

THE PRIMACY AND THE DISPUTE OF 1891

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The Primacy of the Church of England in Australia has, to the loss of the Church, never been an office of much practical consequence, and has depended almost entirely on what those who have occupied it have made of it. Since the Church finally gained its autonomy in 1962, however there have been signs that the office of Primate may yet become the focal point of much of the work and witness of the Church¹. Accordingly, it is instructive to examine the past history of the office in order that it may be better understood and used in the future. On this occasion I want to examine one particular episode in the evolution of the Primacy, centring around the General Synod of 1891. Before I do that, however, I will look briefly at the development of the Primacy in the nineteenth century.

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The office of Primate of the Church of England in Australia has its origins in the Letters Patent which were issued by the Crown to William Grant Broughton on 11 June 1847, when his title was altered from that of Bishop of Australia to that of Bishop of Sydney and Metropolitan of the newly created Province of Australasia. Broughton, who was by then a comparatively old man, held these offices for less than six years, and was succeeded after some delay by Frederic Barker, whose episcopate lasted for almost three decades.²

Neither Broughton nor Barker ever exercised the office of Metropolitan to any great extent, although Barker was always very conscious of the title and dignity which went with it. During the 1860s, the power of the Crown to appoint Bishops and Metropolitans for the Church of England in self-governing colonies was shown to be of little value as a consequence of various legal challenges. Following these challenges, and the holding of the first Lambeth Conference in 1867, Barker called a Conference of the Australian Bishops in November 1868, to coincide with the consecration of St. Andrew's Cathedral.

This meeting made several recommendations, the most important of which was that a General Synod should be created for the Church in Australia as a whole.³

Accordingly, a General Conference of Bishops together with representatives of the clergy and laity assembled in Sydney in October 1872 to discuss the constitution of a General Synod. In his opening address, Barker spoke in a rare moment of perception of the necessity of considering "the appointment of a Metropolitan over the whole of Australia" since the power of the Crown to do this had been undermined. Looking to the time when there would be "more than one Metropolitan", he suggested that in order to avoid confusion the title of the Metropolitan of Australia "should be changed, and that of Primate might properly be substituted".⁴

In the Constitution which was duly approved by the General Conference, the office of Primate was duly created "for all the purposes of this Constitution..." The first Primate was to be Barker for so long as he remained Metropolitan Bishop of Sydney. The functions of the Primate were largely administrative, and were of little consequence. Apparently recognising that the Crown would not appoint any future Metropolitans for Australia, this first General Synod provided that when the office of Primate became vacant, the Bishops would elect one of their own number to the office.⁵

By 1881, Barker was in England and in failing health, and his episcopate was clearly drawing to a close. With his death would pass what remained of the old constitutional framework of the Church which had been created by the Crown. At the third session of the General Synod which was held in that year, a Determination was passed which was in part intended to go some way towards meeting this eventuality. It provided for the creation of Provinces within the Australian Church, each under a Metropolitan. The provisions relating to the election of a Primate from amongst the whole Australian episcopate were altered, and provision was made for attaching the office permanently, as of right, to the See of Sydney. Provision was made for electing a Bishop of Sydney and Primate whenever the office became vacant. The method of election was a three-stage, complicated, and rather unsatisfactory process. The Synod of the Diocese of Sydney was to nominate three persons to the Bishops of the Province of New South Wales, who would reject one of the nominees. The final selection would then pass to the Bishops of Australia and Tasmania.⁶

Barker died in April 1882, and the new method of choosing a Primate was put to an early test. It was a protracted and unhappy business. The first nominee declined the office, and after further discussion and delay the

appointment was accepted by Alfred Barry, who had earlier been rejected by the Sydney Synod.⁷ The new Bishop arrived in Sydney in April 1884. Although his ability was widely recognised he was not a popular man, and he resigned after less than five years in office.

For the second time a Bishop of Sydney and Primate had to be elected under the method laid down in 1881. On this occasion too the election was an unhappy and lengthy affair, the effects of which were felt in the Australian Church for many years afterwards.

