

If the Church is to have it can come only when people not that the parish priest should make sure that he is given use his spiritual ministry.

I am hoping that during instead of mid-week service people in various parts of vites their neighbours to Party where I can come things concerning the Spirit.

How about inviting you in and meet neighbours at would be a real Christian community.

QUEENSLAND

Diocese of Brisbane

CONSECRATION OF THE OF NORTH QUEENSLAND

Subject to shipping detention of the Reverend Wilfrid is now fixed for Sunday 9.30 a.m. in St. John's Cathedral. The reason why a Sunday service is to enable the laity from their part in this unique Church, when it is hoped Bishops will join in the consecration.

AMY ELIZABETH

On Friday, 30th Jan home in Lindfield, Mrs. a devoted Churchwoman at the age of 91 years. She was very closely connected with the history of the Church in Australia. Her grandfather Elder—came from the "Duff" as a Missionary to a few years later he settled in Wales. His son John—Rae—was the first Priest in Australia who could claim to be educated here. John of St. Peter's, Richmond Rectory of Richmond. Rae was born. Her brother Frank Elder, well remembered of Sydney. Her nephew Eric, sons of the Rev. Clergy in the Diocese.

Of late years, Mrs. valid but she was ever band of Church people to serve actively do service of the Church as intended.

Mrs. Rae leaves behind known in Church circles.

Two C.M.S. missionaries Hospital in N.W. Indies decorations for their service in the Empire. Sister Wheeler for some 20 years. Kaiser-i-Hind Medal the Silver Kaiser-i-Hind congratulate these missionaries gaining a well deserved appreciation.

WANTED. — Lady Board in private home. Preferred. Reply "J.F."

The Australian Church Record

The paper
for
Church of
England
people
Catholic
Apostolic
Protestant
& Reformed

Vol. 13

FEBRUARY 26, 1948

No. 4

A THOUGHT FOR LENT.

Ye that do your Master's will,
Meek in heart be meeker still;
Day by day your sins confess,
Ye that walk in righteousness;
Gracious souls in grace abound,
Seek the Lord, Whom ye have found.

He that comforts all that mourn
Shall to joy your sorrow turn;
Joy to know your sins forgiven,
Joy to keep the way of heaven,
Joy to win His welcome grace,
Joy to see Him face to face.

—C. Wesley.

MEMORIAL STAINED GLASS WINDOWS

Alfred Handel

Artist in Stained Glass

Studio and Works } 529 ELIZABETH STREET, SYDNEY
(Near Cleveland Street)
Phone: MX 3140

"The Meat of the Milk"

"ALLOWRIE" CHEESE

Hygienically Packed in Convenient Sizes
100% New South Wales Manufacture
GET SOME FROM YOUR GROCER TO-DAY

"THE SPOT BUTCHERY"

27 BRONTE ROAD, BONDI JUNCTION.
Noted for our Prime Young Lamb and Yearling Beef.
Proprietor: H. J. SMITH. Phone: FW 3304
QUALITY AND SERVICE

Repairs and installations. City or Suburbs.

PROMPT ELECTRICAL SERVICE AJAX ELECTRICAL Co.

45 PITT STREET After Hours, XA 2339,
Electricians to St. Andrew's Cathedral Chapter JB 1719.

Sydney Church of England Grammar School for Girls



FORBES STREET, DARLINGHURST

Under a Council appointed by Synod. Founded July, 1895.
The School stands in its own grounds on the heights of Darlinghurst.
Religious instruction throughout the School. Chaplain, The Rev. C. A. Lucas.
BRANCH SCHOOLS AT MOSS VALE AND NORTH SYDNEY.

For further information apply to the Principal, Miss B. M. Chisholm, B.A.

Confirmation Service

As Approved by the Archbishop of Sydney,
Price, 1/- per dozen (Postage extra).
See us when requiring - - - -
Induction Services, Parish Papers, and all classes
of Church, Commercial, or General Printing

William Andrews Printing Co. Pty. Limited
433 KENT STREET, SYDNEY. Phone MA 5059

THE CHURCH OF ENGLAND EVANGELICAL TRUST OF VICTORIA.

Established 1910 and Officially Registered.

Public Officer of the Trust and Honorary Treasurer:
MR. A. G. HOOKE, F.C.A. (Aust.)
400 Collins Street, Melbourne.

Members:
REV. W. T. C. STORRS, M.A., Warrigal Rd., Surrey Hills,
Melbourne.
REV. K. HAMILTON, St. Clement's Church, Elsternwick.
REV. C. W. T. ROGERS, St. Barnabas' Vicarage, Balwyn, Vic.
MR. H. J. HANNAH, 25 Warrigal Place, Heidelberg, Mel-
bourne.
MR. F. L. D. HOMAN, Victoria Rd., Camberwell.
MR. A. G. HOOKE (Honorary Treasurer), 400 Collins St.,
Melbourne.
MR. W. M. BUNTINE, M.A. (Honorary Secretary), 181
Kooyong Rd., Toorak, Melbourne.

Property left by Will, or Gifts towards Christian Work
may be placed in the hands of the Trust for Administration.

SYDNEY'S PREMIER CATERER, MISS BISHOP

Specialising in Weddings, Luncheons, Tea Meetings.

Reception and Ball Rooms—

221 ELIZABETH STREET, CITY.
Extensive Catering plant for Hire. Telephone: M 6351

"THE AUSTRALIAN CHURCH RECORD."

Editorial Matter to be sent to The Editor,
A.C. Record, Diocesan Church House,
George St., Sydney.

Advertising and Business Communications
to be addressed to the Secretary, A.C.
Record, Diocesan Church House, George St.,
Sydney, N.S.W.

Victoria.—Melbourne: Rev. A. Law, D.D.,
Widbury Ware, Mount Eliza, Victoria.

Tasmania.—Hobart: T. A. Hurst, 14 Dyn-
nyrne Road, Sandy Bay.
Issued Fortnightly.

Subscriptions: 8/- per year, post free. 3d.
per copy.

Telephone: MA 2975.

NOTES AND COMMENTS.

The Rector of Canberra in his ser-
mon, broadcast on Sunday week, took
occasion to refer to the

Training for the failure of some bishops to
the Sacred lay to heart St. Paul's in-
Ministry. junction to Timothy, "Lay
hands suddenly on no

man." The Archdeacon was preaching
on the subject of Paul the Apostle, a
man of eminence amongst the Jews,
possessed of a first class education and
using that gift to some purpose even
before his conversion to Christianity.
Then when called by Christ to follow
Him, those gifts were consecrated to
the service of his new Master and
Saviour, and he became the great
preacher of Christ to the Gentile world
with its varied planes of social life and
education. There can be no doubt
that this convert of wide education and
experience was well fitted, in his
humble recognition that these gifts
were of God, to carry conviction for
conversion and to teach for the build-
ing up and strengthening of the church
of God. With such a subject any
thoughtful preacher would be unable to
resist a sigh that too few of our clergy
are possessed of such a training as
was St. Paul's: great educational op-
portunities and powers coupled with
such an experimental conviction of the
graciousness and love of Christ as to
make him for ever in all humility "a
slave of Christ" These are two impor-
tant elements in the preparation of a
Christian preacher, but we must be
careful to remember that only the con-
secration of great gifts, in all humble
purpose of Christ's will, can make pos-
sible the transformation of these gifts
into a power for the conversion of
themselves and the extension of the Re-
deemer's Kingdom. We are not all St.

Pauls, but as Bishop Moule has so
beautifully pointed out, the Lord Jesus
is the same for us as He was for St.
Paul, and if only men yield ourselves
to Him with the same self abandon as
the Apostle, the great Master will make
their ministry "adequate" to fulfil His
will and purpose in the bringing in and
building up of souls into His Kingdom.
It is the part of our fathers in God
to keep their ordinands up to this
great challenge and take the utmost
care that no unworthy ideal or habit of
slothfulness be tolerated in the men
upon whom they are called to lay
hands.

It was President Truman who re-
cently spoke of "Scouting's Vital Con-
tribution" to the character
building of our boys and young
Scout's men. Wisely he emphasised
Duty. the necessity of a true and
strong foundation for that
building. He said:

"As more and more boys become Scouts,
they will be inspired to do their best to do
their duty to God and their country and to
obey the Scout Law; to help other people at
all times and to keep themselves physically
strong, mentally awake and morally
straight."

Those sentiments were practically
echoed at a recent Conference of Scout
Commissioners in New Zealand. There
was one session of that Conference
devoted to the subject of the Scout's
Duty to God, and in a very fine address
one of the Commissioners emphasised
the absolute necessity of that duty as
the very basis of their work as Scouts.
He said—

"The importance of teaching the Promise
of Duty to God would appear to be a self-
evident truth and admit of no argument."

"There is no Scouter who will not admit
that in the Promise of Duty to God we have
the keystone of the aim of Scouting. With-
out it the whole edifice of Scouting collapses."

"There is, however, some diversions of
opinion how we as Scouters should go about
it. It is, as you know, a Commissioner's
function to be responsible for the training of
Scouters and to supervise the training of all
Scouts, which includes of course, Cubs,
Scouts and Rovers."

"It is the Commissioner's duty to see that
the religious policy of the association is car-
ried out, for we have our own Founder's
words that an organisation of this kind would
fail in its object if it did not bring its mem-
bers a knowledge of religion."

"That is in our case the religion of Chris-
tianity in its various forms. Belief in a
Supreme Being is therefore fundamental and
without that it is not possible to be a Scout."

"What is called for is a personal prac-
tice of the Christian religion: the call is an
old one. "Follow Me" says that religion
is caught and not taught, and, widely speak-
ing, we can only teach Duty to God to our
Scouts if we ourselves live in the compan-
ionship of Christ."

"We must use His Spirit and mould all
our actions, for the world is God's world and
the only plans that can in the long run
succeed in it are those which are parts of
His."

This is well said, and needs to be
echoed and re-echoed throughout the
Scout movement, for it is unfortunately
too true that the movement is ham-
pered in carrying out its aims and
ideals by men and women who do
not realise the grave necessity of
keeping the Scout loyal to his first duty
—his duty to God. It is far from the
ideal set out by its great Founder that
men without a real faith in Christ
should be anywhere in the leadership
of this great movement for the build-
ing up in our boys and young men a
Christian character based on faith and
loyalty to Jesus Christ.

Judged from press reports the senti-
mentalism of the age is invading the
utterances of responsible
ecclesiastics who have
Capital Punishment. lately advocated the abo-
lition of capital punish-
ment. Yet it is to be remembered that
sternness is an essential element of the
Gospel message. Even so mild a
character as Bishop Handley Moule
could not overlook the Scriptural
teaching about this duty of magistrates.
In his quiet, but expressive, way, he
emphasised the rightness of retributive
justice. Holy Scripture says of God:
"I will repay"; the same Scripture says
of the magistrate: that he is the minis-
ter of God, who "beareth not the sword
in vain, an avenger for wrath to him
that doeth evil."

This problem is a moral, not a hu-
manitarian issue. Ruskin has it: "All
true justice is vindictive to vice, as it is
rewarding to virtue; it is the rational
expression of deliberate anger, not ex-
emplary or even corrective, but essen-
tially retributive." Or hear Carlyle:
"The true ground on which to execute
a murderer is the right to pay him for
what he has merited; except on the
basis of a just rigour, silent, inexorable,
no true pity is possible."

A.C.R. SUBSCRIPTIONS.

The following subscriptions have been re-
ceived. If amounts are not acknowledged in
these columns within a month kindly write to
the Sec., C.R. Office. Mrs. Collier, 8/-; Mrs.
W. F. Spicer, 8/-; Rev. W. G. Nisbet, 8/-;
Mrs. Bode, 8/-; Mr. W. H. Wharington, 8/-;
Mr. J. R. Schutt, 8/-; Rev. G. T. Earp, 10/-;
Mrs. Bennett, 8/-; Mr. P. W. Gledhill, 8/-;
Rev. R. C. M. Long, 8/-; Mr. A. E. Dyke,
8/-; Miss Sky, 2/-.

NEW MISSION VAN FOR THE BUSH CHURCH AID SOCIETY.

The Bush Church Aid Society from time to time receives certain gifts from friends overseas. The greater proportion of the Society's income is derived from the Church in Australia but gifts from the Church in Great Britain are a constant source of inspiration and encouragement.

