn event occurred on 13 February when Phillip took his oaths of office before Judge Advocate David Collins. The first oath asserted that King George III was the 'lawful and rightful king of the Realm' against other listed claimants; the second assured Phillip would defend that right. The third declared 'that I do believe that there is not any Transubstantiation in the Sacrament of the Lord's Supper or in the elements of Bread and Wine at or after the consecration thereof by any person whatsoever'. This was a penal colony of late eighteenth-century Protestant Britain, an Anglican Christian nation with an established church. Its newest colony was essentially an Anglican gaol with a singular focus of authority in the governor, whose instructions gave him almost unqualified power.[1]

Two hundred and twenty years later, on 5 September 2008, Quentin Bryce swore that she would bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors according to law, and that she would well and truly serve according to law, in the office of Governor-General of the Commonwealth of Australia, and would do right to all manner of people after the laws and usages of the Commonwealth of Australia, without fear or favour, affection or ill will.[2] In the speech delivered at her swearing-in ceremony, she began by acknowledging the traditional indigenous keepers of the land and identified her position as forming part of the institutions of Australia's parliamentary democracy.[3] She went on to describe contemporary Australia as having a growing capacity to balance tradition with renewal, which she said was a sure and uplifting sign of our standing as a sophisticated and highly functional civilised society and member of the global community. Underpinning that capacity were: respect for the dignity, worth, and human rights of every individual; insistence on equality of access to justice and opportunity; belief in each other's ability to contribute to

our enrichment and endurance; and an abiding commitment to a fair and inclusive society.

Gaol to Commonwealth State—nineteenth century

During the course of the nineteenth century the singular rule of Governor Philip moved by stages to representative parliamentary democracy in each of the colonies. A Governor General was appointed in 1850 for these separate colonies but no mechanism was provided for any inter-colonial governance. The Church of England came first as chaplain to the gaol and then with the appointment of an archdeacon as head of an ecclesiastical hierarchy the archdeacon became part of the government in charge of education and third in precedence in the government. When a plurality of churches was acknowledged the challenge for governments in each of the colonies was how to deal with a plurality of churches. These issues were resolved in general in the middle of the nineteenth century by dismantling the Anglican monopoly withdrawing government aid to churches and taking over responsibility for school education.

The Church of England had to adapt to these changes as well as other social forces that emerged in the course of the century. It had to become self sufficient, and self-governing. Thus, synodical government of the church emerged in mid century with strong lay participation. In 1872 a General Synod was formed to bring together the various dioceses across the colonies, but it had very little jurisdiction over the fiercely independent dioceses. Church and state was already becoming a complex question.

Relations between ‘church and state’ also evolved with the emergence of civil society and its non-government institutions. Civic institution not only serve important practical functions in a society, their character and values become similarly part of the struggle to give meaning to the character of that society. Churches were deeply involved in these matters. Four examples highlight issues in the place of the church in society: founding the Sydney University, the growth of friendly societies, the law and the formation of the Commonwealth of Australia. With the formation of the Commonwealth a new direction in church and state arrived.

Sydney University

The historiography involved here is not just an interpretation of the events of the time in their context it is also influenced by the interests of the historian. That is what makes history so interesting and important for the present and the future. That process can be seen in the account of the origins of the University of Sydney in its official history.[4] This account elides references to the Christian values of the wider society, which many of those involved in the founding of the university thought would be served by the new institution, as already happened in the school systems. It rightly draws attention to the conflict between the promoters of the university and the ecclesiastical authorities, especially the Anglican Bishop of Sydney William Grant Broughton. It highlights that the conflict centred on the exclusion of religion from the teaching of the university so that only ‘secular’ subjects were to be

taught. However, it fails to incorporate into its account the fact that key promoters of the project were in fact 'card carrying' church members and brought a Christian frame of reference to their work. The struggle in the forming of the University reveals some clear questions of interests here; who represents the church in dealings with the university and the government? What does the resolution of the institutional relationship between the church and the University tell us about the meaning of 'secular' in this debate and what does that tell us about the character of the relationships between 'church' and 'state'.

At the inauguration of the University of Sydney, Sir Charles Nicholson pointed out that the preamble to the bill setting up the university declared that

> it is expedient for the better advancement of religion and morality, and the promotion of useful knowledge, to hold forth to all classes and denominations of her Majesty's subjects resident in the colony of New South Wales, without any distinction whatever, an encouragement for pursuing a regular and liberal course of education.[5]

This claim remains to this day in the charter of the University.[6] Because of the debates about the secular character of the university, Nicholson went on to set out the relation between that secular character and religion.

> Indirectly, we believe, but in no small degree, will the secular teaching of the university subserve the cause of religion and of revealed truth. For it may safely be affirmed that a mind disciplined and enlarged by habits of study, and by the acquisition of knowledge, must be better prepared for the reception of divine truth, than one that is uncultivated and uninformed . . . Whatever tends to enlarge the domain of thought, to make us acquainted with the things that have gone before us, and the things that are beyond us, serves but to impress us the more deeply with sentiments of humility and reverence for the Great Author of all things.[7]

In a later section of his speech he declared that the training the student will receive at the university will enable him to fulfil his responsibilities 'in the particular station in life in which God's providence has placed him'. Further, he declared that 'the foundation of the faith can never be finally impaired by knowledge'. What people did in society was a station to which God had called them. Knowledge and faith were allies not enemies, and a secular university was secular only in the sense that it was not controlled by clerics or the church, and because it did not teach sectarian theology. In no sense did that mean that it had no interest in Christian faith or religion generally. On the contrary, it served exactly to support and promote religion, albeit indirectly.