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The Sydney Diocesan Synod assembled in 1889, and after debating the situation it presented the Bishops with three names. From these, the Bishops of Australia and Tasmania selected their nominee - and as had been the case a few years earlier this nominee declined to accept the office. According to a subsequent account by the Dean of Adelaide, some of the Bishops had informally expressed a second preference, and on the basis of this Canon William Saumarez Smith was declared to have been elected. The Diocese took legal advice which was to the effect that the election was valid.

The nature of these proceedings moved Bishop Kennion of Adelaide to protest against the validity of the election. This caused a considerable amount of dispute, and Smith withdrew his acceptance of the office. A fresh election was held, as a result of which Smith was offered the office, which he again accepted.⁸

This episode again led to a deepening of the differences between the Diocese of Sydney on the one hand, and the rest of the Australian Church on the other hand. Sydney was unhappy about any veto being exercised over the choice of its own Bishop by any other part of the Church. The manner in which Barry had been appointed undoubtedly sharpened this feeling. The Dean of Adelaide later claimed that "the Sydney people seemed to have no idea of the result of a disputed election. In case of an appeal ~~to~~ to the Primate on a matter of ecclesiastical discipline⁷, the first question raised might be the

validity of the election of the Primate ... An appeal would have to be made to a Court of Law, and then the whole work of the Church might be crippled for years".⁹

The consequence of there having been two complicated and in many respects unsatisfactory elections to the Primatial office was that there was a great deal of dissatisfaction with the procedure on all sides. It was unfortunate that the first of these two elections should have been made necessary only a few months after the passing of a provision which altered the method of electing a Primate and attached the office permanently to the See of Sydney.

The results of this dissatisfaction were not long in coming to the fore. On 6 May 1890, the Assembly (or Synod) of the Diocese of Ballarat resolved that the rules "passed by the General Synod at its Session in 1881, and duly accepted by this Diocese in that same year" have been proved by experience to be unsatisfactory in their working in respect of Section 3, which prescribed the method of electing a Primate, "and desires with deep respect to convey to the General Synod... the expression of its earnest hope and prayer that the Synod may take such steps as in its wisdom it may deem desirable to amend... the Section referred to...".¹⁰ The Synod of the Diocese of Adelaide, under Bishop Kennion, put its feelings much more bluntly, resolving on 7 May 1890 "that this Synod is of opinion that on the death or resignation of the Bishop-elect of Sydney the necessary connection of the Primacy of the Church of Australia and Tasmania with the See of Sydney should cease".¹¹

In September 1891, the General Synod assembled in Sydney for its fifth session. Shortly after the Primate had concluded his opening address to the Synod, Archdeacon Cooper and Canon MacMurray, both of Ballarat, moved that a Select Committee be appointed to consider the question of amending the method of electing a Primate which had been laid down in 1881. The Committee was to consist of 6 members representing the Diocese of Sydney, and 6 members representing the other Dioceses.¹² In view of the resolution of the Ballarat Church Assembly in the previous year, such a proposal came as no surprise. In moving the resolution, Cooper stated that he "did not wish to disturb previous settlements without solid reason, but considering the fact that the Bishopric of Sydney as at present constituted, carried with it the Primacy, he thought that the other Dioceses had a right to a voice" in the selection of the Bishop of Sydney.¹³

The Select Committee rejected the Bishop of Adelaide's suggestion that the necessary connection of the Primacy with Sydney should cease, and instead recommended a method which retained the principles of the existing method.

It aimed instead at achieving the same result by a method which would represent an improvement on the current arrangements and yet which would "duly conserve and regard the relative claims and position of the Bishops of Australia and Tasmania and the Diocese of Sydney."¹⁴

The Committee recommended that a Committee be elected by each Synod of the Diocese of Sydney to represent that Diocese in the event of a vacancy in the See. In the event of a vacancy the Bishops of the Australian Dioceses would in conjunction with the Diocesan Committee proceed to elect by concurrent majorities a duly qualified person who would become Primate, Metropolitan of New South Wales, and Bishop of Sydney. In the event of failure after three months, the Committee recommended that the election be delegated to one of the Archbishops and two of the Bishops of the Church in England. The Diocese of Sydney would have the right to choose the Archbishop and one of the Bishops, while "the other of such Bishops" would be chosen by the Bishops of Australia and Tasmania.