Some years ago members of the Church of Ireland gave the Society sufficient money to purchase three vans for the use of Out-back Missioners on condition that they were named St. Patrick, St. Columba and St. Brigid, prominent saints of the early British Church.

St. Patrick's van was purchased during the early years of the war and went out to the mission of Minnipa in South Australia.

Recently it became possible to purchase the second van which was duly named St. Columba. This vehicle was dedicated recently and has left for Minnipa to carry on the work of St. Patrick's Van which has been transferred to Wilcannia, New South Wales.

As soon as a suitable vehicle is available it is intended to place the third van on the road and use it for the Mail Bag Sunday School of the Society.

The vans are fitted with cupboards, sleeping facilities and other appliances which enable the missioners to travel through their vast missions without any accommodation worries.

It is the Society's hope that the generosity of our friends overseas will inspire the Australian Church to supply the means, and above all, the prayer to enable the vans and the missioners to play an effective part in living up to the motto of B.C.A. — "Australia for Christ."

HERE AND THERE.

Moore Theological College — 1947. — There was an over-all enrolment of seventy-two Students for various courses at Moore Theological College in 1947.

Nine of these men were ordained to the Diaconate for the Diocese of Sydney in the course of the year. One student was ordained for the Diocese of Grafton, and one for the Diocese of Ballarat. Two of the 1947 students have gone to New Zealand, where one is to be ordained for the Diocese of Christchurch, and one for the Diocese of Nelson. Two others proceeded at the end of the year to East Africa as Lay Missionaries for Tanganyika, in connection with the Church Missionary Society, and another went North to join the Church Missionary Society staff in the Northern Territory.

Pa Salmon.—The annual letter from the Rev. Harold D. Salmon, so well known to many as Pa Salmon, now a Northampton Rector in England, draws attention to the vigorous and successful propaganda of the Roman Catholic Church. He states: "I attended a meeting of Clergy recently where we were shown a film as of a Bible story, which is being used in our Churches for teaching; it was chiefly fiction. All the Clergy as their names were mentioned were addressed as 'Father . . .'. One Clergyman, when pressing for doctrinal teaching through these films, said that he used two Roman Catholic films on the Sacraments and how well they clearly taught the doctrines, and there was

not a dissentient voice, except my own. The whole thing made me very sad, it is not the Bible teaching."

I heard of another sad case of a Parish in which the Roman Catholics had 12 Jesuit Priests attached to their Church taking daily classes to teach their doctrines to the members of a neighboring Anglo Catholic Church of England!"

Dr. J. M. Laird.—The General Secretary of the C.S.S.M. in Great Britain says in a recent letter that there are some very encouraging Spiritual movements in Europe at the present time. He writes: "One hears of genuine revival in Hungary and Norway, and what very nearly amounts to revival in Switzerland. Wide open doors and many opportunities for the Gospel in Italy and France. A letter yesterday from Greece tells of real progress there in the work of the Gospel. Even in Russia, too, there is an underground Christian movement, numbering some four millions. I was told by a Czech friend, who is in a good position to know, that the Russian Christians are the finest Christians in Europe. 'These are they which came out of great tribulation, and have washed their robes, and made them white in the blood of the Lamb.' However dark the outlook may be, and it certainly is very threatening, it is grand to know that the Lord God Omnipotent reigneth, and that we are glad to be His servants. At Cambridge, I met a young fellow who had just been converted from atheism. When I asked him how he was enjoying the Christian life, his whole face lit up, and he said, with the utmost emphasis, 'It is simply marvellous. I had no idea it could be so good,' or words to that effect."

TEMPERANCE COMPETITION.

The National Women's Christian Temperance Union will award prizes as follows for the best Original Temperance Poems suitable for use in the Elocution and Medal Contest Department. Extra copies of Prose on Temperance, or poems and prose on Peace may be submitted in addition. For use in age groups as follows:

Grade 1.—9 years and under. Poem not to exceed 20-21 lines. Prize £1/1/-.

Grade 2.—10-11-12 years. Poem not to exceed 28-30 lines. Prize £1/1/-.

Grade 3 (Lower Division). — 13-14-15 years. Poem not to exceed 38-40 lines. Prize £2/2/-.

Grade 3 (Senior Division).—16 years and over. Poem not to exceed 48-50 lines. Prize £2/2/-.

CONDITIONS.

1. Two typewritten copies of poems or prose to be forwarded. 2. The W.C.T.U. to have the right to use all poems submitted, in any desired manner. 3. Entries to be signed by a Pen Name. Real name and address to be enclosed on a separate sheet of paper. 4. Poems or prose to contain a definite temperance or peace message, or one on temperance with a message subtly expressed. Interesting incidents with a temperance moral would suit, or one with scientific temperance information. 5. Entries to be in hand by March 21st, 1948. 6. A small fee for poems used may be considered after entries have been judged. 7. Winners will be notified and results published in Temperance papers. 8. Entries to be sent to Mrs. E. C. Savill, 8 Esmonde Street, Lismore, N.S.W., National Supt. of Contests Dept.

THE CHURCH ASSEMBLY, 1947.

The work of the Church Assembly during 1947 was probably more important than that of any previous year. Outstanding were the two questions of Clergy Maintenance and Pastoral Reorganisation. The former was the subject of a grave statement by the Archbishop of Canterbury at the Spring Session of the Assembly when he reviewed the steady deterioration which had taken place in the financial position of the clergy; paid a tribute to what had been done by diocesan and central bodies to counter this; and set out the present position. He pointed out that 7,300 benefices would lose £49,500 per annum by the redemption of Local Loans Stock and that 1500 benefices holding railway stocks would lose £41,500 per annum. The fund of the Ecclesiastical Commissioners available for augmentation grants would suffer as the result of the Tithe Act, the Coal Act, 1933 (affecting royalties) redemption of Local Loans, the Transport Act and loss of rents by war damage. The estimated annual loss would be half a million. The Archbishop submitted that the problem could only be successfully tackled "by breaking it up diocese by diocese, and taking it to the parishes and to the laity in the parishes."

A Special Session of the House of Laity was held on May 29th and 30th, and passed resolutions suggesting a basic minimum stipend for incumbents of £400 per annum net, with a house free of rates and dilapidations, and with allowances; and that each assistant clergyman should receive not less than £260 per annum net "with appropriate allowances for length of service and accommodation for wife and children." Dioceses were asked to summon special sessions of their Chambers of Laity to deal with this question; and a Central Committee was set up to give help to the dioceses through "information, literature, lectures, speakers and the like." It is understood that this Committee will report to a Special Session of the House of Laity in February, 1948.

PASTORAL REORGANISATION.

The Pastoral Reorganisation Measure, introduced at the Summer Session, revised at the Autumn Session, and to come up for further revision in February, 1948, is designed to meet the problem of dwindling man-power and clerical incomes by making important changes in the law relating to the holding of benefices in plurality, the union of benefices, and by providing for the diversion of part of the incomes of richer benefices to poorer ones.

Other important legislation included the Clergy Pensions Measure (consolidating and amending the law and introducing a new scheme for future ordinands); the Church Dignitaries (Retirement) Measure; and the Church of England Council for Education Regulation. This last implements the recommendations of the Selborne Report by setting up a Church of England Council for Education and five departmental councils to deal respectively with Schools, Children, Youth, Adult Education, and the Church Training Colleges. The new Council will come into existence on January 1st, 1948.

Church Assembly Measures which received the Royal Assent during 1947 included the Incumbents (Discipline) Measure, 1947, and the Church Commissioners Measure. The latter which amalgamates Queen Anne's Bounty and the Ecclesiastical Commissioners, will come into force on April 1st, 1948.

YOUTH NEWS

Annual Rally.—The C.E.B.S. Annual Rally is to be held in the Assembly Hall, Margaret Street, Sydney, on Friday, 27th February, at 7.45 p.m.

The programme will include the Trooping of Colours, Service of Remembrance, presentation of Trophies, and the Rev. Graham Delbridge will screen films taken whilst he was overseas in Norway and England.

C.E.B.S. Sunday.—C.E.B.S. Sunday will be observed this year on 29th February. No doubt special services will be arranged in many parishes, and rectors will be asked to make a Retiring Offertory for C.E.B.S.

Leadership Training Classes.—The 1947 Leadership Training Classes proved to be so successful that it has been decided to hold a further Course this year. We expect the classes will commence on Tuesday, 17th February in the C.E.B.S. Office, C.E.N.E.F. Memorial Centre for Youth, 201 Castlereagh Street, Sydney. Further particulars are obtainable from the Hon. Secretary, 20 Ashley Parade, Roseville.

C.E.B.S. Swimming Carnival.—The C.E.B.S. Swimming Carnival will be held at Enfield Olympic Pool, Saturday evening, 13th March. The first event will take place at 6.30 p.m. Please forward entries to Mr. A. Beard, Queen Street, Guildford, or C.E.B.S. Office, 201 Castlereagh Street, Sydney. Entries will close on Friday, 27th February.

Church of England Fellowship — House-party.—There is to be a Houseparty at "Chaldercott," Port Hacking, on March 5, 6 and 7. This Houseparty will be open to all Fellowship members, not just the Leaders and Secretaries as at previous house parties.

The House Parents will be the Rev. and Mrs. C. K. Hammond.

The Rev. G. R. Delbridge, and the Rev. C. K. Hammond will be the Study Leaders.

The theme for the week-end will be "The Fellowship Rule of Life."

We are looking forward to a time of happy fellowship and ask that you remember the Houseparty in your prayers, that it may be blessed of God, that young people may come to realise their need of a personal Saviour and that they may dedicate their lives to His Service.

Swimming Carnival.—The Swimming Carnival will be held on March 12, at the Enfield Olympic Pool, commencing at 7 p.m.

This is the second swimming carnival planned by the Fellowship and we would like to see this one make as much success as the one last year.

Tickets may be obtained at the entrance for the sum of 6d.

The 480 and the 483 bus from Strathfield Station will take you there, and the tram from either Ashfield or Burwood Stations.

New Office.—The Fellowship has at last moved into the new office in the C.E.N.E.F. Memorial Centre, 201 Castlereagh Street, Sydney. Our phone number will remain the same (MA 5605) in case you want to ring us. You are always welcome to come in and inspect the office.

"Fellowship."—The Fellowship is putting out a bi-monthly paper called "Fellowship." The first issue should reach branches before the end of February. The Editorial Committee has decided not to charge for the first issue, but subsequent issues will be sold at 1d. per copy.

Girls' Friendly Society.—On the 11th Feb. the Girls' Friendly Society moved to their new rooms, at the C.E.N.E.F. Memorial Centre, 201 Castlereagh Street, Sydney. We do hope that all members and friends will come up and see the office for themselves, and make use of the lounge room.

C.M.S. Young People's Union.—On Friday, the 13th February, Leaders of the Y.P.U. and many others who are interested in the girls' and boys' part of the Church Missionary Society, met in the St. Andrew's Cathedral Chapter for a Service of Holy Communion, the Revs. R. C. Kerle and R. A. Hickin being the Celebrants.

This was followed by the Annual Business Meeting of the Y.P.U. at which the Rev. R. A. Hickin (Vice President of the Y.P.U.) presided.

A report on the activities during 1947 was presented and showed an increase in the number of members, and that thirteen new branches have been opened during the year. The Lone Members' Branch now has over 100 members, and is divided into various groups each of which has a Leader who keeps in touch with the members by writing regularly and forwarding the monthly circular. Fifty-two Sunday Schools are affiliated with the Y.P.U. Sunday Schools Scheme.

The Leaders were very happy to know that the Ven. Archdeacon Begbie, who has been President of the Y.P.U. for forty years, has been re-elected to that position.

Plans for 1948 include the Beach Rally to be held on Saturday, the 10th April, the House Party at Port Hacking during the School Holidays in May, and the 55th Demonstration in September. In addition Handicrafts Classes for Leaders are to be held in the afternoon and evening of the fourth Friday in each month at C.M.S. House, and quarterly Conferences of Leaders are to be arranged. The programme concluded with discussion of the Missionary Study for 1948, the work and written competitions.

The service and the meeting were an inspiration to all who attended. As we go forward into the new year we can look back on 1947 and say, "Truly the Lord hath done great things for us whereof we are glad." We know that our God is able to "supply all our need according to His riches in glory by Christ Jesus."