Extended and determined argument took place in the early formation of the university on this point. Some who wanted the university teaching to be secular were not sympathetic to religion or Christianity. But the key protagonists advanced the argument that on the basis of a social strategy the University should only teach secular subjects so that all in the community could access the teaching of the university on an equal footing. By pursuing this strategy the university would advance religion and morality in the wider community and promote useful knowledge.

In the second reading speeches on the University Bill in the Legislative Council, JD Lang referred to the precedent of Virginia in order to sustain an argument that the support of the churches was necessary for the university to flourish. Excluding religion from the teaching of the university as was done in Virginia in 1818 was thus a political mistake.[8] In Virginia

religion was excluded from the university on the grounds that it was a private matter. The principle had to be changed in order to sustain broad social support for the university. The notion of indirect agency for the university in Sydney in promoting Christian religion is entirely absent from Virginia.[9]

The Anglican Bishop Broughton absolutely refused to have anything to do with the new university, which he described as a godless place. The final bill provided for up to four clergy on the Senate, but religion was still excluded from the curriculum. Broughton rejected a place on the senate of the university for himself or any of his clergy.[10] It is interesting to note that the Roman Catholic Church, unhindered by sentiments of the Royal Supremacy, was able to co-operate with the new institution much more easily and directly. It was not until Broughton's death that a compromise was reached.[11] This compromise allowed religion into the university by providing for compulsory attendance at religious instruction to be given by the denominational colleges associated with the university. For those who were not members of these colleges, this instruction was to be given by some authorised body from the student's own denomination.[12] All degree certificates had to include a statement that the Senate of the University was satisfied that the graduand had received such religious instruction.[13] The compromise did not last and, in August 1858, the parliament repealed that part of the act that required the certificate. The church voice divided and, under lay leadership, St Paul's College went ahead in 1854 as an Anglican residential college for Anglican students, presided over by an ordained priest, to be followed by St John's College for Roman Catholics in 1857, and St Andrews for Presbyterians in 1867.[14]

These arguments provide a window into the struggle that took place at a formative stage in the development of social institutions in Australia. These were not questions about the relations between church as represented by the ecclesiastical structures and state as represented by the institutions of government. The question of representation was a critical issue in the emerging consensus between the government, the university and different elements in the church. These arguments were about the nature of the institutions that were to sustain and shape the life of the community. These institutions had to relate to the state, not least to provide the framework within which they could work, and also often the resources to enable them to function. They also related to the values and beliefs of the society, which was gradually becoming more religiously plural but not much less religious overall.

Friendly Societies

Another arena of social life that had implications for relations with the state and the values of the wider society was the emergence of Friendly Societies in the nineteenth. The first such Friendly Society was the Shipwrights' United Friends Benefit Society, established in Sydney in 1830 with nine members. One of its chief purposes was to provide mutual support in case of sickness and loss of work, a constant threat in the early colony. Many of these early friendly societies were trade-related, though a broader-based Trades Union Benefit Society, later called Australian Union Benefit Society, which took in members from all trades, was formed in 1834. Throughout the 1830s and 1840s many such societies were formed. There

had been English and American precedents for such co-operatives and in due course international connections were established. However, the local organisations had their own characteristic egalitarian style. In 1843, well after a number of them had been formed, the local legislature passed a Friendly Societies Act to regulate their activities. They were societies of mutual benefit. They were fraternities to encourage individual independence and forethought. They promoted social activities and created a community within the community. At the Victorian Oddfellows celebrations for the societies' diamond jubilee this social values character to their ethos was on display.

> Although Friendly Societies cannot be looked upon as political institutions, they possess the genuine ring of Democracy. They are the true 'levelers' of the age, class distinctions fade away before them, and they have done more to lift people out of a state of serfdom than all merely political agitations could have accomplished. Friendly Societies have imparted a well-grounded spirit of independence to our toilers and moilers.[15]

In 1913, some forty-six per cent of all Australians were receiving the benefits of friendly society services, though this figure fell during the depression of the early 1930s.[16] The second half of the twentieth century saw this whole movement transformed and decimated by the introduction of government programs for health and unemployment. What the movement illustrates, however, is that within a critical period of the formation of Australian culture and social understanding, friendly societies were independent organisations, creating part of the institutionality of the Australian nation which was distinct from the state and which fed on and fostered a range of social values.

One of the most significant of these friendly societies in terms of its extensive and long-term influence in Australia was the Australian Mutual Provident Society. It was created in Sydney in 1848 on the initiative of three young friends in their thirties: the Anglican priest at Christ Church St Lawrence, WH Walsh, his close family friend and parishioner, Thomas Sutcliffe Mort, and Thomas Holt. Mort was motivated by concern to provide some sort of pension for Anglican clergy, such as his friend Walsh. Like Mort, Holt was an increasingly successful merchant. Walsh wrote the prospectus for the Provident Society, which was adopted at a meeting of these three that he chaired. The new society was not directed to any particular sub-group, such as the shipwrights. They sought members from the public at large. Perhaps because it had to create its own constituency it struggled at first, but in due course the AMP became one of the largest and most influential institutions in Australia. Geoffrey Blainey goes so far as to say that, 'Within Australia its long period of influence is matched only by the major religious denominations, several big public companies, major sporting leagues and perhaps a few national newspapers'.[17] He points out that it was amongst the first to grant women certain legal rights, and 'was probably the first institution in Australia to work in effect as a federation'.

In being a mutual society it had a special form of participatory democracy that was active in the early decades but diminished as the society grew in size and geographical scope. When it was corporatized in 1998, Blainey says the AMP changed dramatically 'in culture and direction'. In 1848 the three founders were creating an institution from their own experience and values as committed churchmen and introducing these into a novel situation where there was a clear social need. Many friendly societies reflected these social values; the AMP

society was simply one of the largest and most successful. The recent Royal Commission into financial institutions in Australia revealed how this changed pattern did not prevent the AMP from sinking into a morass of corruption and disgrace.

