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A Memorandum on the Relation of the CMS Northern Territory
Missions to the Bishop and Diocese of Carpentaria.

CMS has been working in the NT for more than 50 years with the goodwill of the Bishop of Carpentaria. This does not mean, however, that the Bishop has ecclesiastical jurisdiction over the CMS Missions or over the Aborigines in those areas. Insofar as the Bishop feels a ministerial responsibility towards those Aborigines who are within the territorial limits assigned to him and also within the CMS Mission areas, that responsibility is discharged by his recognition of work being done by CMS. If he did not believe that CMS was adequately meeting the needs of the Aborigines in those areas, his proper course would be to compete with, or seek to supplant, CMS. This could only be done, in the present circumstances, with the approval of the Federal Government. But the Bishop has no power given him by his office or by ecclesiastical law to exercise direct spiritual supervision over or within the CMS Missions.

CMS is in the position of many independent C. of E. institutions and associations which function within various dioceses but are not subject to any jurisdiction within those dioceses. There are many C. of E. schools, colleges, homes, hospitals and societies of this kind. The fact that such institutions may operate with the goodwill of a bishop, and even at his invitation, does not necessarily mean that the bishop has any ecclesiastical jurisdiction or spiritual oversight over them. For example, neither the Archbishop of Sydney nor his diocesan Synod has any jurisdiction or spiritual authority over the running of such places as Cranbrook School, Meriden, St. Gabriel's School, The House of the Epiphany, the University Anglican Society, or CMS House and Headquarters. Some of these are within the area of his diocese with his goodwill, and some without his overt cognisance.

The only link the bishop has, or in ecclesiastical law is entitled to have, in such cases, is with any clergymen or buildings in such institutions which he is asked to licence. Clergymen must be so licenced if they wish to fulfil ministerial functions according to the rites of the Church of England. It is therefore important to realize what such licencing means, and what it does not mean.

- It means 1. that the bishop is satisfied as to the canonical fitness of the clergyman;
2. that he should 'visit' him and exercise superintendence over his morals;
3. that he should enforce discipline and obedience to the laws ecclesiastical on the part of the clergyman;
4. that he may suspend or deprive him of his licence for due cause (i.e. for offences under the two previous heads only).

By canon law, the bishop's visitation for the purposes of 2 and 3 above was to take place once a year. But visitations (where they exist at all!) are now by custom triennial, and a bishop is in fact restrained by law from making even an annual visitation (for the grounds of the above see Cripps on Church and Clergy, 1937, p.80).

The bishop is not to be thought of as having any direct responsibility for those who are under the pastoral care of such clergy. It is his duty to leave the clergy to the free exercise of their ministry, without interference, apart from the necessary conditions listed above. The suggestion that chaplains should be under obligation to report regularly to their bishop is improper; it would be an unwarranted intrusion upon their freedom and discretion in the exercise of their God-given ministry. Further, it is quite misguided to speak as if the Bishop of Carpentaria had a jurisdiction, or a moral right of supervision, over the "spiritual side" of the CMS work. While the CMS cannot, of course, require its chaplains to act in any way against their obligations to the bishop as implied in 2 and 3 above, the chaplains are otherwise entirely and properly responsible to CMS for the general character and direction of their spiritual ministry.

CMS is thus rather in the position of a patron in the English Church. The patron - say, the lord of the manor, as used commonly to be the case - accepts responsibility for the spiritual welfare of his dependents, and he consequently appoints a clergyman to minister to them. He presents that clergyman to the living which he himself provides, and secures the bishop's licence for him. At this point, the bishop's responsibility, if he accepts the area of the patron's responsibility as legitimate, is limited to satisfying himself as to the canonical fitness of the clergyman; he is not concerned for his qualifications in any other way. Moreover, the bishop is, in England, bound by law to licence a clergy duly so presented.

If CMS truly believes it is in the north because God has given it a responsibility for the spiritual welfare of the Aborigines, then it would be a breach of its trust to resign this responsibility, or any proper part of it, to the bishop of the diocese beyond what is proper to the bishop's ecclesiastical jurisdiction. For myself, I must emphatically disagree with the assertion in a previous Memorandum that "it is necessary for the Society to make it possible without delay for the Bishop to have a realistic degree of participation in the conduct of the work in addition to his normal episcopal authority over the spiritual ministrations and staffing of the field". The ground given for this is that "the Bishop can never agree happily to the presence within his Diocese of an Anglican work over which he exercises no authority or effective control through recognized organs of the Diocese". But if CMS believes that its work is consistent with the gospel and with the principles of the Church of England, it must be prepared to find itself at variance with the Bishop in this matter, if he were to adopt such an attitude; it certainly has no right whatever to make a concession which would be ungrounded in itself, and could only impose a limitation on its future activities. If the Society thinks it right to invite the Bishop to do any of the things suggested in items i to v of the previous Memorandum (on p.5), it can only rightly do so in the conviction that the Bishop has a personal contribution to make to the councils of the Society, in full consistency with the Society's aims and responsibilities. To invite the Bishop to participate in an implied ex officio capacity, or out of a supposed acknowledgement of a spiritual oversight on his part, would be a serious mistake.