It is indicative of the bad feeling which the two recent elections had caused that four of the six Sydney representatives on the Committee "were unable to concur in the report as a whole." They were the Dean of Sydney, the Revd A.W. Pain, the Revd J.D. Langley, and Mr. John Kent. The two who did accept the Report were the Hon. S.A. Stephen and the Revd A. Yarnold.¹⁵

The Bishop of Adelaide as Chairman of the Select Committee proceeded to introduce a measure based on the Committee's recommendations. In his speech, the Bishop showed perhaps more clearly than anyone else the magnitude of the change which had taken place in the attitude of at least some sections of the Australian Church towards the Primacy. Kennion believed that the Primate "was not merely the Chairman of the Synod, but was their counsellor, to whom we resort in times of difficulty... The Bishops had a right to look to their Primate as a leader in all matters. As the Church grows so will the importance of the Primate." It was therefore essential that the voice of the Bishops be heard in the election of their Primate.¹⁶ He insisted that his objections to the present procedure were not based on the personal qualities of the new Primate, whom he believed would undoubtedly have filled the office had the position been elective by the Bishops. Although Kennion believed that the real difficulty could only be overcome by detaching the Primatial chair from the See of Sydney, he conceded that "in the scheme now submitted the Bishops will certainly be able to make their voice heard..."¹⁷ The plan gave a fair and full voice to both the Diocese and the Bishops. He did not believe that

the Bishops were likely "to vote for some person who would be unacceptable to the Diocese of Sydney. We would take care to elect one who was not only satisfactory to them as Primate, but satisfactory to our fellow churchmen as Bishop of Sydney. One important point to be observed in the proposed plan is that the Bishops and the Diocese of Sydney shall have an equal voice... It is in order to keep the Primacy attached to the See of Sydney that the scheme now substituted has been sketched out... If the Diocese of Sydney wishes to look forward to having the great privilege of having a Bishop who will also be Primate and leader of this growing Australian Church, it is worth a little sacrifice".¹⁸

Almost to a man, the representatives of the Diocese of Sydney rose to oppose both the motion and the sentiments which Kennion had expressed. Archdeacon Robert King referred to "the loyalty Sydney has ever shown to the decisions of Synod, and always accepted in the best grace possible, such decisions, though at times, unfavourable. But there are limits within which we must consider our loyalty to the Synod", and in some respects he believed that the proposed Determination had stretched those limits to breaking point. For one thing, the people of the Diocese would have no say in electing their Bishop. "It is the Diocese, which must have the full and clear voice of our people speaking through its Synod."¹⁹

Canon H.S. King expressed similar sentiments, although he characteristically overstated his case. Not only did the proposal seek to deprive Sydney of its rights, but it went further and tried to put Sydney in the wrong. Sydney must not only have "the right of saying who shall be our Bishop", but also "the right of preventing anyone being Bishop whom the Diocese would not accept". He did not believe that Sydney would accept the Primacy coupled with such conditions, an arrangement which he described as "a mess of pottage." He obviously did not see any particular value in the Primacy, and would fragment the Church rather than see this means of providing it with leadership accepted. The interests of the Diocese, he said, "are far above the interests of the Bench of Bishops," who under the proposed arrangements were "masters of the position."²⁰

Mr. John Kent, a lay representative of the Diocese, expressed himself with equal, if not greater, force. The Synod of the Diocese of Sydney, he declared, "had not asked for a change. Sydney has not said that our present plan is unworkable." The proposal would not "be right and fair to any Diocese that may hold the Primacy". The explanation for the proposed change was, he believed, that "their Lordships think that the Bench of Bishops have not

sufficient power in the matter." Somewhat unreasonably, he insisted on the one hand that "Sydney as the mother Church should have the Primacy," and on the other hand "the Diocese which has the Primate is asked to give up half its voice in election of a Bishop." He insisted, with Canon King, that "we cannot accept the Primacy under such terms."²¹ Although it was not explicitly stated, these representatives of the Diocese of Sydney were now expressing dissatisfaction not only with the proposed measure, but with some of the provisions of the 1881 method as well. They were, in short, seeking to have process of election of the Bishop of Sydney returned completely to Diocesan control. They were more concerned with this than they were ^{with} the question of what part the Primate should play in the life of the Australian Church.