BACK TO THE FOLD.

'Twas a sheep not a lamb that strayed away.

In the parable Jesus told: A grown up sheep, that had gone astray From the ninety and nine in the fold. Out on the hillside, out in the cold.

'Twas a sheep the good Shepherd brought. And why for the sheep should we earnestly long.

And as earnestly hope and pray? Because there is danger if they go wrong They will lead the lambs astray;

For the lambs will follow the sheep, you know, When the sheep go wrong it will not be long Till the lambs are as wrong as they.

And so with the sheep we earnestly lead, For the sake of the lambs to-day; If the lambs are lost, what a terrible cost Some sheep will have to pay.

(From "Grit.")

Proper Psalms and Lessons

Feb. 29. 3rd Sunday in Lent.

M.: Gen. xxxvii or Eccus. x 12-24; Matt. xviii 1-14 or Heb. x 19. Psalm 119, 73-104.

E.: Gen. xxxix or xlii or Eccus. xvii 1-26; Mark xiv 53 or 2 Cor. v 20-vii 1. Psalm 119, 105-144.

March 7th. 4th Sunday in Lent.

M.: Gen. xliii or Eccus. xxvii, 30-xxviii 9; Luke xv or Heb. xii. Psalm 119, 145-176

E.: Gen. xlv 1-xlv 8 or xlv 16-xlvi 7 or Eccus. xxxiv 13; Mark xv 1-21 or 2 Cor. ix. Psalms 39, 40.

March 14. 5th Sunday in Lent. Passion Sunday.

M.: Exod. ii 23-iii-end; Matt. xx 17-28 or Heb. xiii 1-21. Psalm 22.

E.: Exod. iv 1-23 or iv 27-vi 1; Mark xv 22 or 2 Cor. xi 16-xii 10. Psalm 51.

CINEMAS FOR THE CHURCH.

The Archbishop of Canterbury, together with leaders of the Anglican and Free Churches, have met Mr. J. Arthur Rank, the British film magnate who has generously offered to put cinemas of the Gaumont British and Odeon Cinema syndicates at the disposal of the Churches for monthly Sunday morning services for children. A committee has been commissioned to consult with all parties concerned; to survey the evangelistic and educational implications, and to report on the planning of such services and the technique of leadership.

IT ONLY COSTS

* 10/- to save a life, in Africa. The C.M.S. Doctor is your agent, but he can only perform his ministry if you provide the means.
* 5/- restores sight. The Church Missionary Society will gladly supply a C.M.S. Box to any applicant who will use it to save his small change for God's work.
* For £6/10/- you can support a Hospital Bed for a whole year. Enquiries: 93 Bathurst Street, Sydney.

REDUCED TO CLEAR

"DAILY TEXT" CALENDAR

Nicely tinted card with coloured picture. Short text for every day on monthly tear-off tab. Reduced from 1/1 to

9d. each, 7/6 doz. (postage extra)

KESWICK BOOK DEPOT,
For Everything Evangelical,
315 Collins St., Melbourne.

TO AUSTRALIAN CHURCHMEN

The Bathurst Judgment.

Mr. Justice Roper, Chief Judge in Equity, N.S.W., delivered his judgment in the Red Book Case on Tuesday, February 17. The case had been brought against the Bishop of Bathurst by 23 laymen of that diocese as the result of the action of the Bishop in authorising and using a form of service (the "Red Book") for the Holy Communion which differed from the form of service in the Prayer Book. The case turned on the question whether such action by the Bishop was a breach of the trusts on which the property of the Church of England in Bathurst diocese was held.

In his judgment, Mr. Justice Roper first dealt with some of the subsidiary questions. He found that the bishop had authorised the Red Book and encouraged its use. The Red Book excluded the "receptionist" theory of the Holy Communion and advocated the theory of the Real Presence. It directed the minister to make the sign of the cross towards the people, a ceremony which was illegal in England. Similarly it provided for the ringing of a sanctus bell, which was also illegal in England. (The judge rejected the plea that the rubrics were not part of the service. They "guide, control and interpret the service.")

Mr. Justice Roper considered next the terms of the trusts on which property was held in the Diocese of Bathurst. This involved the examination of the Constitution of the Church of England in N.S.W. After reviewing the history of the Church in N.S.W. from the point of view of the State connection, the judge concluded that at the beginning of its history the Church of England came out to N.S.W. as part of the Established Church of England, and that nothing had taken place since which dissolved that relationship. On the contrary, in 1866, and again in 1902, the Church of England in N.S.W. (in its statutory constitution) had expressed its wish that its liturgy should conform with the liturgy in England. The act of uniformity of 1662 (modified perhaps by the Shortened Services Act of 1872) was a fundamental rule of the Church of England in N.S.W. Thus the Prayer Book was the only legal order in N.S.W. The judge admitted that the use of the Red Book in the Province of Canterbury might not lead to penal consequences because

the bishops there had agreed to use their veto to prevent legal action in certain cases; but, the judge added, because a breach of the Ecclesiastical Law is not remediable in England, it does not follow that it is not remediable in N.S.W.

The judge next considered the question whether a breach of the rules of the Church (i.e., using the Red Book instead of the Prayer Book) was a breach of the trust, and concluded that it was. He therefore gave judgment in favour of the twenty three laymen (the costs following the judgment) and granted an injunction to restrain the Bishop from using the Red Book in Church of England churches.

From this judgment an appeal lies to (a) the Supreme Court, (b) the High Court, (c) the Privy Council, either from Court to Court, or by permission, direct to the High Court or the Privy Council. An appeal must be lodged within three weeks.

Implications of the Judgment.

The judgment is a very important document for it defines the Constitution of the Church of England in New South Wales, which has never been authoritatively defined heretofore.

It contradicts the opinions of those who have been framing the proposed new constitutions.

It shows that the widespread practice of Australian bishops of issuing their own order of Holy Communion is a breach of the contract through which bishops hold their position and it declares the practice illegal. We hope that respect for the law will bring the practice to an end, so that the Prayer Book Order of Holy Communion which has served the Church for centuries, will once more become universal in the Australian Church.

STATE LOTTERIES.

In a recent letter to the London "Times," the Archbishop of Canterbury and the Moderator of the Free Church Federal Council, together with the Chairman of the Churches' Committee on gambling unequivocally condemn state lotteries.

CORRESPONDENCE.

LAMBETH 1948 AND BRITAIN'S FOOD SHORTAGE.

(The Editor, "Australian Church Record.")
Dear sir,

With the object of stimulating a widespread interest amongst lay people in the forthcoming Lambeth Conference, and at the same time partly assisting the numerous hosts of our representatives to meet the demands made on their meagre food supplies during the period, may I make the following suggestions:—

1. That the Archbishops jointly authorise the issue of what might be known as the "Lambeth Badge—1948."

2. That the badges (or buttons) be issued in three different colours, say, red, white and blue, and sold at prices of 2/-, 5/- and 10/- each. (A copy of a photograph of Lambeth Palace with the shadowy form of a Bishop's Mitre and the wording, "Lambeth Conference—1948" superimposed, might merit consideration.)

3. That each Diocesan Registry and Parish Council become the responsible centres for distribution of the Badges.

May I further suggest that proceeds of sales be handed to our Bishops attending the Conference to purchase through the Lord Mayor of Sydney's Fund or other appropriate channel, parcels of food to be made available to their hosts and others nominated by them. The gifts would serve as some little acknowledgment to our English Churchfolk of the gracious hospitality afforded to the Australian Church's representatives. Such gifts would also serve as a token of our interest in the Conference itself.

Besides proving a great psychological value to the wearers of the badges in Australia, the badges would if worn by our Bishops while in Britain also signify that Australian Churchmen and Churchwomen were deeply sensible of the Mother Country's need in her further period of trial.

Our Lenten self-denial this year could thus be made to serve a noble purpose. In this land of full and plenty we could surely do much more than we are doing at present.

Yours sincerely,

C. SOBEY.

Tenterfield, N.S.W.

Dear Sir,

I have recently received a letter from the World Council of Churches Youth Department in Geneva, stressing the need of persons in Australia who would be willing to send food parcels to secretaries of Christian youth organisations and regional and state youth pastors working in Germany and previously occupied countries.

It has been pointed out to me that 2000 food parcels are needed for these persons who are doing vital Christian work and who are finding it increasingly difficult to carry on because of the lack of necessary food. I am most grateful to the people who have already taken up the challenge and adopted a person or family in Europe and are regularly sending parcels to them.

Any who would like to help in the furtherance of spreading the Gospel in these needy countries in a practical way, would you please communicate with me.

Yours sincerely,

GRAHAM R. DELBRIDGE.

Sydney, N.S.W.

CHANGING INDIVIDUALS, OR THEIR ENVIRONMENT?

(The Editor, "Australian Church Record.")

Dear Editor,

In his article "Christianity in our Parishes" (29/1/48) the Rev. W. F. Pyke introduces into an argument of considerable value, the old false antithesis between "changing the individual" and "changing the environment." The persistence of this false antithesis is a serious danger to the work of the Kingdom of God to-day, and should be challenged whenever it appears in print.

There are two main reasons why Christianity properly understood and truly experienced drives its devotees into active social reform and reconstruction. The first is, that a genuine experience of the love of God in Jesus Christ reveals every form of human unwholeness—of body, mind, character, spirit, or social relations—as "evil." That is, an obstruction to God's will and therefore a thing to be fought by all appropriate means. In our Lord, supremely, this was made manifest, as the whole Gospel record shows.

The second reason is, that the "soul" of a man, which pre-eminently it is the purpose of God to "save" (make whole, deliver, redeem), is not some abstract entity divorced from the rest of his life as a man. Man is a totality, and the pressures and pulls of his total environment enter into the fashioning of his nature, and either assist or obstruct his ability to respond to God's offer and claim. Our Lord made this clear in his parable of the Soils (Matthew 13) and in His teaching about the influence of wealth-seeking on a man's sensitiveness to "the Kingdom of God" (Matthew 19; 16-24).

It is true, as Mr. Pyke says, that the secular humanist delusion—that the sort of change in character—has to be exposed and refuted. But we do no good service to the cause of truth by countering that delusion with a false antithesis, and by claiming as fact what is indeed another delusion. That other delusion, to which Mr. Pyke falls victim, is expressed in his words "changed in individuals" can be safely left to heaven the whole of their environment." That is a delusion, for two reasons. In the first place, it ignores the fact that environmental conditions (in the widest sense) very largely determine whether an individual will ever come within range of the clear call of God in Christ—to say nothing of whether he will have the ability, even then, to respond. And in the second place, it is just simply not true, as a matter of history, to say that "changed" individuals (in the accepted sense of that word) have

GET YOUR

- ★ CASSOCKS
- ★ SURPLICES
- ★ SCARVES
- ★ HOODS
- ★ BANNERS

From the CHURCH DEPOT

Every attention will be given to the Orders which may be submitted from CLERGY, CATECHISTS, CHORISTERS and Church-people generally.

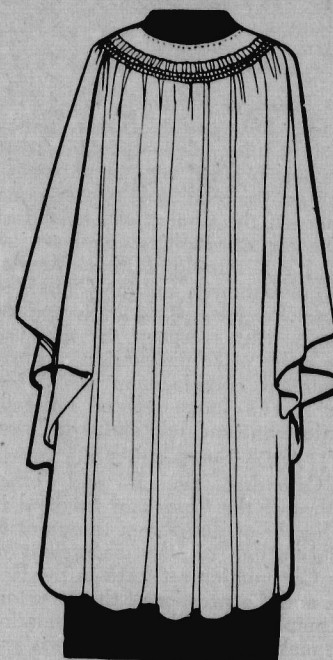
Price Lists will be forwarded on Application.

Enquiries to—

CHURCH DEPOT,

80 Bathurst Street, Sydney.

Telephone: M 3479.



been or are foremost in the hard struggle against social evils. There is nothing to be gained, and much harm is done, by deceiving ourselves about the automatic and inevitable effects of conversion. There is a kind of conversion—the kind most admired and acclaimed and sought after—which leads the converted man into concentration on a false "spiritual" in himself and others, and does nothing to sharpen his sense of responsibility for blatant social injustices.

or"; it is a "both . . . and"—equally, concurrently, and with similar passion.

Yours truly,

W. G. COUGHLAN.

THE WORLD OF BOOKS

A NEW PUBLICATION.