Three further points call for comment:

1. "I have been told that the Bishop of Carpentaria is not a member of the Society, and that there is no need for complete integration of our work into the life of the Diocese of Carpentaria". I can see a good ground for this statement, at present, our chaplains are licenced (presumably) as chaplains to

the mission stations. Officially, there are not yet in existence "churches" of which the diocese of Carpentaria, even were it desirable for it to do so, could take ecclesiastical cognisance. It is, of course, the aim of CMS to found and bring to some maturity churches in all the areas where it is at work. It will be part of the spiritual responsibility of the Society to determine at what point it regards these churches as sufficiently strong and independent to be able to stand firm in the faith. Until that time comes, it is the solemn responsibility of the Society, in the sight of God Who has called it to this work, to do nothing which it believes might prove harmful to the faith of the Aborigines. There can be no doubt that, at the present time, the work of the missions on the spiritual level as well as administratively is wholly extra-diocesan. In my judgment, the longer it can remain so, the better it will be for the faith of the people concerned. In any case, this consideration is of far greater weight than any desire merely to be on good terms with the Bishop. There is no question of any breach of church order, or of proper respect for the bishop's authority, in CMS's taking such an attitude.

2. The appointment of an archdeacon (as suggested by the Bishop) should not alter the position outlined in this Memorandum. Strictly, it would merely transfer to a subordinate the Bishop's functions vis-a-vis the licenced chaplains. On the other hand, such an appointment, in practice, would probably bring the work of CMS much more under the influence of the Bishop. For it is clearly the intention of the Bishop that it should. Thus, the practical, as well as the theoretical consequences of such a move should be carefully weighed. In my opinion, such a move should not be approved until CMS felt that the time had come to transfer the churches it has founded to the Diocese of Carpentaria; and this, as I believe, is still well in the future.

3. The Diocese of Carpentaria would have absolutely no authority, constitutional or otherwise, over the CMS in the matter of a proposed hostel at Darwin. Unless such a hostel constituted a positive hindrance to the spread of the gospel or the maintenance of the truth by the Church of England in Darwin, the Bishop and the Diocese would have no ground on which they either could or should make any objection. For the Bishop to object to the fact of a CMS hostel in Darwin would be an impertinence on his part. The diocesan ordinance regarding hostels can have no relevance to independent hostels. CMS may prefer not to offend the Bishop, even if his attitude is ill-grounded. But it must consider which is more important - the legitimate carrying out of its missionary task, or the not-rightly-grounded displeasure of the Bishop. Likewise, the Bishop has no ecclesiastical right to prohibit the stationing of a clergyman in Darwin who would not be discharging ministerial functions there. If it is thought really desirable for its work to have a clergyman there, CMS should go ahead with it; if it is also desirable that he should minister in any way in Darwin itself, a licence limited to functions required could be asked for; but it would no doubt be better to be licenced only to minister occasionally on the other stations.

So far as Aboriginal deacons or priests are concerned, it should be the responsibility of CMS to provide for the training of such, and, when it considers them fit persons to exercise a ministry, to ask the Bishop to ordain and licence them. The duty of the Bishop in such a case would be to examine them, and, if he found them canonically fit, ordain them. But the selection and training of such men is part of the responsibility of CMS, at any rate while the churches are in their present immature state; it is not the responsibility of the Bishop.

The question of vernacular services presents a difficulty. Here, the chaplains must decide what they consider should be done. There is little point in referring the matter to the Bishop. The only power the Bishop possesses, even under the new Constitution, is to require the chaplains to use the 1662 services and no other. (Not being parishes, our stations cannot ask for deviations under Section 4.) It is unlikely that either the Bishop or the chaplains would consider this in the best interests of the Aborigines. It seems to be a case where the law must be broken for the sake of a more compelling principle of the gospel. But if this is so, the decision must be made by the chaplains. They may well think it right to inform the Bishop of their action, and consult him. But he has no authority to direct what they should do, unless he directs them to adhere to the 1662 Book! It seems unlikely that the Bishop would deprive them of a licence merely for refusing to use the 1662 Book. There is no other ground on which he could deprive them.

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