The Dean of Sydney took a more conciliatory line, although he too was not prepared to accept the proposals. Referring to the earlier proceedings which had resulted in Barry's election he pleaded general ignorance of what was best. But he insisted that the method as such was by no means as defective as had been made out, and that it could produce a person "duly qualified to fill the threefold position."²²

Mr. E. Burton, also of Sydney, similarly insisted that his Diocese was content with the existing arrangements, and did not want any change. The Revd J.D. Langley was unhappy with those arrangements, which had already produced two deadlocks, but at the same time he opposed the measure now under consideration. It fell to him to insist that Sydney should have no restrictions whatsoever placed on the right to select its Bishop. He even went so far as to claim "that the duty of every member of this Synod is to their own Diocese. We shall prove our loyalty to the Church as a whole by each one proving loyal to our Synods."²³ It is hard to imagine a clearer statement than that of the isolationist attitude which manifested itself in the Diocese of Sydney. The General Synod, and even the Provincial Synod of N.S.W. were of no substantial value to such men, while the Primacy was a mere trimming.

There remains one aspect of the attitude adopted by the Sydney representatives to be considered at this point. This concerns their attitude to the proposal that in the event of the procedure failing to produce a Bishop at the end of three months, the election be delegated to three Bishops of the Church in England. Less than 20 years previously, the predominant attitude, which was not confined to the Diocese of Sydney, was that either the Crown or the English Church should always supply the Australian Church with its Bishops. Only ten years before, the Sydney Synod had to be reassured that there was no legal barrier to the election of its own Bishop according to its own rules.

The experience of the two elections since that date, together with the unpopularity with which Barry's short episcopate had been greeted, had helped to bring about a fundamental change in the attitude of Sydney. Now, in 1891, there was strong opposition to delegating the selection of a Bishop to Bishops of the English Church (which, it should be noted, is not the same thing as selecting an Englishman to be Bishop of Sydney).

Archdeacon King expressed this sentiment very early in the debate when he asked: "What does any Archbishop of England know of our peculiarities or the position of the Church in Australia?... Who knows what the Diocese of Sydney wants better than the Diocese itself?" Canon King as usual put it more bluntly when he stated that the Diocese did not want a Bishop set upon it "by those who know nothing about us." He was quite sure that all the Australian Bishops would have to do in order to secure their own way would be to deadlock the process for three months and have the election delegated to England - since the Bishops in England would be sure to elect the nominee of the Australian Bishops.²⁴ Langley expressed his objection to principle of delegation somewhat differently. If this method were to be used, he asked, "shall we ever get the man we need? Could such a man be spared for the colonies as we need...?"²⁵ (He failed to consider whether "such a man" could be found in the colonies). But it was left to a layman, Burton, to express this sentiment more clearly and bluntly than any of them. "The people of Sydney", he declared, "were democrats, and would stand up for their right. They were Englishmen, and as such would resent any attempt which might be made to coerce them..." In his view, the people of Sydney had a very great aversion to delegation, and preferred to "paddle their own canoe."²⁶

Not surprisingly, the other Dioceses had, on the whole, an equally great aversion to allow Sydney to choose their Primate as well as "paddle their own canoe." From the Diocese of Tasmania, for example, came strong evidence of a conception of the Primacy wholly different from that seen in Sydney. In his sermon before the opening of the 1891 General Synod, Bishop H.H. Montgomery, "true to his military heritage,"²⁷ had spoken in very strong terms on the need for "a still more compacted union" in the Australian Church. One of the means of achieving this union, in Montgomery's view, was the creation of a strong Primacy, a task which remained to be executed. He believed that the office of Primate had yet to be created in any meaningful sense. "No human being could fill it adequately as at present constituted. Whether the Church is ripe for it I know not; but meanwhile, if she is not ripe for it, I see opportunities which she may now grasp passing away..."²⁸