In the middle of the nineteenth century the government might act to regulate the activities of Friendly Societies after they had been in operation for some time. But the government did not think that these activities were any responsibility of the state.

Law

Similar processes of precedent and innovation can be seen in the institutions of law.[18] Bruce Kercher in his history of law in Australia argues that there are five phases in the development of Australian law. The first is what he calls the frontier period, followed by professionally staffed superior courts and a colonial legislature, a period following responsible government for the colonies in 1850, and a fourth phase which began with Federation in 1900. He adds a fifth phase, from the 1960s onwards, which was marked by a rejection of deference to English legal ideas and of any appeal to the Privy Council in England. He underlines that from the earliest times a strong inherited body of common law was applied insofar as it was possible or locally practicable. However, these developments did not arise endogenously within the processes of the law and the courts. Rather, they arose in response to the broader social context in which the law was being formulated and applied. As Kercher notes: 'Australian law has been made as much by its general population and the material and social conditions in which they lived as by the adherence to the ancient laws of England.'[19]

Nevertheless, within that process there was conflict.[20] The point is amply illustrated in one of the key High Court judgements on section 116 of the Federal Constitution dealing with religion. In 1983 the court set itself the task, possibly inappropriately, of deciding whether or not members of the Church of Scientology had a religion. All three judgements handed down responded in the affirmative, but the reasoning was quite different in each case. The differences were not just in terms of the logic of the argument or the interpretation of the evidence before the court. Rather, the differences were shaped by the vision of the law to be applied in this case and the source to which appeal might be made. All revolved around the warrants deployed in the argument and the character of the law as a whole that might apply in an Australian jurisdiction.[21]

Kercher also notes that as legal and judicial independence grew and the local government became more responsible for an increasing array of public activity, more semi-independent organisations were created. Between 1856 and 1900, fifty acts of parliament set up an array of regulatory authorities covering most areas of concern to modern governments, from public health to land administration.[22] The very process of developing a local government and a local shape to the instruments of state led to the creation of significant public institutions by the parliament itself and in the process enlarged the idea of the state. In more recent times the most striking example of divestment can be seen in the independence given to the Reserve Bank of Australia. John Keane has described this trend to out sourcing regulation to independent statuary bodies as a new kind of democracy which he names monitory

democracy.[23]

Commonwealth nation

The development of a constitution creating the Commonwealth of Australia is a significant and adventurous tale though a tale a lot less disruptive than a war of independence. It brought new elements into the relations between government and religion and the churches in particular.

At Federation, the constitution set out in Clause 116 some apparently clear limitations about religion while retaining in the preamble a clear reference to God. The High Court interpretation of clause 116 has taken Australia in a different direction from the USA. Whereas the US tradition has moved to a doctrine of separation of church and state and a doctrine of non-entanglement, the Australian version has moved to a position of non-separation of church and state and a doctrine of equitable entanglement.[24] The broader and social institutional effect of this has been to assert that religion has a recognised place in public life and in public institutions in a way that is quite different from the USA.[25] Australia may not be a religious state, but it is a state that incorporates religion in the statutory view of public life.

The religious rest in clause 116 refers to the actions of the Commonwealth government and public offices established under the constitution, not the institutions of commerce, industry and social life.[26] Yet the shape of these institutions is intimately implicated in issues of social values. They both inform and shape the character of social relationships for those within these institutions and also for those individuals and groups who relate to the institutions.[27] These institutions house what has come to be called the social capital that enables community life to be sustained.[28]

As such these enduring public institutions are inevitably the locus of interpretative conflict. For example, in the Anglican Church the role and authority of bishops faced significant challenges with the coming of synods in the Australian colonies in the middle of the nineteenth century.[29] The dependence on local parish finances gave lay people a new power that enabled them to give expression to their political values in the shaping and operation of the new synodical governance structures. The Anglo-Catholic revival in the early part of the twentieth century re-configured that relationship by giving the clergy, and especially the bishops, a higher personal religious significance in the institution when it was interpreted hierarchically. The evangelical revival at the end of the twentieth century has given bishops a higher political significance in an institution interpreted democratically and functioning on voting systems that can be manipulated for those with access and influence. Of course local diocesan differences in culture affect these possibilities.

Yet on the one hand, the constitutional and canon law definition of the role of Anglican bishops and clergy has changed little over the last two hundred years. At the same time, the powers of bishops within the continuing institutions of church governance have developed in new ways for both evangelicals and Anglo-Catholics. Not only so but also the bureaucratisation of the church has meant that bishops have taken on functions that not only

look managerial but are thought often to be best understood in terms of whatever are the current managerial ideas often uncritically imbibed. The institutional structure has thus been a vehicle of both continuity and change in institutional roles and of social values. Not surprisingly the inherent tensions in these arrangements have led to struggles within the Anglican Church of Australia about the interpretation of the values and beliefs of the community and the institutional shape of the church. Similar things can be said of other public institutions.

Indeed, similar things could be said of any longstanding public institution. Geoffrey Blayney's history of the AMP society is a striking example. In the 2018 Royal Commission into Financial Institutions was an almost Shakespearean portrait of the issue.

The creation of the Commonwealth, especially with clause 116 in its constitutions introduced a significant extra dimension to the church state question. Now Commonwealth laws became in time fundamental in the attempt to configure the relationship between church and state, but as it increasingly became, the relation between religions and religious bodies and the legal framework of national life.

Fracturing and Consolidating

A Consolidating Commonwealth—The Australian Settlement

When it first came into existence the Commonwealth Government looked quite fragile. In a series of moves through the operation of the High Court and the expansion of defence needs a centralising trend soon made the commonwealth power much more significant. The Commonwealth acquisition of the power of income tax in the end dramatically shifted the balance of financial power from the states to the Commonwealth. This centralising dynamic continued through the second half of the twentieth century and into the twenty first.