"The Prince of Life," by the Rev. Marcus Loane, M.A., Acting Principal of Moore College, Sydney.

These studies follow the author's Vox Crucis. They are centred round the contents of St. John's Gospel, Chapters 19 and 20, and deal with the Resurrection and Ascension. The foreword is written by the Archbishop of Sydney, who says "Those who have read Vox Crucis will welcome this volume."

Get your copy from C.M.S., 93 Bathurst St., Sydney. Price 8/6. Postage 3d.



STERLING PREPARED PAINT

AUSTRALIA'S BEST

Sterling Paint & Varnish Co.

ALEXANDRIA

"RED BOOK" CASE JUDGMENT

INJUNCTIONS GRANTED—PRAYER BOOK UPHELD

On Tuesday, February 17, 1948, Bishop to pay the relators' costs of suit, including costs ordered to be paid by them, and one half of cost of the writ of commission to take evidence in England and of the taking of evidence thereunder.

The following is the full text of the judgment:—

This suit comes on for hearing on the information of the Attorney General on the relation of twenty-three relators. The defendants are the Bishop of the Diocese of Bathurst who is also Dean of the Cathedral Church at Bathurst in that diocese and the Church of England Property Trust Diocese of Bathurst which is constituted a body corporate in that name by the Church of England Trust Property Act 1917. The informant is seeking certain declarations and injunctions directed to preventing alleged breaches of the trusts upon which the corporate body holds certain property. All churches of the Church of England in the Diocese of Bathurst are church trust property within the meaning of the Church of England Trust Property Act of 1917, and are vested in the defendant, the Church of England Property Trust, Diocese of Bathurst. The defendant Bishop as Dean of the Cathedral Church at Bathurst has full charge and ordering of all such services in that church as are connected with episcopal and diocesan functions with the right to celebrate Divine Service therein, administer the sacraments and perform all other rites and ordinances of the Church of England.

(1) A Declaration that the use in the Cathedral Church and other churches of the Church of England in the Diocese of Bathurst of the order of administration of the Sacrament of Holy Communion set forth in the Red Book and the practice of the ceremonies complained of in the information (i.e., making the sign of the Cross and ringing a sanctus bell) and each of them constitute and "constitutes breaches and a breach of the trusts on which the Cathedral Church and other churches are respectively vested in the defendant Church of England Property Trust, Diocese of Bathurst.

(2) An injunction restraining the defendant Bishop of Bathurst from using or authorising the use in the Cathedral Church of any order of administration of the Sacrament of Holy Communion other than that contained in the Book of Common Prayer, and in particular from using the order of administration of the said Sacrament contained in the Red Book.

(3) An injunction restraining the defendant Bishop from practising during his administration of the Sacrament of Holy Communion in the said Diocese the ceremonies complained of in the information.

(4) An injunction restraining the defendant Bishop from using and from authorising and encouraging the use of any order of administration of the Sacrament of Holy Communion other than that set forth in the Book of Common Prayer in any churches of the Church of England in the Diocese of Bathurst, and in particular the use of the order of administration of the said Sacrament contained in the Red Book.

(5) The relators to pay the costs of the defendant Property Trust as a submitting defendant; the defendant

thereof which are illegal additions to the Prayer Book and that it prescribes the practice by the celebrant of the Sacrament on two occasions during the service of the Sacrament of making the sign of the cross, which ceremony on those occasions is alleged to be unlawful according to the law of the Church of England, and that it also prescribes the ringing during the administration of the Sacrament of a bell called a sanctus bell, which is also an illegal ceremony according to the law of the Church of England. It also alleges that the defendant Bishop whilst administering the sacrament in churches in the diocese frequently practises these allegedly unlawful ceremonies.

It complains that the use of the order of administration according to the Red Book, and the authorisation and encouragement by the Bishop of its use, and the practice by the Bishop and other Priests of the ceremonies referred to constitute breaches of the trusts upon which the churches of the diocese are held and that members of the Church of England in the Diocese are thereby deprived of the benefits of those trusts. Finally it alleges that the defendant Bishop threatens and intends to continue to use and authorise and encourage the use of the order of administration of the Sacrament contained in the Red Book.

ST. ANDREW'S CATHEDRAL CHOIR SCHOOL.



Early enrolment essential for choir. Probationers and private pupils. Waiting list only. Full choristers are granted free scholarships and probationers of high vocal talent may be awarded bursaries. The standard of education is from the Primary to the Intermediate Certificate, and boys are admitted from 8 to 14 years. Three Walter and Eliza Hall Scholarships enable deserving pupils to continue their education free at Shore or any other recognised Church of England School. The specialised course of Divinity under the direction of the Headmaster. For free prospectus and full particulars, apply to the Headmaster, Rev. M. C. Newth, B.A., Th.L.

WILL YOU HELP THE WOMEN OF OUR CHURCH?

who are leading to Christ—women, children, young people — the sick, needy, underprivileged.

THE CHURCH OF ENGLAND DEACONESS INSTITUTION, SYDNEY.

is training women to be Deaconesses or Christian workers—

for our city, the outback of our country, the foreign field.

It is also responsible for—
The Home of Peace for the Dying,
Pallister Girls' Home,
But-Har-Gra Hostel,
Braeside Hospital.

PRAY! WORK! GIVE!

For offers of service apply to the Principal—
Donations may be sent to the Hon. Treasurer,
Deaconess House, Carillon Ave., Newtown.

In his statement of defence the Bishop denies that according to the law or use of the Church of England it is illegal for any Bishop or Priest of that church in New South Wales to use or employ any order of administration of the sacrament of Holy Communion other than that set forth in the prayer book, and denies that that book contains the only order of administration of the sacrament which is legal or permissible in churches of the Church of England in the Diocese of Bathurst. He further sets up that by reason of usage to which I will refer later the Prayer Book does not contain the only order for the administration of the sacrament which is legal or permissible in churches of the Church of England in the Diocese of Bathurst. Further he sets up a defence based upon the powers of Bishops under and their acts pursuant to the provisions of the Public Worship Regulation Act 1874 (English) which I will indicate in more detail later.

Further he denies that the order of administration of the sacrament contained in the Red Book differs in any essential feature or is opposed in substance to the religious teaching of the Prayer Book.

While admitting the use of the service contained in the Red Book by himself and that he authorised its use by rectors and incumbents and priests administering the sacrament in churches in the diocese the Bishop denies that he has encouraged or encourages or threatens to encourage its use. He denies that the Red Book prescribes the practice of the celebrant of the sacrament making the sign of the cross during the absolution or the Benediction, the occasions referred to in the information, and sets up that the making of that sign as indicated is not a ceremony in the administration of the sacrament, and in any event is not illegal according to the law and customs of the Church of England or opposed to its teachings or practice, and asserts that it has been used by very many of the clergy and laity of the Church of England from time immemorial.

He denies that the Red Book prescribes the ringing of a sanctus bell, or that such ringing is an illegal ceremony according to the law of the Church of England in New South Wales and that he admits that he himself has while administering the sacrament of Holy Communion in the Cathedral and other churches made the sign of the cross during absolution and Benediction and that in some churches a sanctus bell has been rung during the order of administration of the sacrament by him.

The statement of defence also contains a number of submissions of law some of which have already been disposed of in interlocutory proceedings in this suit (see Solicitor General v Wyld 46 S.R. 83) and the others arise for consideration on the evidence in the suit.

The defendant corporation is in effect and substantially has been treated as a submitting defendant. No relief is sought against it in the prayers set out in the information nor has any relief been asked against it at the hearing.

The principal matters of fact to be determined in the suit are the terms of the trusts upon which the property involved is held and whether there has been a breach of those trusts. Before coming to those questions, however, I think it is convenient to deal with a number of facts which are subsidiary to the main facts and as to which in general I have found little difficulty.

In dealing with all the facts involved I should point out that it was agreed between Council for the informant and for the defendant Bishop that "the Court is to be at liberty to refer to all relevant statutes of the Parliaments of England and of the United Kingdom, of (sic) all relevant reports of decided cases in the English Law Reports without either party calling witnesses to give evidence that such statutes and reported cases correctly set forth the law of England as to the doctrine formularies liturgy rites and ceremonies of the Church of England" and that "the Court shall take judicial notice of all relevant N.S.W. private Acts." The defendant corporation agreed with the informant that "for the purpose of proving the Ecclesiastical Law of England concerning the rites, ceremonies, liturgy and doctrines of the Church of England, the Court shall be at liberty to refer to the English Statutes and decisions without calling expert evidence to prove such law."

Returning to what I have called the subsidiary facts it is clear and undisputed that the Bishop has used the order of administration prescribed in the Red Book in the administration of the sacrament of Holy Communion in the Cathedral Church at Bathurst and in a number of other churches in the diocese and has authorised its use throughout the diocese. As to the disputed question of encouragement of its use, I think that the facts that the Bishop himself compiled it, used it and authorised its use throughout the diocese establish, having regard to his position in relation to the clergy in his diocese, encouragement by him to those clergy to use it. The Red Book and the Prayer Book are both in evidence and it is unnecessary to deal in detail with the differences in their respective orders of the administration of the Sacrament. It is sufficient to say generally that there are numerous differences in that the Red Book shows omissions from, additions to and re-arrangement of matter contained in the Prayer Book.

The order of service set out in the Prayer Book leaves open two principal and possibly other permissible views or theories as to the effect of the consecration and consumption of the elements used in the sacrament of Holy Communion and a large body of the members of the Church in New South Wales holds one of these principal views and a large body thereof holds the other. These principal views have been called as a matter of convenience the theory of the Real Presence and the Receptionist theory. The Red Book

is designed upon the basis of a belief in the theory of the Real Presence and a number of the interpolations which appear in it must be regarded as repugnant to the Receptionist theory and would be distasteful to a member of the Church holding the views expressed in that theory.

While I think it unnecessary to deal with all the differences between the two orders respectively set out in the Red Book and the Prayer Book I think some reference should be made to the particular matters referred to in the pleadings and to some matters particularly emphasised at the hearing. The gravamen of the information appears to me to be that the order set out in the Red Book differs from the order in the Prayer Book which is asserted to be the only legal order. The particular differences referred to in the pleadings and arguments, which do not comprise all the differences involved, are relied upon as being matters of particular aggravation.

As to the making of the sign of the cross in the Absolution and Benediction there is in the Red Book a symbol in the form of a cross inserted in the print in each of these portions of the service. It does not appear in either place in the Prayer Book. To the uninformed the symbol standing alone would have little meaning; but on the evidence and particularly upon the Bishop's own interpretation of it I think that it is intended as a direction to the officiating minister to make the sign of the cross in the air towards the congregation, that is as it is put coram populi. It has been held in the Ecclesiastical Courts in England that the making of this sign in the places indicated is an unauthorised and illegal ceremony in the Church of England in England (see *Read v Bishop of Lincoln* 1891, P. 9 at 90-94). The position in New South Wales depends of course on the constitution of the Church in this State, to which I will come later.

As to the use of a sanctus bell, it is denied that the order of service in the Red Book prescribes its use but it is clear I think that it authorises and recommends it. As to this and other matters it was argued that the rubrics (as they have been called) in the Red Book, that is the directions appearing therein in small italic type, are not part of the service prescribed and may be ignored. I think it impossible to take this view and think that they do in fact guide control and interpret the service set out in the Book. The first rubric in respect of the bell reads "Here a bell may be rung." In its language it is merely permissive; but it undoubtedly per-

CHURCH FURNITURE

Designs and Estimates available on request.

Seasoned Timbers in stock.

ERNEST MILLS & SONS, PTY., LTD.,
108 HARRINGTON ST., SYDNEY, B 1849

THE ONLY PROTESTANT HOME OF ITS KIND IN THE STATE.
It embraces all and refuses none who are eligible for admission.

THE HOME OF PEACE

(Deaconess Institution)

ADDISON ROAD, PETERSHAM. Phone LM 4805.

It is supported by voluntary gifts. Kindly send yours to the Hon. Treasurer (above address).
YOUR HELP IS NEEDED. Have you the WILL to give? "Where there's a WILL there's a way."
Remember the Home in your WILL.

mits of the ringing of a bell at the place where the rubric occurs. The second and two subsequent rubrics with respect to the bell are not merely permissive in their language and I think should be read as directing the ringing of the bell as indicated at the places where they occur.