During the debate, Montgomery insisted that "we need cohesion, so that Church questions might be taken up by us unitedly... But there must be time and leisure given the Primate to do such work. Under existing arrangements whereby the Primate was also the Bishop of the metropolitan Diocese of Sydney, "it cannot be done". The Primate "should be the father of all the Dioceses, who should, by moving about among us, enquiring about our needs, counselling and giving encouragement, bind us more closely together."²⁹ The Dean of Hobart, the Very Revd C.L. Dundas, supported his Bishop, at the same time bringing Montgomery's sentiments a little closer to the real issue under debate: the question of electing the Primate. On this point, Dundas insisted that the whole Church was concerned with the question, "for it is one of a strong central position." Sydney should not allow its particular interests to stand in the way. In addition, the two recent elections had harmed the Church's reputation in England. "The Primacy should be something more than a mere name; it should be a great reality." At this point, Dundas took a line exactly opposite to that taken by the Revd J.D. Langley, for he believed that "the Primate should be a man of far higher powers than could possibly be the case in a colonially grown Bishop."³⁰

In a moment of foresight, Dean Dundas recommended that in the event of the proposed measure being accepted by every Diocese except Sydney the Primacy should revert to being elective by and from the House of Bishops. By no means should Sydney have the right to force on the other Bishops and Dioceses a man whom they might regard as an objectionable Primate.³¹ Loyalty to the Church as a whole could, in the Dean's view, constitute disloyalty to a part of it. "It is a grave responsibility which the Diocese of Sydney takes upon itself when it refuses to hear the voice of the whole Church."

The Diocese of Tasmania during this period, under Bishop Montgomery, was probably the source of the strongest advocacy of a unified and united Church under strong and effective leadership.³² But it is doubtful as to whether, in general terms, the Primacy would have gone to Hobart had the office again become elective. It is always difficult to hypothesise in such situations, but it is quite possible that had the Primacy left Sydney at this time it would have gone to Melbourne. Indeed, a contemporary has claimed that by helping to secure the acceptance of the new method in 1881, the previous Bishop of Melbourne, Bishop Moorhouse, had "deprived himself of the position of Primate. Under the first mode of election he would have undoubtedly been elected Primate."³³

Accordingly, it will be worthwhile to look at the attitude taken by the representatives of the Diocese of Melbourne towards the issue under debate

at the General Synod of 1891. On the whole, the Bishop of Melbourne (the Right Revd F.F. Goe) shared the sentiments of his Tasmanian colleague. The Primacy was in his view, of increasing importance in the light of the large centres of population now evident in Australia. Combined with the big improvement in communications the importance of having "a strong and first rate man as Primate" was becoming more and more obvious. Experience had also shown that the present method was cumbrous and uncertain. During the process which resulted in the election of Saumarez Smith, Goe claimed to have received a multitude of letters, all of which pointed to "something radically defective in the present mode."³⁴

Goe denied that the Bishops were seeking to strengthen their own hands, as some of the Sydney representatives had claimed - rather, the Bishops were weighing the interests of one Diocese against "the interests of the whole Church of Australia." He sincerely hoped that the Primacy would continue to be associated with "one great city." He believed that insofar as the selection of a Primate was concerned, the Bishops would have a more intimate knowledge of the type of man required. If, therefore, Sydney maintained its opposition to the measure now before the Synod, then the Primacy would have to be detached from Sydney as of right, and made moveable again.³⁵

On the whole, those Melbourne representatives who spoke on the issue were somewhat equivocal. Canon Goodman was inclined to give Sydney the right to elect, but Sir George Verdon strongly favoured making the Primacy moveable if Sydney maintained its attitude. Canon Henry Handfield made a small contribution, which was of even smaller value.³⁶

What of the other Dioceses which were represented in the General Synod of 1891? Only Canon Selwyn spoke for the Diocese of Newcastle, and he could not accept the views expressed by the Sydney representatives. Representatives from the Dioceses of Bathurst (in N.S.W.) and Ballarat (in Victoria) were the only others to speak in this lively and protracted debate. The only Bathurst representative to speak was the Hon. G. Cox, who spoke of his part in the two recent elections and the "circuitous plan" which they involved. He too insisted that if Sydney wanted to retain the Primacy as of right, then its representatives "must be prepared to give way some [sic] of the things which they now hold."³⁷ Had Samuel Marsden delayed his resignation from the See of Bathurst by just a few years, it is quite conceivable that Sydney would have received some backing on that issue from him.