In 1901 the new Commonwealth parliament passed the Immigration Restriction Act which installed a 'white Australia' policy. The architect of the legislation Alfred Deakin believed that it was race, a common British race, that held the nation together and made the formation of the Commonwealth possible. 'Unity of race is an absolute to the unity of Australia'.[30] Just as a later Prime Minister, John Curtin in supporting the White Australia policy in the 1930s saw Australia as an outpost of the British race. For urgent security reasons, he had to turn without regret from Britain to the USA for support in the defence of the country but the underlying cultural and ethnic assumptions remained. Shielding under an imperial umbrella continued to shape Australia's understanding of its place in the world, whether the empire concerned was Britain or the USA. White Australia policy was effectively dismantled in 1966 but was not removed totally from the statute book until 1975. The Commonwealth also came to birth with a dispute between the protectionism of Victoria led by Alfred Deakin and the Free trade commitments of New South Wales led by George Reid. Protection was supported by the Labour party and so an economic policy that tried to isolate Australia was set in place for the next eighty years.

What endured into the century was a commitment to the protection of Australian industries. The Commonwealth established an Arbitration Commission in which Justice

Higgins early marked out a view of what a basic wage should be. After the second word War post war reconstruction meant the emergence of new Commonwealth initiatives and arrogation of more power and presence of the Commonwealth government in the life of the nation. Health and welfare insurance at the end of the war were largely provided by cooperative societies of one kind or another but they were subsumed in Commonwealth health insurance schemes and welfare activities. The largest bank, The Commonwealth Bank was owned by the government and out of which was created a Reserve Bank. All of these elements pointed to the active oversight by the state of the life of the community. As Paul Kelly has pointed out these five things, White Australia, imperial benevolence, Industry protection, state paternalism and national wage arbitration were the pillars of what he calls the 'Australian Settlement'.

This Australian Settlement brought a form of national unity with a British cultural tone to it that made the social environment a comfortable context for the Church of England in Australia, as it turned out, too comfortable.

Perpetuating The Church of England

On the other hand, the initially innovative move to create a General Synod in 1872 did not lead to a rush of united activity. The first seven General Synods were taken up with jurisdictional matters and procedures. While important, Bishop Pearson of Newcastle complained that the synods talked about 'the machinery of the work rather than the work itself'.[31] He called for conferences in the dioceses and national congresses to encourage conversation and promote friendly acceptance of differences. The first was held in 1882 and three followed, but they did not last and lapsed at the turn of the century, not to be tried again for nearly one hundred years.

The Synod did establish a College of Theology in 1891 to examine and award certificates in an attempt to raise standards of clergy training. The name was later changed to Australian College of Theology and still operates today serving many other churches besides Anglican.

Despite the presence of 'much learning or social influence or practical benevolence'[32] the first decade was a time on conflict and disaggregation. Disputes over the name of the church —they could not change to a name that included Australia in the decade in which the Commonwealth came into being! Leadership in the church was increasingly divided on party lines, disagreement on liturgy and hymns all looked back to England. The church continued 'to identify itself with the land of its birth rather than that of its adoption'.[33] Internally divided and looking backwards was not a way to enter the new century.

Brian Fletcher has traced the sorry tale of lost opportunities to embrace a more national vision of the church at the dawn of the twentieth century. After the first General Synod meeting in 1872 there were good signs that the Anglicans were moving towards a more national self understanding with serious attempts to change the name of the church from Church of England to something that contained the name Australia. Church Congresses suggested a more open and national spirit in the church. Support for the federation movement strengthened this movement, but in the end divisions within the church proved to be more

powerful despite the more open approach from the new Archbishop of Sydney JC Wright who looked forward to a General Synod with 'far larger plenary powers than at present'.[34] But with the new century local instincts re-emerged and were institutionalised. After a comprehensive review Brian Fletcher recorded the dismal result at the opening of the twentieth century. 'Between 1901 and 1914, therefore, the Anglican Church continued, so far as its leadership, name, and hymnal were concerned, to identify itself with the land of its birth rather than that of its adoption.'[35]

David Hilliard claims that 'the idea that it (the Anglican Church) was still in some sense a state church lingered on . . . until the mid-twentieth century'.[36] Rowan Strong argues further 'that that lingering establishment mind-set was deliberately fostered by the Church of England in Australia because it found it difficult to relinquish the hegemonic position that Anglicanism espoused in England, which occupied a major part of its identity'.[37]

At end of the century at the General Synod in 1995 the Primate, Archbishop Keith Rayner, remarked upon the fact that in the past the church had sought its bishops from England but now they were coming from a variety of countries, mostly of course they are home grown. 'It is interesting to speculate whether we have entered a new degree of maturity in internationalising our leadership.'[38] He was undoubtedly correct but it is an astonishing sadness that after a whole century such an issue could only be a matter of speculation. This intellectual nostalgia in Australian Anglicanism has been a major inhibition in embracing a more robust and contextualised sense of the place of Anglicanism in the life of the broader Australian society.

Collapse of the Australian Settlement

The collapse of the comfortable Australian Settlement really began with the demise of the White Australia policy. It was the key principle in the first political platform of the Australian Labour Party in 1901 and was abandoned in 1965. With immigration and close connections with Asia, the demise of the British imperial influence in Australia saw this racist strain excised from official national policy, though not of course from all Australians or all social institutions. The memory lingered on for some. During the 1970s the government of Malcolm Fraser supported a major influx of immigrants from Vietnam following the defeat of US and Australian forces in the war in that country. Fraser also adopted a policy of multiculturalism for Australia and Prime Minister Bob Hawke in the 1980s strove to enmesh Australia in Asia.

