Darlinghurst 1st April 1850

My dear Mr Walsh

I did not receive your letter dated Easter Eve until yesterday after morning service. It was therefore too late for me to have returned any answer even if that had been necessary. But having stated my intention not to bind the clergy by any injunction to adopt my views, I would not afterwards think of limiting their freedom of determination. Now that you have determined, I think it expedient only to notice one or two points, in which perhaps my own sentiments and course of proceeding have been not quite rightly apprehended; and a few arguments to which more weight I think is generally attributed than they are entitled to.

First I will speak of the influence which my own private proceedings, nearly four years ago, has apparently had in influencing your decision to admit Mr Bowen. When it was first brought under my consideration at that time, by the Revd W. J. Walsh

Minister

minister of the parish in which he was resident, whether he might be received as a communicant my reply was this, "I answer, though not without hesitation, I think he may." The reason assigned for this qualified approval was stated to be that "I could not satisfy myself that there was any sentence or decree which we could venture to apply, enjoining that they" (namely persons under Mr Bowen's circumstances) "should be excluded from the communion." I am informed, and see no reason to doubt, that he did afterwards receive it. Now if after having made this decision I had ~~afterwards~~ without any fresh circumstances arising, (and to, it might be said, vexatious ly,) withdrawn the concession, I fully admit it might well have had some influence upon your resolution. But you will bear in mind that, during the past year, fresh circumstances did arise which compelled me to resume the consideration of the question. I allude to the proceedings of an organized and very active Association, formed for the purpose of a general agitation of the subject, and to bring it into discussion in Parliament with a view to force upon the Church of England a modification, or rather an entire change of her system in respect to marriage within the prohibited degrees. Had the parties who had unhappily contracted such marriages been contented to leave the subject undisturbed, and the law as it was when my letter upon this question was written, I am persuaded I should not again have moved in it. But in my station, much impropriety I think would have been attached to me, if while such an agitation was going on, and systematically kept up by the opposers of the law of the Church (with a favorable appearance of carrying their point) I had not been preparing, by previous enquiry, to qualify myself for meeting the emergency which seemed approaching. This enquiry was not spontaneously resumed. It was forced upon me by the proceedings of those persons who espoused Mr Brown's cause, and to whom, I am sure he would admit, he

extended

extended sympathy and encouragement. The result of my careful research was to convince me that my former decision was erroneous; was founded upon a false supposition, ~~that I had admitted~~ that there was "no sentence or decree" which we could venture to apply in the enforcement of exclusion from the communion in such cases. Upon a fresh, and very careful examination of the 99th and 109th canons with each other, and with the Rubrick prefixed to the Order for Administration of Holy Baptism, I could no longer entertain a doubt as to the intention of the Church, or as to the sufficiency of the authority given by her to her ministers to withhold that sacrament from any who should infringe her Table of Prohibited degrees. I therefore Mr Bowen having been once too hastily succeeded, by upon a fuller review and consideration of the law of the Church, excluded afterwards, the hardship of the case is not to be represented as brought upon him by any wanton charge of opinion or measures on my part: but the proceedings of those who make common cause with him must be

be considered as having left me no alternative
to act otherwise than I have done. The Church has said
expressly of all marriages made and contracted
within the degrees prohibited, that they shall be
judged unlawful and void from the beginning;
and further directs that if any offend therein
by wholesome ancient or any other con-
demnation, such notorious offenders shall not be
admitted to the holy Communion till they be
reformed; and that if any be a notorious evil liver
the Curate having knowledge thereof shall call him
and advertize him that in any wise he presume
not to come to the Lord's Table until he hath openly
declared himself to have truly repented, and
amended his former naughty life. I do not perceive
how there can be any just doubt as to the intention
of the Church in such cases, or as to the charge which she
lays upon us to inflict her sentence upon offenders.
If you say you are not in a position to depose to
admit to Holy Communion without assuming more
authority than under all circumstances you have