Bishop Samuel Thornton of Ballarat strongly supported the proposed

measure. He denied the suggestion that the Bishops were seeking by it to increase their own power. The present mode of election had, in his view, "utterly failed when put to the test," partly because it was conducted very much in public. The public squabbling during the two recent elections had in his personal experience caused widespread disgust in England. He reiterated the view expressed by others, that "the majority of [the Bishops] want the Primacy retained in Sydney; but there must be a different mode of election to the present one..."³⁸ Thornton was generally supported by his Archdeacon, H.E. Cooper.

What attitude did the Primate himself take towards the method of electing his successors in that office? He clearly found difficulty in reconciling the claims of his Diocese, and the claims of the Australian Church as a whole. He outlined the three possible methods: election by the Bishops; succession by seniority; and preferential locality. Ignoring the seniority method, Smith asked the General Synod to consider whether it was better "to have an itinerating Primacy...or...to have one locality settled as the prima sedes, which should be viewed as the central position of the Presiding Bishop..." In a moment of insight and accuracy, Smith declared that "no method of electing the Primate is without difficulty. Choose what method you will you will not be able to satisfy everybody either as the accuracy of the method you adopt, or as to the suitability of the person whom you choose. There will always be need for some forbearance and self-restraint among the electors in a transaction which, from the nature of the case, introduces complex considerations." The Primate at no stage stated an unequivocal preference for either the present method or the proposed method - but it is clear that he agreed with the prevailing opinion of his Diocesan representatives in opposing the draft measure. In his view, the whole question "has already been discussed with great earnestness, and the re-opening of the question should not be regarded apart from the settlement arrived at previously." Those who advocated a change from the present method "are bound to give very solid reasons for declining to give that arrangement longer trial."³⁹

In his remarks, Smith gave two clues to his attitude to the Church's constitutional arrangements. Firstly, we may note his description of the Primatial office (quoted above) as being that of "the Presiding Bishop". This view stands in direct contrast to that expressed so forcefully by the Bishop of Tasmania at the same General Synod. Secondly, his remarks throughout the session were permeated with a thoroughly conservative outlook. In 1891 he was still at the beginning of his episcopate - but as this progressed his "hesitancy

on proposals to advance Church work" and "his delaying tactics" were to meet considerable opposition from other sections of the Australian Church.⁴⁰ His desire for peace and quiet, rather than for progress and development, was evident not only from the way he "led" the Church during his Primacy, but from his public remarks as well.⁴¹

In considering the 1891 dispute over the method of providing a Primate, it is important that the unwillingness to concede position which was so evident on both sides should not be allowed to obscure the fact that attempts at compromise and conciliation were made. The Sydney representatives were not completely united in their opposition to the proposed measure. The Chancellor of the Diocese, Mr. W.G. Walker, felt that while it was desirable that the Primacy be retained in Sydney, the Bishops were entitled to an even bigger voice in the selection of a Primate than they presently had.⁴² The Hon. S.A. Stephen (Sydney) also wanted the Primacy to be retained, but pointed out that there must be give and take on both sides - i.e., if Sydney "is prepared to take the Primacy...it must be prepared to give up something..."⁴³ The Revd A.W. Pain (Sydney) insisted that Sydney must be quite free to elect its own Bishop. The solution to the conflict lay in making the Primacy moveable, if unity was to be secured. He implored the General Synod "not to do anything that would impair the unity of the Church" - but if the General Synod was to be broken up, "let it be the General Synod itself that brought about that result and then it could not be said that the Diocese of Sydney had broken it up."⁴⁴