During the 1980s the twin forces of globalisation and changing international trade and security arrangements meant that the main structure of the Australian Settlement were broken down. Economic stagnation in the face of international growth precipitated changes. The changes were systematic and profound: reducing tariffs and removing quotas in 1991 and in the same year selling the Commonwealth Bank, more independence for the Reserve Bank, re-configuring wage arbitration and floating the dollar. Such a fundamental re-structuring of the economy inevitably had a profound impact on other aspects of Australian life. These changes were also related to Australia's engagement with Asia and the social values and

habits that inevitably went with that. It also coincided with Paul Keating as Prime Minster promoting a change from a constitutional monarchy to a republic.

Writing in 1992 Paul Kelly argued that the excesses of the 1980s were regarded by the community as 'devoid of any moral base and to have produced immoral results.'[39] Sixteen years later in 2018 Royal Commission into Financial institutions has had the same effect as it has revealed serious absence of moral character and corrupt conduct at the highest levels in very large public institutions. These are matters not just about mere organisational arrangements. They concern the way in which the design and management of institutions fosters or discourages certain kinds of moral behaviour and attitudes.

Institutions embody social values in the relational architecture of their organisation and functions. Similar stories of institutional change and continuity can be seen in other areas, such as the professions generally,[40] the armed forces,[41] business, and the economy. The institutional complex that sustains the Australian community is in constant flux as it responds to new forces, both external and endogenous. Looking back over a ten-year project on Australian institutions during the last decade of the twentieth century, Geoffrey Brennan and Francis Castles draw attention to a consensus that in the last two decades of the twentieth century 'something significant has been happening in Australian institutional life, a kind of institutional re-positioning, a move to a more 'competitive' institutional order increasingly like that of the United States and increasingly unlike the Australian egalitarianism of the past.'[42] It was the end of the so-called 'Australian Settlement' in labour relations and institutional regulation in the market place.[43] This analysis draws attention to some social implications of this change: patterns of relationships were re-configured; clients of professionals, passengers in airlines and elsewhere became customers. This commercialisation of the language of social relations affected also the contemporary orthodoxy of institutional relations within churches, especially in schools and welfare organisations. In 1993, Hugh Mackay examined Australian life and found changes in the roles of men and women, marriage, the labour market, politics, and the racial and cultural composition of society amounted to a reinventing of Australia.[44]

These changes in the broader society influenced the churches and particularly Anglicans.[45] Throughout the 'Australian Settlement' the Anglican Church retained social prominence and its representatives often exercised significant social and political influence. It is, thus, not surprising that up to and during this twilight period at the end of the twentieth century discussions amongst Anglicans of relations between the Australian nation and the Anglican Church of Australia were often shaped by the longer experience of those relations in the Church of England. In the twentieth century the Church of England focused on gaining freedom from its entanglement with the state as it sought for a constitution to order its ecclesiastical affairs.[46] History had made it possible for the terms 'church' and 'state' to mean something in England. England was much more centralised, as was the Church of England. Even today, the Church of England is one of the most centralised national ecclesiastical bodies in worldwide Anglicanism, whereas the Anglican Church of Australia is one of the most decentralised and institutionally differentiated.[47] In late twentieth century the imported English categories were increasingly out of touch with local realties. Their continued use by

Anglicans only serves to mislead both Anglicans and others.

Re-Configuring the Anglican Church

In the second half of the twentieth century two key developments in the institutional profile of the Anglican Church emerged. Schools and Welfare agencies were caught up in the centralising dynamics of the Commonwealth and changes in commonwealth laws changed the way Anglican welfare and educational institutions operated.

In the second half of the twentieth century Anglican independent schools began to receive funding from the Commonwealth Government along with all other religious of "faith" based schools. Not only so the government funding arrangements encouraged churches to develop low fee schools and in order to access these funds dioceses established school systems to develop such schools. This pattern began with reasonably modest funding for science laboratories by the Menzies government in 1965 but has now grown to a multi-billion-dollar distribution by the government. The scheme has been largely driven by the needs of the Roman Catholic schools system, which account for almost a quarter of the school population but Anglican schools greatly benefit from this Commonwealth funding.

In 1964 an early warning bell had been sounded on this development in relation to schools. When Sydney's Anglican Synod debated its long-standing opposition to state aid to church schools, members discovered at the synod that some of their most prestigious schools had already decided to accept the money on offer from the Commonwealth government, without waiting for the synod to debate the matter. The Synod of the Diocese of Sydney passed resolutions against state aid to non-government schools on a regular basis through the 1960s. Specifically in 1962, the synod resolved against any state aid.[48] At the 1964 synod in his Presidential Address, Archbishop Gough reported that the Standing Committee had established a committee to consider the recent offer of the federal government to give financial assistance to church schools for buildings and equipment, but 'it was discovered that our School Councils were already applying for grants'.[49] Standing Committee resolved to encourage the schools to apply, but the synod passed a resolution opposing any such move. Nevertheless, the schools continued to seek and receive aid from the federal government despite the resolution of the synod. Clearly the schools were beginning to separate from the ecclesiastical structure where vital economic issues were at stake. Subsequent dramatic increases in government funding have only accelerated that process.

In a similar vein the Commonwealth government began in the second quarter of the century to make grants to welfare organisations doing particular kinds of work. This policy evolved from a block grant scheme to a tender process which gave great financial control to the government and also the capacity to set its welfare policies in place more directly. This created some pause in the church agencies who did not wish to distort their own policy priorities. However, as with other non church welfare community organisations, adjustments were made and the money from the government accessed.

In both these cases, education and welfare, locally based church agencies had to find ways of dealing with the Commonwealth Government. Networks of Anglican welfare agencies and schools were formed during the last decade of the century. These networks were

recognised by the Standing Committee of the General Synod which enabled them to report to the synod. The synod nonetheless had no control over these networks. The schools and welfare networks were just the two largest of a number of networks across the country who were engaged in different kinds of activities to share experience and collaborate. This was in reality a way of re-configuring the national institutional profile of the national church. But it has special significance for schools and welfare agencies because they were able to collaborate on changing tax laws and vital funding issues that directly affected their large organisations.