On a number of occasions the ringing of a sanctus bell, or as it is also called a sacring bell at the times indicated in the Red Book has been held by Ecclesiastical Courts in England to be illegal in the Church in England. (Rector etc. of Chapel St. Mary, Suffolk v Packard 1927 P. 289 at p. 305 and cases there cited). Again the position in New South Wales depends of course on their relationship between the Church here and in England.

The reference in the information to the prayer known as the Epiklesis and to the Rubric on page 20 of the Red Book were specifically inserted no doubt because in respect of them it was originally alleged that they were in direct conflict with the doctrines of the Church of England as expressed (inter alia) in the 28th Article of Religion, that is that they were heretical as presenting doctrine not permissible to be held by a member of the Church of England. After the taking of evidence on commission in England for the purposes of this suit, and I think because of the evidence so obtained, this charge was withdrawn and the so-called epiklesis prayer and the rubric in question have no special significance beyond the fact that they are additions to the order as set out in the Prayer Book.

In the evidence and addresses some emphasis was also placed upon the part of the Red Book headed The Preparation (pp. 3-5). As to this, I may say that I am not satisfied that it is intended to form part of the public service as distinct from a private preparation by the Priest and the service during which the public congregation may sing a hymn or if no hymn is sung may simply follow the words used. I do not think that any special significance attaches to the appearance of this matter in the Red Book.

Finally emphasis was also placed upon the use in the prayer for the Church of the prayer for the faithful departed. I think that no particular significance can be attached to this, that is no significance other than that there is a divergence, if slight, from the form in the Prayer Book. It is illegal in the Church of England to suggest in prayers for the dead the Roman Catholic doctrine of Purgatory; but the Red Book in my opinion does not offend in this respect.

As to the allegation in effect contained in the Statement of Defence that the order of service contained in the Red Book does not differ in any essential feature from that contained in the Prayer Book, I should say that deplorable as it is that the members of a Christian community have been unable to settle their religious differences without recourse to litigation, it would be astoundingly deplorable if the Bishop really thought that in fighting this suit he was merely seeking to defend his right to administer the sacrament according to an order which does not differ in any essential feature from that which the Informant contends to be the only legal order. The mere prosecution of this suit establishes I think that there are differences which are essential at all events to the minds of the relators on the one hand and to that of the Bishop on the other. The real essence of the differ-

ences lies, I think, in the virtual advocacy by the form of service in the Red Book of the theory of the Real Presence against the Receptionist theory.

I turn then to what I regard as the principal matters of fact raised by the issues in the suit. It must ever be borne in mind that this is a suit to restrain the commission of alleged breaches of the trusts upon which property is held. In order to decide whether there have been breaches of trust in respect of certain property it is necessary first to ascertain the terms of the trusts upon which the property is held, and next to ascertain whether such of the acts relied upon as constituting breaches of those trusts as are established by the evidence to have been committed, are contrary to the terms of the trusts. The property in question here consists of certain churches, including the Cathedral Church, in the Diocese of Bathurst. That property is vested in the defendant corporation. It is held by it, generally, for the erection or maintenance of a church, for the "use benefit or purposes of the Church of England" in the Diocese of Bathurst.

The disputes which led to this suit appear to have reached a critical position mainly because of the celebration of Holy Communion according to the order set out in the Red Book in the Church of All Saints at Canowindra. If this suit were restricted to preventing a breach of the trusts upon which that church is held, some questions of importance would have to be considered which have not been adverted to at all in the evidence or argument before me; because the trusts in respect of this church have been established more explicitly than those in respect of the other churches involved. The land on which this church is erected was granted by the Crown "as a site for a church in connection with the United Church of England and Ireland in New South Wales."

"upon trust for erection of a church in connection with the United Church of England and Ireland." S. 3 of the Church of England Constitutions Act of 1902 (N.S.W.) substitutes the name "Church of England" for the name "United Church of England and Ireland" in, inter alia, this deed. The name "United Church of England and Ireland" which is found in this deed and in Acts of Parliament and Letters Patent from the Crown after 1800, came from the provisions of the Union with Ireland Act 1800 (English) which provided that the Churches of England and of Ireland should be united into one protestant episcopal church the doctrine, worship, discipline and government of which should be the same as that of the Church of England. This position was altered in 1869 when by the Irish Church Act 1869 the Irish Church was disestablished but the Church of England was left otherwise unaffected. (Hals. Laws of England, 2nd Ed. Vol. XI p. 423). It appears, therefore, that the name used in the grant has no significance on the questions of liturgy, order of service, formularies or doctrine arising in this suit; but it must I think be open to doubt whether a trust for a church "in connection with" the Church of England is equivalent to a trust for or for the use, benefit or purposes of the Church of England, but it appears to have been so regarded as this particular church was transferred by the then trustee in 1895 to the Church of England Property Trust Diocese of Bathurst as then constituted. However this suit is not restricted to ascertaining and enforcing the trusts attaching to All Saints' Church, Canowindra. Reading the admis-

sions on the pleadings with those contained in the formal admission of facts and in correspondence I am satisfied that it is established that the Bishop has celebrated the Sacrament of Holy Communion according to the order set out in the Red Book and authorised and encouraged the incumbents or other priests so to celebrate it in churches in the diocese which are vested in the defendant corporation and held by it for or for the use, benefit or purposes of the Church of England in the diocese.

The trust, then, upon which property in question in this suit is held, is a trust for or for the use benefit or purposes of the Church of England in the diocese of Bathurst. The Diocese of Bathurst is one of a number of dioceses constituting the Church of England in New South Wales and it is necessary to find what is the constitution of the Church of England in New South Wales in order to decide whether the acts of the Bishop infringe the trust for or for the use benefit or purposes of that Church.

The Church of England in New South Wales is a voluntary association whose members have associated together for the purpose of practising a common form of religion (Fielding v Housion 7 C.L.R. 393; Sol. General v Wyld 46 S.R. 83). It is not founded by State law and has no financial governmental or other connection with the State. To ascertain its rules it is necessary to find "what is expressed or implied by the original consensual compact"; (Solicitor General v Wyld 46 S.R. 83 at 97) and then to find to what extent if at all that has been duly altered whether by the association itself under some power conferred by or inherent in the original consensual compact or by Act of Parliament dealing with the rules of the association. In New South Wales it is impossible to point to any express original consensual, compact founding the Church of England as a voluntary association. Upon the original occupation of the country as a penal establishment "the Church of England came to Australia as a State religion". (Lowther Clarke: Constitutional Church Government p. 77). Its Chaplains who were clergymen of the Church of England in England were officers of the Colony appointed in the first stages by commission from the King and subsequently by nomination of the Governor. This system was altered in 1824 when an Archdeaconry of New South Wales was founded, subject to the jurisdiction of the Bishop of Calcutta, (a Bishopric which had been founded by Letters Patent in 1814) and upon his arrival in the Colony the administration of the Chaplains passed from the hands of the Governor to those of the Archdeacon. The territory of Australia was by Letters Patent constituted into a Bishop's see or diocese styled the Bishopric of Australia in 1836 and Dr. Broughton who was the Archdeacon of the Archdeaconry of New South Wales was then appointed Bishop of Australia "subject and subordinate to the Archbishop of Canterbury" — in the same manner as any bishop of any see within the province of Canterbury, in our Kingdom of England, is under the authority of the Archbishop of Canterbury and the Archbishop thereof. The terms of the Letters Patent, which are set out in Dr. Lowther Clarke's Book to which I have referred are interesting and I think important. They show clearly that the Bishop and the Church in Australia were considered to be subject to the ecclesiastical laws of England and that the rites and liturgy of the Church in Australia were considered to be identical with the rites and liturgy of the

Church of England in England. Similar views are apparent in the terms of the Letters Patent issued in 1847 "constituting the See of Sydney in New South Wales to be a Metropolitan See and erecting other episcopal sees in the province of Australia" (Lowther Clarke, pp. 39-44).

It is to be observed that from the foundation of the Archdeaconry of New South Wales until the introduction of responsible government in the colony, appointments of the head or governing officer of the Church were made by Letters Patent issued by the Crown. Financially, too, there was a close association between the Church and the State in the early history of New South Wales. The chaplains before the creation of the Archdeaconry were officers of the Government and paid as such. The salary of the Archdeacon was provided out of the Colonial revenue and shortly after his arrival, viz., in 1826, a corporation was founded by Letters Patent styled the Trustees of the Clergy and School Lands to which large grants of valuable lands were made to provide for the support of the Clergy of the Established Church of England throughout the Colony and for the education of the youth in the principles of the Church. This corporation was dissolved by the King-in-Council in 1833 and its lands and property were vested in the Crown (see 5 Wm. IV No. 11) and thereafter provision was made (see 7 Wm. IV No. 3) for the payment of an annual sum of £30,000 for the maintenance of religion in the Colony. This provision is important in that it extended to benefit a number of religions in which the Church of England was included, and so embodied the principle of State aid to religion generally as against that of State endowment of the Church of England alone which had theretofore prevailed. In 1862 State financial aid to any religion was withdrawn subject to certain temporary qualifications and it has not been re-established.

On a consideration of these facts I find myself in agreement with the opinion expressed by Mr. Knox in giving evidence in this case, namely that originally the Church of England as it was established in England was the established Church in New South Wales and that by a gradual process comprising a number of events it became disestablished and thereafter depended for its existence and constitution upon the consensus of those persons who chose to continue it. It is difficult to state a time when its existence as an established church ceased and it became merely a voluntary association. Clearly it was no longer an established church after the abolition of State aid to religion in 1862. In some respects it was not fully established after the enactment of 7 Wm. IV No. 3. Probably it ceased to be the established church before the introduction of responsible government in 1850. However, it is not important whether the Church was strictly an established church in the beginning or not or if it were an established church when the change occurred which made it merely a voluntary association. The history of the church is important as it shows that in the beginning it was simply a part of the Church of England as established in England, and I have found nothing in its subsequent history which had the effect of altering its constitution in that respect.

"Where there is no State religion established by the Legislature in any colony, and in such a colony is found a number of persons who are members of the Church of Eng-

land and establish a church there with the doctrines, rites and ordinances of the Church of England, it is a part of the Church of England and the members of it are by implied agreement bound by all its laws." (Bishop of Natal v Gladstone, L.R. 3 Eq. 1 at 35-6). "If certain persons constitute themselves a voluntary association in any colony as members of the Church of England, then, as I apprehend, they are strictly brethren and members of that Church, though severed by a great distance from their native country and their parent church. They are bound by the same doctrines, the same rules, ordinances and discipline. If any recourse should needs be had to the civil tribunals, the questions at issue must be tried by the same rules of law which would prevail if the questions were tried in England—with this exception only, that the tribunal would probably be different and that as the statutes which constitute certain ecclesiastical tribunals in England do not extend to the colonies, the question would have to be determined by the ordinary civil courts which administer justice in the colonies" (ibid at p. 38). (And see Re Macgregor 32 S.R. 483 at 492).

On two occasions after its foundation as a voluntary association the constitution of the Church was dealt with by legislation in New South Wales, on both occasions at the instance of bodies representing the Church itself. The first Act passed in 1866 (30 Vic.) was repealed by the second, the Church of England Constitutions Act of 1902. By the second it is enacted that for all purposes connected with or in any way relating to the property of the Church of England within the State of New South Wales the provisions of the constitutions contained in the Schedule to the Act and any ordinances or rules made thereunder are binding upon the members of the Church. It is necessary to consider in

particular two of the provisions contained in the Schedule to this Act, and as these are identical with provisions contained in the constitutions created by 30 Vic. it is not necessary to consider that Act separately. The provisions are Article 3 which provides that the Synod of each diocese may make ordinances upon and in respect of all matters and things covering the order and good government of the Church of England and the regulation of its affairs in the Diocese, including all questions of management of property, and Article 24 which provides "No rule, ordinance or determination of any diocesan or provincial synod shall make any alteration in the articles, liturgy, or formularies of the Church, except in conformity with any alteration which may be made therein by any competent authority of the Church of England in England." There has been much discussion before me as to what is referred to by the words "competent authority of the Church of England in England." If the words refer to an authority constituted by the Church itself then there was no such authority in England competent to make alterations in articles, liturgy or formularies of the Church before the passing of the Church of England Assembly (Powers) Act 1919, the only authority competent to make such alterations prior to that Act being the Parliament of the United Kingdom. I do not think, however, that the authority referred to is one necessarily constituted by the Church of England, and in the circumstances I think that the words should be read as referring to any authority competent in respect of the Church of England to make the alterations referred to in the article and so to include the Parliament or any authority duly empowered by it.