There were signs of a desire for compromise from other quarters as well. For instance, the Diocesan Bishops withdrew at a relatively early stage in the debate and "with an earnest desire to avoid, as far as may be, all needless friction and to regard both sides of the complex question", agreed that the initiative in the proposal of names should rest with the Committee of the Diocese of Sydney, and that a period of six months should be allowed rather than three months.⁴⁵ The General Synod agreed to these proposals. This was as far as the Bishops were prepared to go in giving Sydney a "free hand" in electing the Primate. However, Canon Selwyn of Newcastle subsequently proposed that if the Bishops should reject Sydney's nominee, the two parties should meet in conference after which the procedure would begin again, continuing until a mutually acceptable nomination was made. This proposal was debated and carried.⁴⁶ Archdeacon Cooper of Ballarat then suggested that the time limit of six months be reintroduced after which time the Sydney Committee would present two names of which the Bishops would select one, thereby concluding the process.⁴⁷

After withdrawing for private consultation, the Sydney representatives indicated their willingness to accept these two proposals together. This is hardly surprising, for in effect they constituted an improvement on the existing method, having eliminated the middle stage of giving the Provincial Bishops a separate voice. Stephen indicated that Sydney had decided to accept these suggestions because they made provision for a way out of a deadlock, although the Revd A. Yarnold was willing to accept Selwyn's proposal without the addition of Cooper's amendment.⁴⁸

The issue would have been settled there and then - but the General Synod rejected the proposed Rule which embodied these two proposals.⁴⁹ There was, therefore, no real alternative other than to accept the suggestion made by Walker earlier in the debate when he stated that he would only vote for the draft measure if a proviso was inserted requiring that the measure should not come into effect unless and until it had been accepted by every Diocese.⁵⁰ Notwithstanding this addition, Kent asked for a division on the motion for the third reading of the measure "so as to afford the Representatives of the Diocese of Sydney an opportunity for recording their votes" in opposition to the measure.⁵¹

The measure was finally passed in a form somewhat less effective than originally proposed, except that the provision for delegating the election to England had disappeared, and the proviso for unanimous acceptance had been added. It had the same defect as the measure which it was designed to replace - it made no formal or explicit provision for a situation of deadlock.

The Primate himself, in a manner which was to be typical of him during his episcopate, was not concerned at any defects in the measure. He was quite disposed to leave provision for a "possible but improbable" deadlock to the future - despite the fact that the two deadlocks of the previous decade had in fact been largely responsible for precipitating the dispute now hopefully settled. Whether the problem had been removed was not, for Smith, the main issue - rather, "they had not got all their side wanted, but they had got what might be a modus vivendi until another Synod."⁵²

For once Bishop Smith was prophetic. The measure which the General Synod had passed provided that it must be accepted by every Diocesan Synod before it could come into effect. In the period immediately following 1891, the new rules were approved in every Diocese except Sydney. The question was dragged through more debate and dispute, and was not settled until 1900, when a compromise was reached providing for the Primate to be elected from amongst the Bishops of Sydney, Melbourne, and Brisbane. After this, the question of

the Primacy ceased to trouble the Australian Church.⁵³

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This dispute over the Primacy in 1891 points us towards two conclusions about the Church in Australia at that time. The first is that although many churchmen saw clearly enough that changes were required in the method of securing a Primate, they were by no means always sure of what they were really seeking. The only real point of agreement amongst the majority of members of the General Synod was that a change was required. People such as the Bishop of Ballarat objected strongly to the existing method of election as it had operated on two recent occasions. They were very much annoyed at the attitude adopted by the majority of the Sydney people. Bishop Kennion of Adelaide, who in 1891 was the prime force behind moves to alter the method of electing the Primate and to enhance his office put his case forcefully and well - but surprisingly he would not support a move to distinguish the rank and status of the Primate by granting him the title of Archbishop.

Only a few realised that a change in the method of electing the Primate - their immediate objective in 1891 - could be a significant step towards enhancing the status and (more importantly) the role of the Primate in the leadership of the growing Australian Church. At the same time, many still adhered to the belief that the Church could secure first rate leaders only if it continued to draw them from England. On other aspects of the question too there was a curious dichotomy of outlook, reflected for example in the insistence (strongly expressed by some of the Sydney representatives) on the right to "paddle their own canoe" at the Diocesan level while seeking to maintain at any cost as close a relationship with the English Church as possible. The General Synod and the Primacy were in a sense caught in the middle.