The schools and welfare agencies were also affected by the broader social move away from co-operative structures to corporate models of governance. This meant the governing bodies of these organisations had to accept the responsibilities of directors set out in corporations law. A significant increase in dependence on Federal government funds for their activities has increased this trend. The church agencies have had to operate corporate structures that have distinguished or separated them from the ecclesiastical structures of synods and dioceses. Changes in accounting standards combined with these trends to move these agencies in the direction of publicly accountable and government-relating entities.

The schools and welfare agencies have become larger and stronger with vast resources, while in general the ecclesiastical structures have struggled with diminishing resources and numbers.[50]

The difficulties of the ecclesiastical structures have been quite marked in the last quarter of the twentieth century. In 1962, a new constitution for the Anglican Church of Australia came into force after decades of debate. This encouraged a fresh sense of being a ‘national church’, in the restricted sense that the separate dioceses were now more connected with each other. Some thought that perhaps the old regionalism would be overcome under the new constitution. In 1978 a new Prayer Book for Australia was authorised by the General Synod, complete with images of Australian flora. It was widely adopted and, as Primate, the Archbishop of Sydney, Marcus Loane, toured the country visiting dioceses and commending the new prayer book. In less than twenty years this unanimity had dramatically diminished. A second prayer book was authorised by the General Synod in 1995 in the midst of considerable conflict. A number of dioceses refused to adopt the new book, including Sydney, from which Marcus Loane had retired. The Anglo-Catholic Dioceses of Ballarat and The Murray also rejected the book. These more extreme forms of anglo-catholic and evangelical Anglicanism that developed in the latter part of the twentieth century also combined in the divisive debates on the ordination of women as priests and as bishops. Because of the loose federal structure of the church these conflicts have led to a flight to the local and the reinforcement of distinguishing differences.

Moreover, in the last quarter of the twentieth century participation in church life has declined noticeably. This may be partly from a decline generally in religious observance, but also partly due to a rejection of institutional religion in favour of personal spirituality. David Tacey has tracked a theme of spirituality in relation to the land in his book Edge of the Sacred,[51] and in a second book he has moved to the links between what he sees as this rising spirituality and ‘tradition, history and our religious ancestry’.[52] In this context, he explores the relationship between old religion, mainly represented by dogma and morality, and the

new more affective spirituality, in which he sees the possibility of a re-enchantment of Australian life. This movement in the culture is also reflected in a rejection of institutional religion. Just as participation in church life has been declining, volunteering for community and social projects has been increasing. Clearly there are demographic variations to these trends, but for Anglicans and their ecclesiastical structures the numbers are still striking.

In the last forty years of the twentieth century the percentage of Australians identifying themselves as Anglicans in the census fell from thirty-six to twenty per cent. Moreover, of those the percentage of Anglicans attending church more than once a month fell from eleven per cent in 1970 to five per cent in 1998.[53] In 2006, the General Synod published a report called Building the Mission Shaped Church in Australia, which addressed the participation and church life crisis. In the preface, Andrew Curnow, chair of the working group that prepared the report, said: 'The Anglican Church has been floundering around not knowing what shape to take in a secular environment'.[54] The public estimation of the Anglican Church of Australia was severely damaged in this period by revelations of extensive sexual abuse in the church. Even though the church took reasonably clear steps to deal with this,[55] it was a morale-sapping time for church members and the generality of the clergy. The last twenty-five years have been very difficult for the organisational arrangements of the Anglican Church.

The present condition of Anglican religious expression is thus marked by very significant differentiation. The ecclesiastical structures have experienced marked decline, more difference, and conflict, and a centrifugal flight to the local. On the other hand, Anglican schools and welfare organisations have experienced extraordinary expansion and resources growth, and a strong centripetal move to a national point of reference that was not located in the ecclesiastical structures. Given this contrast, it is not surprising that within Anglicanism in Australia there has been under way for some time a re-negotiation of the nature of the institutional arrangements that can be called Anglican. It is not a coherent institutional identity.

Conclusions

At the beginning of the nineteenth century, the 'church' in church–state relations could be clearly identified in singular institutional terms. There was, first, an archdeacon and then later, after 1836, the bishop who was a corporation sole. At the beginning of the twenty-first century such a simple identification is not possible. The institution has differentiated and the profile of the parts changed significantly in the last quarter of the twentieth century. On the other side of the relationship, the public institutions of the nation have also differentiated and the profile of their parts has changed over time. For the Anglicans 'church' and 'state' are not adequate terms for serious debate of the central issues of the place of Anglicans in contemporary Australian life. They are too narrow in scope and do not encompass the really significant questions of social and religious life in Australia. Any re-thinking of this nest of questions will require a more nuanced account of the nature of social institutions and their relationship to values and beliefs.

The differentiation signalled by the collapse of the Australian Settlement and its social and cultural accoutrements lies behind the intermittent public debates about social issues such a the definition of marriage, the character and meaning of multiculturalism, which is in effect just one aspect of the more fundamental question about the character of the plurality of Australian society now and into the future. In the second decade of the twenty first century it is much less easy to see the lineaments of coherence and commonality that constitute the framework within which plurality and difference can effectively exist.

A quite important issue is also at play in contemporary Australian Anglicanism, which lies behind the layered history of church–state relations: namely, how should Australian Anglicans understand the relationship between their practices and beliefs and the evolving practices and values in Australian society? The mental habits appropriate for an Anglican gaol are not just out of place in a plural society, they fail to display either the adaptive and engaged capacity of the longer tradition of Anglican Christianity or the dynamic changes in Australian society. This is not just about institutions; it is about the way in which Anglicans think of their place in Australian society. Of course, that in turn begs the question of whether Anglicans are in a position or have a disposition to devote sufficient theological resources and effort to engage with this quite fundamental and existential question.