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a right to: for although the party have sinned, you think it is not by a sin unto death. Yet it is plain the Church does look upon sin, apparently not more heinous, as sufficient to exclude: for she says "if any be in malice or envy or any other deadly sin, or in any other grievous crime, repent you of your sins or else come not to that Holy Table". She does not invite such: she prohibits: she excludes. Is there not a sophism also in the supposition which you tacitly make that by excluding you exercise a more direct judgment upon the condition of others in God's sight than by admitting them? It is not so I think. You assume equal authority in either case. If it be said that your course, if it be in error, is at least in error on the charitable side, I must still question it: for true charity regards not the inclination of individuals but the welfare of the Church at large, which is injured by false lenity shewn to them; as it may no less be warned and amended by due discipline exercised toward them

Again

Again you lay some stress upon what the Bishop of Melbourne has done in a similar case. First of all I must observe it appears more suitable, in a questionable course of proceding, to give the first degree of weight to the decision of one's own bishop: and not to let the judgment of another be put into the scale to overbalance it. But indeed (although I am not entitled to make observations on the Bishop of Melbourne's proceding) I may venture to assure you you would not receive from him much encouragement to fortify you in the view you have taken. Again as to the Canons you say, and I have no doubt with perfect sincerity, you pray that the voice of authority may speak with no uncertain sound upon the matter not only of the 99th but also of the other Canons. I find this the most common mode of meeting an exhortation to do right; namely by saying that we must have all the Canons (114 99th) enforced or none; or at any rate not this one in particular. This might be a very fair argument if the Canons were all homogeneous in their nature and purpose. But let

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me as to whether any of the neglected or obsolete Canons
does so directly or deeply touch the substance of moral
obligation; or is there any other in the interpretation
and observance of which the moral law of God is so
much concerned, as in the 99th. The only one which can
possibly be placed upon a parity with it in this
respect, I think, may be the 13th which requires my own
readiness (depending upon the support of God) to
follow even to the letter if there can be found to
many true members of the Church willing to cooperate
as might afford reasonable hope of success in endea
vouring to carry out the observance of Sundays and
Holy days, according to the true intention of the Ch:
of England. But if you will carefully examine the
Canons one by one you will find that except
these alone (the 13th and 99th) there is scarcely one,
if there be even one, of a moral nature. They are
generally speaking formal, or concerned about
formal matters, and therefore dispensable; and the
non-observance of them although I am not speaking
in favour of that) attaches only irregularity
and

and not moral guilt. It seems to me therefore to be a sufficient mode of reasoning, which so many are fond of employing, to say that we may not inquire upon the one class of canons being enforced, unless we are prepared by authority to enforce all, and that we are under equal obligation to do so. So affirm this is more than the Papacy ~~think~~ thinks; it is sapping the foundation of morals. The framers of the canons were guilty of perhaps ~~one~~ fault; in admitting into the same Table of dispensations, ~~pardons~~ impunctions binding upon the conscience and injunctions merely formal; and we shall be still more to blame if we, with the better light which we possess, continue to urge that the moral portion shall not be enforced, because the canons which relate to external order and discipline are in abeyance. Surely no one will contend that these things are ejusdem generis; or that the enforcement of them is equally binding upon the conscience of the Church.

I will add no more than an expression of my full and perfect conviction that your intention was to choose that which is right; and it is not for me to pronounce that you have not adopted it. My only ~~object~~ aim in writing was to ~~shew~~ expose the different view which I cannot help taking of some of the reasonings by which you propose to ~~shew~~ show that it is right. If you should ever be led to suspect the validity of that reasoning on which you now rely, I am sure that the candour and ingenuousness which distinguish you will lead you to acknowledge it. The reflexion which principally and indeed very painfully affects me is this:- that your decision shuts me out from partaking any more with your congregation of those Sacraments which I have always attended in your Church with great and growing satisfaction; observing the goodly numbers, and the devout demeanour of the communicants at that Table. It would create too serious a scandal if I were to pass over, and you were to admit, one and the same individual; and therefore I must abstain from attending at such holy celebrations, until some happier state of circumstances shall enable me again to do so without offence. In every other respect I trust you will ever find me without

any alteration

Yours sincere friend
and affectionate brother
W. G. Sydney