The real importance of Article 24, however, appears to me to be that the framers of the constitutions were anxious to and did ensure that the articles, liturgy and formular-

MORE HOUSES are needed for the people, the building of which gives employment to large numbers of workers, more playgrounds for the children, better roads in the country are also needed.

All these require capital which cannot be created by wishing, it cannot be got by whistling for it out of the sky, it must come from Companies' funds, and Insurance Companies provide a lot of such capital to help in the development of the Country.

Thus Insurance becomes an integral part of the National Economy of the Country

For 69 Years

the MERCANTILE MUTUAL
Insurance Coy. Ltd.

*an Australian Institution has been providing security
for the homes of the people, its motto being*

"Service to the Public"

Insurance Means Security

Fire, Marine, Accident, Motor Car and
Householders', House-Owners
(Combined) Insurance
Crops, Stacks, Fencing, Pluvius
All Classes of Agricultural Insurance.

Head Office: 117 PITT STREET, SYDNEY.

SELWYN KING, Managing Director.

Branches in all States and Agencies in all Suburban and Country Centres
throughout the Commonwealth where all classes of Insurance can be
arranged by any of the Company's 4000 Agents trained to give
"Service to the Public."

ies of the Church in New South Wales should remain identical with the articles, liturgy and formularies of the Church in England as they existed when the original Act (30 Vic) was passed except that alterations might be effected to conform with lawful alterations effected in England.

The effect of these Acts of the Legislature of New South Wales is to confirm the view that the Church of England as it came into being as a voluntary association in New South Wales was part of the Church of England in England and bound by its laws, its articles, liturgy and formularies and that nothing which has happened since has had the effect of altering that position. "The legal position of the Church of England in Australia has been defined in recent years by 'opinions' obtained in England and Australia independently. These agree in saying that nothing has hitherto been done by any Synod in Australia to separate the church from the Church of England, and that the legal status of the Church in Australia makes it still an integral part of the Church of England and not a church in full communion therewith" (Lowther Clarke: Constitutional Church Government pp. 92-93). I agree with the opinions as so expressed.

In England the liturgy of the Church of England is prescribed by the law of the land and is to be found in the Prayer Book annexed to the Act of Uniformity of 1662. The view of the Privy Council on the effect of the Act has been emphatically expressed on more than one occasion. "Their Lordships are of opinion that it is not open to a Minister of the Church or even to their Lordships in advising Her Majesty as the highest Ecclesiastical Tribunal of Appeal to draw a distinction in acts which are a departure from or violation of the Rubric, between those which are important and those which appear to be trivial. The object of a Statute of Uniformity is as its preamble expresses to produce 'An universal agreement in the worship of Almighty God' an object which would be wholly frustrated if each Minister, on his own view of the relative importance of the details of the service, were to be at liberty to omit, to add to, or to alter any of those details. The rule upon this subject has been already laid down by the Judicial Committee in *Westerton v Liddell* and their Lordships are disposed entirely to adhere to it. "In the performance of the services, rites and ceremonies ordered by the Prayer Book, the directions contained in it must be strictly observed; no omission, and no addition, can be permitted" (Moore's Special Report, p. 177). (Martin v Mackonochie: L.R. 3 P.C. at 382-3). These observations of course must now be read subject to the provisions of the

Shortened Services Act (The Act of Uniformity Amendment Act 1872). Again "In the public or common prayers and devotional offices of the Church all her members are expected and entitled to join; it is necessary, therefore, that such forms of worship as are prescribed by authority for general use should embody those beliefs only which are assumed to be generally held by members of the Church . . . If the Minister be allowed to introduce at his own will variations in the rites and ceremonies that seem to him to interpret the doctrine of the service in a particular direction, the service ceases to be what it was meant to be, common ground on which all Church people may meet, though they differ about some doctrines. But the Church of England has wisely left a certain latitude of opinion in matters of belief, and has not insisted on a rigorous uniformity of thought which might reduce her communion to a narrow compass." (Sheppard v Bennett L.R. 4 P.C. 371 at 403-4.)

There have been wide departures and divergences from the orders prescribed by the Prayer Book by many clergymen in many churches in England, commencing almost from the time when the Act of 1662 was enacted and continuing until the present time, and these departures and divergences have from time to time had the support or acquiescence of the highest authorities in the Church. On these facts it was submitted that the Act of Uniformity though part of the law of the land was not adopted by the Church as part of its law. I cannot agree with this submission. It appears to me that the Act of necessity was imposed upon the Church as part of its law, and that because of its binding force and universality the liturgy prescribed by it is a fundamental rule of the Church. This would be so I think even if the law had been imposed upon the Church in invitum. In fact, however, the prayer book was prepared by and assented to by the authorities of the Church itself, that is by the convocations of both the provinces of Canterbury and York.

While the Act of Uniformity has never been in force in New South Wales as part of the law of the land, it follows necessarily I think that this fundamental rule of the Church in England was a fundamental rule of the voluntary association in New South Wales. At the time, whenever it was, that that association was formed there was a variety of uses as to liturgy in England, many of them contrary to the law of the Church. I think, that it cannot possibly be implied that as a rule of the association its members agreed to permit an undefined right to anybody to vary the service which was lawful in England, and that it must be implied that the laws of the Church whether they were such laws as being part of the law of the land or otherwise were to bind the association.

It is clear that deviations from and variations of the order of administration of the sacrament of Holy Communion and of other orders prescribed by the Prayer Book have occurred and been permitted without objection from the members of the Church, in the Diocese of Bathurst, over a long period of years. Such deviations and variations have occurred also in dioceses of the Church throughout Australia and in England and in other parts of the world where the Church of England functions. It has been pleaded and urged that the long existence of these deviations and variations establishes that the

order of administration in the Prayer Book is not the only legal or permissible order of administration of Holy Communion in the Diocese of Bathurst.

The effect of usage on the laws of the Church has been considered in a number of cases. In *Read v Bishop of Lincoln* (1892 A.C. 644 at 660) Lord Halsbury delivering the advice of the Privy Council said "It would indeed be difficult to maintain, in the face of usage ever since the passing of the Act of Uniformity, that singing a hymn at all during the service was in itself illegal. The careful research of the Archbishop has established as far as historical evidence can establish anything, that during the seventeenth and eighteenth centuries the practice was common, and it has undoubtedly continued to our time.

Such universal and unbroken usage is of great force, and it would in their Lordships' opinion be impossible now to contend that in itself, and apart from any interference with the due order of service or anything objectionable in the hymn sung, the practice is illegal."

THE SYDNEY MISSIONARY AND BIBLE COLLEGE.

41 Badminton Road, Croydon, N.S.W.

Phone: UJ 4780.

Principal: Rev. J. T. H. Kerr, B.A.

Superintendent of Women's Home:

Mrs. A. Lawler.

The College was founded in 1916 by the late Rev. C. Benson Barnett, one time member of the China Inland Mission, as an interdenominational institution.

Board of Directors: Mr. C. A. White (Chairman), Mr. V. S. Davies (Hon. Treasurer), Mr. A. B. Wilson (Hon. Secretary), Rev. S. M. Bryson, Rev. Lionel B. Fletcher, Rev. T. J. Harper, Rev. Hugh Paton, Messrs. A. J. H. Barnett, D. Campbell, R. H. Gordon, R. J. Henderson, R. D. Rumbold, and M. E. Sykes.

The Curriculum includes study of the text of the Bible as a whole, Gospels, Epistles, Bible Doctrine, Prophetic Movement, Church History, English Grammar and Composition, Homiletics, Comparative Religion, Evangelism, Youth Work, Practical Psychology, and Apologetics. N. T. Greek is optional. Tropical Medicine and Hygiene for one term a year at the University.

Visiting speakers from many parts of the world keep students in touch with present day needs and movements in Christian work. Ample provision is made for practical work.

The Lecturing Staff comprises Rev. V. A. Spence Little, M.A. B.Litt., Ph.D. (Oxon.), Rev. T. J. Harper, Rev. C. J. Nash, B.A., B.D., Miss A. Hogg, B.A., Miss M. L. Carter, B.A., Mr. H. A. Brown, Mr. W. A. Guildford, and the Principal.

Fees: £60 per College year. Students can take part-time work to help them meet fees.

The terms in 1948 begin on 3rd February, 25th May, and 7th September.

The subscription to the College Journal, "The Evangelist," is 2/- per annum.

Useful correspondence courses may be had on application.

COPIES OF "100 TEXTS" are now available at the Church Record Office, 3d. each, or 2/6 per dozen.

The Privy Council in *Ridsdale v Clifton* (2 P.D. 276 at page 331) said "What then in a question of this nature is the weight in law of such contemporaneous and continual usage? Their Lordships may take the answer to this question from the words, either of Lord Campbell in *Gorham v Bishop of Exeter* (15 Q.B. 73, 74), or of Chief Baron Pollock in *Pechin v Duncombe* (1 H. & N. 856) or of Dr. Lushington in *Westerton v Liddell* (Moore's Special Report). Lord Campbell referring to a statute of 25 Hen. VIII c. 19, said: 'Were the language of the statute obscure, instead of being clear, we should not be justified in differing from the construction put upon it by contemporaneous and long-continued usage. There would be no safety for property or liberty if it could be successfully contended that all lawyers and statesmen have been mistaken for centuries as to the true meaning of an old Act of Parliament.'

"Chief Baron Pollock, with reference to the maxim 'contemporanea expositio fortissima est in lege' said: 'The rule amounts to no more than this, that if the Act be susceptible of the interpretation which has thus been put upon it by long usage the Court will not disturb that construction.'

"Dr. Lushington said: 'Usage, for a long series of years, in ecclesiastical customs especially, is entitled to the greatest respect; it has every presumption in its favour; but it cannot contravene or prevail against positive law, though, when doubt exists, it might turn the balance.'

The usage, in question here, is not a long continued usage whereby the administration of the sacrament was made in accordance with the order set out in the Red Book; but a usage permitting in a general way deviations from or alterations in the order of the administration of the sacrament as set out in the Prayer Book. There is no assertion nor is there any evidence to support an assertion that the order contained in the Red Book has the authority, for what it is worth, of contemporaneous and long continued usage. In my opinion the law of the Church in New South Wales is that the Prayer Book, subject possibly to the modifications permitted in England under the Shortened Services Act (1872) provides the only legal or permissible order for the administration of Holy Communion in New South Wales and that such things as are illegal in the Church in England are contrary to the law of the Church in New South Wales. If this is so I think that usage cannot be allowed to prevail against that law.

It has been claimed in this suit that in effect the Bishop has a *ius liturgicum* authorising him to use and authorise the form of service contained in the Red Book and that such a *ius* is part of the law of the Church of England in England. Whether before the Reformation Bishops in England had the power individually to prescribe the liturgy to be used in churches in their respective dioceses or not it is, I think, clear that such a power did not exist after the first Act of Uniformity was passed. In particular subject to the question arising under the Public Worship Regulation Act 1874 there could be no *ius liturgicum* vested in the Bishops in England in face of the explicit provisions of the Act of Uniformity of 1662. Their powers as to liturgy were then restricted to the power to resolve doubts referred to in the Preface of the Prayer Book.

It has, however, been submitted that in some negative sense the provisions of the Public Worship Regulation Act 1874 has restored to the Bishops the effect of a *ius liturgicum*. That Act establishes particular Ecclesiastical Courts with a particular jurisdiction including that of dealing with the person responsible for the due performance of divine service in any church where that person fails to observe or cause to be observed the directions contained in the Prayer Book relating to the performance of the services rites and ceremonies ordered by that book or makes or permits to be made any unlawful addition to, alteration of or omission from such services, rites and ceremonies.