---

1. F Watson, *Historical Records of Australia* (Sydney: Library Committee of the Commonwealth Parliament, 1914-), Series IV Legal Papers, Section A, 1:19–22.
2. 'Commission of Quentin Alice Louise Bryce to the Governor-General of Australia', *Commonwealth of Australia Gazette* No S181, 10 September 2008, 3–4.
3. 'Address by Her Excellency Ms Quentin Bryce AC on the Occasion of Swearing-in Ceremony as Governor General, Parliament House, Canberra, 5 September 2008', http://www.gg.gov.au/governorgeneral/speech.php?id=463, accessed 15 November 2008.
4. C Turney, U Bygott, and P Chippendale, *Australia's First: A History of the University of Sydney Volume I 1850–1939* (Sydney: Hale and Iremonger, 1991), 1–92.
5. *Sydney Morning Herald*, 12 October, 1852.
6. 'Now know ye that we, taking the premises into consideration, and deeming it to be the duty of our Royal office, and for the advancement of religion and morality and the promotion of useful knowledge to hold forth to all classes and denominations of our faithful subjects, without any distinction whatsoever, throughout our dominions encouragement for pursuing a regular and liberal course of education, and considering that many persons do prosecute and complete their studies in the Colony of New South Wales, on whom it is just to confer such distinctions and rewards as may induce them to persevere in their laudable pursuits.' University of Sydney website: https://sydney.edu.au/policies/showdoc.aspx?recnum=PDOC2011/51&RendNum=0 Accessed 16 December 2018.
7. *Sydney Morning Herald*, 12 October 1852.
8. Frank Lambert, 'Debating the church-state boundary, then and now: Virginia as a case study', in *Church and State in Old and New Worlds*, edited by H Carey and J Gascoigne (Leiden: EJ Brill, 2011), 209–232.
9. *Sydney Morning Herald*, 12 September 1850, hereafter.
10. WG Broughton to E Coleridge 1 February 1851 and 9 May 1851. This correspondence is held in Moore College Library, Sydney. The three clergy were WB Boyce (Wesleyan), CH Davis (Roman Catholic Bishop) and W Purves (Presbyterian).
11. A full account of this process is given in chapter 6 of this book
12. See the memorandum of Bishop Tyrrell, *Sydney Morning Herald*, 5 November 1852, and his further correspondence, *Sydney Morning Herald*, 19 November 1852, which set out the church side of the argument and for the meeting at which a compromise was agreed, *Sydney Morning Herald*, 1 August 1853.
13. It is interesting to note that the attempt by the local bishops to secure compulsory attendance at religious instruction for

all students in the university was sought at a time when in England there was hardly any compulsion, even for those seeking ordination, to attend lectures in divinity.

14. See KJ Cable, 'The University of Sydney and Its Affiliated College, 1850–1880', in *The Australian University*, 2 (1964): 183–214 and Turney, Bygott, and Chippendale, *Australia's First*, 88–91.
15. Victorian Oddfellows *Christmas Annual* (Melbourne, 1871), 16, quoted from D Green and L Cromwell, *Mutual Aid or Welfare State: Australia's Friendly Societies* (Sydney: George Allen & Unwin, 1984), 19.
16. Green and Cromwell, *Mutual Aid*, 221.
17. G Blainey, *A History of the AMP 1848–1998* (Sydney: Allen & Unwin, 1999), vii.
18. B Kercher, *An Unruly Child: A History of Law in Australia* (Sydney: Allen & Unwin, 1995) in general and more particularly on this point K Mason, *Constancy and Change: Moral and Religious Values in the Australian Legal System* (Sydney: Federation Press, New College Lectures, 1990).
19. Kercher, *An Unruly Child*, 204.
20. Kercher, *An Unruly Child*, 204.
21. Church of the New Faith v Commissioner of Pay-Roll Tax (Vic) ('Scientology case') [1983] HCA 40; (1983) 154 CLR 120 (27 October 1983). See BN Kaye, 'An Australian Definition of Religion', *University of New South Wales Law Journal*, 14/2 (1992): 332–51.
22. P Finn, *Law and Government in Colonial Australia* (Melbourne: Oxford University Press, 1987), 58.
23. See John Keane, *The Life and Death of Democracy* (New York: WW Norton, 1st American, 2009).
24. R Ely, *Unto God and Caesar: Religious Issues in the Emerging Commonwealth 1891–1906* (Melbourne: Melbourne University Press, 1976), Luke Beck, *Religious Freedom and the Australian Constitution: Origins and Future* (New York: Taylor & Francis Inc, 2018) and Kaye, 'Definition of Religion', 1992, and TR Frame, *Church and State: Australia's Imaginary Wall* (Sydney: UNSW Press, 2006). On the US situation, there is a library of material but the following are helpful: MD Peterson, RC Vaughan and Virginia Foundation for the Humanities and Public Policy, *The Virginia Statute for Religious Freedom: Its Evolution and Consequences in American History* (Cambridge: Cambridge University Press, 1988); BN Evans, *Interpreting the Free Exercise of Religion: The Constitution and American Pluralism* (Chapel Hill, NC: University of North Carolina Press, 1997) and DL Holmes, *The Faiths of the Founding Fathers* (Oxford: Oxford University Press, 2006).
25. See the discussion of the consequences of its exclusion in the United States in Stephen Carter, *The Culture of Disbelief. How American Law and Politics Trivialize Religious Devotion* (New York: Anchor Books, 1993) and Stephen Carter, *The Dissent of the Governed: A Meditation on Law, Religion and Loyalty* (Cambridge Mass: Harvard University Press, 1998).
26. See the discussion of this area in P McFarlane, and S Fisher, *Churches, Clergy and the Law* (Sydney: Federation Press, 1996).
27. See D Aitkin, and B Jinks, *Australian Political Institutions* (Melbourne: Pitman, 1981); *Transformations in Australian Society*, edited by P Patton, and D Austin-Broos (Sydney: Research Institute for Humanities and Social Sciences, University of Sydney, 1997). On the general question of the relationship of such institutions to a conception of democracy see JH Keane, *Civil Society: Berlin Perspectives* (New York: Berghahn Books, 2006).
28. E Cox, *A Truly Civil Society. The Boyer Lectures* (Sydney: Australian Broadcasting Corporation, 1995).
29. See G Shaw, *Patriarch and Patriot, William Grant Broughton 1788–1853* (Melbourne: Melbourne University Press, 1978); BN Kaye, 'The Strange Birth of Anglican Synods in Australia and the 1850 Bishop's Conference', in *Journal of Religious History*, 27/2 (2003): 177–97 (chapter 5 in this book); ED Daw, 'Church and State in the Empire: The Conference of Australian Bishops 1850', in *Journal of Imperial and Commonwealth History*, 5 (1976): 251–269.
30. Quoted from Paul Kelly, *The End of Certainty: The Story of the 1980s* (St Leonards, NSW: Allen & Unwin, 1992), 3.
31. Brian H Fletcher, *The Place of Anglicanism in Australia: Church, Society and Nation* (Mulgrave, Victoria: Broughton Publishing, 2008), 4.
32. *Sydney Morning Herald*, 7 September 1900.
33. Fletcher, *The Place of Anglicanism in Australia*, 25.
34. Fletcher, *The Place of Anglicanism*, 21.
35. Fletcher, *The Place of Anglicanism*, 25.
36. D Hilliard, 'Anglicanism', in *Australian Cultural History*, edited by SL Goldberg and FB Smith (Melbourne: Cambridge University Press, 1988), 15–32, here 17.
37. Rowan Strong, 'An Antipodean Establishment: Institutional Anglicanism in Australia, 1788-c.1934', in *Journal of Anglican Studies* 1/1 (2003): 61–90, here 65.
38. Proceedings of the Tenth General Synod, 1995, Official Report, Anglican Church of Australia. Presidential Address, 10.
39. Kelly, *The End of Certainty*, 684.