Secondly, it is not improbable that had the Primacy been a position of real practical consequence in 1891, Sydney might have been prepared to make some concessions in order to retain it permanently. But the Primacy was at the time of little value, and there was an unwillingness (not entirely confined to one side) to concede anything of value. The Church in the mother Diocese of Sydney was, despite some apparent contradictions simply following the general course which it had taken in constitutional matters since the commencement of synodical government some thirty years before. Once again, the obstinacy and perhaps the foolishness of a few contributed to the failure of the Church in

Australia to grasp an important opportunity to strengthen its foundations in a new land.

Notes

1. Sydney Morning Herald, 29 August 1970.
2. Broughton's Letters Patent appear as Document J in Giles, R.A., A Constitutional History of the Australian Church, London, 1929, pp. 231-237.
3. Minutes of Proceedings at a Conference of the Metropolitan and Bishops of The United Church of England and Ireland in the Province of Australia Held at Sydney From November 23rd to December 1st, A.D. 1868, Sydney, 1868.
4. Proceedings of the First General Synod of the Dioceses in Australia and Tasmania, Sydney, 1873, p. 7.
5. Ibid., pp. 59-62, 65-69.
6. Proceedings of the General Synod of the Dioceses of Australia and Tasmania. Session 1881, Sydney, 1882.
7. The General Synod of the Dioceses in Australia and Tasmania (Its Successes and Failures) ... By the Dean of Adelaide, Adelaide, 1904, pp. 19-20.
8. The General Synod... (Its Successes and Failures), p. 20-21.
9. Ibid., p. 21.
10. Proceedings of the General Synod of the Dioceses in Australia and Tasmania. Session 1891. Official Report, Sydney, 1891, p. xl (hereinafter cited as General Synod Proceedings 1891).
11. Ibid., p. xxx.
12. General Synod Proceedings 1891, p. 44.
13. Report of the Proceedings of the General Synod of the Dioceses in Australia and Tasmania. September 22nd to October 3rd, 1891. Published by Order of the Executive Committee, Sydney, 1891, p. 31 (hereinafter cited as General Synod Report 1891).
14. The Committee's Report is contained in pages lxii-lxiii of the General Synod Proceedings 1891.
15. Ibid., pp. lxiii, 45. Both Pain and Langley were subsequently elected to Victorian Sees.
16. General Synod Report 1891, p. 65.
17. Ibid.
18. Ibid., p. 65-66.
19. Ibid., p. 66.
20. Ibid., p. 66-67.
21. Ibid., p. 67-68.
22. Ibid., p. 79.
23. Ibid., p. 80.
24. Ibid., p. 66-67.
25. Ibid., p. 80.
26. Ibid.
27. Hart, P.R. "The Church of England in Tasmania Under Bishop Montgomery, 1889-1901", M.A. thesis, University of Tasmania, 1963, p. 157.

28. General Synod Proceedings 1891, p. 8.
29. General Synod Report 1891, p. 68.
30. Ibid., p. 76-77.
31. Ibid., p. 77.
32. This is ably discussed by Hart, op. cit. Chapter VII.
33. The General Synod...(Its Successes and Failures), p. 24.
34. General Synod Report 1891, p. 78.
35. Ibid.
36. Ibid., p. 79-80
37. Ibid., p. 67.
38. General Synod Report 1891, p. 68.
39. General Synod Proceedings 1891, p. 25.
40. Hart, op. cit., p. 158.
41. See, for example, his Presidential Address in Report of the Twelfth Provincial Synod of New South Wales, Held at Sydney, 6th August, 1907, with Appendices, Sydney, 1907, p. 20.
42. General Synod Report 1891, p. 77.
43. Ibid., p. 68.
44. Ibid., p. 80-81
45. General Synod Proceedings 1891, p. 70.
46. Ibid., pp. 73, 75.
47. General Synod Report 1891, p. 84.
48. Ibid., p. 85.
49. General Synod Proceedings 1891, p. 75.
50. General Synod Report 1891, p. 77.
51. Ibid., p. 89.
52. General Synod Report 1891, pp. 85, 89-90.
53. The Bishop of Perth became eligible when the Dioceses of Western Australia formed a Province.