As an Act of Parliament, of course, this Act has no application in New South Wales and as in this State there are no ecclesiastical courts of law it cannot be part of the law or rules of the Church of England in this State. In this case, however, the significance of the Act is that it gives to the Bishop of the diocese in question a discretion to determine whether proceedings will lie in the Court for the constitution of which the Act provides, and so where deviations or alterations in the orders of service required by the Prayer Book are made the Bishop may by the exercise of his discretion prevent the prosecution under the Act of the person responsible and so negatively authorise the continuation of the deviations or alterations in question. If the Bishop honestly exercises his judgment upon the circumstances which appear to him to bear upon the case his reasons cannot be reviewed nor can he be subjected to mandamus (*Allcroft v Bishop of London* 1891 A.C. 666). It appears that after the rejection in 1928 by the House of Commons of the New Prayer Book submitted by the National Assembly of the Church, known as the 1928 Book, the history of which has been given in evidence but is so well known that it is unnecessary to set it out, the Bishops of the province of Canterbury by resolution intimated that they would not in general regard the use of the forms and orders contained in the 1928 Book as being inconsistent with loyalty to the principles of the Church, and that the Bishops in the exercise of their administrative or legal discretion would be guided by the proposals in the 1928 Book and will endeavour to secure that the practices which are consistent neither with the Book of 1662 nor with the Book of 1928 shall cease."

While the Red Book does not prescribe the same order of administration of Holy Communion as is contained in the 1928 Book, having regard to the evidence given on commission in England in this suit, and to the deviations from the Prayer Book which there occur with regularity and go unnoticed, I think it is probable that, at all events in the Province of Canterbury the administration of Holy Communion in accordance with the order set out in the Red Book would not be followed by the prosecution of the person responsible in the Ecclesiastical Courts, and if it did lead to proceedings in a Civil Court the considerations dealt with in Attorney General v Dean and Chapter of Ripon Cathedral (1945 Ch. 239) might prevent the success of the action. So, it is said, that the order of administration set out in the Red Book is not inconsistent with the order which is permitted or rather which by the exercise of the discretion of the Bishops, is not prevented in England.

(Continued on page 14)

Stained . . . Glass



John Ashwin & Co.

(J. RADECKI)

Studio and Works:

Off Goulburn St., near Trades Hall

Established 1870. Tel.: MA 3467

Artists in Stained Glass
31 DIXON ST., SYDNEY

(Continued from page 13)

In my opinion these considerations do not provide a defence in this suit. The discretion of the Bishops in England only affects the right to prosecute representations in an ecclesiastical court. This court has no such discretion in the consideration of the proprietary claims which are brought before it; nor is a discretion vested in any persons to prevent the informant's claim being litigated in this Court. Further, there being no Ecclesiastical Courts in this State the question of jurisdiction adverted to in Attorney General v Dean and Chapter of Ripon Cathedral (supra) cannot arise and the discretion acted upon in that case would, because of the absence of the circumstances which caused its exercise in the manner in which it was exercised, have to be exercised in the opposite way. That the breach of a law of the Church in England may be without an enforceable remedy because of the existence of the ecclesiastical law and courts there and their constitutions does not mean that a similar breach in New South Wales is not remediable in the civil courts of this State.

After consideration of the defences which have been raised I am of the opinion that the administration of Holy Communion according to the order contained in the Red Book is contrary to the rules of the Church of England in New South Wales. As I have said this suit is directed to preventing a breach of the trusts upon which certain churches are held and those trusts are for or for the use benefit or purposes of the Church of England in New South Wales. The question then arises whether a breach of the rules of the Association in the conduct of the service in question is also a breach of the trusts. It was submitted that if a person who, according to the rules of the Church is entitled to conduct a service in its churches, does conduct a service therein, then at least if the service contains no teaching of any doctrine not permissible for members to hold under the rules of the Church there is no breach of trust even though in the service the rules which are binding between members of the voluntary association are not observed in their entirety; that is, in short, that not all the rules of the association are incorporated into the terms of the trust. In my opinion however, it is a fundamental rule of the Church of England in New South Wales that public services conducted in its churches should, subject to the possible application of the Shortened Services Act, a consideration which does not affect the matter in issue in this suit, be conducted in accordance with the form and order prescribed by the Prayer Book. Consequently the use of a Church for the conduct of a service not in that form and order, even though the service is consistent in its doctrine with beliefs and teaching proper to be held by and given to members of the church, is in my view the use of the church otherwise than for or for the use benefit or purposes of the Church of England in New South Wales and necessarily involves a breach of trust.

The next question which arises is whether the Bishop commits a breach of trust and is personally subject to injunctions in respect of it. He is not the trustee because the trust property is not vested in him. True he is a member, by requirement of the Act of Parliament creating it, of the defendant corporation which is the trustee; but here he is being dealt with in his personal capacity and not as one of the corporators of that corporation. He is, however, entitled under the rules of the Church to conduct services in the

Churches in his diocese. The corporation, that is the trustee, cannot prevent him from doing so and in my opinion on principle and on authority he is personally liable to be enjoined if his acts cause the church property to be used in breach of trust (see Solicitor General v Wyld 46 S.R. 83, and Attorney General v Murdoch 7 Ha. 445 at 469-470).

Finally, it was submitted that the remedy of injunction is discretionary and many reasons were urged as to why the discretion should be exercised in favour of the Bishop. In my opinion without setting out those reasons it is sufficient to establish the informant's right to an injunction, if my view of the facts and nature of the trusts is correct, to point out that the Bishop claims that he is entitled as a matter of right to do the acts which are complained of and threatens to continue doing them, and in my view they cannot be regarded as trivial or unimportant. Further the informant has no other effective remedy than that which is sought in this suit.

In my opinion the informant has made out a case for the relief sought in the information. The general costs of the suit must follow the event, but the costs of the commission to take evidence in England and of the taking of the evidence there are in a special category. It appears to me that an important reason for the Commission being required by the Bishop was to seek to disprove the charge of heresy originally contained in paragraph 8 of the Information, and that a substantial part of the evidence taken on commission was directed to this matter. As a result of that evidence, as I infer, the charge in question was withdrawn by the informant and the information amended accordingly. Apart from this matter I think that the Commission was probably unnecessary although some of the evidence taken was tendered in the suit and was informative and useful. Insofar as the commission and evidence were directed to the question of doctrine referred to in par 8 of the information, the relators should in strictness pay the Bishop's costs of them as well as bearing their own; but on the other matters dealt with in the evidence taken the reverse applies. I think that the taxing officer should be spared the almost impossible task of dissecting the costs according to the issues which I have indicated, and on consideration of the evidence taken I think that substantial justice would be done by relieving the Bishop of one half of the informant's costs of the Commission and evidence taken under it.

I make a decree in accordance with the first four prayers of the Information and order that the relators pay the costs of the defendant corporation as a submitting defendant and that the defendant Bishop pay the costs of the relators of the suit, including the costs ordered to be paid by the relators, and one half of costs of the Writ of Commission to take evidence in England and of the taking of the evidence thereunder.

Mr. R. Clive Teece, K.C., and Mr. H. A. Henry (instructed by Messrs. Allen, Allen & Hemsley), appeared for the Informant. Mr. F. W. Kitto, K.C., and Mr. A. B. Kerrigan (instructed by Messrs. Roxburgh & Co.), appeared for the defendant Bishop, and Mr. G. P. Stuckey (instructed by Messrs. McIntosh, McPhillamy and Co., Bathurst, by their Sydney Agents, Messrs. Icton, Faithfull and Baldock) appeared for the defendant Church of England Property Trust Diocese of Bathurst.

PERSONAL.

The engagement to be married is announced of Miss Ruth Denman, daughter of Archdeacon S. H. Denman, of St. Clements' Rectory, Marrickville, Sydney, to the Rev. G. Morris, of Gladesville, Sydney. We offer our congratulations.

We desire to offer sympathy with the Rev. A. H. Funnell, Rector of Kembla, N.S.W. on the sudden death of his mother. The funeral took place on Monday, after a service in St. James', Canterbury.

Canon R. B. Robinson, General Secretary, of the Home Mission Society, Diocese of Sydney, has received a notification that the King has approved of his appointment as Assistant Chaplain of the Venerable Order of St. John of Jerusalem. We congratulate Canon Robinson on his appointment.

Bishop Pilcher preached the sermon at the Law Service held at St. James', King Street, Sydney, on Tuesday, February 17th.

The Archbishop of Melbourne and Mrs. Booth left for England by the "Orion" last week. A large farewell gathering was organised in the St. Kilda Town Hall and presentations made to His Grace and Mrs. Booth.

The Bishops of Armidale, Ballarat and Riverina also left for England on the "Orion."

Professor Calvert Barber gave the address at the Law Service in St. Paul's Cathedral, Melbourne, on Feb. 2. The Archbishop of Melbourne conducted the service. There was an attendance of 1200 people.

The Rev. C. E. A. Reynolds, Rector of Wentworthville, Sydney, is expected to return from England by air on the 1st March. A welcome home has been arranged to him and Mrs. Reynolds by the Parishioners on the 4th March. Mr. Reynolds has been in England for about six months.

The Rev. Guy Harmer has recently been placed in charge of the Parochial District of Mirboo North, by the Bishop of Gippsland. He was formerly in the Parochial District of Poowong and Loch.

Sister L. Loane, who has been working for the B.C.A. at Penong, South Australia, has been on a visit to Sydney.

Rev. T. Jones, Organising Missioner of the B.C.A. is on a visit to various centres on the Eyre Peninsula.

Canon R. Rook, who is living in retirement on Norfolk Island, attained his 85th birthday on Sunday, the 15th February, and was the preacher on that day in the Church of All Saints', Kingston, on the Island. We offer our congratulations to the Canon.

The Rev. H. P. Woodburn, who has been locum tenens at Nimbin, has been appointed Vicar of Bowraville, dio. of Grafton.

The Rev. R. S. R. Meyer, B.C.A. Missioner at Rappville, Dio. of Grafton, accompanied by his wife and family, is enjoying annual leave at St. Michael's Rectory, Wollongong.

The Rev. A. E. Hayes has been appointed priest in charge of Bellbird, Dio. of Grafton.

The Rev. and Mrs. Jeffray Mills, of The Rectory, Earlwood, are receiving congratulations on the birth of a son, Martin.

NEW ORGANIST.

ST. ANDREW'S CATHEDRAL, SYDNEY

Mr. H. Hugh Bancroft, Mus. Bac. (Durham) F.R.C.O., Organist and Choirmaster, Christ Church Cathedral, Vancouver, British Columbia, Canada, has been appointed Organist and Master of the Choristers at St. Andrew's Cathedral, Sydney.

Mr. Bancroft is recognised in the Canadian Church as one of the leading Organists in the Dominion. He has held the appointment of Organist and Choirmaster in the two most important churches in Winnipeg, and since 1946 has been at Vancouver Cathedral. He was born at Cleethorpes, Lincolnshire, England, and received his early training in church music at Great Grimsby parish church. He went to Canada in 1929. At the Canadian musical festivals in 1935 and 1940 he established himself as a Conductor and Choir trainer of outstanding ability. For many years he has broadcast regularly both as Conductor, and as Organist, over the Canadian Broadcasting Corporation networks, and consequently is well known throughout the whole Dominion. He is particularly excellent as a choir trainer. He has also achieved eminence as a composer, and some of his compositions are to be found in the Canadian Hymn Book. He is conductor of the Vancouver Bach Choir; and head of the Theory Department of the British Columbia Institute of Music and Drama.

Mr. Bancroft is most highly commended by the Organists of three leading English Cathedrals, Sir Edward Bairstow, of York Minster, Dr. Gordon Slater of Lincoln, and Dr. Charles Moody of Ripon, and also by the late Sir Sydney Nicholson, former Director of the Royal School of English Church Music.

During the war Mr. Bancroft served as a gunner with the Royal Canadian Artillery.

Mr. Bancroft will arrive in Sydney with his wife as soon as they are able to obtain passages. He is 43 years of age.

Australian Church News.

NEW SOUTH WALES.

Diocese of Sydney.

PARRAMATTA RURAL DEANERY SUNDAY SCHOOL TEACHERS' 37th ANNUAL MEETING.

The 142nd Quarterly Conference and 37th Annual Meeting of The Sunday School Teachers' Association was held at St. John's, Parramatta, on Monday, February 16th.

Tea was served to the visiting schools by the local officers and teachers.

Rev. L. J. Harris (Blacktown Parish) conducted a short Litany Service in the Church.

Conference was presided over by the Rector and Rural Dean, the Rt. Rev. W. G. Hilliard, who also gave the Presidential Address.