40. P Boreham, A Pemberton and PR Wilson, *The Professions in Australia: A Critical Appraisal* (Brisbane: University of Queensland Press, 1976).
41. For example in the Royal Australian Navy, see TR Frame, *No Pleasure Cruise: The Story of the Royal Australian Navy* (Sydney: Allen & Unwin, 2004).
42. G Brennan, and FG Castles, *Australia Reshaped: 200 Years of Institutional Transformation* (Melbourne: Cambridge University Press, Reshaping Australian Institutions, 2002), 1.
43. See also a popular account of this in P Kelly, *The End of Certainty,* and for its significance for Australian Anglicans, BN Kaye, *Reinventing Anglicanism: A Vision of Confidence, Community and Engagement in Anglican Christianity* (New York: Church Publications, 2004), 47–89.
44. H MacKay, *Re-Inventing Australia* (Sydney: Angus and Robertson, 1993) and his subsequent work, H Mackay, *Advance Australia . . . Where?* (Sydney: Hachette, 2008).
45. On the general question of the history of Anglicanism and Australia see BH Fletcher, *The Place of Anglicanism.*
46. See the series of reports on church and state in Church of England. Church of England. *Archbishops' Commission on the Relations between, Church and State, Church and State: Report* (Westminster, 1935); *Church of England, Church and State: Being the Report of a Commission Appointed by the Church Assembly in June, 1949* (Westminster: Church Information Office, 1952). *Church of England: Archbishops' Commission on, Church and State, Church and State* (Westminster: Church Information Office 1970 [1985]).
47. See BN Kaye, *An Introduction to World Anglicanism* (Cambridge: Cambridge University Press, 2008).
48. *Year Book of the Diocese of Sydney* (Sydney: Anglican Information Office 1963), 248.
49. *Year Book of the Diocese of Sydney* (Sydney: Anglican Information Office, 1965), 243–245.
50. John Murphy, 'Church and State in the history of Australian welfare', in H Carey and J Gascoigne, editors, *Church and State in Old and New Worlds* (Leiden: EJ Brill, 2011), 287–306, here 261–286.
51. D Tacey, *Edge of the Sacred: Transformation in Australia* (North Blackburn: Harper Collins, 1995).
52. D Tacey, *Re-enchantment: The New Australian Spirituality* (Sydney: Harper Collins, 2000), 15.
53. For brief census information see the Australian Bureau of Statistics web site at http://www.abs.gov.au/ausstats/abs@.nsf/1020492cfcd63696ca2568a1002477b5/fa58e975c470b73cca256e9e00296645!(and also G Bouma (ed.), *Many Religions, All Australian: Religious Settlement, Identity and Cultural Diversity* (Melbourne: Christian Research Association, 1996) and G D Bouma, *Australian Soul: Religion and Spirituality in the 21st Century* (Melbourne: Cambridge University Press, 2006).
54. *Building the Mission Shaped Church in Australia* (Sydney, General Synod Office, 2006), Preface. See Also T R Frame, *Anglicans in Australia* (Sydney: UNSW Press, 2007).
55. G Blake, 'Child Protection and the Anglican Church of Australia', in *Journal of Anglican Studies*, 4/1 (2006): 81–106.

Index of Names and Subjects

A

B

C

D

E

F

G

H

I

J

K

L

M

N

O

P

Q

R

S

T

U

V

W

Y