Other clergy present were the Rev. C. L. Oliver (Granville), Rev. W. V. Gurnett (Merrylands), and Rev. L. R. Buckman (Parramatta).

Miss Glascodine, of Melbourne, was accorded a special welcome. Sixteen schools of the District were represented by Superintendents, Kindergarten Teachers, and Teachers.

Annual reports disclosed a successful year of activities during 1947 for technical studies, the devotional life, social fellowship and addresses on Sunday school work.

Projects for 1948 provide for a Kindergarten Teachers' Training week-end and Exhibition of Work, a Social Evening in June, participation in the United Witness of Christian Youth, Procession and Service on May 2nd, besides the Quarterly Conferences.

It was decided to hold the next Conference at St. Stephen's, Lidcombe, on May 10.

ALL SAINTS', PETERSHAM.

Advent Sunday saw the completion of this parish's Fifth Missionary Appeal, whereby an additional £100 per annum has been raised for the Missionary work of the Church. The first three years (1942 to 1945) £328/17/- was given to the Australian Board of Missions for Reconstruction and Advance in the Dio-

cese of New Guinea, particularly to erect a memorial to the memory of Mavis Parkinson, who did her missionary training in this parish, and worshipped at All Saints'. The fourth year £102/14/6 was devoted to A.B.M. funds to help send a missionary to Japan, where the Rev. Frank Coaldrake is now working. On Advent Sunday, 1947, Captain the Rev. J. S. Cowland (Federal Secretary of Church Army) was the occasional preacher, and received the parish offering of £112/12/1 for the purpose of training aborigines for missionary work amongst their own people in Australia. In acknowledging the gift, Captain Cowland writes, "The Executive Board of the Church Army is delighted to learn of this special effort, the first of its kind ever made by any parish in Australia to the funds of this Society."

These Missionary Appeals were originated by the Rector's sister, Miss E. V. Adams, who has been ably assisted by her helpers in the Women's Guild, of which she is President. During the past five years £545/3/7 has been given in this way, over and above the ordinary parish contributions to the cause of Missions.

Diocese of Grafton.

The Bishop of Grafton has announced that he will hold a diocesan clergy conference at Grafton on 12th and 13th April next. The conference will be followed by the annual clergy retreat from 13th to 15th April, and the conductor this year will be the Rev. W. J. Siddens, Th.L., Rector of St. Thomas', North Sydney.

At the conclusion of the Retreat, the various diocesan committees will meet on 16th April. The Bishop expects to leave for the Lambeth Conference on 3rd May.

VICTORIA.

Diocese of Melbourne.

FAREWELL TO THE ARCHBISHOP.

Over a thousand guests attended a gathering at the St. Kilda Town Hall on Thursday, February 5, to bid farewell to the Archbishop and Mrs. J. J. Booth prior to their departure for England, where the Archbishop will attend the Lambeth Conference.

Christian women are urgently required by
THE BUSH CHURCH AID SOCIETY
as HOUSE MOTHERS and ASSISTANTS in its School Hostels
and
TRAINED NURSING SISTERS are urgently required for the Society's
Hospitals in South Australia.
The B.C.A. offers splendid opportunities for Christian evangelism and
service in these Hostels and Hospitals.

Apply to—

The ORGANISING MISSIONER,
Bush Church Aid Society, Diocesan Church House,
George Street, Sydney.

After the Cathedral Choir had effectively sung the Anthems, "How lovely are the Messengers" and "Thou wilt keep him in perfect peace," the official party assembled on the platform. This comprised the Governor and Lady Dugan and staff, the Archbishop and Mrs. Booth, the Bishop of Gippsland and Mrs. Blackwood, the Lord Mayor (Sir Raymond Connelly), Sir Edmund Herring (Chief Justice), and Lady Herring, the Dean of Melbourne and the Bishop of Geelong (in the chair).

After a few introductory words the chairman called on the Dean to speak for the clergy, which he did in his customary cheery and relevant way.

His Excellency the Governor voiced the feeling of the laity and then presented a cheque, symbolising the goodwill of churchmen and friends of the Archbishop and Mrs. Booth; and wished them a good voyage and safe return.

The Archbishop, who was greeted with acclamation, outlined his career since his arrival in Australia, in factory, study and parochial experience and touched on his courtship days.

He had come up "the hard way," and deeply appreciated the friendship of those in the parishes where he had served. On behalf of Mrs. Booth and himself he warmly thanked all who had arranged such a wonderful gathering and hoped they would return better fitted for the work of the years ahead in the diocese.

A buffet supper was then partaken of and a time of general sociability enjoyed, after which the Archbishop and Mrs. Booth stood at the main door and bade farewell to the guests as they departed.

Diocese of Ballarat.

WARRNAMBOOL.

Centenary of the Parish.

The Parish of Warrnambool celebrated its centenary during the month of November. The first service, which was held in a blacksmith's shop in Leibig St., was conducted in Port Fairy, then known as Belfast. Dr. Brain continued to visit Warrnambool regularly until the arrival in 1850 of the Rev. (later Archdeacon) Beamish, the first Vicar of the parish.

During the Archdeacon's ministry of 45 years the foundations of the present parish were worthily laid. The building of the present parish Church—Christ Church—was begun in 1855, opened for Divine worship in the following year, and the completed Church was consecrated by Bishop Perry in 1862.

The celebrations extended over two weeks. On the two preceding Sundays the Rev. W. Clinch and the Rev. E. S. Yeo both former vicars, conducted the services. On Sunday, November 2nd, Bishop Ash was the guest preacher at services of remembrance in honour of clergy and laity who had contributed to the life of the parish. Thanksgiv-

CURATE, St. Barnabas', Broadway, requires Board and Residence, close to the Parish. Replies to Rev. R. A. Woodward, c/o St. Barnabas' C. of E., Broadway.

WANTED FOR PALLISTER GIRLS' HOME, RIVER ROAD, GREENWICH. — Afternoon tea cups and saucers for the staff, bedside mats for the girls; curtains and carpets. CAN YOU HELP? XB 4216.

ing services were held on Sunday, November 9. Everyone was greatly disappointed that our Bishop, through ill-health, could not be with us as anticipated. We are very grateful to Archdeacon Morgan Payler who had come down to assist the Bishop, for the very wonderful way in which he addressed the men at a Communion breakfast, and preached at both morning and evening services.

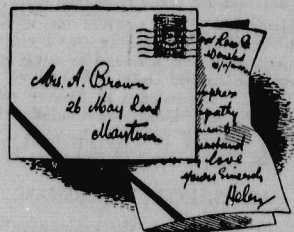
Bishop Baker visited the parish for the final services of Re-dedication. He administered the Rite of Confirmation at the Evening Service and his inspiring sermon to the large congregation will be long remembered. A parish tea was held before this service, when a large and happy family, including many old parishioners enjoyed a very generous banquet provided by the ladies of the various organisations. The Centenary Cake was cut by Miss M. Gellie, a niece of Mr. James Gellie, who had driven Dr. Brain to Warrnambool for the first service.

NEW ZEALAND.

Diocese of Auckland.

NEW BISHOP OF MELANESIA.

A successor to Bishop W. H. Baddeley, of Melanesia, has been announced. He is the Very Reverend Sidney Gething Caulton, at present Dean of St. Mary's Cathedral, Auckland, New Zealand.



WORDS ARE NOT ENOUGH

Words can't express the gratitude you will feel towards Wood Coffill for their quiet and sympathetic ministrations when a loved one passes on . . . your wishes are carried out with restraint and understanding.

WOOD COFFILL LTD

Head Office: 810 George St., Sydney
Phone: M4611, Newcastle 282,
Katoomba 41

Chapels in all Suburbs

The new Bishop of Melanesia was born in Derbyshire, England, and received his theological training at St. Chad's College, University of Durham, where he graduated in 1922. He was ordained a Deacon in the same year, and a Priest in 1923.

His first curacy was at St. Dunstons, Earle Road, Liverpool, from 1922 to 1929. He then joined the Melanesian Mission, and in the years between 1929 and 1936 learned to know the Solomons well.

In 1933 he married Miss Guylee, then one of the Mission's nursing sisters at Fauabu Hospital, Malaita. The couple were well liked and respected by the residents of Tulagi and Gavutu, who saw much of them.

Dean Caulton left the Mission in 1937, when he went to New Zealand as the Vicar of Whakatane. Subsequently he became Vicar of Onehunga, Auckland, and in 1946 was appointed Dean of St. Mary's, Auckland.

It is expected that he will make a quick visit to the Solomons after his consecration, but will not make it his permanent headquarters until after he has been to the Lambeth Conference of Bishops, which commences in London in July, 1948.

ORGANIST REQUIRED for St. Andrew's Church, Wairoonga. Salary £50 p.a. to commence. Apply Rev. A. N. S. Barwick, 2 Water St., Wairoonga.

CLERGYMAN urgently requires Cottage or Flat (preferably unfurnished). Randwick or near suburb preferred. Rev. R. E. Sherlock, 196 Albion St., Darlinghurst. FA 2865.

DYNAMIC BOOKS.

Women in Chains.—W. W. Campbell, of "The Rock," tells the shocking stories of recent escapees from R.C. slave laundries in Australia. Posted, 2/8½.

Crux Ansata.—H. G. Wells' brief criminal history of the Vatican. His last and angriest book. Posted, 2/8½.

Behind the Dictators.—L. A. Lehman, D.D., ex-priest, writes inside story of how the Pope used Hitler, Mussolini and Tojo to destroy the Protestant nations in the latest attempted Counter-Reformation. Posted, 2/8½.

Life of Our Lord.—Chas. Dickens. The Gospel story he wrote for his own children. Posted, 1/9½.

Rogues' Paradise.—H. W. Crittenden's 100,000-word record of R.C. Tammany bribery, corruption, and national subversion in war and peace in our Labour Governments. The lid off at last. Honest Labourites will be amazed, others unmasked. This damning exposure had to come. Just printed. No one dared publish it before. Cloth bound. Posted 13/-.

Send Sample Envelope for our Leaflets.

FREE CITIZEN PRESS,

Wholesale and Retail Publishers,

G.P.O., Box 4456, Sydney.

"ABBOTSLEIGH" WAHROONGA

CHURCH OF ENGLAND DAY AND BOARDING SCHOOL FOR GIRLS.

Pupils prepared for all Public Examinations.

For Prospectus, apply to the Headmistress,

MISS G. GORDON EVERETT, M.A.

THE CHURCH RECORD LTD.

ADVERTISING 11th. MARCH 1948

IN

HOME MISSION SOCIETY—SINGLETON

G.C. SINGLETON

A.W.A. ELECTRONIC CARILLON

Church Missionary Society

BARKER COLLEGE

THEOLOGICAL BOOKS WANTED

WANTED BY LADY WITH BOY OF 8 YEARS

SCHOOL CHAPLAIN AVAILABLE

HELP WANTED FEW HOURS WEEKLY.

CLERGYMAN EARNESTLY REQUIRES COTTAGE OR FLAT. (Rev. R.E. Sherlock—)

JUNIOR CLERKS (MALE) REQUIRED)

BUSH CHURCH AID SOCIETY

FREE CITIZEN PRESS

OUT

SIG.E.G.G.S. D'HURST

AJAX ELECTROCAL

CHURCH FURNITURE

HOME OF PEACE

DEACONESS INSTITUTION

CATHEDRAL CHOIR SCHOOL

SYDNEY MISSIONARY & BIBLE COLLEGE

ORGANIST REQUIRED FOR ST. ANDREW'S WAHROONGA

WANTED FOR PALLISTER GIRLS' HOME

CURATE, ST. BARNABAS' BROADWAY REQUIRES BOARD.

ALTERATIONS

KESWICK BOOK DEPOT.

THEOLOGICAL BOOKS WANTED

Second-hand Theological Books bought. Best prices given. Apply "Book Buyer" Church Record Office.

WANTED BY LADY WITH boy of 8 years, light house-keeping, (preferably for business people) or seamstress in a school. Healthy Suburb. Apply "Urgent" Church Record Office.

SCHOOL CHAPLAIN AVAILABLE. Sunday duties, May 9, 16, 23. Phone J.W. 2655. HELP WANTED FEW HOURS WEEKLY. Three suits, two in town daily. C/O station. Apply "Pennant Hills", c/o Church Record Office.